

**SHORELINES MANAGEMENT MASTER PROGRAM**  
**GRAYS HARBOR COUNTY**

Resolution #7419  
(Regulations, Goals and Policies)  
Adopted June 3, 1974

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## INTRODUCTION TO THE SHORELINES MANAGEMENT PROGRAM

The Shorelines Management Act of 1971 provides for the development and administration of a Master Program. This Master Program is developed at the local level within the parameters established by the Act itself and by Guidelines developed by the State Department of Ecology. This partnership of State and local effort is also evident in the two level approaches provided in the Act for management of shorelines. The shorelines are divided into two groups: shorelines of statewide significance and shorelines of local significance. For the former areas the Master Program specifies greater consideration of the statewide interest and the latter are to be managed by policies and regulations which give considerable weight to local needs and desires. The management philosophy used to develop the program for shorelines of statewide significance is embodied in the Shorelines Act of the Department of Ecology Guidelines. Local philosophy on management of the other shorelines was identified through the activities of a Citizens Advisory Committee and in response to input received from the general public at public hearings.

This Master Program will serve as a guide to administrators in implementing the regulations and to assist them in determining the intent of the regulations when judgments are necessary to adapt the Shorelines Management Master Program to a proposed activity or development at a certain shoreline location.

This Program is not a static document, but a first step in an evolving effort to find the appropriate balance between the value and function of the shorelines areas, and man's actions within this environment.

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## CHAPTER 1

### SHORELINES ELEMENTS AND GOALS

Eight elements relating to Shorelines Management have been identified: Economic Development, Public Access, Circulation, Recreation, Land and Water Use Conservation, Valuable Sites and Structures and Restoration. Each of these is described below and then appropriate goals are drawn.

#### ECONOMIC DEVELOPMENT

The primary pillars of the regional economy are forest products, fishing and tourism. Each of these has many components, especially forest products which involves export, manufacturing, logging, pulp, and paper milling and other subsidiary interests. They all depend on the natural resources of the region. The region is not a shopping center for out-of-region customers, nor are there very many manufacturing establishments that have the capacity to operate anywhere they choose.

The local economy is seasonal in nature. Fishing and tourism have seasonal highs and lows, and logging, while done year round, is still more active during the warmer months, plus the converse of logging, tree planting, is a seasonal operation. This seasonal aspect lends a certain instability to the local economy often meaning dual employment for men people.

The major economic pillars as well as many of the minor ones have a direct relationship to local shorelines. We depend on certain types and certain degrees of quality in our shorelines for the major part of our economy.

A higher than acceptable degree of unemployment, poverty, public assistance load, housing shortage, and other unacceptable conditions suggest that the regional economic base is insufficient and needs to be expanded.

The salient points regarding the local economy area:

- Local resource oriented
- Seasonal nature of some parts
- Not meeting the needs

-Shorelines related sites

These matters were considered in the drafting of the following Economic Development Goal.

ECONOMIC DEVELOPMENT GOAL

To maintain and enhance our shorelines-related industry. To secure an adequate amount of shorelands and wetlands of an appropriate nature for these industries. Yet, at all times to see that we create and maintain an industrial and economic environment which can coexist harmoniously with the natural and human environments.

PUBLIC ACCESS

Recreation is often divided into two types: active and passive. The public need for access to water for active recreation is considered in the Recreation Element. But the passive aspect can be considered a basic public need also. There is considerable evidence that the public needs to passively experience the interface between water, land, and sky, and for this reason the Shorelines Act considers public access of major importance both for active and passive recreation. The following goal is based on both types of recreation use and recognize the need for this access to be compatible with the recreation and the private access needs of local commerce and industry.

PUBLIC ACCESS GOAL

To maintain and improve our existing public access facilities, to seek more facilities and devices to increase opportunities for public access to our region's waters. Further, public access should be as safe as possible, cause no ill effect on other shorelines uses or features, or ill effect on the water themselves, or infringement upon private property rights. Yet, fragile areas should not be destroyed through over use, rather than the volume of access be only that which the waters and shorelands can withstand.

## CIRCULATION

In this region circulation is closely intertwined with the shoreline resource. Railroad and highway routes often skirt the edge of waterways or the floodway. Circulation also means the various above and below ground service systems such as: gas, electricity, water, sewer, and others. Along these facilities goods and services are transported through the area.

Existing technology or topography often requires that these be located on or near shorelines. On the other hand these can often attract other land uses and this side effect must also be considered if a circulation facility is near a shoreline. Or local economy is dependent on a network of roads, railroads, shipping, commercial and sport fishing and air travel.

With these considerations in mind, the following Circulation Goal have been established.

### CIRCULATION GOAL

To created and maintain a circulatory network capable of delivering people, goods, services, and emergency services at the highest level of convenience, safety, reliability, and economy. The secondary effects of circulatory system development must be accounted for in the planning of such systems to avoid undesirable side effects. Circulation planning must be compatible with land use planning.

## RECREATION

Access to shorelines for passive and active recreation was included as a consideration in the Public Access Goal. Water related recreation depends on access but also represents a specific activity or use of the water or the adjacent shorelines. This activity takes several forms and is noted in the Economic Goal as an integrated part of the regional economy.

Fishing, clam-digging, open beach playing, hunting, river rafting and canoeing, and other outdoor sports are available and almost all depend on a well-maintained environment and well managed shorelines. Recreational activity also brings along

with it certain adverse impacts if not adequately controlled, i.e., over use, vandalism, and litter.

Realization of the statewide and local need, plus knowledge of the abundance of the local water resources led to the following goals:

#### RECREATIONAL GOAL

To seek and provide proper recreational opportunities for the local citizenry, to see that the at-home recreational needs are met. Further, to maintain and enhance our tourism resources, to stabilize these resources and to guide resource development such that the very development is not fatal to the original resource.

#### LAND AND WATER USE

Without a management program for land use, experience suggests that individual property owners will independently decide the uses for shoreline sites and water areas and too often these uses do not compliment each other or utilize sites not suited to them. Rather than leave the individual to the mercy of the market place, designation of appropriate areas for every needed activity can provide development opportunity within a logical context.

#### LAND AND WATER USE GOAL

To promote the best possible pattern of land and water uses, to assure a minimum of conflict between uses, to assure that individual uses are placed on sites appropriate to such uses, to assure that lands and waters of specific natures are available to uses which need such special types of lands and waters, to see that all of the uses needed by the regional have a place, and to generally devise a pattern beneficial to the natural and human environments.

#### CONSERVATION

As noted earlier the local economy depends heavily upon local resources, especially the renewable ones, so for economic and social reasons conservation is important. Needlessly destroying a resource or species of wildlife or allowing it to

disappear from lack of attention would diminish the variety and utility of our environment and in some cases threaten our very existence. The supply of the renewable and non-renewable resources such as minerals is limited and must be conserved, and used wisely.

#### CONSERVATION GOAL

To identify the resources of the region including: fish, wildlife, timber, estuaries, shorelines, beaches, scenic areas, fragile ecological areas, land, water, and air. Further to identify standards which will guarantee a continuing supply of these resources in sufficient quality and quantity to meet all the region's foreseeable needs with an excess to absorb accidental losses or economic slumps which might occur, and to continually enhance those resources so that the standards can be achieved by the year 2000.

#### VALUABLE SITES AND STRUCTURES

There are specific historic, cultural, scientific and educational sites or structures located within the area under the jurisdiction of the Shoreline Act. The Act mandates a local effort to identify them and determine their significance and to preserve significant sites and structures so that their values will not be lost to ours or future generations. Local history and culture gives us perspective and vision. We see our roots and what became of our ancestors' dreams. The following goal provides the starting point for developing means of deciding which sites and structures have significant value and how to protect and preserve them.

#### VALUABLE SITES AND STRUCTURES GOAL

Within the limitations of practicality and private property rights, areas and structures of historic, cultural, scientific and educational value should be preserved and maintained. Minority and special interest view points regarding such preservation may be entertained by means of the Substantial Development Application permit system.

## RESTORATION

There are many shoreline areas where there are structures and uses which are damaged or deteriorated. Much can be done to encourage reuse and rehabilitation of these areas by private enterprise with government activity primarily as a catalyst and stimulant. One way is to direct development into those areas rather than encourage the use of unused land.

## RESTORATION GOAL

To encourage development in areas which have been previously impacted with development so that such areas may be renewed, restored, and re-furnished by compatible new development. To utilize governmental activity as a catalyst and stimulant to trigger the desired redevelopment through appropriate incentives and through redevelopment of deteriorated public facilities within target areas.

## **CHAPTER 2**

### **SHORELINE MANAGEMENT POLICIES**

The goals described in Chapter 1 are the basic framework for the development of more specific policy statements. These policy statements are generalized management practices which are the basis for the Shoreline Management Regulations. They serve to identify the intent of the regulations and to provide the administrator with clear direction in applying the regulations.

These policies have been grouped in six categories: activities, developments, natural systems, amenities, environments, and administration. Under the "Activity" heading are listed policies relating to uses to the environment which usually involve few significant structures. Under "Development" heading are the policies for uses which are predominantly characterized by significant structures with impacts on the environment. There are several distinct natural systems such as the accreted beaches, estuary, riverine floodplains which because of their character must be respected. Policies related to these characteristics are included under the "Natural Systems" heading. Shorelines are also

characterized by important amenities such as visual beauty and unique landscape, and certain forms of pollution can adversely affect these. Policies on this aspect of the shorelines resource are covered in the "Amenity" section. The Management Program is centered around four environmental designations: Urban, Rural, Conservancy, and Natural. Policies on what these environments mean and how and where they should be applied are included in the section on "Environment Policies." And, finally, the administration of the Master Program must be pursued in a manner which successfully considers the intent of the policies and regulations and adapts them to the circumstances of each permit application. Policies directed at assisting the administrator in carrying out the program and policies related to shorelines of statewide significance are listed under "Administrative" policies.

These six categories represent six different viewpoints of the same phenomenon interacting with the shorelines and waterways. Not every proposed activity or use of the shorelines will necessarily involve policies in all six areas, but in most instances, several categories will apply and provide the administrator with a complete perspective. Taken as a whole, these policies represent a comprehensive shorelines management strategy.

#### ACTIVITY POLICIES

1. Agricultural practices: Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization.
  - a. Buffer strips should be maintained where needed between cultivated areas and bodies of water to protect the aquatic environment. Landowners should be compensated for such buffer strips as provided in Chapter 90.58.290 RCW when buffers need to be significantly wider than buffers provided by recognized agricultural practices.
  - b. Proper plowing patterns should be used to avoid excess runoff and erosion.
  - c. Diversion of waters for agricultural purposes should be done only in accordance with water right procedures.
  - d. Animal feedlots should, whenever possible, be located outside the Shorelines Management area and when located in shoreline areas should be separated from water bodies by a buffer strip of natural vegetation, and the feedlot should be drained in such a manner that water is absorbed

- on-site and not allowed to flow directly into the nearby waters.
- e. Pesticides, herbicides, and fertilizers should be applied in a manner which minimizes direct or indirect entrance into nearby waters. Application of pesticides intended to abate mosquitoes or similar water-related infestations should be administered in accordance with Environmental Protection Agency standards.
  - f. Lands with agricultural capability should be identified and protected from conversion to other uses or detrimental impacts.
2. Aquaculture: Aquaculture (popularity known as fish farming) is the culture or farming of food fish, shellfish, or other aquatic organisms.
- a. Aquacultural structures should conform to existing Guidelines elsewhere in the Act. Potential sites are often in areas of high aesthetic value.
  - b. Navigation should be routed, where possible, to minimize hazards to aquacultural projects.
  - c. Areas which have the proper combination of characteristics needed for aquaculture should be identified for that purpose.
  - d. Water quality in water that circulate into aquacultural areas should meet standards that will insure the quality of aquacultural waters.
  - e. Aquacultural enterprises should be given every encouragement as potential diversifying factors in the local economy.
3. Forest Management Practices: Forest management practices are those methods used for protection, production, and harvesting of timber.
- a. Seeding, mulching, matting, and reforestation should be accomplished where necessary to provide stability on areas of steep slopes which have been logged. Replanted vegetation should be of a similar type and concentration as existing in the general vicinity of the logged area.
  - b. Special attention should be given in logging and thinning operations to prevent the accumulation of slash and other debris in contiguous waterways.
  - c. Shorelands of statewide significance having scenic qualities such as those providing a diversity of views, unique landscape contrasts or landscape panoramas should be maintained as scenic views in timber harvesting areas. Timber harvesting practices including road construction and debris removal, should be closely regulated so that

- the quality of the view and viewpoints along shorelines of statewide significance in the region are not degraded.
- d. Proper road and bridge design, location, and construction and maintenance practices should be used in the development of roads and structures which do not adversely affect shorelines resources.
  - e. Timber harvesting practices in shoreline of the state should be conducted so that state and federal water quality standards will be maintained.
  - f. Unless adequate restoration and erosion control can be expeditiously accomplished, logging should be avoided on shorelines with slopes of such grade that large sediment runoffs will be precipitated.
  - g. Local governments should ensure that timber harvesting on shorelines of statewide significance does not exceed the limitations established in RCW 90.58.150 except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.
  - h. Logging within shoreline areas should be conducted to ensure the maintenance of buffer strips of adequate vegetation where needed to prevent temperature increases adverse to fish populations and erosion of the stream banks.
4. Mining: Mining is the removal of naturally occurring materials from the earth for economic use.
- a. When rock, sand, gravel and/or minerals are removed from shoreline areas, the adjacent waters should be protected from mine generated sediment, debris, and deleterious effluent. This protection should include, but not be limited to, a buffer strip.
  - b. Excavations for the production of sand, gravel, and minerals should be done in conformance with the Washington State Surface Mining Act.
  - c. Local governments should prohibit the removal of sand and gravel from the marine beaches except for extenuating circumstances. Such material is involved in the longshore transport and its removal from this transportation system constitutes a detrimental intrusion by man.
  - d. The removal of sand and gravel from backdune areas should be strictly controlled. In all cases it shall be taken from the least sensitive biophysical areas of the backdune environment.

5. Landfill: Landfill is the creation of dry upland area by the filling or depositing of sand, soil, or gravel into a shoreline area.
  - a. 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, creating a hazard or significant injury to adjacent life, property, and natural resources systems.
  - b. All perimeter of fills should be provided with suitable means for erosion prevention where appropriate and necessary.
  - c. Fill material should be of such quality that it will not cause serious water quality degradation.
  - d. Priority should be given to landfills for water dependent uses and public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, floodplain impact, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.
  
6. Dredging: Dredging is the removal of earth from the bottom of a stream, river, lake, bay, or other water body for the purposes of deepening a navigational channel or to obtain the materials and shall also minimize water quality degradation.
  - a. Dredging should minimize damage to existing ecological values, natural resources and the river system of both the area to be dredged and the area for deposit of dredged materials and shall also minimize water quality degradation
  - b. Spoil deposit sites in water areas should be identified in cooperation with the State Departments of Natural Resources, Game and Fisheries. Depositing of dredge material in water areas should be allowed only for habitat improvements, to correct problems of material distribution affecting adversely fish and shellfish resources, or where the alternatives of depositing material on land is more detrimental to shorelines resources than depositing it in water areas.
  - c. Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.
  - d. Ship channels, turning and moorage basins should be identified and no new such areas should be prepared or used without sufficient evidence that existing channels and basins are inadequate.

- e. The use of dredge spoils for purpose other than landfill is encouraged.
7. Waste Disposal: Solid and liquid wastes are generated by recreational activity, industry, commerce, and residents. Wastes disposal included storage, collection, treatment and disposal practices which if not appropriate can have detrimental impacts on shorelines.
- a. All uses and activities should utilize solid waste storage, collection, processing and disposal practices in conformance with State, Health District and Air Pollution Control Authority regulations and special care be taken to provide convenient facilities for tourists.
  - b. Existing solid waste landfills in shoreline areas should be abated as soon as possible and no new solid waste landfills should be permitted in shoreline areas.
  - c. All uses and activities which generate liquid wastes should utilize public sanitary sewage systems for treatment and disposal unless the sewage collection facility is not within 200 feet or the system is incapable of handling the wastes in which case a septic tank or other sanitary holding tank or disposal system should be provided in compliance with State and Health District regulations.
  - d. Storm drainage for waterfront land uses should include detention ponds or other means of reducing the amount of polluted runoff reaching waterways.
8. Public Access
- a. Granting of public access by property owners is an important public benefit, and public programs which enable the private owner to provide or continue to provide public access should be encouraged. Such programs could include: litter control, vandalism protection, fire prevention and control, and protection from environmental damage.
  - b. Where improved public access is provided on public land such access should be designed to preserve the maximum possible amount of natural vegetation consistent with functional requirements.
  - c. Residential and commercial development on shorelines of statewide significance should be encouraged to provide linear access ways along the shorelines. Industrial uses located on shorelines of statewide significance should be encouraged to provide vista points along the waterfront recognizing the incompatibility of linear access ways through high hazard areas.

## DEVELOPMENT POLICIES

1. Ports and Water Related Industry: Ports are centers of water-borne traffic particularly inter-coastal or transoceanic vessels including facilities for docking, loading, and unloading of cargo and raw materials and supplies and services for the vessels.
  - a. Water-dependent industries which require frontage on navigable water should be given priority over other industrial uses.
  - b. 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.
  - c. Sewage treatment, water reclamation, and power plants should be located where they do not interfere with and are compatible with other uses of the water and shorelands. Waste treatment ponds for water-related industry should occupy as little shoreline as possible.
  - d. The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.
  - e. Land transportation and utility corridors serving ports and water-related industry should follow the guidelines provided under the sections dealing with utilities and public road and railroad design and construction. Where feasible, all transportation and utility corridors should be located upland to reduce pressures for the use of waterfront sites.
  - f. Master Program planning should be based on a recognition of the regional nature of port services. Prior to allocating shorelands for port uses, local governments should consider statewide needs and coordinate planning and other jurisdictions to avoid wasteful duplication of port service regions.
  - g. Since industrial docks and piers 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 must be considered a major factor in determining the environment compatibility of such facilities.

- h. Because a large impact cannot be avoided due to ports or port-related uses, preference should be given to development and redevelopment of existing port areas.
2. Commercial Development: Commercial developments are those uses which are involved in wholesale and retail trade or business activities. They range from small businesses within residence, to high-rise office buildings.
- a. Priority should be given to those commercial developments which are particularly dependent on shoreline location.
  - b. Commercial developments not requiring shoreline locations should be encouraged to locate upland.
  - c. An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.
  - d. Parking facilities should be placed inland away from the immediate water's edge and recreational beaches.
  - e. Commercial development should, if possible, be located within already developed areas rather than isolated or new locations.
3. Residential: Residential development is the creation of residential building sites through land subdivision and also the construction of dwellings of all types.
- a. Residential development should be designed with prime consideration given to shoreline protection, restoration, and aesthetic enhancement.
  - b. Public access to shorelines should be encouraged in planning residential developments.
  - c. Residential developments should have adequate provisions for sanitary sewage, water supply and drainage control, and storm drainage control should be separate from sewage disposal systems.
  - d. Encourage up-dating of zoning and subdivision ordinances to conform to "Shorelines Management Regulations."
  - e. Development in presently developed areas should be encouraged in order to utilize existing improvements
  - f. Development should consider all ecological features of the area such as erosion, fish, and wildlife, water quality, etc.
  - g. Care should be taken during construction to utilize practices which minimize erosion.
  - h. Deleted.
  - i. Floating residence should only be allowed as moorages located and constructed in accordance with the policies and regulations governing the location and construction of piers, docks, and marinas.

- j. Planned unit residential developments which through careful siting of structures and uses respect the shoreline, soil scenic and environment characteristic of the site and provides more useable open space and access to the shoreline should be given priority over conventional residential subdivisions and multiple family developments.
4. Recreation: Recreation is the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be either an active one involving boating, swimming, fishing, or hunting, or the experience may be passive such as enjoying the natural beauty of a vista or a lake, river, or saltwater area.
- a. Developments which provide recreation uses facilitating public access to shorelines, and other uses dependent upon shoreline location should be encouraged. The design, siting, and development of recreational areas shall account for possible adverse impacts on adjacent or nearby private property.
  - b. Access to public recreational locations such as fishing streams and hunting areas should be a combination of areas and linear access (parking areas and easements, for example) to prevent concentrations of use pressure at a few points.
  - c. The linkage of shoreline parks and public access points through the use of linear access should be encouraged. Many types of connections can be used such as hiking paths, bicycle trails and/or scenic drives.
  - d. Whenever practical, scenic views and vistas should be preserved.
  - e. To avoid wasteful use of the limited supply of recreational shoreland, parking areas should be located inland away from the immediate edge of the water and recreational beaches. Access should be provided by walkways or other methods. Motor vehicle traffic on dunes and fragile shoreline resources should be prohibited.
  - f. Recreational developments should be of such variety as to satisfy the diversity of demands and should be compatible with the environment designations.
  - g. State and local agency regulations which apply to recreation facilities, recreation watercraft, and ocean beaches should be considered.
5. Utilities: Utilities are services which produce and carry electric power, gas, sewage, communications, and oil.

- a. Development of utilities underground and along existing right-of-ways and easements should be encouraged.
  - b. Utility location and design should be planned to meet future growth and development.
  - c. Areas damaged by installation of utilities should be restored.
  - d. Zoning and subdivision ordinances should be updated to include stricter control over design, location, and placement of utilities.
  - e. Electrical generating and distributing facilities should be located and controlled in accordance with the provisions of the Thermal Power Plant Siting Law (Chapter RCW 80.50).
6. Roads and Railroads: A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with track for train traffic.
- a. Roads and railroads should be located away from shorelands where feasible.
  - b. All construction should be designed to protect the adjacent shorelands against erosion, uncontrolled drainage, slides, pollution, excessive excavations and fills, and other factors detrimental to the environment.
  - c. Scenic corridors with public roadways should have provision for safe pedestrian and other non-motorized travel. Also, provisions should be made for sufficient viewpoints, rest areas and picnic areas in public shorelines.
  - d. The elevation of roads should allow safe access for ordinary and emergency vehicles in time of flood. Drainage openings should be sufficient to discharge flood flows without unduly increasing flood heights.
  - e. Extensive loops or spurs of old highway with high aesthetic quality should be kept in service as pleasure bypass routes.
  - f. Transportation corridors should be located to avoid unnecessary impacts on the natural environment. The impacts of necessary transportation corridors and facilities should be considered in plans to expand existing land uses or establish new land uses. Planning for land use and transportation facilities should be carefully coordinated.
  - g. Road locations should fit the topography as much as possible, and natural conditions should be altered as little as possible consistent with functional requirements.

7. Outdoor Advertising, Signs, and Billboards: Signs are publicly displayed media whose purpose is to provide information, direction, or advertising.
  - a. Non-appurtenant signs should be limited to areas of high-intensity land use, such as commercial and industrial areas.
  - b. The size, height, density, and lighting of signs should be controlled.
  - c. Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs.
  - d. Signs should be located on the upland side of public transportation routes which parallel and are adjacent to rivers and water bodies (unless it can be demonstrated that views will not be substantially obstructed).
  - e. When feasible, signs should be constructed against buildings to minimize visual obstruction of the shoreline and water bodies.
  
8. Marinas: Marinas are facilities which provide boat launching, storage supplies and services for small pleasure craft and commercial fishermen.
  - a. In locating marinas, special plans should be made to protect the fish and shellfish resources that may be harmed by construction and operation of the facility.
  - b. Marinas should be designed in a manner that will minimize damage to fish and shellfish resources and be aesthetically compatible with adjacent areas. All marines should satisfy the hydraulics approval requirements of the State Departments of Fisheries and Game.
  - c. Adequate parking should be provided and should be located as far upland as possible.
  - d. Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.
  - e. Shallow-water embayments with poor flushing action should not be considered for overnight or long term moorage facilities.
  - f. The Washington State Department of Fisheries construction guidelines and state and local health agency standards should be consulted in planning for marinas.
  - g. Onshore disposal facilities for sanitary and solid wastes and wastes from engines, bilges and holding tanks should

be installed in marinas consistent with federal and state requirements.

9. Shoreline Works and Structures: This term is used to cover: bulkheads, breakwaters, rip-rap, jetties, groins, shorelines protection works, piers, levees, docks, channelization works, berms, and the like.

NOTE: SWS means "Shoreline Works and Structures."

- a. SWS 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 and shellfish habitats.
- b. Where practical, open piling is preferred for piers and docks.
- c. The effect of SWS on existing public access should be considered.
- d. SWS should minimize and/or compensate adverse effects on beach sand movement and further minimize alteration of the natural shoreline.
- e. SWS should be designed, where practical, to blend with the surrounding area and not detract from the aesthetic qualities of the shoreline.
- f. Where both might be applicable, floating structures are preferred to non-floating types in order to not interfere with water life, currents, sand movement and circulation.
- g. All SWS must be designed and constructed to accepted engineering standards.
- h. Where SWS can be located near existing SWS and still serve the desired purpose, such should be encouraged rather than installation in previously unbuilt areas.
- i. Communal SWS are preferred to the proliferation of individuals SWS.
- j. The risk of oil spills or other dangers that would arise because of an SWS must be evaluated and accounted for when applying for permission to build.
- k. SWS should be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur, creating a hazard or significant injury to adjacent life, property, and natural resources systems.
- l. Bulkheads, rip-rap, and similar SWS should be utilized for the protection of property only, exempt in the urban environment where such structure and landfills may be used to raise the level of lands upland of the high water line and lands lying between the high water line and the inner harbor line.

- m. Rip-rapping and other bank stabilization measures should be located, designed, and constructed so as to avoid the need for channelization, to avoid adverse impacts on nearby banks, and to protect the natural character of the waterway.
- n. Dikes and other flood protection structures should be used primarily to protect existing urban development and should be located upland of the ordinary high water line.
- o. Any structure for impoundment of water such as dams, tide-gates, aquaculture enclosures, etc., should be designed so that the following impacts are not created: blocking of migrating fish passage, reduction of flushing action required to remove upstream pollutants, creation of scouring current, and creation of silting problems.

#### NATURAL SYSTEM POLICIES

##### 1. Accreted Oceanfront Lands

- a. Because the primary dunes or the vegetative buffer at the high tide mark are necessary to protect the upland ecological system, and because breaks in the dune or buffer by excavation, roadways, mining, etc., usually cause the erosion and deterioration of these natural areas, breaks in the primary dune and the vegetative buffer area should be discouraged, and if allowed every precaution should be taken to insure that blow outs, and other detrimental changes do not result. Activities which can cause this damage include: excessive friction from pedestrians; dune buggies; injury to vegetation from picnic fires, or from shading out; draining groundwater from the marsh troughs between dunes thereby removing the summer water source for vegetation, impervious coverings such as building and pavement which reduce the capacity of the sand to recharge groundwater, and attempts to replace ocean tough plant species by other landscaping which cannot survive and when it dies leaves no stabilizing vegetation.
- b. Roads in the dune areas should, as much as possible, be routed along the troughs between the dune ridges. In no instance should roads be located in the vegetative area along the face, top, or land ward side of the primary dune.
- c. Activities and development at coastal river mouths should be controlled so they do not increase the natural erosion by causing the current to shift, and debris left at river mouths by streams or other causes should be promptly removed.

- d. Resort development on the ocean beaches should be grouped and designed to provide for different tastes in recreation, to spread the crowds as much as possible and to locate forms of recreation which do not require the unique features of the oceanfront on the back dunes inland.
  - e. The density of development behind the primary dune should be limited where wells are used for water supply so that aquifers are not exhausted or seriously depleted.
  - f. The density of development should also be limited in the back dune area if septic tanks are utilized, and particular attention should be given to not allowing pollution to enter the groundwater.
  - g. Higher density development in back dune areas should only be allowed where sanitary sewer and public water systems are available and should generally be identified urban areas only. High density development along the entire oceanfront, even if the property were served with public utilities would have a serious detrimental impact on the ecological and wildlife function of the secondary dune area.
  - h. The marshes between the dunes are important as recharge areas and for wildlife habitat and, while low density resort development can be compatible with these systems, use of fill in these areas to create building sites, and impervious surface treatments should be limited.
2. Other Shorelines: Where the shoreline is characterized by high bluffs and slopes, activity and development should be controlled to avoid land slides and slumps. These can be caused by septic tank effluent injection near the edge, or by removal of vegetation or surface soil near the edge.
3. Estuary
- a. Because of poor flushing action in the upper harbor during summer low flows, any necessary dredging, spoiling, and filling should be scheduled during high flow seasons.
  - b. In areas subject to tidal flooding, development should be discouraged in presently undisturbed areas and encouraged where urban development has occurred or where land filling and spoiling have altered the environment. The preferred practice is to elevate the sites above the ordinary high water line and/or use dikes and tide-gates to protect development from tidal flood damage.

4. Riverine Floodplains: Land use controls and strict building requirements in riverine floodplains is the preferred management practice rather than structural improvements intended to channelize the waterway. Regulations should consider building elevation, the impact of fills on flowage and storage, emergency access, etc.
5. Marshes: Marshes should not be drained, filled (wholly or partly), should not be bordered or bisected by utility or transportation corridors, should not be dredged, and dams and tide-gates should not be installed. All of these activities will seriously effect the marsh ecology. Where no alternative is available the smallest marshes should be sacrificed and structures or activities should violate the integrity of the marsh as little as possible.
6. Vegetation: Vegetative clearing including harvesting of farm crops, logging, site-clearing, right-of-way clearing, thinning, grazing and damage to vegetation from pedestrians and vehicles should be controlled to the extent required depending on soil type, steepness, etc., so that erosion will not be caused, shade will not be removed from shallow streams used by salmon and other fish sensitive to warm water, debris will not be released or rainwater runoff on slopes will not be increased.
7. Wildlife: In areas identified as harboring rare or endangered species, the impact of any development requiring a substantial development permit should be considered. Seasonal constraints, or other limitations should be added to the permit as necessary to protect the wildlife resource. Local government should, whenever possible, obtain the assistance of wildlife experts in making such determination.
8. General: Excavation, including dredging of channels and marinas, removal of sand or gravel for construction of roads or fills, excavation of drainage ditches and grading should be controlled to minimize removal of vegetation and cemented surface soil layers; release of sediment into water; removal of fertile soils, deepening of water where this would have adverse impacts on habitat; breaking the seal of an aquifer; change or blockage of current; smothering of underwater habitat; reduction of tidal flushing action or reduction of water depth where this would be adverse to production of desirable plant and animal life, or would stimulate undesirable forms; undesirable changes in shoreline configuration; reduction of floodwater capacity of a

riverine floodplain; elimination of fertile marsh habitat or creation of navigational hazards.

## AMENITY POLICIES

### 1. Visual Enhancement

- a. Unappealing operation which must have a waterfront site should be located where visual appearance, or emissions can be best screened and should be grouped together if possible to avoid spreading visual blight along the waterfront and to facilitate screening.
- b. Urban, rural, and sparsely developed shorelines should be evaluated as to their visual amenity and where amenity is generally high, operations which are prone to release smoke or gases that would reduce visibility, release visible particulate fallout, discolor the sky or stimulate fog formation should not be allowed.
- c. The natural shoreline configuration should be preserved to protect scenic beauty and to prevent inappropriate eye-catchers. In prime scenic areas buildings should not rise above the skyline and where possible should be set behind an existing topographic or vegetation barrier to protect the vista. The leveling of hills or dunes, the filling of troughs or the terracing of slopes are other activities which can have the effect of creating an unnatural and visually unappealing shoreland configuration.
- d. Outdoor advertising, above ground utilities, parking lots, and structures which are not architecturally related to the site and topography should not be allowed within identified scenic corridors or vista areas.
- e. Residential and commercial developments should locate waste collection areas away from the area between buildings and waterfront, should provide an attractive building facade along the waterfront and provide a building layout which maximizes vistas from adjacent public streets to the waterfront.
- f. Density and use occupancy on recreationally attractive shorelines should be limited to avoid overcrowding and destruction of the environment by over use. These limitations should include: dispersion of structures so that sight-lines across the development are available to view the nearby scenery; encourage clustering of structures (planned unit development) when this will provide larger areas of natural vegetation; avoid view blockage between upland structures and shoreline vistas; encourage design of buildings, roadways, bridges and

other service structures so that they harmonize with the environment and surrounding architectural styles, encourage location of tourist service facilities along upland access highways rather than allowing uses and service roads to penetrate into the attractive environment; protect critical vegetation areas from heavy pedestrian and vehicular use, and spread access into the desirable environment rather than concentrating them.

2. Noise

- a. Where public access to the shoreline is available, operations which are prone to release noxious odors or loud or persistent noise should be discouraged or measures taken so that these adverse sensory experiences do not discourage public access or appreciation of the shorelines.
- b. Where noise producing vehicles are allowed access in shoreline areas, they should be controlled to minimize noise concentration and its effects on wildlife and recreational uses of the shorelines.

3. Archeological Areas and Historic Sites: This includes archeological scientific, historic, cultural and education structures, sites and areas which have significant statewide, regional, or local value.

- a. Where possible local government should consult professional archeologists to identify areas containing potentially valuable archeological data, and to establish procedures for salvaging the data.
- b. Where possible, sites should be permanently preserved for scientific study and public observation. In areas known to contain archeological and other professional data, a special condition should be attached to a shoreline permit providing for a site inspection and evaluation by an archeologist or other expert to insure that possible data are properly salvaged.
- c. Shoreline permits, in general, should contain special provisions which require developers to notify the local government if any possible archeological data are uncovered during excavations.
- d. The National Historic Preservation Act of 1966 and Chapter 43.51 RCW are hereby adopted as policies of this Master Program and their administration and enforcement is encouraged.
- e. Development in the vicinity of a valuable historic or cultural site or structure should be controlled to

prevent incompatible use, or style, or functional conflict.

## ENVIRONMENT POLICIES

### 1. Urban Environment

- a. The Urban Environment should include water dependent industrial, commercial, and residential uses and should encourage maximum provisions of public access to shorelines compatible with the shoreline use.
- b. The amount of Urban Environment designated should be directly related to reasonable long range projections of regional economic need.
- c. The Urban Environment should encourage utilization of existing high intensity shoreline sites and not encourage expansion of such uses into presently undeveloped areas unless there is a demonstrated need.
- d. Urban Environment designation of presently undeveloped land should give priority to proximity to existing high intensity development and avoid areas of critical environmental importance.
- e. Existing non-water related commercial and industrial uses should be encouraged to relocate to non-waterfront property and expansion of existing facility. New non-water related commercial and industrial uses should not be encouraged on waterfront property for public access and enjoyment which might not otherwise be possible if the site were utilized by a water related commercial or industrial use.
- f. The Urban Environment should be utilized in those water areas where dredging is necessary to maintain marina, port facility, and the ship channel, or where dredging and filling in the past has been utilized to create waterways within residential developments, or where dredge spoils have been used to raise the level of the land above the high water line, or where spoiling has effectively precluded the redevelopment of the Natural Environment.
- g. The Urban Environment should also be utilized in those areas where commercial or industrial uses exist or have historically existed.
- h. Areas designated as Urban Environments should be served with public water and sewage systems or such system should be available within 3 years, and the community must have taken appropriate steps to designate the areas for high intensity use in its comprehensive land use and transportation plans.

- i. The Urban Environment allows the highest density of development and the most intense types of shoreline uses. While some control of these factors is necessary, the main management focus should be on quality of development centering on such matters as pollution prevention and abatement, visual amenities, public access, site layout and design.
- j. Use of the Urban Environment along the beaches should be confined to the two existing incorporated areas where utilities are or will be available to serve the higher densities and, to those existing nodes where a significant cluster of year around residential use and related commercial services have developed. These nodes should not be expanded until sanitary sewer systems and public water supply are available. New nodes should not be established until it is shown that the existing nodes are inadequate and cannot be expanded.

## 2. Rural Environment

- a. The Rural Environment should be employed in those areas where low density development is planned or presently exists. These areas are not planned for extensive roadway systems, or sanitary sewage systems. Soil limitations for septic tank disposal and the desire of residents to live with, rather than dominate, the environment support the lower density.
- b. The Rural Environment is intended to create stable development conditions so that property owners will not be subjected to speculative forces urging higher development density and thereby causing fluctuations in land values and property taxes.
- c. The Rural Environment should include those areas experiencing resort, seasonal home, and recreational development and the low intensity water related commercial and industrial activities. These are the back dunes, the lands above the ordinary high water line in the lower estuary, those areas along the tributary creeks and rivers where low density community development exists or where such waterways pass through the urbanizing area as identified on the County Land Use Plan.

## 3. Conservancy Environment

- a. The Conservancy Environment is intended to be used in areas where man is managing a natural resource but not establishing permanent development and high intensity uses. This includes all prime agricultural land, forest lands, aquacultural areas.

- b. Areas of poor drainage, flood danger, unstable earth or simple fragility should also be placed in the Conservancy Environment to limit possible development which would not be compatible with the ecosystem. This includes the primary dunes and most of the ocean beaches and the riverine floodplains on the Chehalis.
- c. Land Uses within the Conservancy Environment should be limited to those which do not adversely impact the renewable resource management systems, and permitted activities should take into consideration the ecological factors which must be protected in order to continue utilizing the resources in the future.
- d. Conservancy areas are often attractive recreational areas and low intensity recreation can be permitted if it does not adversely affect the management of the resources and other values such as wildlife habitat and scenic amenity.

#### 4. Natural Environment

- a. The Natural Environment is intended to protect those areas which cannot withstand any substantial invasion by man and which are of particular value, either as essential parts of natural systems, or which have some service, cultural, historical, education, archeological or scientific value. Natural or societal value or fragility characterize these areas.
- b. In order to protect the Natural Environment, severe restrictions must be imposed and this eliminates most of the economic value of private owners. Designation as a natural area should entitle a private owner to minimal taxation so that expense does not force him to seek higher intensity utilization.
- c. Aquaculture can be compatible with a Natural Environment if the intrusion into the environment is minimal and does not cause significant disruption.
- d. The Natural Environment should be used on those portions of the ocean beaches where vehicular traffic is not encouraged, game ranges and wildlife refuges, important habitats, marshes and any other areas of scientific importance.

#### 5. Ocean Beach Environment

- a. The Ocean Beach Environment is intended to apply to the beach, dune and upland areas associated with the Pacific Ocean. The environment is intended to preserve the natural systems and amenities which attract people to the area while providing for development of accommodations

- and services related to and necessary for support of human use of the beach areas.
- b. Development in the Ocean Beach Environment should be designed and sited to minimize disruption of natural features.
  - c. Uses should be limited to those which are related to recreational use of the area.
  - d. Intensive development should be limited to identified areas where water and/or sewer service is available.
  - e. It is recognized that the Pacific Ocean Beach is a Shoreline of State-wide Significance as defined by the Act.

## ADMINISTRATION POLICIES

### 1. General Administration

- a. As experience in administration the Shoreline Management Program is gained and as new information on the shoreline economic, social and ecological system becomes available, this program should be reevaluated. Gaps should be filled, errors corrected and the scope of the regulations shifted to better fulfill the intent of the program.
- b. In February of each year, the County Commissioners should be supplied with a summary report of shorelines management permits issued during the past calendar year by the permit administrator. The report should include comments on significant administrative determinations or appeals and should include identification of problem areas and recommendations on how the Master Program can be approved. At this time, the Regional Planning Commission should also submit any comments and recommendations it might have for consideration. These should be forwarded to the Planning Commission for review and recommendation within 60 days. Additional policies and regulations may be needed with regard to shorelines of statewide significance, natural systems, such as the beach and estuary, lot size, setbacks, and building heights and should be considered during the first review.
- c. When development is proposed on a shoreline of statewide significance every effort should be made to give priority to the statewide interest over the local interest and not to depend on the Department of Ecology for representation of this interest.
- d. Special concern should be exercised when activities are proposed near the boundary of another environment with greater restrictions. Every effort should be made not to

- allow an activity which would significantly contrast with and adversely affect the neighboring environment.
- e. Every activity is affected by policies and regulations in several different categories and every effort should be made to look at proposed activities from all aspects and to give each aspect balanced consideration.
  - f. Each proposal must be considered on its merits and the best possible technical and professional assistance should be obtained to provide the administrator with the best basis for some determinations.
2. Shorelines of Statewide Significance: When considering the appropriateness of development on shorelines of statewide significance, local government and the developer should:
- a. Recognize and protect the statewide interest over local interest. This can be accomplished by:
    - 1. Soliciting comments and opinions from groups and individuals representing statewide interests.
    - 2. Recognizing and considering state agencies' policies, programs, and recommendations.
    - 3. Soliciting comments and opinions from individuals with expertise in ecology, oceanography, geology, aquaculture, and other pertinent scientific field.
  - b. Preserve the natural character of the shorelines. This can be accomplished by:
    - 1. Minimizing man-made intrusion on the shorelines.
    - 2. Where intensive development already occurs, upgrade and redevelop those areas, before extending high intensity uses to low intensity use or undeveloped areas.
  - c. Prefer the long-term over short-term benefit. This can be accomplished by:
    - 1. Preserving the shorelines for future generations and severely limiting anything that will detrimentally alter the natural conditions.
    - 2. Evaluating developments for short-term economic gain or convenience in light of long-term and potentially costly impairments to the environment.
    - 3. Actively promoting aesthetic considerations in a new development, redevelopment of existing facilities, or simply for the enhancement of the shoreline area.
  - d. Protect the resources and ecology of the shorelines. This can be accomplished by:
    - 1. Leaving undeveloped those areas that contain a unique or fragile natural resource.
    - 2. Severely limiting excavation or other activities that increase erosion.

3. In certain fragile areas, restricting or prohibiting public access.
- e. Increase public access to publicly owned areas of the shorelines. This can be accomplished by:
  1. Giving priority to the developing paths and trails to shoreline areas, linear access along the shorelines and to developing upland parking.
  2. Locating development back from the ordinary high water line so that access is enhanced.
- f. Increase recreational opportunities for the public in the shorelines. This can be accomplished by:
  1. Encouraging facilities for recreational use of shorelines.
  2. Providing lodging and related facilities on uplands near the shorelines.

#### SHORELINES DESIGNATIONS

The shorelines which are designed as shorelines of statewide significance are:

1. Those portions of the ocean and its associated wetlands under the jurisdiction of the Act within Grays Harbor County, exclusive of those areas within the city limits of Ocean Shores, Westport, and the Quinault Indian Reservation.
2. Those portions of the Grays Harbor Estuary and its associated wetlands within Grays Harbor County under the jurisdiction of the Act, exclusive of those areas within the city limits of Ocean Shores, Westport, Hoquiam, and Aberdeen.
3. Those portions of the Chehalis River and its associated wetlands under the jurisdiction of the Act, exclusive of those areas within the city limits of Aberdeen, Cosmopolis, Montesano, Elma, and Oakville.
4. Those portions of the Humptulips River and its associated wetlands under the jurisdiction of the Act from the confluence of the East and West Forks to the confluence with the estuary.
5. Those portions of the Satsop River and its associated wetlands under the jurisdiction of the Act from the mouth of the Middle Fork to its confluence with the Chehalis River.
6. Those portions of the Wynoochee River and its associated wetlands under the jurisdiction of the Act from the mouth of Carter Creek to its confluence with the Chehalis River.

## CHAPTER 3

### SHORELINES GUIDELINES

The shorelines of Grays Harbor County are among the most valuable and fragile of its natural resources and there is great concern relating to their utilization, protection, restoration, and preservation. In addition, ever increasing pressures of additional uses are being placed on the shorelines. Unrestricted construction on privately owned or publicly owned shorelines is not in the best public interest; and therefore, regulation is necessary in order to protect the public interest associated with the shorelines while, at the same time, recognizing and protecting private property rights, public rights of navigation and corollary rights incidental thereto consistent with the public interest.

The Master Program provides for the management of the shorelines by fostering all reasonable and appropriate uses. These regulations are intended to protect against adverse effects on the public health, on the land and its vegetation and wildlife, and the waters and their aquatic life.

The interest of all of the people shall be paramount in the management of shorelines of statewide significance are in order of importance:

1. Recognize and protect the statewide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Prefer 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 in the shorelines.
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

The public opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state 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 state's shorelines. 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 development 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 people to enjoy the shorelines of the state.

"Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far 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."

#### DEFINITION OF TERMS

##### 1. Administration

- a. "Department" means the Department of Ecology.
- b. "Director" means the director of the Department of Ecology.
- c. "Local Government" means County of Grays Harbor.
- d. "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of state or local governmental unit however designated.
- e. "Hearing Board" means the shoreline hearings board established herein.

##### 2. Shoreline terms

- a. The terms extreme low tide, ordinary high water mark, shorelines of the state, shorelines of statewide significance wetlands, residential development shall have the meaning established in the Shoreline Management Act and the Guidelines.

##### 3. Procedural terms

- a. "Guidelines" means those standards adopted by the Department to implement the policy of the Shorelines Management Act.
- b. "Master Program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020.

- c. "Development" means a use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of sand, gravel or minerals, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level.
- d. "Substantial Development" shall not mean:
  - 1. Any development of which the total cost of fair market value does not exceed \$1,000, if such development does not materially interfere with the normal public use of the water or shorelines of the state.
  - 2. Normal maintenance or the repair of existing structures or developments, including damage by accident, fire or elements.
  - 3. Construction of the normal protective bulkhead common to single-family residences.
  - 4. Emergency construction necessary to protect property from damage by the elements.
  - 5. 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 drops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.
  - 6. Construction or modification of navigational aids such as channel markers and anchor buoys.
  - 7. 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.

8. 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.
9. 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 from the irrigation of lands.
10. The making 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.
11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of this 1975 amendatory act which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
12. Any project with a certification from the governor pursuant to chapter 80.50 RCW.
13. No permit shall be required under chapter 90.58 RCW for the construction of up to 500 feet of one and only one road or segment of a road, for forest practices, 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 chapter 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.

4. Other definitions

- a. Advertising Area: The total number of square feet within the boundaries of a parallelogram or triangle which encloses the message, work, symbol, design, picture, or visual medium visible on the surface of any sign. For signs where the letters of a work are each located on separate surfaces facing in the same direction the advertising area, shall be the total number of square feet within the boundary of separate parallelograms enclosing each letter. Where a sign includes surfaces facing in different directions, the advertising area shall be the largest total of advertising area visible from any one direction and in the case of a cylindrical and spherical shaped sign, the advertising area shall be the largest cross-section thereof.
- b. Density: The total number of square feet in a lot divided by the number of dwelling units located on the lot.
- c. Dwelling: One or more habitable rooms for one family with facilities for living, sleeping, cooking, and eating.
- d. Lot: A tract of land lawfully established and officially recorded in the County Auditor's Office, whether described by metes and bounds and/or by lot, or by lot and block designation in a recorded plat, which constitutes a unit of land under single ownership. Where an existing or proposed building or development straddles a lot line dividing contiguous lots under the same ownership, the affected lots shall be considered one lot for the purposes of this Resolution.
- e. Sign: Any message, word, symbol, design, picture, or visual medium which is intended to draw attention to a product, service, business, person, institution, or location and is placed or painted on the ground, or any tree, wall, fence, rock, structure of anything whatsoever and placed thereon whether indoor or outdoor, so as to be visible from off premises, exclusive of legal notice, safety and directional signs posted by public agencies.
- f. 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, but not including unroofed paved areas.

APPLICATION OF REGULATION

These regulations shall apply to all the lands and waters in Grays Harbor County which are deemed by Department of Ecology

to be under the jurisdiction of the Shoreline Management Act of 1971. Except as provided hereafter, all sections of the Regulations and the Goals and Policy Statements and uses whether or not a permit is required. The only exceptions are the regulations found in Chapters 20, 21, 22, and 23, which shall apply to only those lands designated within that specific environment.

These regulations shall apply to every person, firm, cooperation, local and state government agency and other non-federal entities which would develop, use and/or own lands, wetlands or waters under control of these regulations. Further these regulations apply to all existing and future conditions within the area of jurisdiction except as provided in Chapter 24.

All forms of development or use of shoreline areas subject to these regulations fall into one of the following categories:

1. Uses or developments, which, according to Chapter 23, require the obtaining of a Substantial
2. Development Permit prior to commencing the use or continuance of the use.
3. Uses or developments, which require notification to the Permit Authority according to the provision of Chapter 27.
4. Uses or development, which do not require either permits or notification, but which must comply with these regulations.

## **CHAPTER 4**

### **SHORELINE ENVIRONMENT DESIGNATION MAP**

There is hereby made a part of this Resolution , a map which shall be officially known as the "Shoreline Environment Designation Map," but which, for the purpose of brevity, shall be referred to as "The Map." There shall be only one official copy of this map which shall reside in the custody of the County Auditor. Unofficial copies of this map may be prepared for administrative purpose. The lines and information displayed on the map shall not be altered except through the procedure presented in Chapter 37 of these regulations.

The map will show the area of Grays Harbor County which is under the jurisdiction of these regulations and clearly distinguish the five shoreline environments as they apply to the various lands and waters of Grays Harbor County. The map shall also contain written descriptions of the environment

boundaries, when the scale of the map makes direct interpretation too difficult. Such written descriptions shall include, but are not necessarily limited to the following.

1. Beaches: All the beaches, coastal waters and wetlands, as defined by the Act, associated with the Pacific Ocean shall be within the Ocean Beach Environment. The conservancy starts at the three mile limit and runs east to a point 200 feet east of the marram grass line, that is the first line of vegetation on the beaches. Where there is no marram grass, the Conservancy runs to the line of vegetation. After Conservancy the rest of the beach or beach upland area is Rural.
2. Channel Strip: The Urban strip running through the Harbor is intended to follow existing channel lines. The purpose is to allow channel dredging and maintenance.
3. North and South Bay Natural Areas: The map shows some orange Natural areas in the North and South Bays of Grays Harbor. These areas are marshes of extreme ecological importance. They are located at levels between 8 and 14 feet from sea level. In terms of tides, to determine the Natural areas, simply take all the land area in the north and south bays which is covered by the 8 foot tide and the marshes will be what is left over. This applies to all marshes except the large marsh on the east side of the Ocean Shores peninsula, where the western half of roughly triangular marsh is in the Urban Environment.
4. Urban Areas at Moclips, Pacific Beach, and Copalis Beach: These begin at the line of vegetation, run inland from the Ocean Beach Environment for 200 feet and extend upriver approximately one-half mile on either side of the particular stream. More specifically, at Moclips the environment begins at the south boundary of the Quinault Indian reservation and runs upstream one-half mile.

At Pacific Beach the environment begins at the southerly property line of Navy base and runs to the southerly property line of platted area and upstream one-quarter mile.

At Copalis Beach, the environment begins approximately 500 feet northwest of Benner-State Highway 109 intersection to the south side of Copalis River and running east to the point where Nelson Place right-of-way runs north to river.

5. Shorelines within boundaries of National Forests: All applicable shoreline within the boundaries of the National Forest are designated conservancy environments and are subject to policies and regulations of the Grays Harbor County Shorelines Master Program as applicable to such designation.

Where uncertainty or conflict may occur in the exact location of jurisdiction boundary line, or environment boundary line, the following rules will apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be constructed to follow such lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the corporate limits shall be construed as following such corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be half way between railroad right-of-way lines.
5. Boundaries indicated as following shorelines or lakes or rivers shall be construed to follow such shorelines 200 feet to the upland side, and in the event of change in a shoreline shall be construed as moving with the actual shoreline.
6. Boundaries indicated as parallel to or extension of features indicated in subsections 1 through 5 shall be so construed.
7. Distance not specifically indicated on the map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the map or in other circumstances not covered by 1 through 5, the Hearing Board shall interpret the boundaries.

## **CHAPTER 5**

### **SITING REGULATIONS**

This chapter applies to the site lay-out of shoreline developments. The design of buildings themselves is not regulated herein except by virtue of the siting constraints.

1. Those aspects of a shoreline use which do not need to locate near the shoreline (incidental off-street parking, accessory buildings, storage areas, etc.) shall be located as far

- upland from the shorelines as site utilization requirements permit.
2. No structure, fill, or other appurtenance that would significantly interfere with the passage of stream waters or the natural flood flow or flood water storage capacity of the 100 year flood plain will be permitted except when the blocking of such passage is specifically intended and authorized by permit.
  3. When no bulkheads or other protective structures are required or intended, the water's edge shall be kept or restored to its natural contour, shape, and appearance.
  4. In large developments, public access right-of-way will be required if the shoreline or waters to be given access are of an appropriate nature and can withstand the access. Access will be restricted if the development could pose a hazard by its very nature, such as a sewage treatment plant or shipyard.
  5. All bridges and other water crossing structures shall be designated to endure 100 year floods. Bridge approaches and side slopes shall be stabilized. (See Chapter 11)
  6. Roads will run on top of ridges or in bottom areas wherever practical. Side slope roads are permitted only when there is no reasonable alternative.
  7. Roads are not intended for stream crossing approaches shall be kept as far upland of the stream edges as reasonably possible, however, in no case shall such roads be placed or built so that there is less than forty (40) feet of undisturbed ground between road and stream.
  8. Road culverts shall be installed at all stream crossing, gullies, intermittent streams, and often enough to prevent ditch erosion, and shall be installed in a manner to permit drainage onto rock or undisturbed forest floor. All culverts shall be large enough to carry at least the 25 year frequency storm, but no smaller than 18 inches in diameter.
  9. Where property has been previously impacted or disturbed by man, and part not so disturbed, then where reasonable, new development shall occur on the previously disturbed section of property.

## **CHAPTER 6**

### **EARTH-CHANGING REGULATIONS**

This chapter applies to all acts which alter the existing of natural contour of the land, wetland, or bottomland. Such acts as mining, dredging, land clearing, grading, road-building,

land-filling, and the like. Land, wetland, and bottomland shall all be termed "land" for this section.

1. Land shall be restored to a natural contour after mining.
2. Protection from siltation and erosion shall be provided for all earth-changing acts.
3. Sand shall not be removed from the ocean beaches except for operations requiring the particular type of sand found on the beach. Such operations must be approved by the legislature body. The only such operations presently approved is cranberry culture. When sand is removed from the beach it shall be taken only from the upper part of the beach, but not from the primary dune itself. Excavations shall be no deeper than twelve (12) inches and removal shall occur only on weekdays.
4. Where landfill does occur, the fill material used shall be such that the leachate resulting from it will cause no more serious a degradation in water quality than naturally occurring leachate from surrounding lands.
5. Earth-changes shall not interfere with free passage of stream and flood waters except where such is specifically intended and authorized.
6. There will be no side-casting of excess road building material within the area of jurisdiction except for logging roads. See Section 9.10.
7. All changes in contour, for roads or any other purpose, shall account for drainage by property channeling and culverts. All drainage shall accept the 25 year storm. No culverts shall be less than 18 inches in diameter and all culverts will spill out onto rock or other non-erodible material.
8. Land clearing shall be done in a fashion that does not place machinery or debris within 15 feet of the high water edge, all material shall be burned or removed except earth, rocks, and the like which can be graded back to the original contour or the contour approved by the permit.

## CHAPTER 7

### RENEWABLE RESOURCE CULTURE REGULATIONS

This section covers human culturing, management, and harvesting of renewable or renewing natural resources. Such practices as animal husbandry, agriculture, aquaculture, and forestry are the subject of this Section.

1. Vegetative buffers will be maintained between streams and cultivated ground. The buffers will be sufficiently wide to maintain stream temperature favorable to the fishery, protect riparian wildlife habitat and prevent erosion and debris movement into the stream.
2. Plowing patterns that would cause direct runoff into the streams shall not be used.
3. Animal feedlots and stockyards shall be laid out or graded in such a fashion that they will drain away from the body of water rather than toward it and that drained water will be infiltrated into the soil at least 100 feet from the water's edge.
4. Application of herbicides, insecticides, and fertilizers shall be done in a manner which prevents the entry of residual chemicals into water courses. Factors to be considered include: atmospheric conditions, provision of buffer strips, disposal of containers and chemical residues, soil absorption capacity, rate and timing of application in relation to other factors. Conditions contained in necessary permits from State and Federal agencies shall be adhered to.
5. Aquacultural practices that would endanger other aquatic life shall not be used without a Substantial Development Permit.
6. The perimeters of aquaculture areas shall be marked to warn away watercraft.
7. Trees will not be felled into streams. Within thirty (30) feet from the ordinary high water, direction felling shall be used so that trees fall nearly perpendicular to and away from the stream. If this is not possible, trees will be felled so that disturbance to residual vegetation is minimal during felling and yarding.

8. Buffer strips of vegetation shall be left between roads or logged areas and streams. Buffer strips shall meet the following:
  - a. By careful logging, only the merchantable timber may be removed from the buffer strip. All residual vegetation in the buffer strip, including grasses, shrubs, natural cull, "down timber", and non-merchantable trees shall be left undisturbed to provide shade to the streams and to maintain the integrity of the soil. If, after removal of all merchantable timber, inadequate residual vegetation would be left to serve the purposes of a buffer, sufficient merchantable trees shall be left to accomplish these purposes. Merchantable trees which would clearly blow down because of inadequate soils, low root strength, wind exposure, or other specific factors, may be removed provided planting is done to establish a vegetative buffer. In any case, residual vegetation shall at all times be given the utmost protection and reforestation shall be carried out utilizing naturally occurring planting spots to produce, if possible, at least 350 seedlings per acre within the first planting season following the timber harvest. Subsequent replanting shall occur in order to assure 350 surviving seedlings per acre after 3 years.
  - b. However, machine scarification shall not be allowed within the buffer strip or within thirty (30) feet of the ordinary high water mark, whichever distance is greater. Buffer strips shall be protected by leaving stumps high enough to prevent any subsequently felled, upslope trees from sliding or rolling through the strips and into the streams.
  - c. Because of varying site characteristics, the establishment of a uniform buffer strip width is not desirable. However, buffer strips shall be of sufficient width to prevent siltation and the movement of logging debris into the stream, preserve the stream bank structure and riparian vegetation, and shade the water. The buffer strip shall be a minimum of thirty (30) feet in width measured from the ordinary high water mark.
  - d. No wheeled or tracked machinery shall approach closer than thirty (30) feet to the high water's edge, except for bridge and culvert installation, maintenance of same and for cleanup operations required by or authorized by the Department of Fisheries and Game.

9. Reforestation shall occur as described in regulation 8 (a) of the entire logged area within the area of jurisdiction.
10. Land being harvested of timber as a prelude to changing the land to a non-timber production use need not be reforested if the new use is substantially underway within one year of the harvest.
11. No logs, slash, or debris shall be allowed to enter the stream. Accidentally injected materials shall be removed concurrently with the logging operation and with approval of the State Departments of Fisheries and Game.
12. No equipment shall be abandoned within the area of jurisdiction.
13. Deep gouges and ruts will be graded back to normal contour and water-barred if necessary.
14. All new aquacultural, agricultural, animal husbandry, and timber harvesting operations shall have notice provided in advance of the commencement of the operation as per Chapter 32. Notification is not required for non-commercial cutting and cutting of ten (10) or fewer trees per Chapter 32. Notification is not required for non-commercial cutting and cutting of ten (10) or fewer trees per acre per year.

## **CHAPTER 8**

### **LOGGING ROAD REQUIREMENTS**

Logging roads are declared as different from other roads and special provision for them are contained herein and in Chapter 9.

1. Logging roads which have one thousand (1,000) feet or more of their length within the area of jurisdiction or which have stream crossings shall be required to have Substantial Development Permits prior to construction. Logging road projects of less than one thousand (1,000) feet within the area of jurisdiction and containing no stream crossings must be provided with notification as prescribed in Chapter 32. Notification for roads may occur separately from notification for a particular timber harvesting operation. All logging roads, whether permit requiring or not, shall

conform to the standards contained herein and Chapter 9. Variance of these standards shall be available only through the variance procedure contained in Chapter 34.

2. Road sub-grade widths shall be the minimum commensurate with the intended use, generally not more than thirty (30) feet for double lane haul roads and twenty-two (22) feet for single lane roads and spurs.
3. Roads shall follow natural contours where possible. Natural benches, ridge tops and flatter slopes are preferred locations.
4. Cut slopes shall not exceed:
  - a.  $\frac{1}{4}$ :1 (horizontal to vertical) in rock.
  - b.  $\frac{3}{4}$ :1 in cohesive soils.
  - c.  $1\frac{1}{2}$ :1 in non-cohesive soils.
  - d. No cut slope shall be higher than thirty (30) feet in cohesive and non-cohesive soils.
5. Side-cast shall be prohibited, except where located on stable soils and slopes of less than 30% grade and when they are specifically allowed under the conditions of a Substantial Development Permit. The toe of the side-casts of filled embankments shall be prohibited closer than 100 feet from the ordinary high water line of permanent and intermittent streams, except when necessary to approach and cross a stream or when specifically allowed under the conditions of a Substantial Development Permit. The side-cast or filled embankment shall not be steeper than a slope of 1.33 to 1 (horizontal to vertical) in broken rock, 1.4 to 1 in cohesive soils, and 1.5 to 1 in non-cohesive soils.
6. Embankment fills, when allowed as above, shall:
  - a. Be placed in layers of two (2) feet or less in thickness and compacted by the construction equipment over the entire width of the layer.
  - b. Consist of inorganic material with a minimum of buried slash and debris.
  - c. Where below the 50 year flood level, be protected against erosion by rip-rap.
7. Erodible cut, filled and side-cast slopes when allowed within 100 feet of the ordinary high water line shall be protected by planting or seeding with appropriate ground cover by matting immediately following construction.

8. Cross culverts for relief of ditch drainage shall be:
  - a. Installed at all low points in permanent roadways, and the following maximum spacing in cohesive soils depending on road grade:
    - below 8% grade - 1,000 feet
    - 8% to 15% grade - 800 feet
    - greater than 15% grade - 600 feet
  - b. Installed with flumes, half-round extensions or protective rocks to a point beyond the toe of the road fill. The culvert shall not outfall on ground that will erode.
  - c. Adequate in size to carry the maximum anticipated flow and in no case smaller than 10 inches diameter or equivalent. Culvert sizing shall be subject to substantiation by appropriate hydrologic calculation.
  - d. Culverts shall have adequately constructed catch basins at the head.
9. Culverts across intermittent and tributary streams of less than twenty (20) cubic feet per second mean annual flow located within shorelines of the state shall be adequate in size to carry the 50 year flood flow and in no case smaller than 18 inches diameter or equivalent.
10. Ditches shall be installed on the uphill side of all permanent roads, except through solid rock cuts. Ditches shall be kept clear of obstruction.
11. Major roads shall be surfaced with ballast rock whenever necessary to prevent erosion of the sub-grade.
12. Roads shall either be maintained so as to minimize erosion or permanently closed. If closed, the cross drains shall be removed, the surface water-barred and reforested or re-vegetated with appropriate ground cover.
13. All road segments shall have complete drainage control by the end of the construction season in which initial grading occurred.
14. Road construction shall take place only during the dry season (generally March through October) except where circumstances beyond the operator's control make necessary and construction has commenced. Notification explaining those circumstances shall be given the Administrator and his written concurrence obtained prior to continuing work

after November 1. Heavy grading shall not be performed when soils are saturated.

## CHAPTER 9

### LOGGING ROAD BRIDGE CONSTRUCTION

1. Excavation for and placement of fills or abutments and outside placement of stringers or girders shall be accomplished from above the ordinary high water mark, except when authorized by the Commission.
2. Any disturbed bank material shall be removed from the channel and soils exposed by bridge construction shall be protected from erosion by planting or seeding with appropriate ground cover, rip-rap, or by other means approved by the Commission.
3. All bridges shall be high enough and long enough to pass all expected debris and anticipated high water flows.
4. Where aggregate earthen materials are used for paving or accumulate on bridges, curbs shall be installed to contain the surface material.
5. At least one end of each stringer bridge shall be tied to prevent it from being washed away during high water.
6. One Substantial Development Permit may cover two or more bridges or other construction activities within the same watershed or associated with the same road system.
7. Additional requirements for culvert installation in streams determined by the Washington Department of Fisheries as used by anadromous fish:
  - a. The slope of the culvert shall not exceed 0.5% (1/2 foot ) fall for each 100 feet of length.
  - b. The bottom of the culvert shall be at least 6 inches below the natural stream bed at the inlet and outlet.
  - c. If a multiple barrel culvert is installed, one barrel shall be at least 6 inches lower than the other(s).
  - d. The culvert shall be of sufficient size to pass all anticipated flows and debris.
  - e. The minimum diameter for pipe culverts and minimum height for box culverts shall be 10 inches.

- f. Any bank protection material shall be placed from the bank, shall be clean, and shall be of sufficient size to not be washed away by high water and wave action.
- g. All other operating standards must be compiled with exemption where inconsistent with requirements of the Washington State Department of Fisheries.

## **CHAPTER 10**

### **DOCKS, PIERS, AND OTHER WATER-LAND CONNECTORS**

Where harbor lines have been designated, docks, piers, and other waterland connectors shall be located shoreward of the outer harbor line.

Where harbor lines do not apply, docks, piers, and other waterland connectors shall project the minimum distance necessary to service the appurtenant vessels and shall not create a hazard to navigation.

Individually owned, single-residence type piers, boat docks, floats, platforms and similar moorage facilities are permitted where it can be shown that a joint-use moorage facility is not feasible.

Joint use moorage facility shall be required for residential developments, recreational developments, and commercial developments.

## **CHAPTER 11**

### **BULKHEADS, LANDFILLS, AND MARINAS**

Bulkheads, landfills, and marinas shall be planned and designed in conformance with the criteria of the Washington State Department of Fisheries and Chapter 248.148 WAC. Bulkheads and landfills shall be located shoreward of the inner harbor line or the ordinary high water line in the Urban and Rural Environments and shall not be permitted in the Natural and Conservancy Environments.

Bridges, water control devices and structures, dredging, vista points, log rafting and storage, and similar uses which require location under, on, or above water shall be located and designed to minimize interference with navigation and visual amenity.

Bulkheads and landfills shall be permitted in the Ocean Beach Environment as follows:

1. Bulkheading to protect upland property from erosion by wave and tidal action shall be permitted only when located in an identified erosion area and shall be located on or east of the existing vegetation line or, on or east of the line of conformity with existing bulkheads on adjacent properties.
2. Bulkheading not adjacent to the beach, for landscaping or similar purpose shall be permitted as an accessory to a permitted or approved conditional use.
3. Landfill shall be permitted only to the minimum extent necessary to support a permitted or approved conditional use. Landfills shall be located to minimize disruption of natural drainage and other features and amenities and shall not be permitted where the dune protection zone applies or west of the vegetation line, except in support of a bulkhead permitted pursuant to #1 above.
4. Landfills shall be composed only of sand, soil and or rock material.

## **CHAPTER 12**

### **SIGN REGULATIONS**

1. In all environments, public safety signs and signs not exceeding two (2) square feet posted to warn against hunting, fishing, trespassing, and hazards are permitted.
2. In the Conservancy, Rural, Ocean Beach, and Urban Environments, the following signs shall be permitted:
  - a. A residential nameplate, which may be indirectly lighted, bearing the name of the occupant and not exceeding two (2) square feet in area.
  - b. Identifying sign and/or bulletin board for a church, school, or other public or semi-public institution, which may be indirectly lighted, not exceeding thirty-two (32) square feet in area each.
  - c. No more than two (2) signs advertising a residential or recreational development, located on the premise thereof, unilluminated and not exceeding thirty-two (32) square feet in area each.
  - d. Unilluminated sign, not to exceed a total of six (6) square feet, and not more than two (2) in number pertaining to the sale or lease of residential dwelling

or lot and unilluminated signs not exceeding thirty-two (32) square feet in area each.

3. Appurtenant signs for uses other than those above and non-appurtenant signs approved as conditional use shall comply with the following regulations:
  - a. The total advertising area permitted to face any abutting street for any parcel of land shall be 300 square feet plus an additional  $\frac{1}{2}$  square foot for each foot of that street frontage in excess of 50 feet. Advertising area devoted to non-appurtenant signs shall be subtracted from the total permitted advertising area.
  - b. The total advertising area permitted to face any abutting shoreline shall be  $\frac{1}{2}$  square foot for each foot of shoreline frontage.
  - c. No sign shall exceed fifty (50) feet in height provided that in the Conservancy Environment signs shall not exceed twenty (20) feet in height.
  - d. No individual sign or composite of symbols or letters shall exceed 300 square feet in area.
  - e. Signs projecting over public right-of-way shall not exceed 100 square feet in area; shall not project more than ten (10) feet or closer than two (2) feet to the edge of the traveled way, whichever is the lesser; shall not rotate; and shall not be closer than fourteen (14) feet to the ground or sidewalk unless attached to the underside of a projecting canopy in which case the sign shall not be more than six (6) square feet in area and shall not be closer than nine (9) feet to the ground or sidewalk.
  - f. Plans for:
    1. Projecting signs, excluding canopy signs, or
    2. Any free standing sign more than twenty (20) feet high, shall be signed by a registered engineer.
  - g. Appurtenant and non-appurtenant signs may be illuminated subject to the following:
    1. No individual lighting unit or group of units shall exceed in intensity by more than 25% any other lighting unit or group of units within the same advertising area.
    2. A lighting effect which involved turning on and off a lighting unit or group of units shall be in the "on" phase for at least one second and in the "off" phase for at least one second.
    3. A lighting effect involving a random pattern of individual units turning on and off shall be permitted

provided that 1 and 2 point flashers shall not be permitted.

- h. Pennants, ribbons, streamers, spinners, strings of light bulbs, and similar devices are not permitted unless they are incorporated in the advertising area of a sign.

## **CHAPTER 13**

### **MINIMUM LOT SIZES AND WATER FRONTAGE**

1. The minimum lot size in the Natural and Conservancy Environments shall be five (5) acres.
2. The minimum lot size in the Rural Environment shall be 40,000 square feet, and the minimum lot size in the Urban Environment shall be 10,000 square feet except in planned unit residential developments and condominiums and in commercial and industrial zones where lot sizes shall conform to the Zoning Ordinance.
3. The minimum lot size in the Ocean Beach Environment shall be 12,500 square feet; provided, that on parcels which extend into or west of the dune protection zone, where applicable, or the vegetation line, the entire minimum lot size shall be located east of said dune protection zone or vegetation line.
4. The average width of a lot in the Rural Environment shall be at least 100 feet and the average width of a lot in Urban Environment shall be at least 50 feet, subject to the exception in (2) above. In the Ocean Beach Environment the minimum lot width shall be 75 feet.

## **CHAPTER 14**

### **RIVERINE FLOODPLAIN AND TIDAL FLOODING AREAS**

#### RIVERINE FLOODPLAIN AREAS

Structures and land uses located within those portions of the 100 year floodplain where the flooding is due primarily to excessive river runoff rather than tidal condition shall comply with the construction and site perpetration requirements contained in the document titled "Flood Proofing Regulations" published by the United States Corps of Army Engineers in June

1972, which is hereby incorporated in these regulations. Where there is a conflict between these Flood Proofing Regulations and the Building Code adopted by local government, these Flood Proofing Regulations shall govern. The terms "Regulatory Flood" and "Intermediate Regional Flood" shall be the 100 year flood level. The term "Regulatory Flood Datum" shall be determined by the Soil Conservation Service on the basis of the 100 year flood level.

#### TIDAL FLOODING AREAS

Non-floating structures (other than Shorelines Works and Structures) located in areas under the jurisdiction of the Shoreline Management Act where flooding is caused primarily by tidal conditions (rather than river runoff) shall be constructed with floor elevation of not less than 13 feet above mean sea level (U.S. C & GS Datum) unless it can be shown that natural or man-made dikes or other existing protection will preclude inundation above the proposed floor level.

### **CHAPTER 15**

#### **RIVER BAR GRAVEL EXTRACTION POLICIES AND REGULATIONS**

(See Resolution No. 87-38)

#### POLICIES

1. Shoreline permits may be granted to allow the removal of gravel from river gravel bars in compliance with the policies and regulations of this chapter.
2. The Gravel Transport and Gravel Harvesting Study documented that significantly more gravel is being removed from river gravel bars than is being transported by the river. To lessen the potential impacts of removing more gravel than is transported by the rivers, the amount of gravel that can be harvested from river gravel bars in each year shall be limited until additional studies can be completed. For rivers and river reaches for which an estimate of the average annual transport has not been made, the Shorelines Hearing Board shall determine a harvest limit based on its similarity to other studied river reaches.
3. To adequately administer these regulations, investigations of the amount gravel being transported by various rivers and the impacts of river gravel bar mining shall be completed by

February 28, 1990. The specific administrative monitoring activities shall be determined by Grays Harbor County in cooperation with representatives of Grays Harbor County, the state Departments of Fisheries and Game, the Quinault Indian Nation, the gravel bar mining interests, and fishing interest groups. The scope and duration of the administrative activities will be dependent on the availability of funding. The administrative activities should address the following issues: verifying the results of Gravel Transport and Gravel Harvesting in the Humptulips, Wynoochee, and Satsop Rivers and analyzing the impacts of river gravel harvesting on salmon, steelhead and other biological river resources. The administrative activities will be focused on one of the rivers to conserve available funds.

4. If additional monitoring activities are required after February 28, 1990, the total amount of gravel that may be mined from river gravel bars shall be limited to the amount of gravel estimated to be transported by the river in Gravel Transport and Gravel Harvesting in the Humptulips, Wynoochee, and Satsop Rivers, Grays Harbor County, Washington June 1986.
5. The administrative activities shall be cooperatively funded by Grays Harbor County, the river gravel mining interests, and state agencies. Public agencies should fund two-thirds and private interests one-third of the costs. The application fee required by regulation number 8 will provide the third of the cost to be paid by the gravel mining interests.
6. The administrative work plan, the river on which the activities will focus, and the budget shall be approved by the groups by July 30, 1987. The work plan shall address the issues identified in policy 3.
7. The Shorelines Hearing Board and the Board of County Commissioners shall evaluate these policies and regulations by May 31, 1990. This evaluation must include any data by May 31, 1990. This evaluation must include any data developed by the administrative activities required above and the Gravel Transport and Gravel Harvesting Study.
8. After January 1, 1990, gravel removal from river gravel bars on rivers for which a study has not determined the amount of gravel being transported by the river shall only be allowed

for the purpose of controlling erosion to improved property, flood control, enhancing fish and wildlife resources, and use on property conterminous to the bar from which the gravel will be removed. On these rivers the amount of gravel removed shall be limited based on the similarity of the reaches to river reaches that have been studied.

9. River bar gravel extraction activities shall operate at times of the year when fish and wildlife impacts and disturbance will be minimized.
10. The Grays Harbor County Planning and Building Department should conduct a site inspection after gravel has been removed.

#### REGULATIONS

1. If the administrative activities required by the policies of this chapter are undertaken, permits to mine gravel from river gravel bars for commercial sale and other purposes will be approved where the proposal is in compliance with the policies and regulations of this chapter.
2. All approved permits for which application is made on or before July 1, 1989 shall expire on December 31, 1989. All approved permits for which application is made after July 1, 1989 shall have a duration of one mining season running from June through September of the same calendar year. All approved permits on the Humptulips, Wynoochee, and Satsop shall include a condition requiring that the permit will expire if the application fee required by regulation number 8 is not paid.
3. In the calendar years 1987, 1988, 1989 the total of all river bar mining operations, including those which require shorelines permits and those which because of size or other factors do not require permits, shall not extract more than the following maximum limits on the amount of gravel that may be removed from the river gravel bars of each river in a year.
  - a. Limits for 1987: For the Humptulips River 25,000 cubic yards, for Wynoochee River 19,000 cubic yards, and for the Satsop River 13,000 cubic yards.
  - b. Limits for 1988: For the Humptulips River 25,000 cubic yards, for Wynoochee River 9,500 cubic yards, and for the Satsop River 10,000 cubic yards.

- c. Limits for 1989: For the Humptulips River 25,000 cubic yards, for the Wynoochee River 5,000 cubic yards, and for the Satsop River 10,000 cubic yards
- 4. If for the purposes of the detailed administrative review the Wynoochee or the Satsop river is chosen to be the focus river, the maximum limits for the Humptulips River shall be as follows: For 1987 25,000 cubic yards for 1988 12,500 cubic yards, and for 1989 6,500 cubic yards. The limits for the focus river shall be 25,000 cubic yards a year for 1987, 1988, and 1989.
- 5. If after evaluating these policies and regulations additional information is required, for 1990 and the following years the total of all river bar mining operations, including those which require shorelines permits and those which because of size or other factors do not require permits, shall not extract more than the following maximum limits on the amount of gravel that may be removed from the river gravel bars of each river in a year: for the Humptulips River 6,500 cubic yards, for the Wynoochee River 5,000 cubic yards, for the Satsop River 10,000 cubic yards.
- 6. The amount of gravel to be mined from each river shall be allocated in the following manner:
  - a. All holders of valid shorelines permits shall be allowed to extract an equal fraction of the amount of gravel allowed to be excavated. This share may be transferred to another holder of a valid shorelines permit for one or more years.
  - b. All holders of valid shorelines permits who wish to remove gravel from river bars shall notify the Grays Harbor County Planning and Building Department, the Department of Fisheries, and the Department of Game that they wish to remove gravel that year by May 1. If the permit holder has obtained the gravel removal shares of other permit holders, the departments shall be notified by that date and written documentation of the transferred shares provided to the departments. A share may not be transferred to a bar more than one (1) river mile upstream from the bar for which the permit has been issued.
  - c. The Grays Harbor County Planning and Building Department, the Department of Fisheries, and the Department of Game shall notify the permit holders who wish to remove gravel from bars of the quantity of gravel they can remove by May 15.

- d. Each year before removing any gravel, the holder of a valid shorelines permit shall provide a site plan of the bar showing its current condition to the Grays Harbor County Planning and Building Department, the Department of Fisheries, and the Department of Game. The site plan shall include sufficient contours, cross sections, and other information to determine the amount of material on the bar and depth and area from which the quantity of gravel the applicant is entitled to remove will be removed. The before and after mining surface of the area to be excavated shall be shown. The site plan shall include sufficient dimensions so that the area to be excavated can be located on the bar by referencing at least two monuments on uplands adjacent to the bar.
7. By the first business day after October 31 of each year all river gravel bar operations shall provide the Grays Harbor County Planning and Building Department with the amount of gravel removed from the bar for that year. The quantities provided shall be in cubic yards. The applicant for either a shorelines or flood plain permit shall be responsible for providing this information. The amount shall be provided in a written, sworn statement on a form specified by the Director of the Grays Harbor County Planning and Building Department.
8. The Board of Commissioners finds that in order to adequately enforce and administer the regulations of this chapter, special application fees are required for river bar gravel mining applications. The fee shall consist of the regular shorelines application fee established by Resolution 86-143 or its successors and twenty-five (25) cents for each yard or fraction of a yard removed from a river gravel bar. The regular shorelines application fee shall be paid at the time of application. The per yard application fee shall be paid to the Grays Harbor County Planning and Building Department no later than the first business day after October 31 for that year's June 15 through September 15 mining season. If no gravel is mined from a bar then no annual per yard fee is required.
9. If the Administrative activities required by policy 3 are not undertaken, gravel bar extraction activities shall only be allowed for the following purposes:
  - a. To excavate a portion of a bar to control erosion to improved property, roads, bridges, buildings, or other facilities.

- b. To enhance fish and wildlife resources.
  - c. To lessen a flood hazard identified by a public agency.
  - d. For use on property conterminous to the bar from which the gravel will be removed and within the same ownership as the private property immediately adjacent to the bar.
10. If the Administrative activities required by policy 3 are not undertaken, the total of all river bar mining operations, including those which require shorelines permits and those which because of size or other factors do not require permits, shall not extract more than fifty percent of the amount of gravel estimated by the Gravel Transport and Gravel Harvesting Study to be transported by the river through any given river segment in an average water year.
  11. For the purpose of determining the quantities mined, the term gravel shall include any inorganic material mixed with the gravel.
  12. The removal of gravel from the bar shall comply with the conditions of the Hydraulics Project Approval and all other required permits or approvals.
  13. Gravel or other materials may be extracted only during the period beginning on June 15 and ending on September 15.
  14. Gravel and other materials shall not be removed from areas covered by soil, dirt, or overburden uncovered sand and mud shall not be considered overburden materials.
  15. Gravel, vegetation, or other materials shall not be removed from any portion of the bar which contains any shrubs over three (3) feet high or trees with a trunk diameter of two (2) inches or larger.
  16. No gravel or other materials shall be stockpiled or spoiled within a floodway or below the ordinary high water line except during the period beginning on June 15 and ending on September 15.
  17. Equipment, machinery, trucks, fuel, or lubricants shall be parked or stored on upland areas. Equipment, machinery, trucks, fuel, or lubricants shall not be parked or stored on the bar. Equipment, machinery, or trucks shall not be serviced, lubricated, maintained or repaired on the bar. Equipment, machinery, and trucks operated on the bar shall

be properly maintained to prevent unnecessary leakage of fuel, lubricants, or other fluids.

18. Any fuel, lubricants, or other materials which could adversely effect water quality which are spilled on the bar shall be immediately contained and cleaned from the bar.
19. In rural areas where inhabited homes will be impacted by noise from gravel extraction and associated activities such as stockpiling, washing, sorting and loading, these activities may occur only from 7:00 A.M. through 6:00 P.M. Monday through Friday.
20. The bar shall be graded so that all low areas, depression and potholes (either natural or man made) within the area of the bar in which removal is allowed are filled and comply with the two percent slope requirements of the HPA.

## **CHAPTER 16**

### **PUBLIC ACCESS REGULATIONS**

Any development which would have the effect of substantially increasing the opportunity for public access to a particular body of water or is located on a shoreline of statewide significance shall provide government with appropriate public access areas.

1. Shorelines of Statewide Significance
  - a. Residential, recreational, and commercial development fronting on shorelines of statewide significance shall provide a linear public easement or dedication at least 25 feet wide along the ordinary high water line or as near thereto as can conveniently accommodate pedestrian use. Such easements shall only permit non-motorized vehicle and pedestrian use during daylight hours and at night during business hours. Such easements may be waived where surrounding development precludes the possibility of extending the public easement, where topography or the environment makes it undesirable or impractical for pedestrian access.
  - b. Heavy commercial and industrial uses fronting on shorelines of statewide significance shall provide an easement or dedication for one or more vista points located as near to the outer harbor line as is reasonable, considering the nature and siting of the use.

The vista points shall have a length parallel to the shoreline equivalent to 10% of the first 500 feet of the site frontage on the shoreline and an additional 5% of any additional frontage on the shoreline. The access and vista point area shall be capable of handling passenger vehicles safely and conveniently, unless topography or other limitations preclude this, in which case safe and convenient pedestrian access shall be sufficient.

- c. The property owner shall not be required to install or maintain improvements for such public access and vista facilities unless a subdivision is required, in which case improvement may be required as a condition of plat approval. Public use shall not be allowed until reasonable improvements and provisions have been made by the appropriate public agency so that trespassing on adjacent private property, littering, and environment abuse will be minimized.

## 2. Other Shorelines

- a. For all projects, the Administrator shall examine the possibility of requiring public access, easements, or dedications and shall make record of his findings in each case.
- b. Public Access easements or dedications may be provided in any appropriate way which is compatible with the project design.
- c. All methods of satisfying public access requirements shall involve easements or dedication of lands, whether strips along the shorelines, access road rights-of-way, or other useable dedications. Developers are not required by these regulations to improve the dedicated parcels of land other than the survey of such parcels which is a necessary part of any dedication of lands to public. However, this shall not preclude local government from requiring improvements on dedicated parcels as a condition for development.
- d. The Administrator may exempt certain projects from the public access requirement on the basis of size of the project or if the government already has a sufficient amount of appropriated land to meet the public access needs or if incompatible topography or other limitations preclude development of safe and convenient public access.
- e. It is intended that the public access requirements be commensurated with:
  - 1. The size of the project.
  - 2. The shoreline frontage of the project.

3. The characteristics and limitations of the body of water involved.
  4. The expected demand resulting from the project.
  5. The existing access facilities.
  6. The design of the project.
  7. The existing street pattern.
  8. The type of access to be given, whether actual, scenic, boat, swimming, or other type.
- f. If public access results in abusing the environment by the public, the access may be limited or closed.

## **CHAPTER 17**

### **RESTORATION**

Restoration of shoreline areas shall mean either returning the area to its natural state, or cleaning up the area to remove litter, debris, abandoned structures, pilings to present a neat and tidy appearance. Restoration of the first type is expected only after a use of structure is to be discontinued or removed such as gravel mines or temporary structures, and then only where the area is not tuned to other uses or structures.

Restoration of the second type shall occur with or at the completion of all developments. No specific standards are imposed in these regulations as to the degree of tidiness or what specific actions such restoration might require since the characteristics of each development or project will differ.

However, every Substantial Development Permit will contain the Administrator's findings concerning restoration. Such findings will include a statement as to whether restorative actions will be required for the project at all, and if such actions are needed, the details of each shall be spelled out on the permit.

## **CHAPTER 18**

### **SCENIC VIEW AND VISTA REGULATIONS**

All applications for Substantial Development Permits must be evaluated for possible detrimental effects on scenic views and vistas. The possible blocking of residential views will be examined. Disruption of scenic vistas will be examined. If some detrimental effects on views or vistas are determined to be the case, the Administrator shall make record of the case

and place conditions on the permit so as to minimize said detrimental effect. Such conditions may include but are not limited to:

1. Limitations of height of structures, as per RCW 90.58.320.
2. Requirements for screening.
3. Requirements for underground utilities.
4. Requirements for screening.
5. Restoration requirements.
6. Requirements for retention of appropriate vegetation.

Should the Administrator determine that there will be no adverse effect on scenic views or vistas, such determination will be noted.

Should a particular project be so disruptive of scenic views and vistas that no amount of special requirements will ease the disruption, then the application may be denied if the project could reasonably be located elsewhere.

## **CHAPTER 19**

### **VALUABLE SITE AND STRUCTURE PROTECTION**

These regulations are designed to protect sites and structures seen to have historic, educational, cultural, scientific or archeological value.

1. Where alternative sites can be used, a site or structure recognized as valuable will not be disturbed.
2. After finding of fact, the legislative body will determine if a site or structure is to be recognized as valuable.
3. The State of Washington may also declare a site or structure to be valuable.
4. If there should be an attempt to destroy a valuable site or structure, or potentially valuable site or structure which is yet unrecognized, persons wishing to prevent such destruction may attempt to do so by filing objection with the permit authority. Denial of a permit which would result in destruction shall be based only upon:
  - a. Other alternatives are economically available to the applicant, or
  - b. Objecting parties have made a bona fide offer which results in no economic loss to the applicant, by means of

an offer to acquire the site or structure or similar means.

## CHAPTER 20

### URBAN ENVIRONMENT REGULATIONS

1. Purpose: The Urban Environment is intended for the most intensive human use of the shoreline. All forms of human development and activity which make use of shoreline areas are appropriate for the Urban Environment. Some other uses which typically locate near shorelines are also included.
2. Permitted Uses: The following uses are permitted in the Urban Environment subject to compliance with the Master Program Policies and Regulations. Single family dwelling; duplex; dwelling group; apartment; townhouse; condominium; hotel; motel; professional and financial; service, retail, and secondhand sale; outdoor storage incidental to permitted uses; campground; mobile home park; appurtenant sign; outdoor amusement (permanent or temporary): accessory building, incidental off-street parking; use and structure; vista point; restaurant; taverns; docks, piers, and other water-land connectors; water control devices and structures; water related industrial; water related commercial; marina; boat basin, boat sale and service; fishing and water sport; watercraft of all kinds; necessary bridges; bulkhead and other protective devices; dredging; pollution control facility; landfill; convenience goods sale; club, fraternal organization; open space; park, playground; cemetery; golf course; utility substation and transmission line; power generating facility; railroad, lesser streets; public access area and device; log rafting and log storage.
3. Conditional Uses: The following uses are generally inappropriate or unnecessary shoreline uses in the Urban Environment. These and other unlisted uses may be allowed as conditional uses subject to the provisions of Chapter 33. Outdoor sale; vehicle and merchandise repair; animal hospital; kennel; non-appurtenant signs; aquaculture use and structure; agricultural use and structure; industrial forestry; solid waste disposal; wood waste fill, service station, truck terminal; wrecking or junk yard; wild life preservation; school; church; mortuary; hospital, rest home; freeway; expressway; indoor entertainment; commercial parking lot; timber harvesting; mineral extraction; other

non-water related commercial use; other non-water related industry; shake-shingle mill; public buildings; airport; transportation terminal; gravel crushing; asphalt or concrete batch plant; highways.

4. Setbacks: Except as provided in Chapter 10, all uses and structures shall be located shoreward of the inner harbor line or the ordinary high water line, whichever applies.

## CHAPTER 21

### RURAL ENVIRONMENT REGULATIONS

1. Purpose: The Rural Environment is intended for most forms of human use or activity which are appropriate shoreline uses or typically located along shorelines but at a lower density than the Urban Environment. These areas will for the foreseeable future be served by septic tanks and soils limitations require a lower density of development.

Lower density environments are a preferred life style for many and this environment provides them with the opportunity to locate near shorelines without adversely affecting the environment.

2. Permitted Uses: The following uses are permitted in the Rural Environment subject to compliance with the Master Program Policies and Regulations.

Single family dwelling; duplex; dwelling group; apartment; townhouse; condominium; hotel; motel; rest home; personal service; retail and secondhand sale; outdoor storage incidental to permitted uses; campground; mobile home park; animal hospital; kennel; appurtenant signs; outdoor amusement (Permanent or temporary); accessory building ; incidental off-street parking; vista point; restaurant; tavern; dock, pier, and other water-land connectors; water control devices and structures; water related commercial; marinas; boat basin, boat sale and service; aquaculture uses and structures; fishing and water sport; timber harvesting; industrial forestry; watercraft of all kinds; necessary bridges; bulkhead and other protective devices; dredging and mineral extraction; pollution control facility; convenience goods sale; club, fraternal organization; open space; wildlife preserve, park; playground; cemetery; golf course;

utility substation, transmission line; lesser streets; public access area and devices; log storage and rafting.

3. Conditional Uses: The following uses are generally inappropriate or unnecessary shoreline uses in the Rural Environment. These and other unlisted uses may be allowed as conditional uses subject to the provision of Chapter 33: Professional office; financial service; outdoor sale, vehicle and merchandise repair; non-appurtenant signs; commercial parking lot; water related industrial use; landfill; non-water related commercial use; non-water related industry; solid waste disposal; wood waste fill; service station; truck terminal; school; church; mortuary; hospital; freeway; expressway, highway; indoor entertainment; shake-shingle mill; public building; power generating facility; airport; gravel crushing; asphalt or cement batch plant; railroad.
4. Density Limitations: Buildings, improved parking areas, and storage areas shall not exceed 4,000 square feet in area or 20% of the land area whichever is greater. The maximum density for portable recreational dwellings shall be 1 unit per 4,000 square feet of land area, and the maximum density for other dwellings shall be 1 unit per 40,000 square feet of land area.
5. Setbacks: Except as provided in Chapter 10, all uses and structures shall be setback from the ordinary high water line 50 feet on shorelines of statewide significance and 25 feet on the other shorelines of the state.

## CHAPTER 22

### CONSERVANCY ENVIRONMENT REGULATIONS

1. Purpose: The Conservancy Environment is intended to protect lands, wetlands, and water of economic, recreational, and natural value. Development for purposes which would be detrimental to resources capability and utilization is not permitted.
2. Permitted Uses: The permitted uses in the Conservancy Environment are those fostered by lands, wetlands, and waters of that environment. The following uses are permitted subject to compliance with the Master Program Policies and Regulations: Single family dwelling; outdoor

storage incidental to permitted use; appurtenant signs; accessory building; incidental off-street parking; vista point; dock, pier, and other water-land connectors; water control devices and structures; aquaculture use and structure, agricultural use and structure, fishing and water sport, timber harvesting, industrial forestry, watercraft of all kinds, necessary bridges; open space; wildlife preserve; day use recreation and incidental improvements necessary for the safety and convenience of the public transmission line, lesser streets; public access area and devices and parks.

3. Conditional Uses: The following uses are generally inappropriate or unnecessary shoreline uses in the Conservancy Environment. These and other unlisted uses may be allowed as conditional uses subject to the provisions of Chapter 33:

Duplex; dwelling group; apartment; townhouse; condominium; hotel; motel; professional office; personal service; financial service; retail and secondhand sale, outdoor sales; vehicle and merchandise repair; campground; mobile home park; animal hospital; kennel; non-appurtenant signs; outdoor amusement; commercial parking lot; restaurant; tavern; water related industry; water related commercial use; marina; boat basin, boat sales and service; landfill; non-water related commercial use; non-water related industry; solid waste disposal; wood waste fill; public building; convenience goods sale, club, fraternal organization; service station; truck terminal; wrecking or junk yard; cemetery; school; church; mortuary; hospital; rest home; bulkheads and other protective devices; dredging and mineral extraction; pollution control facility; shake-shingle mill; utility substation; power generating facility; airport; gravel crushing; asphalt or concrete batch plant; freeway; expressway; railroad; highway; log storage and rafting; and golf course.

4. Density Limitations: Maximum density: 1 dwelling per 5 acres. Areas covered by buildings, improved parking areas and storage shall not exceed 3% of the land area, or 4,000 square feet of land area, whichever is the greater.

5. Setbacks: Except as provided in chapter 10, all uses and structures shall be setback from the ordinary high water 75 feet on shorelines of statewide significance; and 50 feet on the other shorelines of the state.

## CHAPTER 23

### NATURAL ENVIRONMENT REGULATIONS

1. Purpose: The Natural Environment is intended for those areas which have extreme importance for the maintenance of natural systems, and in which any include change in the land, vegetation, or water would have significant adverse impact on the system.
2. Permitted Uses: The permitted uses in the Natural Environment are: Appurtenant signs, fishing and water sport, open space, wildlife preserve, hiking, nature viewing.
3. Prohibited and Conditional Uses: No permanent structures are allowed. No roads other than foot trails are allowed. Uses and structures for the purpose of studying or monitoring the conditions of the area may be allowed as conditional uses. All other uses and structures are prohibited.

## CHAPTER 23A

### OCEAN BEACH ENVIRONMENT REGULATIONS

(See Resolution No. 80/9 adopted 1-21-80)

1. Purpose: The Ocean Beach Environment is intended to preserve the natural systems and amenities while providing for development of accommodations and services related to and necessary for support of human use of the beach areas.
2. Permitted Uses And Activities: Single family and duplex dwellings and associated uses and structures of a residential nature; day use recreation and associated uses necessary for the safety and convenience of the public.
3. Conditional Uses And Activities: The following uses are necessary or appropriate uses in the Ocean Beach Environment but require individual evaluation in order to minimize adverse environmental impacts: Multi-family dwellings and associated uses and structures of a residential nature, motels and hotels, campgrounds and recreation vehicle parks, restaurants, taverns, art galleries, long and short

subdivisions, bulkheads, landfills, camps and resorts, expansion of existing conditional and non-conforming uses.

4. Density Limitations:

- Single family dwellings and residential subdivisions overall density shall not exceed 1 dwelling per 16,000 square feet.
- Multifamily dwellings, motels and hotels, overall density shall not exceed the following:
  - 20,000 square feet of gross land area for the first living unit.
  - 6,000 square feet for each additional unit.
- Recreational Vehicle Parks and Campgrounds, one unit per 4,000 square feet of gross land areas.

5. Lot Coverage:

- Permitted uses, the total area covered by buildings and impervious paved areas shall not exceed 30% of lot area
- Conditional uses, where a dune protection zone applies, the total area covered by buildings and impervious paved areas shall not exceed:
  - a. 15% of land area within 100 ft. of the dune protection zone.
  - b. 25% of land area more than 100 ft. but less than 300 ft. from the dune protection zone.
  - c. 35% of land area more than 300 ft. from the dune protection zone.
- Conditional uses, where the dune protection zone does not apply, the total area covered by buildings or impervious surfaces shall not exceed 35% of lot area.
- On parcels which were legally established prior to adoption of this amendment, and which are less than minimum lot size, the area covered by buildings or impervious surfaces shall not exceed 4,000 square feet or the above stated percentage whichever is greatest.

6. Dune Protection Zone: On accreted land, no structure, surface paving or earth changing shall be permitted between the line of marram grass vegetation on the west, and a line 200 feet east of the line of marram grass vegetation. Provided that construction of a single family residence shall be permitted within the dune protection zone when and only when:

- a. The site to be used was lawfully created as a separate parcel of land prior to June 3, 1974; and
- b. The 200 foot setback prevents the owner from making any reasonable use of the site, or

- c. Single family residences are already located inside the 200 foot setback and within 200 feet north and south of the nearest exterior boundary of the site.
  - d. When construction of a single family residence is allowed within the 200 foot setback area, as provided in (a), (b), and (c) above:
    - 1. The residence shall be located as far easterly on the lot as practical and not seaward of the existing line of conformity, and
    - 2. In no instance shall construction of a residence be allowed west of the crest of the foredune.
7. Setbacks: Except as provided under #6, setbacks from property lines shall be as provided in the zoning ordinance, provided that no structures shall be located within 50 feet of the seasonal high water line of any year-round body of water.
8. Height Limitation: Structures located within 300 feet of the line of marram grass vegetation shall not exceed a height of 28 feet above average grade level.
9. Special Provisions:
- a. Proposals involving construction of community water or sewer systems shall be located within and be approved by, a recognized utility district prior to approval of a development permit.
  - b. No construction shall be permitted west of the first line of vegetation except as provided in Chapter 10.
  - c. Proposals for development of conditional uses shall be designed to minimize disruption of natural features including drainage, topography and vegetation.

## CHAPTER 24

### NON-CONFORMITIES

1. Structures: All structures, lawfully erected and maintained in lawful condition prior to the effective date of this ordinance and all structures in the process of being lawfully erected prior to the effective date of this Ordinance, but which do not conform to the regulations contained herein, may continue to exist or be completed according to the following provisions: (a) No nonconforming structures may be expanded except in conformity to these regulations. (b) Nonconforming

structures which are destroyed beyond 50% of their value shall not be restored. (c) Nonconforming structures may be maintained and improved however, such maintenance and improvement shall not have the effect of expanding the size or bulk of the structure. (d) Uses within non-conforming structures may be changed to other permitted uses.

2. Uses: Uses or activities that do not conform to these regulations but which are on-going prior to the effective date of these regulations may continue under the following provisions: (a) Nonconforming uses or activities that can be stopped without cost to the user or actor shall cease upon notification from the Administrator. (b) Nonconforming uses or activities that may be altered to conformance and still continue to succeed in their function shall do so upon notification from the Administrator. (c) Nonconforming uses disconnected for one (1) year shall not be reestablished.

## **CHAPTER 25**

### **ADMINISTRATION**

(See Resolution No. 90-42 adopted 6-18-90)

1. Administrator: The Planning Director or his duly authorized designee shall be responsible for: providing information on the ACT, this Master Program and related matters; accepting and processing permit applications and notification; evaluating and preparing final orders granting or denying applications; and, doing those tasks necessary for the administration and enforcement of this Master Program which are not assigned to another person herein or hereafter by the BOARD.
2. Applicability of Policies and Regulations: No development on shorelines of the state shall be undertaken by any person unless it is consistent with the policies and provisions of the Act and the policies, regulations and other provisions of this Master Program.
3. Permits Required for Substantial Development: No development requiring a conditional use or variance permit or substantial development on shorelines shall be undertaken by any person without first obtaining a substantial development permit, conditional use, or variance (RCW 90.58.140). A permit shall be granted only when the proposed

development is consistent with the policies and provision of the Act with policies, regulations and other provisions of this Master Program.

4. Permit Application Required for Development: No development on shorelines shall be undertaken by any person without first filing an application for substantial development permit.
5. Exemptions: The Administrator shall issue a written exemption for uses and activities that are categorically excluded from the definition of substantial development after review of a completed application for substantial development permit. An exemption shall be granted only when the proposed use or activity is consistent with the policies, regulations and other provisions of this Master Program. This exemption does not apply to any development that materially interferes with the normal public use of the shoreline.
6. Time Requirement of Permit: An approved substantial development permit, conditional use permit or variance permit shall conform to time requirements specified by WAC 173-14-060 or its successor.
7. Notice: Upon acceptance of a completed application for a substantial development permit, the Administrator shall publish notice of the application in conformance with RCW 90.58.140(4) or its successor. Notice shall conform with WAC 173-14-070 or its successor.
8. Permit Application: Applications for a substantial development permit shall be made to the Administrator by the property owner, lessee, contract purchaser, other person entitled to possession of the property, or by an authorized agent. Applications shall be made on forms supplied by the Administrator and such forms shall conform to WAC 173-14-110 or its successor.
9. Fees: Application and processing fees shall be set by resolution of the BOARD.
10. Review of Applications:
  - a. The Administrator shall review substantial development permit applications based on criteria set forth under WAC 173-14-100 or its successor, and on the following: the application; SEPA documentation; written comments

from interested persons, affected tribes or state agencies and information and comment from other affected County agencies. The COMMISSION shall review substantial development permit applications requiring a public hearing, a conditional use application or a variance application and prepare final orders for issuance by the Administrator. Review by the COMMISSION shall be based on the same criteria required for review by the Administrator.

- b. The Administrator shall not issue a final order granting or denying a permit until 30 days after the final publication of the notice required under provision 7 herein.

11. Appeals to State Shoreline Hearings Board: Any person aggrieved by the granting, denying, or rescision of a substantial development, conditional use, or variance permit may seek review from the Shoreline Hearing Board in conformance with requirements contained in RCW 90.58.180 or its successor. Appeals from a final order by the Administrator or the Planning Commission may be taken to the State Shoreline Hearings Board. Such appeal shall be filed within 30 days of the date the Final Order is filed with the Department of Ecology. Appeals of a decision by the Department of Ecology on variance of conditional use permits shall be filed within 30 days of Ecology's decision.

12. Public Hearing, Notice:

- a. In the following cases, the COMMISSION shall hold at least one public hearing prior to making a decision on a permit application: (i) the permit is a variance or conditional use; or (ii) a substantial development permit involves another permit approval requiring public hearing by the Grays Harbor County Planning Commission or the Grays Harbor County Board of Adjustment.
- b. Public hearing for substantial developments involving hearings imposed by the Grays Harbor County Comprehensive Zoning Ordinance No. 38 as amended and the Grays Harbor County Subdivision Ordinance No. 111 as amendment shall be consolidated. For the purpose of consolidated hearings, the COMMISSION is hereby granted authority to hear and decide each separate approval, variance and permit and shall have the authority of the Grays Harbor County Board of Adjustment if the hearing includes a zoning variance and /or zoning conditional land use permit.

- c. The hearing shall be scheduled for the first regularly scheduled Commission meeting day following the 30 day comment period specified under RCW 90.58.140(4) or its successor. Notice of a public hearing may be included with the required notice of application for a substantial development permit.
- d. If, for any reason, testimony on any matter set for public hearing cannot be heard, or being heard, cannot be completed on the date set for such hearing, the COMMISSION may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required.
- e. The COMMISSION shall make findings from the record and conclusions which support its final order. The findings and conclusions shall set forth the manner in which the recommendation is consistent with the criteria set forth under provision 10 (a) herein.
- f. The COMMISSION shall have the power to prescribe rules and regulations for the conduct of hearings before it; and also to issue summons for and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross examination of witnesses shall be accorded all interested persons or their counsel in accordance with the rules of the COMMISSION.

13. Granting or Denial of Permits; Permit Conditions, Other Permits:

- a. The Administrator shall deliver to the following persons copies of the application and the approval, disapproval or conditional approval of a substantial development permit application within five days of the final decision. Copies of the relevant materials, including findings and conclusions shall be delivered to: (i) the applicant; (ii) the Department of Ecology; (iii) the Washington State Attorney General.
- b. Construction pursuant to a substantial development permit shall not begin and shall not be authorized until the time limit identified under RCW 90.58.140 (5) has run.
- c. In granting or extending a permit, the Administrator may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as he finds necessary to make the development compatible with the criteria set forth under provision 10 (a) herein. Such conditions may include the requirement to post a

performance bond assuring compliance with permit requirements, terms, and conditions.

- d. Issuance of a substantial development permit does not obviate requirements for other federal, state, and county permits, procedures and regulations
14. Conditional Uses: Any activity not listed as a permitted use, whether or not a Substantial Development Permit is required, requires a Conditional Use Permit before such use may be undertaken. The procedure for obtaining permission to create or conduct a conditional use is the same as the Substantial Development Permit procedure. The COMMISSION may attach any conditions, modifications and restrictions regarding the location, character and other features of the proposed development as are deemed necessary to make the development compatible with the criteria set forth under 10 (a) herein and WAC 173-14-140 or its successor.
15. Variances: The COMMISSION shall have authority to grant a variance from the provisions of this Master Program, provided that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the designated environment in which subject property is situated. Before any variance may be granted, the criteria listed under WAC 173-14-150 or its successor shall be satisfied.
16. Form of Permit: Substantial development permit applications shall be in substantially the form given in WAC 173.14-10 or its successor.
17. Revision to Permits: The Administrator may grant revisions to substantial development permits consistent with WAC 173-14-064 or successor.
18. Recision, Services of Notice, Appeal:
  - a. Any permit granted pursuant to this Master Program may be rescinded or modified upon a finding by the Administrator that the permittee has not complied with the conditions of his permit; or, that the permit was obtained by fraud; or that the permit is being exercised in violation of any statute, ordinance or regulations; or, that the use for which the permit was granted is so exercised as to endanger public health or safety.

- b. The Administrator may initiate rescission and modification preceding by serving written notice of noncompliance on the permittee together with the final order which shall take effect immediately upon receipt of the written notice on noncompliance.
  - c. Within 20 days after the notice of noncompliance is received, the permittee may appeal the Administrators rescission or modification order to the COMMISSION. Notice of public hearing shall be given to the appellant and to parties of record in the case. Such notice shall be mailed not less than 10 days prior to the date of the public hearing. The Administrator shall transmit to the COMMISSION all of the records pertaining to the decision being appealed, together with such additional written report as he deems pertinent.
19. Inspection: The Administrator may inspect properties as necessary to determine whether permittees have complied with conditions of their respective permits and, whenever there is reasonable cause to believe that development has occurred upon any premises in violation of the ACT and this Master Program, may enter upon such premise at all reasonable times to inspect the same. The Administrator shall present proper credentials before demanding entry.
20. Penalties; Liabilities:
- a. Any person found to have willfully engaged in activities on the shorelines of the state in violation of this Master Program or the Act or any of the rules and regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than \$25.00 nor more than \$1,000.00 or by imprisonment in the county jail 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 \$500.00 nor more than \$10,000.00.
  - b. The Prosecuting Attorney or Washington State Attorney General may bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions of this Master Program or the provisions of the ACT.
  - c. Any person who shall fail to conform to the terms of a permit issued under this Master Program or who shall undertake development on the shorelines of the state without first obtaining any permit required under this

Master Program or the ACT shall also be subject to a civil penalty not to exceed \$1,000.00 for each violation as provided by RCW 90.58.210 and 173-17 WAC or its successor and regulatory order commanding corrective action. Each permit violation and/or each day of continued use or development without a required permit shall constitute a separate violation.

- d. Assessment of civil penalty fines shall be imposed by notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same. The notice shall set forth and contain a description of the specific nature, location, extent, and time of violation and the damage or potential damage; and a cease and desist order or, in appropriate cases, the specific corrective action to be taken within a given time. The cease and desist order shall become effective immediately upon receipt by the person to whom the order is directed.
- e. Within 30 days after notice is received, the person incurring the civil penalty fine may appeal in writing to the BOARD for remission or mitigation of such penalty. Upon filing an appeal, the Board shall set a date for public hearing where it may remit or mitigate the civil penalty fine upon a finding of extraordinary circumstances. Notice of public hearing shall be advertised in the legal paper and given to the appellant and to parties of record in the case. Such notice shall be advertised and mailed not less than 10 days prior to the date of the public hearing. The Administrator shall transmit to the BOARD of all the records pertaining to the civil penalty fine being appealed, together with such additional written report as he deems pertinent.
- f. A person applying for a substantial development, variance or conditional use permit after commencement of development shall be required to pay a delinquent permit penalty that is triple the initial application fee.
- g. The Administrator shall cause to have all unpaid civil penalty fines assessed as a lien against the real property upon which the violation is or was located. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate or then percent per annum from and after said date.
- h. Any person found in violation of this Master Program and/or the ACT shall be liable for damages as specified under RCW 90.58.230.

**CHAPTER 37**

**AMENDMENTS AND BOUNDARY CHANGES**

Any of the provisions of this Master Program or the Shoreline Management Jurisdiction Boundary lines or Environment Boundary lines may be amended. Such amendment shall first occur according to the regular legislative rules of the legislative body, except that before the legislative body may entertain any amendments, there must first be a public hearing held by the Commission at which the matter of amendment is presented to the public and their comment entertained.

When the Board of County Commissioners has acted, the proposed amendment will be sent to the Department of Ecology for its review. If the Department of Ecology approves the change, it shall become effective thirty (30) days from the date of official Department of ecology approval.

**CHAPTER 41**

**SEVERABILITY**

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

**CHAPTER 42**

**ADOPTION AND EFFECTIVE DATE**

This Resolution is hereby declared necessary to meet the obligations and responsibilities now upon the County of Grays Harbor and is hereby adopted and shall take effect on the 30<sup>th</sup> day of June 1974.

APPROVED AND ADOPTED THIS 3<sup>RD</sup> DAY OF JUNE 1974.

## APPENDIX

There are several more items in need of explanation or clarification. This Appendix contains the following:

- A. List of Citizens Advisory Committee
- B. List of Agency Advisory Committee
- C. Procedures for Citizen Input
- D. Description of Citizen Input
- E. Justification for Departures from Guidelines
- F. Clarification Notes for Use of the Environment Designation Map

### A. CITIZENS ADVISORY COMMITTEE

<u>Name of Member</u>	<u>Representing</u>
Richard Hirscheberg, Chairman	ITT-Rayonier, Inc
R.S. Claunch, Vice Chairman	Weyerhaeuser Company
Fred Easter	City of Montesano
Bruce George	Town of Elma
Bob Ford	City of Ocean Shores
J.T. Quigg, Jr.	City of Aberdeen
James Yowell	City of Hoquiam
Gary Oestreich	Town of Cosmopolis
Bijarne Nilsen	Town of Westport
Gayle Neet	Grays Harbor County
Gerard van Deene	Environment
Richard Middleton	Grays Harbor County
James Phipps	Environment
Lou Messmer	Environment
Wes Berglund	Grays Harbor County
Bill Clocksin	Port of Grays Harbor
Charles Lake	Grays Harbor County
James Bower	Town of Oakville
Donald Dowling	Weyerhaeuser Company

### B. AGENCY ADVISORY COMMITTEE

<u>Name of Member</u>	<u>Representing</u>
Herb Tegelberg	State Fisheries
Merle Stratton	Department of Natural Resources
John DeMeyer	Department of Natural Resources]
Howard Hannigan	State Parks
Leroy Anderson	State Department of Highway
Mario Smith	State Department of Highway
Gary Kline	U.S. Sport Fisheries
Ron Lee	Environmental Protection Agency
Don Thuring	Corps of Engineers

Bill Allgaurd	Corps of Engineers
George Black	National Marine Fishery
Bill Petty	U.S.D.A. - Soil Conservation Service
Mike Price	Department of Ecology
Marley Young	Grays Harbor Public Works Dept.

#### C. PROCEDURE FOR CITIZEN INPUT

A two pronged approach to citizen involvement was used. The first was the Citizens Advisory Committee which was burdened with a definite task, that of producing the Master Program. This responsibility was placed clearly with them, and they acted in a manner synonymous with the Planning Commission.

The second approach was the correspondence list containing the above names. Eleven memos were sent to these correspondents. The smallest was two pages long and the largest was around 100 pages long. The first eight were sent during Phase One, but Memo #9 which went out at the beginning of Phase Two was the largest with 100 pages, and it was clear that sending a memo of this size too often was impossible so the memos were made more infrequent. The purpose of this was primarily disclosure of what was happening with the Citizens Advisory Committee and hopefully response from the correspondents if they had feelings about the content of the memos.

Also about 150 of the correspondents were either city councilmen or planning commission members, and it was hoped that they would be familiar with the Master Program by the time they were expected to act on it at the end of Phase Two. Generally, this worked to the staff's satisfaction.

In addition to the designated members of the Citizens Advisory Committee, there were perhaps twenty or so other individuals who showed up at meetings from time to time and became thought of as ex-officio members of the Committee.

#### D. QUANTIFICATION OF CITIZEN INPUT

There were about twenty meetings of the Citizens Advisory Committee, all public and always with non-committee members attending. There were another twenty or so subcommittee meetings of the Citizens Advisory Committee. Four of five Committee members and experts they invited would meet separately to thrash out specific problems.

There was one public hearing with 60-70 persons in attendance. This hearing was given special notice with three 2-column by 10-inch advertisements in the local paper. All the meetings were announced by means of notices to the various news media of the area.

Directly involved were about 40 citizens who took part in the meetings and discussions. Another 40 or so were at the public hearing. Added to that were all the names on the correspondence list who were indirectly involved.

#### E. DEPARTURES FROM THE MASTER PROGRAM GUIDELINES

Departures from the Guidelines in some cases may be a matter of the eye of the beholder. There are however some distinct departures which need comment.

1. Shoreline Works and Structures: Rather than write a separate set of policy statements for docks, piers, jetties, groins, and the like, as suggested by the Guidelines, we chose to lump all these devices under the term "Shoreline Works and Structures" and write one set of policy statements. This is because the same problems and issues arise when discussing any one of the several types of works and structures, so, with that similarity in mind, it seemed simpler to lump them all together.
2. Format of Regulations: The Guidelines indicated that a set of regulations was needed for each use activity, and we have provided such sets under the titles of a few use activities. But to do the same for all seemed repetitive, since the same issues arise again and again for each use activity. Also, we have groups of policy statements for each use activity and to refine the policy statements directly into regulations would result in mere repetition of the statements into stiffer language.

So, we grouped our regulations around issues mostly, or other topics that achieved the ends of regulation without unnecessary length.

Flexibility was also a goal, especially when one considers the Substantial Development Permit process which allows for close scrutiny of each application. We chose to give power to local governments to deal with problems seen in applications without being overly restrictive or arbitrary.

Forestry was given especially close treatment since there is so much of it in our area and since the majority of forest operations will not call for Substantial Development Permits and thus will not have such close scrutiny.

We believe this approach to regulations will work quite well, at least as well as an exhaustive list of regulations for each use activity. True success in regulation will still depend on those who administer them.

Another reason was time. We felt that each use activity could have a long list of regulations, but to do this would take far more time than we had available, and to make a short list of regulations for each use activity would be little more than restatement of the Policy Statements.

Also, our format allows for a direct connection of goals to regulations as exemplified by some of the section titles.

3. Other Agency Plans, Policies, Etc.: We believe that this Master Program fits well with existing plans, policies, and laws, but this belief is based upon the reactions of people, involved with other agencies to our proposals, rather than a thorough research of each agency involved in shorelines. There simply was not time for such research in view of the workload imposed by the citizen involvement requirements, so we left it to the agencies themselves to check for conflicts, which they did, and we are satisfied with the resulting conformance.
4. Use of the Rural Environment: According to the Guidelines, agriculture is one of the uses intended for the Rural Environment. We have arranged our Master Program to allow this, but we have also made agriculture a part of the Conservancy Environment. In fact, the way we have it, any serious agricultural effort should take place in the Conservancy Environment. The Rural Environment is intended, in our case, to be a low density Urban Environment, where septic tanks rather than sewers can be used, and where there is enough room to allow for gardens and such. The Conservancy Environment as we have conceived it is ideal for agriculture since Conservancy is generally intended for the human harvesting (and maintenance) of Nature's bounty.