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CITY OF WASHOUGAL  
SHORELINE MANAGEMENT MASTER PROGRAM

Regional Planning Council of Clark County

June, 1974

SHORELINE MANAGEMENT MASTER PROGRAM

CITY OF WASHOUGAL

Prepared by the Washougal Citizen Advisory Committee for Shoreline Management in cooperation with the Regional Planning Council of Clark County.

The preparation of this Master Program was aided by the Washington State Office of Community Development through a Federal grant from the U.S. Department of Housing and Urban Development under the provision of Section 701 of the Housing Act of 1954, as amended, and a State grant from the Washington State Department of Ecology under Section 25 of the Shoreline Management Act of 1971.

This document was completed under provisions of Contract No. 1006-500.2-6, and Contract No. 1020-502.0-6 between the Department of Ecology and the Regional Planning Council of Clark County.

MAYOR  
ELMER J. TURJA

# CITY OF WASHOUGAL

1701 C STREET  
WASHOUGAL, WASHINGTON 98671  
TELEPHONE 835-5556

CITY CLERK  
ROBERT E. CLARK

June 18, 1974

Mr. John A. Biggs, Director  
Department of Ecology  
State of Washington  
Olympia, Washington

Dear Mr. Biggs:

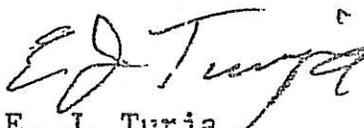
Herewith submitted is a copy of the final proposed Shoreline Management Master Program for the City of Washougal, prepared in accordance with the requirements of the Shoreline Management Act of 1971, and the Final State Guidelines. This Master Program was formally endorsed by the City Council in a Public Hearing held in the Washougal City Hall on June 17, 1974, at 8:00 PM.

Concurrently with your review of this Master Program the Council has instructed City legal personnel to consider the proposed amendments to the existing City Shoreline Development Ordinance, both of which are incorporated as a part of the Master Program. Upon assurance that the language of the proposed amendments is legally acceptable, and with your approval of this program, the City Council will again hold a Public Hearing to officially adopt the approved Master Program.

This document is being submitted without the Environmental Impact Statement, which is now under preparation by the staff of the Regional Planning Council of Clark County. The Draft EIS is near completion and should be available in a matter of a few days. Copies of the Draft EIS will also be distributed for review and comment to all organizations acknowledged in the Master Program as well as to other interested agencies and individuals at the state and local levels. The Final Environmental Impact Statement will become Appendix D of the Master Program.

The City feels confident that the Washougal Master Program is consistent with the intent of the Act, that it fulfills all state requirements while reflecting aspirations of the local citizenry, and that it will provide the City of Washougal with an effective means of managing the City's shorelines of state wide significance. We are looking forward to receipt of your review comments, and would suggest that if any major deficiencies are noted that they be clearly referenced to specific state statutes.

Respectfully,

A handwritten signature in cursive script, appearing to read "E. J. Turja".

E. J. Turja  
Mayor

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## INTRODUCTORY COMMENTS AND ACKNOWLEDGEMENTS

This introduction is intended to provide background information to present and future citizens of the City of Washougal regarding the authority and method by which this Shoreline Master Program has been developed.

The Washington State Legislature adopted the Shoreline Management Act of 1971 to provide for the management of Washington shorelines by planning for and fostering all reasonable and appropriate uses in a manner intended to promote and enhance the public interest. The Act constituted a legislative alternative to a proposed -- and somewhat more restrictive -- voter initiative. Although the legislative act became effective on June 1, 1971, both measures were placed on the general election ballot of November 1972 -- providing voters with the choice of approving either of the two laws, or rejecting both. A significant majority of Washington voters supported shoreline management, and the legislative alternative was ratified at the polls.

The Shoreline Management Act established a cooperative management effort between local government and the Department of Ecology. This placed three significant burdens on local government:

- (1) Establishment of a system for the administration and enforcement of a permit requirement for shoreline developments;
- (2) Completion of a comprehensive inventory of shorelines falling under jurisdiction of the Act;
- (3) Development of a master program for the regulation of shoreline uses.

The first two items above have been completed within the last two years. This document culminates the initial, though continuing, local obligation by providing specific criteria for the management of shorelines within the City of Washougal.

The Shoreline Management Act and supplementary state guidelines provided for development of the Master Program through utilization of an interdisciplinary approach, with emphasis on public involvement. The Washougal City Council therefore appointed a Citizen Advisory Committee for Shoreline Management (see Appendix A).

The Citizen Committee first met on July 10, 1973 and agreed to hold open public meetings on the evening of the second Tuesday of each month thereafter until completion of the program. The material contained herein reflects that 11 months of citizen effort.

Two members of the Washougal Shoreline Committee were also appointed to serve on the Clark County Citizen Advisory Committee. This resulted not only in close shoreline management coordination between the City of Washougal and Clark County, but also provided Washougal Committee members with the opportunity of drawing upon the technical expertise often present at County meetings that might not otherwise have been available to the City. Although it would be impossible to list names of individuals contributing to the development of the Master Program, the following organizations are specifically identified because of their significant contributions either directly to the Washougal Shoreline Committee, or indirectly through their assistance to the Clark County Citizen Advisory Committee:

- U. S. Department of Agriculture:
  - Soil Conservation Service
  - Gifford Pinchot National Forest
- U. S. Army Corps of Engineers
- State of Washington:
  - Department of Ecology
  - Department of Fisheries
  - Department of Game
  - Department of Highways
  - Department of Natural Resources
  - State Parks and Recreation Commission
- Portland State University
- Clark College
- Clark County Department of Parks and Recreation
- Washougal Parks Board
- Camas-Washougal Chamber of Commerce
- Port of Camas-Washougal
- Northwest Steelheaders Association
- Public Utility District of Clark County
- Pacific Power and Light Company
- Clark County Homebuilders Association
- Industrial Forestry Association
- Crown Zellerbach Corporation
- Weyerhaeuser Company
- Camas Post-Record
- Daily Columbian
- League of Women Voters

## APPLICATION OF THE MASTER PROGRAM

(NOTE: While definitions are offered in the Shoreline Development Ordinance which follows, it is here necessary to elaborate upon some of those terms, as well as certain provisions of the Shoreline Management Act.)

The immediate ramification of the Shoreline Management Act of 1971 (Chapter 90.58 Revised Code of Washington) was the directive to local governments to require permits for significant projects occurring along the shoreline. In order to identify the types of projects for which this permit system is intended, the Act first defines the term "development" (90.58.030 (3) (d) RCW):

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any 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 this chapter at any state of water level.

It then mandates that a shoreline permit shall be required for any such development of a "substantial" nature as defined below -- followed by a list of specific exemptions to this permit requirement (90.58.030 (3) (e) RCW):

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

### (PERMIT EXEMPTIONS)

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;
2. Construction of the normal protective bulkhead common to single family residences;
3. Emergency construction necessary to protect property from damage by the elements;
4. Construction of a barn or similar agricultural structure on wetlands;
5. Construction or modification of navigational aids such as channel markers and anchor buoys;

6. Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;
7. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars;<sup>1</sup>
8. Any project with a certification from the Governor pursuant to Chapter 80.50 RCW.<sup>2</sup>

Shoreline permits are thus officially known as "Shoreline Management Substantial Development Permits." In order to effectuate this permit system and other provisions of the Shoreline Management Act, the legislature found it necessary to establish criteria for determining exactly which shorelines should fall under purview of the Act, as well as the extent of adjacent land areas that should be included in such a management program. In general terms, the Act applies to both the water area and associated "wetlands" of (1) all lakes or reservoirs of 20 acres or greater in size; and (2) all streams with a mean annual flow of 20 cubic feet per second or more (90.58.030 (2) (d) RCW). To realize the scope of this applicability, the legislature's definition of "wetlands" must be analyzed (90.58.030 (2) (f) RCW):

"Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

In other words, the specific provisions of the Shoreline Management Act apply not only to those land areas situated within 200 horizontal feet of the ordinary high water mark (which is generally identified as the line of vegetation along a shoreline), but also to swamp areas and flood plains associated with the water bodies -- an area which may extend well beyond 200 feet. As used throughout this document, then, the term "shorelines" refers to both the land and water areas subject to these provisions.

- 
1. This legislative amendment (Senate Bill No. 2833) to the Shoreline Management Act regarding private dock construction became effective July 16, 1973.
  2. This permit exemption is found in the Shoreline Management Act at Chapter 90.58.140 (8) RCW, and in Washington Administrative Code (WAC) 173-14-040 (8) as worded above. It refers specifically to the Thermal Power Plant Siting Law (Chapter 80.50 RCW), preempting the certification and regulation of thermal power plants.

The associated wetlands of the Washougal River and the Columbia River in the vicinity of the City of Washougal, as officially designated by the Department of Ecology, are identified on Plate I. The dashed line on this map represents the "200 ft." wetlands, and the solid line approximates the 100-year flood plain as established by the Corps of Engineers and/or the Department of Ecology.

As a matter of interest only to Washougal area residents, the entire Steigerwald Lake area, opposite Reed Island and extending inland to the Burlington Northern rail line, would have been considered associated wetlands of the Columbia River had not the dike been constructed by the Corps of Engineers prior to the Shoreline Management Act. Even with the dike, however, this same area would fall under jurisdiction of shoreline management by virtue of being associated wetlands of Steigerwald Lake -- if this water body had not been drained to its present size, which is less than (though very close to) 20 acres. Furthermore, if the mean annual flow of Gibbons Creek was 20 cubic feet per second or more, the same area again would have been officially designated as associated wetlands of that stream. Though much of the former Steigerwald Lake area remains truly "wet" throughout a good portion of the year, it does not fall under jurisdiction of the Shoreline Management Act.

Another very important aspect of the Shoreline Management Act which is pertinent to the application of the City's Master Program is its priority treatment of "shorelines of statewide significance." This designation includes those lakes with a surface area of 1000 acres or more and those river segments with a mean annual flow measured at 1000 cubic feet per second or more, together with the wetlands associated with such water bodies (90.580.030 (2) (e) RCW). The Department of Ecology has thereby designated that portion of the Washougal River downstream from its confluence with the Little Washougal River, and the entire length of the Columbia River within Clark County as shorelines of statewide significance. Therefore, all shorelines within the existing and foreseeable limits of the City of Washougal are shorelines of statewide significance.

The meaning of this designation, as declared in the Shoreline Management Act and in the City Shoreline Development Ordinance, is that this Master Program shall give preference to shoreline uses which:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long-term over short-term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline.



It is then clear that no substantial development shall occur along shorelines of the City of Washougal without authorization through a shoreline permit -- in consideration of which the foregoing preferences of use (in addition to other criteria established herein) shall apply. However, it should also be noted that at Chapter 90.58.140 (1) RCW, "no development shall be undertaken on the shorelines of the state except those which are consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations or master program."

The provisions of this Master Program therefore apply not only to projects for which a Shoreline Management Substantial Development Permit is required, but also to any use or activity occurring along the shorelines. The following sections of this Master Program are intended to be utilized by the elected and appointed officials of the City of Washougal to effectively manage shorelines of the City, as well as by members of the public for development standards, in the following manner:

1. Any project involving an application for a Substantial Development Permit shall be subject to the strict provisions of the Washougal Shoreline Development Ordinance (Chapter 18.98);
  - a. Such development must be consistent with the criteria regarding shorelines of statewide significance;
  - b. The activity must be in close conformance with the objectives and general policies of the Shoreline Environment in which it is proposed;
  - c. The proposal must be consistent with the long range Master Program Element Goals;
  - d. The project shall comply with the specific Policy Statements for Use Activities, except as may be provided for in the Shoreline Development Ordinance under Section 18.98.180 Variances and Conditional Use Permits;
  - e. The applicant for such a permit shall have the burden of proving that the proposed substantial development is consistent with criteria herein.
2. Any development proposed along the shorelines of the City of Washougal not requiring a Substantial Development Permit shall comply with the policy and intent of the Shoreline Management Act and of this Master Program;

- a. Such development must be consistent with the criteria regarding shorelines of statewide significance;
  - b. The development is expected to be in close conformance with the goals, objectives and general policies of the Master Program Elements and Shoreline Environments;
  - c. The development shall, to the extent practicable, comply with the specific Policy Statements for Use Activities.
3. Any use proposed for locations situated beyond the geographical limits of shoreline management jurisdiction which could have an impact on the quality of shorelines of the City of Washougal shall be considered in the same manner as those in (2) above.

If at any time additional measures appear necessary for more effective management of the shorelines of the City of Washougal, the Shoreline Advisory Committee or any citizen may present such measures to the Planning Commission and City Council for consideration as amendments to this Master Program. After a period of three years from the effective date of this Master Program, the Washougal Citizen Advisory Committee for Shoreline Management shall reconvene to thoroughly evaluate the effectiveness of provisions of this Master Program, and to formulate for public review amendatory measures deemed appropriate for a continuing shoreline planning program. The Shoreline Management Master Program for the City of Washougal shall come into full force and effect on \_\_\_\_\_, 1974.

SHORELINE ENVIRONMENTS

## SHORELINE ENVIRONMENTS

In order to plan and effectively manage shoreline resources and to implement adopted goals and policies for shoreline management, four shoreline environmental designations are provided for in this Master Program:

1. Urban Environment
2. Rural Environment
3. Conservancy Environment
4. Natural Environment

The purpose of these designations is to provide a uniform basis for applying management criteria within distinctively different shoreline areas and with different objectives regarding their use and development. Shoreline environments within the City of Washougal, as adopted by the Citizen Advisory Committee, and adjacent to the City limits, as designated by the Clark County Citizen Advisory Committee, are illustrated on Plate II.

### Urban Environment

#### A. Location

1. Columbia River - from the west corporate limits of the City of Washougal extending easterly to a point intersecting 27th Street extended southerly;
2. Washougal River - that portion situated within the city limits from the 3rd Street bridge upstream to the west boundary of the City Park, and including the north bank opposite the City Park.

#### B. Definitions

The Urban Environment is a shoreline area of high intensity land use including residential, commercial and industrial development. This environment is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate urban expansion. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities and not have a high priority for designation as an alternative environment.

#### C. Objective

To enhance the waterfront and to ensure maximum public use.



D. Designation Criteria

1. Shoreline areas of high density commercial and industrial use.
2. Shoreline areas of lower density planned to accommodate future development.
3. Shoreline areas used or designated for high intensity recreational uses.
4. Shoreline areas used for port activities.
5. Shoreline areas that have urban services and are surrounded by urban uses.

E. General Policies

1. Priority should be given to water dependent uses.
2. Priority should be given to developments locating in existing high density urban environments.
3. Emphasis should be given to developing visual and physical access to the shoreline in this environment.
4. Multi-purpose use of the shoreline should be encouraged.
5. Development should not restrict the use of planned or existing public open space areas.
6. Aesthetic considerations should be promoted by means of sign control regulations, architectural standards, planned unit developments, etc.
7. Redevelopment of substandard areas should be encouraged to accommodate future shoreline dependent uses.
8. No development should be allowed to significantly degrade the environment.

Rural Environment

A. Location

The Rural Environment does not presently apply to shorelines situated within the existing corporate limits of the City of Washougal, but is found beyond the city limits as designated by the Clark County Citizen Advisory Committee.

B. Definition

The rural environment is a shoreline area characterized by intensive agricultural and recreational uses. It is an area having a high capability to support active agricultural practices and intensive recreational development. It is an area currently used for agricultural purposes, as well as having significant future agricultural potential.

C. Objectives

To alleviate pressures of urban expansion on prime farming land, function as a buffer between urban areas, maintain open space and allow recreational uses compatible with agricultural activity.

D. Designation Criteria

1. Shoreline areas used for agricultural purposes.
2. Shoreline areas which form natural buffer zones between urban areas.
3. Shoreline areas having soils generally classed as I or II under the agricultural capability classes of the Soil Conservation Service.
4. Shoreline areas designated for medium to high intensity recreational use.
5. Shoreline areas of undeveloped land, not planned for urban uses.
6. Shoreline areas of low density, with less than one house per acre.
7. Shoreline areas developed for residential purposes where the surrounding land is of rural character without most urban services.

E. General Policies

1. New developments are to reflect the rural character by limiting density, providing permanent open space, and maintaining building setbacks from the water.
2. Recreational access to the shorelines should be encouraged and where possible should be linked with non-motorized transportation routes.

3. Agricultural practices should minimize pollution resulting from pesticides, herbicides, fertilizers, erosion and feedlots.
4. Commercial and industrial development should not occur in areas of prime agricultural soil.
5. Agricultural operations should be conducted in a manner which will enhance the opportunities for shoreline recreation.

### Conservancy Environment

#### A. Location

1. Columbia River - from the intersection of the southerly extension of 27th Street, easterly to the city limits (an area commonly known as Cottonwood Beach);
2. Washougal River - that portion along the southerly bank from the west boundary of the City Park upstream to the city limits.

#### B. Definition

The conservancy environment is a shoreline area of sparse, scattered settlements, existing relatively free of urban activity. It is an area that, because of the biophysical characteristics, is intolerant of intensive land uses. It is an area used primarily for diffuse recreation, timber harvesting on a sustained yield basis, and passive agricultural practices.

#### C. Objectives

1. To protect, conserve and manage existing natural resources, including historic, scientific, cultural and aesthetic areas.
2. To insure a continuous flow of public recreational opportunities.
3. To achieve a sustained resource utilization.
4. To maintain the existing character of the environment.

#### D. Designation Criteria

1. Shoreline areas unsuitable for development due to severe biophysical limitations, such as:

- a. Shoreline areas which have a flooding potential.
  - b. Shoreline areas which have a slope of 25% or greater.
  - c. Shoreline areas with soils that have poor drainage.
  - d. Shoreline areas subject to severe erosion.
  - e. Shoreline areas subject to landslides.
2. Shoreline areas designated as timberlands under current use tax classifications.
  3. Shoreline areas designated for low to medium intensity recreational uses.
  4. Shoreline areas with historic significance.
  5. Shoreline areas of high scenic value.
  6. Shoreline areas of passive agricultural uses, such as range lands and pastures.
  7. Shoreline areas which play an important part in maintaining the ecological balance of the region.

E. General Policies

1. The preferred uses are those which are non-consumptive of the physical and biological resources of the area.
2. The aesthetic character of the area should be maintained.
3. Public access and passive recreation are encouraged, but large concentrations of intensive use recreational facilities and equipment should be discouraged.
4. Density of residential development should be minimal.
5. In areas subject to flooding, permanent structures should be prohibited.
6. Structural flood control devices should be strongly discouraged.

## Natural Environment

### A. Location

No shoreline area in the general vicinity of the City of Washougal has been designated as a Natural Environment. This provision is included, however, in the event it becomes necessary to consider amendments to the environmental designations upon discovery of an important archeological site, or upon an imposing threat to the quality of an ecologically sensitive shoreline area.

### B. Definition

The natural environment is an area with a unique natural or cultural feature and/or high aesthetic quality, considered valuable in its natural or original condition and which is relatively intolerant of intensive human use.

### C. Objectives

1. To ensure that activities which may tend to degrade the actual or potential value of the environment are restricted from these sensitive areas.
2. To preserve and restore natural resource systems or otherwise contribute to the preservation of the natural character.

### D. Designation Criteria

1. Areas free from development or capable of being easily restored to the natural condition.
2. Areas characterized by rare, natural or cultural features considered valuable by local opinion.
  - a. Wildlife habitats
    - (1) A shoreline area utilized by rare or endangered species that provide food, water or cover and protection.
    - (2) A wildlife habitat for diminishing species.
    - (3) An area serving as a seasonal haven for concentrations of native animals, such as an anadromous fish route, migration route, breeding site or migratory flyway.

b. Scientific Value

- (1) Shoreline areas considered to best represent the basic ecosystem and/or geologic type.
  - (2) Ecotones, transitional types and other areas representing geologic and ecologic norms, but which are of particular scientific interest.
  - (3) Shoreline areas which best represent undisturbed nature.
- c. Those shoreline areas having an outstanding and unique scenic value in their natural state.
- d. Shoreline areas having a high value for wilderness recreational experience with non-motorized travel.

E. General Policies

1. Natural areas should remain free from all development which would adversely affect their natural character.
2. Industrial, commercial and residential developments are prohibited in natural areas.
3. Limited access for non-motorized passive recreation should be allowed as long as it does not unduly affect the environment.

MASTER PROGRAM ELEMENT GOALS

## PLAN ELEMENT GOALS FOR SHORELINE MANAGEMENT

Consistent with provisions of the Shoreline Management Act (90.50.100 (2) RCW), the Master Program addresses the broad "Elements" of human activity and concerns which determine the quality of shoreline resources. These elements are approached in the form of general, long-range statements of goals. The comprehensive goal statements are intended to provide direction toward which effort should be funneled. The Element Goals provided below shall be considered applicable to all shoreline activities in the same manner as is the intent of the Shoreline Management Act and the Shoreline Development Ordinance.

### ECONOMIC DEVELOPMENT ELEMENT

GOAL: To encourage the maintenance and enhancement of existing industrial and commercial activities along the shoreline in such a manner that the land-water interface be utilized for productive purposes while minimizing adverse effects to the environment; and to encourage appropriate shoreline locations for all such new developments of a water-related nature.

### PUBLIC ACCESS ELEMENT

GOAL: To improve the quality of existing points of public access and promote the acquisition or designation of additional shoreline areas for public access, while assuring that all such sites are appropriate and safe for public use, and that improvements and utilization will not result in detrimental effects on these natural sites or adjacent properties.

### CIRCULATION ELEMENT

GOAL: To recognize existing transportation systems of shoreline areas as a means of providing access to other shoreline use activities; and, when additional circulation systems are proposed for shoreline areas, to assure that these facilities require such locations and are developed with minimum disturbance to the natural character of the shoreline.

### RECREATIONAL ELEMENT

GOAL: To promote the continued public acquisition of appropriate shoreline areas for recreational opportunities, and to influence development of these sites in a manner which will preserve the natural characteristics of the shoreline.

### SHORELINE USE ELEMENT

GOAL: To encourage a pattern of land and water uses compatible with the character of shoreline environments and distributed so as to avoid undesirable concentrations of intense uses, and giving preference to uses which are dependent upon shoreline locations.

### CONSERVATION ELEMENT

GOAL: To provide for management of natural resources in shoreline areas by means which will assure the preservation of non-renewable resources, including unique, scenic and ecologically sensitive features, while allowing sound utilization of renewable resources in a manner consistent with the public interest.

### HISTORICAL/CULTURAL ELEMENT

GOAL: To identify, protect and restore the cultural, historical, scientific and other educationally valuable shoreline sites and buildings and, when appropriate, to promote the acquisition of these features for public domain.

### SHORELINE IMPROVEMENT ELEMENT

GOAL: To encourage the restoration of degraded shoreline areas to conditions of natural environmental quality, and promote the revitalization of abandoned shoreline facilities for practical and productive activities.

### FLOOD PLAIN ANALYSIS ELEMENT

GOAL: To assess the effects on flood plains and drainage corridors resulting from development of adjacent lands, and to convey the realization that flood plain areas are undesirable building sites, that flood control efforts are expensive and too often ineffective against unanticipated future events, and to encourage a nature of land utilization in flood plains that will minimize the flood hazard, such as recreation, wildlife habitat, agricultural use, open space, pastureland and woodland.

POLICY STATEMENTS FOR USE ACTIVITIES

## POLICY STATEMENTS FOR SHORELINE USE ACTIVITIES

The effectiveness of this Master Program will be determined by the application of the following Policy Statements. These policies provide specific standards for the various uses of the shorelines. All development and substantial development occurring upon shorelines of the City of Washougal shall comply with these policy statements to the maximum extent possible.

### AGRICULTURAL PRACTICES

1. A buffer of permanent vegetation should be maintained between tilled areas and adjacent water bodies, and should be of sufficient depth, height and density to retard surface runoff, reduce siltation and provide shade for fish habitat.
2. Feedlot operations should be in conformance with U.S. Environmental Protection Agency guidelines, which establish a total system approach for the prevention of water pollution.
  - a. The location of feedlots in shoreland areas should be outside of the 10-year flood plain or beyond the 200 ft. wetlands, whichever is greater.
  - b. Feedlot design should include drainage control measures, such as sloping, ditching, diversion, and collection of runoff, and a system of holding ponds for the retention of liquid wastes and surface drainage.
  - c. Feedlot management practices should include the proper handling and treatment of wastes (stockpiling, drying of manure, spraying for fly and odor control, etc.), and the disposal of solid and liquid wastes by application onto agricultural lands as permitted by conditions of soils, ground water, crops and seasonal weather factors.
3. Cultivation practices designed to control erosion, such as strip cropping, mulching, crop rotation and contour cultivation should be used in conformance with guidelines and standards established by the Soil Conservation Service.
4. Pesticides should not be allowed to enter the waterways, and should be used only in compliance with State pesticide regulations.
5. Agriculturally productive soils of shoreline areas should be reserved for agricultural use.
6. Pasture, woodland and other uses providing a stable vegetative cover should occupy areas immediately adjacent to shorelines as well as the lower, more flood-prone elevations of flood plains.

## FOREST MANAGEMENT PRACTICES

1. Slopes of logged areas should be stabilized by seeding, mulching, matting and replanting vegetation of a type common to the vicinity.
2. Slash from logging and thinning operations should be properly handled to prevent materials from entering the waterway, reduce the fire hazard and lessen the adverse visual impact.
3. Scenic vistas of shoreline areas should not be degraded by timber harvesting or associated road construction and slash handling.
4. Road and bridge construction should be accomplished with minimum disturbance to the shoreline resources.
  - a. Roads should be located as far away from stream courses as possible.
  - b. Cut and fill banks should be promptly stabilized through revegetation and other erosion control measures.
  - c. Stream crossings should not be located in areas containing spawning gravels.
  - d. All bridge construction work should be accomplished from the stream bank.
  - e. Road drainage water should be diverted to settling ponds before entering the stream.
  - f. Upon completion of logging, temporary bridges and culverts should be removed, and abandoned roads reseeded.
5. Timber harvesting practices in shoreline areas should be conducted to maintain State Board of Health standards for public water supplies.
6. Logging in shoreline areas should be avoided on slopes of such grade that large sediment runoff will be precipitated unless it can be shown that adequate restoration and erosion control will be expeditiously accomplished.
7. Timber harvesting along shorelines of statewide significance should be only selective timber cutting, so that no more than 30% of the merchantable trees will be harvested in any ten year period, unless it can be shown that conditions render selective logging ecologically detrimental or inadequate for preparation of land for other permitted uses.

8. Adequate buffer strips should be left along all shorelines in logging areas to reduce the amount of sediment and logging wastes that reach the stream, prevent bank erosion and water temperature increases, and maintain the natural stream beauty.
  - a. Buffer strips should be generally 75 feet in width, but may vary with steepness of terrain the nature of vegetation, soil conditions, geologic factors, road locations and visual amenities.
  - b. Only the dead, dying or other danger trees should be removed from buffer strips.
  - c. Naturally felled timber and all ground vegetation within buffer strips should generally be left undisturbed.
  - d. In those limited instances where it is necessary to remove considerable old growth timber from buffer strips, fast growing deciduous species should be planted to restore shade as quickly as possible.
9. Logging operations in shoreline areas should utilize methods which minimize damage to stream quality, understory vegetation and the soil mantel.
  - a. Timber should not be felled across, nor yarded through, stream channels.
  - b. Logs should be thoroughly limbed before yarding.
  - c. Logs should be yarded in a manner which will disperse rather than channel surface runoff.
  - d. Road construction and logging damage should be minimized in fragile areas by the use of balloons, helicopters or modified cable systems.
10. Project planning for shoreline timber cuts should include provisions for wildlife considerations.
  - a. Cutting units should be kept small and designed with irregular boundaries to provide escape cover for game birds and animals.
  - b. Logged areas should be left in a condition favorable for wildlife habitat.
  - c. Timber cutting should be avoided in areas of critical wildlife habitat and when cover and flood supply are limited.
  - d. Screening buffer strips should be left along heavy-use roads to provide escape routes for game.

## MINING

1. Adequate protection against sediment and silt production should be provided for removal of rock, sand, gravel and minerals from shoreline areas.
2. Operations for the production of sand, gravel, rock and minerals should be done in conformance with the Washington State Surface Mining Act.
3. The removal of sand and gravel from beaches should be prohibited.
4. Removal of materials from stream banks and channels should be avoided and, when necessary, should be undertaken only with approval of the Department of Fisheries.
5. Surface mining should not occur along wooded shorelines, nor on agriculturally productive lands.

## DREDGING

1. Dredging of bottom materials for the single purpose of obtaining fill material should be prohibited.
2. All dredging proposals which require a shoreline permit should clearly identify the need and purposes of the project, type and volume of dredge material, spoils disposal site, methods of dredging timeframe of the project, conditions of the dredging site such as water uses and channel characteristics, and other information deemed appropriate for specific projects, such as water depth, velocity, currents, bottom sampling analyses, patterns of sedimentation, and fisheries research data.
3. Dredging operations should be conducted in a manner which will minimize degradation of water quality and damage to aquatic life and other ecological values.
4. Permits from the Corps of Engineers, U.S. Coast Guard, and the Washington State Departments of Ecology, Natural Resources, Fisheries and Game should be obtained, when appropriate, prior to dredging.
5. Dredge spoils should be deposited landward of high water flows, except in cases where deposition in water areas would improve fish habitat, correct problems of bank erosion or otherwise result in less detrimental effects than land deposition.
6. Dredging projects should be in conformance with long range plans for the deposition of spoils on land and in water areas to be developed pursuant to this shoreline program.

## PORTS & WATER-RELATED INDUSTRY

1. Water-dependent industries requiring frontage on navigable water should be given priority over other industrial uses for shoreline locations.
2. Port facilities should be designed to permit viewing of harbor areas from viewpoints, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.
3. Sewage treatment, water reclamation and power plants should be designed and located where they do not interfere with and are compatible with recreational, residential and other public uses of the water and shorelands.
4. Industrial waste treatment ponds and facilities should be located inland when possible, and should occupy as little shoreline as necessary when such a location is required.
5. The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.
  - a. Waterfront sites should be occupied by those activities which require use of the land-water interface, such as docking terminals and cargo handling facilities.
  - b. Uses such as storage yards, warehouse buildings and parking facilities should be located inland.
6. Land transportation systems and utility corridors serving ports and industry should be located upland to reduce pressures for use of waterfront sites.
7. Allocation of additional shoreline areas for industrial purposes should not occur within port-service areas until existing industrial areas are fully utilized, and only after consideration of state-wide needs and coordinated planning with other jurisdictions.
8. Industrial docks and piers should be designed and located to be environmentally compatible and to avoid adverse effects on other water-dependent uses and shoreline resources.
9. In developing new industrial and port facilities, priority should be given to selecting those sites which are physically suitable as well as economically feasible.
  - a. Harbor facilities should be located in areas which require the least amount of dredging and channel maintenance, and which result in minimum adverse effects on the natural systems and existing land and water uses.

- b. To the extent possible, industrial site selection should avoid those shoreline areas which are subject to flooding or require extensive fill or diking.
  - c. When activities such as dredging, filling and dike construction are necessary for extensive site development, these projects should be multi-purpose in nature, serving not only industry but recreation or other community interests.
10. Plans for improvements of existing and future industrial or port properties should include provisions for restoration or enhancement of the shoreline, such as providing vegetation, landscaping or public access along banks which are unused for other purposes and where conditions of safety permit.

#### ROAD & RAILROAD DESIGN & CONSTRUCTION

1. Major highways, freeways and railways should be located away from shorelands except where necessary to serve port and industrial areas.
2. Roads should be located and designed to provide access to, rather than occupy, the shoreline.
3. Roads should be located a sufficient distance from the water to prevent alteration of the shoreline.
4. Roads located in wetland areas should be designed and maintained to prevent erosion and to permit a natural movement of ground water.
5. All construction debris and overburden should be disposed of to prevent their entry into the water body.
6. Road drainage should be diverted into settling basins prior to discharge into water bodies.
7. Roads should be designed to fit the topography so that minimum alterations of natural conditions will be necessary.
8. Public roadways within scenic corridors should include provisions for safe pedestrian and bicycle traffic, view points, rest areas and picnic facilities.
9. Old highways with high aesthetic qualities should be maintained as scenic and pleasure bypass routes.
10. Proposals for transportation facilities should be coordinated with and designed to serve other shoreline use activities.

#### UTILITIES

1. Placement of utilities in shoreline areas should occur only where upland routes or sites are not available or suitable.

2. Utility lines should be placed underground whenever feasible.
  - a. Stream crossings should be accomplished in conformance with the Department of Fisheries hydraulics project criteria.
  - b. Shoreline banks should be restored to pre-project configuration, replanted with native species and maintained until new vegetation is established.
3. Overhead lines should be located so as not to obstruct or destroy scenic views and designed to minimize damage to the aesthetic qualities of the shoreline area.
4. Utility line rights of way should serve as public access routes to and along water bodies to the extent feasible.
5. Utilities should be coordinated with local growth policies and located in areas planned to accommodate this growth.
6. Appropriation of state surface and ground waters and proposals to discharge wastes into these waters should be in conformance with regulations administered by the Department of Ecology.

#### COMMERCIAL DEVELOPMENTS

1. Proposals for commercial developments along the shoreline should adequately demonstrate that a shoreline location is required.
2. New commercial developments on shorelines should be located in those areas where existing commercial uses are found.
3. Commercial structures on shorelines should be designed and located so that scenic views from surrounding areas are not degraded.
4. Parking facilities should be placed well inland from the shoreline.
5. Shoreline frontage of commercial establishments should, to the extent possible, be maintained in its natural conditions.
6. Public access to the shoreline should be provided unless in conflict with the commercial use.

#### OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS

1. Off-premise outdoor advertising signs should be limited to commercial, industrial and other high-intensity land use areas.

2. Design standards should be established to limit the size, height, density and lighting of signs in shoreline areas.
3. Shoreline viewpoints should not be degraded, and visual access to the water from such vistas should not be impaired by the placement of signs.
4. Outdoor advertising signs should be located on the upland side of public transportation routes which parallel adjacent streams and lakes to avoid obstructions.
5. When feasible, signs should be constructed against buildings to minimize visual obstructions of the shoreline and water bodies.

#### RESIDENTIAL DEVELOPMENT

1. Subdivision density, site coverage and occupancy should be designed at a level compatible with the physical capabilities of the shoreline and water.
2. Subdivisions should be designed to adequately protect the water and shoreline aesthetic characteristics.
3. Adequate public access to the water should be provided in all residential developments along shorelines.
  - a. Subdivision lot lines should not extend waterward of the ordinary high water mark.
  - b. Residential developers should designate as much of the shoreline frontage as is reasonable for public or community recreational or greenbelt purposes.
  - c. Subdivision plats should include pedestrian easements or dedications along the entire length of the shoreline within the development, and such easements or dedications should occupy, as a minimum, that area landward to the ordinary high water mark.
4. Residential development over water should not be permitted.
5. Floating homes should be located at moorages approved in accordance with policies for marinas.
  - a. Water supply and waste disposal facilities should meet local and state health regulations.

- b. Floating homes should not be located over highly productive fish food areas.
  - c. Design and location of floating homes should be compatible with the designated environment.
6. Plans for residential developments should include provisions to ensure preservation of shore vegetation and erosion control during construction.
  7. Sewage disposal and water supply facilities should be provided in accordance with state and local health regulations, and should comply with other local policies.
  8. Facilities for storm drainage should be provided separately from sewage disposal systems, and should be designed to prevent degradation of water quality.
  9. Proposals for residential development should demonstrate that adequate water supplies are available so that ground water will not be endangered by overpumping, and that contamination of ground water will not occur.
  10. Residential developments in flood plain areas should be prohibited.

#### MARINAS

1. The location, construction and operation of marina facilities should be such that fish and other aquatic resources are not destroyed.
2. Marinas should be designed to be aesthetically compatible with adjacent areas.
3. Marinas should be located and distributed to satisfy both the local and regional needs.
4. Fuel storage facilities and operational procedures should be designed to prevent spillage, and containment barriers or other satisfactory means of handling spills should be provided.
5. Moorage facilities should not be located in shallow-water embayments with poor flushing action.
6. Development of marinas must be in compliance with State health and fisheries regulations.

#### PIERS

1. The use of floating docks should be preferred to the more permanent open-pile piers where conflicts with the intended use and with recreational boaters and fishermen will not be created.

2. Provisions for community piers should be included in proposals for new residential developments along shorelines to prevent the proliferation of single purpose private docks.
3. Criteria should be established for the location, spacing, length and use of docks, and this criteria should be applicable to proposals for private noncommercial docks exempt from the shoreline permit requirement.
4. Provisions for waste discharge should be made in all proposals for boat docking facilities, and should include oil containment barriers when required by the U.S. Coast Guard under provisions of the Federal Water Pollution Control Act.

#### JETTIES & GROINS

1. Jetties and groins should be constructed only for the purpose of navigation improvement, or when the public interest would otherwise be served by the control of sand movement and deposition.
2. Jetties and groins should be located and constructed in a manner which will minimize adverse effects on wildlife propagation and fish habitat.
3. Jetties and groins should be designed so as not to detract from the aesthetic qualities of the shoreline.

#### BREAKWATERS

1. Floating breakwaters should be preferred to rigid fill breakwaters in order to maintain sand movement and fish habitat.
2. Where solid breakwaters are necessary, design modifications should eliminate detrimental effects on sand movement and water circulation.
3. The location and angle of breakwaters should result in maximum protection of shoreline facilities and minimum intrusion onto the water surface.
4. Breakwaters should not be permitted where public use of the water surface would be severely restricted.

#### BULKHEADS

1. Bulkheads should be located and constructed so that adverse effects on the natural shoreline will not result.
2. Bulkheads should be designed and constructed in a manner which will minimize damage to the fisheries resources, with open-piling design preferable to solid construction.

3. Proposed bulkheads which would limit access to publicly owned shorelines should be discouraged.
4. Bulkheads should be designed to be visually compatible with the surroundings and should not detract from the aesthetic qualities of the shoreline.
5. Bulkheads should be constructed only when necessary to protect the bank and upland area from erosive action of the water.
  - a. Bulkheads proposed for the aesthetic improvement of the shoreline should be considered only when the general public would benefit from such improvements.
  - b. Bulkheads should not be constructed for the purpose of creating land by filling behind the bulkhead.

#### SHORELINE PROTECTION

1. Riprapping and other bank stabilization measures should be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway.
2. Riprap should be placed along the existing stream bank, rather than into the streamway in an effort to fill behind and reclaim land which has been eroded away.
3. Rock or other suitable material which will remain stable should be utilized for bank protection.
  - a. Material should not be removed from the stream bed to be used for shoreline protection.
  - b. Scrap materials, tires, car bodies and other debris should not be used for bank stabilization.
4. Dikes and other flood protection facilities should be placed landward of the streamway and its interdependent swamps unless the state or regional needs demand contravening action.
5. Flood protection measures which result in channelization should be avoided.
6. Proposals for shoreline protection should demonstrate that property, life and natural resource values within the stream system will not be endangered.

## LANDFILL

1. Shoreline fills and cuts should be permitted only when consistent with the public interest.
  - a. Proposals for landfills should clearly demonstrate the need for such projects, and should not be considered for shoreline areas when upland sites are available.
  - b. Priority should be given to landfills intended for public use or water-dependent uses.
2. Shoreline fills should be designed and located to minimize damage to natural resources and ecological values.
  - a. Placement of fill waterward of the ordinary high water line should be strongly discouraged.
  - b. Landfill projects should not result in significant reduction of total water surface or restriction of navigation.
  - c. Degradation of water quality, destruction of fish and wildlife habitat and impediment to water flow and circulation should be avoided in undertaking landfill operations.
3. Proposed landfills which may create a hazard to adjacent life, property and natural resource systems should be prohibited.
4. Shoreline fills should be composed of materials which will not cause problems of water quality.
5. All perimeters of fills should be provided with vegetation or other mechanisms for the control of erosion and prevention of siltation.

## SOLID WASTE DISPOSAL

1. Public or private sanitary landfills and solid waste disposal sites should not be located in flood plains or shoreline areas.
2. Transfer stations and recycling, salvage or volume reduction operations should be permitted in shoreline areas only when the facilities and nature of materials is such that ground and surface waters will not become contaminated, and all state and local health, solid waste management and zoning regulations are met.

## AQUACULTURE

1. Aquacultural operations should be located in areas removed from navigational corridors.
2. Aquacultural facilities should be designed so as to minimize both visual impact and detrimental effects on the quality of the shoreline.
3. As conditions permit, structures for aquaculture should be placed underwater to avoid interference with navigation and visual enjoyment of the shoreline.
4. When appropriate, public access, visitor tours and research information should be made available at aquacultural stations.

## ARCHEOLOGICAL AREAS & HISTORIC SITES

1. Proposals for major shoreline developments should include an evaluation of the historical and archeological value of the site.
  - a. Conditions of approval for appropriate shoreline permits should contain provisions for an archeological site inspection or a requirement that developers notify the administering agencies of any archeological data uncovered during excavation.
  - b. Developments which might destroy archeological or historical sites should be delayed until interested agencies or organizations are given the opportunity to recover data or purchase the site.
2. Potentially valuable historic and archeological sites should be identified and, when appropriate, preserved for scientific study, public observation or salvaging of cultural data.
3. All shoreline proposals should be in conformance with the National Historic Preservation Act of 1966 and Chapter 43.51 RCW which provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and other features of historical, archeological, architectural or cultural significance.

## RECREATION

1. Priority should be given to developments which provide recreational uses and other improvements facilitating public access to shorelines.
2. Recreational opportunities should be provided in a manner that would permit access to a combination of linear shoreline easements, open space areas and parking facilities.
3. Appropriate shoreline proposals should consider the possibility of providing linear access routes in the form of trails or roads to promote the linkage of shoreline parks and public access points.

4. Recreational sites should be developed with a minimum of disturbance to the environmental quality and natural resources of an area.
5. Scenic views and vistas should be preserved or enhanced whenever possible through efforts of public works or private projects.
6. Aesthetic and recreational waterfront properties should be occupied by uses which will enhance those aesthetic values.
  - a. Parking areas should be located inland away from the immediate shoreline, with pedestrian trails or walkways providing access to the water.
  - b. Motorized vehicle traffic should be prohibited on beaches and other fragile shoreline areas.
7. Recreational developments should be diversified and distributed so as to satisfy the demands of various age and interest groups in nearby population centers.
8. The location and availability of recreational opportunities should be within proximity of the user population.
9. Recreational facilities should be compatible with the designated environments.
10. Recreational sites with intensive use should be provided with sanitary facilities in accordance with public health standards and without adversely altering the natural features attractive for recreational uses.
11. Provisions should be made for the protection of water areas from drainage and surface runoff in all recreational developments requiring the use of fertilizers and pesticides in areas adjacent to shorelines, such as in play fields and golf courses.
12. Priority should be given to shoreline proposals which provide for public use and enjoyment of the shoreline as opposed to private recreational use.

APPENDIX A

## APPENDIX A

### CITIZEN INVOLVEMENT

The Washougal Citizen Advisory Committee for Shoreline Management was appointed by the Mayor and City Council. The eight-member committee represented a broad cross section of community interests. At its initial meeting on July 10, 1973, the committee agreed to schedule regular public meetings, beginning at 7:30 p.m. in City Council Chambers, on the second Tuesday of each month until completion of the program. Notices of meeting date, time, place and subject matter were also periodically published in both the weekly Camas Post-Record newspaper and Vancouver's Daily Columbian.

Upon completion of Phase I of the Master Program, a public hearing was held, wherein the Goals and Policy Statements were presented to the Washougal Planning Commission at its regularly scheduled meeting of October 1973. The Planning Commission endorsed the committee's proposal, which was subsequently adopted by resolution at a second public hearing before a special joint meeting of the Washougal City Council and the Citizen Advisory Committee in November 1973. In addition the entire text of the Phase I Goals and Policy Statements was published in the Camas Post-Record.

In order to coordinate with adjacent governmental jurisdictions, two committee members volunteered to serve on the Clark County Citizen Advisory Committee for Shoreline Management. Their appointments were confirmed by the City Council and acknowledged by the Board of Clark County Commissioners. Also represented on the County Committee were two members appointed by the adjacent City of Camas. The Washougal representatives to the larger County Committee were able to express the concerns of the City regarding the use of Clark County shorelines located within close proximity of the city limits. This arrangement also provided the Washougal Committee with an intimate understanding of shoreline management concerns of both public and private interests at the regional level.

In addition to at least ten public meetings of the Citizen Advisory Committee, five public hearings will have been held on the Washougal Master Program for Shoreline Management prior to its submission to the Department of Ecology for a Regional Task Force review.

#### Washougal Shoreline Advisory Committee Members:

- \*Les Sonneson, Chairman
- Don Eckman, Secretary
- \*Leon Semke
- Janice Evans
- Ruth Koyle
- Al Bafus
- Tony DeGrande
- Jack Ross

\*Members of the Clark County Citizen Advisory Committee for Shoreline Management

Washougal Planning Commission Members:

Rolland Clark, Chairman  
Gerald Anderson  
Shirley Frosh  
Don Eckman  
Myrna Pearson  
Les Sonneson  
Joe Ogle  
E. J. Turja (ex-officio)

Washougal City Council:

E. J. Turja, Mayor  
Vernon E. Cox  
Lee Kirkpatrick  
LuVerne H. Haag  
Dean E. Lindgren  
Don M. Pearson  
Carl E. Rhorer  
Harold Sleight

Staff of Regional Planning Council of Clark County involved with Shoreline  
Management for the City of Washougal:

Tom Jenkinson, Director  
Dick Gorini, Assistant Director  
Rich Hines, Planner III  
Michael Grant, Planner I  
Glenn Gross, Planner I  
Jim Seeley, Planner I

APPENDIX B

## APPENDIX B

### JUSTIFICATION FOR DEVIATION FROM GUIDELINE PROCEDURES

This supplementary section may be inappropriately titled since it is the consensus of the Washougal Citizen Advisory Committee for Shoreline Management (as well as members of the Planning Commission and City Council upon adoption of the plan) that there has been no substantial departure from state guideline procedures in the development of this Master Program. In fact, the general criteria recommended in the Final State Guidelines has been closely adhered to, while the specific requirements of the Shoreline Management Act in regards to Master Programs have been satisfied.

This discussion, however, appears necessary in support of the Committee's approach to the subject of "Use Regulations". The contract between the Department of Ecology and the Regional Planning Council of Clark County implies that Master Programs must include "use regulations" above and beyond the extensive work completed to date. This standard contract clause appears to be only vaguely supported by the state guidelines, throughout which are found obscure references to the term "use regulations", without specific requirements relative to the same. However, the following passages, taken from Final Guidelines, Shoreline Management Act of 1971, illustrate the options afforded local governments in determining the substance of Master Programs:

WAC 173-16-040:

The master program developed by each local government will reflect the unique shoreline conditions and the development requirements which exist and are projected in that area. As part of the process of master program development, local governments can identify problems and seek solutions which best satisfy their needs.

WAC 173-16-060:

These guidelines have been prepared in recognition of the flexibility needed to carry out effective local planning of shorelines. Therefore, the interpretation and application of the guidelines may vary relative to different local conditions. Exceptions to specific provisions of these guidelines may occur where local circumstances justify such departure. Any departure from these guidelines must, however, be compatible with the intent of the act as enunciated in RCW 90.58.020.

Certainly, then, the "model" contract -- designed for statewide utilization -- should also be considered as intended for local interpretation and flexibility in developing a Master Program to best satisfy local conditions. Furthermore, the most direct reference to "use regulations" addressed in the Shoreline Management Act of 1971 is as follows (90.58.100 (1) RCW):

The master programs provided for in this chapter, when adopted and approved by the department, as appropriate, shall constitute use regulations for the various shorelines of the state.

It is therefore the Committee's contention that this Master Program, upon adoption by the City Council and approval by the Department of Ecology, shall constitute Shoreline Use Regulations. If this can be considered a deviation from state guideline procedures, then there are several valid reasons which can be offered to substantiate this approach. First among these is the fact that Washougal has less than four miles of shoreline, most of which is either permanently utilized or undesirable for further development. Secondly, all of the City's "wetlands" are shorelines of statewide significance, for which preferences as to use have been established since the inception of the Shoreline Management Act. Furthermore, the City of Washougal adopted a SHORELINE DEVELOPMENT ORDINANCE in 1972 which not only served to implement the Shoreline Management Act, but also provided for conditional exceptions, and variances to development criteria -- provisions which were subsequently called for as a part of all Master Programs. This ordinance can then be considered the early establishment of use regulations.

The provisions for SHORELINE ENVIRONMENTS included in this Master Program are actually far more than is necessary to satisfy the immediate needs of the City of Washougal. Although only two distinct environments could be identified within the city limits, the Shoreline Committee utilized all four environmental designations suggested in the state guidelines. Committee members not only identified environments along those shorelines outside of the corporate limits which could foreseeably be annexed, but also devoted time in determining appropriate environmental designations for the entire Clark County length of the Washougal River, its tributary streams, and the Columbia River upstream from the city limits. These designations were presented to the Clark County Citizen Advisory Committee in the form of recommendations, and were subsequently accepted and adopted by the County Committee.

As with the Objectives and General Policies established for each SHORELINE ENVIRONMENT, the PLAN ELEMENT GOALS remain flexible, yet long range in scope. In addition, it should be mentioned that the GOALS, by addressing Shoreline Improvement and Flood Plain Analysis, go beyond the minimum recommendations of the state guidelines.

Perhaps the most important aspect of this approach to the Master Program, however, are the POLICY STATEMENTS. Though general in wording (as policies normally are), these statements are rather specific in meaning. The policies elaborate upon and, in most cases, convert the very general state guidelines into specific development standards. Where the policy statements may lack specificity, other local or state regulations may be cited as being more applicable to the particular situation. The state Guidelines for Use Activities could then be considered general policy statements for purposes of this Master Program, with the POLICY STATEMENTS contained herein serving as USE REGULATIONS -- as they are, indeed, intended to be. However, there seems to be no logical reason to "reprint" the state guidelines or provisions of other regulatory measures, and change the nomenclature of section titles simply to satisfy these apparent technicalities.

After a careful comparison of the specific requirements of the Shoreline Management Act, provisions of the Final State Guidelines, and this Master Program, the following conclusions become obvious:

1. The Washougal Master Program for Shoreline Management is compatible with the intent of the Shoreline Management Act as enunciated in RCW 90.58.020;

2. The contents of the Washougal Master Program for Shoreline Management are consistent with those required by the Shoreline Management Act as enunciated in RCW 90.58.100;

3. Each of the provisions clearly recommended by the state guidelines (i.e., Citizen Involvement, Plan Element Goals, Policy Statements and Variances and Conditional Uses) are addressed in the Washougal Master Program for Shoreline Management.

It is expected that this approach -- by clearly indicating that all shoreline developments must comply with the ordinance, goals, policy statements, environmental designations and other existing regulations -- will be the most effective means of managing shorelines of the City of Washougal, without the need for an additional set of elaborate use regulations. Finally, the Committee has stipulated that the effectiveness of this Master Program shall be studied for a period of three years, after which time any amendments that appear necessary and appropriate for more efficient implementation of this Master Program shall be recommended for official adoption.

APPENDIX C

MEMORANDUM

DATE: May 14, 1974

TO: Washougal Planning Commission

FROM: Citizen Advisory Committee for Shoreline Management

SUBJECT: Shoreline Master Program

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Attached is a copy of the Master Program for Shoreline Management as formulated by the Citizen Advisory Committee. Please review prior to the Planning Commission public hearing on this final proposed document, scheduled for May 28, 1974.

The Master Program culminates eleven months of committee effort. As you are aware, the Washougal Shoreline Committee has held public evening meetings on the second Tuesday of each month since July, 1973. In addition, two of our members have attended weekly meetings of the Clark County Citizen Advisory Committee as members of that body representing the City of Washougal.

The Shoreline Management Act, as amended, requires that Master Programs be submitted to the Department of Ecology in June for a 90-day Regional Task Force review period. It is therefore our hope that the Planning Commission will act favorably upon the Master Program, forwarding it to the June 3, 1974 City Council meeting with a recommendation for adoption by Resolution.

Clarification must be offered on one particular aspect of the Master Program. The Department of Ecology is apparently expecting all Master Programs to include "use regulations" for each of the shoreline activities, similar in scope but in addition to the Policy Statements contained herein. It is the Committee's contention that this is neither required by any state statute, nor necessary for compliance with the intent of the Shoreline Management Act and with provisions of the State Guidelines for Shoreline Management. Furthermore, the latter document suggests that master programs should be capable of being easily interpreted and designed to best suit local needs. This objective, we believe, has been accomplished.

Memorandum - 2

It should also be explained that, within the 90-day review period, the Department of Ecology may either approve the Master Program or suggest program modifications to the City, providing an additional 90 days for resubmission to the state. Also, since all shorelines within the City of Washougal are "shorelines of statewide significance," the Department of Ecology has full authority, after initial program review, to develop and adopt an alternative to the City's proposed Master Program.

In consideration of this information, the Washougal Shoreline Committee again urges the Planning Commission to recommend City Council adoption of the Shoreline Management Master Program for the City of Washougal.



Les Sonneson, Chairman

LS:RH:mlt  
Attachment

**REGIONAL PLANNING COUNCIL  
OF CLARK COUNTY**

2400 "T" STREET

VANCOUVER, WASHINGTON 98661

MEMORANDUM

May 14, 1974

TO: Les Sonneson, Chairman, Washougal Shoreline Committee

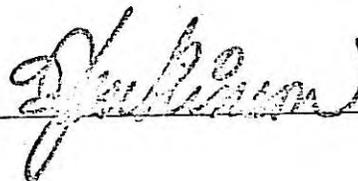
FROM: T. Jenkinson, Planning Director

SUBJECT: Shoreline Master Program

The accompanying document constitutes the Shoreline Management Master Program for the City of Washougal as proposed by the Washougal Citizen Advisory Committee for Shoreline Management. An Environmental Assessment on this Master Program is now under preparation by planning staff.

The City of Washougal should be commended for being the first community in Clark County to establish a Citizen Advisory Committee, and the first to complete a Shoreline Master Program. The Committee's approach to "use regulations" is particularly interesting. This utilization of the City's pre-existing Shoreline Development Ordinance, together with the Goals, Policy Statements and Environmental Designations as a Master Program constituting Shoreline Use Regulations is, indeed, consistent with the intent and specific requirements of the Shoreline Management Act of 1971. The Committee's unyielding insistence upon this approach also deserves special merit, and has full support from planning staff.

With consideration of Washougal's unique local conditions -- a geographical setting near the confluence of two major rivers, with constraints on available land area and shoreline use potential, as well as a limited population and resource base -- reviewing bodies at the local, state and federal levels should concur that the Shoreline Management Master Program for the City of Washougal fulfills state requirements, can be easily implemented and reflects local citizen aspirations.

  
\_\_\_\_\_

TJ: RH:mlt  
Attachment

# PORT OF CAMAS - WASHOUGAL

PHONE AC 206 835-2196

54 SECOND STREET

WASHOUGAL, WASHINGTON 98671



## COMMISSIONERS

A. E. JAEGER

R. R. BARNES

T. H. TEMPLE

August 22, 1973

Mr. Tom Jenkinson  
Regional Planning Director  
2400 "T" Street  
Vancouver, Wash. 98661

Dear Mr. Jenkinson:

This will confirm our conversation this morning with you, Dick Gorini, Tom Temple, President of the Port of Camas-Washougal and myself with regards to the official action the Port has taken to designate the Cottonwood Beach area as a permanent recreational facility.

At a regular meeting of the Port of Camas-Washougal, the Port Commission authorized the manager to advise the City of Washougal that the Port desires the City of Washougal to prepare a plan for the development of the Cottonwood Beach area as a recreational park and to present this plan to the Commission so that they can change the comprehensive plan from industrial property to recreational property. I have so advised the City of Washougal as well as Mr. Gorini of your office. It is my understanding that this plan is being prepared at the present time. The Commission further instructed the manager to advise the Regional Planning Council that they would recommend that the Cottonwood Beach area become a recreation area for the master plan of the Shoreline Management Act and that this property be made available for public use.

The Commission further instructed the manager to build additional stiles and footpaths for the walking public to have access to the beach as well as the boating interests. When the U. S. Corps of Engineers constructed the dike, they prohibited the use of motor vehicles on or across the dike except those vehicles used in maintenance or inspection. The City of Washougal passed an ordinance prohibiting the use of motor vehicles on or across the dike except those vehicles used in maintenance or inspection.

I sincerely hope this will clear up any question as to the Port Commission's intent in making and preserving Cottonwood Beach as a permanent recreation area.

Very truly yours,

PORT OF CAMAS-WASHOUGAL

*A. T. Beall*  
A. T. BEALL, MANAGER



*League of Women Voters of Clark County*

*Vancouver, Washington*



June 17, 1974

The Honorable Elmer Turja, Mayor  
Washougal City Council  
Washougal, Washington 98671

Dear Sirs:

The League of Women Voters of Clark County has reviewed the Shorelines Management Master Program of the City of Washougal and recommends its approval by the Washougal City Council and the Washington State Department of Ecology.

The interest and initiative of local citizens shown in retaining local control in managing local shorelines environments while acting within state guidelines is commendable. The conclusions of the Shorelines Committee have been reached through procedures consistent with zoning criteria adopted by the Clark County LWV in 1972. The policy statements and goals, along with existing local ordinances seem adequate for proper implementation of the law and protection of shorelines and shoreline environments.

We feel that the Master Program is altogether a most reasonable, flexible and fair approach to Washougal's shorelines situation, when Washougal's small area and population and limited resources and miles of shoreline under direct control are considered. There may be a need for the plan to be more specific in some respects, but if so, we feel that this could be resolved at the time of the committee's automatic review. Washougal has been the first to act and complete its program. It has worked closely with surrounding communities, and we feel it should be given the opportunity to administer its own program as presented.

Sincerely,

*Yvonne M. Chapman*

Yvonne M. Chapman, president  
League of Women Voters of Clark County

APPENDIX D



PROPOSED AMENDMENTS TO THE WASHOUGAL  
SHORELINE DEVELOPMENT ORDINANCE

The following amendments to the Washougal Shoreline Development Ordinance are suggested in order to complete and compliment the Shoreline Master Program. Some of the changes would simply delete obsolete clauses; others relate more to form rather than substance; a few share no relationship to the master program; and others may very well be necessary to fulfill requirements of the master program. Legal advice will ultimately be necessary to incorporate these changes. The proposed amendments and/or comments are identified by ordinance page and section numbers as follows:

1. Page 258-1, Section 18.98.010

The statement of purpose could be revised to read: "The purpose of this chapter is to implement the Shoreline Management Act of 1971 (Chapter 286, Laws of 1971, 1st Ex. Sess. Chapter 90.58 RCW) and the Washougal Master Program by regulating use activities on shorelines of the city and by providing for variances and conditional use permits as may be warranted."

COMMENT: This would delete unnecessary reference to a "future" inventory and master program, while reinforcing the approach of the city's master program.

2. Page 258-1, -2, -3, Section 18.98.020

COMMENTS: A rearrangement in the sequence of definitions could add clarity to the terms being defined. "Development" should be immediately followed by a definition of "substantial development"; "wetlands" should immediately follow the various "shoreline" definitions and precede "ordinary high water mark", a term used in its definition. Two additional "exemptions" should be added to the definition of "substantial development":

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

(viii) Any project with a certification from the Governor pursuant to Chapter 80.50 RCW.

In addition, the following new terms should be defined:

"Use activity" means any development or substantial development, including but not limited to those addressed by Policy Statements in the city's master program.

"Master program" means the Shoreline Management Master Program, of which this ordinance is a part, developed by the citizens of Washougal and which includes long range goals, policy statements for use activities and other provisions for the effective management of shorelines of the city, including subsequent amendments; all provisions of which must be approved as to form and contents by the Washougal City Council and the Washington State Department of Ecology.

The three "shoreline" definitions present special problems: that of "shorelines", although taken directly from the state Act, is somewhat confusing and much of it does not relate to Washougal shorelines (the definition could be simplified and references to lakes deleted); "shorelines of statewide significance" should be more specific; "shorelines of the city" should indicate the identical meaning of these terms in so far as they pertain to the City of Washougal:

"Shorelines" means all of the water areas of both the Washougal River and the Columbia River within the city and their associated wetlands, together with the lands underlying them.

"Shorelines of statewide significance" means any shorelines within the city downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more.

"Shorelines of the city" means the total of all "shorelines" and "shorelines of statewide significance" within the city, which for purposes of this chapter are synonymous.

3. Page 258-4, Section 18.98.040

COMMENTS: The ordinance originally applied only to "substantial developments"; the master program (and hence, the ordinance) would now apply also to "developments", a word which could be easily inserted in this sentence. The second half of this sentence is no longer meaningful and could be deleted.

4. Page 258-5, New Section

The preceding statement of applicability could be further clarified by adding a new section (i.e., 18.98.040 (1)) taken directly from the state Act and modified to reflect the local theme:

- (1) No development shall be undertaken on the shorelines of the city except those which are consistent with the policy of this chapter, the applicable guidelines, and provisions of the master program.

Section 18.98.050 could then be renumbered as subparagraph (2) under this same section title.

5. Page 258-6, Section 18.98.090

COMMENT: The make-up of the Shoreline Management Review Committee (SMRC) could be revised to more accurately reflect titles of members of Washougal's SMRC; i.e. in addition to public works and planning, the third representative could be the mayor or his designee (a member of the Planning Commission or City Council) .

6. Page 258-6, Section 18.98.100

COMMENT: All local shoreline ordinances in Clark County authorize SMRC to issue shoreline permits for underground utility construction; all other applications are forwarded to planning commissions and the Council or Board. This provision seems to grant preferential treatment to public works projects, and burdens the private applicant (even for a minor project) with an additional two or three month review period. Both the Vancouver and Clark County SMRC's are considering an amendment which would authorize the committee to determine whether a shoreline application should occupy the time of planning commissions, etc., or whether a permit should be granted. The following wording is being considered for this amendment:

The committee will consider the application, formulate recommendations and determine the significance of the project. If the proposal is determined to be of minor significance, a permit is issued and forwarded to the Department of Ecology for review. "Significance" is not to be confused with the possible requirement for submission of an Environmental Impact Statement. Generally, a determination of significance is based upon the nature and scope of the project, with the public interest in mind. If the development is likely to involve public concern over the proposed use of the shoreline, the application will be referred to the Planning Commission for a public hearing at its next regularly scheduled meeting.

This would significantly reduce the time frame, from date of application to start of construction, which has been averaging about 120 days. Here it could also be clarified as to who must sign shoreline permits - in Washougal it has always been the Mayor; elsewhere it is the responsibility of the Public Works Director.

7. Page 258-7, Section 18.98.130

Obsolete phrases in reference to "future" documents could again be deleted from the paragraph establishing permit judgement criteria.

8. Page 258-8, Section 18.98.170

COMMENTS: This paragraph seems to prematurely state the same message contained in Section 18.98.200 on page -9. This unnecessary paragraph is also contained in other entities' ordinances, and includes a provision for a plan check fee which is more a function of the Building Department and has never been exercised as a prerequisite for issuance of a shoreline permit. The Planning Commission recommends deletion of this section.

9. Page 258-9, Section 18.98.180

The ordinance adequately covers provisions for variances in conjunction with substantial development permits; it does not address the concept of requiring variance permits for "developments", nor does it include conditional use provisions. These deficiencies could be corrected by addressing these issues under a common section introduction (borrowed from 90.58.100 (5) RCW) in the following manner:

18.98.180 Variances and Conditional Use Permits. In order to insure that strict implementation of the master program will not create unnecessary hardships or thwart the policy enumerated in Section 18.98.030, provisions for variances and conditional use permits are here included. These provisions shall apply only when it can be demonstrated that extraordinary circumstances exist and that the public interest would suffer no substantial detrimental effect. In the case of "substantial developments", any such varying or conditional use shall be clearly identified upon the Shoreline Management Substantial Development Permit; in the case of "developments", applications for variances or conditional use permits shall be made to the administrator of this ordinance on forms to be prepared by him. In both cases such permits shall be submitted to the Department of Ecology for approval or disapproval.

(1) Variances. The council may approve developments and grant substantial development permits . . . etc.

(2) Conditional Uses. For any use activity which may not be compatible with the shoreline environment in which it is proposed, as may be determined by the Shoreline Management Review Committee, a conditional approval shall be required. Performance standards

may be imposed to make the use more compatible with other desirable uses within that area. Conditional approval will be granted only after the applicant can demonstrate all of the following:

(a) The use will cause no unreasonably adverse effects on the environment or other uses.

(b) The use will not interfere with public use of public shorelines.

(c) Design of the site will be compatible with the surroundings and the master program.

(d) The proposed use will not be contrary to the general intent of the master program.

10. Sections 18.98.230 through 18.98.250 establish methods of preparing a shoreline inventory and master program, and could therefore be stricken.

CITY OF WASHOUGAL  
SHORELINE DEVELOPMENT ORDINANCE

NOTE: Because the Shoreline Development Ordinance was drafted more than two years ago, it is in some need of revision and updating. It seems not only appropriate, but essential that ordinance amendments be considered as a part of the formulation of this Master Program. The ordinance which follows is the one now in effect, with proposed amendments noted and/or attached and commented upon.

Chapter 18.98

SHORELINE DEVELOPMENT

Sections:

- 18.98.010 Purpose.
- 18.98.020 Definitions.
- 18.98.030 Policy.
- 18.98.040 Application.
- 18.98.050 Permit--Required.
- 18.98.060 Permit--Applications.
- 18.98.070 Permit--Publishing and posting.
- 18.98.080 Permit--Notification to other agencies.
- 18.98.090 Permit--Notification of shorelines management review committee.
- 18.98.100 Permit--Functions of shorelines management review committee.
- 18.98.110 Permit--Review by planning commission.
- 18.98.120 Permit--Scheduling of council review.
- 18.98.130 Permit--Standards.
- 18.98.140 Permit--Conditions.
- 18.98.150 Permit--Exceptions to requirements.
- 18.98.160 Permit--Conditional exceptions.
- 18.98.170 Permit--Issuance--Fee.
- 18.98.180 Variances.
- 18.98.190 Reviews.
- 18.98.200 Commencement of construction.
- 18.98.210 Rulings to state.
- 18.98.220 Recission of permits.
- 18.98.230 Comprehensive inventory--Master program.
- 18.98.240 Master program--Preparation--Contents.
- 18.98.250 Comprehensive inventory and master program to be developed cooperatively with county.
- 18.98.260 Penalty for violation.

18.98.010 Purpose. The purpose of this chapter is to implement the Shoreline Management Act of 1971 (Chapter 286, Laws of 1971, 1st Ex. Sess.) by regulating substantial development on shorelines of the city and by providing for preparation of a shorelines inventory and a shorelines master program. (Ord. 468 §1, 1972).

18.98.020 Definitions. As used in this chapter, unless the context otherwise requires, the following definitions and concepts shall apply:

(1) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any

- (4) Substantial development  
 (3) "Use activity"  
 (4) "Master Program"

project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(3)(2) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existed on June 1, 1971, or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(10)(3) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(5)(4) "Shorelines" means all of the water areas of the city, including reservoirs, and their associated wetlands, together with the lands underlying them: Except: (i) Shorelines of state-wide significance, (ii) Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments, and (iii) Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(6)(5) "Shorelines of state-wide significance" means any shorelines within the city described as such in Section 3 of the Shorelines Management Act of 1971;

(7)(6) "Shorelines of the city" are the total of all "shorelines" and "shorelines of state-wide significance" within the city;

(2)(7) "Substantial development" means any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the city; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements,

(ii) Construction of the normal protective bulkhead common to single family residences,

(iii) Emergency construction necessary to protect property from damage by the elements,

(iv) Construction of a barn or similar agricultural structure on wetlands,

(v) Construction or modification of navigational aids such as channel markers and anchor buoys,

(vi)

(vii)

(viii)

(vi) 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 city other than requirements imposed pursuant to this chapter;

(8) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with streams, lakes, and tidal waters which are subject to the provisions of this ordinance; the same to be designated as to location by the Washington State Department of Ecology. (Ord. 468 §2, 1972).

18.98.030 Policy. (a) The Washington State Legislature has found (Ch. 285, Laws of Wash., 1971, Ex. Sess.) that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it has found that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further found that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

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

(c) The legislature has further declared that the interest of all of the people shall be paramount in the management

of shorelines of statewide significance. The Department of Ecology in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance are required to and shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in Section 10 (2) of the Shoreline Management Act of 1971 deemed appropriate or necessary.

(d) It is hereby stated that the city's policy is consistent with such state policy as above stated. In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the city shall be preserved to the greatest extent feasible consistent with the over-all best interest of the state, the city, 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 city's shoreline. Alterations of the natural condition of the shorelines of the city, 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 city, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the city and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the city.

(e) Permitted uses in the shorelines of the city shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. (Ord. 468 §3, 1972).

and 18.98.040 Application. This chapter shall apply to all <sup>developm</sup> ~~substantial developments and any act pursuant to the authority~~ <sup>A</sup> of this chapter and prior to the effective date of the ordinance codified herein is hereby ratified and confirmed. (Ord. 468 ~~§14~~, 1972).

*proposed upon shorelines of the city.*

development shall be consistent with the policy of this chapter and, ~~after adoption or approval, as appropriate, the applicable guidelines, regulations or master program.~~

- (2) ~~18.98.050~~ Permit--Required. No one shall undertake any substantial development on the shorelines of the city without first obtaining a substantial development permit. Such permit shall be applied for and processed under the provisions of this chapter and more particularly of Sections 18.98.060 through 18.98.170. (Ord. 468 §4(part), 1972).

18.98.060 Permit--Applications. Applications for such permits shall be made to the director of the Clark County Regional Planning Council on forms to be prepared by him. Said director of regional planning is hereby appointed the city's "administrator" of the provisions of this chapter. Said application shall be accompanied by an application fee of one hundred dollars, and shall be made by the property owner, lessee, contract purchaser or other person entitled to possession of the property, or by an authorized agent. (Ord. 468 §4(a), 1972).

18.98.070 Permit--Publishing and posting. Upon receipt of the application the administrator shall furnish the applicant with written instructions that it is his (the applicant's) responsibility to publish notices of his application, said notice to be in a form prepared by the administrator. Said notice shall be published (at the applicant's own expense) once a week for two consecutive weeks in a newspaper of general circulation within the city. The administrator shall also at time of application advise the applicant that it is his (the applicant's) responsibility to post at least four copies of such notice on prominent locations on the property concerned and in a conspicuous public place within three hundred feet thereof. Such published and posted notice shall contain a statement that any person desiring to present his views on the application should do so in writing addressed to the administrator within thirty days of the last date of publication of notice and any person interested in said application should present his views to the administrator in such written form within such thirty days and such presentation shall entitle him to notice of all further proceedings in connection with such application.

Prior to the conclusion of such thirty-day period the applicant shall cause proper affidavits of publication and posting to be filed with the administrator. (Ord. 468 §4(b), 1972).

18.98.080 Permit--Notification to other agencies. Immediately upon receipt of an application under this section the administrator shall give written notice thereof to the city engineer, the city public works supervisor, the city planning commission chairman, and also to Clark County and to any federal or state agency or local unit of government which

it reasonably appears would be affected by the proposed development. (Ord. 468 §4(c), 1972).

18.98.090 Permit--Notification of shorelines management review committee. Immediately upon application for a permit under Sections 18.98.050 through 18.98.170, the administrator shall also forward the application to a "shorelines management review committee" (SMRC) hereby created. Said committee shall consist of the city engineer (chairman), city public works supervisor and the director of regional planning, or persons in their respective departments whom they have given written authority to act as members. (Ord. 468 §4(d), 1972).

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18.98.100 Permit--Functions of shorelines management review committee. The shorelines management review committee (hereinafter called SMRC) shall convene as often as necessary on the call of the chairman. The committee shall review the applications and any plans or supporting data submitted by applicants, and any other relevant material, including any studies or reports by city or regional staff. SMRC shall then, by majority vote, take one of the following actions:

- (1) If the proposed development is for underground or underwater utility construction or for utility construction which will not cause any new structures to be built it may approve issuance of the permit provided the standards supplied in Section 18.98.130 are found by it to have been met; or
- (2) In the above cases it may, and in all other cases it shall, immediately refer the application to the city planning commission and request the planning staff to have the application placed on the agenda of the first city planning commission meeting to follow the expiration of the thirty-day period following second publication of the notice of application.

(Ord. 468 §4(e), 1972).

↓ If referred...

18.98.110 Permit--Review by planning commission. SMRC shall then prepare a report on all apparently relevant aspects of the proposed development. Such report shall be supplied the planning commission at such meeting and shall include a recommendation by SMRC as to whether the permit should be issued, and if it should, what, if any, conditions should be imposed.

At the planning commission meeting the commission shall hear from staff, from the applicant and from interested persons who have made written response to the notice or who are in attendance. The planning commission shall thereafter make an informal recommendation to the city council as to whether such permit should be issued and if it should, what conditions, if any, should be imposed as are authorized by Section 18.98.140; provided, the planning commission may defer sending the matter to the city council for a reasonable time if it appears to it

that more information is needed in order to make a proper recommendation. (Ord. 468 §4(f), 1972).

18.98.120 Permit--Scheduling of council review. The administrator within ten days shall send the planning commission's recommendation to the city mayor and the city mayor shall send the same to the city council within an additional ten days and such planning commission recommendation shall be accompanied by complete reports from city and regional staff, and by plans and supporting data supplied by the applicant or by other persons supporting or opposing the proposed development and shall contain a staff recommendation.

The applicant and all persons who have previously made written appearances shall be advised that the application will be on the city council agenda on a given night and such persons and others may appear and be heard thereon but no formal "public hearing" is required. After hearing from the applicant and other interested persons, and after considering all plans and data supplied by either, and all staff reports and recommendations, and the planning commission recommendation, the city council shall decide either to: (1) Approve issuance of the permit; (2) Disapprove issuance of the permit; or (3) Approve issuance of the permit only if certain specified conditions are met. (Ord. 468 §4, (g), 1972).

18.98.130 Permit--Standards. All actions by SMRC, by the city planning commission or by the city council on applications under this chapter shall be governed by the following standards:

A substantial development permit shall be issued only when and if the development proposed is consistent with:  
(1) The policy of Section 18.98.030, and (2) ~~After their adoption,~~ the guidelines and regulations of the Washington State Department of Ecology, and (3) ~~So far as can be ascertained,~~ the <sup>provisions of the</sup> master program developed ~~or being developed~~ for the city.

The burden of proving that the proposed substantial development is consistent with the criteria which must be met before a permit is granted in all cases shall be on the applicant. (Ord. 468 §4(h), 1972).

18.98.140 Permit--Conditions. In granting a permit the city council or SMRC may attach thereto such conditions regarding the location, character and/or other features of the proposed structure or use or regarding their effect upon the shorelines as it deems necessary to carry out the spirit and purposes of this chapter and the state act and to be in the public interest. The city council or SMRC as a condition to granting any permit may require certain additional work to be

done, or the work to be done in a certain manner. In any case it may require the applicant to post with the city, as a prerequisite to permit approval, a bond or other security approved as to form by the city attorney conditioned to assure that the applicant and/or his assigns will adhere to the approved plans and all conditions and requirements imposed by said council or SMRC under this section. (Ord. 468 §4(i), 1972).

18.98.150 Permit--Exceptions to requirements. Whenever an applicant claims that or it appears that he is exempt from the necessity of a substantial development permit under Section 3 of the State Act, the administrator shall decide whether he is in fact exempt and may refer the matter to SMRC or to the city attorney for assistance in resolving such question. (Ord. 468 §4(j), 1972).

18.98.160 Permit--Conditional exceptions. In any case of proposed shoreline development in which the city zoning ordinance would require the property owner to secure a conditional exception or variance from the board of adjustment, he may apply for a shorelines development permit under this chapter prior to securing such conditional exception or variance, and publication and posting requirements may be met and the SMRC recommendation secured prior to securing of such conditional exception or variance, but the application shall not be acted upon by the planning commission until the applicant has secured such conditional permit from the board of adjustment. Such board may impose any conditions proper under the zoning ordinance, upon any conditional exception it may approve, and the planning commission shall thereafter, in considering the application for a shorelines development permit adhere to such conditions, but it may recommend such additional conditions as are proper under this chapter and the city council may impose any such additional conditions or may impose further additional conditions. (Ord. 468 §4(k), 1972).

18.98.170 Permit--Issuance--Fee. After final city council or SMRC action the administrator shall notify the applicant and all persons who had appeared of such action, but the construction shall not begin and no building permits shall be issued for forty-five days from such council or SMRC action as provided in Section 18.98.200. At the end of such forty-five days, if no appeal has been taken from such council or SMRC action, the administrator shall so advise the city engineer and he shall thereupon issue the substantial development permit upon payment of a permit fee which shall be computed by the city engineer upon his best estimate of actual employee time spent in inspections, plan checking, etc. Minimum fee shall be five dollars. (Ord. 468 §4(part), 1972).

approve developments and

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18.98.190 <sup>(1)</sup> Variations. The council may grant substantial development permits which are at variance with the criteria which must be met before a permit is granted where, owing to special conditions pertaining to a specific piece of property, the literal interpretation and strict application of the criteria would cause undue and unnecessary hardship. No such variance permits shall be granted unless the council finds <sup>all of the</sup> ~~following~~.

a (X) Exceptional or extraordinary circumstances or conditions applying to the subject property or to the intended use thereof that do not apply generally to other properties on shorelines in the same vicinity;

b (X) The variance permit is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties on shorelines in the same vicinity;

c (X) The variance permit will not be materially detrimental to the public welfare or injurious to property on shorelines in the same vicinity;

d (X) The variance permit will not adversely affect the master program developed ~~or being developed~~ for the city. (Ord. 468 §5, 1972).

> (2) Conditional Uses. \*

18.98.190 Reviews. Any person aggrieved by the granting of denying of a substantial development permit on shorelines of the city, or by the rescinding of a permit under Section 18.98.220, may seek review from the State Shorelines Hearing Board by filing a request for the same within thirty days of receipt of the final order, and by concurrently filing copies of his request with the State Department of Ecology and the State Attorney General, as provided in Section 18 (1) of the Shorelines Management Act of 1971. Copies of the appeal shall likewise be filed with the administrator, city engineer and the city attorney. The burden of proof shall in all cases be upon the person seeking such review. (Ord. 468 §6, 1972).

18.98.200 Commencement of construction. No construction pursuant to a substantial development permit authorized by this chapter shall begin or be authorized, and no building, grading or other construction permits or use permits shall be issued by the city engineer, until forty-five days shall have passed from the date of final council approval, or until all review proceedings have terminated if such proceedings were initiated within forty-five days of the date of final approval by the director. (Ord. 468 §7, 1972).

18.98.210 Rulings to state. Any ruling on an application for a substantial development permit under authority of this chapter, whether it is an approval or denial, shall concurrently with the transmittal of the ruling to the applicant, be filed with the Department of Ecology and the Attorney General by the director as required by Section 14 (5) of said Shorelines Management Act. (Ord. 468 §8, 1972).

18.98.220 Recission of permits. Any substantial development permit may be rescinded by the city council upon its finding based upon a report from the shorelines management review committee that a permittee has not complied with conditions of the permit and no further development shall be done after such recission, and/or action may be taken against the security posted under Sections 18.98.050 through 18.98.170 if necessary to assure compliance with conditions of the permit. (Ord. 468 §9, 1972).

18.98.220 Comprehensive inventory--Master program. As required by Section VIII of the Shorelines Management Act, there shall be prepared: (1) A comprehensive inventory of the shorelines within the city, said inventory to include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof; and (2) A master program for regulation of uses of the shorelines of the city consistent with guidelines developed or to be developed by the State Department of Ecology.

Such inventory and master program shall be prepared for the city by the staff of the Clark County regional planning council and shall be completed by such staff within the time limits stated in said section VIII and in time for review and approval thereof by the regional planning council and this council prior to such time limits. (Ord. 468 §10, 1972).

18.98.240 Master program--Preparation--Contents. (1) In preparing the master program referred to in Section 18.-98.230 the regional planning council staff shall to the extent feasible:

- (a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;
- (b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;
- (c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;
- (d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;
- (e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;
- (f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store,

index, analyze, and manage the information gathered.

(2) The master program shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries; transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location or use of the shorelines of the state or city;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; and

(h) Any other element deemed appropriate or necessary to effectuate the policy of the act and this chapter.

(3) The master program shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned and city-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in Section 18.98.030. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. (Ord. 468 §11, 1972).

) ~~18.98.250 Comprehensive inventory and master program to be developed cooperatively with county. The inventory and master program shall be developed cooperatively with Clark County and other units of local government in Clark County. (Ord. 468 §12, 1972).~~

18.98.260 Penalty for violation. Anyone violating or failing to comply with the provisions of Sections 18.98.050 through 18.98.170, 18.98.200 or 18.98.220 shall, upon conviction thereof be punishable as provided in Section 1.04.010. (Ord. 468 §13, 1972).