

Table 19.400.140(A) Development Standards

Standard	Mining	Shoreline Residential	Urban Conservancy	Rural Conservancy	Natural	Aquatic
Lot Width (feet)	40-60 ¹	40-80 ²	60	100	140	Not Applicable
Shoreline Buffers	See Section 19.400.120(B) of this Master Program					
Side Setbacks (feet)	5	5 ³	5 ³	5 ³	5 ³	5 ³
Maximum Hard Surface Area (percentage of lot area)	4	4	4	4	4	Not Applicable
Maximum Building Height (feet) ⁵	35	35	35	35	35	35

Notes:

1. 40-foot lot width for single-family residential uses. 60-foot lot width for multifamily and non-residential uses.
2. 40-foot lot width for lots in Limited Areas of Intensive Rural Development or Urban Growth Areas. 80-foot lot width for all other Shoreline Residential lots.
3. Buildings housing animals, a minimum 35 foot side yard and 35 foot rear yard setback shall apply in accordance with TCC 20.07.
4. Hard Surface thresholds for Shoreline Environmental Designations: See Section 19.400.125
5. Does not include boathouses as described above in Section 19.400.100(B)(4)

- B. The maximum allowable height of structures in shoreline jurisdiction is 35 feet above finished average grade. Building heights above 35 feet, but consistent with underlying zoning allowances, require authorization via a Shoreline Variance pursuant to Section 19.500.100(E) of this Master Program.
- C. No new lots shall be created that are non-conforming. All new subdivided shoreline lots shall be, at a minimum, a 1:2 width to depth ratio. Exceptions may be granted in cases where such ratio would negatively impact critical areas or their buffers.

19.400.145 Public Access

- A. All recreational and public access facilities shall be designed, located and operated in a manner consistent with the purpose of the environment designation in which they are located.
- B. Except as provided in Regulations E and F below, substantial developments or conditional uses shall provide public access where any of the following conditions are present:
 1. A development or use will create increased demand for public access to the shoreline.
 2. A development or use will interfere with an existing public access way.
 3. New non-water-oriented uses are proposed.
 4. A use or activity will interfere with public use of lands or waters subject to the Public Trust Doctrine.
- C. Shoreline development by public entities, port districts, state agencies, and public utility districts shall include public access measures as part of each shoreline development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
- D. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions of WAC 173-26-221 (4). Where feasible, incorporate ecological restoration and public access improvements into the project.

- E. Off-site public access may be allowed where it results in an equal or greater public benefit than on-site public access, or when on-site limitations relating to security, environment, use conflict, intervening improvements, or feasibility are present. Sites on the same waterbody, or secondarily within the same watershed, are preferred. Where feasible, off-site public access should include both visual and physical elements. Off-site public access may include, but is not limited to, enhancing an adjacent public property (e.g., existing public or recreation access site, road, street, or alley abutting a body of water, or similar) in accordance with County standards; providing, improving or enhancing public access on another property under the control of the applicant/proponent; or another equivalent measure.
- F. Public access shall not be required for single-family residential development of four (4) or fewer lots.
- G. Public access shall not be required if an applicant/proponent demonstrates to the satisfaction of the County that one or more of the following conditions apply:
 - 1. Unavoidable health or safety hazards to the public exist and cannot be prevented by any practical means;
 - 2. Constitutional or other legal limitations apply;
 - 3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - 4. The cost of providing the access, easement or alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 - 5. Adverse environmental impacts to shoreline ecological processes and functions that cannot be mitigated will result from the public access;
 - 6. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; or
 - 7. Adequate public access already exists within a mile along the subject shoreline, and there are no gaps or enhancements required to be addressed by the individual shoreline development.
- H. When provisions for public access are required as a condition of project approval, the Director shall prepare written findings demonstrating consistency with constitutional and legal practices regarding private property and the principles of nexus and proportionality.
- I. Required public access sites shall be fully developed and available for public use at the time of occupancy of the shoreline development.
- J. Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the County Auditor's Office prior to the time of building permit approval, occupancy or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
- K. Maintenance of the public access facility over the life of the use or development shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the County Auditor's Office.

- L. The removal of on-site native vegetation shall be limited to the minimum necessary for the recreational or public access development area, such as picnic areas, campsites, selected views, or other permitted structures or facilities.
- M. Preference shall be given to activities that are consistent with approved state and local park plans for water-oriented recreational development, including but not limited to the Thurston County Comprehensive Plan, Thurston County Parks Plan, Washington State Parks CAMP plans, Thurston County Non-Motorized Plan, and other agency plans.
- N. Vehicular traffic is prohibited on beaches, bars, spits and streambeds, except for permitted construction and boat launching, or in areas where it can be demonstrated that a historical use has been established.
- O. Public road-ends, tax-title lands and right-of-ways adjacent to shorelines of the state shall be preserved, maintained and enhanced consistent with RCW 36.87.130. The Thurston County "Right of Way Use Permit" process in TCC) shall be utilized to open shoreline road-ends, as now or hereafter amended. Such process shall include notification of abutting property owners, and may include a neighborhood meeting or community council outreach effort in order to solicit and resolve community concerns with regard to specific proposals. The public interest in shoreline access shall be given appropriate consideration during the review process, consistent with the Act. Decisions to approve or deny opening of road-ends may be appealed in accordance with Chapter 13.80 TCC.
- P. Trail access shall be provided to link upland facilities to the beach area where feasible and where impacts to ecological functions can be adequately mitigated.
- Q. When applicable, recreational and public access development shall make adequate provisions for the following. These requirements may be waived for opening of public road ends, tax title lands, and right-of-ways as described in N above, except where determined necessary through the public review process:
 - 1. Vehicular parking and pedestrian access;
 - 2. Proper wastewater and solid waste disposal methods;
 - 3. Security and fire protection;
 - 4. The prevention of overflow and trespass onto adjacent properties, including, but not limited to, landscaping, fencing, and posting of property; and
 - 5. Screening of such development from adjacent private property to prevent noise and light impacts.
 - 6. Compliance with the Americans with Disabilities Act (ADA), including being barrier-free and accessible for physically disabled uses where feasible.
- R. Shoreline trails and pathways shall be located, designed, and constructed to avoid and minimize bank instability.
- S. Project-specific public access standards are contained in the following Shoreline Use and Modification Development Standards sections (Chapter 19.600):
 - 1. Barrier Structures and other In-Stream Structures (Section 19.600.120)
 - 2. Boating Facilities (Section 19.600.125)
 - 3. Commercial Development (Section 19.600.130)
 - 4. Fill (Section 19.600.140)

5. Industrial Development (Section 19.600.150)
6. Residential Development (Section 19.600.170)
7. Shoreline Stabilization (Section 19.600.175)

19.400.150 Flood Hazard Reduction Measures

A. Environment Designations Permit Requirements

CUP is required for installation of flood hazard reduction measures in all environment designations.

B. Development Standards

1. Development in floodplains shall not significantly or cumulatively increase flood hazard and shall follow the criteria in Chapter 14.38 TCC.
2. New structural flood hazard reduction measures in shoreline jurisdiction are allowed only when a scientific and engineering analysis documents all of the following:
 - a. They are necessary to protect existing development;
 - b. Nonstructural measures are not feasible;
 - c. Impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and
 - d. Appropriate vegetation conservation actions are followed.
3. The following uses and activities may be appropriate and/or necessary within the channel migration zone (see Appendix D, Channel Migration Zone Maps) or floodway, provided that they provide appropriate protection of ecological functions and do not exacerbate flood risk onsite or in nearby areas:
 - a. Actions that protect or restore the ecosystem-wide processes or ecological functions.
 - b. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
 - c. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.
 - d. Mining when conducted in a manner consistent with WAC 173-26-241(3)(h) and this Program.
 - e. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.
 - f. Repair and maintenance of an existing legal use.
 - g. Modifications or additions to an existing legal use, provided that channel migration is not further limited.
 - h. Development in designated UGAs where existing structures prevent active channel movement and flooding.
 - i. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally

- acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.
- j. Development with the primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.

Applicants for shoreline development or modification may submit a site-specific channel migration zone study if they do not agree with the mapping in Appendix D.

4. Structural flood hazard reduction measures shall be consistent with the County's adopted Hazard Mitigation Plan that evaluates cumulative impacts to the watershed system.
5. New structural flood hazard reduction measures shall be situated landward of associated wetlands and designated vegetation conservation areas, unless actions are intended to increase ecological functions or if it is determined through a geotechnical analysis that no other alternative to reduce flood hazard to existing development is feasible. Mitigation may be required for impacts to critical areas.
6. New structural flood hazard reduction measures on public lands or funded by the public shall provide or improve public access pathways unless such improvements would cause unavoidable health or safety hazards, significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
7. The removal of gravel for flood management purposes may be permitted only if a biological and geomorphological study shows that extraction:
 - a. Has a long-term benefit to flood hazard reduction,
 - b. Results in not net loss of ecological functions, and
 - c. Is part of a comprehensive flood management solution.

19.400.155 Restoration and Enhancement

A. Environment Designations Permit Requirements

Restoration and enhancement uses and developments are permitted as an SDP, or may be exempt from an SDP if criteria in Section 19.500.100(C) are met, for all environment designations, provided the project's primary purpose is the restoration of the natural character and ecological functions of the shoreline, as determined by the Department.

B. Development Standards

1. Restoration and enhancement shall be carried out in accordance with an approved shoreline restoration plan that uses the best available scientific and technical information, and implemented using best management practices (BMPs).
2. All shoreline restoration and enhancement projects shall protect the integrity of adjacent natural resources, including aquatic habitats and water quality, and shall not result in significant adverse changes to sediment transport, ecological processes, properties, or habitat.
3. Long-term maintenance and monitoring shall be arranged by the project applicant and included in restoration or enhancement proposals. Monitoring shall occur for a minimum of five years,

except the term may be reduced if all final performance standards have been met for at least two consecutive monitoring reports, demonstrating project success.

4. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state or tribal resources without appropriate mitigation. For projects on state-owned aquatic lands, prior to the solicitation of permits from regulatory agencies, project proponents must coordinate with the Washington Department of Natural Resources to ensure the project will be appropriately located. Affected tribes shall also be notified.
- 5 Applicants in the County's UGAs seeking to perform restoration projects that may shift the OHWM landward of the pre-project location, are advised to work with the County to assess whether and how the non-restoration-related elements of the project may be allowed relief under RCW 90.58.580.

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