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THURSTON REGION SHORELINE MASTER PROGRAM

COASTAL ZONE
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1977 Revision

This document is the first revision of the 1976 Thurston Region Shoreline Master Program. Its purpose is to improve local administration and implementation of the Shoreline Act and to facilitate integration of the regulations section into the local government codes.

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CHAPTER I

HISTORICAL BACKGROUND TO THE DEVELOPMENT OF THE PROGRAM

In November, 1972, the people of the State of Washington, by initiative, enacted a Shoreline Management Act (RCW 90.58) which called for the development of county and city shoreline plans. These plans are to consist of goals, policies, "environment" designations and use regulations; all aimed at controlling the development and use of river, lake, and marine shorelines.

The need for this type of legislation was spurred by the increasing illegal or unwise use of the public waters by individuals, corporations, and governments constructing fills, bulkheads, outfalls, etc., to service a number of shoreline uses which did not really have to be located on shorelines. In July, 1971, the Federal Department of Interior reported to the Congress that it estimated as many as 50,000 illegal structures and fills existed in Puget Sound. "Most of these are small but their cumulative environment impact is significant," the Department said.

Two major actions led to the development of legislation to resolve this problem. First came a decision by the Washington State Supreme Court in 1969 entitled Wilbur vs. Gallagher, (77 Wash. 2nd P#306) (Supreme Court #3944) popularly known as the "Lake Chelan Case." That case involved filling in the waters of Lake Chelan for a private use which the court held to be an illegal use of public navigable waters. The Attorney General of Washington made the following comments on June 24, 1972, which summarize the impact of that decision: "From my viewpoint, the statement in the decision that 'the public has a right to go where the navigable waters go' and that right cannot be infringed without the State's permission, is a sound policy which has its roots not only in the common law developed early in our State's history, but in English common law that may indeed reach back to King John and the Magna Carta."

"But Judge Hill, in writing for the court, was not only stating public rights; the Supreme Court had another message. It was concerned that the State's shorelines were heading for potential disaster if a comprehensive planning and use regulation program was not developed. Further, I am convinced that Wilbur vs. Gallagher contained another direct message. It was this: The Supreme Court recognized that it should not be the forum for determining use practices such as were found in the Lake Chelan case, but that the executive and legislative branches should set up a workable shoreline management program."

The second major action leading to the Shoreline Management Act was an initiative to the legislature developed by several environmental groups concluding in a decision by the public in the General Election of 1972. At that time the voters of the State had a choice between whether or not to have planning for shorelines, and if they answered "yes" were given a choice between the environmentally strong initiative brought by citizen action or a substitute act drafted by the State legislature. The citizens of Thurston County, as well as those of the State, indicated that they indeed wanted shoreline management and chose the legislature's alternative--The Shoreline Management Act of 1971.

The Act requires each general purpose governmental jurisdiction to accomplish three tasks: (1) complete an inventory of local shorelines, (2) establish a Permit system to control shoreline developments, and (3) develop a Master Program to guide the future development of shorelines.

There are seven governmental jurisdictions in Thurston County affected by the Shoreline Management Act--Thurston County, City of Olympia, City of Lacey, City of Tumwater, Town of Tenino, Town of Yelm, and Town of Bucoda.

The Thurston Regional Planning Council is a coordinating body consisting of representatives from the above jurisdictions, as well as the Town of Rainier, Port of Olympia, Capitol Committee, The Evergreen State College, School Districts of Olympia, North Thurston, and Yelm, and the Thurston County Soil Conservation District. The staff of the Regional Council completed an inventory of local shorelines for all affected jurisdictions in December, 1972. The inventory contained information on ownership, land use, natural features, vegetation, uplands, and modifications of shorelines. Each jurisdiction set up an interim system for processing shoreline substantial development applications as provided in the Act.

The Thurston Regional Planning Council contracted in May, 1973, with the Washington State Department of Ecology to develop a Master Program to guide shoreline development in the Thurston Region. One element of that contract was to establish a Citizen's Advisory Committee to help promote citizen input into the Program. The Thurston Regional Planning Council, in the spring of 1973, invited the following groups, agencies, and special interest organizations to appoint representatives to the Citizen's Advisory Committee for Shoreline Management for the Thurston Region. The names of those appointed are included:

NAME OF ORGANIZATION	NAME OF REPRESENTATIVE
Thurston County	
Representing County government	Mr. Homer Hedgepeth
Citizen with no special interest (3)	Mr. Helmer Stubbs, Mr. Harris Hunter, ----
County Planning Commission	Mr. George Whittaker
City of Olympia	
Representing City government	Mr. Larry Yok
Citizen with no special interest	Mr. Sid Betzing
City Planning Commission	Ms. Marie Cameron
City of Lacey	
Representing City government	----
Citizen with no special interest	Mr. Terry Townley
City Planning Commission	Mr. Orin Hebert

NAME OF ORGANIZATION	NAME OF REPRESENTATIVE
City of Tumwater	
Representing City government	Mr. Paul DeBonny & Mr. Ed Shattuck
Citizen with no special interest	Mr. Jack Lilja
City Planning Commission	Mr. Robert Meyers
Town of Tenino	----
Town of Bucoda	----
Town of Yelm	----
Boston Harbor Association	Mr. James Hughes
Burlington Northern Railroad	Mr. A. G. Grissom
Chehalis Tribal Council	----
Cooper Point Association	Mr. Richard Murray
Griffin Planning Association	Mr. Robert Bower
Historical Association	----
Lacey Chamber of Commerce	Mr. Ron Rowe
League of Women Voters	Ms. Betty Tabbutt & Ms. Irene Christy
Long Lake Improvement Association	Mr. John Nave
Marina's representative	Mr. William Ward
Nisqually Delta Association	Mr. Dave Howard & Ms. Flo Brodie
Nisqually Tribal Council	----
Nisqually Valley Citizens' Advisory Council	Ms. Marlyta Deck
Northwest Steelheaders	----
Olympia Area Chamber of Commerce	----
Olympia Brewery	Mr. Don Eckloff
Olympia Building Trades Council	Mr. Robert White

NAME OF ORGANIZATION	NAME OF REPRESENTATIVE
Olympia Jaycee's	Mr. Mark Curtis
Olympia Oyster Growers Assoc.	Mr. David McMillin & Mr. Justin Taylor
Port of Olympia	Mr. Gene Sibold & Mr. Mel Henderson
The Evergreen State College (3)	Dr. Carolyn Dobbs, Dr. Peter Taylor, Dr. Steve Herman
Thurston Action Committee	Mr. Donald Gooding
Thurston County Cooperative Extension Service	Mr. Robert McKay & Mr. LeRoy Debes
Thurston County Parks Department	Mr. Kent Hamilton
Thurston-Mason Environmental Health District	Ms. Marjorie Dilworth
Thurston Property Owners Assoc.	Mr. Morris Loveless
Tumwater Jaycee's	----
U.S. Bureau of Sport Fisheries and Wildlife	Mr. Gary Kline
U.S. Soil Conservation Service	Mr. Charles Limeberry
Washington State Department of Ecology	
Water quality	Mr. Michael Price
Water use planning	Mr. Chuck Seldomridge
Washington State Department of Fisheries	Dr. Charles Woelke
Washington State Dept. of Highways	Mr. James Schafer
Washington State Parks and Recreation Department	Mr. William Bush
Washington State Department of Natural Resources	
Forestry Division	Mr. Duane Ullmann
Marine Division	Mr. David Jamison

NAME OF ORGANIZATION	NAME OF REPRESENTATIVE
Weyerhaeuser Company	Mr. Jack Palmquest & Mr. Alex Goedhardt
Wood products manufacturing (Delson Lumber)	Mr. Edwin Hayes

The Citizen's Advisory Committee, chaired by Dr. Carolyn Dobbs, worked actively from July 1, 1973, to April, 1974, on designing a working draft of the Shoreline Program. The Committee met once or twice weekly during this period and conducted numerous subcommittee meetings. The preliminary work accomplished was presented and discussed at a series of public meetings in the fall of 1973. A preliminary draft was presented to the general public in three public meetings during March, 1974, and the working draft reflected changes occasioned by the response of the public to the preliminary draft.

Most of the provisions of this program were either approved unanimously or worked over until a compromise was reached. Split votes occurred; but were fairly rare. All committee meetings were announced to the press and were open to the public.

Thurston Regional Planning Council staff actively involved in this phase of the work were: George R. Volker, Director; Gordon E. Bell, Principal Planner and Dale L. Strom, Project Manager.

From April, 1974, through December, 1975, the working draft of the Shoreline Program was used in issuing Shoreline Permits in the County, although it had not been formally adopted by the local governments in the County. In general, the policies, administration, and regulations set forth in the working draft were adequate for the implementation of the Shoreline Act in the Thurston Region.

In June, 1975, the local governments were requested by the Regional Planning Director to review the working draft of the Shoreline Program, and submit recommendations for changes. These changes were reviewed by Regional Planning staff in August, 1975, and are incorporated into a final draft which became available in December 1975. The final draft differs from the working draft in the following ways:

1. A major change in organization, which separates policy from administration and regulations.
2. Several changes in the definitions and other minor work changes in the text.
3. Several minor changes in environmental designations, and the addition of legal descriptions of the upstream boundaries of Shorelines.
4. A format change.

The final draft was reviewed and accepted by the local governments of Thurston County, including the County government, and approved by the Department of Ecology in 1976. DOE approval resulted in the Thurston Region Shoreline Master Program becoming a part of the Washington Administrative Code implementing the Shoreline Act in Thurston County.

Thurston Regional Planning Council staff responsible for production of the final draft of the Master Program were Art O'Neal, Eric Davidson, Jesus Moulinet, Ron Towle, Karen Reichel, Nancy Burch, and Elin Meyer.

The 1977 edition of the Master Program represents a major alteration of final draft approved in 1976. The regulations section was reorganized and changed to ordinance form to be compatible with the existing ordinances of the local governments. In the process of changing the form and organization of this section, changes were made in language to reduce ambiguity and subjectivity, and many more commonly used words and terms were defined. Minor corrections and changes were also made in the maps section.

CREDITS

Members of the Thurston Regional Planning Staff

Responsible for the 1977 revision

Eric Davidson - Revision Coordinator

Steve Phillabaum - Ordinance Drafting

Peter Friedman - Research

Ron Towle - Graphics/cover design

Teri Harkins - Secretarial

CHAPTER II

AN EXPLANATION OF THE INTENT OF THE SHORELINE PROGRAM AND A GUIDE TO ITS USE

The intent of the Shoreline Master Program is to guide the future development of shorelines within the Thurston Region (incorporated and unincorporated Thurston County). This Program is a combination policy plan, development plan, and standard-setting ordinance. It establishes general policies for all of the various use activities that make use of shorelands and waters (refer to the portion of Section III dealing with policies for regulation of use activities). These policies apply to all shoreline areas within the Thurston Region. They must be adhered to by any new development.

The Program is a development plan for shorelines in that it maps out varying intensities of use allowed on segments of shorelines, based on existing development patterns, biophysical capabilities and limitations of shoreline areas, and on the goals and aspirations of the citizens of the Region. This is accomplished by the designation of one of four "environments" on all shoreline areas (Natural, Conservancy, Rural, or Urban) plus the consideration of "shorelines of state-wide significance," which are areas designated by the legislature and voters in the Shoreline Management Act of 1971 as requiring special concern. The reader is referred to the portions of Section III dealing with Shoreline Environments and Plan Elements for an explanation of the intent of each environment designation. The Environment Designation Maps in the back of the Program provide the designation of specific areas. The first five pages of Chapter 6 explain how to use the maps and give the criteria for application of environments.

The environment designation system is designed to encourage uses in each environment which enhance the character of that environment. The system should not be considered a substitute for local planning and zoning. Zoning may further refine the allocation of space and regulation of uses. For example, this Program may designate a large area "Urban" (to be used for intensive development). Zoning then may "divide up" that "Urban" area into areas of use such as residential, commercial, or industrial. A local code, such as a sign ordinance, may be much more detailed than the general sign regulations contained in this Program; but the shoreline regulations take precedence when they are more restrictive than local zoning.

This Program also is a standard-setting ordinance. Regulations are included for the control of use activities within each environment and for those in shorelines of state-wide significance.

Chapter 4 contains regulations which control use activites within each environment and for those in shorelines of state-wide significance. These regulations are intended to carry out the goals and policies for each environment as stated in Chapter 3. They also consider the varied impact of activities on the different natural systems. The regulations carry the same legal weight as other local land use controls. Although some are not enforceable by the Shoreline Permit system, they may be enforced by local agencies such as building and health departments.

Shoreline uses or activities that are not specifically addressed in the regulations can be evaluated through the Permit system on a case-by-case basis and should be required to conform with the goals and policies stated by this Program as well as the spirit of the Shoreline Management Act of 1971.

Chapter 4 describes all administrative and legal aspects of the Program, including the Permit system, variances and conditional uses, definitions, the amendment process, fees, appeals and penalties.

To demonstrate how this Program is to be used by a potential shoreline developer, the following example is given: A developer intending to subdivide an area near a river will obtain a Shoreline Master Program at the Planning Office of the municipality in which the development is to occur. The developer will turn to Chapter 6, first reading directions on how to use the maps, then locating the proposed site on one of the maps. The map will indicate in which of the four environments the site lies. The developer will then turn to Chapter 4, and read the regulations pertaining to pertinent use activities in the specific environment. Details on the application for a Shoreline Substantial Development Permit, and the Permit processing procedure, will be found subsequently in the Program, and the attending planner will provide assistance.

Although the regulations contained in Chapter 4 will most often be referred to in the day-to-day use of the Master Program, Chapter 3, containing goals and policies, will be used when interpretation of regulations is needed, or when particular activities are not specifically covered by the regulations. Persons responsible for administration of Shoreline Permits should be thoroughly familiar with Chapter 3.

CHAPTER III

GOALS AND POLICIES AND MASTER PROGRAM STRUCTURE

GENERAL GOAL

The goal of this Master Program is to preserve to the fullest possible extent the scenic, aesthetic and ecological qualities of the shorelines of the Thurston Region in harmony with those uses which are deemed essential to the life and well-being of its citizens.

GENERAL POLICY

The local governments of Thurston County recognize that the shorelines of this County and the State are among the most valuable and fragile of its natural resources and that there is great concern throughout the County relating to their utilization, protection, restoration, and preservation. In addition, they hold that ever-increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of this Region. The local governments further hold that much of the shorelines of the Region and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately-owned or publicly-owned shorelines of the State is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the State while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the State and Regional shorelines.

It shall be the policy of the local governments of Thurston County to provide for the management of the shorelines of the State and Region by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The management of shorelines of state-wide significance shall give preference to uses which:

(1) Recognize and protect the state-wide interest over local interest.
(2) Preserve the natural character of the shoreline.
(3) Result in long-term over short-term benefit.
(4) Protect the resources and ecology of the shoreline.
(5) Increase public access to publicly-owned areas of the shorelines.
(6) Increase recreational opportunities for the public on the shoreline.
(7) Protect life and property from hazards of flood.
(8) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of the Thurston Region Shoreline Management Master Program, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State and Region shall be preserved to the greatest extent feasible consistent with the overall best interest of the people generally. To this end, uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines, in those limited instances when authorized, shall be given priority for single-family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the Region; industrial and commercial developments which are particularly dependent on their location on, or use of, the shorelines of the Region; and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the Region. Permitted uses of the shorelines of the State and Region shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

IMPLEMENTING POLICIES

1. Public access to shorelines shall be permitted only in a manner which preserves or enhances the characteristics of the shoreline which existed prior to establishment of public access.

2. Protection of water quality and aquatic habitat is recognized as a primary goal. All applications for development of shorelines and use of public waters shall be closely analyzed for their effect on the aquatic environment. Of particular concern will be the preservation of the larger ecological system when a change is proposed to a lesser part of the system, like a marshland or tideland.

3. Future water-dependent industrial use shall be channeled into shoreline areas already so utilized or into those shoreline areas which lend themselves to suitable industrial development. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry.

4. Residential development shall be undertaken in a manner that will maintain existing public access to the publicly-owned shorelines and not interfere with the public use of water areas fronting such shorelines, nor shall it adversely affect aquatic habitat.

5. Governmental units shall be bound by the same requirements as private interests.

6. Applicants for Permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a Permit is granted. In any review of the granting or denial of an

application for a Permit as provided in RCW 90.58.18.180 (1), the person requesting the review shall have the burden of proof.

7. Shorelines of this Region which are notable for their aesthetic, scenic, historic or ecological qualities should be preserved. Any private or public development which would degrade such shoreline qualities shall be discouraged. Inappropriate shoreline uses and poor quality shoreline conditions should be eliminated.

8. Protection of public health is recognized as a primary goal. All applications for development or use of shorelines shall be closely analyzed for their effect on the public health.

THE ENVIRONMENTS

The State of Washington Department of Ecology Final Guidelines for the Shoreline Management Act of 1971 establish a framework of four categories of shorelines, based on the degree of man's intrusion into the shoreline and the degree of uniqueness of the shoreline. These four categories are termed the "Natural, Conservancy, Rural, and Urban Environments."

1. Natural Environment

Purpose: The intent of a Natural Environment designation is to preserve, maintain or restore a shoreline as a natural resource existing relatively free of human influence, and to discourage or prohibit those activities which might destroy or degrade the essential, unique or valuable natural characteristics of the shoreline.

Definition: The "Natural Environment" designates shoreline areas in which unique natural systems and resources are to be preserved or restored. This environment is characterized by severely limited land and water use with little or no visual evidence of man-developed structures or occupancy. Development or utilization of soil, aquatic, and forest resources, as well as nonrenewable mineral and nonmineral resources is prohibited. Public access and recreation are limited to a degree compatible with the preservation or restoration of the unique character of this environment.

2. Conservancy Environment

Purpose: The intent of a Conservancy Environment designation is to protect, conserve and manage existing resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization. The preferred uses are nonconsumptive of the physical and biological resources of the area and activities and uses of a nonpermanent nature which do not substantially degrade the existing character of the areas. Nonconsumptive uses are those uses which utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources of the area.

Definition: The "Conservancy Environment" designates shoreline areas for the protection, conservation, and management of existing valuable natural resources and historic and cultural areas. This environment is characterized by low-intensity land use and moderate-intensity water use with moderate to little visual evidence of permanent structures and occupancy. Sustained management of the pastoral, aquatic and forest resources, as well as rigidly controlled utilization of nonrenewable and other nonmineral resources which do not result in long-term irreversible impacts on the natural character of the environment are permitted. Intensity of recreation and public access may be limited by the capacity of the environment for sustained recreational use.

3. Rural Environment

Purpose: The primary purposes of the Rural Environment are to protect areas from urban expansion, restrict intensive developments along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces for recreational purposes compatible with rural uses. New developments in a Rural Environment are to reflect the character of the surrounding area.

Definition: The "Rural Environment" designates shoreline areas in which land will be protected from high-density urban expansion and may function as a buffer between urban areas and the shorelines proper. This environment is characterized by low intensive land use and moderate to intensive water use. Residential development does not exceed two dwellings per acre. Visual impact is variable with a moderate portion of the environment dominated by structures or impermeable surfaces. Intensive cultivation and development of the renewable soils, aquatic and forest resources, as well as limited utilization of nonrenewable mineral resources is permitted. Recreational activities and public access to the shoreline are encouraged to the extent compatible with other rural uses and activities designated for this environment.

4. Urban Environment

Purpose: The purpose of an Urban Environment designation is to obtain optimum utilization of the shorelines within urbanized areas by providing for intensive public and private urban uses and by managing development of affected natural resources.

Definition: The "Urban Environment" designates shorelines within urbanized areas which provide for intensive public use and which are developed in a manner that enhances and maintains shorelines for a multiplicity of urban uses. This environment is characterized by high-intensity land and water use, visually dominated by man-made residential, commercial and industrial structures and developments. Both renewable and nonrenewable resources are fully utilized, and public access and recreation encouraged to the maximum compatible with the other activities designated in the environment.

THE PLAN ELEMENTS

For the purpose of expressing goals for each of the four environments, eight Plan Elements are utilized. Plan Elements are general kinds of uses of the shoreline or activities on the shoreline. Any of the specific use activities, which are described later in this section, can be grouped into one or more of these Plan Elements. The Plan Elements are listed and defined as follows:

1. Economic Development: This element deals with the location and design of industries, transportation and port facilities, commercial and other developments that are largely dependent on shoreland locations. Economic development is defined as human use of shorelines to produce goods and services. Tourism, gravel mining, tree farming, aquaculture, manufacturing, commercial stores and shops, resorts, fishing and transportation facilities are examples of economic development.

2. Public Access: This element is concerned with physical access to publicly-owned shores and tidelands and visual access to public waters. The regulations function to protect the physical and visual environment in the location, design, and maintenance of public access developments.

3. Circulation: This element is concerned: (1) with the location and character of existing and proposed highways, transportation corridors, freight and shipping terminals, and waste disposal systems; (2) with the movement of people, goods and services; and (3) with the relationship of all these to the shorelines and aquatic habitat. Along with, but not limited to, roads, highways, railroads and marine terminals, circulation use regulations consider pipelines, power transmission and telephone lines, airports, public access facilities, and pedestrian and bicycle paths.

4. Recreation: This element is concerned with the preservation, diversification, expansion and regulation of recreational opportunities, including but not limited to parks, beaches and tidelands for such activities as boating, picnicking, clam digging, fishing, climbing and hiking.

5. Shoreline Use: This element considers the pattern of land use distribution on shorelines and adjacent upland, tidal marsh and flood plain areas. These uses include but are not limited to housing, commercial, industrial, transportation, utilities, public facilities, agriculture, recreational, aquaculture and educational uses. They also include the locational pattern of water uses of the same types, and the distribution of natural resources.

6. Conservation: This element deals with the conservation of natural resources, including but not limited to scenic vistas, aquatic habitats of fish and wildlife, watercourses, beaches, tidal and submerged lands, and aesthetically valuable sites.

7. Historical and Cultural Values: This element deals with the preservation or restoration of buildings, sites and natural features having historic, cultural, scientific, educational or physically unique characteristics. Archeological sites, ancient villages, military forts, old settlers' homes, ghost towns and pioneer trails are examples of cultural features included in this element.

8. Restoration: This element provides for restoration to a useful condition of areas which are blighted by abandoned buildings and dilapidated conditions.

Each of the four environments (Natural, Conservancy, Rural, and Urban) have goal statements addressing each Plan Element. These goals serve to keep regulations governing Use Activities (Section IV) from being arbitrary.

NATURAL ENVIRONMENT GOAL STATEMENTS

Economic Development - Economic development is not a goal of the Natural Environment.

Public Access - Public access may exist on public land to the extent that it does not degrade or change the natural or cultural features to be preserved or restored.

Circulation - Circulation corridors may exist only to the extent necessary to maintain the character of the Natural Environment areas to be preserved.

Recreation - Opportunities for passive recreation (viewing, photography, etc.) may exist wherever it is possible without degrading the characteristics to be preserved or restored.

Shoreline Use - The distribution of shoreline uses is not an issue in the Natural Environment.

Conservation - Nonconsumption, preservation, and restoration of the distinguishing natural characteristics are the goals of the Conservation Element.

Historical and Cultural Values - A goal of the Natural Environment shall be to promote, protect, and preserve historical, cultural, scientific, or educational values on shorelines where these values are acknowledged.

Restoration - Blighted, abandoned or dilapidated uses and structures which would detract from the intended character will be absent from Natural Environment areas. Side effects of uses, such as degraded water quality, also will be absent.

CONSERVANCY ENVIRONMENT GOAL STATEMENTS

Economic Development - The goal for this element is to reach a high level of renewable resource economic utilization on a sustained yield basis.

Public Access - It is a goal to maintain and improve the existing public access facilities to County shorelines, and to seek more facilities and devices to increase opportunities for public access to them. It is the intent of this goal to:

1. Recognize and protect private property rights consistent with the public interest;
2. Prevent the destruction of the more fragile recreation areas through excessive use; and
3. Exercise due regard for the safety of the public.

Circulation - Circulation systems in the Conservancy shorelines of the County should exist to serve the economic, aesthetic, health, safety, and cultural needs of the area, but are to be designed to have a minimal adverse impact upon shorelines.

Recreation - Recreational opportunities are to be preserved and expanded through programs of development (public and private), and various means of public acquisition, such as purchase, leases, easements and donations. The intensity of the recreational use will be limited by the capacity of the environment to sustain it.

Shoreline Use - A goal is to locate structures and uses in such a position that they are not highly visible from the water.

Conservation - The goal of this element is to protect, conserve, and manage existing natural resources and valuable historical and cultural areas in order to ensure a continuous flow of recreational benefits to the public, and to achieve sustained resource utilization.

Historical and Cultural Values - This goal shall be to promote, protect, and preserve historical, cultural, scientific, or educational values on shorelines where these values are acknowledged.

Restoration - The goal of this element is to restore to a useful or original condition those areas (including waters) which are blighted by present uses and dilapidated or abandoned structures.

RURAL ENVIRONMENT GOAL STATEMENTS

Economic Development - Available resources should be utilized consistent with the definition and purpose of the Rural Environment.

Public Access - The primary goal of this element is to provide adequate public access areas to ensure maximum enjoyment of recreational and scenic opportunities with minimum conflict with other rural uses. It is the intent of this goal to:

1. Recognize and protect private property rights consistent with the public interest;
2. Prevent the destruction of the more fragile recreation areas through excessive use; and
3. Exercise due regard for the safety of the public.

Circulation - The goal of the Circulation Element in the Rural Environment is to provide facilities that are necessary only for local usage. Trail systems for safe nonmotorized traffic are to be encouraged where compatible with rural uses. Major planned circulation systems shall be located away from shoreline areas whenever possible.

Recreation - The recreation goal is to assure diverse, convenient and adequate water-related recreational opportunities along the shorelines of the County located in such a way as to minimize conflicts with other rural activities.

Shoreline Use - Areas for intensive public use should be distributed in such a manner as to avoid concentration of user pressure, to discourage intrusions endangering life or property, and to avoid uses having adverse effects on fragile natural systems.

Conservation - This goal shall be to have sound management in the conservation of all natural resources within the Rural Environment.

Historical and Cultural Values - The goal of this element shall be to promote, protect, and preserve historical, cultural, scientific, or educational values on shorelines where these values are acknowledged.

Restoration - This goal is to restore to a useful or original condition those areas (including waters) which are blighted by present uses, discontinued uses and dilapidated or abandoned structures.

URBAN ENVIRONMENT GOAL STATEMENTS

Economic Development - The goal of this element is to utilize most efficiently the limited shoreline for industry, transportation facilities, commercial and other developments that are particularly dependent upon their location on, or use of, the shoreline.

Public Access - This goal is to plan for and, where appropriate, acquire visual and physical public access to the water.

Circulation - The goal of this element is to integrate existing and proposed major thoroughfares, transportation routes, terminals, bicycling and pedestrian paths, and other public utilities and facilities and to assure that they best serve the uses of the shoreline.

Recreation - This goal is to provide close-to-home recreation.

Shoreline Use - Shoreline uses are to be distributed in such a manner as to minimize transportation costs and conflicts between adjacent uses.

Conservation - Resources in the Urban Environment should be utilized in a manner that minimizes the adverse impacts of that utilization on other resources.

Historical and Cultural Values - This goal shall be to promote, protect, and preserve historical, cultural, scientific, or educational values on shorelines where these values are acknowledged.

Restoration - The goal of this element is to restore to a useful or original condition those areas (including waters) which are blighted by present uses, discontinued uses and dilapidated or abandoned structures.

POLICIES FOR REGULATION OF USE ACTIVITIES

The Master Program regulates 17 Use Activities. What follows are definitions of and policies for these Use Activities. Regulation of the Use Activities is based upon these policies and upon the goals of the Plan Elements.

AGRICULTURAL PRACTICES

Definition

Agricultural practices include cultivating, tilling, weed control, irrigation, fertilizing agricultural land, harvesting crops, and applying management controls to avert wind and water erosion and damage. They also include animal husbandry practices associated with the feeding, housing, maintenance, processing and marketing of animals such as beef cattle, milk cows, breeding stock, horses and poultry and their by-products.

Agricultural land is land which is used for the production of agricultural commodities. Agricultural commodities include any plants, or parts thereof, and animals produced by a farmer with their primary use being for sale, consumption, or propagation by man or animals.

Policies

1. Agricultural practices that prevent soil erosion and minimize siltation, turbidity, and pollution in watercourses should be implemented on wetlands.

2. Overgrazing of livestock should be avoided to prevent erosion.

3. Where practical, agriculture should be encouraged on flood plains subject to recurring flooding.

4. The maintenance of a buffer zone of permanent vegetation between agricultural land and associated bodies of water should be encouraged to retard surface runoff.

5. No person should use groundwater or surface water for agricultural irrigation without legal water rights, or in a manner which will result in significant adverse effects on the environment, or deplete essential water supplies from other legal users and established minimum stream flows.

6. Runoff from agricultural feed lots should be controlled to prevent bacterial and organic pollution of surface and ground waters in conformance with Washington State Department of Ecology water quality standards.

7. Recycling of animal wastes should be a goal for dairy, poultry, and feed lot operators.

8. Agriculture should be encouraged on Rural Environmental shorelines and adjacent lands.

AQUACULTURE

Definition

Aquaculture involves the culture and farming of food fish, shellfish, and other aquatic plants and animals in lakes, streams, inlets and estuaries. Aquacultural practices include the hatching, cultivating, planting, feeding, raising, harvesting and processing of aquatic plants and animals, and the maintenance of necessary equipment and buildings. Methods of aquaculture include but are not limited to fish pens, shellfish rafts and racks, seaweed floats and the culture of clam and oyster beds on tidelands and subtidal areas.

Low-intensity aquacultural practices include fishing and wild harvesting of shellfish for either recreational or commercial purposes.

Moderate-intensity practices include fish feeding and stocking, raft culture, and the use of subsurface structures.

High-intensity practices include diking, graveling and the building of structures which are highly visible and result in changes to a shoreline.

Policies

1. Shoreline developments adjacent to areas especially suitable for aquaculture should practice strict pollution control procedures, to protect aquacultural capabilities.

2. Aquacultural enterprises should be located in areas so that the navigational access of upland owners and commercial traffic is not significantly restricted.

3. No permit should be required for an aquaculturist to conduct routine activities such as propagation, harvesting, cultivation, feeding, processing, or maintenance of lands, structures, and equipment.

4. Floating aquacultural structures should not detract from the aesthetic quality of the surrounding environment.

5. Aquacultural activities should be conducted with minimal polluting effects on adjacent waters and natural systems.

ARCHEOLOGICAL AREAS AND HISTORIC SITES

Definition

These may include ancient villages, military forts, old settlers' homes, ghost towns, trails and scenic sites, abandoned cemeteries and other establishments, archeological diggings, monuments, and sites of former pioneer buildings.

Policies

1. Because archaeological areas and historic sites are nonrenewable educational tools and links with the past, they should be preserved regardless of the environment in which they are located.

2. Areas proposed for development, and specifically identified by the State Historical Museum, State Historic Preservation Commission, Washington Archaeological Research Center, or similar agencies, as being of historic or archaeological interest should not be granted a permit until all these agencies have an opportunity to comment on the particular project.

3. New sites uncovered during excavation or development should be reported by the developer to the local shorelines agency in order to enable other appropriate agencies to investigate the find. Local government should coordinate with these agencies in order to preserve important sites.

4. The National Historic Preservation Act of 1966, and the Revised Code of Washington (Chapter 43.51), provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archaeology or culture. The state legislature has named the Director of the Washington State Parks and Recreation Department as the person responsible for this program. Historic sites discovered during development should be reported under this program for possible preservation, restoration, and the necessary financing.

5. Historic areas and structures located in waterfront areas should be preserved. They may be incorporated into other site use plans. Access need not be by private automobile and, therefore, need not require large parking lots or driveways. Where land is too expensive, access can be gained by hiking paths or by imaginative forms of public transit.

COMMERCIAL DEVELOPMENT

Definition

Commercial developments are uses involving wholesale and retail businesses, office buildings, light manufacturing firms, and service businesses.

Policies

1. Priority should be given to those commercial developments which are particularly dependent upon their location and/or use of the shorelines of the state, as well as other development that will provide opportunities for substantial numbers of the people to enjoy the shorelines of the state.

2. New commercial developments on shorelines should be encouraged to locate in those areas with existing commercial uses.

3. Commercial developments should be aesthetically compatible with the areas in which they are to be placed. Visual access to the water shall be considered in the location of structures.

4. Parking facilities should be placed inland, away from the immediate water's edge and recreational beaches.

5. Buildings over the water for commercial uses should not be allowed except for those that are water dependent.

6. Commercial development should be discouraged within the 100 year flood plain.

FOREST MANAGEMENT PRACTICES

Definition

Forest Management Practices are those forestry practices which include (1) regeneration; (2) protection from insects, fire, and disease; (3) silvicultural practices such as thinning, release from competing vegetation, and fertilization; and (4) harvesting including the engineering and road construction necessary for logging and administrative access.

Policies

1. Logging within shoreline areas should be conducted to ensure the maintenance of buffer strips of vegetation to prevent temperature increases adverse to fish populations and erosion of stream banks.

2. Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.

3. Rapid plant regeneration should be accomplished, by planting where necessary to provide stability on areas of steep slope which have been logged.

4. Special attention should be directed in logging operations to prevent the deposition and accumulation of slash and other debris in contiguous waterways.

5. Roads should be located so as to minimize erosion.

6. Roads and bridges should be designed, located, constructed, and maintained to prevent adverse effects on shoreline resources.

7. Timber harvesting practices, including road construction and debris removal, should protect and/or enhance the quality of views and viewpoints in shoreline areas.

8. In the event that any forest practices regulation imposed by this Program conflicts with forthcoming state-wide regulations mandated by the Forest Practices Act of 1974, this Program shall be modified to reflect the latter.

LANDFILLING AND DREDGING

Definition

Landfilling means the creation of dry land areas by depositing sand, soil or gravel into a wetland or shoreland, and includes retaining walls, bulkheads, drainage and erosion control systems, and the replacement of vegetation.

Artificial beach "feeding" operations are not considered to be "landfilling." Beach "feeding" means the introduction of sand or gravel to beaches to enhance recreation or wildlife. Backfilling behind a bulkhead that is in conformance with the appropriate environment use regulations is not considered to be landfilling.

Dredging means the removal of sand, soil, or gravel by any means from the bottom of a stream, river, lake, bay, estuary or channel for navigational, pipeline, moorage basin, marina, and other constructive purposes. It includes the anchoring of dredges, placement of floating dredgelines, diking and bulkheading for the purpose of minimizing runoff and seepage, and the process of discharging spoils into either marine or land sites.

Policies

1. Shoreline fills or cuts should be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur which create a hazard or significant injury to adjacent life, property and natural resource systems.

2. All fills should be accomplished with suitable safeguards for erosion control.

3. Fill material should be of such quality that it will not cause water quality degradation beyond the limits of adopted water quality standards defined by the Department of Ecology.

4. Priority should be given to landfills for water-dependent uses.

5. The size of landfills should be limited by the consideration of such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat.

6. The Criteria Governing the Design and Construction of Bulkheads, Landfills, and Marinas in Puget Sound, Hood Canal, and Strait of Juan de Fuca for Protection of Fish and Shellfish Resources issued by the Washington State Department of Fisheries (February 1971) should be followed.

7. Dredging should be conducted in such a manner as to minimize damage to natural systems in both the area to be dredged and the area for deposit of the dredged materials.

8. Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.

9. Deposition of dredge material in water areas should be allowed only for habitat improvement, to correct problems of material distribution affecting adversely fish and shellfish resources, or where the alternatives of depositing material on land are more detrimental to shoreline resources than depositing it in water areas. Such deposition requires Corps of Engineers and Department of Natural Resources permits.

MARINAS AND BOAT LAUNCHING FACILITIES

Definition

A marina is defined as a facility that provides any of the following services to the public:

1. Refueling;
2. Overnight moorage services; or
3. Dockside waste disposal.

Boat launching facilities may be nonmechanized, concrete, asphalt, or gravel ramps constructed across the shoreline for self-launching use by boat owners. Parking lots are a normal adjunct of such ramps.

Policies

1. New marinas and boat launching facilities should be planned and developed where evidence of substantial need exists.

2. Marinas and high-intensity public boat launching facilities should be located in environments accommodating other high-intensity uses.

3. Shallow-water embayments with poor flushing action should not be constructed for marinas or boat launching facilities utilized by more than one family.

4. Marinas and boat launching facilities should be designed in a manner that will minimize damage to fish and shellfish resources and be aesthetically compatible with adjacent areas. Open-pile construction should be given priority over construction methods such as landfill. Compliance with the guidelines and regulations of the Washington State Departments of Fisheries and Game, and state and local health agencies, should be made a condition of any Shoreline Permit for marinas and boat launching facilities.

5. Fuel handling and storage procedures that minimize accidental spillage and provide satisfactory means for handling those spills that do occur should be required.

6. Marinas and boat launching facilities should be located in areas where parking and access to the facility will be adequate and not cause adverse impact on the adjacent properties.

7. Parking areas should be located inland, away from the immediate edge of the water and from recreational beaches.

8. Landscaping should be utilized to moderate the visual impact of parking areas, marinas, and boat launching facilities.

MINING AND DRILLING

Definition

Mining and drilling is the removal of naturally occurring materials from the earth for economic use.

Policies

1. When mining or drilling is undertaken in shoreline areas, adequate protection against sediment and silt production and contamination should be provided.

2. Excavations for mining purposes should be done in conformance with the Washington State Surface Mining Act.

3. The removal of sand, gravel, and rock from marine beaches should be limited strictly. When undertaken, the removal should be from the least sensitive biophysical areas of the beach.

OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

Definition

Signs, on and off premises, lighted and nonlighted, whose purpose is to attract attention to a product, service, premises or provide direction or information, are outdoor advertising signs and billboards. Also included may be service structures, pylons, foundations, and braces which form a part of the installation; illumination devices; associated elements of a series of signs; and access areas.

Policies

1. Signs in shoreline areas should be designed as low-profile signs which interfere as little as possible with visual access to the shoreline. Flush mounting to buildings is the preferred method of display.

2. Off-premise outdoor advertising signs and billboards should be limited strictly.

3. Signs primarily should be used for identification.

4. Electric signs should be allowed only in special cases.

5. Abandoned signs should be removed, unless declared to be of historic value.

6. Temporary political or community activity signs may be permitted facing the street right-of-way for the duration of the campaign or activity.

PORTS AND INDUSTRIAL DEVELOPMENT

Definition

A port is an area which may encompass public or private enterprises involved in providing services and facilities for waterborne commerce, airborne commerce, industrial development, and recreational development, subject all to state law. Industrial development is the process of developing an area's economic base and environment to the extent that investment will be attracted, and progressive, constructive, balanced growth over a period of years will be realized. Such growth is generated by initiating, expanding or attracting industry for the purpose of continuing present payrolls, to provide new profit, new payrolls and new industrial advancement opportunities for both new and present employment.

Policies

1. Future water-dependent industrial use should be channeled into shoreline areas already so utilized or into those shoreline areas which lend themselves to industrial development. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry.

2. Port facilities should be designed to permit viewing of harbor areas from viewpoints, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.

3. The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.

4. New facilities should not increase substantially levels of air, noise, or water pollution.

5. Open-pile or floating construction should be favored in the expansion of facilities into water areas.

6. Ports are of a regional nature. Therefore, prior to allocating shorelands for port uses, local governments should consider state-wide needs and coordinate planning with other jurisdictions to avoid wasteful duplication of port services within port-service regions.

7. Since industrial docks are often longer and greater in bulk than recreational or residential piers, careful planning must be undertaken to reduce the adverse impact of such facilities on other water-dependent uses and shoreline resources. Because heavy industrial activities are associated with industrial piers and docks, the location of these facilities should be considered a major factor determining the environmental compatibility of such facilities.

RECREATION

Definition

Recreation includes boating, swimming, fishing, aqua-diving, hunting, hiking, clam digging, photography, jogging, bicycling, camping, picnicking, organized games, or it may be enjoyment of scenery or the viewing of wildlife in the natural habitat.

Policies

1. Priorities for recreational development of shorelines should relate directly to densities and unique characteristics of the population served. Priorities for acquisition should consider need and special opportunities as well as public access by mass transit.

2. All recreational development projects should be considered on the basis of their compatibility with the environment.

3. Access to recreational locations such as fishing streams and hunting areas should be planned to prevent concentration of use pressures.

4. The linkage of shoreline parks and public access points through provisions for linear open spaces should be encouraged. Such open space could include hiking paths, bicycle paths and/or scenic drives.

5. Recreational developments should be designed to preserve, enhance or create scenic views and vistas. Favorable consideration should be given to those projects that complement their environment.

6. Where possible, parking areas should be located inland, away from the immediate edge of the water, and recreational beaches, and should be linked with the shoreline by walkways.

7. Recreational development should comply with all applicable city, county, state, and federal regulations.

8. Facilities for intensive recreational activities should be permitted only where sewage disposal and vector control can be accomplished to meet public health standards without altering the environment adversely.

9. Development of public fishing piers, underwater fishing reefs, and access to public waters and tidelands should be encouraged.

10. Where appropriate, recreational use should be encouraged on flood plains that are subject to recurring flooding.

11. Artificial marine life habitats should be encouraged in order to provide increased aquatic life for recreation. Such habitats should be constructed in areas of low habitat diversity and be located so as to not interfere with water-based commerce or industry.

RESEARCH AND EDUCATION

Definition

Any development undertaken on a temporary or permanent basis for the support of a public or private research or educational project is covered by this section.

Policies

1. Research studies and educational uses of the shoreline should be conducted in a way to minimize impacts in accordance with the applicable environmental designations.

2. A Shoreline Permit will be required for research and educational activities which may significantly affect water quality or natural systems.

3. Constructional developments and environmental alterations carried out for research or educational purposes are subject to the same regulations as for other use activities.

RESIDENTIAL DEVELOPMENT

Definition

Residential development means any physical activity undertaken on the land or water related to the provision of human dwelling facilities. It may include other activity having an indirect effect on the land and waters, such as legal division of real estate and the establishment of public or communal rights of use.

Policies

1. No residential development (except the construction by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family) should be permitted on shorelines or wetlands in Thurston County without preparation of an environmental assessment statement that takes into consideration site limitations (soil conditions, slope stability, topography, etc.) and animal and plant habitats.

2. Residential development on shorelines and wetlands should be designed for minimum environmental and visual impact.

3. Clustering of residential development to minimize environmental impact, and provide open spaces, should be encouraged.

4. Waterfrontage should be developed for common use of people living in a residential development, as opposed to continued dividing up of waterfront into private lots.

5. Public open space, as opposed to common open space, on the waterfront, should be acquired through mechanisms such as less-than-fee acquisition or fee-simple purchase. Common open space is not to be construed as public.

6. A minimum of vegetation should be removed from the waterfront, and should be restored sufficiently to prevent erosion.

7. Waste materials from construction should not be left on shorelines or beaches; they should be stored upland until proper disposal.

8. Density of residences should be consistent with the Environment in which they are located, as well as with the level of services available in the area. Proposed developments should not pose a threat to the groundwater supply, either through overpumping or contamination, nor should waste disposal systems, whether individual or collective, result in significant adverse environmental impact.

9. Any dwelling unit type on land should be permitted that is consistent with density and other zoning regulations for the area.

10. Residential structures should be constructed so as to minimize obstruction of views of the water from upland areas. High-rise structures should be spaced to provide considerable open area around each.

11. Residential development over water should not be permitted.

12. Residential development where permitted by flood mitigation practices should be of low intensity on flood plains, the allowable density based on the characteristics of the individual flood plain lands and flood proofing provisions.

ROAD AND RAILROAD DESIGN AND CONSTRUCTION

Definition

All public and private roads, major highways, freeways, railways, and the corridors in which they are placed, together with bridges, culverts, riprapping, landfills, cuts, turnouts, rest stations, viewpoints, picnic areas, landscaping and soil erosion safeguards fulfill this definition.

Policies

1. Major highways, freeways and railways should be located away from shorelands, except in port and industrial areas, so that shoreland roads may be reserved for slow-moving local or recreational traffic.

2. Road and railroad locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary. This is especially important on flood plains.

3. Roads and railroads should be designed, constructed, and maintained to prevent erosion and to permit natural movement of ground water and flood waters.

4. All debris, overburden, and other waste materials from construction should be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any surface water body.

5. Scenic corridors containing public roadways should have provision for safe pedestrian and other nonmotorized travel. Also, provisions should be made for viewpoints, rest areas, and picnic facilities in appropriate areas.

6. Extensive loops or spurs of old highways with high aesthetic quality should be kept in service as scenic routes.

7. Screening of railroad beds with trees is desirable in scenic areas.

SHORELINE WORKS AND STRUCTURES

Definition

Bulkheads, seawalls, breakwaters, both rigid or floating, riprapping, jetties and groins of all types of construction used for protection of the shoreline fall under this definition. Piers, docks, floats, boathouses and other structures used for boat mooring, storage and servicing; recreational fishing, fish processing; commercial shipping and storage; fuel and rail transportation; boat and ship repair and construction are shoreline works. Other industrial plants and facilities are included where they are a foundation or adjunct of manufacturing food processing, cold storage, or forest products.

Policies

1. Shoreline works and structures should be designed, located, constructed, and operated in such a manner as to cause minimal short-term, and no significant long-term adverse effect on fish, shellfish, waterfoul and wildlife habitats in areas where they are to be preserved and conserved.

2. Shoreline works and structures should be designed to have a minimal impact upon natural movement of sand and gravel.

3. Shoreline works and structures should be designed in the most compatible way with the aesthetic qualities of the surrounding shoreline.

4. Shoreline works and structures generally should not be permitted for the purpose of creating new land areas.

5. Open-piling or floating structures should be the preferred method of construction versus landfill.

6. Communal shoreline works and structures are preferred to the proliferation of individual shoreline works and structures.

7. Proposed shoreline works and structures should enhance existing public use of shorelines and waters.

8. Flood protection measures should not result in channelization.

9. The Criteria Governing the Design and Construction of Bulkheads, Landfills, and Marinas in Puget Sound, Hood Canal, and Strait of Juan de Fuca for Protection of Fish and Shellfish Resources issued by the Washington State Department of Fisheries (February 1971) should be followed.

SOLID WASTE DISPOSAL

Definition

Solid waste disposal means the temporary or permanent disposal, treatment, utilization, processing or holding of solid wastes, including but not limited to sanitary landfills, incineration, compositing, dumping, grinding, salvage, reclamation, and waste transfer stations.

"Solid waste" includes all putrescible and nonputrescible solid and semi-solid wastes, including garbage, rubbish, ashes, industrial and wood wastes, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. "Solid waste" does not include liquid sanitary sewage, dredge spoils, or agricultural and commercial logging wastes. (See use regulations for "Landfilling and Dredging" and "Agriculture.")

Policies

1. Provisions should be made to limit and to control litter in shoreline areas.

2. Material should not be imported into shoreline areas for the purpose of disposing of the material as waste.

3. Disposal of inert material in water areas should be prohibited unless the material is used for a constructive purpose such as landfill or wildlife habitat. The use of that material would then be governed by the policies and regulations of the constructive use to which it is placed.

4. Disposal of putrescible waste should not be allowed within the shorelines.

UTILITIES

Definition

Utilities are facilities and services that produce, transport and distribute electric power, steam, gas, oil, and water; that provide transportation and communications; and which collect, process and discharge sewage, storm water and industrial wastes.

Policies

1. Wherever utilities must be placed in a shoreline area, the location should be chosen so as not to obstruct or destroy scenic views. Utilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.

2. Where construction connected with utility placement occurs on shorelines, banks should be restored to their pre-project configuration, replanted with native species and maintained until the new vegetation is established.

3. Sewage treatment, water reclamation, desalinization and power plants should be designed and located so as not to interfere with, and to be compatible with recreational, residential or other public uses of the water and shorelands. Waste treatment ponds for water-related industry should occupy as little shoreline as possible.

4. Sewage outfalls to waterbodies should be avoided in preference to recycling or land disposal of sewage wastes. Where no alternative to outfalls into water exist, location of such outfalls should be part of the appropriate regional plan for solutions to sewage management problems.

5. Local governments should incorporate utility rights-of-way on shorelands into their programs for public access to and along waterbodies.

6. If utilities must be located over the water, they should be placed on bridge-like structures rather than fill, and said structures should provide clearance for all marine vessels normally using the area.

CHAPTER IV

THE SHORELINE ORDINANCE

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THURSTON REGION
SHORELINE MASTER PROGRAM
MASTER PROGRAM REGULATIONS

Ordinance #

AN ORDINANCE CREATING SHORELINE MANAGEMENT REGULATIONS INTENDED TO IMPLEMENT THE GOALS AND POLICIES OF THE SHORELINE MASTER PROGRAM; PROVIDING RULES, REGULATIONS, PROCEDURES, AND ENVIRONMENT DESIGNATIONS; PRESCRIBING BOUNDARIES, LIMITATIONS OF LAND AND WATER USE AND DEVELOPMENT; ASSIGNING RESPONSIBILITY AND AUTHORITY FOR ADMINISTRATION; ESTABLISHING A PERMIT SYSTEM, PROVIDING MEANS TO DEAL WITH VIOLATIONS; ESTABLISHING PENALITIES AND GENERALLY PROVIDING THE MECHANISM TO FULLY IMPLEMENT THE MASTER PROGRAM.

INTRODUCTION

.01 DECLARED

_____ finds that the shorelines of the Thurston Region are among the most valuable and fragile of its natural resources and that there is great concern throughout the Thurston Region relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the Thurston Region. _____ further finds that much of the shorelines of the Thurston Region and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the Thurston Region is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the Thurston Region while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the Thurston Region's shorelines.

It is the policy of _____ to provide for the management of the shorelines by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the Thurston Region and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the Thurston Region shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end, uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the Region's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state within the Thurston Region.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

.02 TITLE

This ordinance, and amendments thereto, shall be known and may be cited as "The Shoreline Master Program Regulations of _____". Internally, this Ordinance may be referred to as "these regulations" or "this chapter".

.03 PURPOSE.

This ordinance is intended to carry out the responsibilities imposed on _____ by the Shoreline Management Act of 1971. The adoption of this ordinance does not remove other responsibilities imposed by the Act. The purpose of the Shoreline Master Program Regulations is to implement the policies of the Thurston Region Shoreline Master Program and those declared in Section __.01 above.

.04 APPLICABILITY

.04.010 General

These regulations shall apply to every person, firm, corporation, governmental agency, or any individual or firm representing any of the aforesaid, which undertakes any development or use, whether or not a Substantial Development Permit is required, within the jurisdictional area of the Act and these regulations.

.04.020 Applicability of Permit System to Federal Agencies.

The substantial development permit system shall be applied in the following manner to federal agencies on shorelines of the state.

1. Federal agencies shall not be required to obtain permits for substantial developments undertaken by the federal government on lands owned in fee by the federal government, unless the federal government grants or reserves to the state or local government, substantial jurisdiction over activities on those lands.

2. Upon approval of the Washington State shoreline program pursuant to the Coastal Zone Management Act, 16 USC 1451 et seg., agencies of the federal government shall be subject to the state shoreline program as provided by the Coastal Zone Management Act.

3. The substantial development permit system shall apply to nonfederal activities constituting substantial developments undertaken on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership.

4. The substantial development permit system shall apply to substantial developments undertaken on lands not federally owned but under lease easement, license, or other similar federal property rights short of fee ownership, to the federal government.

.04.030 Exemptions From Substantial Development Permit System

The following shall not require permits for the purposes of the act:

1. Any development not constituting substantial development (see definition Section __.06).

2. Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock, hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

3. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family residence, the cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars.

4. Any project with a certification from the governor pursuant to chapter 80.50 RCW.

5. The construction of up to 500 feet of one and only one road or segment of a road, provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of Chapter 76.09 RCW and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the Shoreline Management Act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to Chapter 90.58 RCW.

6. Forest practices, as defined in WAC 222-16-010 (19), in Shorelines of the State.

.05 AUTHORITY

The Shoreline Management Act of 1971 (RCW 90.58) grants the authority to and requires the passage of a Shoreline Master Program with use regulations by local governments of the State of Washington.

.06. DEFINITIONS

As used in this ordinance, the masculine includes the feminine and neuter, the singular includes the plural, the present includes the future, the word shall is mandatory and not permissive. Nothing in these definitions shall be construed to exempt any use or activity from complying with the provisions of other State and local regulations.

The following words and phrases, unless the context otherwise requires, shall mean:

The Act. The Shoreline Management Act of 1971 (Chapter 90.58 RCW, as amended).

Accessory Building, Structure, or Use. A building, part of a building or structure, or use which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same lot.

Administrator. That person as appointed by the legislative body of _____ to administer the provisions of these Regulations within the boundaries of jurisdiction of _____.

Aquaculture: Low intensity - Wild harvesting of fish, shellfish, or other aquatic life for recreational or commercial purposes, not including clam dredging.

Moderate intensity - Culture of aquatic life not involving substantial structures exposed above water, including fish feeding, raft culture and clam dredging.

High intensity - Aquacultural practices requiring construction of highly visible structures or site preparation resulting in a change in shoreline character, including; diking, ponding and graveling.

Boathouse. A walled or covered structure built on shore or offshore for the storage of watercraft or floatplanes, private boathouses are considered residential accessory buildings.

Bulkhead. A retaining wall used to hold back earth and to provide a solid surface to resist wave action.

Bulkhead, Normal Protective. A bulkhead protecting the base of a bluff or bank from erosion due to wave action. The bulkhead shall be the minimum distance from the base of the bluff or bank and height above ordinary high water mark to accomplish its purpose; these measurements shall be determined by the Administrator.

Density. A ratio expressing the number of dwelling units which may be established on a specific land area. Commonly expressed as dwelling units per acre. For planned unit development projects, density is based on the entire project area above the ordinary high water mark.

Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping, filling; removal of any sand, gravel or minerals including the grading of land; bulkheading; driving of piling; placing of obstructions or any project of a permanent or temporary nature which interferes with the normal public use of shorelines of the state (see definition).

Dike. An embankment to prevent flooding by a stream or other water body, often referred to as a levee.

Dock. A structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes.

Dwelling Unit. One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes and not having more than one kitchen; provided, that where four or more persons not related by blood, marriage or adoption live and sleep in the same building and share the same kitchen, there shall be considered to be as many dwelling units in the building as there are groups of four sharing the kitchen.

Emergency. A sudden turn of events calling for immediate action to prevent loss of life, limb or property.

Flood plain. The relatively flat area or low lands adjoining the channel of a river or stream subject to flooding.

Flood plain, One Hundred Year. That portion of the flood plain expected to be covered by flood waters during a flood having a probability of occurrence of once in one hundred years, although the flood may occur in any year.

Floodway. The channel or waterway and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood waters of any water course or drainage way without causing a significant rise in water surface profile. Under normal conditions the floodway may be identified by a change in surface soil conditions or vegetative ground cover.

Floodway, One Hundred Year. The area, including stream channels, within which the one hundred year flood could be contained between dikes impinging equally on both sides of the flood plain without raising the water level more than one foot above the uncontained one hundred year flood elevation.

Groin. A shore-protection structure in the form of a barrier oblique to primary motion of water, designed to control movement of bed material.

Group home. A residential facility for handicappped, physically disabled or developmentally disabled adults or dependent or pre-delinquent children, providing a homelike environment.

Historic Setback Line. A discernable building setback line commonly used by structures within a neighborhood of two or more houses.

Houseboat. A floating structure designed and/or used principally for human occupancy. Such structures may or may not be officially registered as a water-going vessel.

Jetty. An elongate artificial obstruction projecting into a stream from the bank to control shoaling or scour by deflection of currents.

Lot. A fractional portion of subdivided land having fixed boundaries.

Lot Area. The area contained within the boundaries of a lot excluding any area submerged at ordinary high water.

Lot, Front. The portion of a lot adjacent to either the public street affording principal access to the property or the waterfront, if the property abuts a water body.

Lot Length. The maximum lineal dimension of a lot, not including access roads less the 25 feet in width.

Lot of Record. A legally created lot, the boundaries of which were filed with the Thurston County Auditor prior to April 30, 1974.

Lot Width. For lots of a generally rectangular character, the average lineal dimension taken at right angles to the lot length. For other lots, the diameter of the largest circle which can be placed wholly within the boundaries of the lot.

Master Program. Shall mean the comprehensive shoreline use plan for the Thurston Region and the master program regulations together with maps, diagrams, charts or other descriptive material and text. A statement of desired goals, policies and standards developed locally in accordance with the State Shoreline Management Act.

Ordinary High Water Mark. That mark on all lakes, tidal waters, and streams which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil and vegetation a character distinct from that of the abutting upland soil and vegetation.

Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water.

Over Water. Location of a structure or development over water, including placement of buildings on fill, piling or floats.

Parcel. A lot or continguous lots owned by an individual, related individuals, an organization, or organizations having similar membership.

Planned Development. A residential development which permits departures from the conventional siting; setback, and density requirements of other sections of this code in the interest of achieving superior site development, creating open space, and encouraging imaginative design by permitting design flexibility.

Property Lines. The exterior boundaries of a parcel.

Public Street. Any street, way, road, alley or highway in public ownership.

Recreation:

Low intensity recreation involves activities such as hiking, canoeing, viewing, nature study, photography and fishing. Low intensity uses do not require extensive site preparation or facilities.

High intensity recreation involves uses in which Parks, campgrounds, boat ramps, motor vehicles or playgrounds may be required. Providing for these facilities often requires land clearing, earth modification and construction of a variety of structures. Activities include, but are not limited to boating, water skiing, organized games and sports, swimming in specifically developed or designated areas such as parks, and other recreational developments such as resorts, hotels and campgrounds.

Residence, Multifamily. A building designed for occupancy by three (3) or more families and/or containing three (3) or more dwelling units.

Residence, Single-family. A detached building designed for occupancy by one (1) family and containing one (1) dwelling unit.

Residence, Two-family. A detached building designed for occupancy by two (2) families and containing two (2) dwelling units.

Riprap. Broken stone placed on shoulders, slopes or other such places to protect them from erosion.

Seacliff. A bank over five feet high with a slope greater than forty-five degrees adjacent to a lake or tidal waters.

Seawall. A bulkhead.

Shoreline Environments:

The State of Washington Department of Ecology Final Guidelines for the Shoreline Management Act of 1971 WAC 173-16-040(4) establish a framework of four categories of shorelines, based on the degree of man's intrusion into the shoreline and the degree of uniqueness of the shoreline. These four categories are termed the "Natural, Conservancy, Rural and Urban Environments."

The "Natural Environment" designates shoreline areas in which unique natural systems and resources are to be preserved or restored. This environment is characterized by severely limited land and water use with little or no visual evidence of man-developed structures or occupancy. Development or utilization of soil, aquatic, and forest resources, as well as nonrenewable mineral and nonmineral resources is prohibited. Public access and recreation are limited to a degree compatible with the preservation or restoration of the unique character of this environment.

The "Convervancy Environment" designates shoreline areas for valuable natural resources and historic and cultural areas. This environment is characterized by low-intensity land use and moderate-intensity water use with moderate to little visual evidence of permanent structures and occupancy. Sustained management of the pastoral, aquatic and forest resources, as well as rigidly controlled utilization of nonrenewable and other nonmineral resources which do not result in long-term irreversible

impacts on the natural character of the environment are permitted. Intensity of recreation and public access may be limited by the capacity of the environment for sustained recreational use.

The "Rural Environment" designates shoreline areas which may function as a buffer between urban areas and the shorelines proper. This environment is characterized by low intensive land use and moderate dwellings per acre. Visual impact is variable with a moderate portion of the environment dominated by structures or impermeable surfaces. Intensive cultivation and development of the renewable soils aquatic and forest resources, as well as limited utilization of nonrenewable mineral resources is permitted. Recreational activities and public access to the shoreline are encouraged to the extent compatible with other rural uses and activities designated for this environment.

The "Urban Environment" designates shorelines within urbanized areas which provide for intensive public use and which are developed in a manner that enhances and maintains shorelines for a multiplicity of urban uses. This environment is characterized by high-intensity land and water use, visually dominated by man-made residential, commercial and industrial structures and developments. Both renewable and non-renewable resources are fully utilized, and public access and recreation encouraged to the maximum compatible with the other activities designated in the environment.

Shorelines. All water areas within Thurston County, including reservoirs, and their associated wetlands, together with the lands underlying them; except (1) shorelines of state-wide significance; (2) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (3) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shoreline Jurisdiction. Shorelines and shorelines of state-wide significance.

Shoreline Management Act. The Shoreline Management Act of 1971 (Chapter 90.58 RCW, as amended).

Shorelines of State-wide Significance. Areas identified by the Shoreline Management Act as having more than local interest. The following areas in Thurston County were designated as shorelines of state-wide signficance:

1. All portions of Puget Sound lying seaward from the line of extreme low tide;
2. The area on Nisqually Delta from DeWolf Bight to Pierce County that lies between the ordinary high water mark and the line of extreme low tide;
3. Alder Lake;
4. The Nisqually River;
5. The Chehalis River; and
6. Wetlands associated with 2, 3, 4 and 5 above.

Shorelines of the State: Shorelines and shorelines of state-wide significance.

Shoreline Permit. A Shoreline Management Substantial Development Permit issued purusant to RCW 90.58.140(2) and this chapter or a conditional use or variances permit issued pursuant to RCW 90.58.100(5).

Sign, Off-Premise. Any sign used to advertise goods or services not generally available on the premises on which the display is located.

Sign, On-Premise. Any sign identifying the premises on which located or the occupant(s) thereof, or relating to goods or services manufactured, produced, or available on the premises.

Street. A lineal passageway of automobile and/or truck traffic including but not limited to public and private roads, highways, alleys, lanes, ways, streets and thoroughfares.

Street, flanking. A street abutting what is normally considered the side of a lot or parcel.

Street, fronting. A street abutting what is ordinarily regarded as the front of a lot or parcel, but it shall not be considered as the ordinary side of a corner lot.

Street, public. A street in public ownership.

Structure. Anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground or water.

Substantial Development. Development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

2. Construction of the normal protective bulkhead common to single-family residences;

3. Emergency construction necessary to protect property from damage by the elements;

4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates pumping facilities, and irrigation channels: PROVIDED, that a feetlot of any size, all processing plants, other activities of a

commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feetlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock wintering operations;

5. Construction or modification of navigational aids such as channel markers and anchor buoys;

6. Construction on wetlands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

7. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single-family residence, the cost of which does not exceed two thousand five hundred dollars;

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.

9. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

10. Operation and maintenance of any system of dikes, ditches, drains or other facilities existing on September 8, 1975 which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

Surface Water Body. Any water area which is within the shorelines of the state.

Utility Lines.

Distribution lines are linear facilities used to supply utility services directly to consumers in the vicinity of the facility, including electrical lines to consumers with a voltage less than 55,000 volts, local telephone and cable television lines, local sewer and water lines and local natural gas lines.

Transmission lines are linear facilities used to transmit utilities, energy supplies or materials in bulk beyond the source region to a distribution system located in another region

Water Dependency. The degree of dependency of any use of the land upon a shoreline location. This dependency is expressed as follows:

Water-dependent Uses. All uses that cannot exist in any other location and require a location on the shoreline by reason of the intrinsic nature of their operations. Water-dependent uses include. but are not limited to:

-Aquaculture
-Boat Launch facilities
-Ferry terminals
-Hydroelectric power plants
-Marinas
-Marine construction, dismantling and repair
-Marine and limnological research and education
-Private and public docks
-Shoreline recreation including parks, bike and walking trails, beaches, etc.
-Terminal and transfer facilities for marine commerce and industry
-Water intakes and outfalls.

Water-oriented Uses include water-related uses and are classed by Commercial and Industrial types.

Water-oriented Commercial Uses are those commercial uses which do not depend on a waterfront location to successfully continue their operation but whose operation would facilitate public access to and enjoyment of a shoreline area through design and aesthetic appearance of the facility.

Water-oriented Industrial Uses are those industrial uses which do not depend on a waterfront location to continue their operation but whose operation would be facilitated economically by a shoreline location.

Water-oriented uses as described above include, but are not limited to:

-Restaurants
-Motels
-Hotels
-Resorts
-Processing plants which require large volumes of water
-Thermal power plants
-Sewage treatment plants

A determination of whether proposed uses not specifically listed above are shoreline-dependent or shoreline-oriented shall be made by the Administrator who shall follow the intent of this Section. If a parcel

of property is within the shoreline jurisdiction, but has no actual frontage on a surface water body, the water-orientation of a proposed use of the property will be judged by how well the proposal makes use of any shoreline character the property may have.

Wetlands. Lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: PROVIDED, that any county or city may determine pursuant to the provisions and procedures of WAC 173-22-040 any portion of a one-hundred-year-flood plain to be included in its master program as long as portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

.07 ADMINISTRATION AND ENFORCEMENT

.07.010 Administrator

The legislative body of _____ shall appoint a Shorelines Administrator who shall be responsible for administering this program and performing all tasks identified in the regulations as responsibilities of the Administrator.

.07.020 Enforcement

The _____ Attorney, at the request of the Administrator, shall institute and pursue legal proceedings necessary to enforce the provisions of these regulations.

.08 RELATIONSHIP TO OTHER LAND USE PLANS AND REGULATIONS

.08.010 Comprehensive Plan

The Thurston Region Shoreline Master Program, for the purposes of RCW 35.63 (City Planning Enabling Act) or RCW 36.70 (County Planning Enabling Act), shall be considered a supplement to the Comprehensive Plan of _____. The Goals and Policies section of the Shoreline Master Program are hereby adopted as an amendment to the Comprehensive Plan of _____.

.08.020 Zoning

The Thurston Region Shoreline Master Program Regulations for the purposes of RCW 35.63 (City Planning Enabling Act) or RCW 36.70 (County Planning Enabling Act), shall be considered a set of official controls

applying only to shoreline areas in addition to the provisions of other adopted zoning ordinances. Where a conflict exists between the zoning and shoreline regulations, the more stringent provisions shall apply.

.08.030 Subdivision

The Subdivisions Regulations of _____ are hereby declared to continue in full force and effect as applied to shorelines areas of _____. Where a conflict exists between the subdivision and shoreline regulations, the more stringent shall apply.

.08.040 Flood Hazard Area Management

All adopted flood plain or flood hazard management regulations are hereby declared to have full force and effect. The Thurston Region Shoreline Master Program Regulations are designed to supplement other regulations applied to flood areas. Any use or structure undertaken in conformance with the shoreline regulations must also be in full compliance with all federal, state and local flood management regulations. Where a conflict between flood management regulations and shoreline regulations exists, the more stringent provisions shall apply.

If a proposed development requires both a shoreline permit and any locally administered flood management permits, the Administrator may accept a concurrent application for all shoreline and flood management permits. Such an application shall follow the shoreline application processing procedure. In such a case, any issued shoreline permit shall incorporate all local flood management permits, and requirements and conditions of such flood plain management permits shall be included with the conditions and requirements of the shoreline permit.

.08.050 Shoreline Management Act

At the time of their adoption, these regulations are consistent with the Shorelines Management Act, RCW 90.58, and the Administrative Codes promulgated thereunder. If future amendments to the Shoreline Management Act or Administrative Codes should create conflicts with these regulations, the provisions of the Act or the Codes shall apply.

USE REGULATIONS

.12 GENERAL SHORELINE USE REGULATIONS

The following regulations apply to any use within the entire shoreline jurisdictional.

.12.010 Archeologic and Historic Sites.

The following regulations apply to archeologic and historic sites in any shoreline environment.

1. If artifacts of historical or archeological interest are found during excavation or construction in shoreline areas, the workers shall immediately stop work and notify the local shoreline management Administrator.

   A. The Administrator shall immediately send notice of the find to the Washington State Office of Archeology and Historic Preservation, The Washington Archeological Research Center, and other interested agencies or groups known by the Administrator.

   B. Within seven days of the date the Administrator is notified of the find, he/she shall arrange for a professional archeologist or historian to inspect the site and make recommendations to the local legislative authority as to how the site should be managed.

   C. Within 7 days of receipt of the above recommendations, the local legislative body will, at a public meeting, determine whether the site may be used as intended or if compensation should be given the land owner to preserve the site for historic or archeologic purposes. The local shoreline agency may add conditions to the shoreline permit(s) in order to protect the site or artifacts, so long as normal permit procedures are followed.

2. A shoreline conditional use permit is required prior to construction of any single-family residence where protection of historic or archeologic sites is a factor.

3. If a proposed development is on a known archeologic or historic site, a shoreline management substantial development permit may be denied if the local legislative body determines that the historic or archeologic value of the site out-weighs the development value and compensation to the land owner is available.

.12.020 Parking and Loading

1. Parking facilities shall be located upland of the areas they serve.

2. No off-premise parking is allowed within 200 feet of a shoreline.

3. Minimum off-street parking and loading requirements shall be as provided in the underlying zoning ordinance, or, for unzoned areas, as provided for in Section 19.36 of the Thurston County Code.

.12.030 Siting Standards

1. Building Height. No structure in any shoreline environment shall exceed a height of 35 feet above the average ground level of its foundation. Provided that the Legislative Body may grant permits for structures over 35 feet in height, if in addition to the other standards of this Code, it can be shown by the applicant that the proposed structure will not interfere with the views of nearby properties or alter the visual character of the shoreline environment.

2. Shoreline setback. All non-water-dependent structures shall be set back a minimum of 50 feet from the ordinary high water mark on all shorelines, except where otherwise established in this ordinance. Provided that, where an existing, historic, and commonly used setback has been established which is greater than the setback established by this ordinance for a particular use in a particular environment, the use shall be located in conformance with the historic setback line. All yard and setback measurements under this chapter shall be taken from the maximum extension of any structures whether such extension be the eaves, a porch or foundation."

3. Yard Requirements. Side and rear yard setbacks and street setbacks shall conform to the underlying zoning ordinance or, in unzoned areas, shall be as follows, except as otherwise provided in this ordinance:

   (a) Side: There shall be a side setback of at least 10 feet between any structure and the side property lines of the property on which the structure is located.

   (b) Rear: There shall be a rear setback of not less than fifteen feet between any primary use structure and the rear property line of the property on which it is located. Accessory buildings may be located in the rear yard provided they shall maintain a setback of at least five (5) feet from any property line, and not encroach on any public easement; and, further provided that any applicable street setbacks are observed.

   (c) Street: There shall be a minimum setback for all structures of 50 feet from the center line of any flanking or fronting public street.

4. Lot size. Except as otherwise provided by this ordinance, the minimum lot size for all lots within the shoreline jurisdication shall be 9,600 square feet.

5. Buffers. In the Natural Environment an undisturbed vegetative buffer of at least fifty (50) feet must be maintained along all water bodies.

.12.040 Flood Hazardous Areas

1. No permanent non-water-dependent structures liable to damage by floodwaters shall be erected in the one hundred year floodway of any stream.

2. Structures shall be allowed in the one hundred year floodplain of a stream only in accordance with applicable Federal, State and local floodplain management regulations.

.12.050 Development of Land Adjacent to Shorelines

1. Development of land adjacent to the shoreline jurisdictional area shall be consistent with the policies of the Thurston Region Shoreline Master Program.

2. The entirety of any project including development of a shoreline area as an integral part, shall be in conformance with this chapter, regardless of whether or not the entire project is within the shoreline jurisdictional area.

.12.060 Accessory Uses

Accessory buildings, structures or uses may be allowed in conjunction with any shoreline permit.

.13 AGRICULTURAL PRACTICES

.13.010 Scope

Cultivation of the soil, tilling, raising of crops, horticulture, keeping or raising of livestock, agriculturally oriented storage, processing and management activities and structures.

.13.020 General Regulations

1. Agricultural operations shall not substantially change the character of the environment or cause harmful ecological impact.

2. Erosion control measures such as crop rotation, contour cultivation, mulching, strip cropping and others shall conform to the standards and guidelines established by the Soil Conservation Service.

3. The location of a confinement lot, feed lots, or other confined livestock and poultry operations shall be in accordance with P.L. 92-500, Section 402 and the regulations as provided in the Federal Register of July 5, 1973, and regulations adopted thereafter.

4. The management of confinement lots shall follow, where applicable, the operational guidelines of Livestock Waste Management Guidelines

(E.M. 3479, Cooperative Extension Service, W.S.U., June 1971, or Guidelines for Handling Livestock Wastes for Western Washington (DOE publication).

5. Transporting, handling, storing, loading, applying and disposing of chemicals or chemical containers shall follow the Washington Pesticide Application Regulations, WAC 16.235.020.

6. Aerial application of pesticides shall leave a buffer strip of one swath width untreated on each side of every body of water except those pesticides registered for water application.

7. Ground application of pesticides and fertilizer shall leave unsprayed a buffer strip of at least 10 feet on each side of any body of water.

   a. The buffer strip shall be of vegetation natural to the area

   b. If the slope of the buffer strip is less than 10% then the 10 foot buffer applies.

   c. If the slope of the buffer strip is over 10% or if fertilizer or pesticide application occurs from November 1 through March 31, a 50 foot buffer is required.

   d. Tree cutting in a buffer area is to be prohibited except where bank stability is endangered by a falling tree.

8. The landowner should immediately report any chemical accidents as follows:

People or livestock:	Department of Social and Health Services
Fish kill:	Department of Ecology
Crop kill:	U.S. Department of Agriculture

9. Agricultural practices which in the judgement of the Soil Conservation Service would permit large quantities of soil and other sediment to enter the water through surface erosion are prohibited.

.13.030 Urban Environment

The following agricultural activities are permitted in the Urban Environment:

1. Cultivation of land for the production of agricultural products.

2. Grazing of livestock.

3. By conditional use permit: Agricultural processing plants, feed mills, packing plants and warehouses.

.13.040 Rural Environment

The following agricultural activities are permitted in the Rural Environment:

1. Cultivation of land for the production of agricultural products.

2. Grazing of livestock.

3. By conditional use permit: Feed lots, confinement feeding operations, agricultural processing plants, feed mills, packing plants and warehouses.

.13.050 Conservancy Environment

The following agricultural activities are permitted in the Conservancy Environment:

1. Cultivation of land for the production of agricultural products, provided, that such operations do not involve major construction or activities which substantially change the character of the environment.

2. Grazing of livestock.

.13.060 Natural Environment

Grazing of livestock is permitted in the Natural Environment, provided:

1. The character of the environment is not changed.

2. No harmful ecological impact results.

3. Extensive clearing is not required.

.14 AQUACULTURE

.14.010 Scope

Culture, farming, harvesting or processing of food fish, shellfish or other aquatic plants and animals including associated equipment and buildings.

.14.020 General Regulations

1. Aquacultural activities or structures which would substantially change the character of the environment or degrade water quality are prohibited.

2. Artificial aquatic habitats shall not interfere with surface navigation.

3. Habitats shall be constructed of long-lasting, non-polluting materials, and secured so as to remain in their original position during periods of heavy current and wave action.

.14.030 Urban Environment

The following aquacultural activities are permitted in the Urban Environment:

1. Low intensity aquacultural practices.

2. Processing of aquacultural products.

.14.040 Rural Environment.

The following aquacultural activities are permitted in the Rural Environment:

1. Low, moderate and high intensity aquacultural practices.

2. By conditional use permit - processing of aquacultural products.

.14.050 Conservancy Environment

The following aquacultural activities are permitted in the Conservancy Environment:

1. Low intensity aquacultural practices.

2. By conditional use permit - moderate and high intensity aquacultural practices and processing of aquacultural products.

.14.060 Natural Environment

Low intensity aquacultural practices are permitted in the Natural Environment.

.15 COMMERCIAL

.15.010 Scope

Uses involved in wholesale or retail trade or business activities.

.15.020 General Regulation

Nonwater dependent uses may not be placed over water.

.15.030 Urban Environment

The following commercial activities are permitted in the Urban Environment, provided no dock or pier shall be constructed within three hundred (300) feet of an existing commercial or public dock or pier.

1. Water-dependent commercial uses.

2. Water-oriented commercial uses.

.15.040 Rural Environment

The following commercial activities are permitted in the Rural Environment, provided no dock or pier shall be constructed within 500 feet of an existing commercial or public dock or pier:

1. Water-dependent commercial uses.

2. Water-oriented commercial uses, provided any structure to be placed within 50 feet of the ordinary high water mark of any surface water body will require a variance.

.15.050 Conservancy Environment

Water-dependent and water-oriented commercial activities are permitted by conditional use permit in the Conservancy Environment provided:

1. Development is of low intensity and collective development will not substantially alter the existing character of the area.

2. A 100 foot setback is maintained between any nonwater-dependent structure and the ordinary high water mark of any surface water body.

3. No dock or pier shall be constructed within two thousand (2,000) feet of another commercial or public dock or pier.

.15.060 Natural Environment

Commercial development is prohibited in the Natural Environment.

.16 DREDGING

.16.010 Scope

Removal or relocation of earth and/or vegetative material from the bottom of a water body for any purpose, not including clam dredging.

.16.020 General Regulations

1. All applications for substantial development permits which include dredging shall supply a dredging plan which includes the following information:

   a. location and quantity of material to be removed.

   b. method of removal.

   c. location of spoil disposal sites and measures which will be taken to protect the environment around them.

   d. plans for the protection and restoration of the wetland environment during and after dredging operations.

2. Toxic dredge spoil deposits on land shall not be placed on sites from which toxic leachates could reach shorelines and/or associated wetlands.

3. The Administrator may require that dredge disposal sites on land be completely enclosed by dikes designed to allow sediments to settle before dredge discharge water leaves the diked area. Such dikes must be protected from erosion.

4. No permit shall be issued for dredging unless it has been shown that the material to be dredged will not exceed the Environmental Protection Agency and/or Department of Ecology criteria for toxic sediments.

5. A dredging plan judged by the Administrator to be insufficient for protection or restoration of the wetland environment may cause denial of a substantial development permit.

6. Dredging for the sole purpose of obtaining landfill material is not allowed.

.16.030 Urban Environment.

The following dredging activities are allowed in the Urban Environment:

1. Dredging to deepen navigational channels.

2. Dredging to provide boat moorage facilities.

3. Dredging to bury public utilities.

4. Dredging to obtain earth material for purposes other than landfill.

.16.040 Rural And Conservancy Environments

The following dredging activities are allowed in the Rural and Conservancy Environments by conditional use permit:

1. Dredging to deepen navigational channels;

2. Dredging to provide boat moorage facilities;

3. Dredging to bury public utilities;

4. Dredging to obtain earth material for purposes other than landfill.

.16.050 Natural Environment

Dredging is not allowed in the Natural Environment.

.17 FOREST MANAGEMENT

.17.010 Scope

Timber protection, production and harvesting, including road and bridge construction necessary for logging and administrative access.

.17.020 General Regulations

1. A shoreline permit is not required for any forest management activities in shorelines of the state.

2. Along shorelines of state-wide significance timber situated within two hundred (200) feet landward of the ordinary high water mark shall only be selectively cut so that no more than thirty percent of the merchantable trees may be harvested in any ten month period; provided that other timber harvesting methods may be allowed in limited instances where topography or soil conditions render selective cutting ecologically detrimental; provided further, that clear-cutting of timber solely incidental to the preparation of land for other uses authorized by this chapter may be allowed.

3. Forest practices exempted from the shoreline permit process, including road construction necessary for logging and administrative access, shall comply with the rules and regulations adopted by the State Forest Practices Boards, WAC 222, and any subsequent forest practices legislation and applicable shoreline area regulation. Provided, roads and bridges not exempted and roads to be developed for both forest management and some other use regulated under this chapter, or roads initially developed for forest management and later utilized for another purpose which is regulated under this chapter, must comply with the road and bridge standards of this chapter.

.17.30 Urban and Rural Environments

All Forest Management activities are allowed in the Urban and Rural Environments.

.17.040 Conservancy Environment

All Forest Management Activities are allowed in the Conservancy Environment provided that no trees over 6 inch diameter forest high may be cut within 50 feet of any water body except that the minimum clearing necessary to prepare land for uses authorized by this chapter may be permitted.

.17.50 Natural Environment

The following Forest Management activities are allowed in the Natural Environment:

1. The minimum clearing necessary to prepare land for uses authorized by this chapter.

2. Preservation or restoration of indigenous vegetative growth in areas devastated by fire, insects or disease.

Provided, commercial utilization of forest resources, including roads for forest management purposes, is prohibited in the natural environment.

.18 LANDFILLING

.18.010 Scope

The filling of topographic low areas and/or creation of dry land area by filling or depositing earth material, including fill associated with retaining walls, bulkheads and other erosion control systems.

.18.020 General Regulations

1. Disposal of solid wastes is not considered landfilling for the purposes of this section.

2. Landfills shall consist of clean materials including such earth materials as clay, sand, gravel, surplus excavation material, overburden or unsuitable road building material. Some concrete and/or asphalt may be included in fill material if it is not liable to pollute ground water and is approved by the administrator. No organic debris such as wood, vegetative material or garbage may be used for fill material.

3. Landfills shall be protected against erosion with retaining walls or similar structures or by vegetation established during the first growing season following completion of the landfill.

4. Peaks and depressions of fill material shall be reduced to a gently rolling topography or a uniformly graded surface which will minimize erosion, drain properly and which will be in substantial harmony with the immediately surrounding terrain.

5. Landfill areas shall be covered with sufficient earth material to support indigenous vegetative ground cover and replanted with vegetation to blend with the surrounding environment.

6. Prior to issuance of any permit for landfilling in or along a stream, it must be demonstrated that the fill will not cause any detrimental change in flood elevations, or restrict stream flow or velocity. No fill which adversely affects the capability of a stream to carry 100 year flood flows will be allowed.

It shall be considered whether the structures or works either alone, or in combination with existing or future similar works could adversely influence the efficiency or the capacity of the floodway or adversely affect existing drainage courses or facilities. The determination of these effects shall be based on the assumption that the floodway encroachment resulting from any proposed structures or works will extend for a significant reach of the stream together with an encroachment equal in degree on the opposite side of the stream.

7. Artificial beach maintenance may be allowed by Conditional Use Permit in any environment, not withstanding other regulations of this section. Provided, such maintenance shall be by "feeding" only, with both the quality and quantity of material to be approved by the administrator.

8. Landfill to provide parking facilities is prohibited.

9. The Criteria Governing the Design and Construction of Bulkheads, Landfills, and Marinas in Puget Sound, Hood Canal, and Strait of Juan de Fuca for Protection of Fish and Shellfish Resources issued by the Washington State Department of Fisheries (February 1971) including Bulkhead Criteria for Surf Smelt (Hypomesus Pretiosus) Spawning Beaches in Puget Sound, Hood Canal, Strait of Juan de Fuca San Juan Islands and the Strait of Georgia, adopted March 21, 1974 and any subsequent supplements and amendments shall be followed.

10. Landfill which will interfere with public rights of navigation and rights corollary thereto shall not be permitted unless there is an overriding public interest.

.18.030 Urban Environment

Landfill for the purpose of developing a site for a use authorized under this program is allowed within the Urban Environment, provided, landfill associated with a dock or pier is prohibited in lakes or streams.

.18.040 Rural and Conservancy Environment

Landfill is allowed in the Rural and Conservancy Environment to prepare a site for a use authorized by this chapter, provided:

1. The landfill will not cover, fill, nor destroy any salt or fresh-water marsh, bog, 100 year floodway or swamp.

2. The landfill is not being placed to provide either vertical or horizontal separation distances for septic tank drain fields.

3. Landfill for the sole purpose of providing new land area, not associated with a use authorized under this chapter, is prohibited.

4. Landfill associated with piers or docks is prohibited.

.18.050 Natural Environment

Landfill is not permitted in the Natural Environment.

.19 MARINAS

.19.010 Scope

Facilities which provide boat launching, storage, supplies and services for small pleasure craft.

.19.020 General Regulations

1. Marinas shall conform to the commercial use regulations of this chapter.

2. Marinas shall be developed in accordance with Environmental Health Guidelines for Marina Development and Operation, April 1974, issued by the Washington State Department of Social and Health Services, and any supplements or amendments.

3. Marinas are prohibited in shallow water embayments and on spits and bars.

4. The Criteria Governing the Design and Construction of Bulkheads, Landfills, and Marinas in Puget Sound, Hood Canal, and Strait of Juan de Fuca for Protection of Fish and Shellfish Resources issued by the Washington State Department of Fisheries (February 1971) including Bulkhead Criteria for Surf Smelt (Hypomesus pretiosus) Spawning Beaches in Puget Sound, Hood Canal, Strait of Juan de Fuca San Juan Islands and the Strait of Georgia, adopted March 21, 1974 and any subsequent supplements and amendments shall be followed:

.19.030 Urban and Rural Environments

All marina facilities are allowed in the Urban and Rural Environments.

.19.040 Conservancy Environment

The following Marina facilities are allowed in the Conservancy Environment by conditional use permit:

1. Boat launching facilities
2. Marinas over conservancy bedlands only when the adjacent upland designation is rural or urban.

.19.050 Natural Environment

Marina facilities are prohibited in the Natural Environment.

.20 MINING, EXCAVATION AND DRILLING

.20.010 Scope

Removal or relocation of naturally occurring material from the earth.

.20.020 General Regulations

1. No mining operations shall be permitted which will alter, cause to alter, impede or retard the flow or direction of flow of any stream within shorelines of the state.

2. Mining operations shall be conducted in a manner which will not allow stagnant water to remain in excavations. All such excavations shall be back-filled and graded with material approved by the Administrator.

3. If mining operations reach a depth where ground water circulation is adequate to prevent stagnation, bodies of water may be left, provided that:

   a. They be compatible with uses in the area.

   b. All banks in soil, sand, gravel, and other unconsolidated materials shall be sloped to five feet below the low water line at a slope no steeper than three feet horizontal to one foot vertical. All solid rock banks shall be terraced or other measures taken to permit a person to escape from the water.

   c. Above-water reclaimed areas shall be covered with a sufficient thickness of the removed overburden to support indigenous vegetative ground cover and shall be replanted with vegetation to blend with the surrounding environment.

4. Applicants for substantial development permits shall submit a mining and reclamation plan to the Administrator describing the proposed site, quantity of material to be removed, method of removal, and measures which will be taken to protect lakes and streams from siltation and sedimentation. A surface mining plan or a reclamation plan judged by the Administrator to be insufficient for protection or restoration of the wetland environment may cause denial of a substantial development permit.

5. Reclamation of mining areas shall be complete within two years after the operation is finished or a cessation of operations of more than six consecutive months duration not set forth in an operator's mining plan or any other sufficient written notice.

6. All underground mining is prohibited in Wetland Areas.

7. The removal of sand, gravel, or rock from marine beaches and bluffs is prohibited.

.20.030 Urban, Rural and Conservancy Environments

Mining is allowed in the Urban, Rural and Conservancy Environments by conditional use permit.

.20.040 Natural Environment

Mining activities are not permitted in the Natural Environment.

.21 PORTS AND INDUSTRY

.21.010 Scope

Port - An area where public and/or private enterprises provide services and facilities for waterborne or airborne commerce.

Industry - Activities and structures involved in processing, manufacturing warehousing or packaging of raw materials or finished products.

.21.020 General Regulations

1. Development planning for a proposed port facility or industry shall be coordinated with the planning of local governmental jurisdictions governing adjacent land uses so that the development of compatible land uses occurs.

2. Issuance of a permit for the development, expansion, or alteration of a port facility shall be contingent upon the existence of emergency capabilities for controlling and eliminating crisis situations resulting from spills, leaks, or operational failures.

3. The project development plan shall incorporate the following:

   a. Evidence of water dependence.

   b. Cooperative use of service facilities by multiple concerns where possible.

   c. Information on transportation and utility service corridors, traffic circulation, access to facility and effect of the proposed project on transportation and circulation in the vicinity.

   d. Analysis of the impact upon and alteration to natural landform patterns.

   e. Methods for treatment and control of waste disposal including any storm or sanitary sewer outfalls proposed.

   f. Analysis of the impact upon ground water, hydrology, drainage patterns and soil erosion.

   g. Analysis of air quality and noise level impact.

h. Evidence demonstrating that existing ports in the region have insufficient capacity to accommodate the proposed use.

4. Water storage and handling of logs shall be subject to the following:

a. Bark and wood debris controls, together with collection and disposal facilities, must be employed at log dumps, raft building areas, and mill handling areas.

b. Logs shall not be dumped, stored or rafted where grounding will occur, except in the Urban Environment of Budd Inlet

c. Permits for free-fall dumping of logs are not allowed unless the applicant can demonstrate said procedures will not produce more waste than the easy let-down method.

d. Permits shall contain provisions for the clean up of log dumping and rafting areas, and disposal of wastes.

5. Dry land storage of logs shall be subject to the following:

a. Unpaved storage areas underlain by permeable soils shall have at least a four-foot separation between ground surface and the winter water table.

b. Dikes, drains, vegetative buffer strips or other means shall be used to ensure that surface runoff is collected and discharged at one point from the storage area. It shall be demonstrated that state water quality standards or criteria will not be violated by such runoff discharge under any conditions of flow in nearby water courses. If such demonstration is not possible, runoff shall be treated to meet state and federal standards.

.21.030 Urban Environment

The following Port and Industrial activities are allowed in the Urban Environment:

1. Water-dependent port and industrial uses.

2. By conditional use permit, water-oriented port and industrial uses.

.21.040 Rural Environment

Port and Industrial uses are prohibited in the Rural Environment, however, water log storage of logs is allowed.

.21.050 Conservancy Environment

Port, industrial and upland log storage uses are prohibited, however, water storage and handling of logs is allowed by conditional use permit.

.21.060 Natural Environment

Port and Industrial activities are not allowed in the Natural Environment.

.22 RECREATION

.22.010 Scope

Facilities for refreshment of body and mind through play, amusement or relaxation.

.22.020 General Regulations

1. Use of pesticides, herbicides and fertilizers shall be in conformance with the General Regulations for Agricultural uses.

2. Use of motorboats shall be prohibited on lakes smaller than 75 acres.

3. Public access points on lakes must provide one parking space for each ten acres of water surface.

4. Recreation facilities or structures which are not compatible with the Environmental Designation in which they are to be located are prohibited.

5. Events and temporary uses in the public interest may be approved by the Administrator in any environment, provided such uses will not damage the wetland environment.

6. Recreational developments must provide facilities for nonmotorized access, such as pedestrian, bicycle and/or equestrian path links to other recreation facilities.

.22.030 Urban Environment

All recreational uses are allowed in the Urban Environment provided:

1. Parking facilities with spaces for more than 10 automobiles shall be located at least forty feet from the ordinary high water mark.

2. At least 20% of a proposed recreational area shall be covered with trees or shrubs.

.22.040 Rural Environment

All recreational uses are allowed in the Rural Environment provided:

1. Roads, parking and vehicular camping facilities, including restrooms, shall not be located within 100 feet of the ordinary high water mark of any shoreline. Pedestrian and hiking trail access shall be provided to link upland facilities with the shoreline.

2. Recreational development which removes significant land areas from agricultural or timber production are not permitted.

.22.050 Conservancy Environment

Low intensity Recreational uses are permitted in the Conservancy Environment provided:

1. Roads, parking and vehicular camping facilities, including restrooms, shall not be located within 200 feet of the ordinary high water mark of any shoreline. Pedestrian or hiking trail access should be provided to connect upland facilities with the shoreline.

2. Use of motor vehicles off roads established for their use is prohibited.

.22.060 Natural Environment

Low intensity recreational uses may be allowed by conditional use permit in the Natural Environment provided:

1. Roads, parking or camping facilities including restrooms, shall not be located within shorelines of the state.

2. Golf courses, playing fields and other large cleared areas devoted to athletic activities are prohibited.

3. Use of pesticides, herbicides or fertilizers is prohibited.

4. Use of motor vehicles and motorboats is prohibited.

5. Whenever possible, landscaping must be done with indigenous, self-maintaining vegetation.

.23. RESEARCH AND EDUCATION

.23.010 Scope

Any development undertaken for the support of public or private research or education.

.23.020 General Regulations

1. Research and educational activities are limited to those which will not jeopardize existing populations or organisms, will not permanently alter the character of biological habitats, and will not degrade the character of the shoreline environment in which they are located. Temporary disruptions of biological systems may be permitted when a research activity will result in their restoration or improvement.

2. Permits encompassing a variety of activities over an extended period of time may be granted provided limits on the duration of approval are established by the permit issuing agency.

3. Temporary facilities necessary for the conduct of a research project must be removed at the conclusion of the prescribed research activity period.

.23.030 Urban and Rural Environment

The following Research and Education activities are allowed in the Urban and Rural Environments:

1. Water-dependent and water-oriented research activities.

2. Construction of permanent structures for Research and Education activities.

.23.040 Conservancy and Natural Environments

The following Research and Education activities are allowed in the Conservancy and Natural Environments:

1. Water-dependent and water-oriented research activities.

2. By conditional use permit: Construction of permanent structures for Research and Education activities.

.24 RESIDENTIAL DEVELOPMENT

.24.010 Scope

Activity associated with provision of human dwelling facilities, including subdivision of property, accessory buildings common to residential structures and individual utility services to residential units.

.24.020 General Regulations

1. Residential uses over the water are prohibited in all environments except as otherwise provided in this section.

2. When requested by the Administrator, preliminary plats of subdivisions and planned unit developments shall contain plans for protection of shore vegetation and control of erosion. A vegetation protection and/or erosion control plan judged by the Administrator to be insufficient for protection of the shoreline jurisdictional area may cause denial of the project.

3. The Administrator may request that plans for any residential development, including individual dwelling units, multifamily units, preliminary plats and planned unit developments show how the visual impact of development will be minimized. Visual impact reduction measures judged by the Administrator to be insufficient to protect the character of the shoreline environment or not adequate to preserve the views of neighboring property owners, insofar as possible, may cause denial of the project.

4. Storm drainage facilities shall be separate from sewage disposal facilities and must include provisions to prevent direct entry of surface water runoff into water bodies.

   If requested by the Administrator, residential development adjacent to water bodies must include provisions to prevent surface runoff water carrying fertilizer and lawn care chemicals from contaminating the water. Water quality protection provisions judged insufficient by the Administrator to protect water quality may cause denial of the development. The following methods are examples of conditions that may be employed as possible means of reducing runoff problems:

   a. Impervious surfaces shall be located ten horizontal feet from the shoreline.

   b. Artificial fertilization of soil for enhanced plant growth near the shoreline is to be avoided.

   c. Soil-binding plants are to be planted on bare areas near the shorelines. Plants not requiring harvesting or trimming of vegetative growth are preferred.

   d. Grass trimmings and other harvested vegetative material shall not be dumped in the water or near the water's edge.

5. Residential developers must reasonably demonstrate that adequate freshwater supplies are available to prevent ground water quality and quantity being endangered by overpumping.

6. Residential subdivision developments and planned unit developments shall provide access areas and/or pathways sufficient to ensure convenient access to the shoreline area within the development for all residents of the development. Residential subdivisions exceeding 10 acres in size shall also provide reasonable public access to the shoreline.

7. Developers shall ensure that utility lines including electricity, communications and street lighting will be underground, except where presence of bedrock or other obstruction makes undergrounding impractical.

8. In all environments when a building area of at least five thousand square feet is not available with a slope of less than 7%, the minimum lot area shall be increased pursuant to the following table:

Average Lot Slope	Percentage Increase in Minimum Lot Size
0-7%	0%
7-12%	25%
12-17%	50%
12-22%	100%
22+%	No building

For planned unit developments or cluster developments when one-third of the project area does not have a slope of less than 7%, the maximum allowable density shall be decreased pursuant to the following table:

Average Project Area Slope	Percentage Decrease in Project Density
0-7%	0%
7-12%	25%
12-17%	50%
17-22%	100%
22+%	No building

Provided the slope figures of this section shall be calculated using the natural slope of the property, prior to any earth moving.

9. For lots having a seacliff over 10 feet high, residential use setbacks shall be measured from the top of the cliff.

10. On lakes, private docks may not exceed nine feet in width or extend more than twenty-four feet beyond the ordinary high water mark.

.24.030 Urban Environment

The following Residential Uses are allowed in the Urban Environment provided:

A. No residential lot located on a water body within the Urban Environment shall have a shoreline frontage of less than 50 feet.
B. Non-water dependent structures must be set back at least 35 feet from the ordinary high water mark of any water body.
C. Parking lots with spaces for five or more motor vehicles shall not be located within 35 feet of the ordinary high water mark and shall be sight screened with view obstructing landscaping and/or fencing.

D. The minimum lot area shall be 9,600 square feet for each dwelling unit. The maximum density for planned unit developments or cluster developments shall be 4 dwelling units per acre.

1. Single family residences.

2. Two family residences.

3. By conditional use permit:

   a. Multifamily residences
   b. Rooming-boarding houses
   c. Group homes
   d. Fraternity-sorority houses, dormatories
   e. Planned unit developments
   f. Mobile home parks.

.24.040 Rural Environment

The following residential uses are allowed in the Rural Environment provided:

A. No residential lot located on a water body within the Rural Environment shall have a shoreline frontage of less than 100 feet.

B. Residences and accessory structures must be set back at least 50 feet from the ordinary high water mark of any water body. Provided that private boathouses may be located on marine and freshwater shorelines by conditional use permit, further provided that private boathouses are not allowed on or over lakes.

C. The minimum lot area shall be one half acre for each dwelling unit, or, for planned unit developments or cluster developments building sites may be less than one half acre provided the gross density of development shall not exceed two dwelling units per acre.

D. Impervious surfaces shall not cover more than thirty percent of any lot.

1. Single family residences.

2. By conditional use permit:

   a. Two-family residences
   b. Planned unit developments
   c. Group homes

.24.050 Conservancy Environment

The following residential uses are permitted in the Conservancy Environment provided:

A. No residential lot located on a water body within the Conservancy Environment shall have a shoreline frontage of less than 200 feet.

B. Residential and accessory structures must be setback at least 100 feet from the ordinary high water mark and from the boundary line between Conservancy and Natural Environments. Provided that private boathouses may be located on marine and freshwater shorelines by conditional use permit, further provided that private boathouses are not allowed on or over lakes.

C. The minimum lot area shall be two acres, or, for planned unit developments or cluster developments, building sites may be less than two acres provided the gross density of development shall not exceed one dwelling unit per two acres.

D. Impervious surfaces shall not cover more than 20 percent of any lot.

E. Two-family and Multifamily residences are prohibited.

1. Single-family residences.

2. By Conditional Use Permit, planned unit developments.

.24.060 Natural Environment

Single-family homes are permitted in the Natural Environment provided:

A. No residential lot located on a water body within the Natural Environment shall have a shoreline frontage of less than 300 feet.

B. Residential and accessory structures must be set back at least 100 feet from the ordinary high water mark of any water body.

C. The minimum lot area shall be ten acres.

D. Multifamily residences are prohibited.

E. Residential subdivisions shall provide a buffer strip of at least ten feet upland from the ordinary high water mark to be held for common use by residents of the development.

F. Removal of vegetation shall be limited to the minimum necessary for a residential building site, access drive and accessory buildings.

G. Private boathouses are prohibited on or over water in the Natural Environment.

.25 ROADS AND RAILROADS

.25.010 Scope

A lineal passageway for vehicular traffic including but not limited to public and private roads, highways, railways, along with associated bridges, culverts, rest areas, landscaping and bikeways.

.25.020 General Regulations

1. American Public Works Association and Washington State Highway Department design and construction standards shall be utilized for nonrail roads and bridges.

2. American Association of Railroads and Interstate Commerce Commission railroad and bridge design standards shall be utilized for railroad construction.

3. General herbicide applications for the control of roadside vegetation is not permitted; however, herbicides used to control only noxious weeds may be allowed.

4. All public roads or bridges constructed in a wetland area must include a separate, paved bikeway lane; such lane may be located outside of the highway right-of-way.

5. Where permitted to parallel shorelines, roads or railroads shall be setback a sufficient distance from the ordinary high water line to leave a useable shoreline area.

6. Storm water runoff shall not be allowed to directly enter any surface water body.

7. Disposal of surplus excavation material, overburden, and/or unsuitable road building material in wetland areas is not allowed.

8. Nonrail roads and bridges shall be the minimum size necessary to accommodate projected traffic. Such roads and bridges shall be designed as low speed, low volume, two-lane facilities wherever practical.

.25.030 Urban, Rural and Conservancy Environments

The following roads and railroads are permitted in the Urban, Rural and Conservancy Environments:

1. Local public or private access roads to serve uses permitted in the Urban, Rural and Conservancy Environment.

2. By conditional use permit, only when social, economic, environmental or engineering studies indicate the shoreline location to be the most feasible:

   a. Transportation thoroughfares including major arterials, highways and railways.

   b. Structures housing transportation facility maintenance equipment.

.25.040 Natural Environment

Access roads are permitted in the Natural Environment provided:

1. Construction of new roads or significant widening of existing roads is prohibited, except those that provide access to private residences or other activities permitted in the Natural Environment.

2. Private roads shall be no more than twelve feet in width from shoulder to shoulder. Roadways may have portions widened to twenty-two feet to provide turnouts. Turnouts may not be more than forty feet in length nor located within three hundred feet of another turnout.

3. New railroads are not allowed.

.26 SHORELINE WORKS AND STRUCTURES

.26.010 Scope

Placement of material or development of structures along the shoreline to prevent or reduce erosion or to stabilize shoreline features.

.26.020 General Regulations

1. When it appears that a project may adversely effect the natural transport of beach material, the Administrator shall require the applicant to demonstrate that downdrift property will not be damaged by loss of a beach material source or disruption of longshore transport following construction of the work or structure. When it cannot be conclusively shown that downdrift damage will not occur, the project may be denied.

2. Dikes and levees shall be located outside the one-hundred year floodway of any stream.

3. Junked automobile bodies are not to be used in any shoreline protection or bank stabilization project.

4. The Criteria Governing the Design and Construction of Bulkheads, Landfills, and Marinas in Puget Sound, Hood Canal, and Strait of Juan de Fuca for Protection of Fish and Shellfish Resources issued by the Washington State Department of Fisheries (February 1971) including Bulkhead Criteria for Surf Smelt (Hypomesus Pretiosus) Spawning Beaches in Puget Sound, Hood Canal, Strait of Juan de Fuca San Juan Islands and the Strait of Georgia, adopted March 21, 1974 and any subsequent supplements and amendments shall be followed.

5. The project must be consistent with the policies of the Shoreline Management Act.

.26.030 Urban Environment

The following shoreline works and structures are allowed in the Urban Environment:

1. Bulkheads, retaining walls and seawalls.

2. Dikes and levees

3. Riprap and bank armouring.

4. Jetties and groins.

5. Floating and stationary breakwaters.

.26.040 Rural Environment

The following shoreline works and structures are allowed in the Rural Environment:

1. Normal protective bulkheads.

2. Riprap and bank armouring.

3. Jetties and groins less than thirty feet in length.

4. Floating breakwaters less than seventy-five feet long.

5. By conditional use permit:

   a. Bulkheads other than normal protective bulkheads, and retaining walls;

   b. Dikes and levees.

   c. Jetties and groins greater than thirty feet in length.

d. Floating breakwaters greater than seventy-five feet in length and stationary breakwaters.

.26.050 Conservancy Environment

The following shoreline works and structures are allowed in the Conservancy Environment.

1. Normal protective bulkheads.

2. Riprap and bank armouring.

3. By conditional use permit:

   a. Bulkheads other than normal protective bulkheads, and retaining walls;

   b. Floating breakwaters for protection of a public access, valuable natural resources, or a valuable historic site.

   c. Dikes and levees, provided, all such structures shall be located outside the one hundred year flood plain of any stream.

.26.060 Natural Environment

Only vegetative bank stabilization is allowed in the Natural Environment.

.27 SIGNS

.27.010 Scope

Publicly displayed boards and structures whose purpose is to provide information, direction or advertising, not including traffic control devices.

.27.020 General Regulations

1. Nonilluminated signs offering the sale, lease or rental of a premise or tract of land are allowed in all environments provided that the maximum sign area is twelve (12) square feet.

2. During a political campaign, political signs are permitted in the urban, rural and conservancy environments, provided that the candidate or owner of the property on which the sign is located shall ensure that any such signs are removed within ten (10) days following the election for which the sign is intended.

3. All on-premise advertising signs on the water side of any developments along the shoreline shall be flush mounted against the building they identify.

4. Signs shall be maintained in good repair, including periodic repainting. Signs advertising businesses or activities no longer existing shall be removed by the property owners within thirty (30) days after termination of the business or activity.

5. The following types of signs are prohibited in all environments: signs obstructing visual access to the shorelines and scenic vistas from public rights-of-way, signs which may be confused with official traffic control devices, private signs within a street right-of-way, blinking signs, revolving signs and animated signs.

6. Except as otherwise provided in this section, off-premise signs are prohibited.

.27.030 Urban Environment

The following signs are permitted in the Urban Environment provided that the maximum vertical dimension of the sign itself is not more than fifteen (15) feet in industrial or commercial areas or three (3) feet in residential areas and the maximum height of the sign shall be 35 feet in industrial or commercial areas and 5 feet in residential areas:

1. On-premise signs.

2. Flush-mounted off-premise signs, provided that off-premise signs are prohibited in areas where residential uses occupy more than fifty percent of the parcels of property adjacent to the parcel on which the sign is to be placed.

.27.040 Rural and Conservancy Environments

On-premise signs are allowed in the Rural and Conservancy Environments provided the maximum vertical dimension of the sign itself is not more than three feet. Self-supporting signs may be no more than five feet high.

.27.050 Natural Environment

The following types of signs are permitted in the Natural Environment:

1. Signs identifying places of natural, historic or cultural value.

2. Trail markers, provided that such markers are made of natural materials and are no larger than necessary to identify trails.

3. Public safety markers.

.28 SOLID WASTE DISPOSAL

.28.010 Scope

Collection and disposal of solid household, institutional, commercial industrial or agricultural wastes, or waste water treatment sludges.

.28.020 General Regulations

1. Solid waste disposal within the jurisdictional limits of the Shoreline Management Act shall be limited to collection activities.

2. Solid waste disposal shall be in conformance with the Thurston County Comprehensive Solid Waste Management Plan.

.28.030 Urban, Rural, Conservancy and Natural Environment

The following solid waste disposal facilities are allowed in the shoreline jurisdictional area:

1. Garbage cans

2. Drop boxes.

.29 UTILITIES

.29.010 Scope

Facilities which transport or provide water, petroleum products, electric, natural gas, sewage or communication service, including control, collection, transmission, distribution structures and lines and power generation facilities.

.29.020 General Regulations

1. Applicants for permits to locate utility lines in the shoreline jurisdictional area shall submit a location plan with their application which shows existing utility routes in the vicinity of the proposed utility line. Failure of utility lines to follow existing routes, where feasible, may cause denial of the permits.

2. All utility facilities shall be located on lots or routes no larger than necessary.

3. Applicants for permits involving any work which disrupts the environment shall submit a reclamation plan which provides for revegetation and protection of wetland areas from erosion. Reclamation plans judged by the Administrator to be insufficient for the protection or restoration of the wetland environment may cause denial of the permits.

4. Utility services accessory to individual projects shall be regulated by the specific use regulations for the activity in addition to the standards of this section and shall not require separate substantial development permits for utility service installations.

5. Where feasible, utilities shall be placed underground unless such undergrounding would be economically or technically prohibitive or significantly detrimental to the environment.

6. Where undergrounding is not feasible, above-ground utility routes shall not be run parallel to the shoreline within the shoreline jurisdictional area.

7. Utility facilities shall be designed for minimal environmental and aesthetic impact and shall be coordinated with local comprehensive plans.

8. Underwater utilities shall be located at a depth sufficient to prevent interference between the utility and other shoreline use activities.

9. All utility facilities must provide safeguards to ensure that no long-term damage will be caused to the adjacent or downstream environment should an accident occur involving the utility.

10. No discharge of waste material which could result in decertification of aquacultural areas or products or cause lowering of water quality ratings by the Thurston-Mason Health District, Department of Natural Resources, Department of Ecology, Department of Social and Health Services, or other federal, state or local agency is allowed.

.29.030 Urban and Rural Environments

The following utility facilities are allowed in the Urban and Rural Environments:

1. Utility lines.

2. By conditional use permit:

   a. Control, collection or distribution facilities including telephone exchanges, sewage treatment plants, water reservoirs, electrical substations and gas metering stations.

   b. Power generating facilities.

.29.040 Conservancy Environment

The following utility facilities are allowed in the Conservancy Environment:

1. Utility distribution lines.

2. By conditonal use permit, utility transmission lines.

.29.050 Natural Environment

Utilities are not permitted in the Natural Environment.

ADMINISTRATION

.35 SHORELINES OF STATE-WIDE SIGNIFICANCE

.35.010 Listed

The following Thurston County shorelines have been designated as shorelines of state-wide significance:

1. All portions of Puget Sound lying seaward from the line of extreme low tide;
2. The area on Nisqually Delta from DeWolf Bight to the Pierce County line that lies between the ordinary high water mark and the line of extreme low tide;
3. Alder Lake;
4. The Nisqually River;
5. The Chehalis River;
6. Those wetlands associated with 2, 3, 4 and 5 above.

.35.020 Priorities for Use

In accordance with the Shoreline Management Act of 1971, the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. Preference to uses shall be given in the following order of priority, (in the language of the Shoreline Management Act of 1971):

1. Recognize and protect the state-wide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long-term over short-term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly-owned areas of the shores;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

.36 RESTRICTIONS AS AFFECTING FAIR MARKET VALUE OF PROPERTY

The restrictions imposed by these regulations shall be considered by the Thurston County Assessor in establishing the fair market value of property pursuant to RCW 90.58.290.

.37 PERMIT PROCESSING PROCEDURE

.37.010 Application

The Administrator will provide the necessary application forms for shoreline management substantial development permits, conditional use permits, variances and local flood management permits when the flood management permit application is to be processed concurrently with a shoreline management permit or variance application.

.37.020 Submission

Completed applications shall be submitted to the Administrator for processing. The Administrator shall immediately evaluate the application materials to determine if it is complete and if all necessary shoreline and flood approvals have been requested. Any deficiencies in the application must be corrected by the applicant prior to processing the application materials.

.37.030 Scheduling

Once the application is completed and accepted for processing, the Administrator shall schedule a date for public hearing on the proposal before the Planning Commission. Such date must be consistent with the closing date schedule established by the Secretary of the Planning Commission. For the purpose of scheduling a public hearing, the date of completion of the application shall be considered the date of application.

.37.040 Notice

Once the application is completed, the Administrator shall insure that notices thereof are published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. In addition, the Administrator shall insure that additional notice of such application is given by at least one of the following methods:

1. Mailing to the latest recorded real property owners, as shown by the county assessor, within at least three hundred (300) feet of the boundary of the property upon which the substantial development is proposed;

2. Posting in a conspicuous manner on the property upon which the project is to be constructed or;

3. Any other manner deemed appropriate by the Administrator to accomplish the objectives of reasonable notice to adjacent landowners and the public.

Such notices shall be given or mailed at least thirty (30) days before the date of final local action. An affidavit of publication that the notice has been property published, and/or as applicable, posted or deposited in the U.S. mail pursuant to this section shall be affixed to the application. Within thirty days (30) of the final publication, posting or mailing of the notice, whichever comes last, any interested person may submit his written views upon the application to the Administrator or notify the Administrator of his desire to receive a copy of the action taken upon the application. All persons who so submit their views, and all other who do so notify the Administrator, shall be notified in a timely manner of the action taken upon the application. All notices, shall contain a brief statement on the nature of proposed development, location of the development, applicant's name, date of hearing, location of hearing and place of hearing.

.37.050 Planning Commission Hearing

Every application for a shoreline permit shall be submitted to the Planning Commission for public hearing. Following its public hearing, the Planning Commission shall submit its recommendation and findings of fact to the Legislative Body. Such report shall be sent to the Legislative Body within fourteen days of its adoption by the Planning Commission.

.37.060 Action By Legislative Body

Upon receipt of the Planning Commission's report, the Legislative Body shall either approve, conditionally approve or deny the application at a public meeting or hearing. In conditionally approving a permit the Legislative Body may attach conditions, modifications or restrictions.

.37.070 Filing of Decision

Copies of the original application, affidavit of notice, site plan, vicinity map, and other pertinent materials used in the final decision pursuant to either chapter 90.58 RCW or chapter 43.21C RCW, the permit and any other written evidence of the final order of the Legislative Body relative to the application shall be filed by the Administrator with the Department of Ecology and Attorney General within eight days of the final decision. Filing shall not be complete until the final order has actually been received by the regional office of the Department of Ecology within which the project lies.

.37.080 Authorization of Development

Development pursuant to the granting of a substantial development permit shall not begin and shall not be authorized until thirty days from the date the final order is filed with the Department of Ecology or in the case of a conditional use permit or variance until thirty days from the date the final order is filed with local government by the Department of Ecology, or until all review proceedings initiated within thirty days of such filing have been terminated.

.37.090 Appeal

Any person aggrieved by the granting, denying, rescission or modification of a shoreline substantial development permit, may seek review by the Shorelines Hearings Board by filing an original and one copy of request for review with the Hearings Board within thirty days of receipt by the Department of Ecology of the final order of the local government; or within thirty days of the receipt by local government of the final order of the Department of Ecology in the case of a variance or conditional use permit; or within thirty days of the denial by local government of a conditional use or variance permit. Concurrently, with the filing of request for review with the Hearings Board, the person seeking review shall file a copy of

the request for review with the Department of Ecology. the Attorney General and the local government. All procedures shall comply with 90.58.180 RCW.

.37.100 Time Limit For Action

Applications for shoreline permits shall be approved, disapproved or returned to the applicant for modification or correction within 120 days from the date of the first public hearing provided, that if an environmental impact statement is required, the 120 days shall not include time spent preparing and circulating the environmental impact statement.

.37.110 Duration of Permits

1. Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to this Program must be undertaken within two years after the approval of the permit by the Legislative Body or the end of appeal processes, if such have been initiated, or the permit shall terminate. If a project for which a permit has been granted has not begun within two years, the Planning Commission may, at the request of the permittee, review the permit and upon a showing of good cause, recommend to the Legislative Body to extend the permit for one year. Consecutive one year extensions may be granted by the method of yearly review, such extensions shall not extend the total duration of an unused permit more than five years. An application for an extension must be filed with the Planning Department prior to the date on which the permit would expire.

2. No permit authorizing construction shall extend for a term of more than five years. If a project for which a permit has been granted has not been completed within five years after the approval of the permit by the local government, the Planning Commission may, at the request of the permit holder, review the permit and upon a showing of good cause may recommend to extend the permit for one year to the Legislative Body; otherwise, the permit terminates. Application for extension must be made prior to expiration of the shoreline permit and no retroactive extensions may be granted.

.37.120 Revisions to Substantial Development Permits

1. When an applicant seeks to revise a substantial development permit the applicant shall submit detailed plans and text describing the proposed changed in the permit. If the Administrator determines that the proposed changes are within the scope and intent of the original permit, the Administrator may approve a revision. The revised permit shall become effective immediately. The approved revision along with copies of the revised site plan and text, should be submitted by certified mail to the Department of Ecology Regional Office, the Attorney General, and to persons who have

previously notified local government relative to the original application pursuant to Section __.37.040. Appeals shall be in accordance with Section __.37.090 and shall be filed within fifteen days from the date of certified mailing. The party seeking review shall have the burden of proving the revision granted was not within the scope and intent of the original permit.

2. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new substantial development permit in the manner provided for herein.

"Within the scope and intent of the original permit" shall be construed to mean the following:

(a) No additional over-water construction will be involved;

(b) Lot coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit: PROVIDED, That revisions involving new structures not shown on the original site plan shall require a new substantial development permit, and: FURTHER PROVIDED, That any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of the Master Program for the area in which the project is located. Landscaping may be added to a project without necessitating an application for a new substantial development permit: PROVIDED, That the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the Master Program for the area in which the project is located.

(c) No additional significant adverse environmental impact will be caused by the project revision.

.37.130 Rescission of Shoreline Permits

The Administrator, upon finding that a project is not in conformity with the terms of the Master Program, the Act or the shoreline permit issued for the project shall issue or cause to be issued a stop work order. Upon issuance of the order, all work associated with the project, except that work deemed necessary by the Administrator to prevent damage to the environment or loss of life, must be halted.

Following such an order, the Administrator shall notify the Legislative Body which may rescind any shoreline permits associated with the project. Such rescission shall only be done at a public hearing upon a finding by the Legislative Body that the project is not in conformity with the terms of the Master Program, the Act or the shoreline permit issued for the project. The applicant must be sent written notice at least seven days prior to such hearing, unless he/she waives his/her right to such notice.

.38 CONDITIONAL USE

Conditional uses are those uses which may in limited instances be permitted to locate in shoreline areas, but are usually seen as uses which either do not strictly need shoreline location, or which have characteristics which may need to be conditional in order to be compatible with the shoreline environment. It is understood, however, that there may be special circumstances or a special type or style of conditional use that would make shoreline siting of special cases acceptable under the goals, policies, and intentions of the Master Program and the policies of the Act. Potential conditional uses are specified in the Master Program.

.38.010 Application

The procedure for obtaining permission to create or conduct a conditional use is the same as the substantial development permit procedure, and the applicant may, when appropriate, make a joint application for the substantial development permit and for the conditional use permit. Application forms for conditional use permits are to be supplied by the Administrator. The applicant must supply evidence, information or agreements indicating that the following conditions will be met:

1. Extraordinary circumstances make a shoreline site necessary for the proposed use, or that the particular site applied for is essential for this use, and that denial of the conditional use request would create a hardship on the applicant to locate the proposed use anywhere outside the shoreline jurisdictional area.

2. The design of the proposed use will make it compatible with the environment in which it will be placed.

3. No aspect of water, air, noise and other classes of pollution will be more severe than the pollution resulting from the uses which are permitted in the particular environment. Intensity and duration of pollution must be considered.

4. None of the goals, policy statements or specific provisions of the Act or the Master Program would be violated, abrogated, or ignored.

5. No other applicable regulations will be violated.

6. The use will not interfere with public use of public shorelines or have substantial negative impact on the public interest.

7. The Master Program names the proposed use as a potential conditional use.

.38.020 Standards Mandatory

Failure to satisfy any one of the provision of Section __.38 010 shall cause denial of the conditional use application.

.38.030 Procedure

Review and hearing procedures shall be as established in Section __.37. If action by the Legislative Body is affirmative, the specific conditions of approval shall be written on the permit issued to the applicant.

.38.040 Department of Ecology Review

A decision by the Legislative Body granting conditional use applications is preliminary pending a final decision by the Department of Ecology as provided in RCW 90.58.140. D.O.E.'s review period shall be thirty (30) days. Failure by the Department to act within 30 days shall indicate concurrence with the decision of the Legislative Body.

.39 VARIANCE

It is understood that these regulations may cause unnecessary hardships in particular situations, or that these regulations may be unreasonable in light of new evidence, technology, or other special circumstances and that the goals and policies of the Master Program may not necessarily be served by the strict application of these regulations. Therefore, when the applicant feels that such special conditions apply to him, he can request a variance from these regulations.

.39.010 Application

The variance procedure is the same as the substantial development permit procedure. An applicant may, when appropriate, make joint application for the permit and variance to any of these regulations which he deems unreasonable, or provoking an unnecessary hardship in his case. The applicant must identify each of the provisions in these regulations from which a variance is requested. Should a conditional use also be requested, then all three actions: (a) substantial development permit, (b) conditional use, and (c) variance may be requested in the same application. Application forms for variances are to be supplied by the Administrator. The applicant shall submit information or evidence demonstrating all of the following:

1. That the hardship which serves as basis for granting of a variance is specifically related to the property of the applicant and is brought about by extraordinary circumstances.

2. That the hardship results from the application of the requirements of the Act and Master Program and not from, for example, deed restrictions or the applicant's own actions.

3. That the variance granted will be in harmony with the general purpose and intent of the Master Program.

4. That the variance requested is the minimum variance necessary to allow the applicant to make reasonable use of his/her property.

5. That the public welfare and interest will be preserved.

.39.020 Standards Mandatory

Failure to satisfy any one of the provisions of Section __.39.010 will result in denial of the variance. The medium of variance is to be used only for the relaxation of these regulations as they apply to a permitted use, or in conjunction with an application for a conditional use. Under no circumstances shall a variance be granted to allow a use not permissible under the terms of these regulations in the environment involved. Nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for variance.

.30.030 Procedure

Review and hearing procedures shall be as established in Section __.37

.39.040 Department of Ecology Review

A decision by the Legislative Body granting variance applications is preliminary pending a final decision by the Department of Ecology as provided in RCW 90.58.140. D.O.E.'s review period shall be thirty (30) days. Failure by the Department to act within thirty days shall indicate concurrence with the decision of the Legislative Body.

.40 AMENDMENTS

.40.010 Initiation

The text of this Master Program, the jurisdictional area or environmental designations may be amended by the Legislative Body. An amendment may be initiated by the Legislative Body, a citizen, the Planning Commission, or a private organization. The Administrator shall provide application forms.

.40.020 Content

Applications for amendment shall contain the following information as a minimum.

1. Text amendments.
   a. The specific part(s) of the Program proposed for change and specific alternate or additional language.

   b. A written statement indicating in detail why the applicant feels the amendment to be necessary.

   c. Relationship of the proposed amendment to the public interest of the local jurisdiction.

   d. Information establishing that the proposed amendment would be consistent with the Shoreline Management Act.

2. Jurisdicational area
   a. The names and addresses of all real property owners within the area to be included in or deleted from the shorelines jurisdiction. The application must be signed by at least 51% (by area) of the listed property owners. Such names and addresses shall be as listed on the County Assessor's current records.

   b. The names and addresses of all recorded owners of property lying within five hundred feet of the exterior boundary of the property to be included in or deleted from the shorelines jurisdiction. Such names and addresses shall be as listed on the County Assessor's current records.

   c. Specific location of any flood plains, floodways, bogs, marshes, and wetlands in the subject area.

   d. Location of the ordinary high water mark of all surface water bodies as such marks relate to the former and proposed jurisdictional areas.

   e. Information demonstrating the necessity of the proposed change.

   f. Evidence that the public interest will not be substantially injured.

3. Environmental Designation:

   a. Legal description of property proposed for reclassification.

   b. The specific environmental designation proposed to be applied to the site.

   c. A written statement indicating in detail why the applicant feels the reclassification is necessary.

d. The names and addresses of all recorded owners of property lying within the reclassification boundaries. The application must be signed by at least 51% (by area) of the above-listed property owners. Such names and addresses shall be as listed on the County Assessor's current records.

e. The names and addresses of all recorded owners of property lying within 500 feet of the exterior boundary of the area proposed for reclassification. Such names and addresses shall be as listed on the County Assessor's current records.

.40.030 Procedure

Review and hearing procedures shall be as established in Section ___.37.

.40.040 Department of Ecology Review

All amendments must be submitted to the Department of Ecology for review. No amendment to the Master Program shall become effective until it has been approved by the Department of Ecology.

.41 NONCONFORMITY

.41.010 General

To benefit from the protection herein provided, the nonconforming use, building or structure must have been legitimately and lawfully established prior to the adoption of this Master Program which rendered it nonconforming. Project sponsors must demonstrate that all permits initially required for the use, building or structure had been obtained. The mere presence of a building, structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use, unless the building, structure, equipment, or material is actually being occupied or employed in maintaining such use.

.41.020 Alterations of Nonconforming Building or Structure

Any building or structure nonconforming only as to site coverage, yard, height, slope or density provisions of the Program may be enlarged, remodeled or added to if such alterations do not contribute to further nonconformity; PROVIDED, HOWEVER, if the cost of such additions, alterations, or repairs within any twelve month period exceeds fifty percent of the actual value of the building or structure, such building or structure shall be made to conform with the provisions of this Program.

.41.030 Relocation of Nonconforming Building or Structure

Nonconforming buildings or structures shall not be relocated on the same site unless the move results in bringing the building or structure into closer conformance with the provisions of this chapter.

.41.040 Conversions of Nonconforming Use

A nonconforming use may be changed to a permitted use at any time.

.41.050 Relocation, Remodeling and Enlargement of Nonconforming Use

The area devoted to a nonconforming use shall not be relocated or enlarged. Structures housing nonconforming uses may be remodeled or repaired provided the value of such work does not exceed fourty percent of the value of the structure.

.41.060 Resumption of Discontinued or Abandoned Nonconforming Use

A nonconforming use, when abandoned or discontinued, shall not be resumed. Discontinuation or abandonment shall occur:

1. When land used for a nonconforming use shall cease to be used for that particular use for six consecutive months; or

2. When a building designed or arranged for a nonconforming use shall cease to be used for that particular use for twelve consecutive months; or

3. When the use of a building, designed or arranged for a conforming use but used for a nonconforming use, is discontinued for six consecutive months.

.41.070 Restoration

In the event that a nonconforming structure or building or portion of a building containing a nonconforming use is less than fifty percent destroyed by fire, explosion, natural catastrophe, or act of public enemy, nothing in this Program shall prevent the restoration of the nonconforming structure, building or use, so long as restoration does not increase the degree of noncomformity and is completed within one year after the partial destruction. The determination of whether a building or structure is less than fifty percent destroyed shall rest with the building department and shall be based on the actual cost of replacing said structure or building. In the event that fifty percent or more of the structure, building or portion thereof is destroyed, then restoration shall not be permitted.

.41.080 Lots of Record

Undeveloped lots of record legally existing on or before April 30, 1974, which are too small for use under this Program, may be utilized for uses allowed under the Program and by local zoning provided the Administrator determines that:

1. The proposed use is in general conformity with these regulations.

2. The public interest will not be substantially injured by the proposal.

3. The configuration of the proposed use minimizes the extent of its nonconformity while at the same time allowing a reasonable use of the property.

The creation of new lots after the effective date of this Program must conform to the regulations; PROVIDED, that if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on April 30, 1974, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Program, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Program.

.42 FEES

The following fees shall be paid to the Planning Department upon submittal of an application.

Shoreline Substantial Development Permit

Projects under $100,000 value.....$50
Projects over $100,000 value.....$150

Shoreline Conditional Use Permit.....$100

Amendments to the Master Program.....$50

Variance.....$50

No variance fee will be charged if the variance is requested in conjunction with one of the above-listed permits.

.43 INSPECTION

The authorized representatives of the local government may inspect properties as necessary to determine whether permitees have complied with conditions of their respective permits. Whenever there is reasonable cause to believe that development has occurred on any premises in violation of the Shoreline Management Act of 1971, and of this Program, authorized representatives may enter upon such premises at all reasonable times to inspect the same.

.44 ADMINISTRATIVE APPEALS

.44.010 Time Limit

Administrative appeals may be taken to the Board of Adjustment (or Town Council, where no Board of Adjustment exists) by any person aggrieved, or by any officer, department, board or bureau of the local government affected by any decision of an administrative official. The appeals shall be filed in writing in duplicate with the Board of Adjustment within twenty days of the date of the action being appealed.

.44.020 Notice of Time and Place

Upon the filing of any appeal from an administrative determination, the Secretary of the Board of Adjustment shall set the time and place at which the matter will be considered. At least a ten-day notice of such time and place together with one copy of the written appeal, shall be given to the official whose decision is being appealed. At least ten days notice of the time and place shall also be given to the adverse parties of record in the case. The officer from whom the appeal is being taken shall forthwith transmit to the Board of Adjustment all of the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent.

.44.030 Stay of Proceedings

An administrative appeal stays all local government proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay, would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

.44.040 Scope of Authority

The Board of Adjustment may, in conformity with this section, reverse or reaffirm, wholly or in part, or may modify the order requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

.45 PENALTIES

.45.010 General

Any person found to have willfully engaged in activities on the shorelines of Thurston Region in violation of the Shoreline Management Act of 1971 or in violation of the Master Program, rules or regulations adopted pursuant thereto, shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five dollars ($25) nor more than one thousand dollars ($1,000) or by imprisonment for not more than ninety days, or by both such fine and imprisonment; PROVIDED, that the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred dollars ($500) nor more than ten thousand dollars ($10,000).

.45.020 Action

The Prosecuting Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the county in conflict with the provisions of this Program or the Shoreline Management Act of 1971, and to otherwise enforce the provisions of this Program and the Shoreline Management Act of 1971.

.45.030 Liable for Damages

Any person who violates any provision of this Program, or the provisions of adopted ordinances, or permits issued pursuant thereto, shall be liable for all damage to public or private property arising from such violation including the cost of restoring the affected area to its condition prior to such violation. The Prosecuting Attorney shall bring suit for damages under this section on behalf of the local government. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its descretion may award attorney's fees and costs of the suit to the prevailing party. (These penalities are included as provisions of the Shoreline Management Act of 1971 - RCW 90.58.210-230.)

.46 INTERPRETATION

Where the provisions of these regulations may be unclear in special circumstances, or where judgement must be made because of the nature of the language used, the Administrator shall make the necessary interpretations and judgments.

.47 SEVERABILITY

If any provision of this Program or its application to any person or legal entity or circumstances is held invalid, the remainder of the Program, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

.48 ADOPTION AND EFFECTIVE DATE

This Ordinance is hereby declared necessary to meet the obligations and responsiblities now upon _____ and is hereby adopted and shall take effect on the _____ day of _____, 1977.

_____, Washington

By_____

_____

_____

Attest:

_____

Approved as to form:

_____

_____, Attorney

CHAPTER V

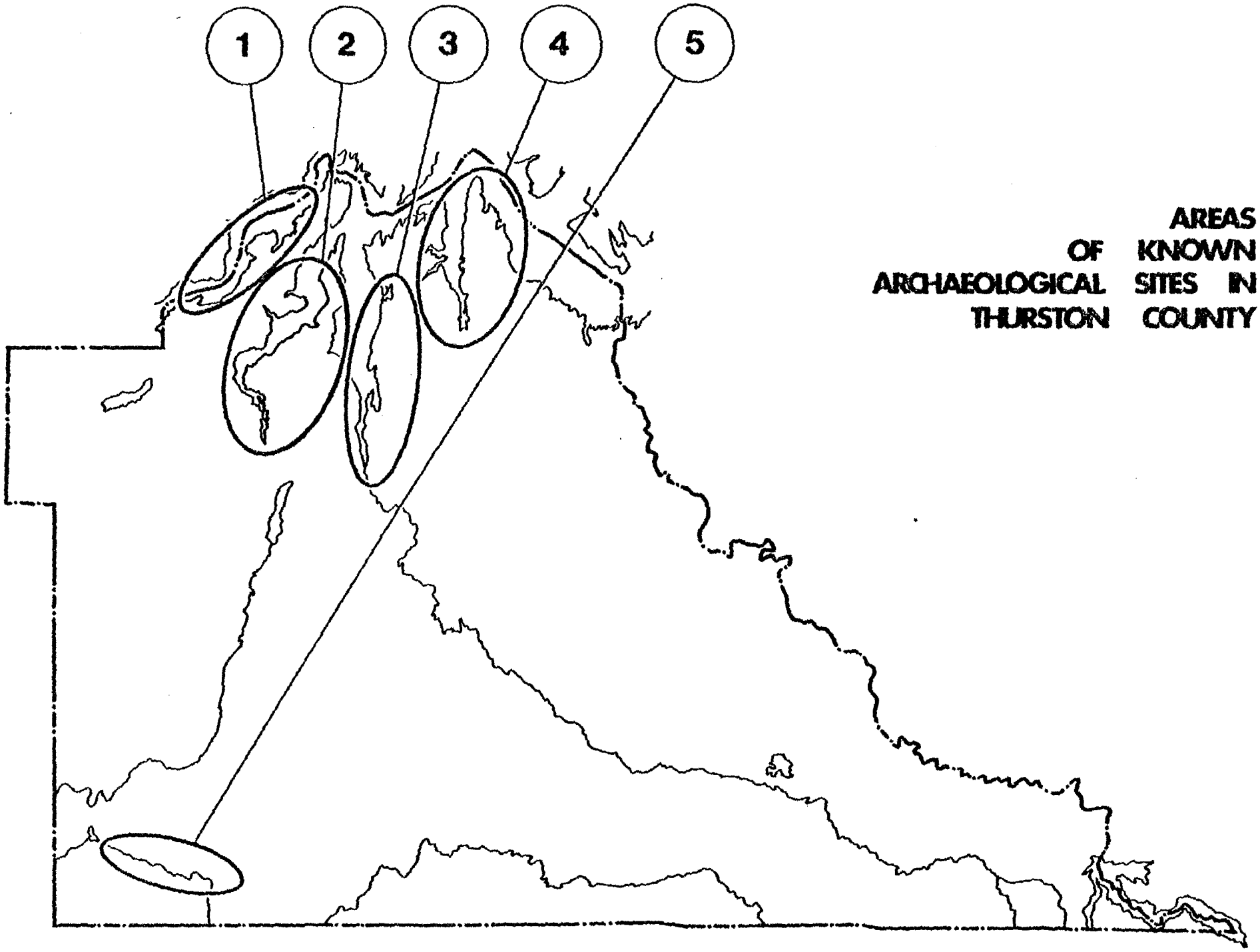
KNOWN ARCHAEOLOGICAL SITES WITHIN THE SHORELINE AREAS OF THURSTON COUNTY

As of December, 1973, there were 45 known archaeological sites on the Shorelines of Thurston County. The number of sites is by no means exhaustive as Thurston County has received only limited archaeological survey. The site locations are not precisely identified in order to protect them from relic collectors.

According to the Washington Archaeological Research Center, additional sites may be expected to be found along water courses and lakes anywhere in the County. Any suspected sites of potential archaeological significance should be reported to the Washington Archaeological Research Center.

Known Archaeological Sites on the
Shorelines of Thurston County

	Area	Sites
1.	Totten Inlet	4
2.	Eld Inlet	29
3.	Budd Inlet: Lower Deschutes	4
4.	Henderson Inlet: Johnson Point	4
5.	Chehalis River	4
	TOTAL	45

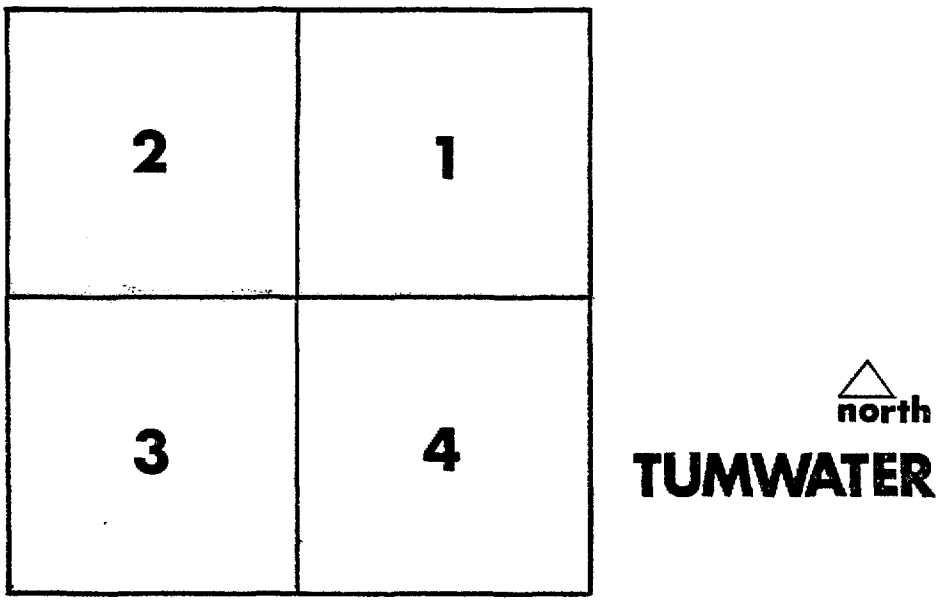


AREAS OF KNOWN ARCHAEOLOGICAL SITES IN THURSTON COUNTY

CHAPTER VI

ENVIRONMENTAL DESIGNATION MAPS AND LEGAL BOUNDARIES

The map key on the following page indicates how to find a specific site and its environmental designation in the maps of this section. United States Geological Survey maps are used for the purpose of this Program. Each quad map (for example, Tumwater) has been broken into four parts (Tumwater 1, 2, 3, and 4) according to the following sketch:

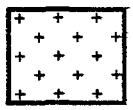


Each page of the map section is one-quarter of a quad. The maps are arranged in the following manner:

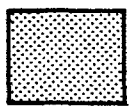
Shelton	A	Parts 1, 3, 4
Rochester	B	Parts 1, 2, 3, 4
Squaxin Island	C	Parts 1, 2
Longbranch	D	Parts 1, 2
Tumwater	E	Parts 1, 2, 3, 4
Lacey	F	Parts 1, 2, 3, 4
Nisqually	G	Parts 2, 3, 4
Maytown	H	Parts 1, 2, 3, 4
East Olympia	I	Parts 1, 2, 3, 4
Weir Prairie	J	Parts 1, 2, 3, 4
McKenna	K	Parts 1, 2, 3, 4
Tenino SW	L	Parts 1, 2, 3, 4

Bucoda	M	Parts 1, 2, 3, 4
Vail	N	Parts 1, 2, 3, 4
Lake Lawrence	O	Parts 1, 2, 3, 4
Ohop Valley	P	Parts 2, 3, 4
Kapowsin	Q	Part 3

The presence of a pattern over a land or swamp area indicates that it is under the jurisdiction of the Shoreline Management Act of 1971. The specific pattern designates one of the following environments:

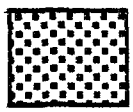


Natural



Conservancy

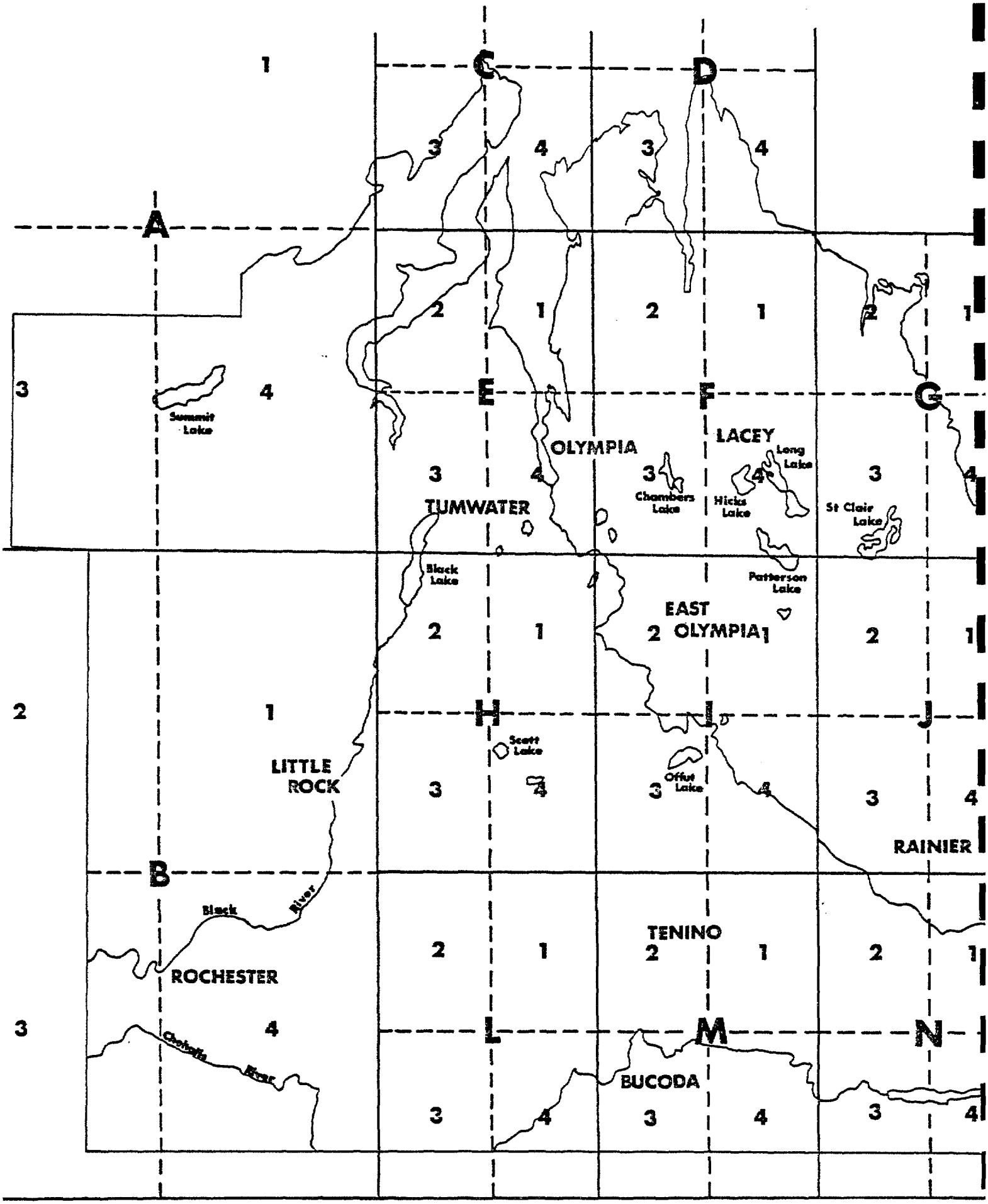
Rural



Urban

(See Aquatic Environments, in this section, for designation of water areas.)

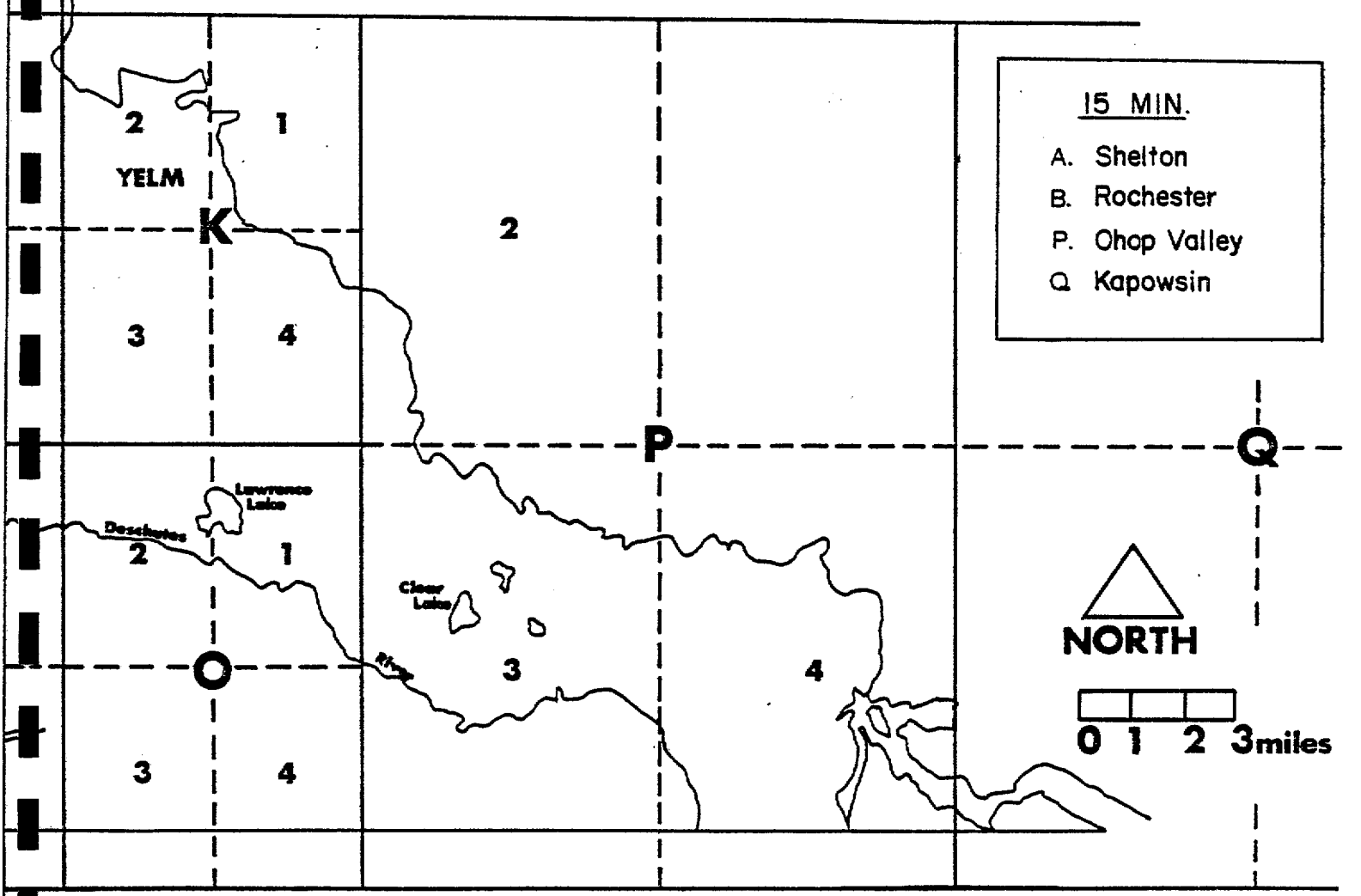
Areas that are classified as shorelines of state-wide significance are indicated in Section V.


A
B
C
D
E
F
G
H
I
J
L
M
N
Summit Lake
OLYMPIA
LACEY
Long Lake
Chambers Lake
Hicks Lake
St Clair Lake
TUMWATER
Black Lake
Patterson Lake
EAST OLYMPIA
Scott Lake
Offut Lake
LITTLE ROCK
RAINIER
Black River
TENINO
ROCHESTER
Chehalis River
BUCODA

ENVIRONMENTAL DESIGNATIONS MAP KEY

U.S.G.S. 7.5 MIN. SERIES

C Squaxin Island	H . Maytown	M. Bucoda
D. Longbranch	I . East Olympia	N . Vail
E. Tumwater	J . Weir Prairie	O . Lake Lawrence
F. Lacey	K . McKenna	
G. Nisqually	L. . Tenino SW	



BOUNDARIES

Most of the "wetland" areas extend 200 feet landward from the line of vegetation. This 200 foot line is indicated on the maps as a dashed line (– – – –). In the case of a swamp or flood plain the boundary line is drawn at the edge of such as a solid line (————).

The 200 foot boundaries may be measured on-site. The swamp and flood plain boundaries have been mapped by the Department of Ecology. These legal maps are available for public inspection in the headquarters of the Department of Ecology in Lacey, with the Thurston County Auditor and the various City Clerks. They closely correspond with those indicated on the maps of this Program.

Boundary lines established between two adjoining environment classifications are keyed on the maps with circled numbers. A list at the end of this section gives legal or general descriptions of these boundaries.

DESIGNATION CRITERIA

1. Saltwater areas and lakes

   The wetlands shall be measured on a horizontal plane two hundred feet in all directions from the line of vegetation. If there is no vegetative cover, the measurement will be, whenever possible, from a line connecting the lines of vegetation on either side of an area; otherwise, the measurement will be from the mean higher high tide on saltwater, and the mean high water on freshwater.

2. River deltas and flood plains

   a. On river deltas and flood plains where no dikes exist, the wetland area shall be the 100 year flood plain. Where the 100 year flood cannot be determined, the wetland area shall be from toe to toe of the valley floor or 200 feet from the ordinary high water mark, whichever is greater, except in those limited instances where the designation of such an area would be contrary to the policy of Chapter 90.58 RCW.

   b. On river deltas and flood plains where dikes have been placed by governmental agencies for public benefit and reasonably protect against floods, the wetlands will be designated as follows:

      (1) Where the dike is located within two hundred feet of the ordinary high water mark, the wetlands shall be that area within two hundred feet of the ordinary high water mark.

      (2) Where the dike is located more than two hundred feet beyond the ordinary high water mark, the wetlands shall be that area lying between apex of the dike and the ordinary high water mark.

3. Marshes, bogs and swamps

If marshes, bogs and swamps which constitute associated wetlands extend more than two hundred feet beyond the ordinary high water mark of the body of water with which they are associated, their perimeters shall be the outer limit of the wetland designation. Such marshes, bogs and swamps shall be defined and designated according, but not limited to, the following definitions contained in Peat Resources of Washington, Bulletin No. 44, Department of Conservation, (1958):

a. Marsh - A low flat area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, and other aquatic or semi-aquatic plants. Shallow water usually stands on a marsh, at least during a considerable part of the year. The surface is commonly soft mud or muck, and no peat is present.

b. Bog - A depression or other undrained or poorly drained area containing, or covered with, peat (usually more than one layer) on which characteristic kinds of sedges, reeds, rushes, mosses, and other similar plants grow. In the early stages of development the vegetation is herbaceous and the peat is very wet. In middle stages the dominant vegetation, and the peat, at least near the surface, may be comparatively dry.

c. Swamp - A swamp is similar to a marsh except that reeds and shrubs comprise the characteristic vegetation. Marshes and swamps merge into each other, and both tend to merge into bogs.

In the event that any of the boundaries shown on the maps conflict with the criteria outlined above, the criteria shall control.

AQUATIC ENVIRONMENTS

Water areas are subject to the same environment classifications as are land areas, and are subject to the same regulations. The following rules shall apply:

1. All of the marine waters of the Thurston Region shall be designated "Conservancy" to the mean sea level - at which point the landward designation (which may or may not be different) begins. The following are exceptions to this rule:

   a. Waters beyond 10 fathoms shall be "Natural," except as in "d" below.

   b. Waters extending directly out from the Nisqually Delta to the county line will be "Natural."

   c. Waters in Budd Inlet south of a line due west from Priest Point will be "Urban."

d. The water out from the land between the boundaries of the area known as the Burlington Northern Properties (Old Atlas Powder Site) to a depth of 15 fathoms shall be designated "Urban."

2. All fresh water lakes shall be "Rural" except where more than 50% of the lake shoreline is "Conservancy" or "Natural," in which case lake waters shall conform to the appropriate shoreline designation.

3. Waters of rivers and streams shall take the designation of the adjacent shorelines, excluding "Urban" shorelines wherein those waters will be classified by the shoreline designation immediately upstream from the "Urban" shoreline.

All water areas *(including many not covered by the Shoreline Management Act) are shown with the same map "pattern." The environment classifications for areas under the jurisdiction of this Program are indicated with one of the following letters:

N	-	Natural
C	-	Conservancy
R	-	Rural
U	-	Urban
C-N	-	Indicates that the top 10 fathoms are Conservancy and below is Natural

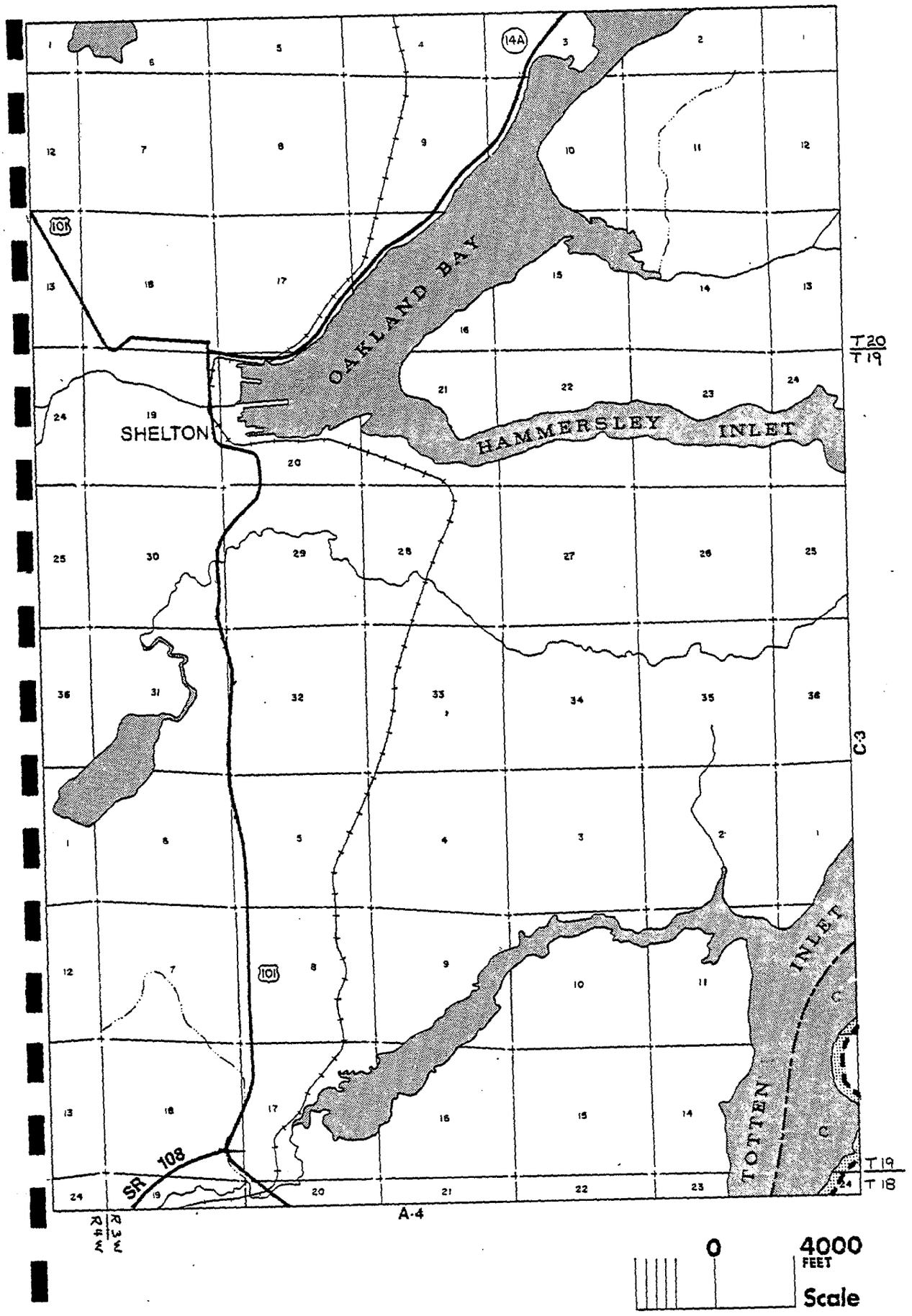
north

Natural

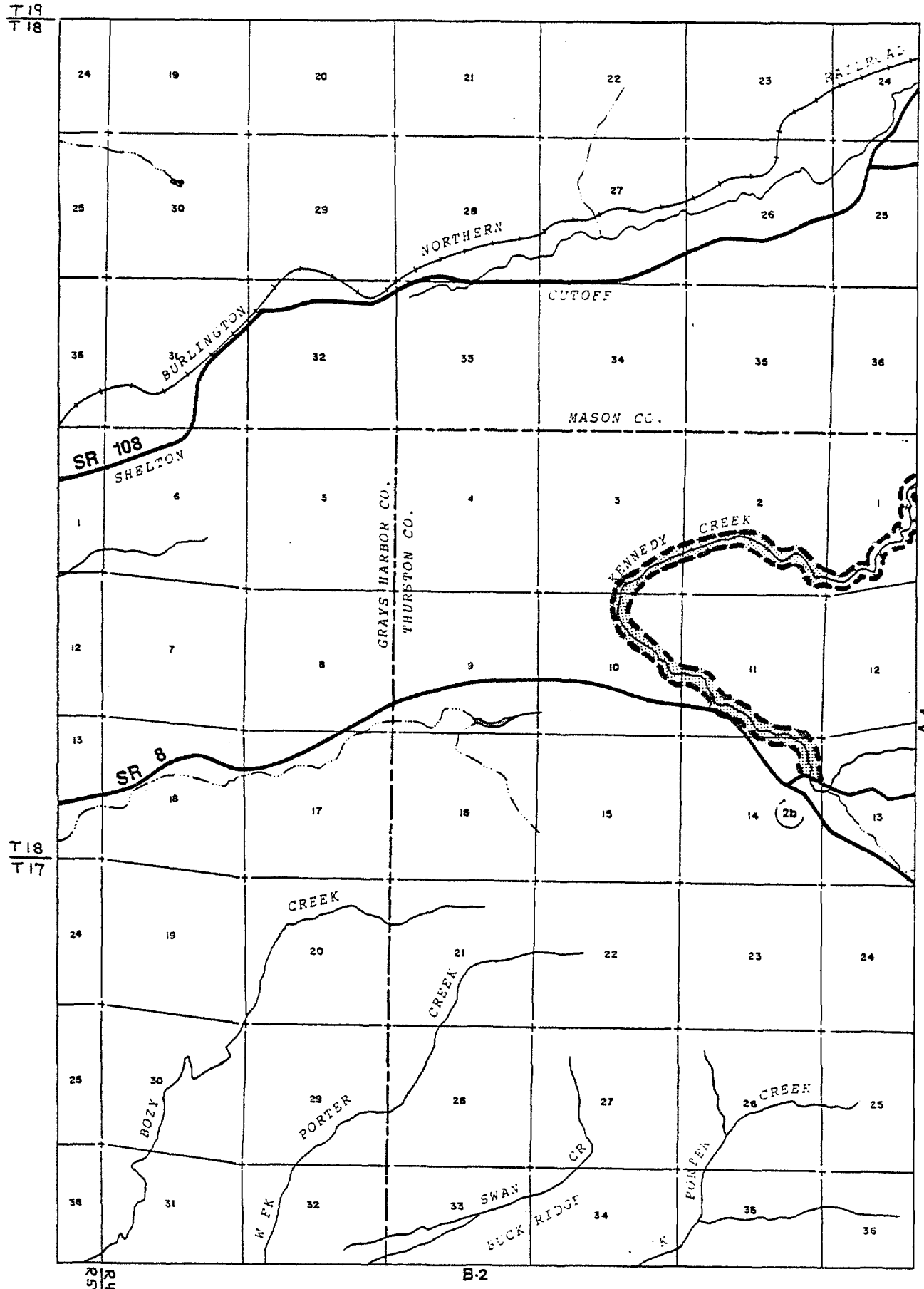
Rural

Conservancy

Urban


OAKLAND BAY
HAMMERSLEY INLET
SHELTON
TOTTEN INLET
14A
101
108
SR 108
T20
T19
T19
T18
C-3
A-4
R4W
R3W
0
4000
FEET
Scale

A·1 SHELTON



R 5 W | R 4 W

north

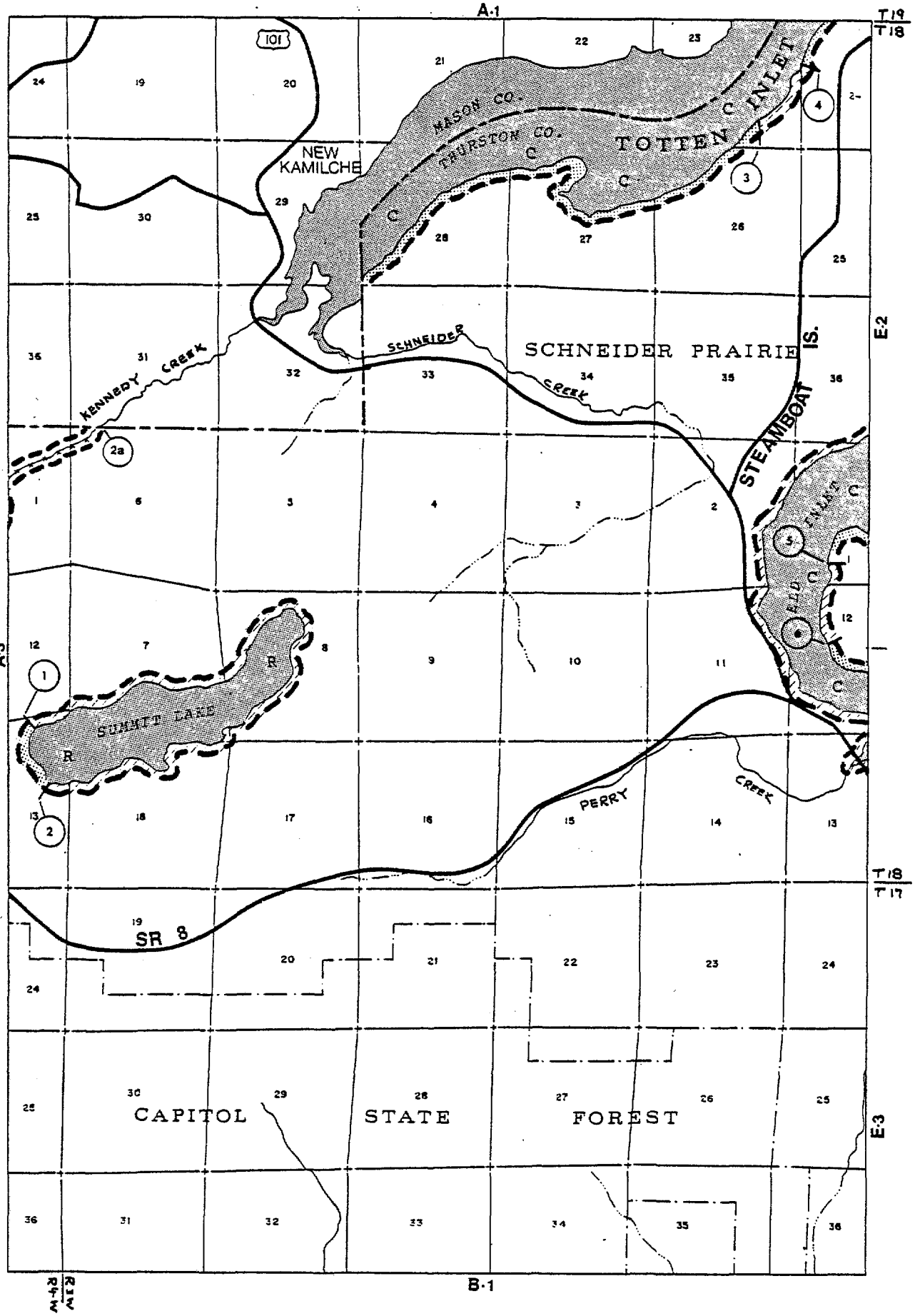
Natural

Rural

Conservancy

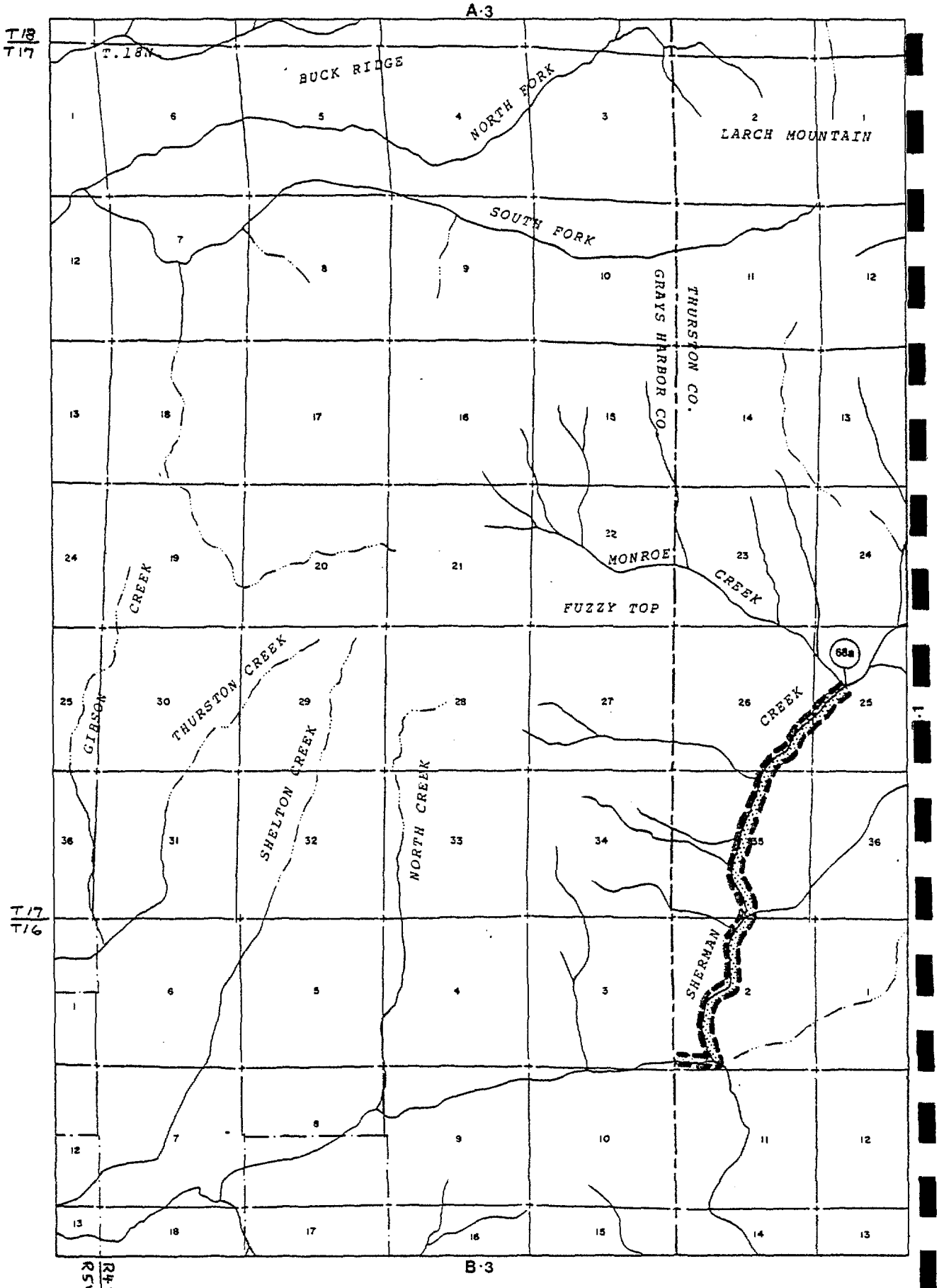
Urban

A·3 SHELTON



0 4000 FEET Scale

A·4 SHELTON



north

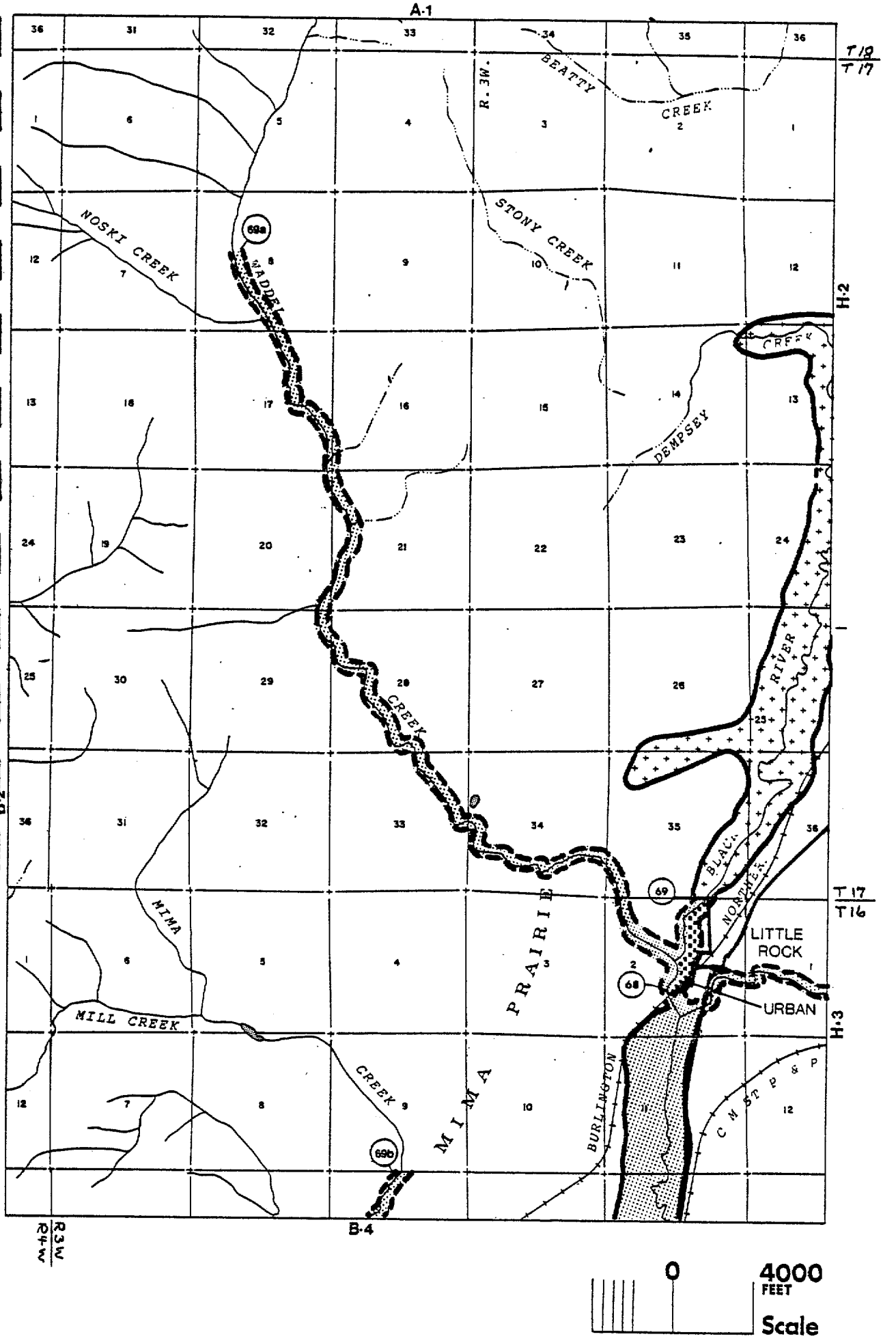
Natural

Rural

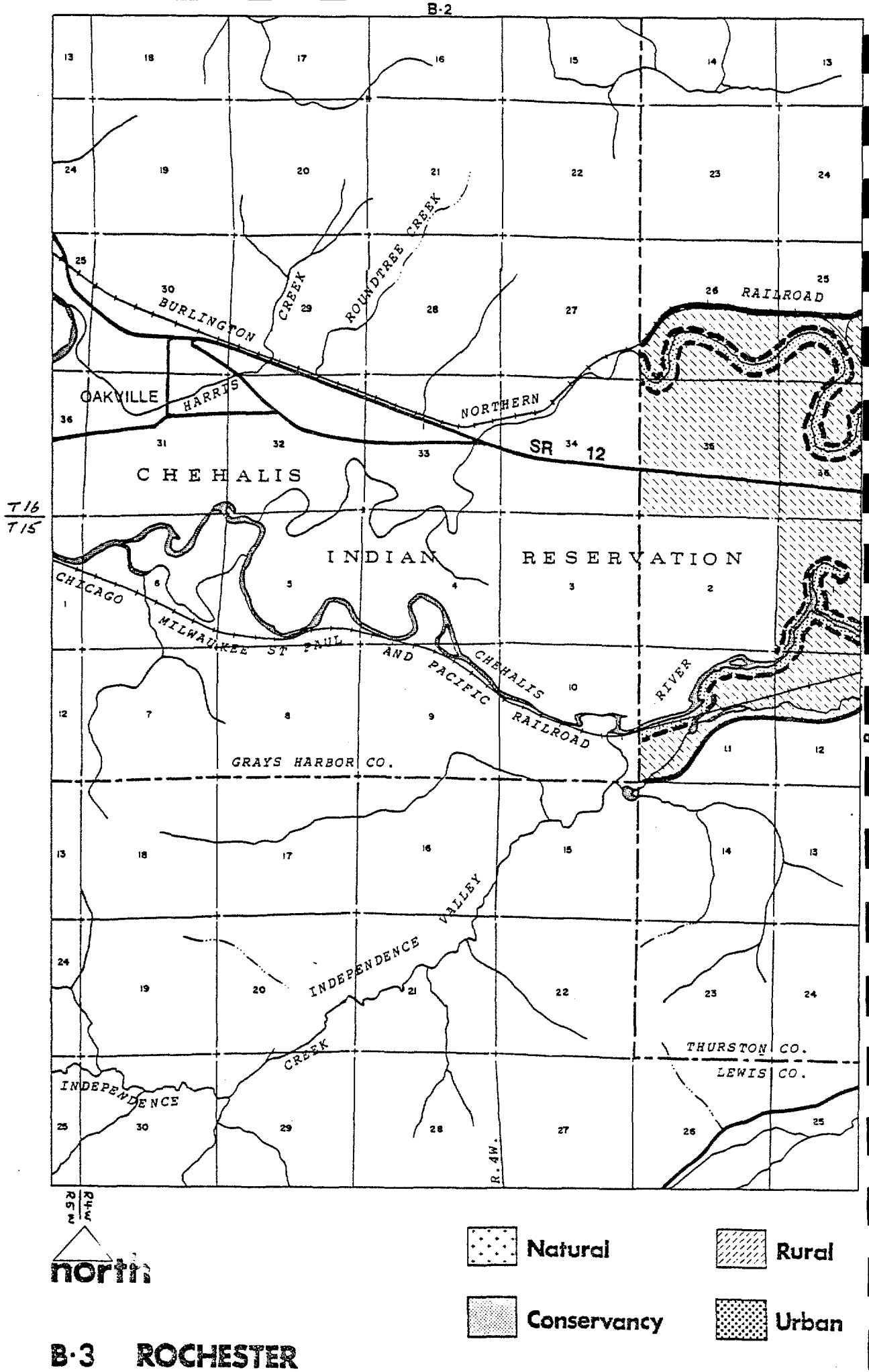
Conservancy

Urban

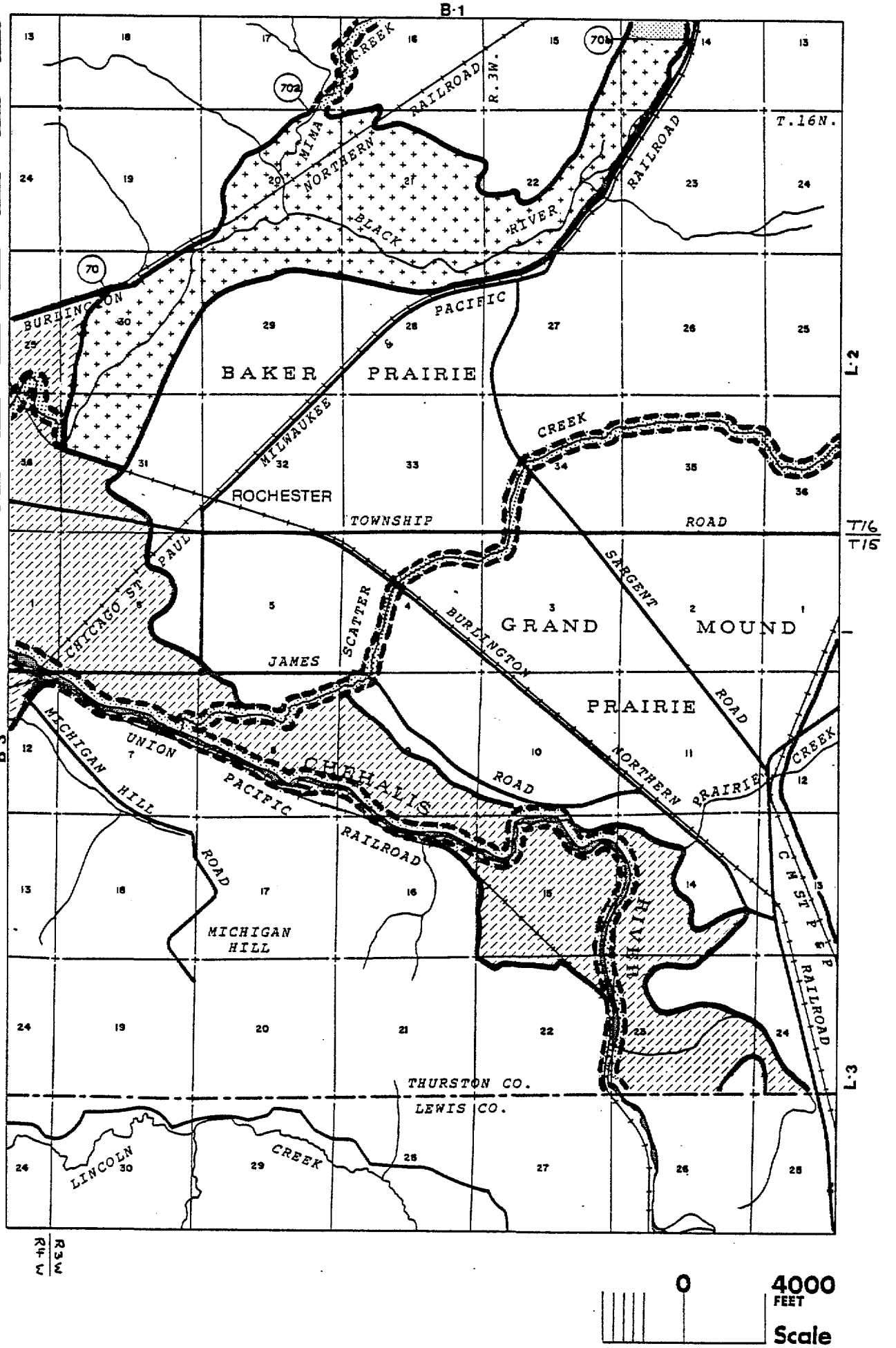
B·2 ROCHESTER

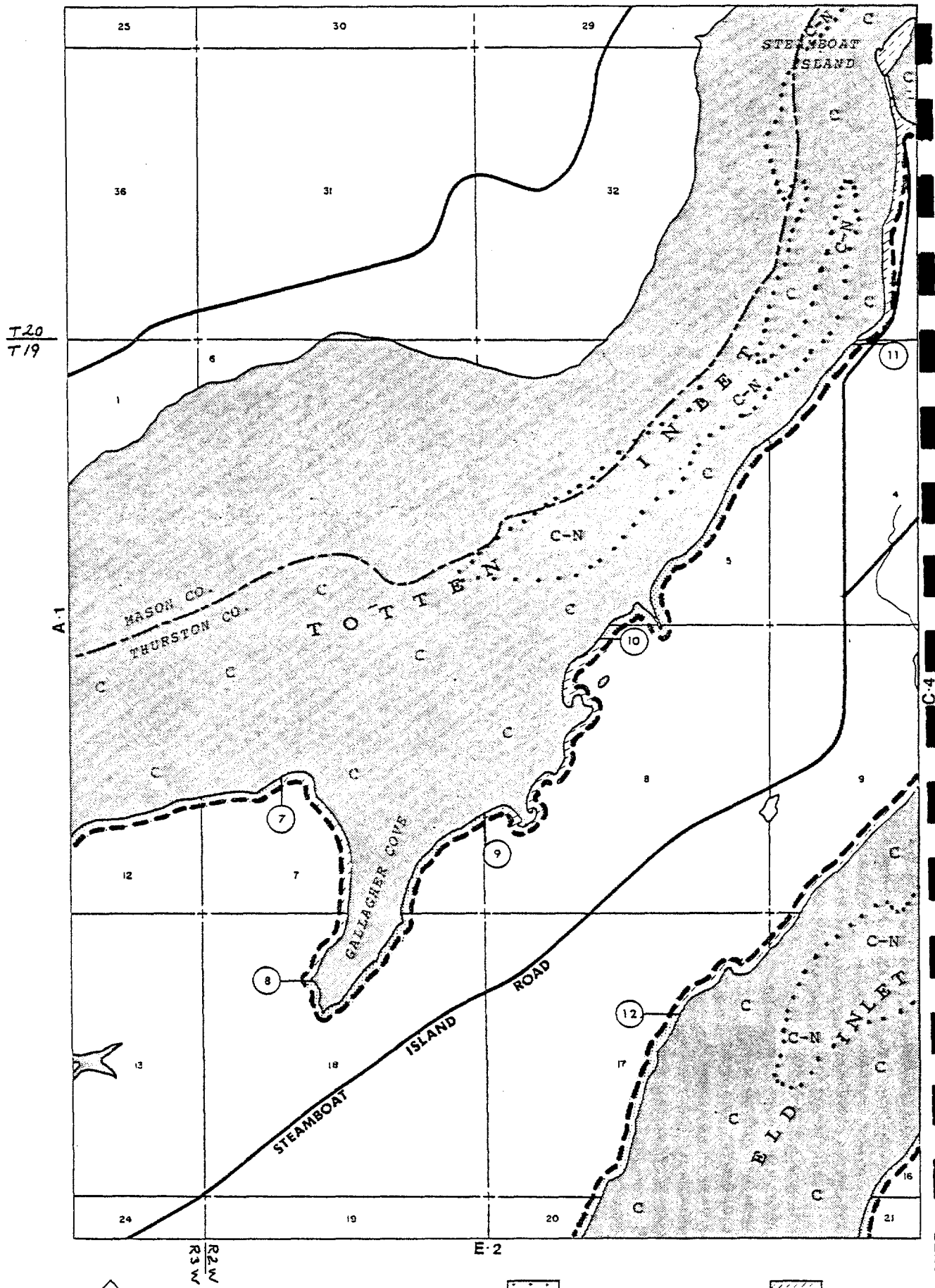


B-1 ROCHESTER



B-3 ROCHESTER


B·1
B·2
B·3
L·2
L·3
T.16N.
R.3W.
R4W
R3W
BURLINGTON NORTHERN RAILROAD
MINA CREEK
BLACK RIVER
RAILROAD
BURLINGTON PACIFIC
BAKER PRAIRIE
MILWAUKEE
CREEK
ROCHESTER
TOWNSHIP ROAD
T16
T15
CHICAGO ST PAUL
SCATTER
BURLINGTON
GRAND MOUND
SARGENT ROAD
JAMES
PRAIRIE
MICHIGAN HILL
UNION PACIFIC RAILROAD
CHEHALIS
ROAD
NORTHERN PRAIRIE
CREEK
MICHIGAN HILL
RIVER
C M ST P & P RAILROAD
THURSTON CO.
LEWIS CO.
LINCOLN
CREEK
0
4000 FEET
Scale



north

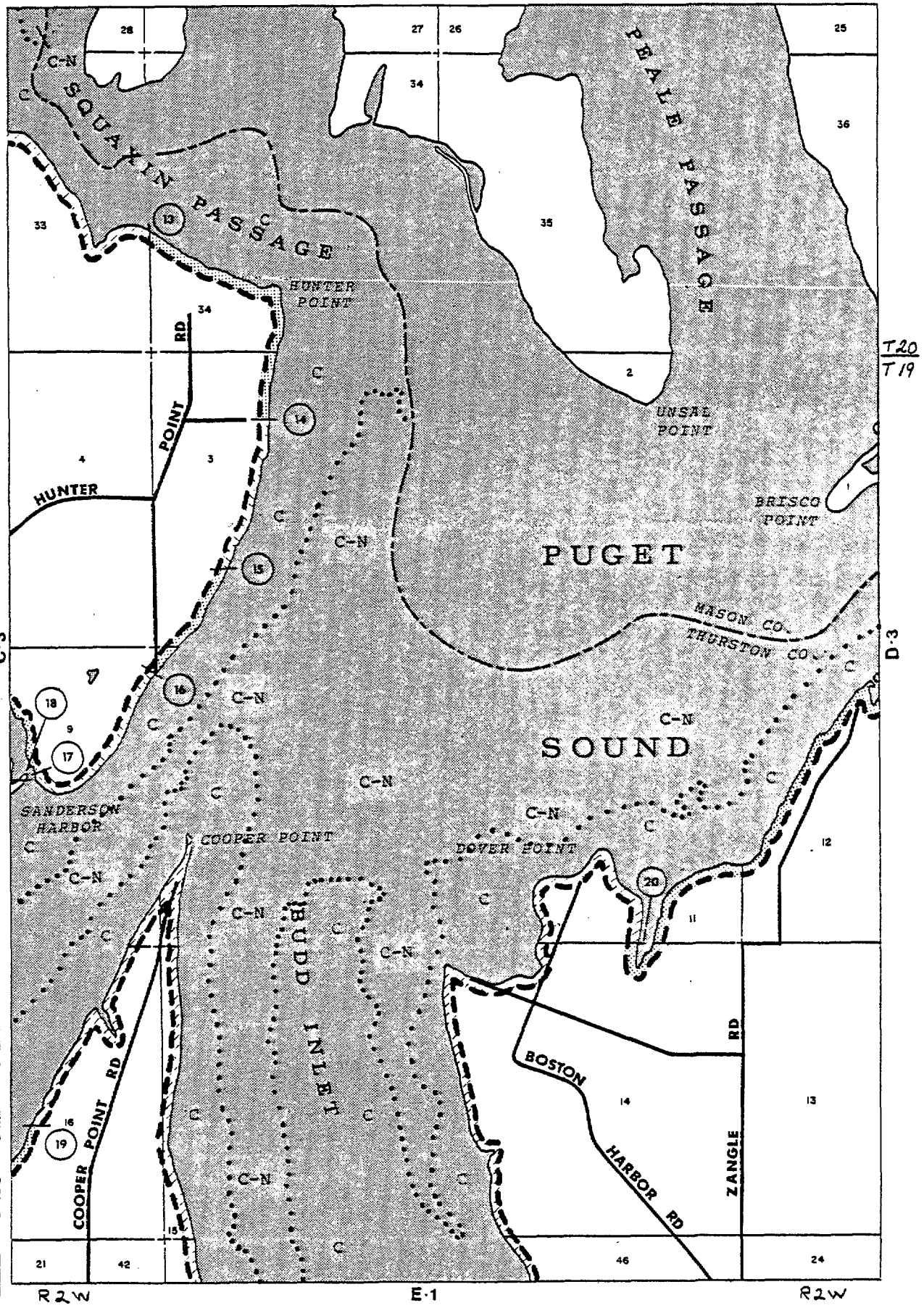
Natural

Rural

Conservancy

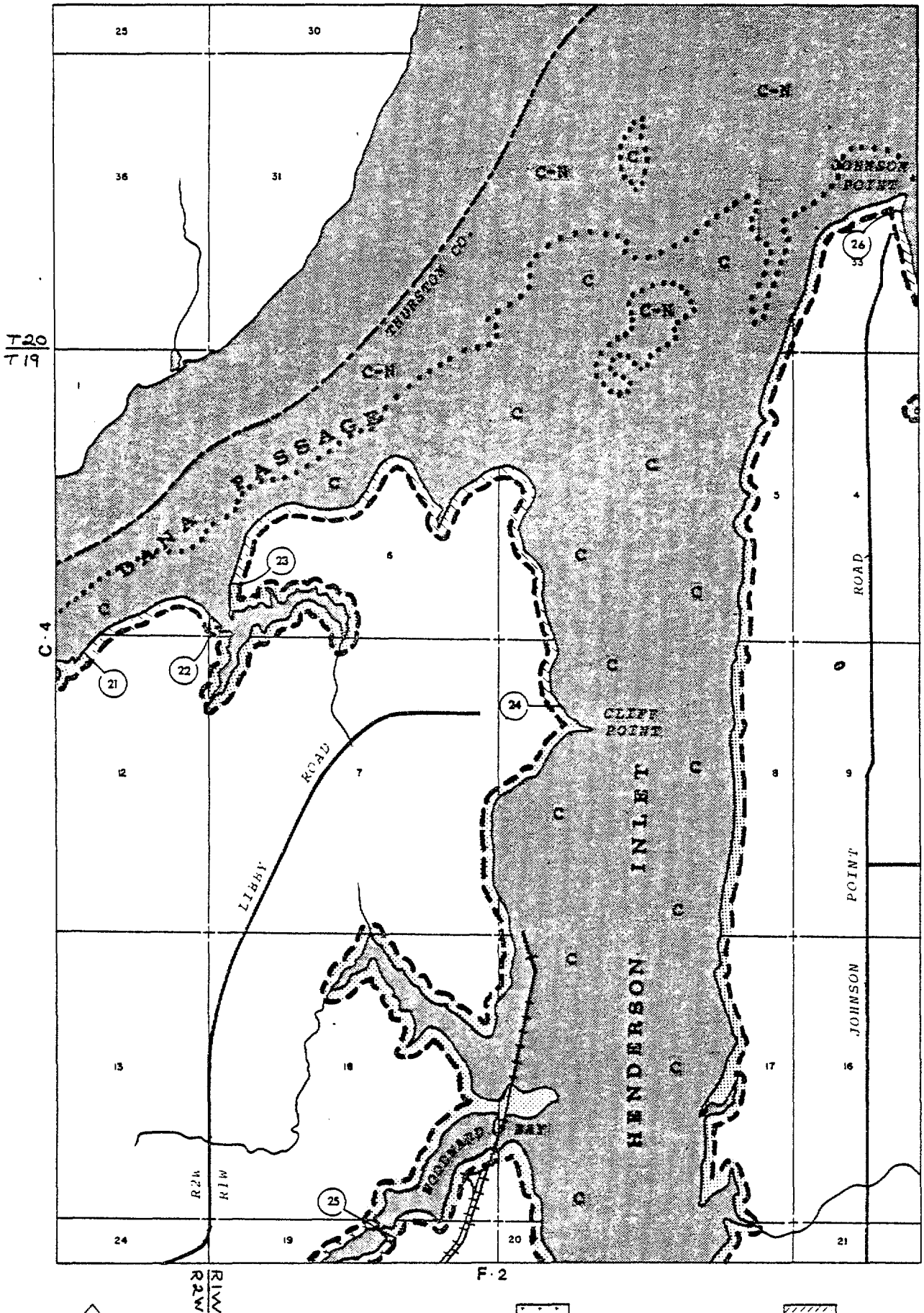
Urban

C·3 SQUAXIN

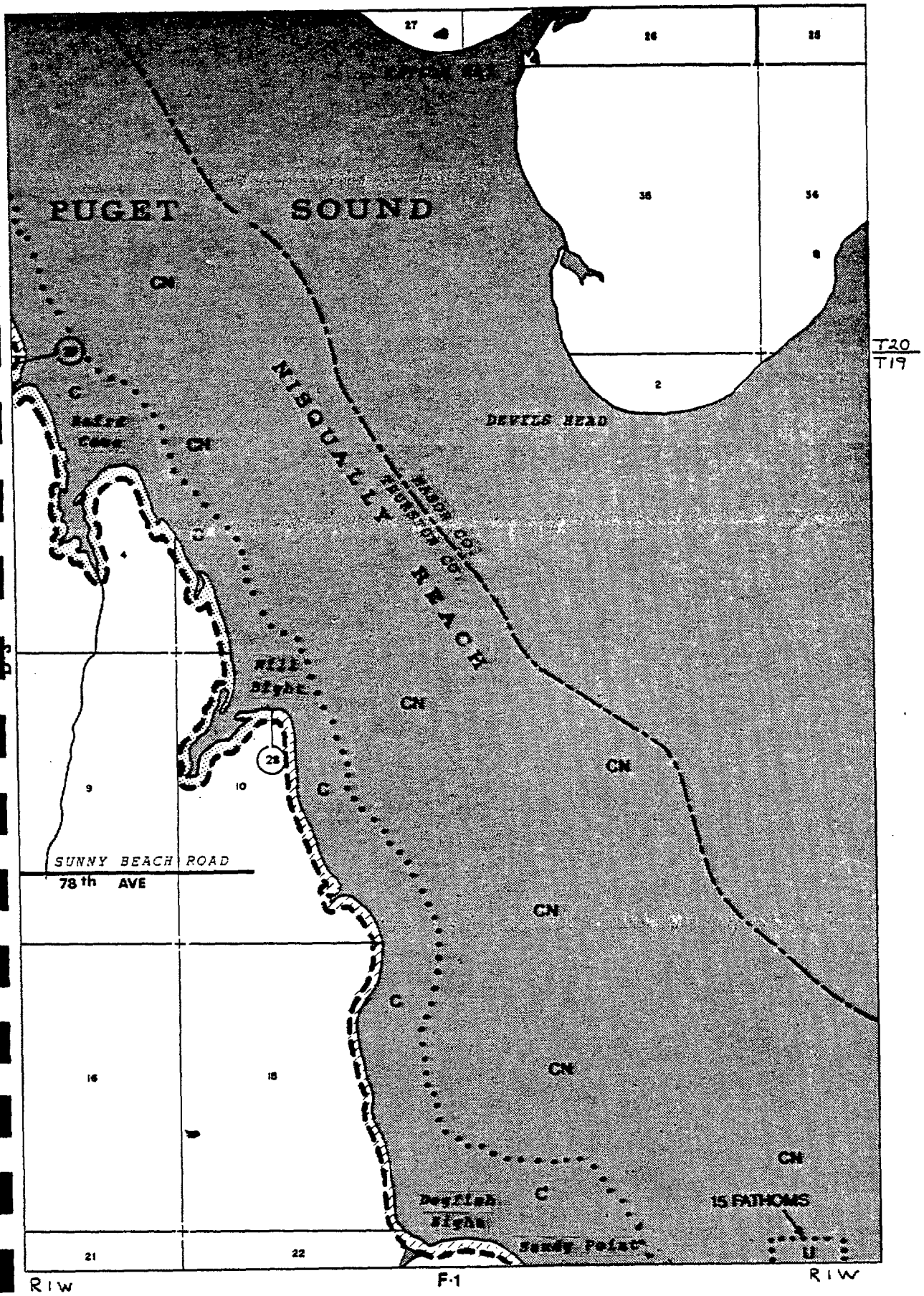


0 2000 FEET Scale

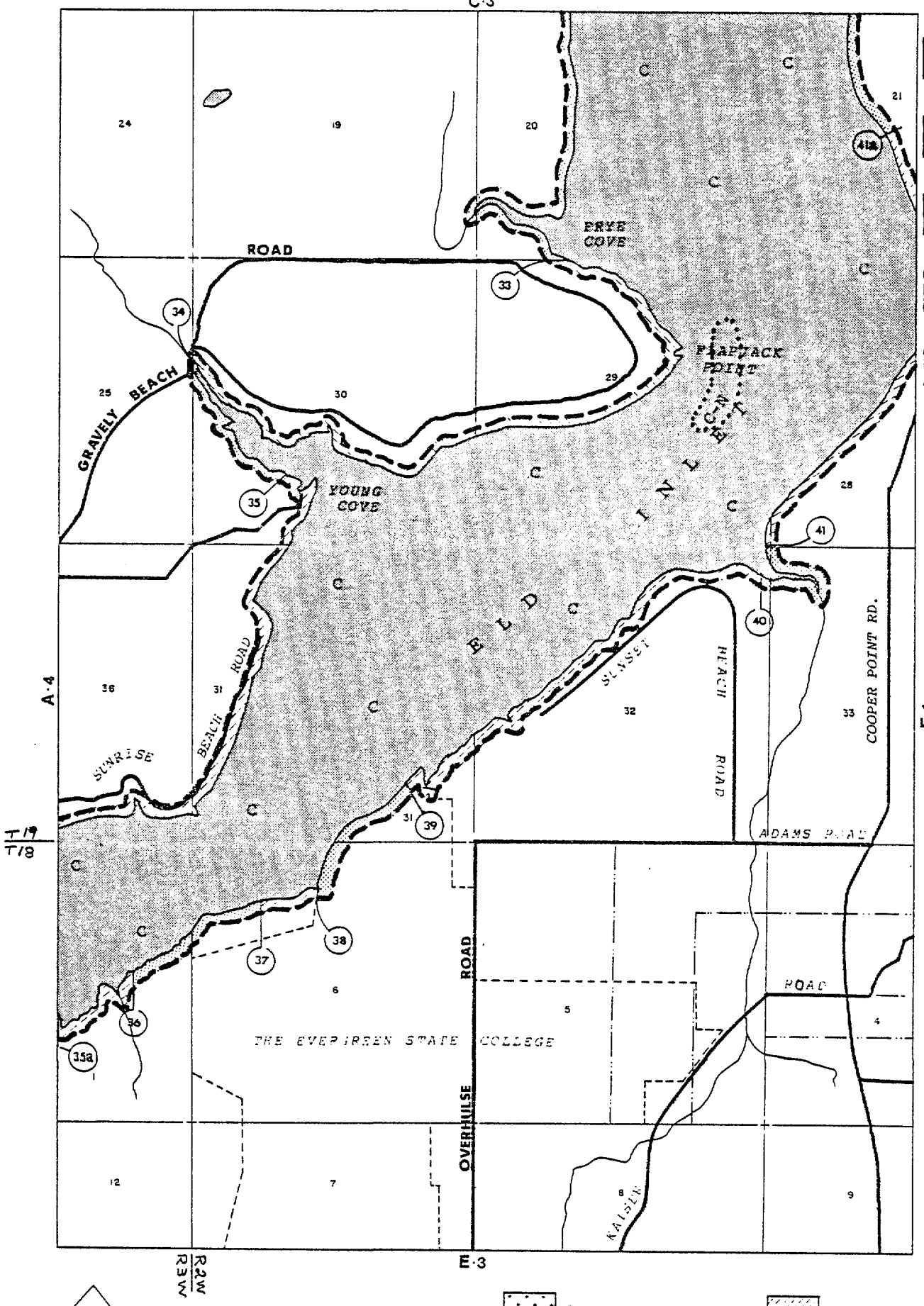
C·4 SQUAXIN



D·3 LONGBRANCH



D-4 LONGBRANCH



north

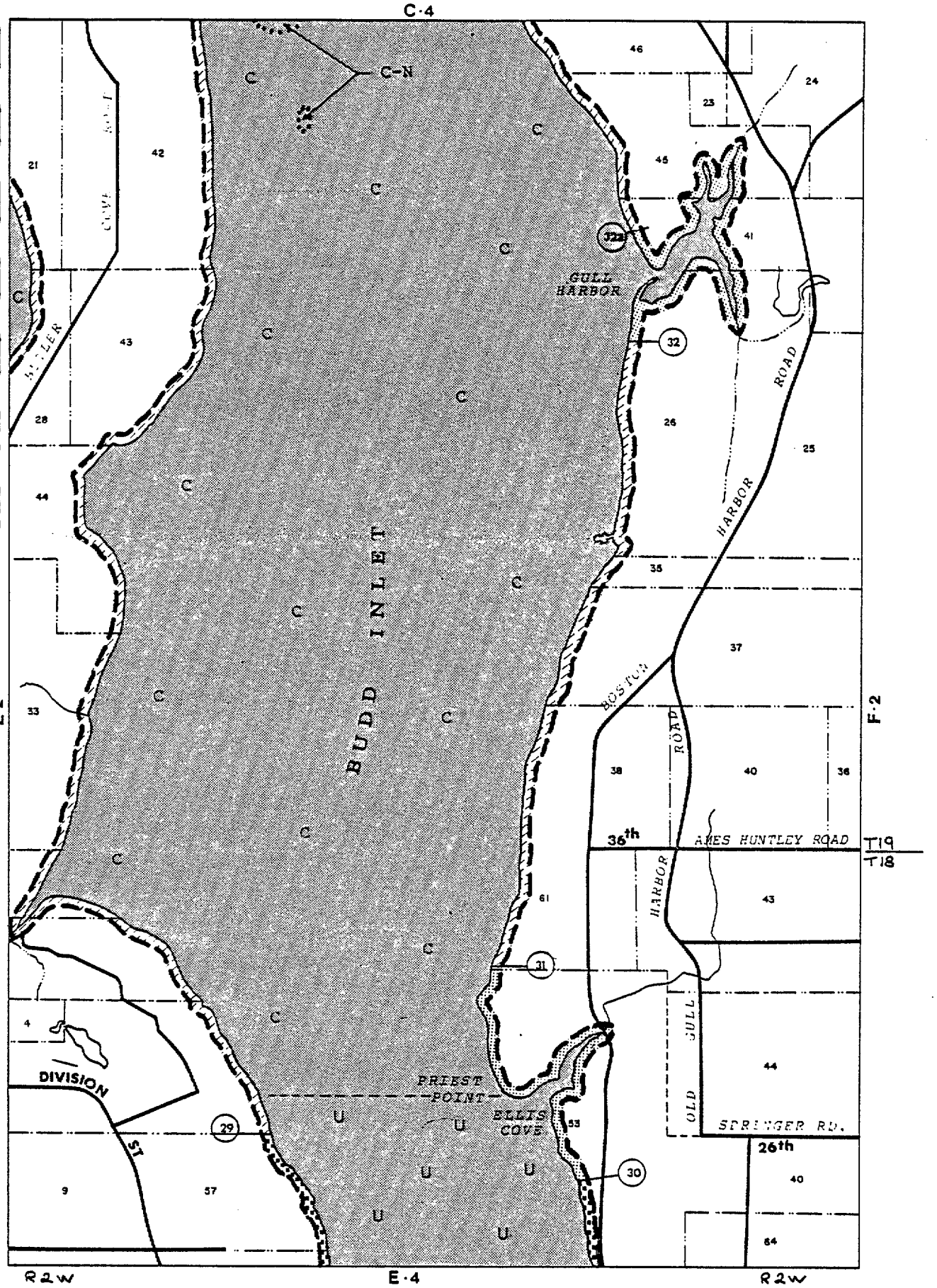
Natural

Rural

Conservancy

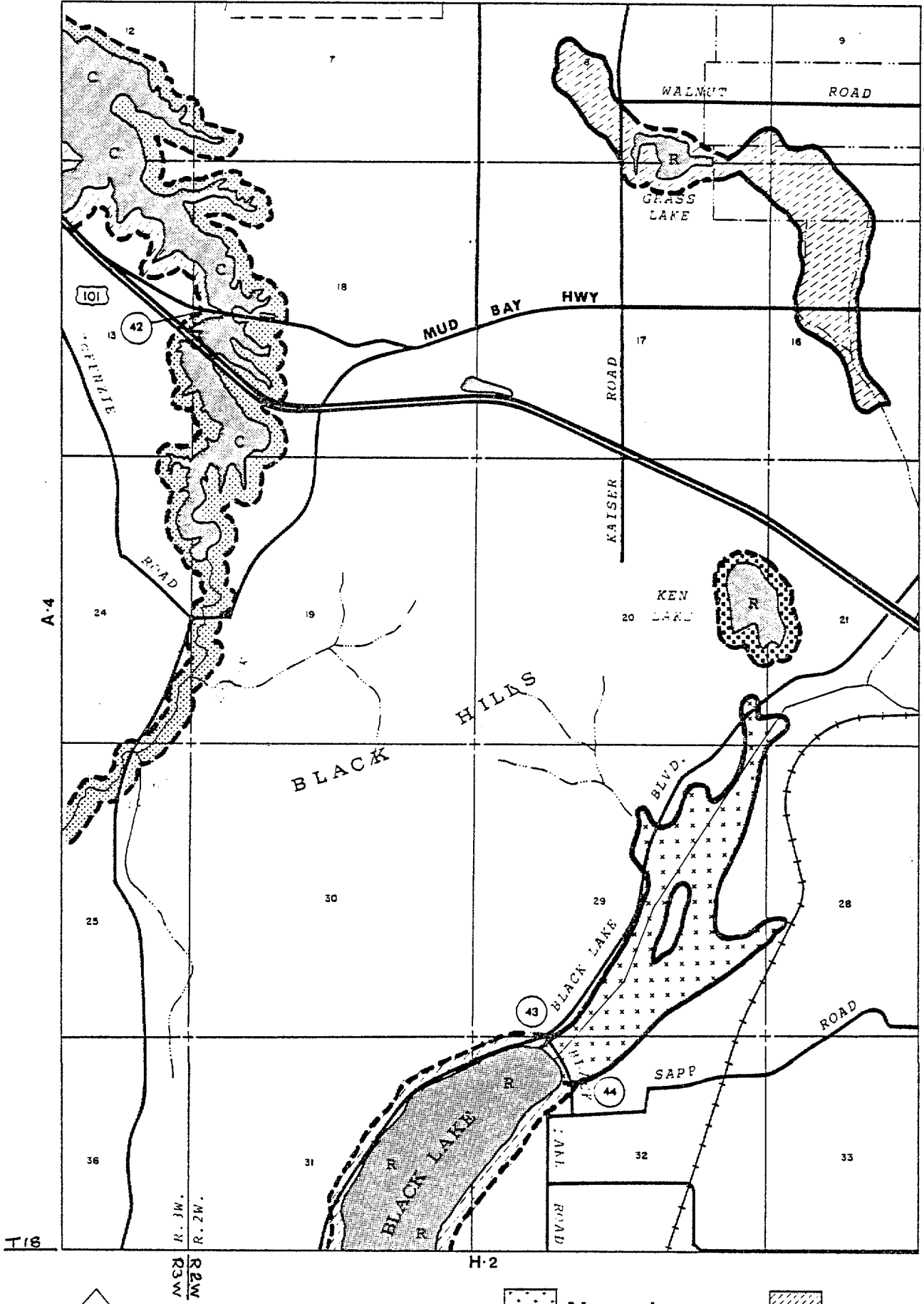
Urban

E·2 TUMWATER



0 2000 FEET
Scale

E·1 TUMWATER



north

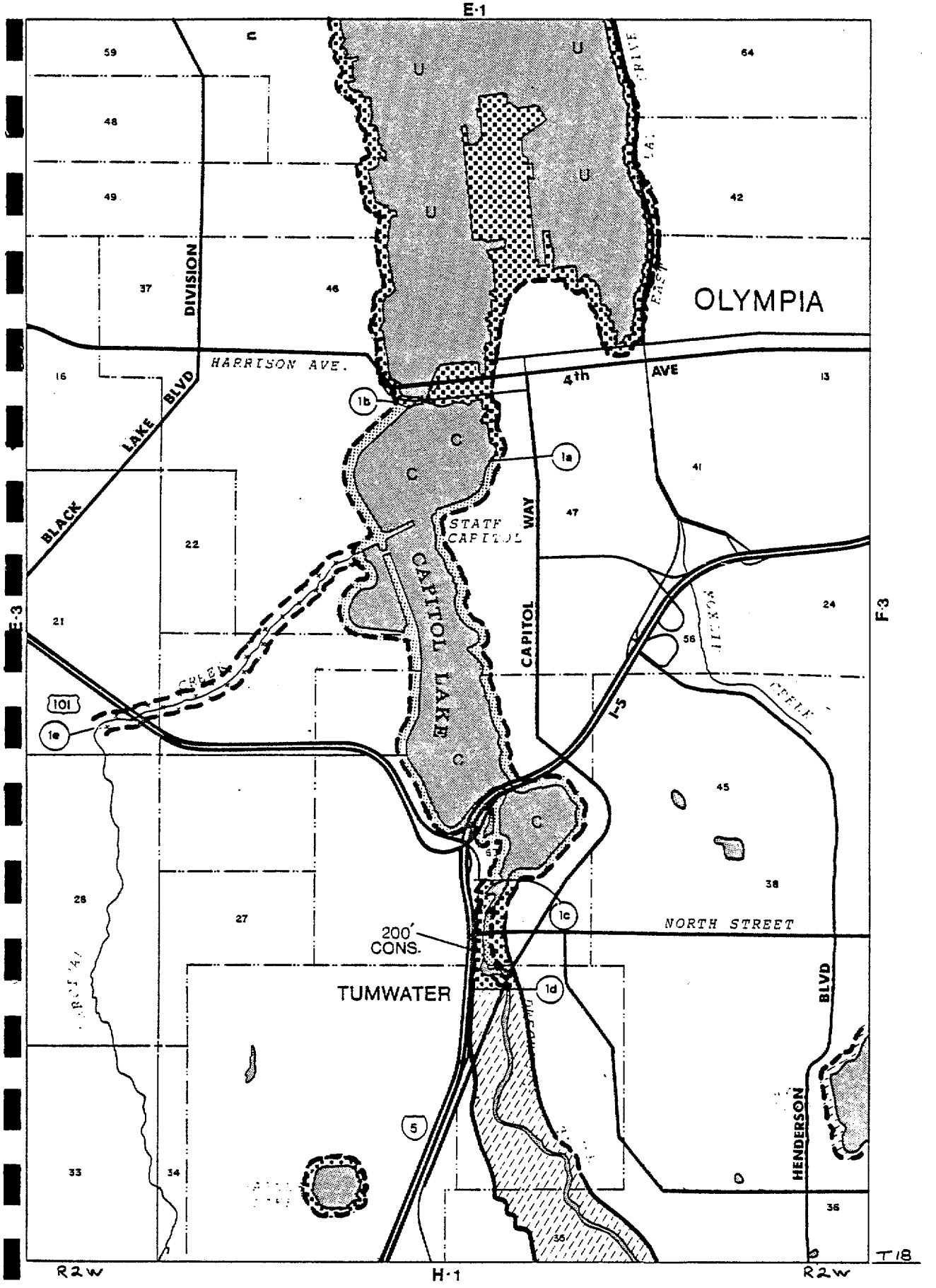
Natural

Rural

Conservancy

Urban

E·3 TUMWATER



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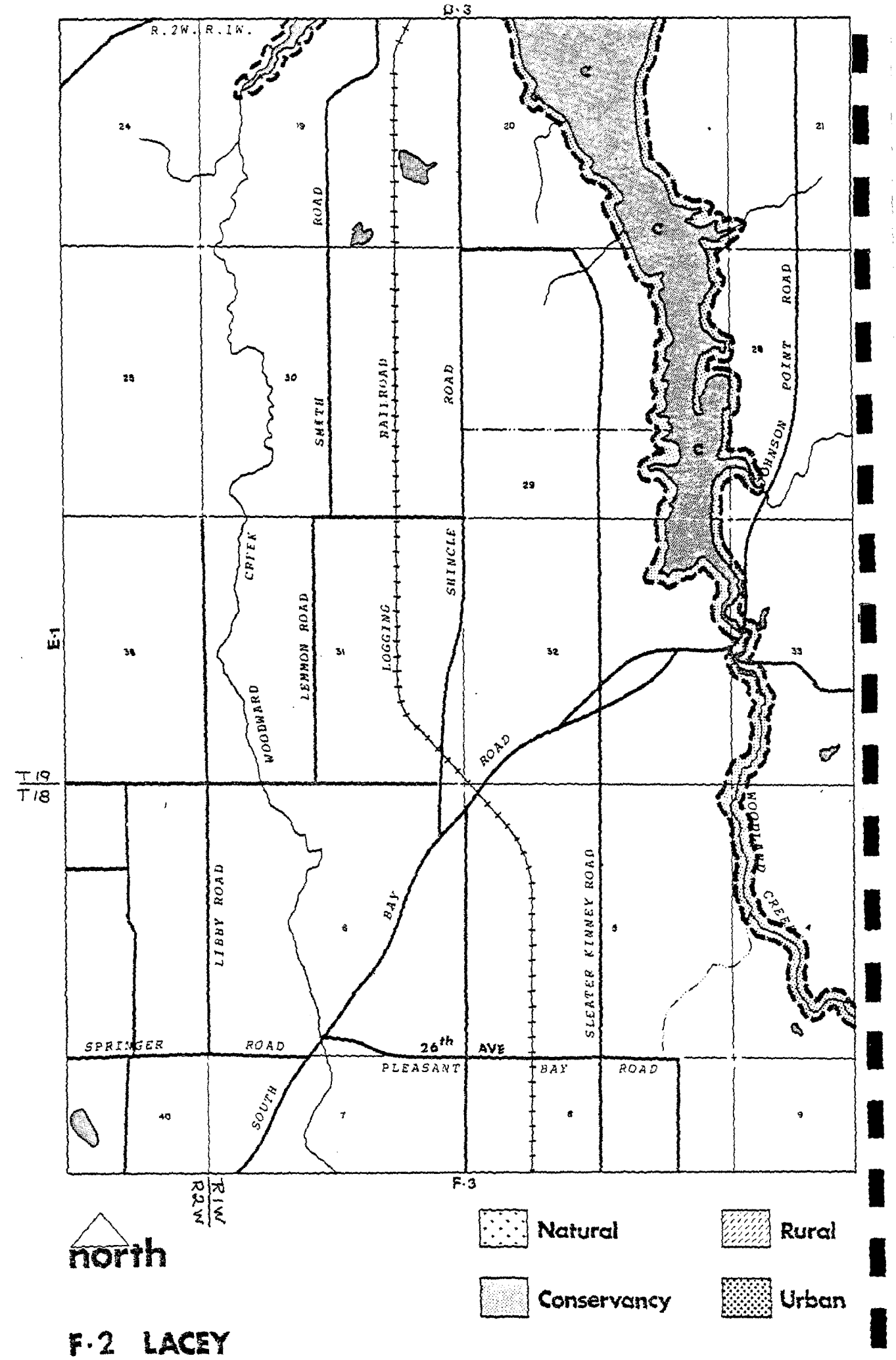
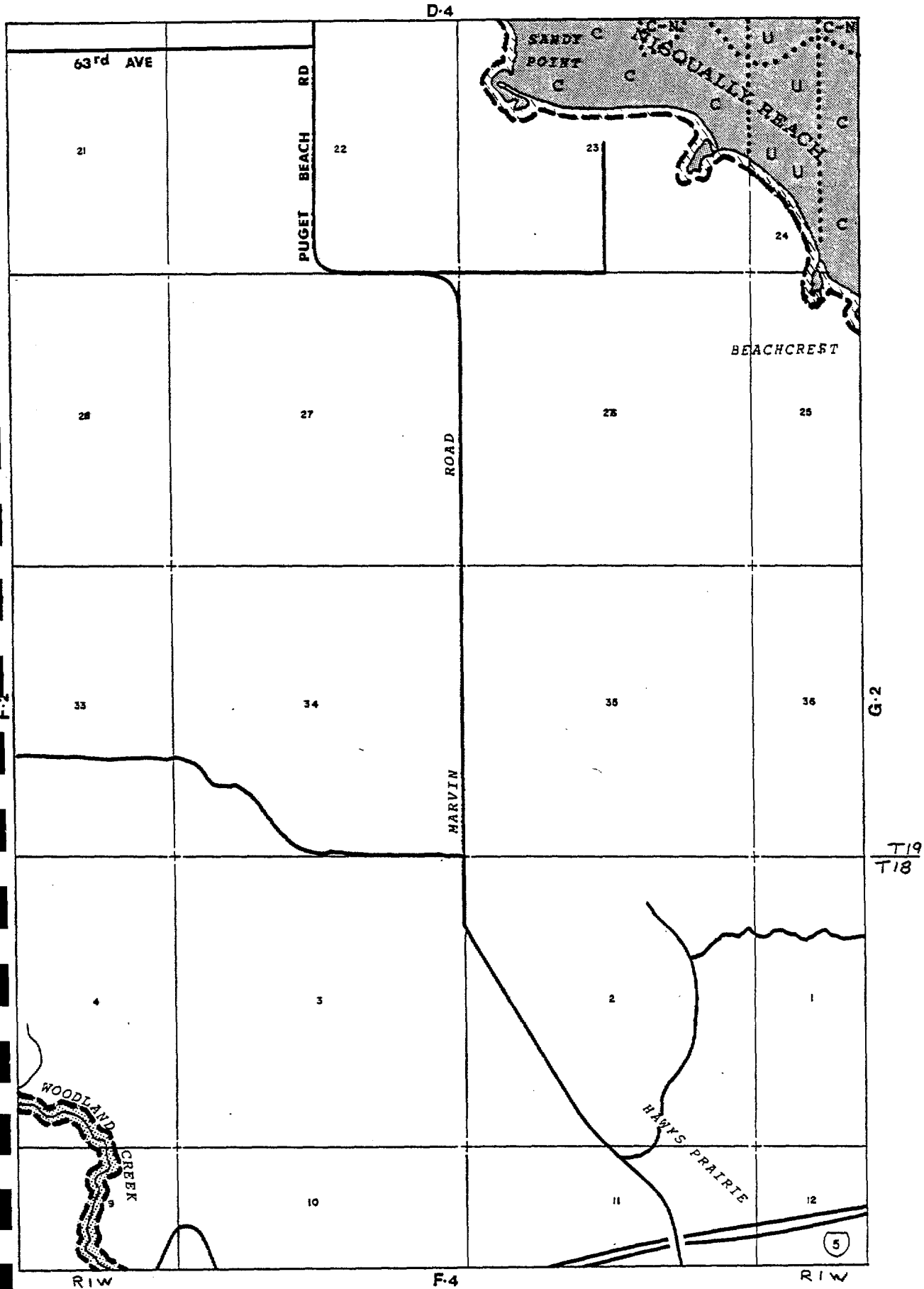
Scale

E·4 TUMWATER



R.2W. R.1W.
24
19
20
21
25
30
28
29
36
31
32
33
6
5
40
7
8
9
SMITH ROAD
RAILROAD
ROAD
SHINCLE
LOGGING
LEMMON ROAD
WOODWARD CREEK
JOHNSON POINT ROAD
WOODLAND CREEK
SLEATER KINNEY ROAD
LIBBY ROAD
SOUTH BAY ROAD
SPRINGER ROAD
26th AVE
PLEASANT BAY ROAD
E-1
T19
T18
F-3
R1W
R2W
north
Natural
Rural
Conservancy
Urban

F·2 LACEY



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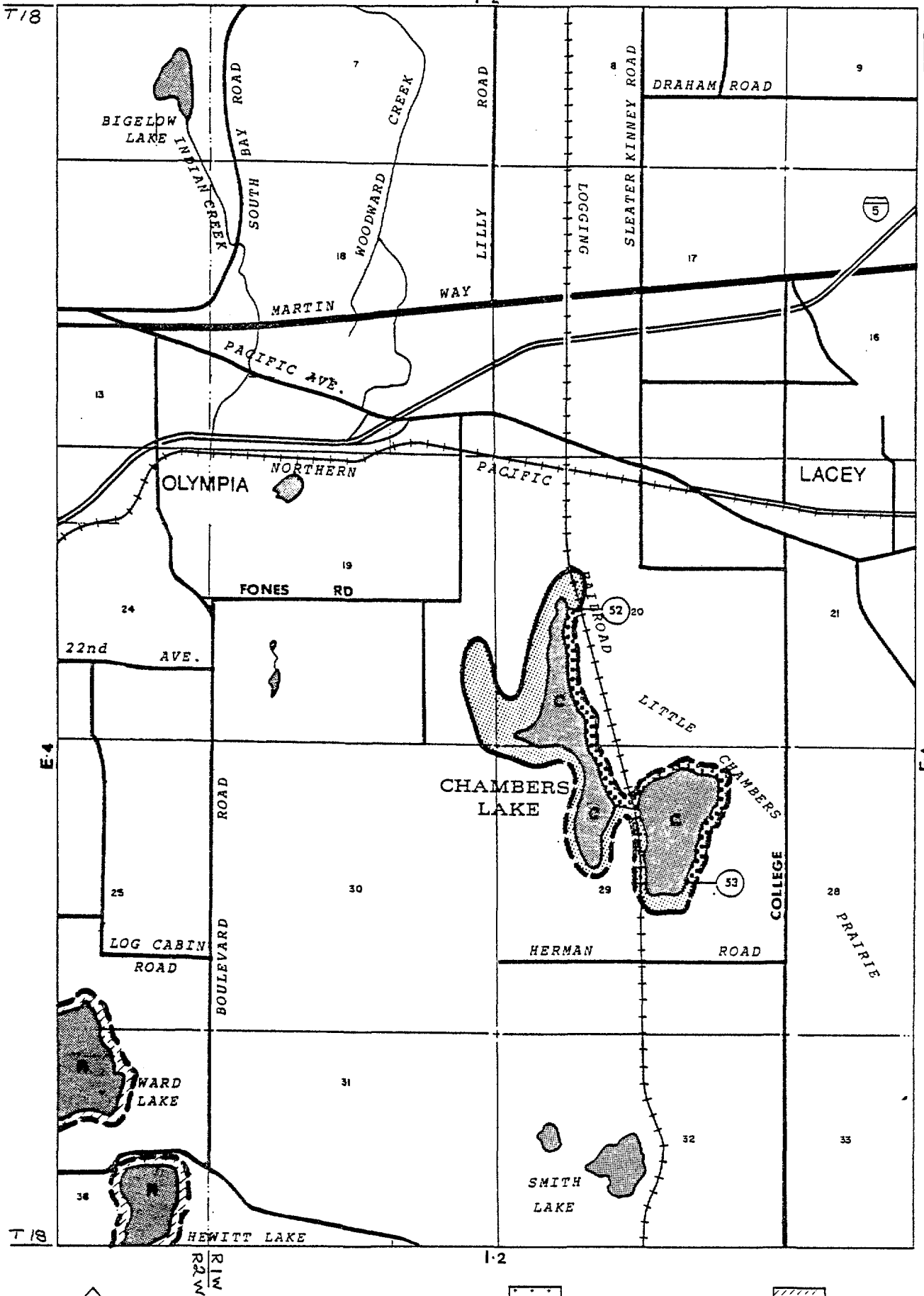
Scale

F·1 LACEY



north

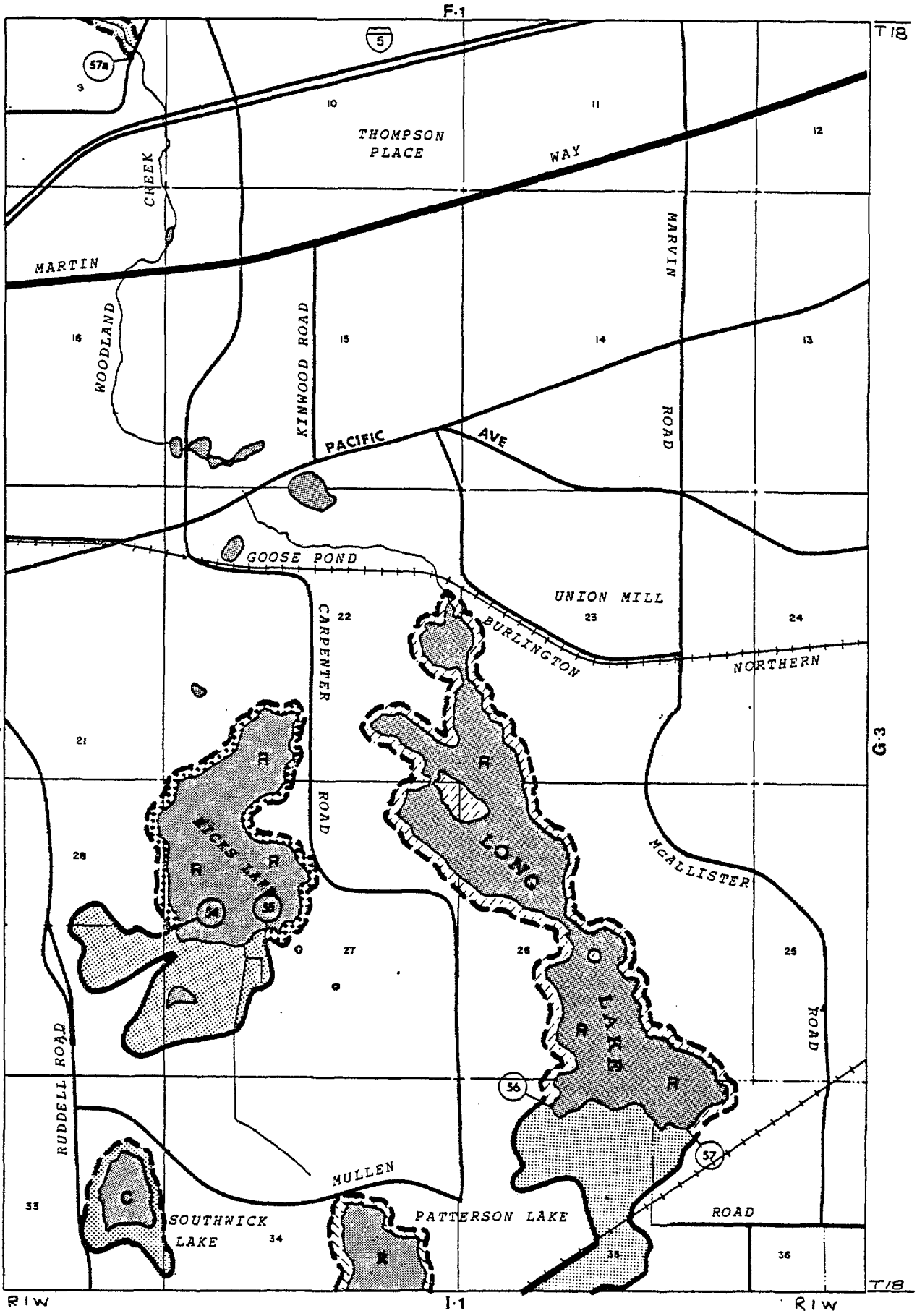
Natural

Rural

Conservancy

Urban

F·3 LACEY



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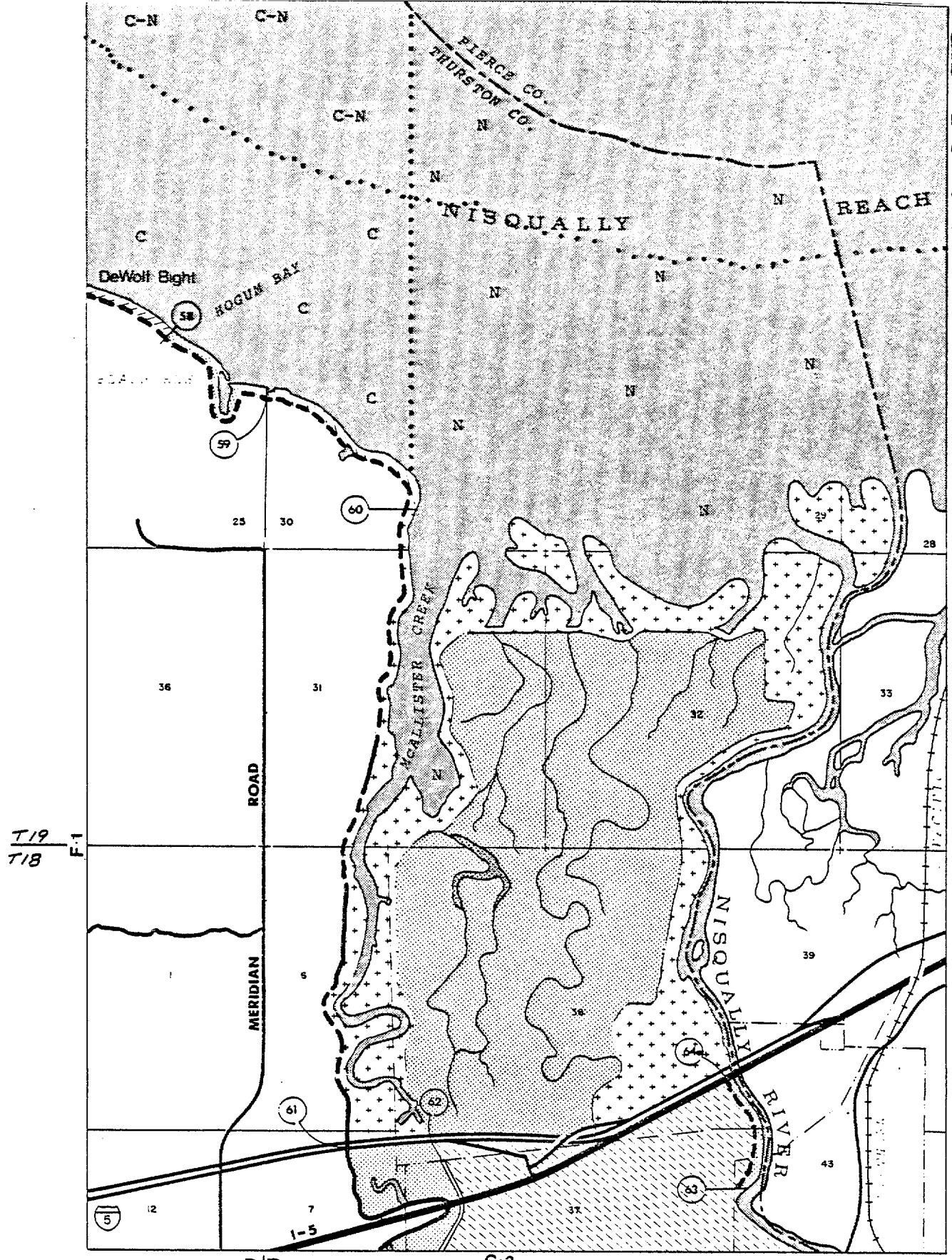
F·4 LACEY



north

Natural

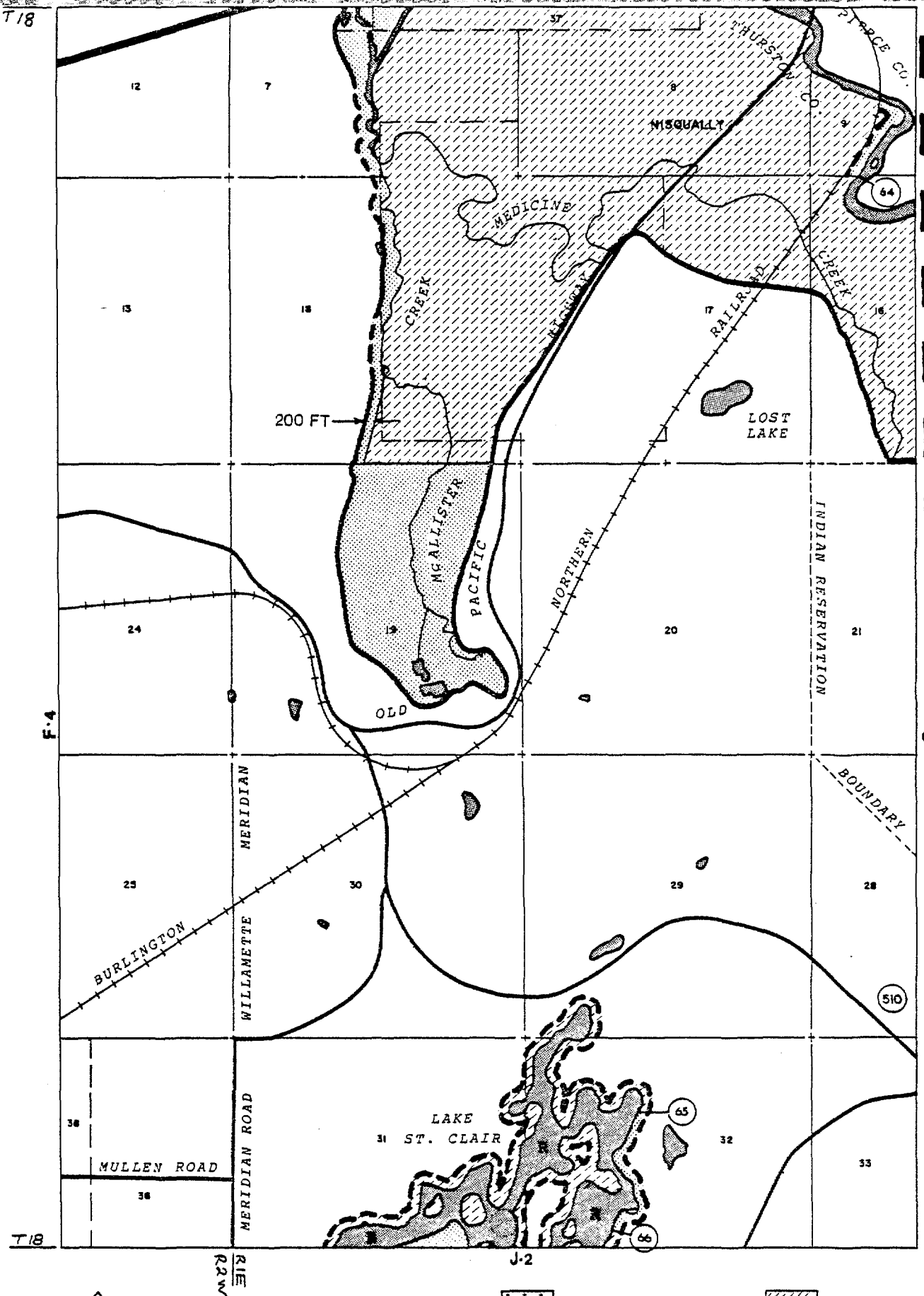
Rural

Conservancy

Urban

G·2 NISQUALLY

0
2000
FEET
Scale



north

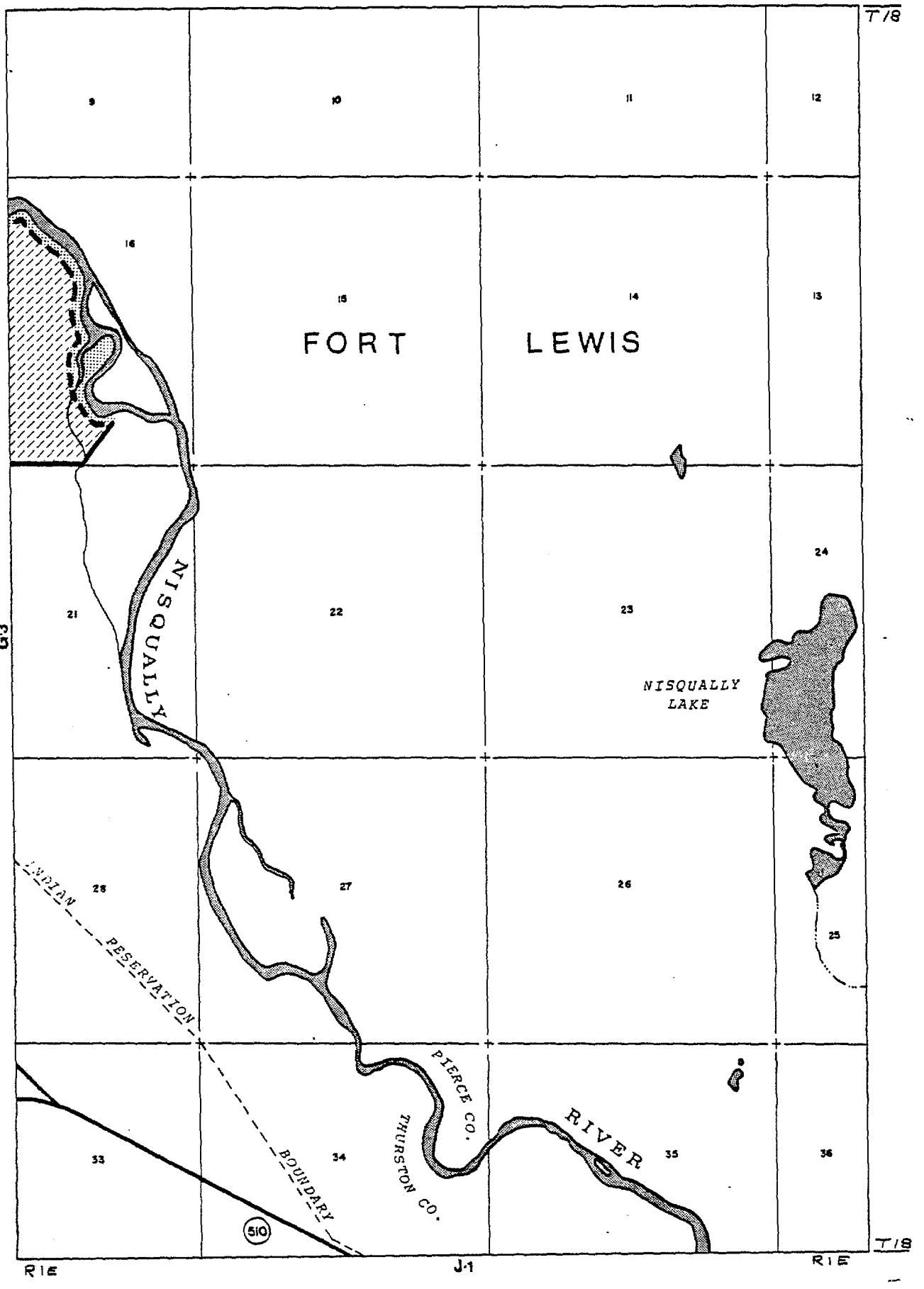
Natural

Rural

Conservancy

Urban

G·3 NISQUALLY



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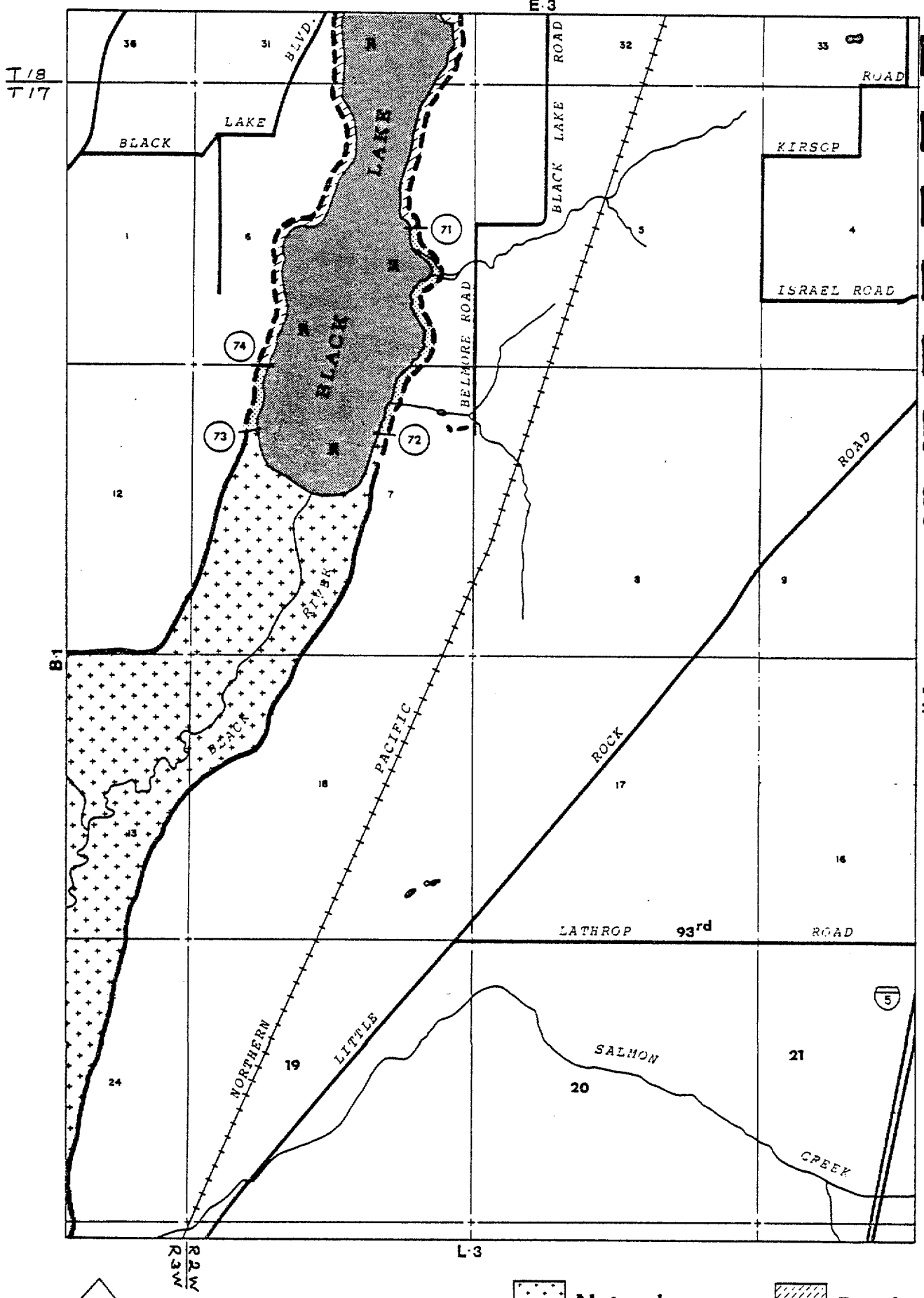
Scale

G-4 NISQUALLY



north

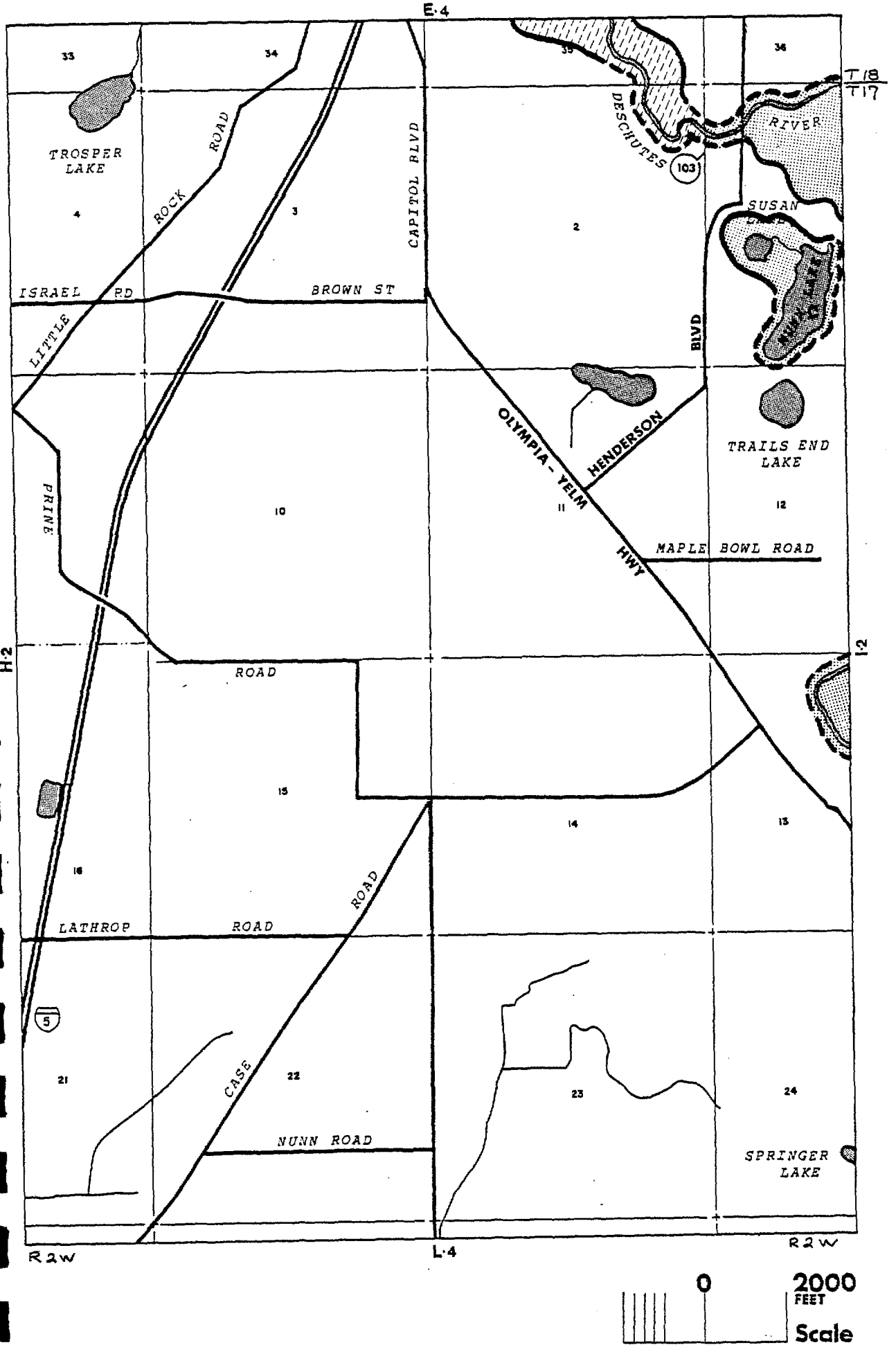
Natural

Rural

Conservancy

Urban

H-2 MAYTOWN



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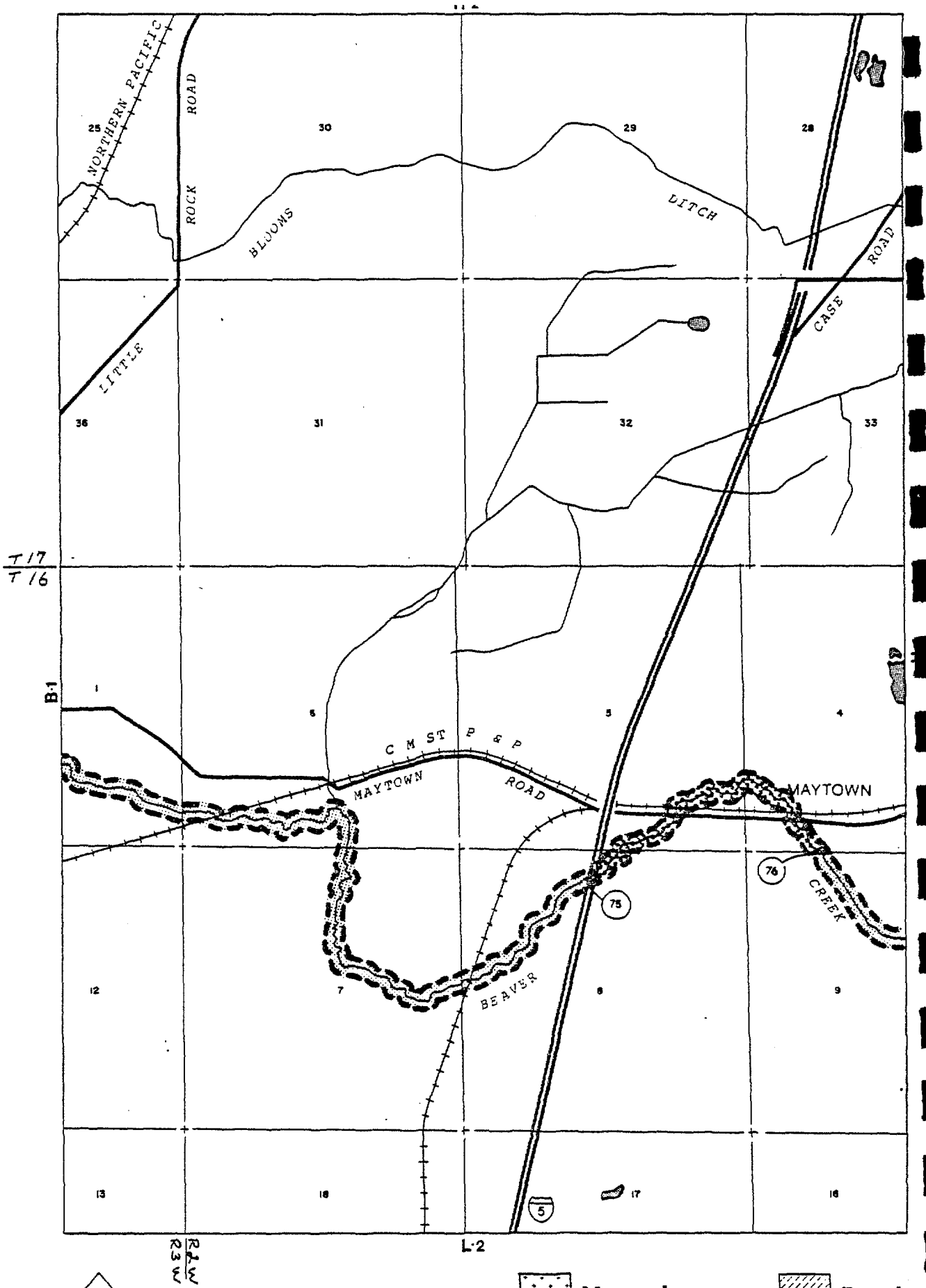
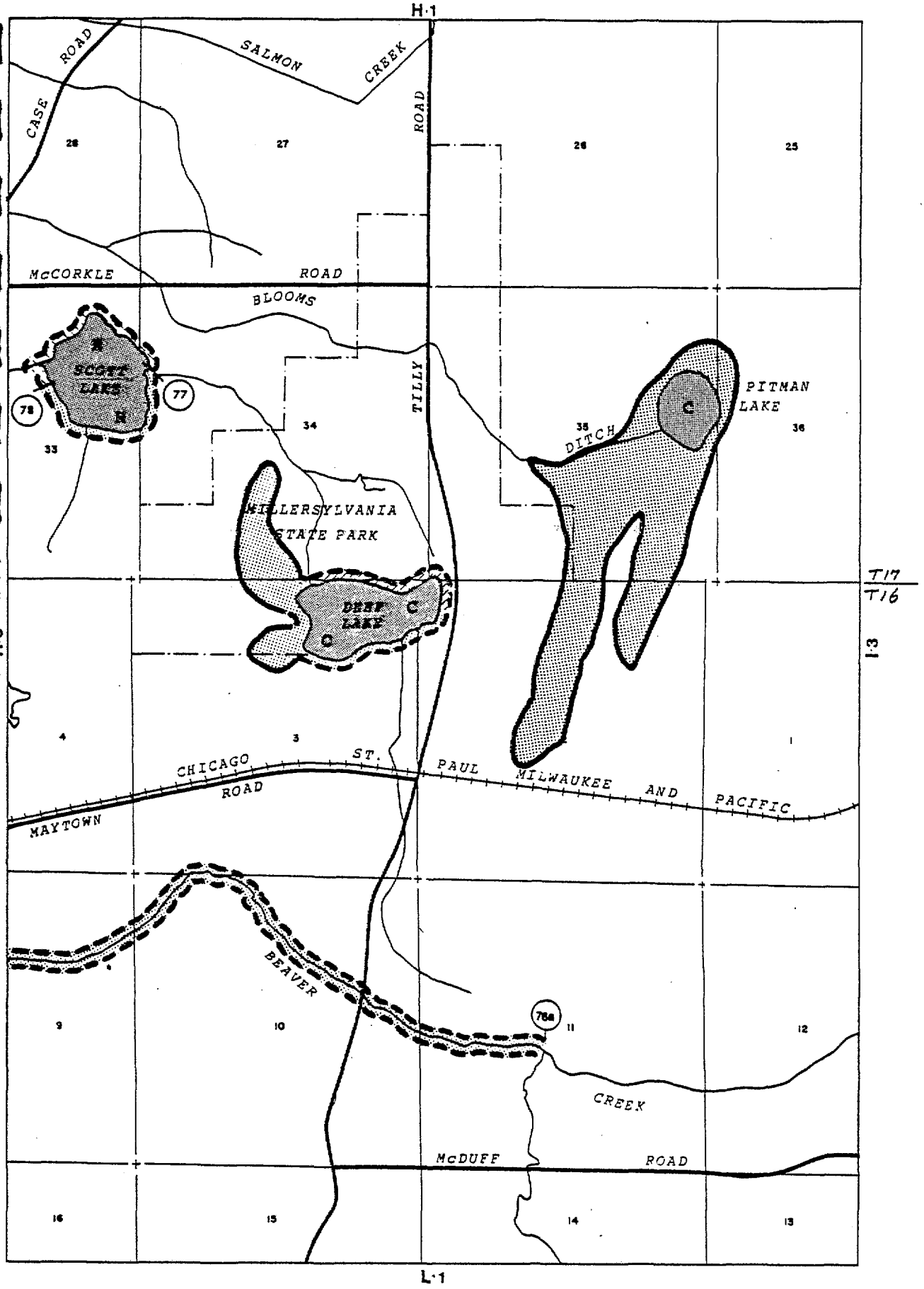
Scale

H·1 MAYTOWN

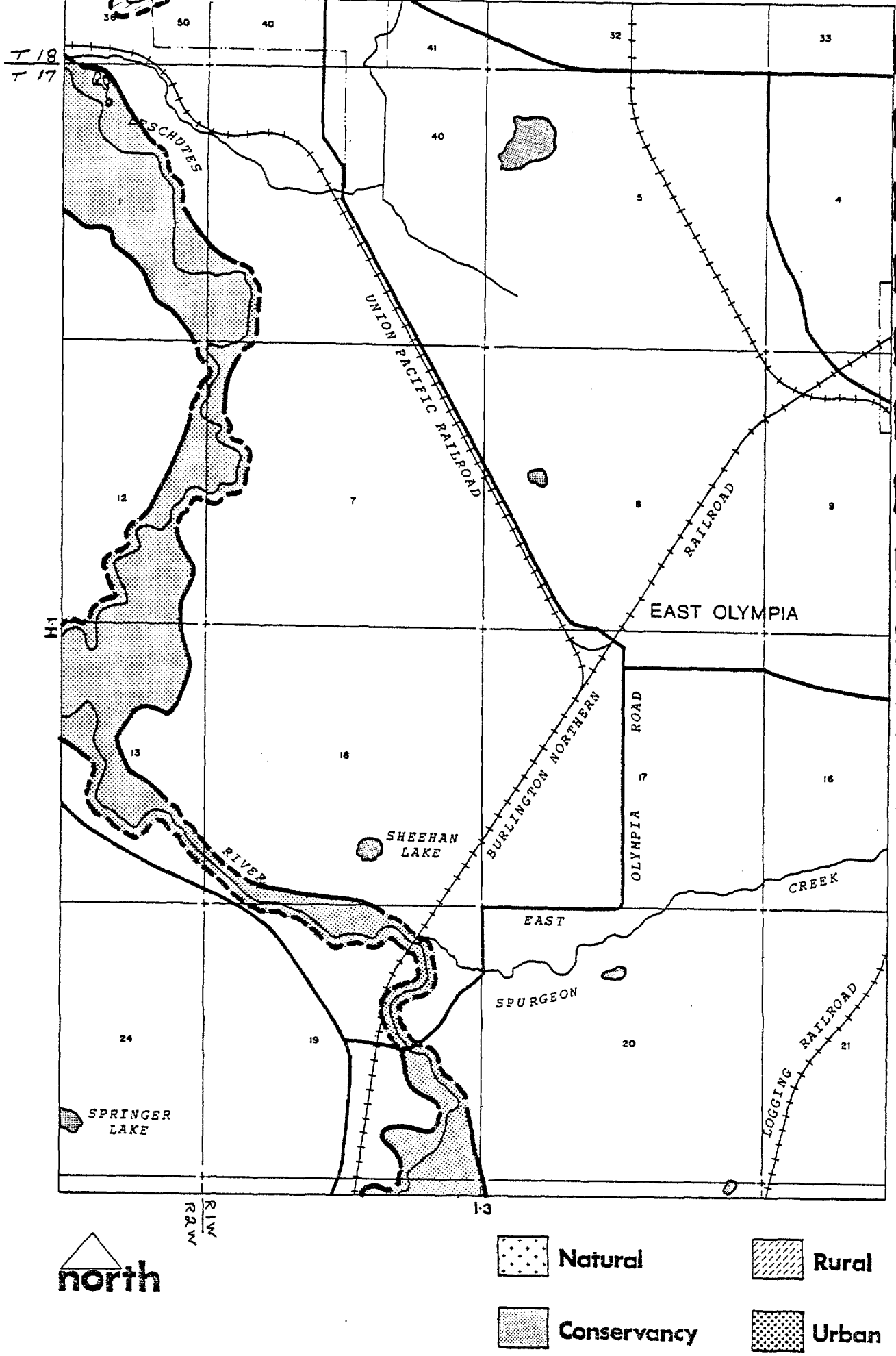

NORTHERN PACIFIC
ROAD
ROCK
BLOOMS
DITCH
CASE
ROAD
LITTLE
25
30
29
28
36
31
32
33
T 17
T 16
B·1
1
6
5
4
C M ST P & P
MAYTOWN
ROAD
MAYTOWN
76
75
CREEK
BEAVER
12
7
8
9
13
18
17
16
5
L·2
R 4 W
R 3 W
north
Natural
Rural
Conservancy
Urban

H·3 MAYTOWN

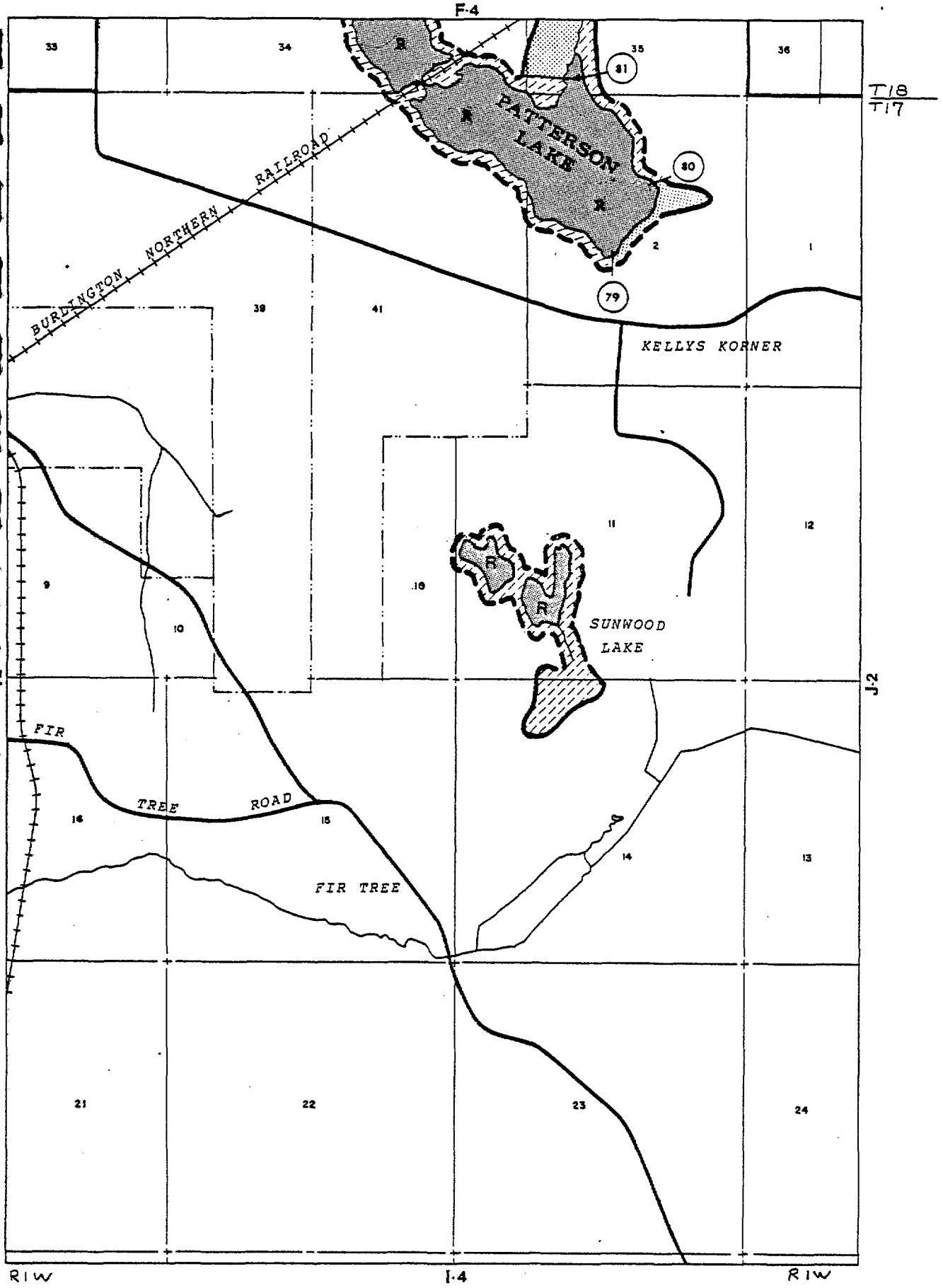


0 2000 FEET Scale

H·4 MAYTOWN

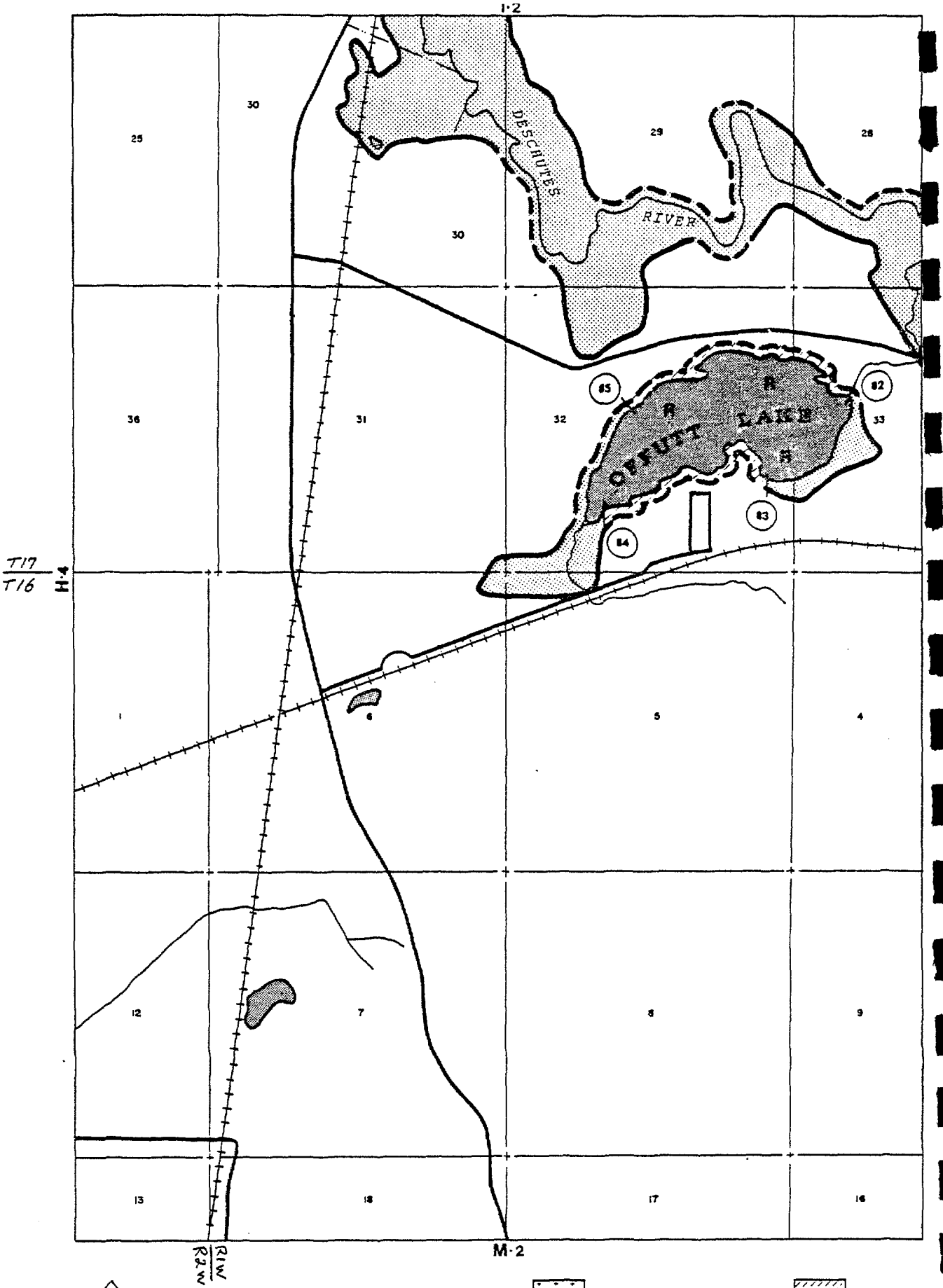


1·2 EAST OLYMPIA



0 2000 FEET Scale

I-1 EAST OLYMPIA



north

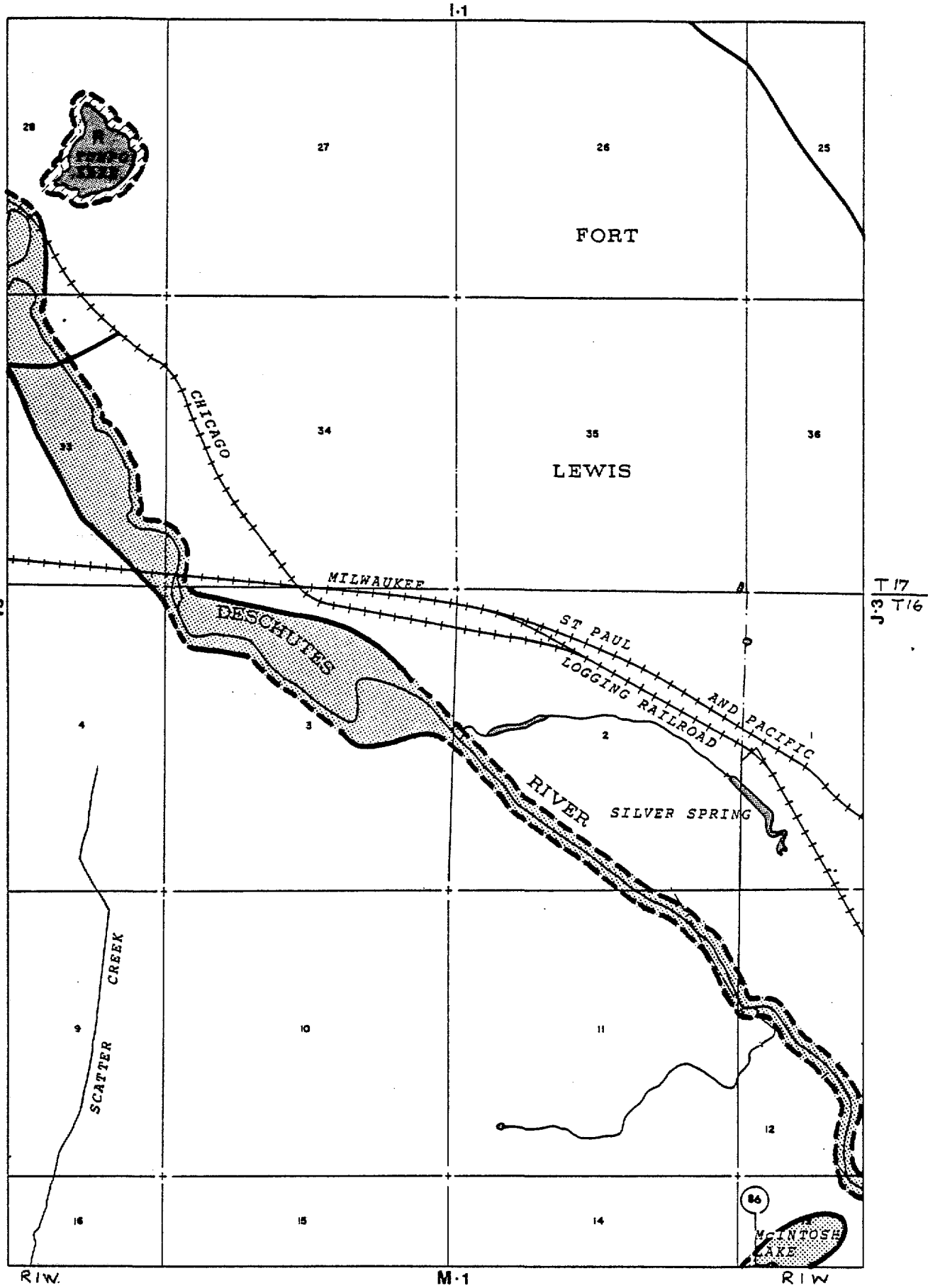
Natural

Rural

Conservancy

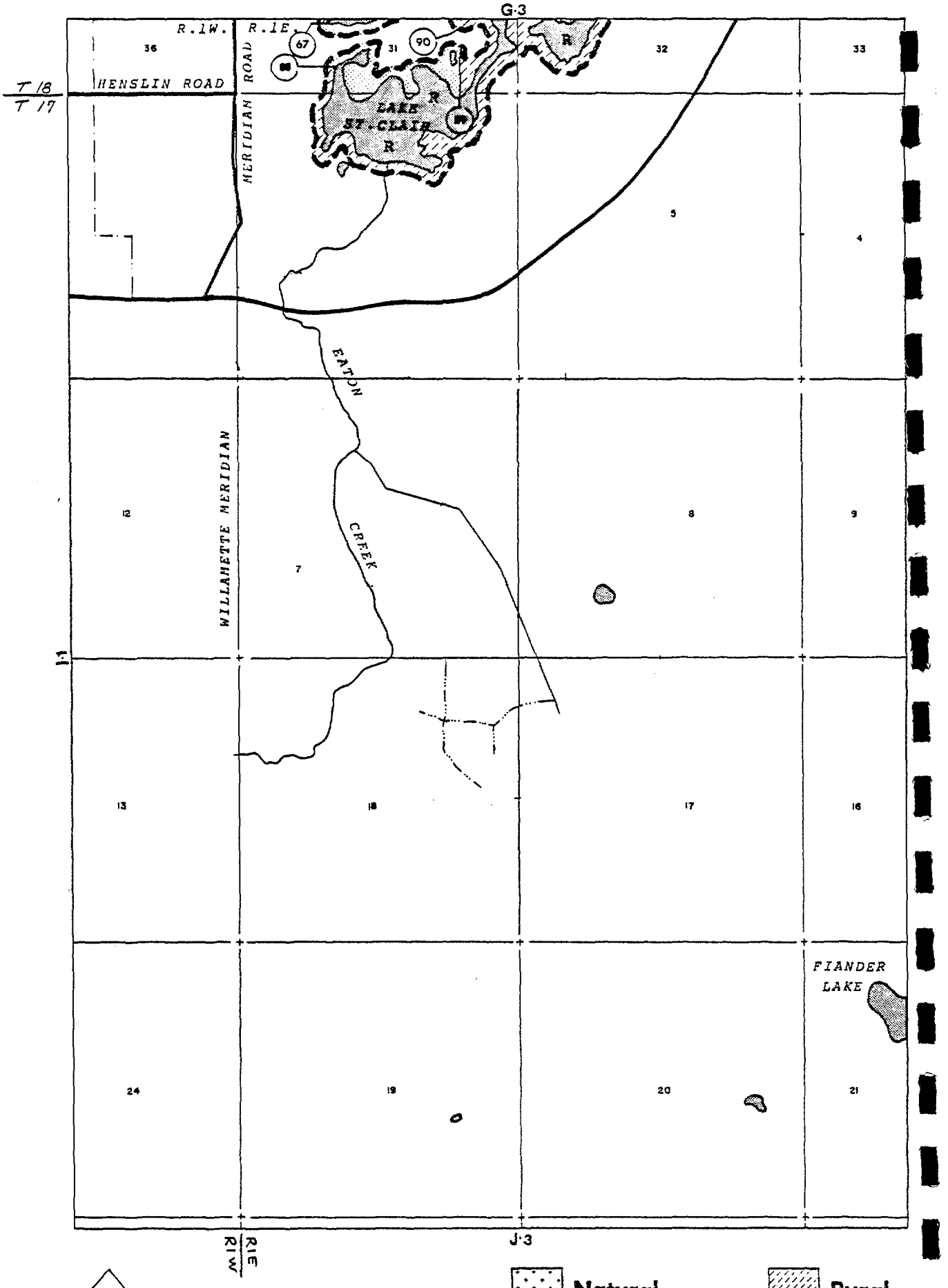
Urban

1·3 EAST OLYMPIA



0 2000 FEET
Scale

I·4 EAST OLYMPIA



north

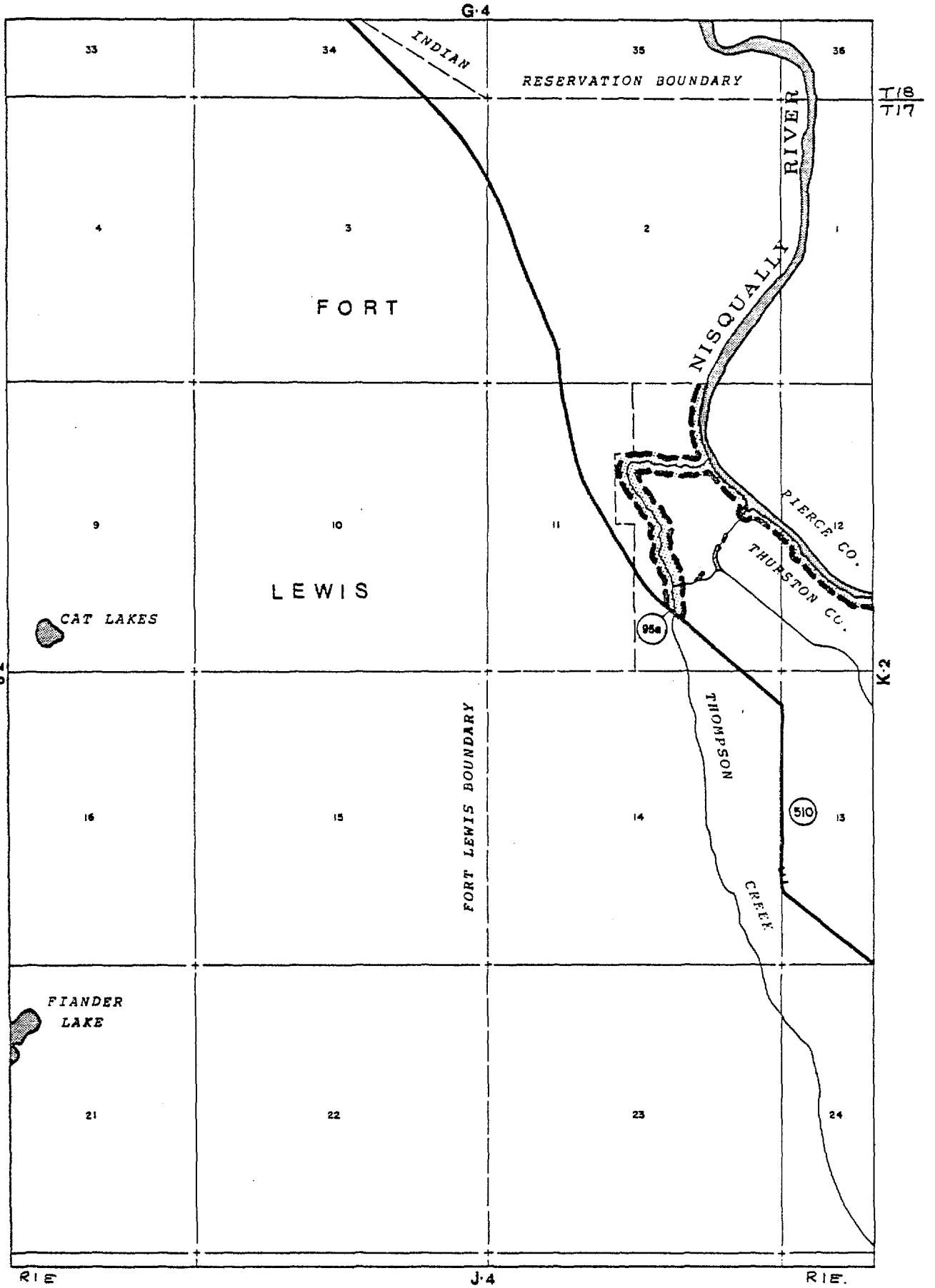
Natural

Rural

Conservancy

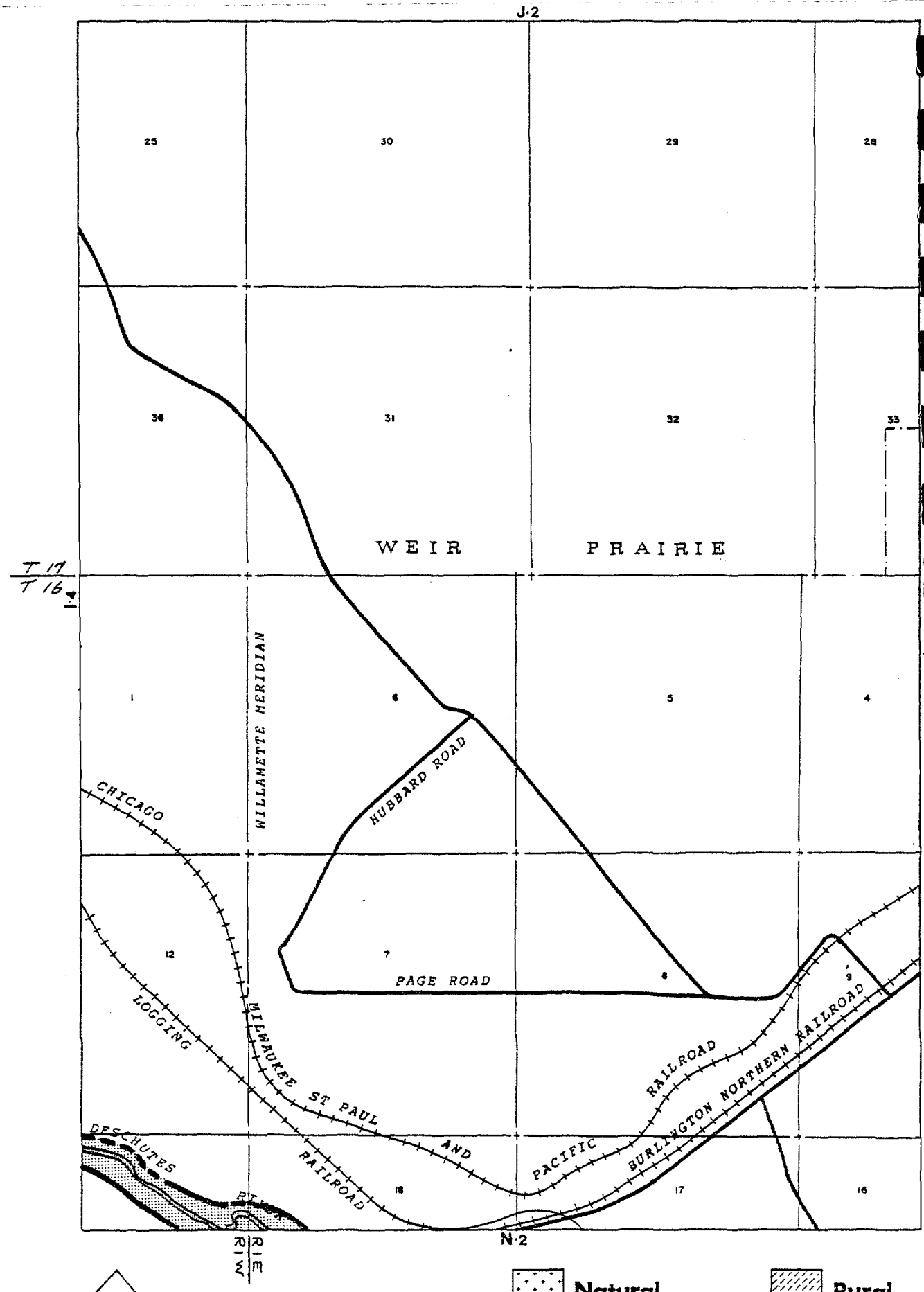
Urban

J·2 WEIR PRAIRIE



0 2000 FEET Scale

J·1 WEIR PRAIRIE



north

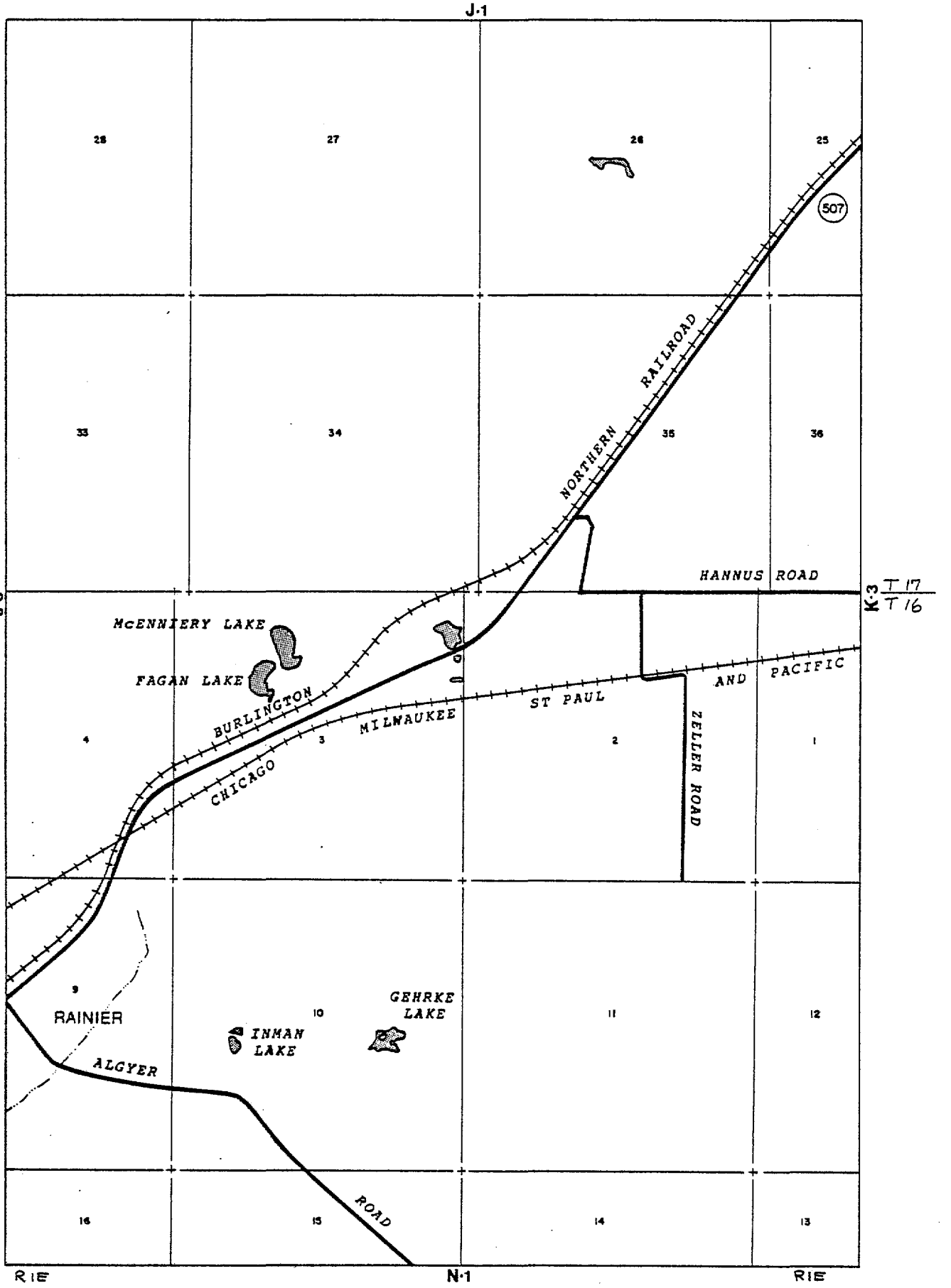
Natural

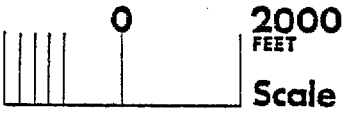
Rural

Conservancy

Urban

J·3 WEIR PRAIRIE





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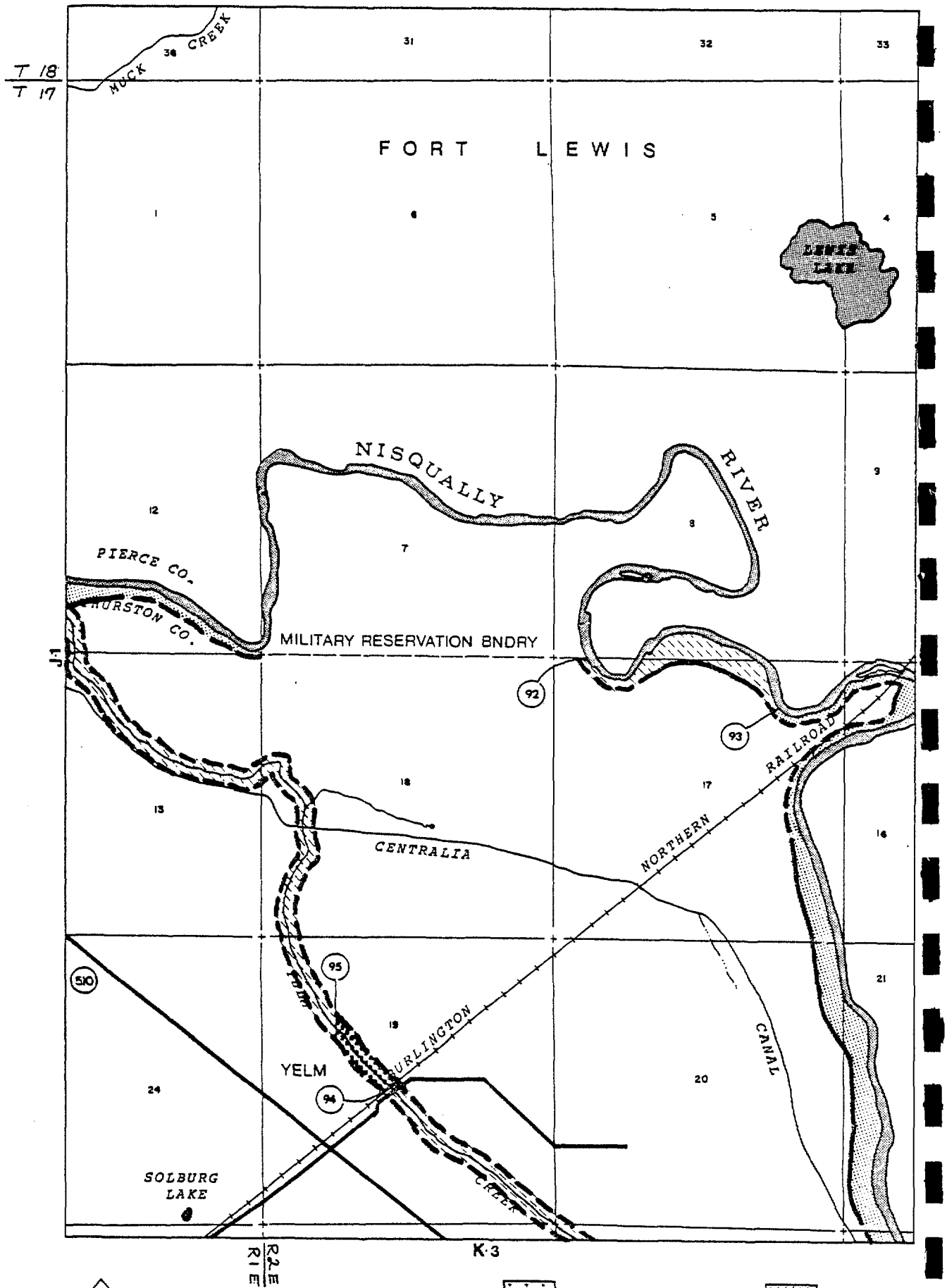


north

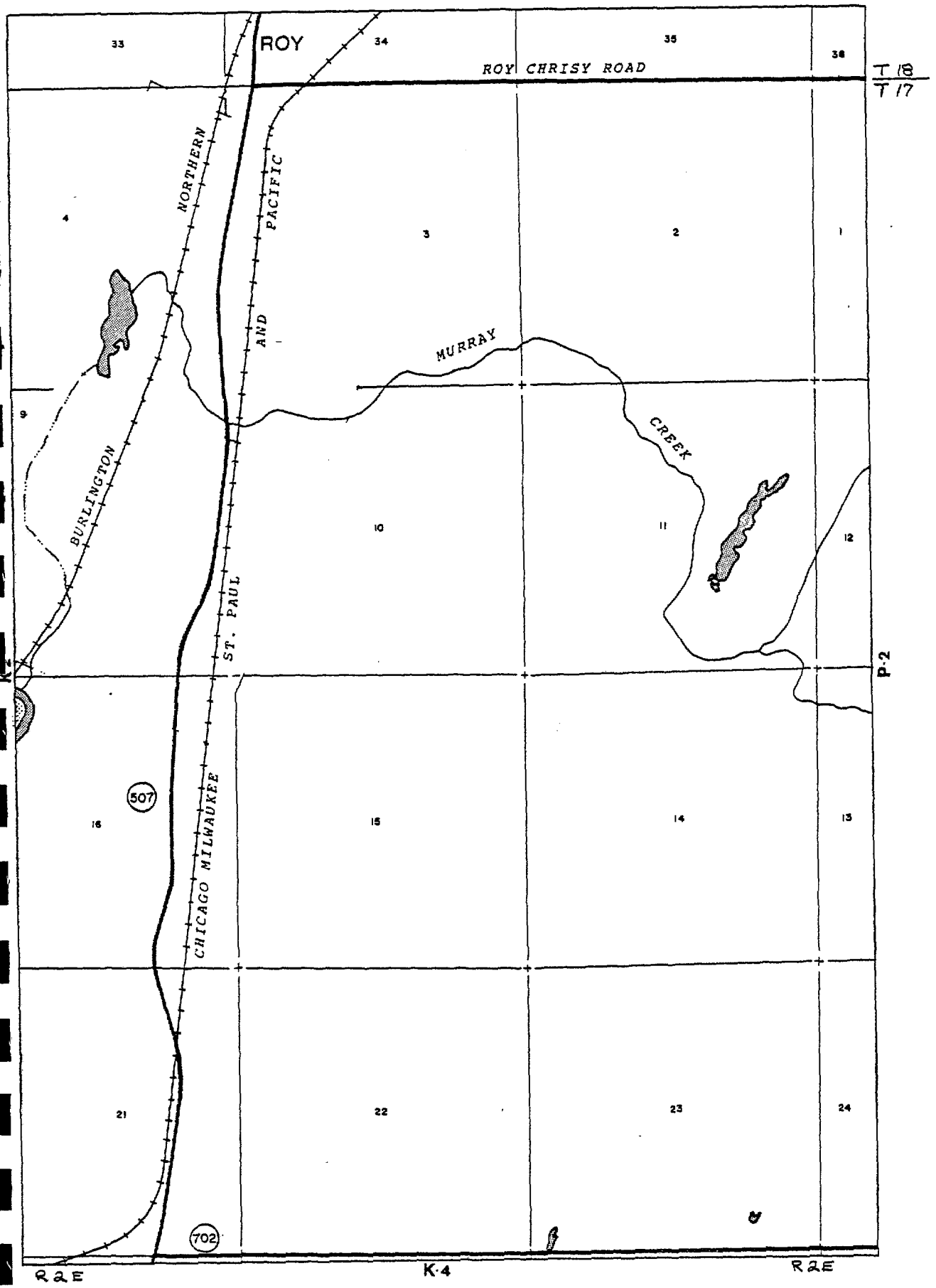
Natural

Rural

Conservancy

Urban

K·2 McKENNA



0 2000 FEET Scale

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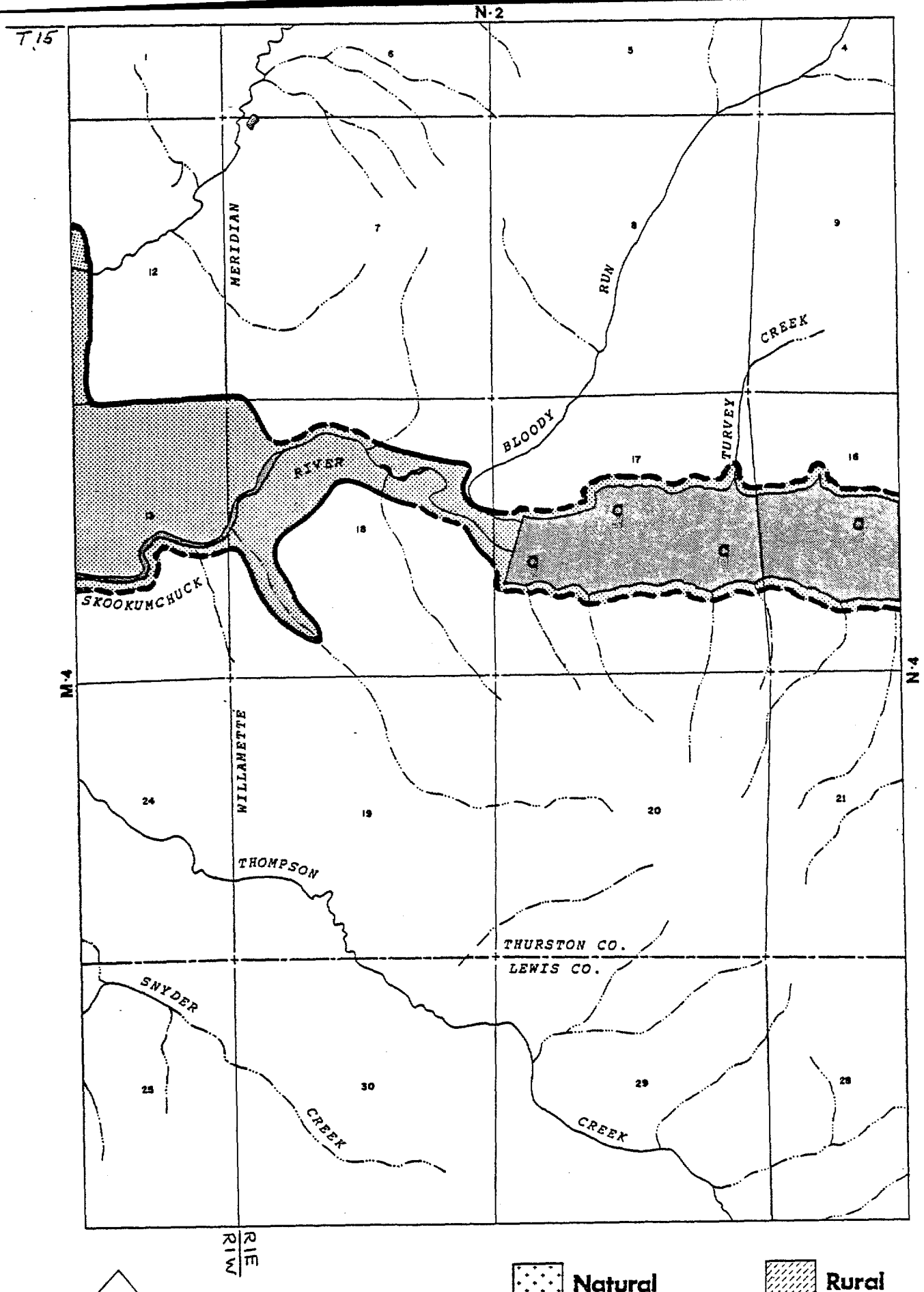


north

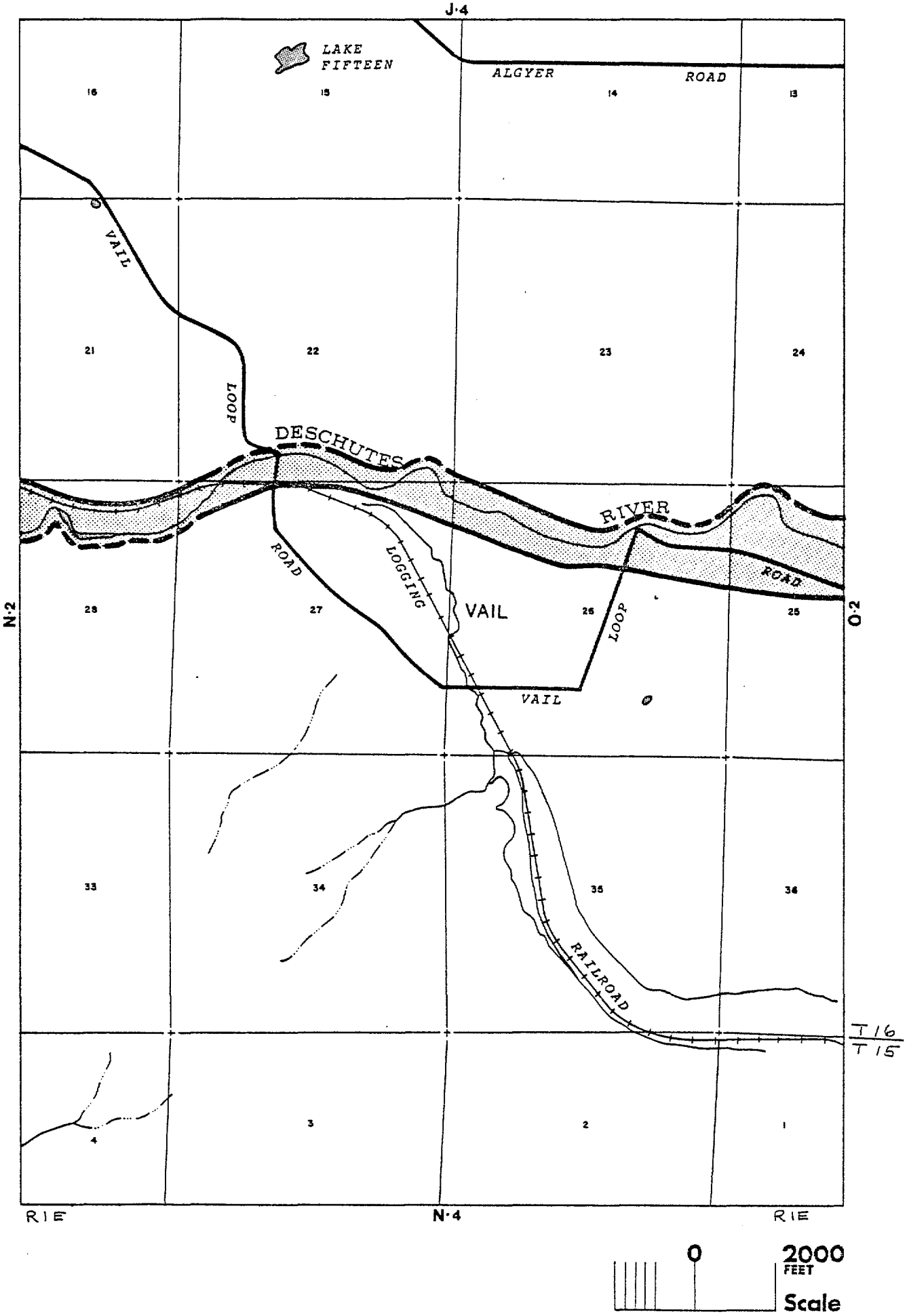
Natural

Rural

Conservancy

Urban

N-3 VAIL



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Scale

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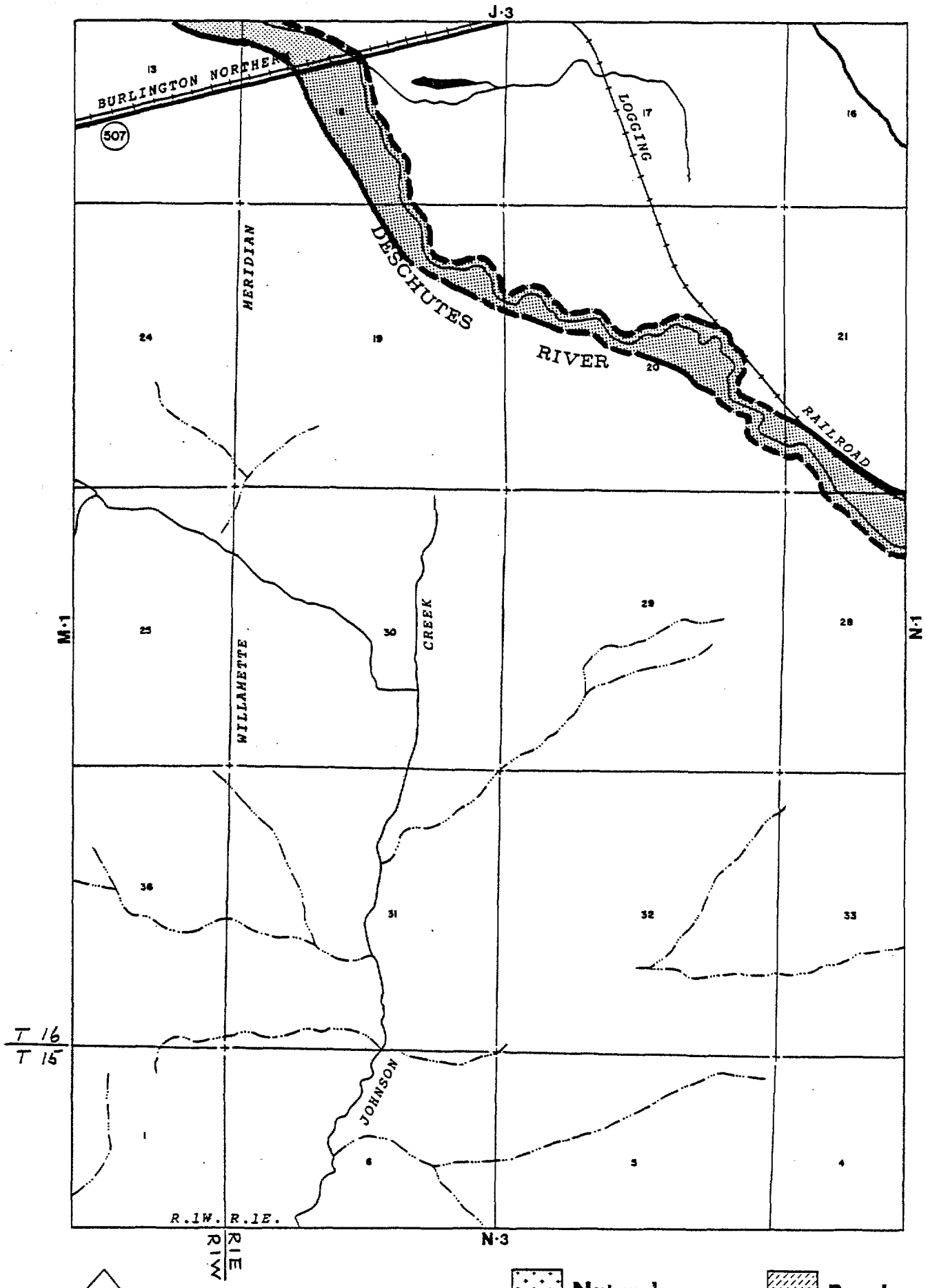


north

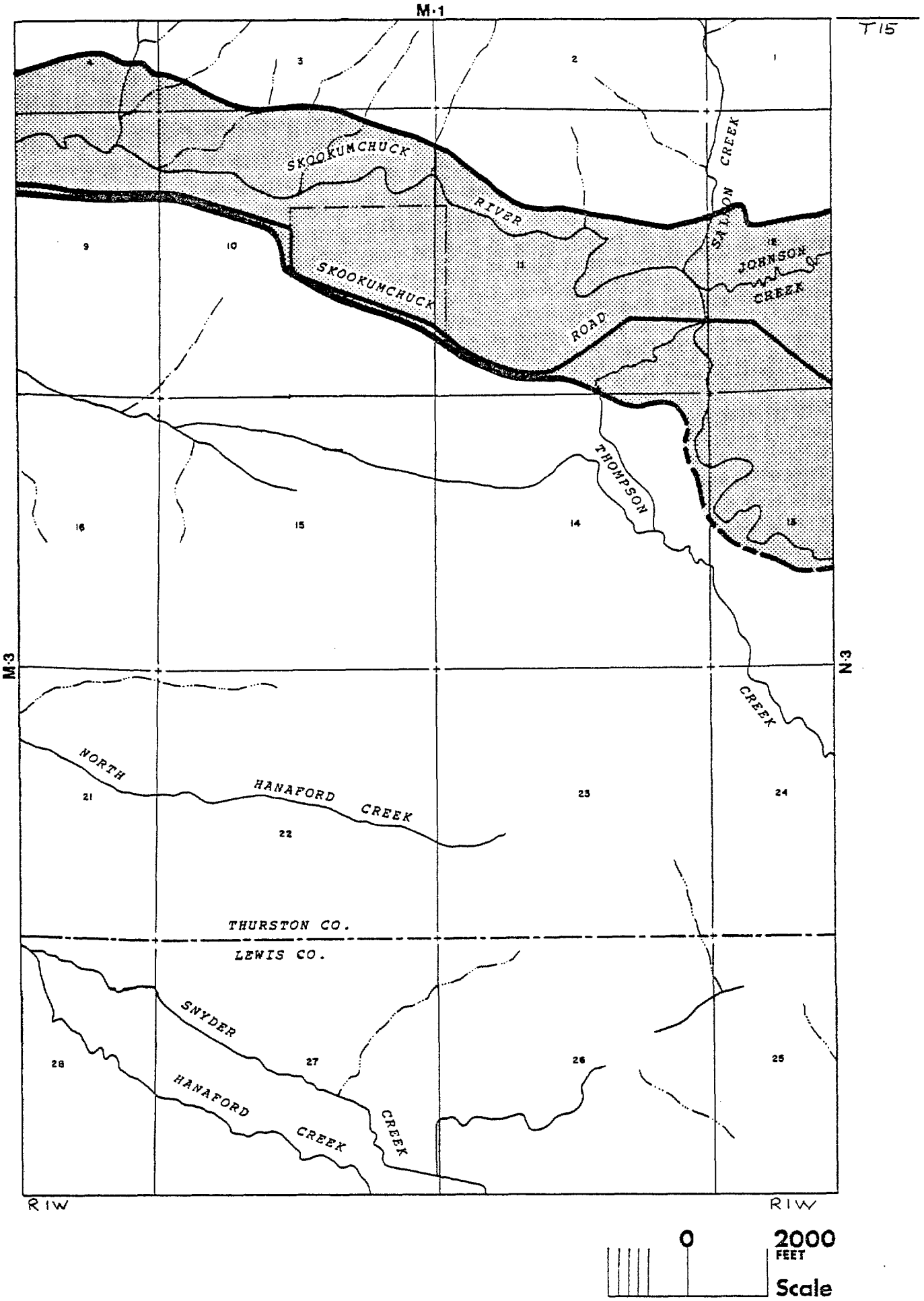
Natural

Rural

Conservancy

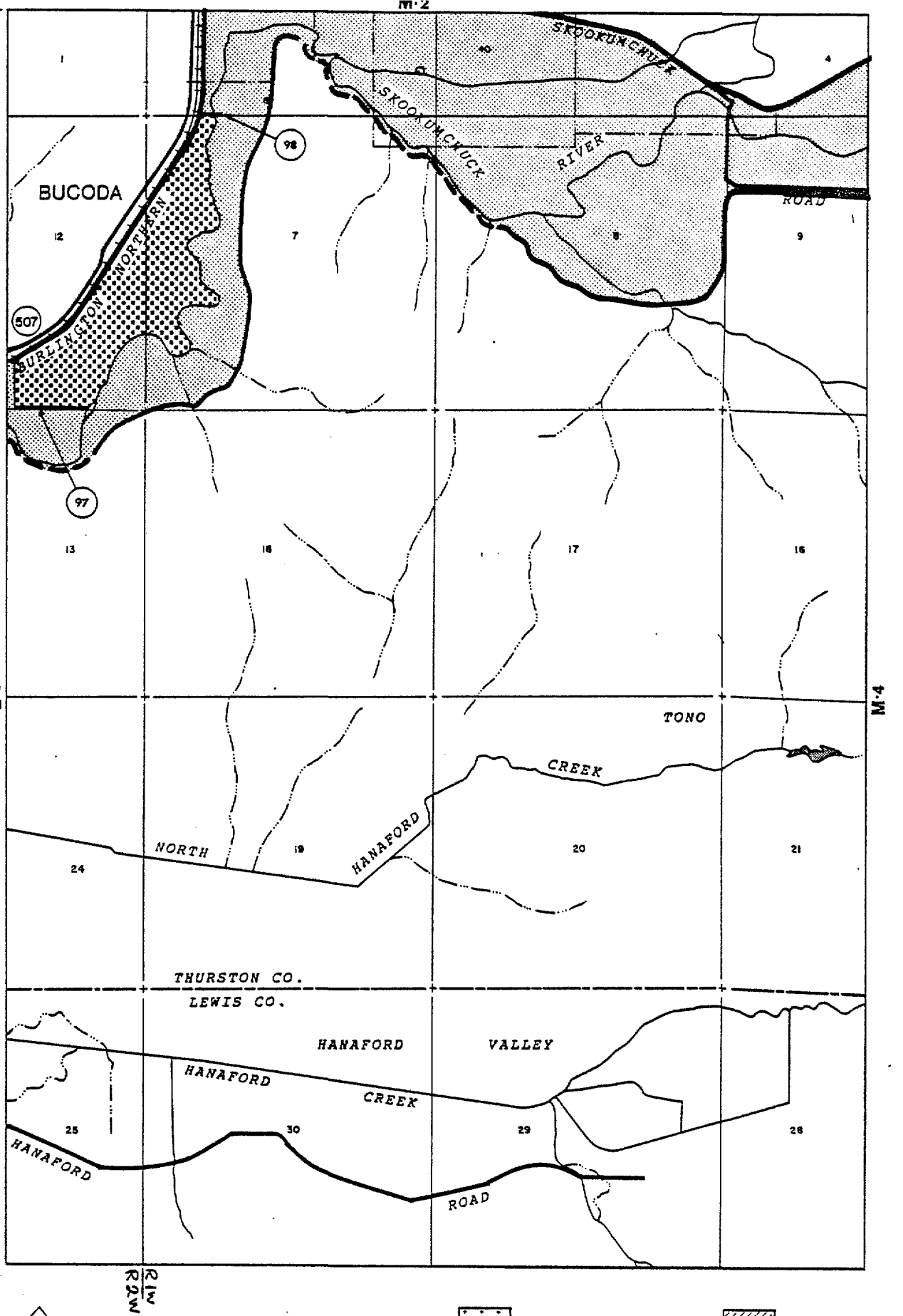
Urban

N·2 VAIL


M·1
T15
3
2
1
SKOOKUMCHUCK
RIVER
SALMON CREEK
9
10
11
12
JOHNSON CREEK
SKOOKUMCHUCK
ROAD
THOMPSON
16
15
14
13
M·3
N·3
CREEK
NORTH
HANAFORD
CREEK
21
22
23
24
THURSTON CO.
LEWIS CO.
SNYDER
28
27
26
25
HANAFORD
CREEK
CREEK
R1W
R1W
0
2000
FEET
Scale

M·4 BUCODA

T15



north

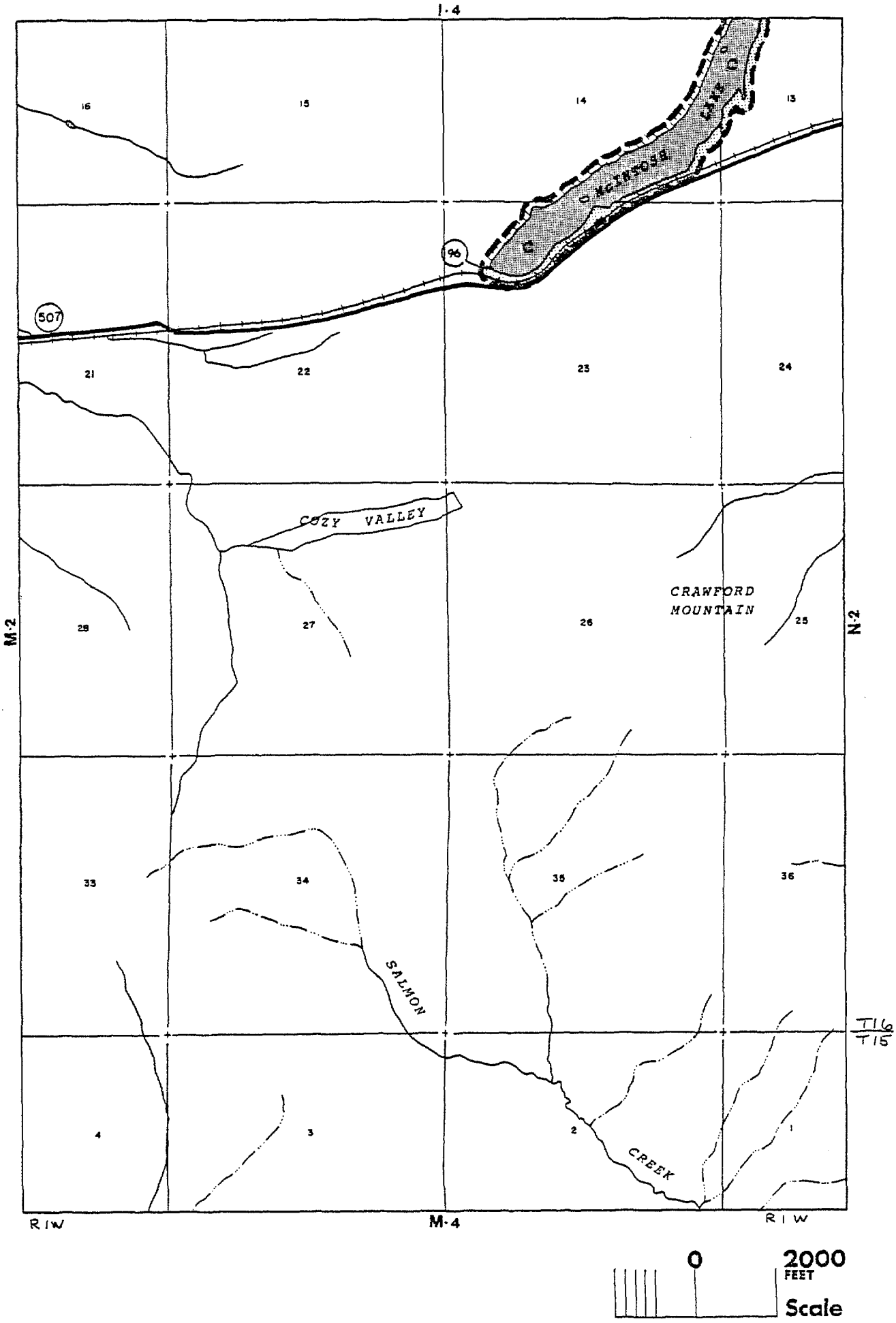
Natural

Rural

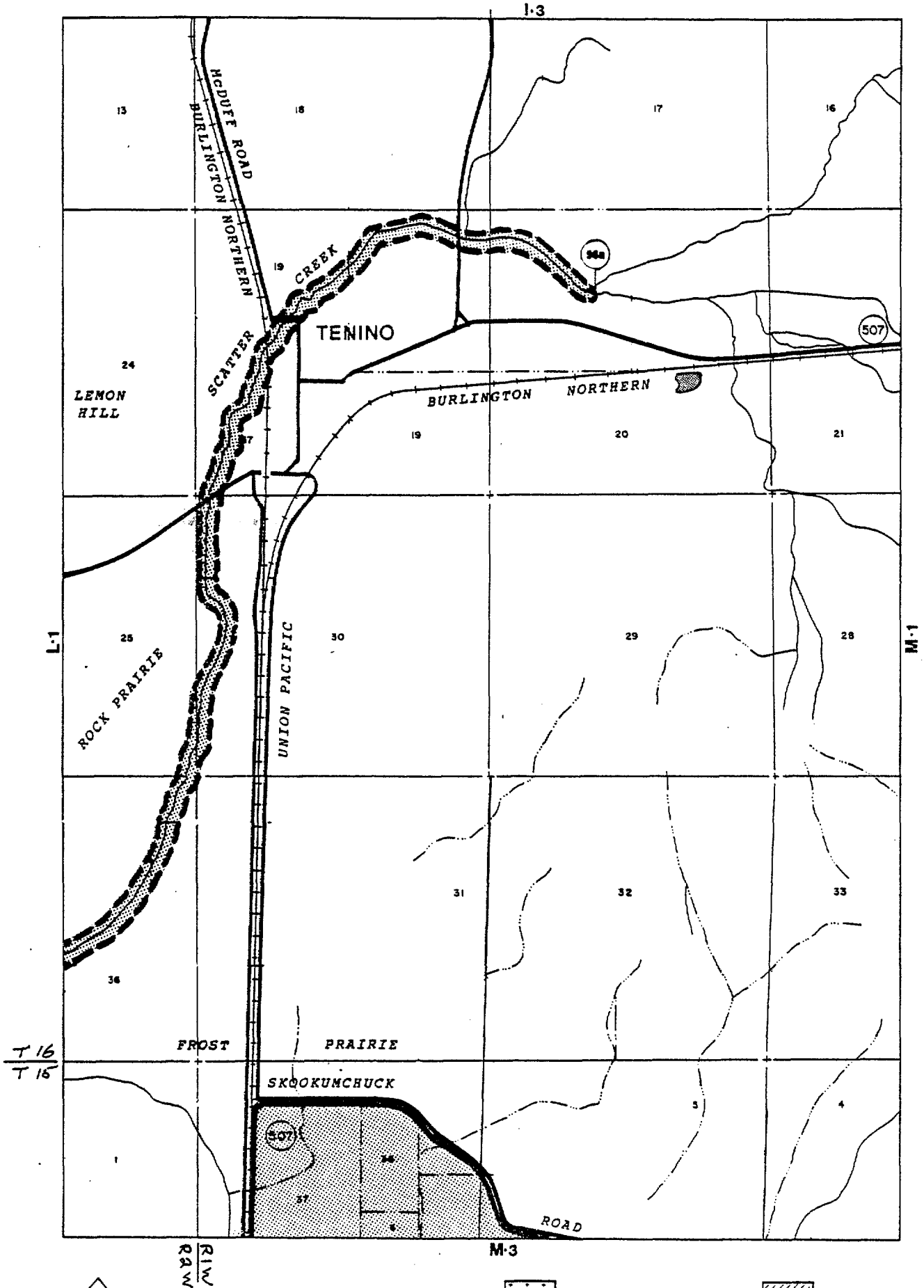
Conservancy

Urban

M·3 BUCODA


I·4
16
15
14
13
McINTOSH
LAKE
96
507
21
22
23
24
COZY VALLEY
CRAWFORD
MOUNTAIN
M·2
N·2
28
27
26
25
33
34
35
36
SALMON
CREEK
T16
T15
4
3
2
1
R1W
M·4
R1W
0
2000
FEET
Scale

M·1 BUCODA



north

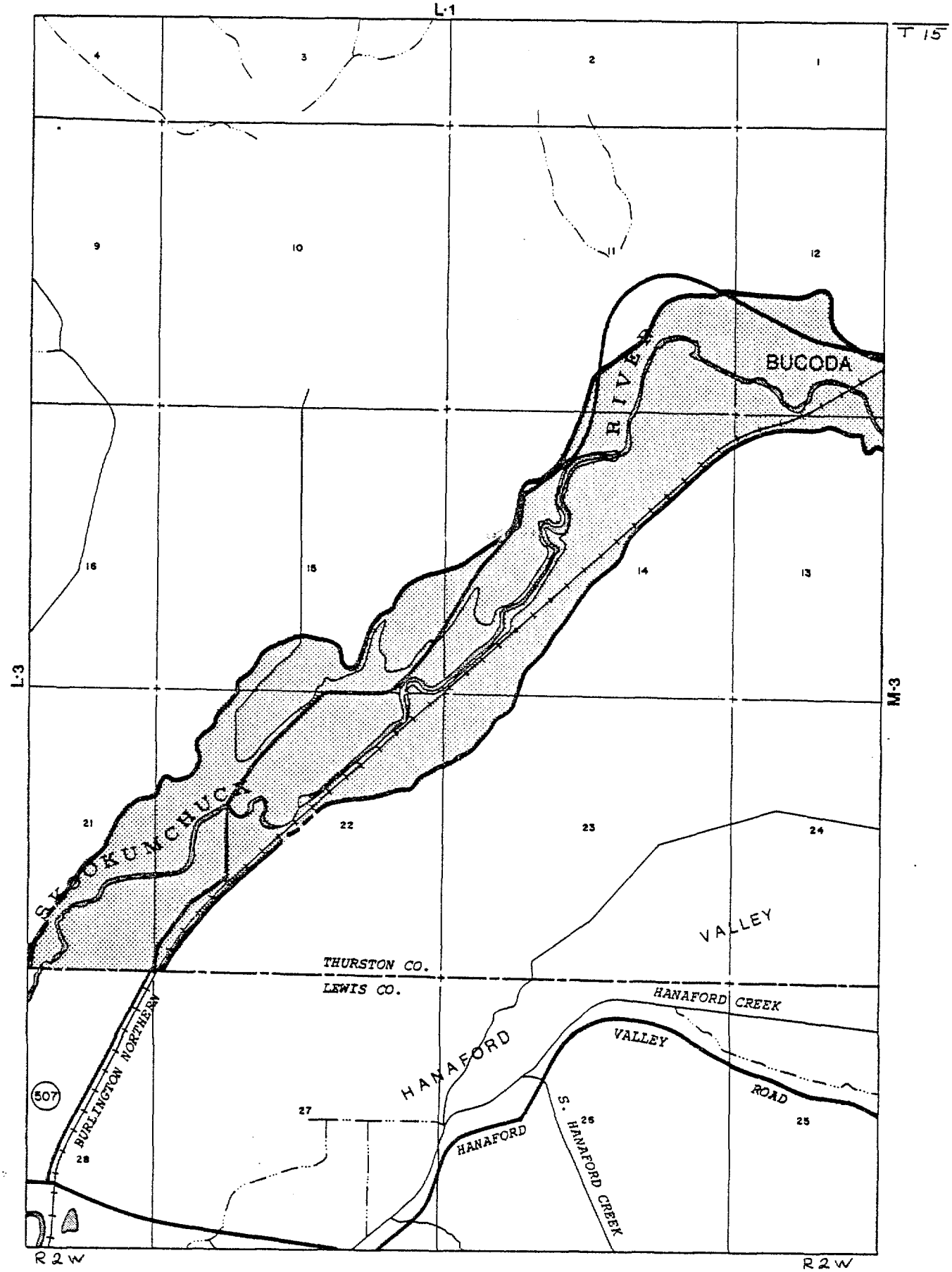
Natural

Rural

Conservancy

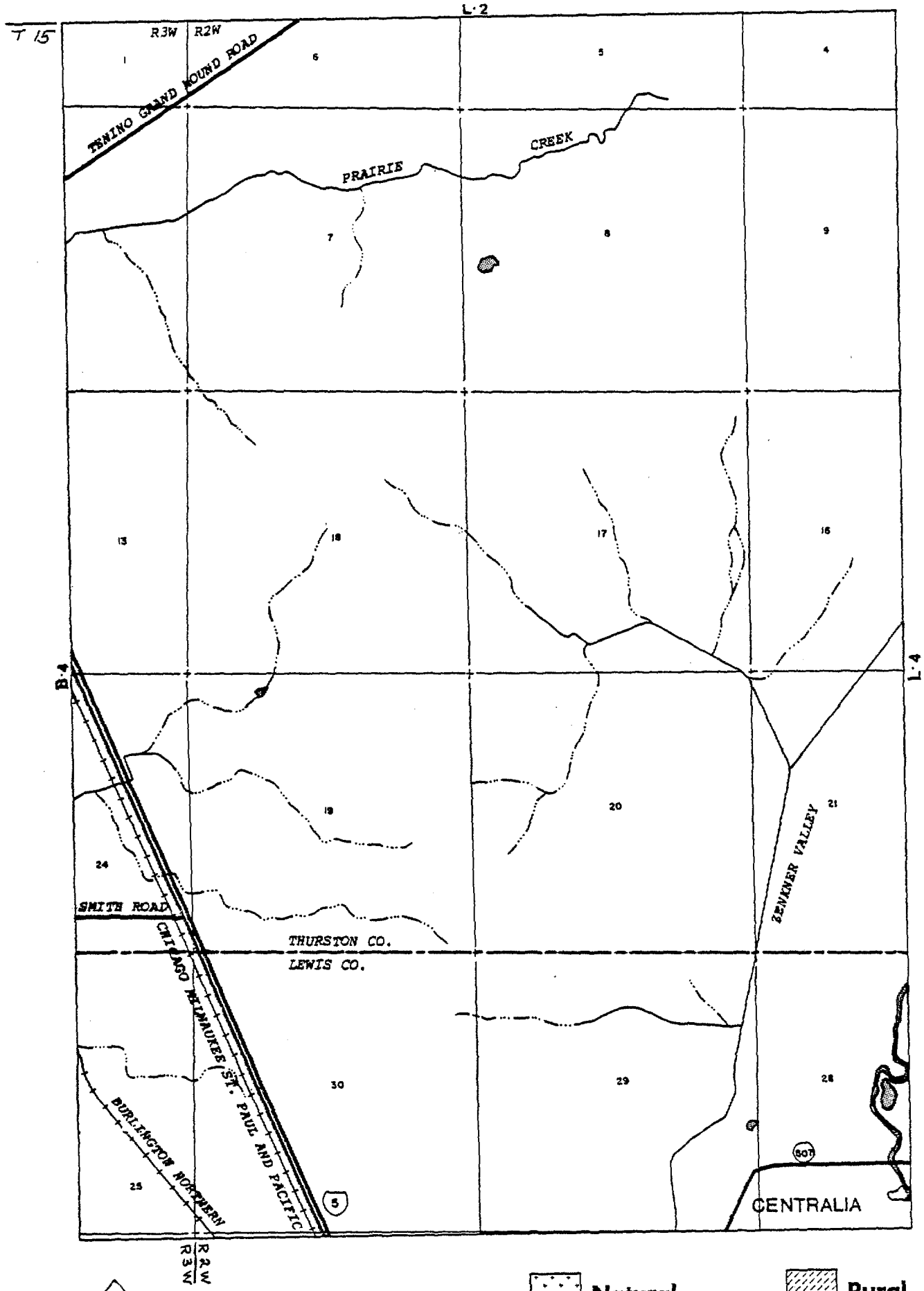
Urban

M·2 BUCODA



0 2000 FEET Scale

L·4 TENINO



north

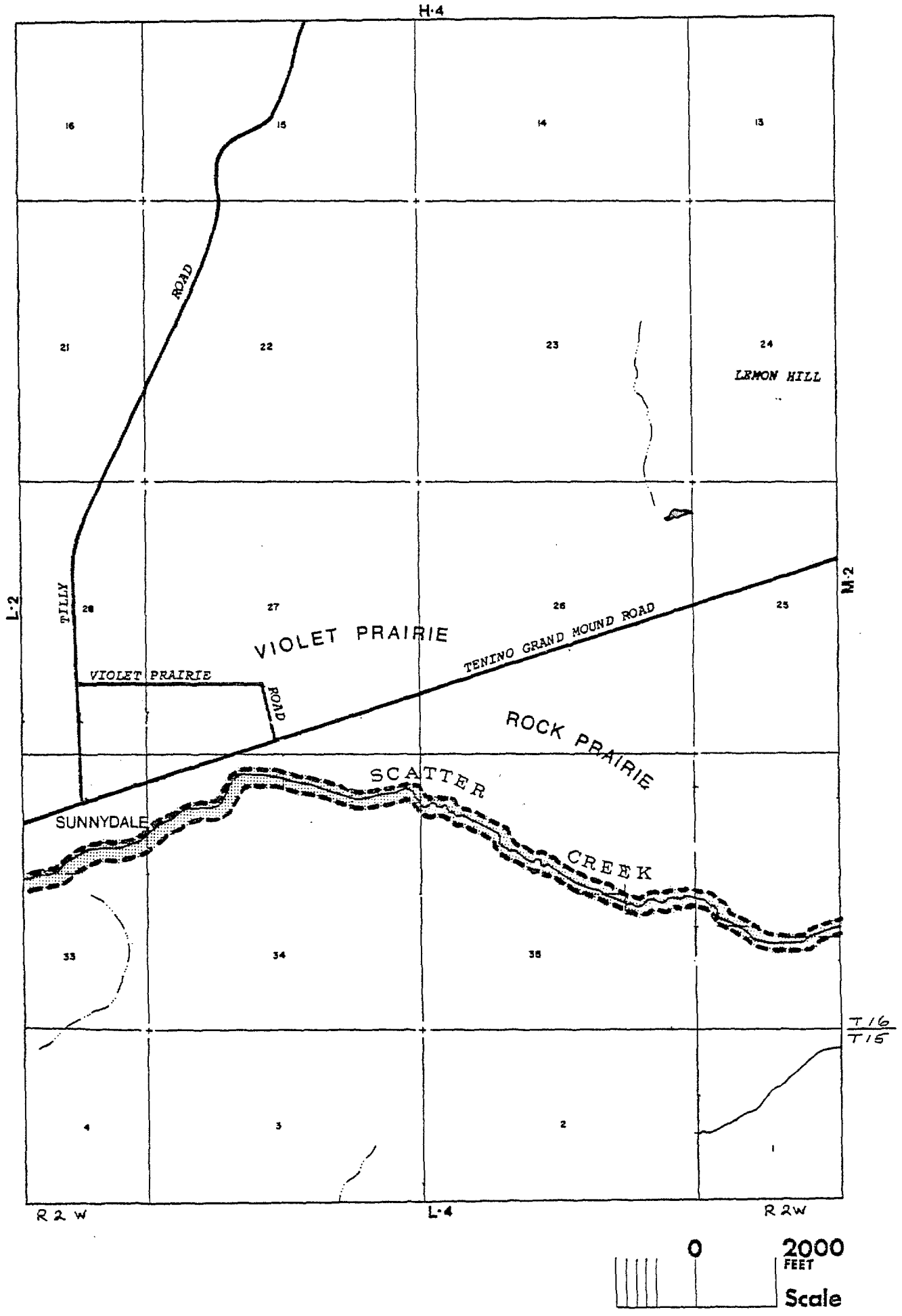
Natural

Rural

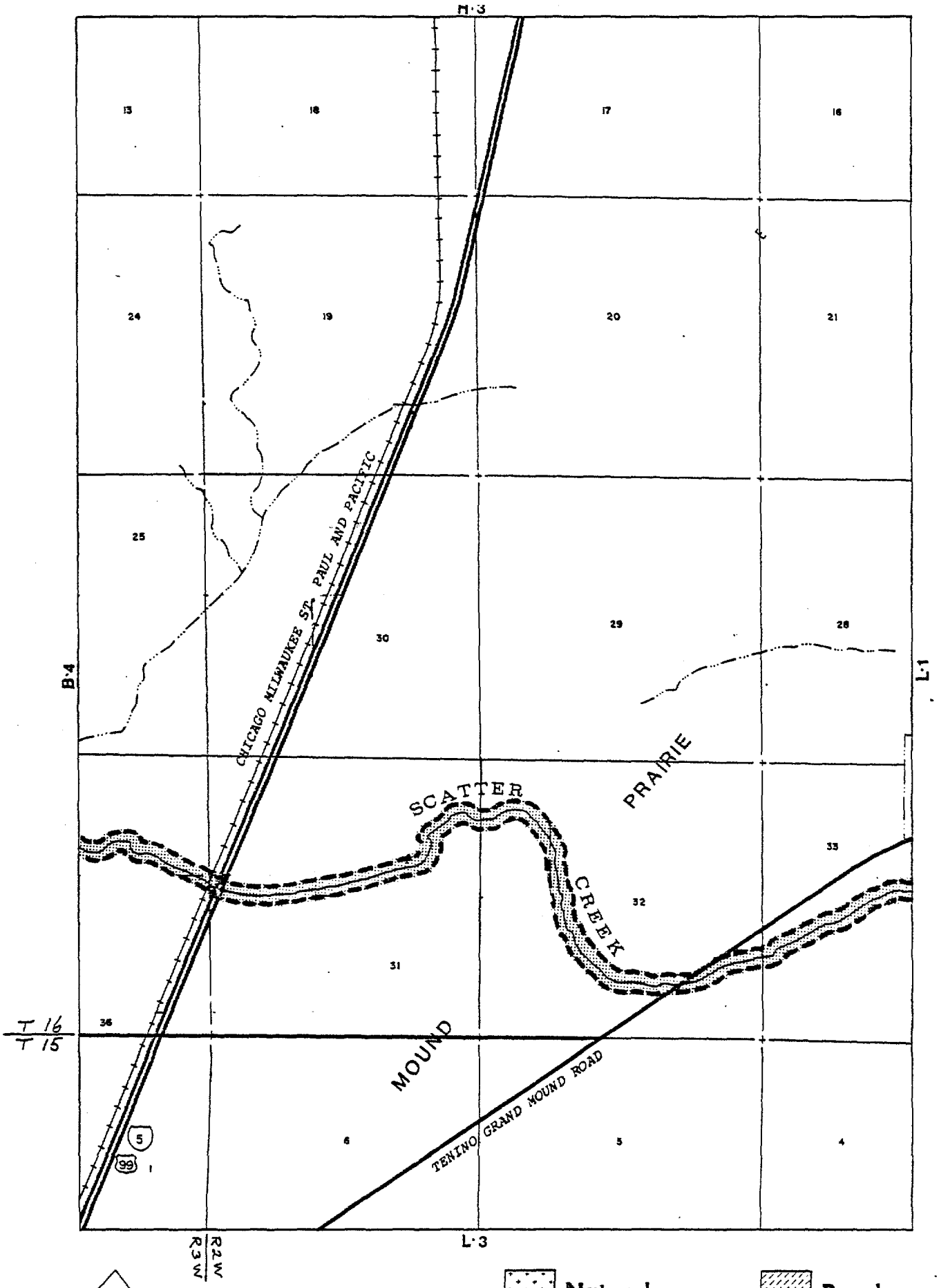
Conservancy

Urban

L·3 TENINO


H·4
16
15
14
13
21
22
23
24
LEMON HILL
ROAD
TILLY
28
27
26
25
L·2
M·2
VIOLET PRAIRIE
TENINO GRAND MOUND ROAD
VIOLET PRAIRIE
ROAD
ROCK PRAIRIE
SCATTER
SUNNYDALE
CREEK
33
34
35
T16
T15
4
3
2
1
R 2 W
L·4
R 2W
0
2000
FEET
Scale

L·1 TENINO



north

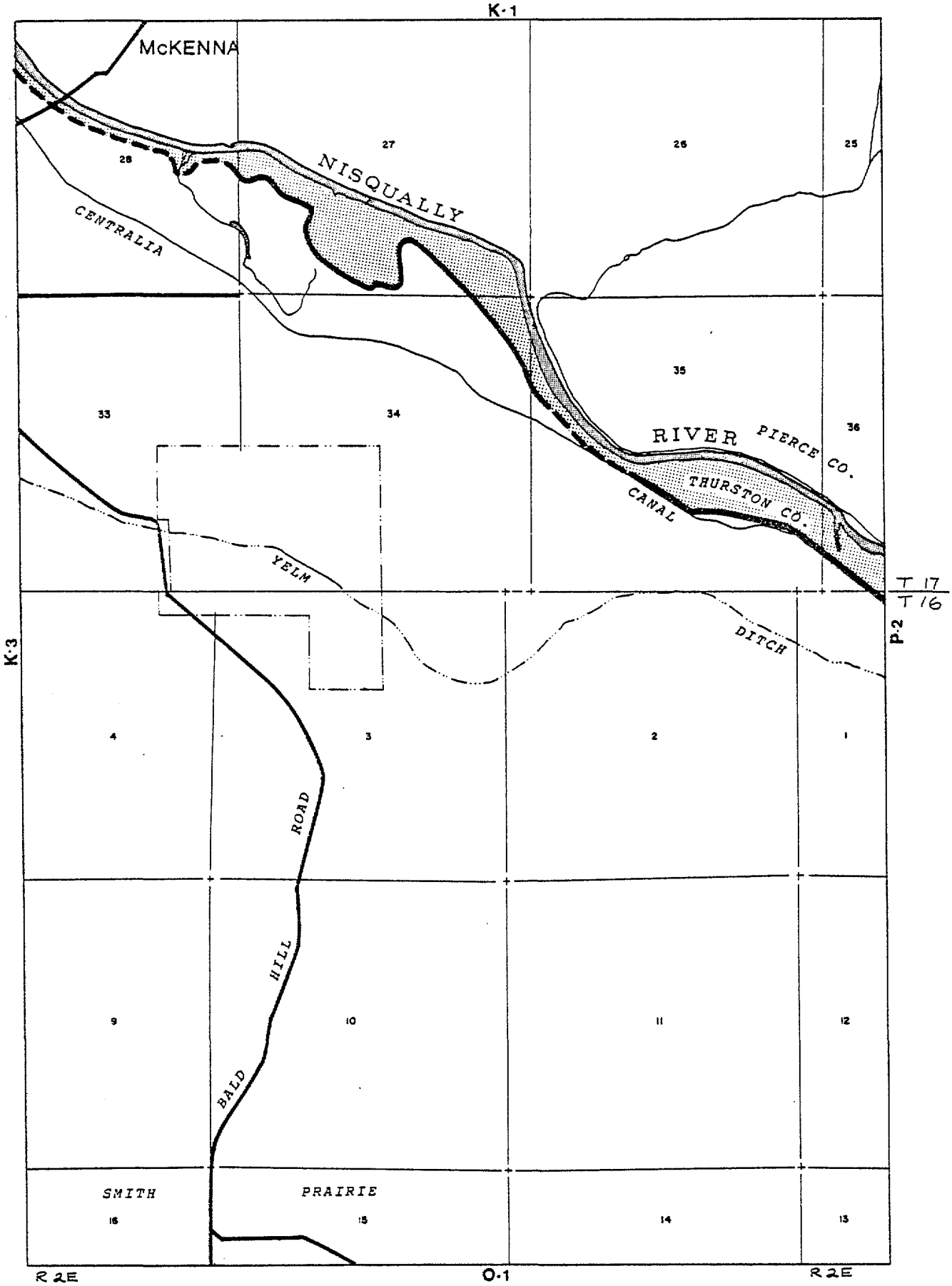
Natural

Rural

Conservancy

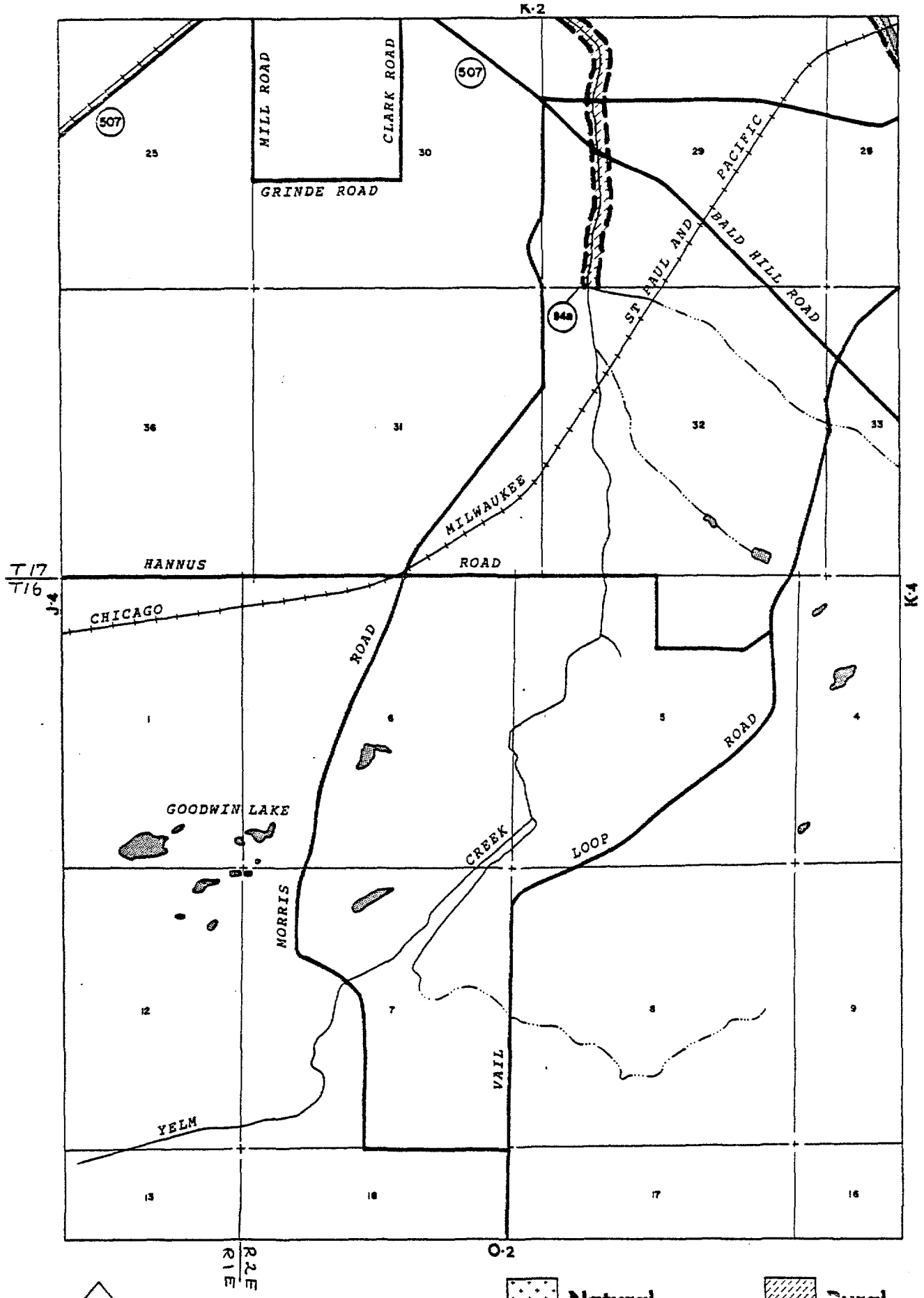
Urban

L·2 TENINO



0 2000 FEET
Scale

K·4 McKENNA



north

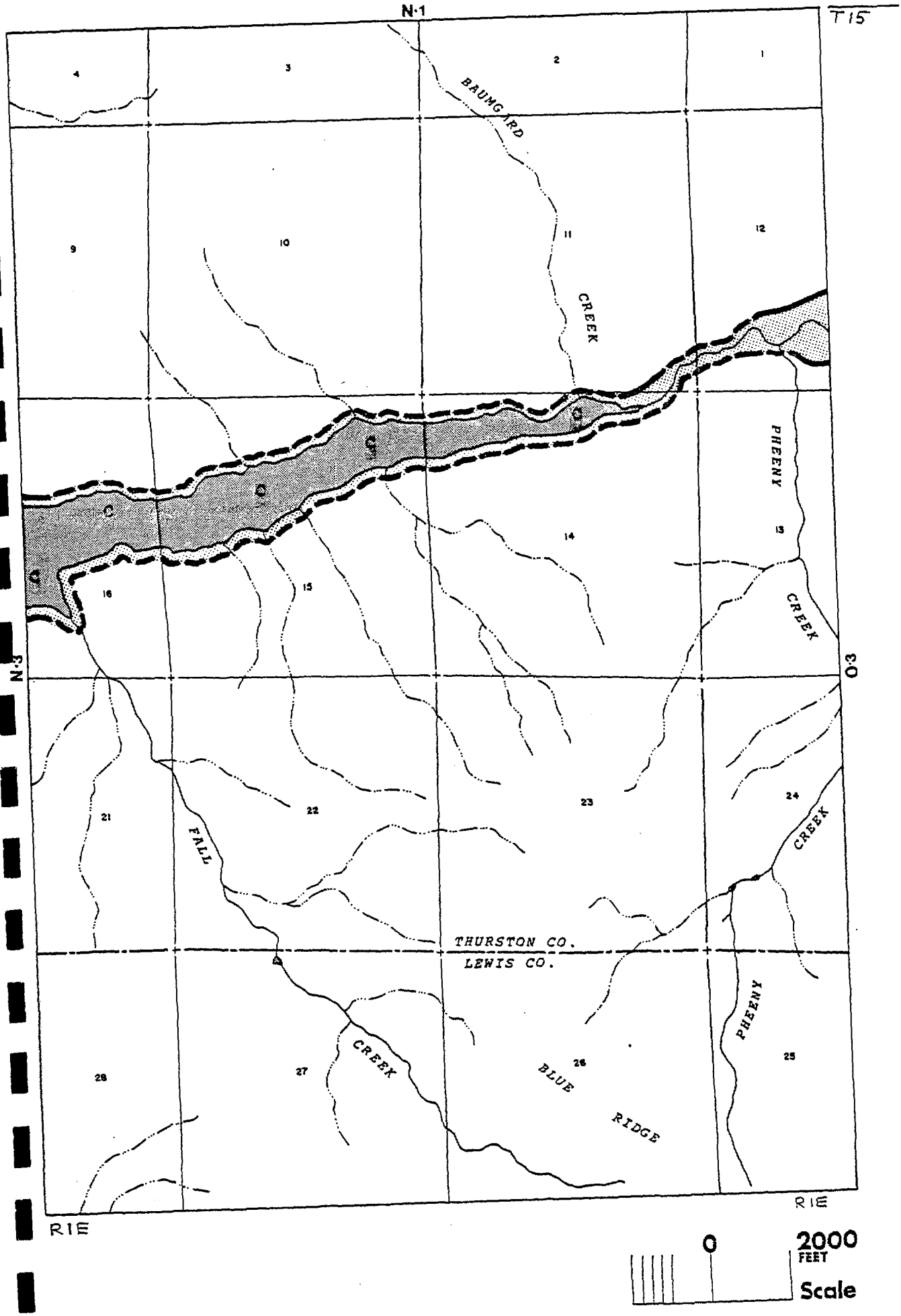
Natural

Rural

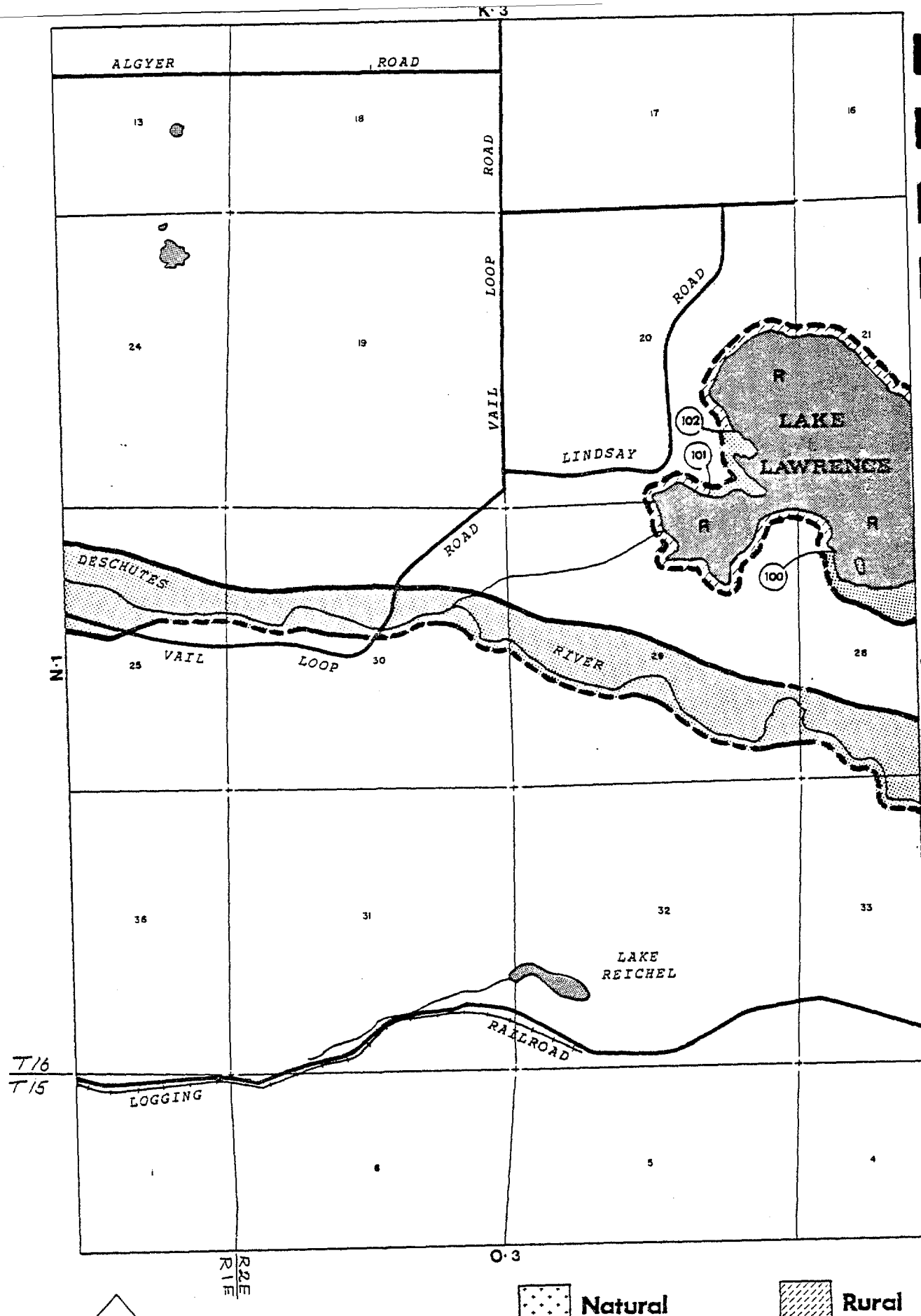
Conservancy

Urban

K·3 McKENNA


N·1
T15
BAUMGARD
CREEK
PHEENY
CREEK
N·3
O·3
FALL
CREEK
THURSTON CO.
LEWIS CO.
PHEENY
CREEK
BLUE
RIDGE
R1E
R1E
0
2000
FEET
Scale

N·4 VAIL



north

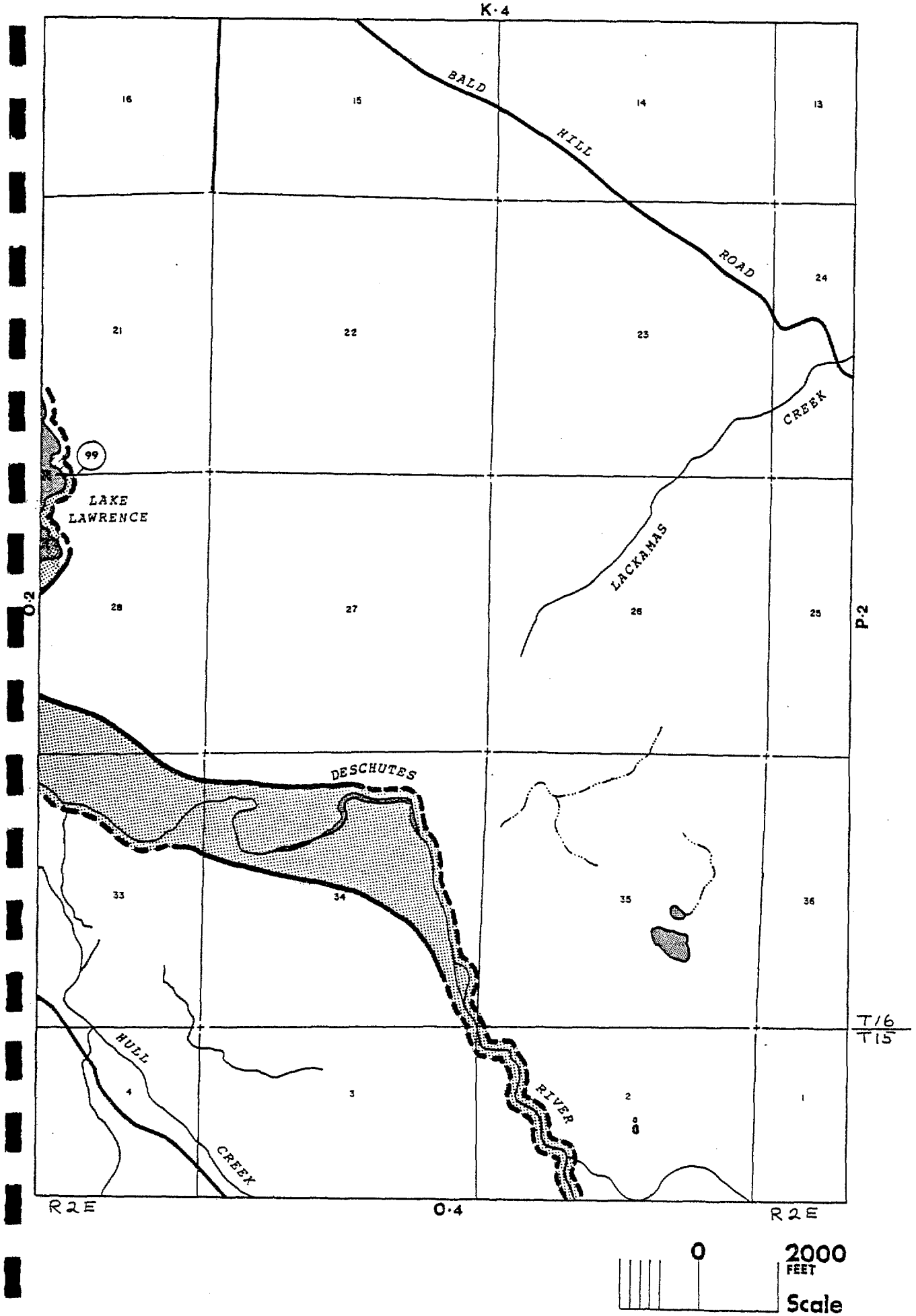
Natural

Rural

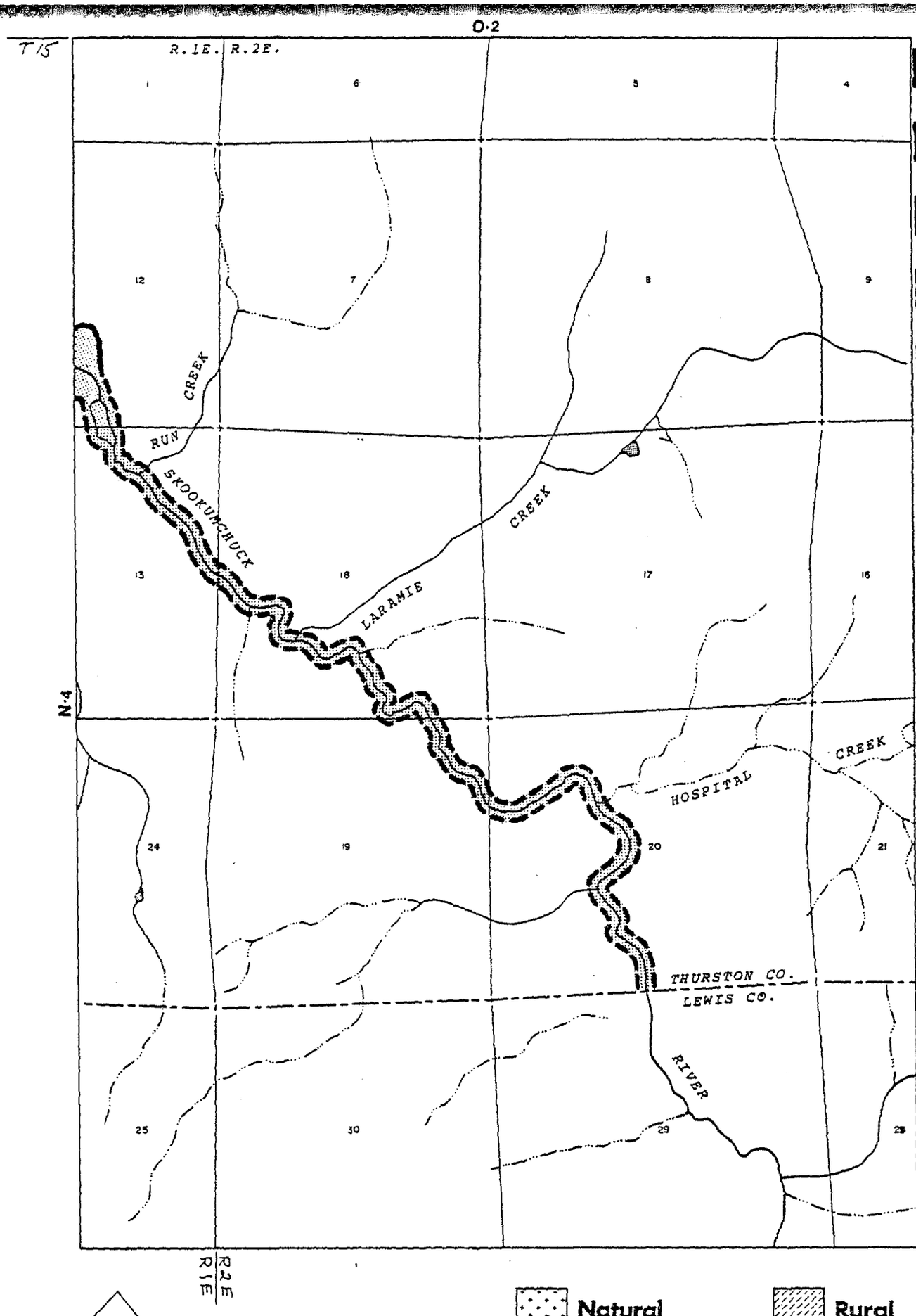
Conservancy

Urban

O·2 LAKE LAWRENCE



O·1 LAKE LAWRENCE



north

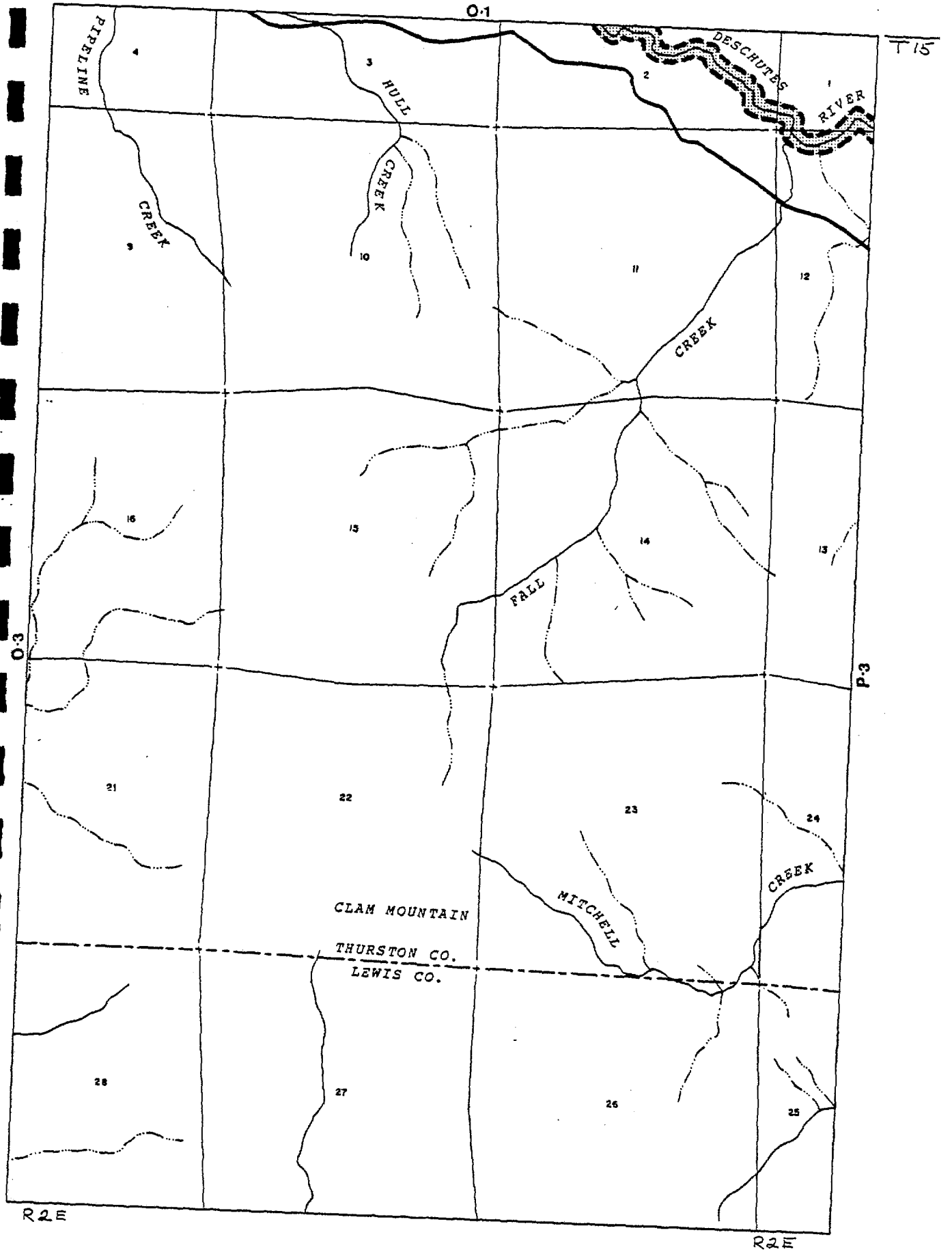
Natural

Rural

Conservancy

Urban

O·3 LAKE LAWRENCE



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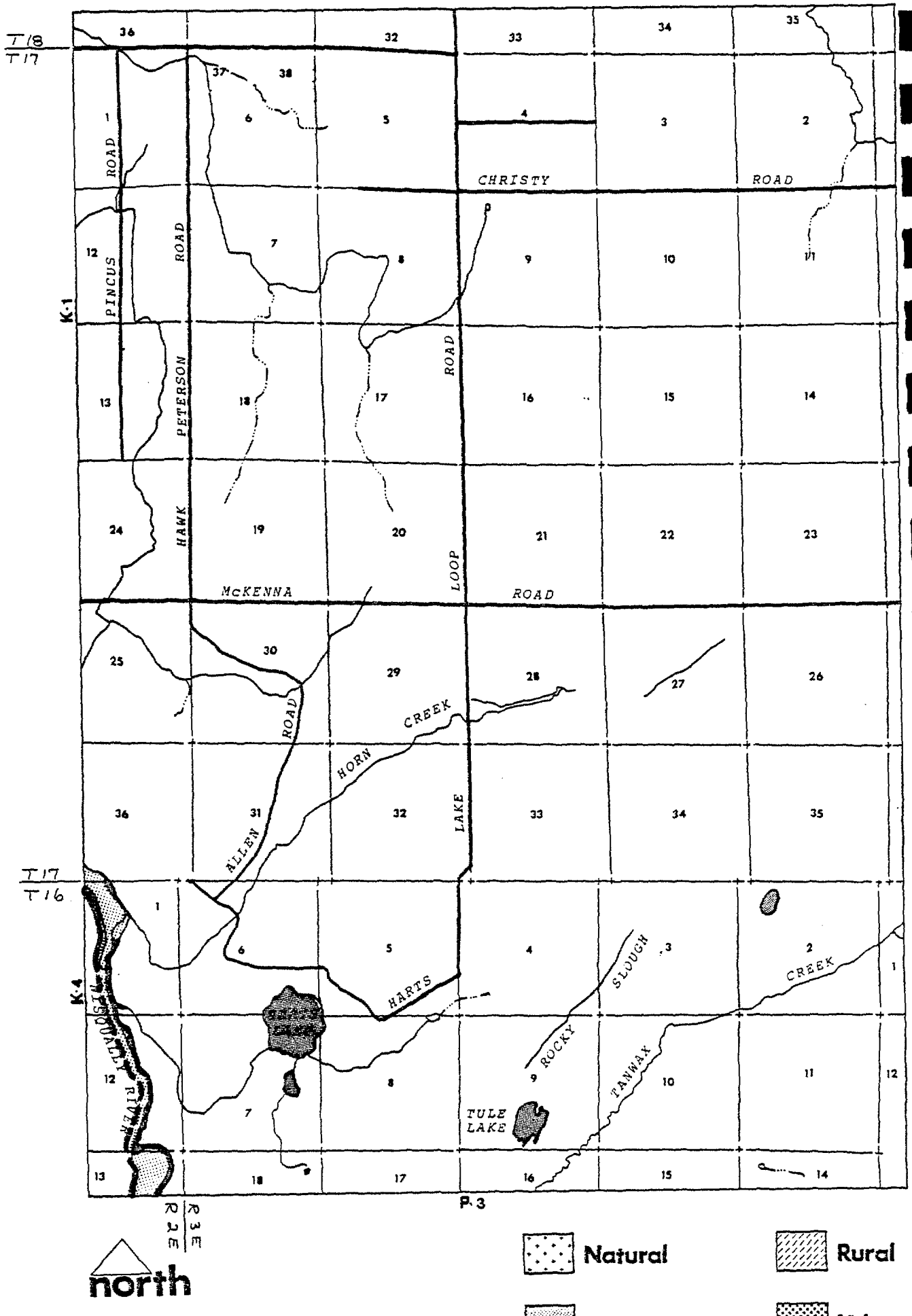
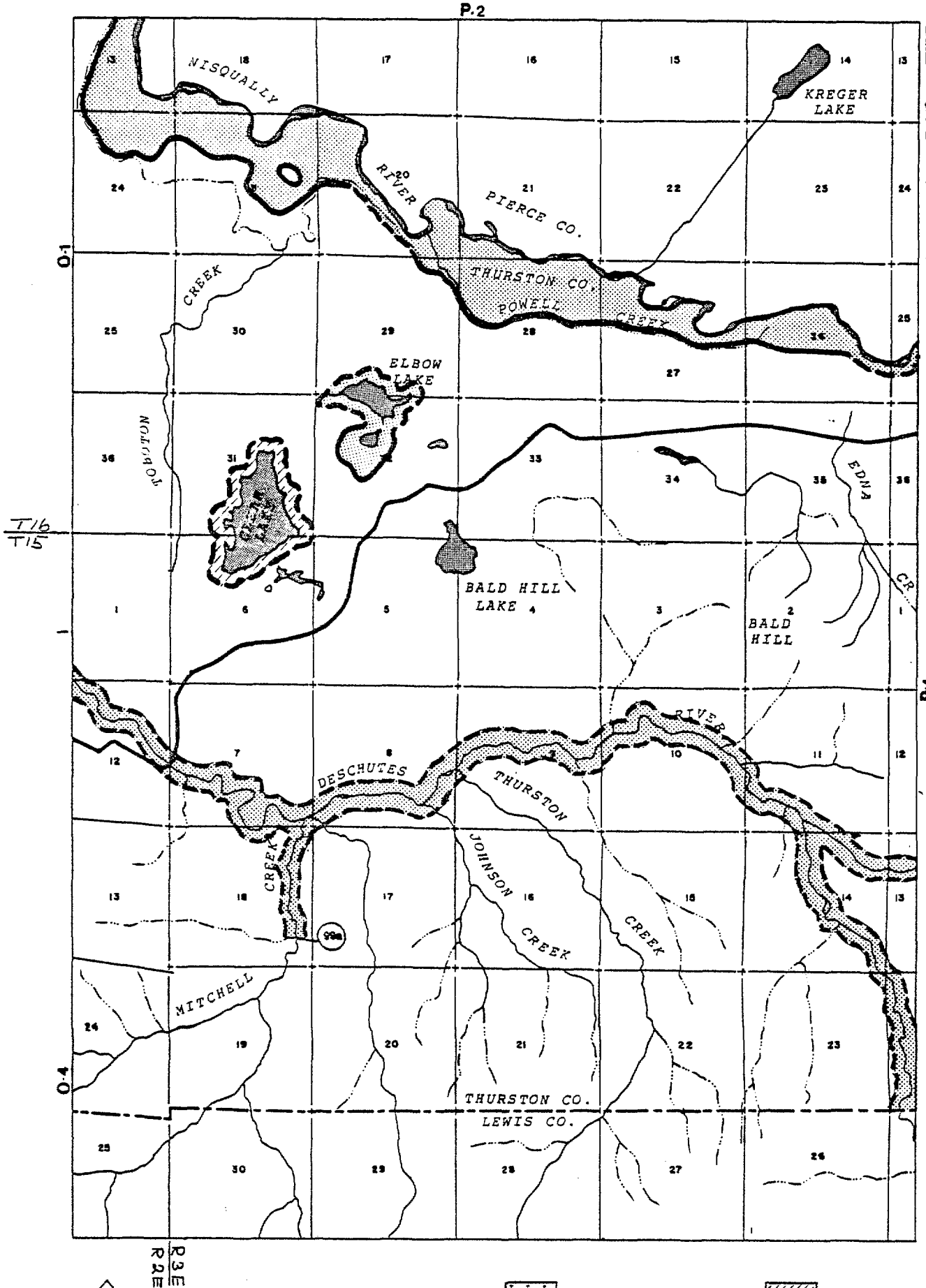
O·4 LAKE LAWRENCE



P-2 OHOP VALLEY



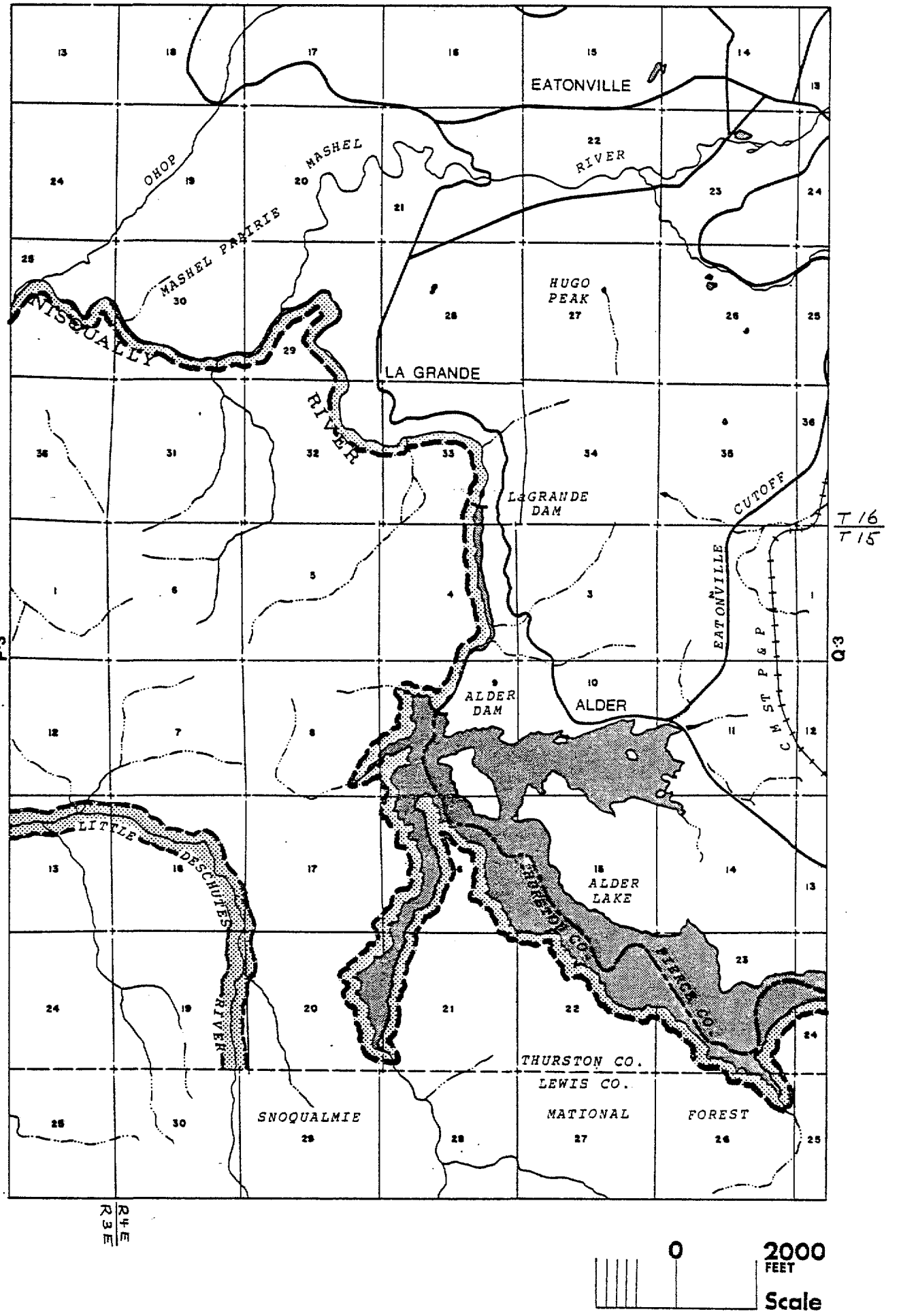
Natural

Rural

Conservancy

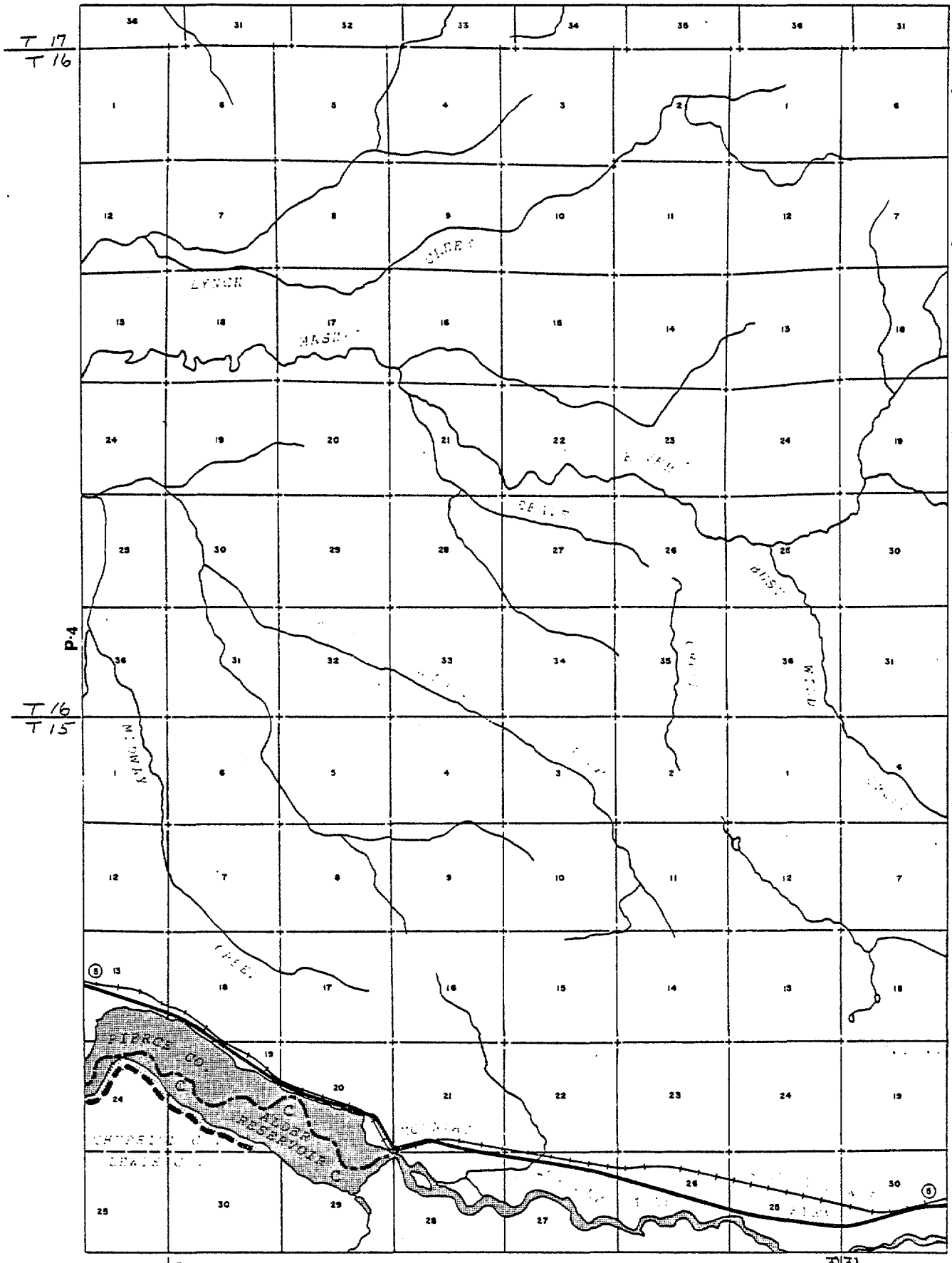
Urban

P·3 OHOP VALLEY



0 2000 FEET
Scale

P·4 OHOP VALLEY



north

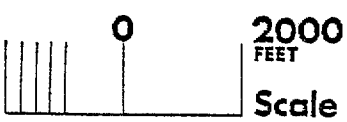
Natural

Rural

Conservancy

Urban

Q·3 KAPOWSIN


0
2000
FEET
Scale

The following legal descriptions mark the boundaries separating shoreline environment designations. It should be noted that property lines used for demarkation that do not extend the full distance covered by the Shoreline Management Act should be considered extended in a straight line the necessary distance covered by the Act in order to fully separate designated environments.

The legal descriptions are numbered to correspond with demarkation lines on the maps.

1. the westerly line of Lot 102 plat of North Shore Summit Lake

1a. the southerly right-of-way line of 9th Avenue

1b. the southerly right-of-way line of 5th Avenue West

1c. the south line of tract 4 of Supplemental Plat Crosby D. C.

1d. the extended centerline of "C" Street

1e. at the confluence of the Black Lake drainage ditch and Percival Creek in the SE 1/4, Sec. 21, T 18 N, R 2 W

2. the east line of the SW 1/4 of NE 1/4, Sec. 13, T 18 N, R 4 W

2a. the north line of the north 1/2 of the NW 1/4, Sec. 6, T 18 N, R 3 W

2b. Beginning at the north edge of the right-of-way of the Summit Lake Road of the NE 1/4, Sec. 14, T 18 N, R 4 W

3. the west line of the east 334.5 feet of Lot 4, Sec. 23, T 19 N, R 3 W

4. the south line of Lot 35 plat of Elizan Beach #2

5. north line of N 100 feet of S 174 feet Government Lot 4, Sec. 1, T 18 N, R 3 W

6. the southerly boundary of the following described property; commencing meander corner between Sec. 1 and 12 N 89° 55' 15" E 559.39 feet, S 0° 4' 45" E 2605.15 feet to point of beginning, S 38° 49' 07" E 149.87 feet, N 53° 52' 53" W 155 feet to ordinary high water, northwesterly 150 feet, N 53° 55' 30" E 159 feet to beginning, Sec. 12, T 18 N, R 3 W. (Assessor parcel #138-12-24-01)

7. east line of the W 100 feet Government Lot 3, Sec. 7, T 19 N, R 2 W. (Assessor parcel #129-07-31-0203)

8. N line Lot 235, Boston Harbor Waterfront Acres Tracts #2

9. east line Sec. 7, T 19 N, R 2 W

10. north line Olympic View subdivision

11. south line of N 100 feet west of road Government Lot 1, Sec. 4, T 19 N, R 2 W

12. north line south 270 feet of north 930 feet Government Lot 2, Sec. 17, T 19 N, R 2 W. (Assessor parcel #129-17-1304)

13. east line Sec. 33, T 20 N, R 2 W

14. south line Government Lot 1, Sec. 3, T 19 N, R 2 W

15. south line Government Lot 3, Sec. 3, T 19 N, R 2 W

16. east line Sec. 9, T 19 N, R 2 W

17. south line Lot 14, Block 2, Edgewater Beach

18. south line Lot 10, Sanderson Harbor

19. south line Lot 57, Boston Harbor Waterfront Acre Tracts, Division 1

20. south line Sec. 11, T 19 N, R 2 W

21. southwesterly line of following described parcel; southwesterly 100 feet of northwesterly 500 feet lying southwesterly of Tract 1 Fishtrap Beach and northwesterly of its extended southeasterly line, part of Government Lot 1, Sec. 12, T 19 N, R 2 W. (Assessor parcel #129-12-1205)

22. the west section line, Sec. 6, T 19 N, R 1 W

23. the north line of the following described parcel; commencing N line Lot 3, N 88° 24' 02" W 369.44 feet from NE corner S 3° 41' 08" E 307.18 feet S 41° 54' 28" W 105.05 feet to point of beginning, S 41° 54' 28" W 121.96 feet, N 88° 24' 02" W 392.29 feet northerly on meander line 95.45, S 88° 24' 02" E 465.09 feet to beginning. (Assessor parcel #119-06-3304)

24. south line of Government Lot 1, Sec. 8, T 19 N, R 1 W

25. southerly right-of-way of Woodard Bay Road, Sec. 19, T 19 N, R 1 W

26. southern line Lot 7C, Johnson Point Plat

27. southern line Lot 76 Plat of Johnson Point Plat

28. the east line of vacated First Street running on the east side of Block 46, Plat of Puget City

29. south Section line, Sec. 3, T 18 N, R 2 W

30. southern line Priest Point Park

31. northern line Pascal Richard D. L. C.

32. the south line of the NW 1/4 of the NE 1/4, Sec. 26, T 19 N, R 2 W

32A. the southerly line Lot 23 Plat of Gull Harbor

33. the south line Sec. 20, T 19 N, R 2 W

34. the southeasterly side Simpson Creek Sec. 30, T 19 N, R 2 W

35. the southeasterly line of following described parcel in Sec. 30, T 19 N, R 2 W; beginning S 30° E 157 feet S 17° 30' E 350' S 9° 45' E 185 feet S 16° 30' E 348 feet S 54° 30' E 158 feet S 61° 45' E 215 feet S 47° 30' E 170 feet S 51 30' E 264 feet S 83° E 452.7 feet from NW corner Lot 4 S 83° E 55.3 feet N 84° 45' E 248 feet N 36° E 160 feet N 5° to centerline Young Cove westerly 210 feet more or less S 31° W to point N 5° 18' W 105.9 feet from beginning, S 5° 18' E 105.9 feet to beginning. (Assessor parcel #129-30-3302-01)

35A. the west line Lot 16 Plat of Forest Shores

36. the west line Lot 7 Plat of Forest Shores

37. the east line of following described parcel in Sec. 6, T 18 N, R 2 W; commencing W 1/4 Sec. corner N 3° 44' W 486.78 feet N 72° 2' E 1338.33 feet for point of beginning, N 72° 2' E 105.13 feet N 628 feet S 82° 19' 26" W 100.92 feet S 648.14 feet. (Assessor parcel #128-06-2114)

38. The Evergreen State College property line as of March, 1974

39. The Evergreen State College property line as of March, 1974

40. the west line Lot 29, Sunset Beach Home Tracts

41. the north line Sec. 32, T 19 N, R 2 W

41A. the southeasterly line Lot 7 Manzanita Beach 2

42. the northerly right-of-way line of Old Mud Bay Road

43. a line parallel to and 200 feet west of the east line of the NW of the NW Sec. 32, T 18 N, R 2 W

44. the south line of the north 1/2 of the NE 1/4 of the NW 1/4, Sec. 32, T 18 N, R 2 W

50. the west section line Sec. 24, T 19 N, R 1 W

51. the east line of the W 1/2 NW 1/4, Sec. 25, T 19 N, R 1 W

52. the north line of SW 1/4 of Sec. 20, T 18 N, R 1 W

53. south line Government Lot 3, Sec. 29, T 18 N, R 1 W

53a. north right-of-way line of Ward Lake Public Access Road Sec. 36, T 18 N, R 2 W

53b. south line Lot 11 Ashburns Subdivisions

53c. the south line Lot 8 Hewitt Lake Terrace

54. the south line Government Lot 8 Sec. 27, T 18 N, R 1 W

55. the east line of the following described parcel in Sec. 27, T 18 N, R 1 W; East 85 feet of W 400 feet in Government Lot 6. (Assessor parcel #118-27-3104-01)

56. the south line of Plat of Long Lake Country Club

57. the southwesterly line of the following described parcel in Sec. 35, T 18 N, R 1 W; commencing point 890.87 feet S and 784.51 feet W of NE corner Sec. 35, S 24° 2' W 40.54 feet N 65° 40' W 150 feet more or less to high water line northerly 50 feet more or less; S 62° 24' E 157.31 feet more or less to beginning. (Assessor parcel #118-35-1119)

57a. beginning at the NW edge of the right-of-way of Draham Road of the NE 1/4 of the SE 1/4, Sec. 9, T 18 N, R 1 W

58. the easterly line of Plat of Beachcrest 1st Addition

59. Willamette Meridian

60. the north line of the following described parcel in Government Lot 3, Sec. 30, T 19 N, R 1 E; commencing 974 feet E of SW corner, N 200 feet, E 491 feet, S 100 feet, W 355 feet, S 10° W 101.5 feet, W 100 feet. (Assessor parcel #219-30-3404)

61. north right-of-way Interstate 5

62. McAllister Creek centerline

63. the south line of the following described parcel in Government Lot 2, Sec. 8, T 18 N, R 1 E; commencing NE corner Packwood D. C. S 655 for point of beginning S 655 feet, E 420 feet N 655 feet, W 420 feet. (Assessor parcel #218-08-1203)

64. the south line of Sec. 9, T 18 N, R 1 E

64a. the south right-of-way of Interstate 5

65. the north line of the SE 1/4 of NW 1/4, Sec. 32, T 18 N, R 1 E

66. the northeasterly line of Lot 15 of Todt Cedars

67. the south line of NE 1/4 SW 1/4, Sec. 31, T 18 N, R 1 W

68. northwesterly right-of-way line Burlington Northern Railroad

68a. the intersection of Monroe Creek and Sherman Creek of the SW 1/4 of the NE 1/4 of the NW 1/4, Sec. 25, T 17 N, R 4 W

69. north line Sec. 2, T 16 N, R 3 W

69a. the north line of the S 1/2 of the S 1/2 of the NW 1/4, Sec. 8, T 17 N, R 3 W

69b. the north line of the N 1/2, Sec. 16, T 16 N, R 3 W

70. a line running north from the intersection of the west section line, Sec. 31, T 16 N, R 3 W and Burlington Northern RR right-of-way, thence along westerly edge of swamp, thence northerly to Burlington Northern RR right-of-way in Sec. 30, T 16 N, R 3 W

70a. the south line Sec. 17, T 16 N, R 3 W

70b. the south line of the N 1/2, Sec. 14, T 16 N, R 3 W

71. the north line of the SE 1/4, Sec. 6, T 17 N, R 2 W

72. the north line of the SW 1/4 of the NE 1/4, Sec. 7, T 17 N, R 2 W

73. southerly line of the following described parcel; commencing NW corner S 2° 07' 49" W 669.61 feet, S 87° 45' 52" E 133.19 feet, S 2° 14' 08" W 97.21 feet to point of tangent with curve to left radius 1245.56 feet, southerly along curve 233.92 feet to point of beginning, southerly along curve 95.93 feet, N 77° 03' 45" E 210 feet to line high water Black Lake, northerly 80 feet, S 81° 28' 30" W 210 feet to beginning. (Assessor parcel #127-07-2204)

74. the north section line of Sec. 7, T 17 N, R 2 W

75. the extreme west edge of the right-of-way of Interstate 5

76. the north section line of Sec. 9, T 16 N, R 2 W

76a. the west line of the W 1/2 of the SE 1/4 of the NW 1/4 of the NW 1/4 of the SW 1/4, Sec. 11, T 16 N, R 2 W

77. the north side of the creek in Sec. 34, T 17 N, R 2 W

78. the southeasterly line of Lots 66 and 67 Block 1 Scott Lake, Division 2

79. west line of East 20 acres Government Lot 3, Sec. 2, T 17 N, R 1 W

80. the northwesterly line of the following described parcel in Sec. 2, T 17 N, R 1 W, Lot 2; commencing 456.2 feet E of N boundary Lot 2 with high water line Patterson Lake E 193.8 feet S 450 feet west to meander line northerly on meander line to point S 46° 40' E of beginning. (Assessor parcel #117-02-1404)

81. the south line of the north 1/2 of the SE 1/4 of the SW 1/4, Sec. 35, T 18 N, R 1 W

82. the centerline of the creek in Sec. 33, T 17 N, R 1 W draining from Offut Lake into Deschutes River

83. the east line of the following described parcel in Government Lot 2, Sec. 32, T 17 N, R 1 W; commencing E line Collins Street E of SE corner Block 5 Offut Lake E 339.75 feet north to shore of lake northwesterly to east line Collins Tracts, south to beginning. (Assessor parcel #117-32-4108)

84. the west line of Lot 14 Plat of Brandon

85. the southwesterly line of the following described parcel in Government Lot 3, Sec. 32, T 17 N, R 1 W; commencing NE corner Lot 3 S 640 feet southwesterly along meander line 350 feet, point of beginning, N 41° S 50 feet S 41° E 300 feet to meander line northeasterly 50 feet. (Assessor parcel #117-32-2407)

86. the east line of the west 1/2 of Government Lot 1, Sec. 13, T 16 N, R 1 W

88. the north line of the following described parcel in Sec. 31, T 18 N, R 1 E; commencing 1566.6 feet E of SW section corner N 19° 42' 30" E 534.81 feet point of beginning, S 89° 47' 30" E 225 feet N 19° 42' 30" E 53.04 feet N 89° 47' 30" W 225 feet S 19° 42' 30" W 530 feet. (Assessor parcel #218-31-3414)

89. the east line lot 26 Thompsons St. Claire Tracts

90. the northwesterly lot line Lot 8 Twin Capes

92. north section line Sec. 17, T 17 N, R 2 E

93. the northwesterly line of Tract "J" Nisqually Pines, Division 1

94. northwesterly right-of-way line Burlington Northern Railroad

94a. the south line of the south half of the SE 1/4 of the SW 1/4 of the SW 1/4 of the SW 1/4, Sec. 29, T 17 N, R 2 E

95. east right-of-way line Crystal Spring Road

95a. beginning at the north edge of the right-of-way of the Olympia-Yelm Highway of the SE 1/4, Sec. 11, T 17 N, R 1 E

96. the north line Lot 4, Sec. 23, T 16 N, R 1 W

96a. 290 feet E along the northerly line of lots E and F of the Mountain View Addition, Township of Tenino, thence 175 feet north, Sec. 20, T 16 N, R 1 W

97. the west city limit line Bucoda (as of March 1974) and south section line Sec. 12, T 15 N, R 2 W

98. the north section line Sec. 7, T 15 N, R 1 W

99. the north section line Sec. 28, T 16 N, R 2 E

99a. the north line of the W 1/2 of the NW 1/4 of the SE 1/4 of the SE 1/4, Sec. 18, T 15 N, R 3 E

100. the south line Government Lot 5, Sec. 28, T 16 N, R 2 E

101. the west line Lot 10 Edwards Lake Lawrence, Division 3

102. the south line of the North 1/2 Government Lot 2, Sec. 20, T 16 N, R 2 E

103. the east line of Sec. 2, T 17 N, R 2 W

CHAPTER VII

RECOMMENDATIONS FOR FUTURE SHORELINE STUDY AND CHANGES IN THE MASTER PROGRAM

RECOMMENDATIONS

Performance Standards for Natural Systems

It is recommended that this Program be amended within three years to include performance standards for natural systems. In this edition the only protection of natural systems, per se, is the inclusion of limiting use regulations under the various environments for geological systems. The scientists contributing to The Citizen's Advisory Committee for Shoreline Management have advised that because of time limitations and the absence of complete technical information that it would not be possible to develop performance standards for biological systems at this time. One important example of future effort would be the study of feeder bluff areas in relation to natural beach formation and maintenance.

Yearly Reprint

Many of the use regulations contained herein are of an innovative nature and their application may not result the desired end. Since it is likely there will be text changes and additions as well as environment map reclassifications, it is recommended that this plan undergo yearly review with the assistance of the Thurston Regional Planning Council. The cover of each yearly edition (to be undertaken in the spring of each year) should indicate in large numerals the year of the update.