

## 6.0 General Policies and Regulations

The following general policies and regulations apply to all shorelines of the state that are located in Tenino, regardless of the specific shoreline environment designation.

- General policies and regulations are not listed in order of priority.

### 6.1 Environment Impact Mitigation

#### A. Policies

1. All shoreline use and developments should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas identified in Section 6.2 that are located in the shoreline. Should a proposed use and development potentially create significant adverse environmental impacts not otherwise avoided or mitigated by compliance with this Program, the Administrator should require mitigation measures to ensure no net loss of shoreline ecological functions.

#### B. Regulations

1. To the extent Washington's State Environmental Policy Act of 1971 (SEPA) RCW 43.21C, is applicable, the analysis of environmental impacts from proposed shoreline uses or developments shall be conducted consistent with the rules implementing SEPA (TMC Title 18C and WAC 197-11).
2. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority.
  - a. Avoiding the adverse impact altogether by not taking a certain action or parts of an action;
  - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  - c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
  - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
  - e. Compensating for the adverse impact by replacing, enhancing, or providing substitute resources or environments;
  - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
3. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
4. Required mitigation shall not be in excess of necessary to assure that proposed uses or development will result in no net loss of shoreline ecological functions.
5. Mitigation actions shall not have a significant adverse impact on other shoreline functions fostered by the policies of the Shoreline Management Act.

6. When compensatory measures are appropriate pursuant to the priority of mitigation sequencing above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

## 6.2 Critical Areas and Shoreline Vegetation Conservation

### A. Policies

1. Adopt regulations to assure that development within the shoreline jurisdiction results in no net loss of ecological functions necessary to sustain the natural shoreline.
2. Provide a level of protection to critical areas within the shoreline that is equal to that which is provided by the City's critical areas regulations adopted pursuant to the Growth Management Act and the City's Comprehensive Plan. If conflicts between the SMP and the critical area regulations arise, the regulations that are most consistent with the SMA or its WAC provisions will govern.
3. Allow activities in critical areas that protect and, where possible, restore the ecological functions and ecosystem-wide processes of the City's shoreline.
4. Preserve, protect, restore and/or mitigate wetlands and habitat protection areas within and associated with the City's shorelines to achieve no net loss of wetland and habitat protection areas and their functions.
5. Developments in shoreline areas that are identified as geologically hazardous should be avoided.
6. Limit the removal of vegetation along the shoreline to the minimum necessary to accommodate the approved shoreline development.
7. Prefer native vegetation along the shoreline over a site cleared of vegetation to create views and lawns.
8. Allow limited selective clearing of native shoreline vegetation for views and lawns provided that slope stability and ecological functions are not compromised.
9. Preserve existing native vegetation along the shoreline and require planting when it does not exist.
10. Provide flexibility when balancing overlapping shoreline policies regarding vegetation conservation, a preference for water-oriented uses, and requirements to provide public access.

### B. Regulations

1. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/ or enhance the ecological functions and ecosystem-wide processes provided by critical areas including, but not limited to: wetlands, fish and wildlife habitats, geologically hazardous areas and frequently flooded areas as defined and designated by Titles 16 (environment) and 18 (zoning) of the Tenino Municipal Code.
2. The following regulations of the Tenino Municipal Code (TMC) pertaining to the protection of critical areas shall be adopted as a part of this Program.
  - a. Chapter 18D.10 *General Provisions* (last amended by Ordinance No. 731 on February 13, 2007);

- b. Chapter 18D.20 *Use and Activity Regulations* (last amended by Ordinance No. 731 on February 13, 2007);
  - c. Chapter 18D.30 *Wetlands* (last amended by Ordinance No. 731 on February 13, 2007);
  - d. Chapter 18D.40 *Critical Fish and Wildlife Habitat Areas* (last amended by Ordinance No. 731 on February 13, 2007);
  - e. Chapter 18D.70 *Flood Hazard Areas* (last amended by Ordinance No. 731 on February 13, 2007); and
  - f. Chapter 18D.80 *Landslide Hazard Areas* (last amended by Ordinance No. 731 on February 13, 2007).
3. Exceptions to the applicability of the critical areas regulations in shoreline jurisdiction are listed below.
- a. TMC 18D.10.060 B “Definitions”: Within the Tenino Critical Areas Ordinance, the definition of “Director” and “Department” shall refer to the Director or Designee of the City of Tenino Community Development Department (TMC 18.20.070).
  - b. TMC 18D.10.085 “Variance to Critical Areas”: Within the shoreline jurisdiction any variances to the provisions of the critical area ordinance or to TMC 18.50.080 must be processed as a shoreline variance.
  - c. TMC 18D.10.090 “Reconsideration and Appeal Procedures”: Within the shoreline jurisdiction any appeals of an administrative or planning commission decision pursuant to TMC 18.40.090 or TMC 18.40.100 shall be appealed to the State Shorelines Hearings Board pursuant to WAC 173-27-290 and the provisions of RCW 34.05.
  - d. BMC 18D.10.135 “Enforcement – Violations- Civil Infractions. J Modifications”: Within the shoreline jurisdiction, any modifications to a permit shall be subject to the provisions of WAC 173-27-100.
  - e. TMC 18D.20.020 I “Regulated Uses and Activities” (*Wetlands less than 1,000 sf ...*): Within shoreline jurisdiction this section shall be null and void.
  - f. TMC 18D.20.030 E “Exemptions”: Within the shoreline jurisdiction any expansion of the building footprint greater than twenty five percent (25%) will require a shoreline variance.
  - g. TMC 18D.20.050 “Reasonable Use Exceptions”: Within the shoreline jurisdiction a shoreline variance will serve as a reasonable use exception review.
  - h. TMC 18D.30.20 A.2 “Wetland Areas” - “General”: “Within the shoreline jurisdiction identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.
  - i. TMC 18D.30.040 A6 “Wetland Standards”: Within the shoreline jurisdiction any reduction greater than twenty five percent (25%) of the standard critical area buffer width will require a shoreline variance.
  - j. TMC 18D.30.060 B “Buffer Requirements” - “Modification of Buffer Widths”: Within the shoreline jurisdiction any reduction greater than twenty five percent (25%) of the standard critical area buffer width will require a shoreline variance.
  - k. TMC 18D.30.070 “Appendices” – “APPENDIX E Compensatory Mitigation Plan for Regulated Activities in Wetlands–Detailed Phase” – “III. Mitigation Performance Standards”: Within the shoreline jurisdiction any reduction to the wetland replacement ratio will require a shoreline variance.

4. Any provision of the critical areas regulations that is not consistent with the Shoreline Management Act Chapter, 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction.
5. The provisions of the City's critical areas regulations do not extend shoreline jurisdiction beyond the limits specified in this Program.
6. Required critical area buffers consist of an undisturbed area of native vegetation or areas identified for restoration. Existing native vegetation shall be preserved to the maximum extent feasible within the vegetation conservation area consistent with safe construction practices, and other provisions of this section.
7. Native trees and shrubs shall be preserved to maintain and provide shoreline ecological functions such as habitat, shade and slope stabilization.
8. Within critical area buffers no more than fifteen percent (15%) of the area with native shoreline vegetation shall be cleared. All native trees in the vegetation conservation area over four (4) inches in diameter at breast height shall be retained. Trees determined by the City to be hazardous or diseased may be removed.
9. The Administrator may allow removal of vegetation exceeding that described above where an applicant agrees to replacement plantings that are demonstrated to provide greater benefit to shoreline ecological functions than would be provided by strict application of this section.
10. Critical area buffer regulations shall not apply to the removal of aquatic weeds and fresh water algae undertaken pursuant to WAC 173-201A.
11. In the absence of a development proposal, existing, lawfully established landscaping and gardens within a vegetation conservation buffer may be maintained in its existing condition including but not limited to, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this code, provided this does not apply to areas previously established as mitigation sites, or other areas protected via conservation easements or similar restrictive covenants.
12. Alterations to critical areas and/or their buffers may be allowed without a shoreline variance permit to accommodate allowed uses listed below, provided the uses are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions and comply with the Program and all applicable regulations for critical areas as modified by 6.2.B.3.
  - a. Uses and activities allowed in the City's critical areas regulations when also allowed in the applicable shoreline environment;
  - b. Public trails and shared use paths when located on abandoned railroad corridors;
  - c. Pedestrian trail access from upland areas to the shoreline, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water oriented uses;
  - d. Allowed water-oriented uses in all shoreline environments. The uses must increase public access to the shoreline, provided that development is located, designed, constructed and operated to minimize critical area disturbance to the maximum extent feasible. Such development or redevelopment shall restore or enhance degraded ecological functions. Such development shall not be exempt from the provisions of Section 6.1, Environmental Impact Mitigation; and Section 6.2, Critical Areas and Shoreline Vegetation Conservation.

## 6.3 Public Access

### A. Policies

1. Land uses that provide opportunities for substantial numbers of the people to enjoy the shorelines of the state are preferred.
2. Physical or visual access to shorelines should be incorporated in all new development when the development would either generate a demand for one or more forms of such access, and/or would impair existing legal access opportunities or rights. Public health and safety concerns should also be adequately addressed and maintenance of shoreline ecological functions and/or processes should be assured.
3. Public access should be provided for water-oriented uses and nonwater-dependent uses and developments that increase public use of the shorelines and public aquatic lands, or that would impair existing, legal access opportunities.
4. Provide public access as a part of a residential development of single family units on five or more lots, or when there has been significant historical usage by the public. Historic use is regular use by the public over a period of years rather than incidental or occasional use by one or only few members of the public. This policy is not intended to apply to construction of an individual dwelling on a single lot.
5. Nonwater-oriented uses or activities located on the shoreline should provide public access as a public benefit.
6. Public access area and/or facility requirements should be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the land owner and the public.
7. Public access design should provide for public safety and minimize potential impacts to private property, individual privacy, and protect shoreline ecological functions and processes.
8. Shoreline development by public entities, such as local governments, port districts, state agencies, and public utility districts, should provide public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline.

### B. Development Standards

1. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
2. Public access shall be evaluated for all shoreline permits. Public access will not be required for the following uses, except as determined on a case-by-case basis in Section 6.1 C, mitigation sequencing. Provided the incentive agreement program may offer incentives to a developer to acquire public access for any activity:
  - a. Agriculture,
  - b. Dredging,
  - c. Ecological restoration or enhancement activities not associated with development,
  - d. Instream structures,
  - e. Fill and excavation,
  - f. Shoreline stabilization, and
  - g. Single-family residential development of four (4) or fewer lots.

3. In addition to the list of uses in Section 6.3 B.2 above, the Administrator may waive public access requirements when one or more of the following provisions apply:
  - a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
  - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
  - c. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access is unreasonably disproportionate to the total long term cost of the proposed development;
  - d. Significant environmental impacts will result from the public access that cannot be mitigated; or
  - e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.
4. Before public access is waived per Section 6.3 B.3 above, the City must determine that all reasonable alternatives have been exhausted; including, but not limited to:
  - a. Regulating access by such means as maintaining a gate and/or limiting hours of use;
  - b. Designing separation of uses and activities (e.g. fences, terracing, use of oneway glazing, hedges, landscaping, etc.); and
  - c. Providing for access at a site geographically separated from the proposal such as a street end, vista, or trail system.
5. When provisions for public access are waived, this decisions shall be made in writing listing the rationale per Section 6.3 B.3 above, and shall be archived so that this decision can be reviewed by the Washington State Department of Ecology during the next master program update cycle.
6. Parcels within shoreline jurisdiction, which do not front onto a stream, or wetland shoreline will not be required to provide shoreline public access
7. If public access on shoreline parcels is demonstrated to be infeasible or inappropriate on site due to significant interference to operations or hazards to life and property, alternative visual access opportunities may be provided at a location not directly adjacent to the water such as a viewpoint, observation tower, or other areas serving as a means to view public waters.
8. This master program shall seek opportunities to increase public access to existing publicly owned shorelines, such as street ends, and unopened rights-of-ways. Public access to the shoreline shall be balanced with the preservation of shoreline habitat and ecological functions on a case-by-case basis.
9. Public access shall incorporate the following location and design criteria:
10. Where open space is provided along the shoreline, and public access can be provided in a manner that will not adversely impact shoreline ecological functions and/or processes, a public pedestrian access walkway parallel to the ordinary high water mark of the property is preferred. The walkway shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate. Fencing may be provided to control damage to plants and other sensitive ecological features, where appropriate. Trails shall be constructed of permeable materials and limited in width to reduce impacts to ecologically sensitive resources, except for a shared use trail or public access which is part of a boardwalk.
  - a. Public access shall be located adjacent to other public areas, accesses and connecting trails, connected to the nearest public street; and include provisions for handicapped and physically impaired persons where feasible.

- b. Where views of the water or shoreline are available and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.
  - c. Design shall minimize intrusions on privacy by avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or other separation techniques.
11. Design shall provide for the safety of users, including the control of offensive conduct through public visibility of the public access area, or through provisions for oversight. The Administrator may authorize a public access to be temporarily closed in order to develop a program to address offensive conduct. If offensive conduct cannot be reasonably controlled, alternative facilities may be approved through a permit revision.
    - a. Public amenities appropriate to the use of a public access area such as benches, picnic tables and sufficient public parking to serve the users shall be provided.
    - b. Commercial developments that attract a substantial number of persons and developments by government/public entities may be required to provide public restrooms, facilities for disposal of animal waste and other appropriate public facilities.
  11. The minimum width of public access easements shall be ten (10) feet in width, with twenty (20) feet being the preferred width where significant public use is expected. The Administrator may reduce the width of public access easements, if undue hardship would result or increase the width is necessary to serve the intended function. However, the reduction or enlargement shall only be what is necessary to achieve the intended purpose and it shall be made in writing per Section 6.3 B.5.
  12. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.
  13. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
  14. 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 Thurston County Auditor's Office prior to the time of building permit approval, occupancy or plat recordation, whichever comes first.
  15. Maintenance of the public access facility shall normally be the responsibility of an accepted public or non-profit agency through a formal agreement recorded with the Thurston County Auditor's Office. However, if appropriate given the use, this responsibility may be required of the owner, future home owners association, or other entity approved by the City.
  16. Public access facilities shall be available to the public twenty four (24) hours per day unless specific exceptions are granted though in a shoreline permit.
  17. The standard State approved logo or other approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner/developer. Such signs shall be posted in conspicuous locations at public access sites.

## 6.4 Water Quality

### A. Policies

1. Locate, design, construct, and maintain shoreline uses and activities to avoid significant ecological impacts by altering water quality, quantity, or hydrology.

2. Require reasonable setbacks, buffers, and storm water storage basins and encourage low-impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.
  3. Locate, design, construct, and maintain measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works so as to not degrade the existing water quality.
  4. The City will seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. This will be implemented through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs.
  5. Prohibit uses and activities that pose a risk of contamination of ground or surface waters, such as:
    - a. Storage, disposal, or land application of waste (excluding secondary/tertiary treated effluent from municipal sewer systems), including solid waste landfills,
    - b. Operations for confinement feeding of animals,
    - c. Junk yards and auto wrecking yards,
    - d. Storage of hazardous or dangerous substances within a floodplain, and
    - e. Alterations to structures and uses served by septic systems that do not meet state septic requirements.
- B. Development Standards
1. New development within shoreline jurisdiction shall not be allowed on septic systems.
  2. When projects are proposed for existing development operating on septic systems, they shall be required to connect to municipal sewer.
  3. New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the City's current stormwater management standards. Alternative measures may be considered where it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.
  4. Best management practices for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control plan, or administrative conditions.
  5. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in or above shoreline water bodies.
  6. All materials that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff.

## 6.5 Parking

### A. Policies

1. Allow parking within the shoreline jurisdiction only for an approved use.

2. Design and construct parking facilities to minimize off-site light and glare by using fully shielded and appropriately aimed fixtures to provide appropriate lighting levels.
3. Locate parking facilities landward from the ordinary high water mark and recreational beaches.
4. Link parking facilities with the shoreline and to the buildings they serve by walkways.

#### B. Development Standards

1. Parking facilities within the shoreline is only allowed as necessary to support an authorized use. Any other type of parking is prohibited.
2. Parking facilities shall be located landward of the principal building, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
3. Over water parking facilities are prohibited.
4. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties.
5. Parking associated with shoreline access shall be located outside critical area buffers. See Section 6.2.
6. Refer to Section 6.4 for the water quality development standards which include on-site stormwater control measures.

## 6.6 Signage

#### A. Policies

1. Design signs within shoreline jurisdiction so that they interfere as little as possible with visual access to the shoreline.
2. Design and locate signs to ensure compatibility with the shoreline environment designation, and adjacent land and water uses.
3. Prohibit billboards within all shoreline environment designation.

#### B. Development Standards

1. Off-premise signs are prohibited within any shoreline environment designation. Traffic signs are not to be considered off-premise signs.
2. All public access shall be marked with signs approved by the Administrator.

## 6.7 Historical or Archeological Resources

#### A. Policies

1. Coordinate development review within the shoreline with the Washington State Department of Archaeology and Historic Preservation and affected Indian tribes regarding historic or archaeological interest.
2. Provide for the protection, rehabilitation, restoration and reconstruction of historic structures listed on the federal, state or local historic registers.
3. Report the discovery of a historic or prehistoric site during excavation or development to the Washington State Department of Archeology and Historic Preservation and to the affected Indian tribes.
4. Encourage the enrollment of historic structures or sites on the Federal, state or local historic registers.

## B. Development Standards

1. The protection, rehabilitation, restoration, and reconstruction of historic structures shall be governed by *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Applying the Standards* (1992), as amended.
2. The City shall consult with the Washington Department of Archaeology and Historic Preservation and the affected Indian tribes when known sites are proposed for development. Their comments and recommendations shall be given substantial weight, which may result in denying a development permit where the historic or archaeological value of the site outweighs the development value.
3. The discovery of a historic or pre-historic site during excavation or development shall be reported to the Administrator, the Washington State Department of Archaeology and Historic Preservation, and the affected Indian tribes.
4. Should a historic, cultural or archeological site or artifact of potential significance be discovered in the process of development on the shoreline, then work on that portion of the development site shall be stopped immediately and reported to the Administrator as soon as possible.
5. When warranted by preliminary evaluation or an inadvertent discovery occurs, the Administrator shall then require a site assessment be conducted by a professional archeologist or historic preservation professional, as applicable, to determine the significance of the discovery and the extent of damage to the resource. Once the site assessment is complete, it shall be distributed to the Washington Department of Archaeology and Historic Preservation, and the affected Tribe for a 15-day review period. In the case of case of human remains, this shall be a 30-day review period.
6. If there is a positive determination of a sites' significance, the Administrator may require additional provisions that are deemed to be reasonable and necessary. If the site is determined not to be significant by the above listed agencies or governments, or if the above listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment, such stopped work may resume.

## 6.8 Scientific or Educational Uses

### A. Policies

1. Conduct scientific studies and educational uses of the shoreline in a way to minimize impacts in accordance with the applicable environmental designations.
2. Require a shoreline permit for scientific and educational activities which may significantly affect water quality or natural systems.

### B. Development Standards

1. Scientific or educational uses and activities are limited to those which will not:
  - a. Jeopardize existing wildlife populations or organisms;
  - b. Permanently alter the character of biological habitats; and
  - c. Degrade the character of the shoreline environment in which they are located.
2. Temporary disruptions of biological systems may be permitted when a scientific activity will result in their restoration or improvement.
3. Permits encompassing a variety of activities over an extended period of time may be granted provided limits on the duration of approval are established.
4. Temporary facilities necessary for the conduct of a scientific project shall be removed at the conclusion of the prescribed research activity period.

5. Proposals for shoreline development or use in or on known sites of scientific value that would adversely affect, damage, or diminish such resources shall be prohibited. Such proposals may be allowed by shoreline conditional use permit if it is shown that the materials, artifacts or resources are recoverable and transferrable through adequate evaluation by qualified personnel.