

**TOWN OF WINTHROP**

**SHORELINE MASTER PROGRAM**

**MARCH 5, 1991**

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**SECTION 1.00 INTRODUCTION**

Enactment of the Shoreline Management Act in 1971 (RCW 90.58) reflected a growing concern among the residents of Washington State with the adverse effects of unplanned and uncoordinated development on the states shorelines. While the Act provides the basis for the management and regulation of shoreline development, it also aims to foster and plan for all reasonable and appropriate shoreline uses which enhance and conserve shorelines rather than detract from them.

The Shoreline Management Act establishes a cooperative program of shoreline management between local government and the state. Local government has the primary responsibility for initiating and administering the regulatory program for shoreline development. The state Department of Ecology acts primarily in a supportive and review capacity with primary emphasis on ensuring consistency with the policy and provisions of the Act and local shoreline program. The authority for passage of this Master Program is granted and required by the Shoreline Management Act of 1971 as amended.

Where a local shoreline is designated a "shoreline of statewide significance", as is the case for all of Winthrop's shorelines, the local government is required to give priority to statewide objectives and goals enumerated in RCW 90.58.020 (see Section 4.00). In this regard the Shoreline Master Program serves as the standard for implementation of state policy. From the Town's perspective the Master Program also articulates local policies and use regulations governing the physical development of land and water resources affecting shorelands.

On December 16, 1975, in compliance with the Act, the Town of Winthrop adopted its first Shoreline Master Program. This revision to the program reflects recent changes in the Act and it's supporting WAC's, areas recently annexed to the Town, and other changed circumstances relating to development policies and provisions affecting Winthrop's Shorelines.

Four (4) environmental designations have been developed which apply to the shorelines of Winthrop: (1) Urban Environment, (2) Suburban Environment, (3) Rural Environment, and (4) Conservancy Environment. Each environment designation is delineated geographically and regulations are promulgated for activities and development within each area. Appendix A (attached) contains a purpose statement for each of the four environments, followed by a list of environment designation criteria used to apply (i.e. locate) the environment designations on the shorelines of Winthrop, and a series of management policies addressing appropriate shoreline use and development in each environment.

Maps and descriptive material showing the geographic location and extent of each shoreline environment are hereby adopted as part of These regulations and Master Program. The official map of shorelines for Winthrop is included in Appendix B. Appendix C contains "common" legal descriptions for mapped environment designations. Appendix D contains information on native vegetation types and their care and maintenance.

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The provisions of this Master Program apply to all shorelines and shorelines of statewide significance as defined herein which are within the jurisdiction of the Town of Winthrop as defined by law. Shoreline jurisdiction includes all that area encompassed within 200 feet (landward) on a horizontal plane from the Ordinary High Water Mark, or the floodway boundary, whichever is greater, of the Methow and Chewuch Rivers and any marshes, bogs, and swamps associated with these rivers (see "shoreline jurisdiction" definition). Winthrop's shoreline jurisdiction is also graphically depicted in Appendix B, Official Shoreline Environment Map. Where conflicts arise between the Master Program and the Town Zoning, Subdivision, and other land use regulations applicable in the shoreline area, the more restrictive will apply.

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**SECTION 2.00 DEFINITION OF TERMS**

"Accessory Structure or Use" means a structure or use, incidental, appropriate, and subordinate to the main structure or use of the property, and which is located on the same lot or in the same building with the main use.

"Act" means Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

"Administrator" shall, in the context of this master program, mean the Winthrop Town Attorney, Town Planner or other Town Official designated by the Mayor.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, gardening, keeping or raising of livestock and poultry for commercial purposes, and any agricultural industry or business such as dairies, nurseries, greenhouses, or similar uses.

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: Provided, that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure.

"Conditional Use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

"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 the Act at any state of water level.

"Dwelling, Multi-Family" means a building containing two or more dwelling units.

"Dwelling, Single-Family" means a detached building containing one dwelling unit.

"Dwelling Unit" means a building or portion thereof designed for occupancy by one family having cooking and toilet facilities.

"Exempt" development means any development of which the total cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state, and any development which does not meet the definition of substantial development contained herein.

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"Fair market value" of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project.

"Floodplain" is synonymous with one hundred year floodplain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps.

"Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

"Landfill" is the filling of a shoreline area or wetland by the deposition of sand, soil, gravel or other organic debris (excluding solid waste as defined herein).

"Local Government" means the town of Winthrop which contains within its boundaries any lands or waters subject to the Shoreline Management Act.

"Master Program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards in accordance with the policies enumerated in the Act.

"Official Shoreline Environment Maps" shall mean all maps adopted as part of this Master Program delineating the geographic boundaries of all water bodies and shoreline environments designations of Winthrop coming under the jurisdiction of the Shoreline Management Act of 1971 and this master program.

"Ordinary High-Water Mark" on all rivers and streams 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 exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology. The following criteria clarify this mark on rivers and streams:

Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

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"Permit" means any form of permission required under the act or this master program prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions.

"Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local government unit however designated.

"Shorelines" means all of the water areas of the state, including reservoirs, and their associated "wetlands", as defined in RCW 90.58.030, together with the land underlying them; except (i) shorelines of statewide significance (ii) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the "wetlands" associated with such upstream segments; and (iii) shorelines on lakes less than 20 acres in size and "wetlands" associated with small lakes.

"Shoreline Jurisdiction- "For the purposes of this master program shoreline jurisdiction, which is used interchangeably with Shoreline Area, shall include those areas adjacent and extending landward 200 feet on a horizontal plain from the ordinary high water mark or floodway boundary, whichever is greater, of the Methow and Chewuch Rivers and any wetlands associated therewith.

"Shorelines of State-wide Significance" in Winthrop shall include:

- A. The Methow River; and
- B. The Chewuch River

"Shorelines of the State" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

"Short Subdivision" is the division of land into four (4) or fewer lots, tracts, or parcels for the purpose of sale or lease, excepting division not containing a dedication in which the smallest lot created exceeds five (5) acres.

"Subdivision" is the division of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease, excepting division not containing a dedication in which the smallest lot created exceeds five (5) acres.

"Solid Waste" all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge

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from waste water treatment plants and septage, from septic tanks, wood waste, dangerous waste, and problem wastes. Definition is the same as WAC 173-3040100-(73)."

"Substantial Development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred 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 purposes of this program;

- A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition with a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment;
- B. Construction of the normal protective bulkhead common to single family residences. A "normal protective" bulkhead is constructed at or near the ordinary high water mark to protect a single family residence and is for protecting land from erosion, not for the purpose of creating land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings;
- C. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the act or this master program;
- D. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the area by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
- E. Construction 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 meets all requirements of the state agency or local government having jurisdiction thereof;

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- F. 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;
- G. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
- H. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface water;
- I. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as part of an agricultural drainage or diking system.

"Uplands" means that land area lying outside of the shoreline jurisdiction or shoreline area as defined herein.

"Use" means the purpose for which land or a structure is primarily designed, arranged or intended, or for which it is primarily occupied or maintained.

"Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the master program and not a means to vary a use of a shoreline.

"Wetland/s" are areas synonymous with "marshes, bogs and swamps" as defined in WAC 173-22-030(5) and as associated with those water areas subject to Chapter 90.58 RCW, this master program, and all rules promulgated thereby.

"Water-dependent use" means a use or portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include marinas, water intake systems and sewer outfalls.

"Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location. Water-related uses may include fish hatcheries.

"Water-enjoyment use" means a recreational or similar use facilitating public access to the shoreline as a primary character of the use; or, a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which, through location, design and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and the shoreline oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment.

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Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to shorelines of the state; and general water enjoyment uses may include but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts, and mixed use commercial; PROVIDED that such uses conform to the above water enjoyment requirements and the provisions of the Master Program.

"Water-oriented use" means any one or a combination of water-dependent, water-related or water-enjoyment uses.

"Non-water-oriented use" means upland uses which have little or no relationship to the shoreline. All uses which do not meet the definition of water-dependent, water-related or water-enjoyment are classified as non-water-oriented uses. Adding public access features to a non-water-oriented use does not automatically change the inherent use to a water-enjoyment use. Examples may include, but are not limited to, professional offices, automotive sales or repair shops, mini-storage facilities, multi-family residential development, convenience stores, and gas stations.

Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is mandatory and not permissive.

Additional definitions applicable to this Master Program, and adopted by reference herein, are found in RCW 90.58 and WAC 173-14, 173-16, 173-17, 173-19, 173-20 and 173-22.

**SECTION 3.00 MASTER PROGRAM ELEMENTS -  
GOALS AND POLICIES**

As required by the Shoreline Management Act, the following elements have been considered in the preparation of this Master Program for the shorelines of Winthrop: Economic Development, Public Access and Circulation, Conservation, Recreation, Historical/Cultural, Residential, and Shoreline Use.

**3.01 Economic Development Element:**

A. Goal:

To insure healthy, orderly economic growth by allowing those economic activities within the shorelands of Winthrop which will be an asset to the economy of the area and which result in the least possible adverse effect on the quality of the shoreline environment.

B. Policy:

1. Develop, as an economic asset, the recreational industry along shorelines in a manner that will enhance the public enjoyment of the shorelines.
2. Insure that any economic activity taking place in the shoreline within Winthrop operates with out harming the quality of the environment of the site or adjacent shorelands.
3. Proposed economic use of the shoreline should be consistent with the Winthrop Comprehensive Plan and this master program.
4. Limit commercial activities to those that are compatible with this Shoreline Master Program and other Town planning documents.
5. Industrial uses of the shoreline should not be allowed.

**3.02 Public Access and Circulation Element:**

A. Goal:

Safe, reasonable and adequate vehicular/pedestrian circulation and access for the public to shorelines in Winthrop where such access and circulation routes will have the least

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possible adverse effect on unique or fragile shoreline features, and existing ecological systems.

**B. Policy:**

1. Public access to shorelines should be incorporated into private, commercial and public shoreline development proposals EXCEPT for single family residential, or where deemed inappropriate due to safety hazards, inherent security problems, environmental impacts, or conflicts with adjacent uses or other Town planning documents.
2. Public access afforded by shoreline street-ends (ie., right-of-ways) should be made available and enhanced.
3. Retain existing public access to shorelines and continue to obtain recreational access easements, for non-motorized (eg. pedestrian & bicycle) use (including handicapped access), where appropriate and reasonable to the shorelines of Winthrop. In this regard, encourage the development of bicycle and hiking paths along the shorelines of Winthrop.
4. Locate and construct access routes that will provide off-road rest and scenic stops where topography, natural, cultural and aesthetic features warrant and encourage acquisition of such sites by purchase, lease or gift where deemed appropriate to the public interest.
5. Encourage those shoreline uses which enhance physical and visual access to the water and shoreline area.
6. Public views from the shoreline and upland areas should be preserved and enhanced. Enhancement of views should not be construed to mean excessive removal of vegetation that obstructs or impairs views.
7. Insure that public access is provided in a manner sensitive to the unique characteristics of the shoreline and preserve the natural character and quality of the environment and adjacent wetlands.

**3.03 Conservation Element:**

**A. Goal:**

Develop and implement management practices that will preserve, protect and restore those unique and non-renewable shoreline resources and features.

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B. Policy:

1. Unique, rare and fragile natural and manmade features as well as scenic vistas, and wildlife habitats should be preserved.
2. Insure that utilization of a resource takes place with a minimum adverse impact to natural systems and quality of the environment of the shoreline.
3. Preserve the scenic and aesthetic quality of the shorelines and vistas to the greatest extent feasible.

**3.04 Recreation Element:**

A. Goal:

Insure adequate recreational opportunities in shoreline areas that can reasonably tolerate active, passive, competitive, or contemplative uses without destroying the integrity and character of the shoreline.

B. Policy:

1. Recreational developments should provide facilities which will adequately protect the shoreline during peak use periods so as to preserve the integrity of the environment in which it is located.
2. Insure that proposed and existing recreational uses are of a safe and healthy nature.
3. Encourage recreational opportunities that are compatible with adjacent uses and enhance the value of tourism as an asset to Winthrop.
4. Encourage state and local government to acquire additional shoreline property for public recreational use and development of existing sites.
5. In the development of recreational areas, consideration should be made for both passive and active recreational activities.

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**3.05 Historical/Cultural Element:**

A. Goal:

Protect, preserve and restore important historical, cultural, educational and scientific sites located in the shorelands of Winthrop for general public use and enjoyment.

B. Policy:

1. Identify, and where possible acquire those sites which are deemed valuable in an educational or cultural sense through purchase or gift to insure their protection and preservation.
2. Restore those unique educational or culturally significant features to further enhance the value of the shorelands as an asset to Winthrop and Okanogan County.
3. Insure that access to such sites does not reduce their cultural attraction or degrade the quality of the environment.
4. Historical or culturally significant sites should be a priority in the selection of recreational areas.
5. The existence of a significant site need not preclude all other uses, rather the site can be considered for multiple uses.

**3.06 Residential Element:**

A. Goal:

Insure that residential growth and development takes place in suitable areas of the shorelines of Winthrop in a manner that is sensitive to the shoreline environment and will be safe, orderly, and efficient.

B. Policy:

1. Insure that proposed residential developments are compatible with or enhance the aesthetic quality of the area.

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2. Encourage development along shorelines which provides for the possibility of public access and efficient community services. (e.g. fire and police protection, utilities, streets, etc.)
3. Insure that residential developments do not become places of environmental decay.
4. Insure that residential development located in shorelines complies with all applicable floodplain management ordinances.
5. Encourage residential development designed and located to preserve the natural landscape and shoreline ecology and minimize conflicts with present and planned land uses.

**3.07 Shoreline Use Element:**

A. Goal:

Establish and implement policies and standards for land use consistent with the Shoreline Management Act of 1971 along the shorelines of Winthrop. These policies and standards should insure that the overall design of land use patterns will locate activity and development in areas of the shoreline that will be compatible with adjacent uses and will be sensitive to existing shoreline environments, habitat, and ecological systems.

B. Policy:

1. Insure that proposed shoreline uses are developed, distributed, and located in a manner that will maintain or improve the health safety and welfare of the public when such uses must occupy shoreline areas.
2. Insure that activities and facilities are located on the shorelines in such a manner as to retain or improve the quality of the environment as it is designated for that area.
3. Encourage multiple use activities in proposed shoreline developments.
4. Locate utility facilities and rights-of-ways outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
5. Design and locate utility facilities in a manner which preserves the natural landscape and shoreline ecology and minimizes conflicts with present and planned land uses.

## **SECTION 4.00 SHORELINES OF STATE-WIDE SIGNIFICANCE**

### **Management Principles and Development Guidelines**

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Within the Winthrop town limits all shorelines of the Methow and Chewuch rivers are designated by RCW 90.58.030(2)(e)(v)(B) as shorelines of statewide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, Winthrop's Master Program must give preference to uses which favor public and long range goals.

Accordingly, the Act has established that Winthrop's Master Program shall give preference to shoreline uses which meet the principles outlined below in the following order of preference. Development guidelines for ensuring that these principles are incorporated into the Master Program and adhered to in implementing the Act follow each principle.

#### **4.01 Recognize and Protect the State-wide Interest Over Local Interest.**

##### **A. Development Guidelines:**

1. Invite and encourage comments and opinions from local citizens and from groups and individuals representing state-wide interests by making reasonable efforts to inform the people of the state of this program and any amendments hereto.
2. Recognize and take into account state agencies policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
3. Encourage comments, opinions and advice from individuals with expertise in ecology, geology, limnology, aquaculture and/or other scientific fields pertinent to shoreline management.

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**4.02 Preserve the Natural Character of the Shoreline**

A. Development Guidelines:

1. Designate and administer shoreline environments and use regulations to minimize damage ecology and environment of the shoreline as a result of manmade intrusions on shorelines.
2. Upgrade and redevelop those areas where intensive development already exists in order to reduce their adverse impacts on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.
3. Protect and preserve existing wetlands and riparian corridors associated with shoreline areas.

**4.03 Result in Long-Term Over Short-Term Benefit**

A. Development Guidelines:

1. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
2. In general, preserve shorelines of statewide significance for future generations by restricting development that would irretrievably damage shoreline resources.
3. Encourage aesthetic considerations when contemplating new development, redevelopment of existing facilities or for the general enhancement of shoreline areas.

**4.04 Protect the resources and ecology of the shoreline**

A. Development Guidelines:

1. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem.
2. All shoreline development should be located, designed, constructed, and managed as much as possible to avoid disturbance of and minimize adverse impacts to fish

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and wildlife resources, including spawning, nesting, rearing, and habitat areas and migratory routes.

3. Shoreline developments should control runoff and the forces of erosion (through natural means whenever possible) that may adversely affect shoreline features and resources.
4. Where possible restrict public access onto areas which cannot be maintained in a natural condition under human uses.
5. Disturbance of shoreline materials including but not limited to bank substrate, soils, beach sands and gravel bars should be minimized as much as possible by shoreline development. Gravel mining should be prohibited in shoreline areas.
6. Preserve environmentally sensitive wetlands for use as open space or buffers and encourage restoration of presently degraded wetland areas.

**4.05 Increase Public Access to Publicly Owned Areas of the Shorelines**

A. Development Guidelines:

1. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines and to developed upland parking.
2. Locate development landward of the ordinary high water mark so that access is enhanced.

**4.06 Increase Recreational Opportunities for the Public on the Shorelines**

A. Development Guidelines:

1. Plan for and encourage development of facilities for recreational use of the shorelines.

**SECTION 5.00 GENERAL REGULATIONS FOR  
ALL SHORELINE USES**

Based upon the goals and policies established in this Master Program the following general regulations apply to all shoreline uses and activities in Winthrop.

Miscellaneous:

5.01 Any development or use activity which occurs within the shoreline areas of Winthrop coming under the jurisdiction of the Act, whether it requires a permit or not, (i.e., exempt) must be consistent with the policies and intent of the Act as amended, and the Winthrop Shoreline Master Program.

5.02 The disposal of solid waste in all shoreline environments is prohibited except in temporary containers designed to collect litter.

5.03 Bridges, piers and similar structures must be designed in a manner that does not significantly constrict the flow of rivers and streams.

5.04 Any development designed for human habitation is not permitted on or over water. (e.g. Floating homes, pile supported or cantilever type construction).

5.05 All shoreline developments and uses shall utilize effective measures to minimize any increases in surface water run off and to control, treat and release runoff so that receiving water quality and shore properties and features are not adversely affected. Such measures may include but are not limited to dikes, berms, catch basins or settling ponds, installation and required maintenance of oil/water separators, grassy swales, interceptor drains and landscaped buffers.

5.06 All shoreline development shall be located, designed, constructed, and maintained to minimize interference with beneficial natural shoreline processes such as water circulation, sand and gravel movement, accretion and erosion to the extent practical.

5.07 Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed must be replanted as soon as possible. Surface drainage systems or substantial earth modifications involving greater than 500 cubic yards of material shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

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5.08 All development shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique to the region, to the extent reasonable including but not limited to:

- A. Marshes, bogs, swamps, and river deltas;
- B. Natural resources including but not limited to, sand and gravel deposits, timber or natural recreational beaches;
- C. Fish, shellfish and wildlife habitats, migratory routes and spawning areas;
- D. Natural or man-made scenic vistas or features.

5.09 All shoreline development shall be designed in accordance with all applicable local and FEMA flood control and management codes and regulations, the State Environmental Policy Act, and other applicable local land use codes.

Parking:

5.10 Parking in shoreline areas must directly serve a shoreline use.

5.11 Parking facilities within the jurisdiction of this master Program shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. The landscaping shall consist of native vegetation, to be planted as soon as possible but no later than one year after completion of construction and provide an effective screening three (3) years after planting.

5.12 Commercial parking facilities shall not be permitted over water or in the shoreline.

5.13 New parking facilities serving individual buildings in shoreline areas shall be located landward from the principal building being served, 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. Proposals for new parking facilities shall be reviewed on a case by case basis to ensure the above provisions are met.

5.14 Parking facilities shall provide adequate provisions to control surface water runoff to avoid contamination of water bodies.

Utilities:

5.15 Applications for installation of utility facilities shall include the following:

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- A. Description of the proposed facilities;
- B. Reason(s) why the utility facility requires a shoreline location;
- C. Alternative locations considered and reasons for their elimination when the utility is not serving existing or proposed shoreline uses.
- D. Location of other utility facilities in the vicinity of the proposed project and any plans to include the facilities of other types of utilities in the project;
- E. Plans for reclamation of areas disturbed by construction;
- F. Plans for control of erosion and turbidity during construction; and
- G. Identification of any possibility for locating the proposed facility within an existing utility right-of-way.

5.16 Utility development shall, through coordination with government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, or endanger public health and safety.

5.17 The following utility facilities, which are not essentially water-oriented, are prohibited in shoreline areas unless authorized by conditional use permit (in all environmental designations) where it can be shown that no reasonable alternatives exist:

- A. Water and sewer system treatment plants;
- B. Utility substations and control facilities; and
- C. Accessory uses and administrative structures for utilities.

5.18 Power generating facilities shall comply with all policies and general regulations contained in this master program and shall require approval of a shoreline conditional use permit (in all environments).

5.19 In shoreline areas, utility transmission lines, pipelines, and cables shall be placed underground unless demonstrated to be not feasible. Further, such lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.

5.20 Utility facilities shall be located and designed to avoid destruction of or damage to marshes, bogs and swamps; important wildlife areas; and other unique and fragile areas.

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5.21 Necessary underwater pipelines which transport material intrinsically harmful to aquatic life or potentially injurious to water quality, including sewer lines, shall be provided with automatic shut off valves at each end of the underwater segments.

5.22 Where major utility facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct existing scenic views.

5.23 Utility development allowed in shoreline areas shall utilize required setback areas (see Chart 2) for screening of facilities from water bodies. Additional screening may be required as determined on a case-by-case basis.

5.24 Clearing for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed area shall be restored as nearly as possible to preproject conditions including replanting with native species and maintenance care until the newly planted vegetation is established.

Archeological/Cultural/Historic:

5.25 Archeological and historic sites include significant excavations, ghost towns, military forts, old settlers homes, historic buildings, historic trails, kitchen middens or any other site, facility or structure which is educationally significant. Developers shall immediately stop work and notify the Town of any item of archeological interest is uncovered during excavations. In such case, the developer shall be required to allow site inspection and evaluation by a professional archeologist to ensure that all possible valuable archeological data is properly salvaged.

5.26 Significant archeological and historic sites of community or regional interest should be permanently preserved for scientific study, education and public observation. When the Town determines scientific or historical value, a substantial development permit will not be issued which would pose a threat to the site. The City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

5.27 In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The Town shall notify the State Department of Ecology and the State Attorney General's Office of such a waiver in a timely manner.

5.28 Archeological excavations are permitted in shoreline areas subject to these General Regulations.

5.29 Commercial developments focusing on archeological and historic sites and facilities are subject to the policies and regulations for Commercial Development.

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Public Access:

5.30 Development shall not block or interfere with public access to publicly-owned shorelines and water bodies.

5.31 Developments located in shoreline areas may be required to provide view corridors, public accessways, recreational trail easements or other amenities upon a determination by the Town that the action would enhance public enjoyment of the shoreline and not unduly conflict with the proposed use, adjacent uses or public safety nor adversely impact the shoreline environment.

5.32 Any required public access easements shall be of a size and design appropriate to the site, size and general nature of the proposed development. Such easements shall be recorded on a property deed or face of a plat as a condition running in perpetuity with the land.

5.33 Signs which indicate the public's right of access may be installed and maintained in conspicuous locations at required public access sites. Public use may be limited to daylight hours.

5.34 Whenever possible, public access sites shall have direct and easy access from a public road.

5.35 Consideration of public access shall be required for all shoreline development except single family residential provided that, public access may not be required where it is demonstrated by the applicant and determined by the Town in its findings that one or more of the following provisions apply:

- A. Unavoidable hazards to the public exist which cannot be prevented by any practical means;
- B. Inherent security requirements of the use cannot be satisfied through the use of alternative design features or other solutions;
- C. The cost of providing the access, easement, or an alternative amenity, is unreasonable disproportionate to the total cost of the proposed development;
- D. Unacceptable environmental harm will result from the public access which cannot be mitigated; or
- E. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

Provided, that the applicant has first demonstrated and the Town has determined in its findings 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;

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- B. Designing separation of uses and activities, i.e. fences, terracing, use of one-way glazings, hedges, landscaping, etc.;
- C. Provision of an access at a site geographically separated from the proposal such as a street end or trails system.

5.36 Required public access sites shall be available for public use at the time of occupancy of the development.

Signs:

5.37 Off premises detached outdoor advertising signs are prohibited in all shoreline environments.

5.38 The following types of signs are permitted in any shoreline environment:

- A. Highway or railroad signs necessary for direction, safety, or public information
- B. Public information signs directly relating to a permitted local shoreline activity
- C. Temporary directional signs to public or quasi-public events. Such signs shall be removed within one (1) day following the event.

5.39 On premises signs shall comply with current Town Ordinances.

5.40 Spinners, streamers, pennants, flashing lights used for commercial purposes (excepting flashing highway and railroad signs) and other attention getting devices are prohibited in all shoreline environments.

5.41 Lighted signs shall be hooded, shaded or aimed so that direct light of lamps will not result in glare when viewed from surrounding properties, rights-of-way, or watercourses.

5.42 All signs shall be located and designed to minimize interference with vistas, viewpoints, visual access to the shoreline. Whenever feasible signs shall be flush mounted against existing buildings.

5.43 Temporary or obsolete signs shall be removed within seven (7) days of elections, closures of business, or termination of any other intended function.

## **SECTION 6.00 SHORELINE USE ACTIVITY POLICIES & REGULATIONS**

### Shoreline Uses and Activities

As required by the Shoreline Management Act, this master program sets forth categories of uses and activities typically found in shoreline areas and policies and regulations covering the following uses and activities: Agriculture, Boating Facilities, Commercial, Industrial, Landfill, Mining, Recreational, Residential, Shoreline Stabilization and Flood Protection, Solid Waste Disposal and Transportation. The policies and regulations, which provide basic criteria for evaluating shoreline permit applications, are used to implement the broader goals, policies and intent of the Shoreline Management Act and this master program.

Each use and activity section is separated into three parts: Part A sets forth shoreline management policies that relate to the subject use or activity; Part B contains regulations which apply to the use or activity in all shoreline environments; and, Part C describes or references additional regulations for the use or activity by specific shoreline environment. All regulations are directly supportive of the adopted policies for each designated environment and use. These regulations were developed with consideration given to each shoreline environment and with recognition of the needs and desires of Winthrop residents.

### Use Activity and Dimensional Standards Charts

The following Use and Activity Charts summarize the regulations of this master program for each shoreline environment regarding use or activity permit and dimensional requirements.

Chart 1 indicates, by shoreline environment, which uses and activities require a substantial development permit, a conditional use permit, are exempt from permit requirements or are prohibited. All uses and activities must comply with applicable policies and regulations contained in this master program (e.g. Sections 5.00 and 6.00), whether permitted by substantial development permit, conditional use permit or are exempt from permit processes.

Chart 2 indicates setback, height, and other dimensional requirements for structures, uses and activities in each shoreline environment. These setback, height, and dimensional requirements and the specific regulations set forth in the use and activity sections must be complied with for development in shoreline areas.

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**CHART 1  
USE ACTIVITIES**

**ENVIRONMENTAL DESIGNATION**

**Legend:**

S = Substantial Development Permit (SDP)  
CU = Conditional Use Permit (CUP)  
X = Prohibited  
E = Exempt from SDP

USE ACTIVITY	ENVIRONMENTAL DESIGNATION			
	S	U	R	C
Agriculture	E	E	E	E
Manure lagoons	X	X	X	X
Feedlots	X	X	X	X
Archeological/Cultural/Historic	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Boating Facilities	S	S	S	CU
Commerical Development:				
Water-dependent	S	S	CU	CU
Water-related and enjoyment	S	S	CU	CU
Non-water-oriented	S	CU	X	X
Industrial Development:		X	X	X X
Landfill:				
Waterward of floodway boundary	X <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>
Landward of floodway boundary	S	S	S <sup>2</sup>	CU <sup>2</sup>
Mining	X	X	X	X
Parking:				
Serving a permitted use	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Commercial (paid parking)	X	X	X	X
Recreational Development	S	S	CU	CU

**Notes:** 1) except for water dependent and public uses, provided no alternative exists; 2) provided toe of fill is setback 50' from ordinary high water mark and vegetation waterward of fill is undisturbed; 3) provided applicable general regulations (Section 5.00) contained herein are met; 4) except for stabilization utilizing native vegetation; and, 5) subject to applicable standards, prohibitions, and permit requirements contained in General Regulations (Section 5.00). Note: non-water-oriented utility facilities require a CUP (see Sec. 5.18 and 5.19)

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**CHART 1  
USE ACTIVITIES  
(continued)**

**ENVIRONMENTAL DESIGNATION**

**Legend:**

S = Substantial Development Permit (SDP)

CU = Conditional Use Permit (CUP)

X = Prohibited

E = Exempt from SDP

<b>USE ACTIVITY</b>	<b>S</b>	<b>U</b>	<b>R</b>	<b>C</b>
	<b>U</b>	<b>R</b>	<b>B</b>	<b>N</b>
	<b>A</b>	<b>A</b>	<b>A</b>	<b>S</b>
	<b>N</b>	<b>N</b>	<b>L</b>	<b>E</b>
				<b>R</b>
				<b>V</b>
				<b>A</b>
				<b>N</b>
				<b>C</b>
				<b>Y</b>
Residential Development:				
Single-family	E	E	E	E
Duplex (two family)	S	S	CU	X
Multi-family (three or more units)	CU	CU	X	X
Shoreline Stabilization & Flood Protection	S	S	S	CU
Signs:				
On premises	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>	CU <sup>3</sup>
Off premises outdoor advertising	X	X	X	X
Highway/Public Information/ Temporary	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Solid Waste Disposal	X	X	X	X
Transportation	S	S	S	CU
Utilities	S <sup>5</sup>	S <sup>5</sup>	S <sup>5</sup>	S <sup>5</sup>

Notes: 1) except for water dependent and public uses, provided no alternative exists; 2) provided toe of fill is setback 50' from the ordinary high water mark and vegetation waterward of fill is undisturbed; 3) provided applicable general regulations (Section 5.00) contained herein are met; 4) except for stabilization utilizing native vegetation; and, 5) subject to applicable standards, prohibitions, and permit requirements contained in General Regulations (Section 5.00). Note: non-water-oriented utility facilities require a CUP (see Sec. 5.18 and 5.19)

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**CHART 2  
SETBACK, HEIGHT, & DIMENSIONAL  
REQUIREMENTS<sup>1</sup>  
ENVIRONMENTAL DESIGNATION**

USE ACTIVITY	ENVIRONMENTAL DESIGNATION			C O N S E R V A N C Y
	S U B U R B A N	U R B A N	R U R A L	
Agriculture:				
cultivation & grazing setback <sup>10</sup>	25	25	25	25
buildings setback	50	50	75	100
height limit (excepting silos) <sup>2</sup>	30	30	30	25
Boating facilities:				
water dependent use setback	0	0	0	0
building setback (except parking)	25	25	50	75
height limits <sup>2</sup>				
0-100 feet from OHWM	25	25	25	15
101-200 feet from OHWM	30	30	30	25
Commercial development:				
water-dependent setback	0	0	0	0
water-related and water-enjoyment setback	25	25	75	100
non-water-oriented setback	25	35	75	NA
building height limit <sup>2</sup>	30	30	30	15

- Notes: 1) measured in feet from the ordinary high water mark (OHWM) unless otherwise noted;  
2) measured in feet from average grade level;  
3) setbacks measured in feet from toe of fill to OHWM;  
4) for water-dependent and public uses only, provided no alternatives exist;  
5) except streamway bar scalping permitted in floodway subject to mining regulations;  
6) parking facilities shall be setback landward of the principle building being served a minimum of 25 feet or the required building setback, whichever is greater (see Section 5.00);  
7) includes all impermeable surfaces;  
8) excepting buried lines and approved water crossings;  
9) measured in square feet of surface area;  
10) except for non-commercial gardens and pre-existing uses.  
11) see page 49, #9 for exception to residential setback requirements.  
12) signs limited to six feet in height of height of structure being served, whichever is greater.

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**CHART 2  
SETBACK, HEIGHT, & DIMENSIONAL  
REQUIREMENTS (continued)<sup>1</sup>  
ENVIRONMENTAL DESIGNATION**

USE ACTIVITY	S U B U R B A N	U R B A N	R U R A L	C O N S E R V A N C Y	
				NA	NA
Industrial Development:				NA	NA
Landfill <sup>3</sup> :					
waterward of floodway setback	04	0 <sup>4</sup>	NA	NA	
landward of floodway boundary setback	25	25	50	50	
Parking <sup>6</sup> :	25 <sup>6</sup>	25 <sup>6</sup>	25 <sup>6</sup>	25 <sup>6</sup>	
Recreational Development:					
Picnic areas, & related uses setbacks	25	25	25	25	
Access roads, restrooms, & accessory structure setbacks	50	50	75	100	
Parking area setbacks	100	200	200	200	
Height limit <sup>2</sup>	30	30	25	15	
Maximum site coverage (percent)	60	50	40	20	
Minimum golf course, playfield & related setback	25	25	25	25	
Recreational Trails (non-motorized)	0	0	0	0	

- Notes:
- 1) measured in feet from the ordinary high water mark (OHWM) unless otherwise noted;
  - 2) measured in feet from average grade level;
  - 3) setbacks measured in feet from toe of fill to OHWM;
  - 4) for water-dependent and public uses only, provided no alternatives exist;
  - 5) except streamway bar scalping permitted in floodway subject to mining regulations;
  - 6) parking facilities shall be setback landward of the principle building being served (see Section 5.00);
  - 7) includes all impermeable surfaces;
  - 8) excepting buried lines and approved water crossings;
  - 9) measured in square feet of surface area.
  - 10) except for non-commercial gardens and pre-existing uses.
  - 11) see page 49, #9 for exception to residential setback requirements.
  - 12) signs limited to six feet in height of height of structure being served, whichever is greater.

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**CHART 2  
SETBACK, HEIGHT, & DIMENSIONAL  
REQUIREMENTS (continued)<sup>1</sup>**

**ENVIRONMENTAL DESIGNATION**

USE ACTIVITY	S U B U R B A N			U R B A L	C O N S E R V A N C Y
	S	U	R		
Residential Development:					
All dwelling units setbacks <sup>11</sup>	50	50	50	100	
Height limit <sup>2</sup>	35	35	35	35	
Maximum site coverage (percent) <sup>7</sup>	60	50	40	25	
Signs(on premises):					
Maximum height <sup>12</sup>		8	8	8	8
Maximum surface area <sup>9</sup>	50	50	50	50	
Transportation facility setback:					
Non-arterial, secondary, access roads	50	50	50	75	
Arterials, highways,			100	100	100 150
Utilities:					
Distribution lines, buildings setbacks <sup>8</sup>	200	200	200	200	
Height limit (buildings, storage tanks, accessory uses)	25	25	25	15	
Height limit (distribution poles)	0	0	0	0	

- Notes: 1) measured in feet from the ordinary high water mark (OHWM) unless otherwise noted;  
2) measured in feet from average grade level;  
3) setbacks measured in feet from toe of fill to OHWM;  
4) for water-dependent and public uses only, provided no alternatives exist;  
5) except streamway bar scalping permitted in floodway subject to mining regulations;  
6) parking facilities shall be setback landward of the principle building being served (see Section 5.00);  
7) includes all impermeable surfaces;  
8) excepting buried lines and approved water crossings;  
9) measured in square feet of surface area.  
10) except for non-commercial gardens and pre-existing uses.  
11) see page 49, #9 for exception to residential setback requirements.  
12) signs limited to eight feet in height or height of structure being served, whichever is greater.

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**6.01 Agriculture**

Agriculture refers to all methods of livestock, crop, vegetation and soil management. Excluded are agricultural processing industries.

**A. Policies**

1. Valuable agricultural lands should be protected from incompatible and preemptive patterns of development so that they may remain in productive agricultural use.
2. The creation of new agricultural lands by diking, draining or filling of wetlands should be prohibited.
3. Farm management techniques, operations and control methods should protect the productivity of the land base by maintaining or improving soil quality and minimizing soil losses through erosion in accordance with applicable Soil Conservation Service guidelines.
4. A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality by slowing and filtering runoff and maintain habitat for fish and wildlife.
5. Animal feeding operations, retention and storage ponds, feed lot waste storage and manure storage should be located away from the shoreline and constructed to prevent contamination of water bodies and degradation of the shoreline environment.
6. Appropriate farm management techniques should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish and animal life from fertilizer and pesticide use and application.
7. Cooperative arrangements should be encouraged between farmers and public recreation agencies to allow public use of shorelines where it does not conflict with agricultural operations.
8. The scenic beauty of natural shorelines as well as the historic value of many rural agricultural landscapes should be protected in agricultural development.

**B. Regulations**

1. Agricultural development shall conform to all applicable state and federal policies and regulations.

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2. Confinement lots, feedlot operations, lot wastes, stockpiles of manure solids and storage of noxious chemicals are prohibited in the shoreline areas.
3. A 25 foot buffer of natural or induced permanent vegetation shall be established and maintained between areas converted to cultivation or intensive grazing and adjacent waters and marshes, bogs and swamps.
4. Streambanks and water bodies shall be protected from damage due to concentration and overgrazing of livestock by providing the following when warranted:
  - a. Suitable bridges, ramps and culverts for stock crossing;
  - b. Ample supplies of clean water in tanks on dry land for stock watering; and
  - c. Fencing or other grazing controls to prevent overgrazing and damage to buffer vegetation bank compaction, or bank erosion.
5. Manure spreading shall be kept back from the shoreline a sufficient distance, no less than 25 feet from the ordinary high water mark, or otherwise conducted in a manner that prevents animal wastes from entering water bodies or wetlands adjacent to water bodies.
6. The disposal of inorganic farm wastes, chemicals, fertilizers and associated containers and equipment within shorelines is prohibited, except organic wastes may be used for fertilization or soil improvement. The disposal of solid waste, including junk vehicles and equipment, debris and brush, is also prohibited within the shoreline area.
7. The application of agricultural chemicals shall prevent the direct runoff of chemical into water bodies. Adequate provision shall be made to minimize their entry into any ground or surface water.
8. Manure lagoons shall be prohibited in shoreline areas.

**C. Environment Specific Regulations**

Agricultural uses and activities shall comply with the environment specific requirements set forth in Charts 1 and 2 of this chapter.

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**6.02 Boating Facilities**

Boating facilities include boat launch facilities (public and private).

A. Policies

1. Boating facilities should be located and designed to minimize adverse effects upon, riparian habitat.
2. Public and community boating facilities are preferred over individual private facilities.
3. Boating facilities should be located and designed so their structures, other features and operations will be aesthetically compatible with or will enhance the area visually affected, and will not unreasonably impair shoreline views of local residents and user groups.
4. New boating facilities should be designed to accommodate public access and enjoyment of the shoreline location, including provisions for walkways, view points, restroom facilities and other recreational uses according to the scale of the facility.

B. Regulations

1. Boating facility development shall comply with all applicable state and federal policies and regulations.
2. The Town shall require and utilize the following information in its review of boating facility proposals:
  - a. Existing natural shoreline features and uses;
  - b. Biological resources and habitats in the aquatic environments;
  - c. Area of surface waters appropriated;
  - d. Site orientation; exposure to wind, waves, flooding, erosion; type and extent of shore defense works or shoreline stabilization and flood protection necessary;
  - e. Impact upon existing shoreline and water uses including public access and recreation;

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- f. The regional need for facilities; and
  - g. The design of the facilities.
3. Accessory uses at boating facilities shall be limited to those necessary for facility operation or which provide physical or visual shoreline access for the general public.
  4. Boat launch facilities shall locate in areas which require minimum shoreline modification.
  5. Boating facilities shall not be located in wetlands.
  6. Boating facilities shall be designed so their structures, other features and operations will be aesthetically compatible with or will enhance existing shoreline features and uses and so views from the uplands and the water are not significantly diminished.
  7. Landscape plans shall mitigate adverse development impacts and protect and enhance views from upland areas.
  8. The perimeter of parking lots shall be landscaped to provide a visual and noise buffer between adjoining similar uses or scenic areas. The permit application shall identify the size, type and location of landscaping.
  9. Provisions for dedicated public access, both visual and pedestrian, shall be an integral part of all public boating facility development and shall be designed to be aesthetically compatible with adjacent areas and commensurate with the particular proposal. Examples may include pocket parks and picnic areas, public recreational pathway easements, fishing and viewing platforms.
  10. Garbage or litter receptacles shall be provided and maintained by the boating facility operator at several locations convenient to users.
  11. Boat launch facilities shall have adequate restroom facilities operated and maintained in compliance with local Health Board regulations.

**C. Environment Specific Regulations**

Boating facilities shall comply with the environment specific requirements set forth in Charts 1 and 2 of this chapter. 6.03

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**6.03 Commercial**

Commercial development means those activities which are involved in wholesale, retail, service, and business trade. Included are such activities as hotels, motels, grocery markets, shopping centers, restaurants, gas stations, shops, and private indoor recreation facilities. Excluded from this category are residential and recreational subdivisions, boating and marina facilities, ports and industry, and mining activities.

A. Policies

1. Commercial developments located in shoreline areas should be permitted in the following order of preference:
  - a. water-dependent uses
  - b. water-related uses
  - c. water-enjoyment uses
  - d. non-water oriented uses
2. New commercial development on shorelines should be located in those areas with existing commercial uses and in a manner that will minimize sprawl and the inefficient use of shoreline areas.
3. In order to minimize adverse impacts, an assessment should be made of and consideration given to, the effect a commercial development will have on a scenic view significant to a given area or enjoyed by a significant number of people.
4. Encourage commercial developments on the shoreline to provide physical and/or visual access to the shoreline.
5. Locate parking facilities so as to minimize their impact on the shoreline by placing such facilities inland away from the waters edge, by screening parking areas to minimize visual impacts and by including in such developments devices to control surface water runoff, erosion, and pollution of nearby water bodies.
6. Ensure that commercial development is aesthetically compatible with the surrounding area and protects natural areas or systems identified as having geological, ecological, biological or cultural significance.
7. Commercial development should be prohibited within the floodway.

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8. Commercial developments which entail the use, storage, processing or manufacture of hazardous and/or potentially hazardous materials (as defined by State and Federal law) should be prohibited in shoreline areas.

B. Regulations

1. Commercial developments permitted on the shoreline, in descending order of preference are:
  - a. water-dependent uses
  - b. water-related uses
  - c. water-enjoyment uses
  - d. non-water oriented uses
2. The Town shall require and utilize the following information in its review of commercial development proposals:
  - a. Specific nature of the commercial activity;
  - b. Special considerations for enhancing the relationship of the activity to the shoreline;
  - c. Consideration of public visual or physical access to the shoreline; and
  - d. Provisions to ensure that the development will not cause severe negative environmental impacts.
3. New commercial development shall be designed and maintained in a neat, orderly and environmentally sound manner, consistent with the character and features of the surrounding area. To this end, the Administrator may adjust the project dimensions and increase required setbacks established in Chart 2 and/or prescribe reasonable use intensity and screening as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review and approval.
4. Drainage and surface runoff from commercial areas shall be controlled so that pollutants will not be carried into water bodies.
5. Commercial developments which entail the use, storage, processing or manufacture of hazardous and/or potentially hazardous materials (as defined by State and Federal law) shall be prohibited in shoreline areas.

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C. Environment Specific Regulations

Commercial uses and activities shall comply with the environment specific requirements set forth in Charts 1 and 2 of this chapter.

**6.04 Industrial Development**

Industrial developments in the shoreline areas of Winthrop shall be limited to cottage or home based industries.

A. Policies

1. Industrial uses should be prohibited in the shoreline area.

B. Regulations

1. Industrial uses shall be prohibited in the shoreline area.

**6.05 Landfill**

Landfill is the filling or depositing of sand, soil, or gravel (excluding solid waste) in the shoreline area.

A. Policies

1. Landfills should be allowed only when necessary to facilitate uses which are permitted by this master program.
2. Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface water drainage or flood waters which would result in a hazard to adjacent life, property, and natural resource systems.
3. In evaluating fill projects, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality, and destruction of habitat should be considered. Further, the Town should assess the overall value of the landfill site in its present state versus the proposed shoreline use to be created to ensure consistency with the Act and this master program.

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4. The perimeter of landfills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time.
5. Where permitted landfills should be the minimum necessary to provide for the proposed use.
6. Sanitary landfills should not be located in the shoreline area.

**B. Regulations**

1. Applications for land fill permits shall include the following:
  - a. Proposed use of the landfill area;
  - b. Physical, chemical and biological characteristics of the fill material;
  - c. Source of landfill material;
  - d. Method of placement and compaction;
  - e. Location of landfill relative to natural or existing drainage patterns;
  - f. Location of the perimeter relative to the OHWM;
  - g. Perimeter erosion control or stabilization means; and,
  - h. Type of surfacing and runoff control devices.
2. Landfill shall be permitted only when in conjunction with and necessary to facilitate a use permitted (or exempt) by this master program.
3. Landfills are not permitted in floodplains unless it can be clearly demonstrated that the geohydraulic and floodplain storage capacity will not be altered to increase flood hazard or other damage to life or property.
4. Perimeters of permitted fill projects shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms and appropriately sloped to prevent erosion and sedimentation both during initial landfill activities and afterwards.
5. Fill materials shall be of such quality that they will not cause degradation of water quality.

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6. Sanitary landfills and solid waste disposal sites are prohibited uses within shoreline areas.
7. Landfill shall be permitted only where it is demonstrated that the proposed action will not:
  - a. Result in significant damage to water quality, fish, and/or riparian wildlife habitat; or
  - b. Adversely alter natural surface water drainage and circulation patterns, currents, river flows or significantly reduce flood water capacities.
8. Where landfill is permitted, the fill shall be the minimum necessary to provide for the proposed use.
9. Landfills shall be permitted only when used as part of for a specific development otherwise permitted by this Master Program.

**C. Environment Specific Regulations**

Landfill activities shall comply with environment specific requirements set forth in Charts 1 and 2 of this chapter.

**Rural Environment**

Landfills are permitted, subject to the regulations contained herein, PROVIDED the toe of the fill is setback a minimum of 50 feet from the ordinary high water mark, and FURTHER PROVIDED that the shoreline and all natural vegetation is left undisturbed waterward of the fill.

**Conservancy Environment**

Landfills waterward of the ordinary high water mark or in wetlands are prohibited, except for water dependent and public uses, PROVIDED no upland or structural alternatives exist. Landfills landward of the ordinary high water mark are permitted subject to approval of a conditional use permit PROVIDED the toe of the fill is setback a minimum of 50 feet from the floodway, and FURTHER PROVIDED that the shoreline and all natural vegetation is left undisturbed waterward of the fill.

**6.06 Mining**

Mining is the removal and primary processing of naturally occurring materials from the earth for recreational or economic use.

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A. Policies

1. Mining should not be allowed in the shoreline areas of Winthrop.

B. Regulations

1. All mining is prohibited in shoreline areas.

**6.07 Recreational Development**

Recreational development provides opportunities for play, sports, relaxation, amusement or contemplation. It includes facilities and opportunities for both public and private, individual and group, recreational pursuit.

A. Policies

1. Publicly owned lands, including street ends, should be inventoried to determine suitability for recreational opportunities. Sale or vacation of such lands should not occur, unless there is demonstrated limited recreational use and minimal natural environmental value.
2. Sensitive natural areas which have good potential for recreation environmental preservation or public access should be acquired by donation, lease or purchase and incorporated into the public open space system.
3. The use of shoreline street ends for access and recreational development is encouraged.
4. The coordination of local, state, and federal or land use recreation planning should be encouraged. Shoreline developments should be consistent with all adopted park, recreation, land use and open space plans. Public agencies, private individuals, groups, and developers should be encouraged to coordinate development projects to mutually satisfy recreational needs.
5. Shoreline developments that serve a variety of recreational needs should be encouraged.
6. All proposed recreational developments should be designed, located and operated to protect the quality of scenic views and to minimize adverse impacts on the environment. Favorable consideration should be given to those projects which compliment their environment and surrounding land and water uses and which leave natural areas undisturbed.

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7. Recreational facilities should make adequate provisions for:
  - a. Adequate access, both inside and outside the development;
  - b. Proper water, solid waste and sewage disposal methods;
  - c. Security and fire protection;
  - d. The prevention of overflow and trespass onto adjacent properties; including but not limited to landscaping, fencing and posting of property; and
  - e. Buffering of development from adjacent private property.
8. Facilities for recreational activities should be permitted only where sewage disposal and garbage disposal can be accomplished without adversely affecting the environment.
9. Linkage of shoreline parks, recreation areas and public access points by linear systems, such as hiking paths, bicycle paths, easements and scenic drives should be encouraged.
10. Trails and pathways on steep shoreline bluffs should be designed to protect bank stability.
11. The use of off-road vehicles is discouraged in all shoreline areas

**B. Regulations**

1. All proposed recreational developments shall be analyzed for their potential effect on shoreline environmental quality and natural resources.
2. Recreational developments shall comply at all times with current local and State Health regulations and such compliance made a condition of the permit.
3. Favorable consideration shall be given to developments which provide public recreational uses and which facilitate public access to shorelines.
4. Vehicular traffic is prohibited on beaches, bars, spits and streambeds, except for boat launching and maintenance activities. Perimeters of parking areas shall be landscaped to minimize visual impacts to the shorelines, roadways and adjacent properties.
6. Recreational developments shall provide facilities for non-motorized access, such as pedestrian or bicycle paths to link upland recreation areas to the shoreline.

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7. Recreational facilities shall make adequate provisions for water supply, sewage disposal and garbage collection.
8. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences and signs, to prevent overflow.
9. To protect natural resources and adjacent properties, recreational facility design and operation shall prohibit the use of all-terrain and off-road vehicles in the shoreline area.
10. All permanent recreational structures and facilities shall be located outside officially mapped floodways EXCEPT the Town may grant exceptions for non-intensive accessory uses (e.g., picnic tables, etc.). Trailer spaces, developed camping sites and similar facilities shall not be located in the floodway.
11. Accessory facilities, such as restrooms, recreation halls, commercial services, access roads and parking areas shall be located outside of the floodway unless it can be shown that such facilities are shoreline dependent. These areas shall be linked to the shoreline by walkways.
12. For recreation developments that will require the use of fertilizers, pesticides or other toxic chemicals, such as golf courses and playfields, the applicant shall submit plans demonstrating the methods to be used to prevent leachate from entering adjacent water bodies. Buffer strips shall be included in the plan. The Town shall determine the maximum width necessary for buffer strips, but in no case shall the buffer strip be less than 25 feet.
13. In approving shoreline recreational developments, the Town shall ensure that the development will maintain, enhance or restore desirable shoreline features including unique and fragile areas, wetlands, scenic views and aesthetic values. To this end, the Town may condition project dimensions, location of project components on the site, intensity of use, screening, parking requirements and setbacks, as deemed appropriate to accomplish this.
14. No recreation building or structure, except piers, docks, or bridges shall be built over the water.
15. Proposals for recreational development shall include plans for sewage disposal. Where treatment facilities are not available, the Town shall limit the intensity of development to meet strict County and State on-site sewage disposal requirements.
16. Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at the point of access and the entrance thereto.

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17. Proposals for recreational developments shall include a landscape plan. Native, self-sustaining vegetation is preferred. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of campsites, selected views or other permitted structures or facilities.

C. Environmental Specific Regulations

Recreational development shall comply with the environment specific requirements set forth in Charts 1 and 2 of this chapter.

**6.08 Residential Development**

Residential development shall mean the division and/or subdivision of land for residential use and/or the construction or exterior alteration of one or more buildings or structures or portions thereof, which are designed for and used to provide a place of abode for human beings, including one and two family detached dwellings, multifamily residences, row houses, townhouses, mobile home parks, planned developments and subdivisions, and other similar group housing, together with accessory uses and structures normally common to residential uses (including decks, garages, and fences). Residential development shall not include hotels, motels, or any type of overnight or transient housing or camping facilities.

Although a Substantial Development Permit is not required for construction within shoreline jurisdiction by an owner, lessee or contract purchaser of a single family residence for his/her own use or the use of his family, such construction and all normal appurtenant structures must otherwise conform to this Master Program.

A. Policies

1. Residential development should be permitted only where there are adequate provisions for utilities, circulation and access.
2. Residential development should be prohibited in environmentally sensitive areas including but not limited to marshes, bogs and swamps.
3. The overall density of development, lot coverage and height of structures should be appropriate to the physical capabilities of the site.
4. Recognizing the single purpose, irreversible and space consumptive nature of shoreline residential development, new development should provide adequate setbacks from the water and ample open space between structures to provide space for outdoor recreation, protect natural features, preserve views and minimize use conflicts.

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5. Residential development should be designed so as to, preserve shoreline vegetation, control erosion and protect water quality, shoreline aesthetic characteristics.
6. Residential developments should provide public access to the water in a manner which is appropriate to the site and the nature and size of the development. Subdivisions should dedicate and maintain usable waterfront areas for  
  
the common use of all property owners within the development and the general public.
7. Residential development and accessory uses should be prohibited over water.
8. New residential development should be encouraged to cluster dwelling units in order to preserve natural features and wetlands, minimize physical impacts and reduce utility and road costs.
9. Sewage disposal facilities, as well as water supply facilities, should be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separated, not combined with sewage disposal systems.

**B. Regulations**

1. Residential development shall not be approved for which flood control, shoreline protection measures or bulkheading will be required to create residential lots or site area. Residential development shall be located and designed to avoid the need for structural shore defense and flood protection works.
2. If marshes, bogs, swamps or other fragile features are located on a development site, clustering (or similar design) of residential units shall be required in order to avoid any development in such areas.
3. Residential development is prohibited within floodways and within other hazardous areas such as steep slopes and areas with unstable soils or geologic conditions.
4. Residential structures and accessory structures are prohibited over water or floating on the water.
5. Prior to issuance of a building permit, Substantial Development Permit or other development approval, the developer shall submit adequate plans for preservation of shore vegetation, for control of erosion during and after construction and for the replanting of the site after construction resulting in permanent shoreline stabilization.

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6. Storm drainage facilities shall be required for residential development projects involving five (5) or more lots, building sites or residential units. Storm drainage facilities shall be separate from sewage disposal transport facilities and include provisions to prevent uncontrolled and untreated direct entry of surface water runoff into receiving waters. Storm drainage facilities may include, but not be limited to retention ponds, vegetated swales, and artificial and natural wetlands PROVIDED no adverse impacts to the receiving wetlands would occur.
7. Subdivisions and planned unit developments of five (5) or more waterfront lots, units or building sites shall dedicate, improve, and provide maintenance provisions for a pedestrian easement which provides area sufficient to ensure usable access to and/or along the shoreline for all residents of the development and the general public. When required, public access easements shall be a minimum of ten (10) feet in width.
8. Residential development in shoreline areas shall meet the dimensional requirements established in Chart 2, EXCEPT as provided in Regulation #9 below.
9. The residential setbacks in Chart 2, shall not apply in cases where the majority of existing development in the area does not meet these established setback standards. In such cases residential structures shall be setback common to the average of setbacks for existing dwelling units within three hundred (300) feet of side property lines or a minimum of fifty (50) feet, whichever is greater. If there is only one or no dwelling units within three hundred (300) feet of side property lines, the shoreline setback requirements of Chart 2 shall apply. Setback relaxation allowed in this section is subject to approval by the Shoreline Administrator. Any further deviation from setback requirements, beyond that allowed in this section shall require approval of a shoreline variance permit.

C. Environment Specific Regulations

Residential development shall comply with the environment specific requirements set forth in Charts 1 and 2 of this chapter.

Urban and Suburban Environments

Single family residential development is permitted (exempt) subject to the regulations contained herein. Single family development greater than thirty-five (35) feet high requires approval of both a substantial development permit and shoreline variance permit. Duplexes are permitted subject to approval of a substantial development permit. Multifamily development is permitted subject to approval of a conditional use permit.

Rural Environment

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Single family residential development is permitted (exempt) subject to the regulations contained herein. Single family development greater than thirty-five (35) feet high requires approval of a substantial development permit and shoreline variance permit. Duplexes are permitted subject to approval of a conditional use permit. Multifamily residential development is prohibited.

Conservancy Environment

Single family residential development is permitted (exempt) subject to the regulations contained herein. Single family development greater than thirty-five (35) feet high requires a shoreline variance permit. Single family development greater than thirty (30) feet high requires approval of both a substantial development permit and a shoreline variance permit. Duplexes and multifamily residential development are prohibited.

**6.09 Shoreline Stabilization and Flood Protection**

Shoreline stabilization and flood protection are actions taken to reduce adverse impacts caused by current, flood, wake or wave action. These actions include all structural and non-structural means to reduce impacts due to flooding, erosion and accretion. Specific structural and non-structural means included in this use activity are riprap, bulkheads, jetties and groins, bank stabilization and other means of shoreline protection.

When appropriate, proposals for shoreline stabilization and flood protection shall conform to other applicable master program use and activity policies and regulations, including Landfill; Transportation facilities; and Mining.

A. Policies

1. Shoreline stabilization and flood protection activities planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider entire systems or sizeable stretches of riverine shorelines. This activity should consider the off-site erosion, accretion or flood damage that may occur as a result of stabilization or protection structures.
2. Shoreline stabilization and flood protection works should be located, designed, constructed and maintained to provide:
  - a. Protection of the physical integrity of shore processes and other properties which may be damaged by interruptions of the geohydraulic system;
  - b. Protection of water quality and natural ground water movement;
  - c. Protection of valuable fish and wildlife habitat;

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- d. Preservation of valuable recreation resources and aesthetic values such as point and channel bars, islands, braided streamway banks, other shoreline features and scenery; and
  - e. Upon completion, restoration of shoreline areas to as near preproject configuration as possible, reestablishing vegetation with native species.
3. Bank stabilization measures should be located, designed and constructed primarily to prevent damage to existing development. All new development should be located and designed to prevent or minimize the need for shoreline stabilization measures and flood protection works. New development requiring shoreline stabilization should be discouraged.
4. Stabilization and protection works which are more natural in appearance, more compatible with on-going shore processes and more flexible for long term streamway management such as protective berms or vegetative stabilization should be encouraged over structural means such as concrete revetments or extensive riprap.
5. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that non-structural solutions would not be able to reduce the damage.
6. Use of car bodies, scrap building material, asphalt from street work, or any discarded equipment or appliances for shoreline stabilization should be prohibited.
7. Substantial stream channel direction modification realignment and straightening should be discouraged as a means of shoreline stabilization and flood protection.
8. The design of stabilization or protection works should provide for the long term multiple use of streamway resources and public access to public shorelines. In the design of publicly financed or subsidized works, consideration should be given to providing public pedestrian access to shorelines for low-intensity outdoor recreation.
9. Natural features such as snags, stumps or uprooted trees which support fish and other aquatic systems, and which do not intrude on the navigational channel or threaten agricultural land and existing structures and facilities, should be left undisturbed.
10. Rivers existing in their natural state, which are not now influenced by urban growth and channelization, should be preserved in their natural state, free of shoreline modification.

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11. All flood protection measures should be placed landward of the floodway boundary, including associated marshes bogs and swamps which are directly interrelated and interdependent with the stream proper.

**B. Regulations**

1. All applicable federal and state permits shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.
2. All new development activities shall be located and designed to prevent or minimize the need for shoreline stabilization and flood protection works, such as bulkheads, riprap, landfills, levees, dikes, groins, jetties, or substantial site regrades.
3. The Town shall require and utilize the following information during its review of shoreline stabilization and flood protection proposals:
  - a. Purpose or project;
  - b. Hydraulic characteristics of river within one-half mile on each side of proposed project;
  - c. Existing shoreline stabilization and flood protection devices within one-half mile on each side of proposed project;
  - d. Construction material and methods;
  - e. Physical, geological and/or soil characteristics of the area;
  - f. Predicted impact upon area shore and hydraulic processes, adjacent properties and shoreline and water uses; and
  - g. Alternative measures (including non-structural) which will achieve the same purpose.
4. Shoreline stabilization and flood protection measures shall not be designed and constructed in such a manner as to result in channelization of normal stream flows.
5. River and stream channel direction modification, realignment and straightening are prohibited unless they are essential to uses that are consistent with this program.

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6. Flood control diking shall be landward of the floodway of the base (100-year frequency) flood and any marshes, bogs, swamps, associated or directly interrelated and interdependent with the river.
7. Upon project completion, all disturbed shoreline areas shall be restored to as near preproject configuration as possible and replanted with native grasses, shrubs, and/or trees in keeping with existing bank vegetation. If native species cannot be obtained, acceptable substitutes may be used for stabilization purposes.
8. Shoreline stabilization and flood protection works are prohibited in wetlands and on point and channel bars.
9. Shoreline stabilization or flood control works shall, to the extent possible, be planned, designed and constructed to allow for channel migration. These works shall not reduce the volume and storage capacity of rivers and adjacent wetlands or flood plains.
10. Use of car bodies, scrap building materials, asphalt from street work, or any discarded pieces of equipment or appliances for the stabilization of shorelines shall be prohibited.

C. Environment Specific Regulations

Shoreline stabilization and flood protection shall comply with the environment specific requirements set forth in Charts 1 and 2 of this chapter.

**6.10 Solid Waste Disposal**

Solid waste disposal includes any biodegradable or non-biodegradable material discarded as unwanted.

A. Policy

1. Solid waste disposal should not be permitted within the shoreline area.

B. Regulations

1. Shorelines shall not be used for any sanitary landfill operations or the disposal of solid wastes.

C. Environmental Specific Regulations

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Solid waste disposal is prohibited in all shoreline environments. Temporary storage in litter and refuse containers is permitted in the shoreline area if maintained in sanitary condition in compliance with all state and local health requirements.

**6.11 Transportation**

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods and services. They include roads and highways, bridges and causeways, bikeways, trails, and other related facilities. (See Section 5.00 for General Regulations for parking areas).

A. Policies

1. All transportation facilities in shoreline areas should be located, designed, constructed and maintained to cause the least possible adverse impact on the land and water environment, and should respect the natural character of the shoreline and make every effort to preserve wildlife, aquatic life, their habitats, and wetland areas.
2. Major highways and freeways should be located away from shoreline areas.
3. Road locations should be planned to fit the topographical characteristics of the shoreline such that minimum alterations of natural conditions will be necessary. New transportation facilities should also be located and designed to minimize the need for shoreline protection measures. The number of waterway crossings should be minimized to the maximum extent possible.
4. Trail and bicycle systems that are sensitive to the shoreline environment should be encouraged along shorelines.
5. Transportation facilities should avoid hazardous shoreline areas (i.e. slide and slump areas, poor foundation soils, and wetlands).
6. Joint use of transportation corridors within shoreline areas for roads, utilities and non-motorized forms of transportation should be encouraged.
7. Abandoned or unused road rights-of-way which offer opportunities for public access to or adjacent to the water should be acquired and/or retained for such use.
8. Location of roads should not require the rerouting of river channels.
9. Roads should be designed, constructed and maintained to minimize erosion and to permit natural movement of ground water and flood waters to the maximum extent practical.

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10. All debris, overburden, and other waste materials from construction should be handled, maintained, and disposed of in such a way as to prevent their entry into any surface water body.

**B. Regulations**

1. Proposals for shoreline transportation facilities shall adequately demonstrate the following:
  - a. Need for a shoreline location and that no reasonable alternative exists.
  - b. That the construction is designed to protect the adjacent shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment both during and after construction.
  - c. That the project has been designed to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.
  - d. That all debris, overburden and other waste materials from construction will be handled, maintained, and disposed of in such a way as to prevent their entry into any water body.
2. Culvert installations in rivers used by anadromous fish shall meet the requirements of the Washington State Department of Fisheries.
3. All excess construction materials shall be removed from the shoreline area following completion of construction.
4. All excavation materials and soils exposed to erosion by all phases of road, bridge and culvert work shall be stabilized and protected by seeding, mulching or other effective means, both during and after construction.
5. Where permitted to parallel shorelines, roads shall be set back a sufficient distance from the ordinary high water mark to leave a usable shoreline area for shoreline recreation, access or natural riparian zone.
6. Major highways and freeways shall be located outside of shoreline areas wherever feasible.
7. Transportation and utility facilities shall make joint use of rights-of-way and consolidate crossings of water bodies.
8. Landfills for transportation facility development are not permitted in water bodies or on associated wetlands EXCEPT when all structural or upland alternatives have

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been proven infeasible and the transportation facilities are necessary to support uses consistent with this program.

9. New transportation facilities in shoreline areas should be located and designed to minimize or prevent the need for shoreline protective measures such as riprap or other bank stabilization, landfill, bulkheads, groins, jetties or substantial site regrading.
10. Roads shall cross shoreline areas and water bodies by the shortest, most direct route feasible, unless such route would cause more damage to the environment.
11. Transportation facilities that are allowed to cross over water bodies and associated wetlands shall utilize elevated, open pile or pier structures whenever feasible.
12. Roads shall be located to minimize the need for routing surface waters into and through culverts.
13. Bridge construction shall conform to the following:
  - a. Bridge approach fills shall not encroach in the floodway of any river.
  - b. All bridges shall be high enough (minimum of three feet above 100-year flood elevation) to pass all expected debris and anticipated high water flows from a 100-year flood.
14. Foot or vehicular bridges or recreational trails shall meet the same standards for water quality protection and erosion control as all other bridges.
15. Private road construction and maintenance shall conform to the following standards:
  - a. Road subgrade widths shall be the minimum commensurate with the intended use, generally not more than 20 feet for single lane roads.
  - b. Roads shall follow natural contours where possible. Natural benches, ridge tops and flat slopes are preferred locations.
  - c. Erodible cuts and filled slopes shall be protected by planting or seeding with appropriate ground cover or by matting immediately following construction.

**C. Environment Specific Regulations**

Transportation facilities shall comply with the environment specific requirements set forth in Charts 1 and 2 of this chapter.

## **SECTION 7.00 ADMINISTRATION**

7.01 General: - There is hereby established an administrative system designed to assign responsibilities for implementation of the Master Program and Shoreline Permit review, to prescribe an orderly process by which to review proposals and permit applications, and to ensure that all persons affected by this Master Program are treated in a fair and equitable manner.

### **7.02 Administrator:**

- A. The Mayor or his/her designee, hereinafter known as the Administrator, is vested with:
1. Overall administrative responsibility for this Master Program;
  2. Authority to approve, approve with conditions or deny shoreline Substantial Development Permits and permit revisions in accordance with the policies and provisions of this Master Program;
  3. Authority to grant statements of exemption from Shoreline Substantial Development Permits; and
  4. Authority to determine compliance with RCW 43.21C, State Environmental Policy Act.
- B. The duties and responsibilities of the Administrator shall include:
1. Establishing the procedures and preparing forms deemed essential for the administration of this program.
  2. Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this program.
  3. Making administrative decisions and interpretations of the policies and regulations of this program and the Shoreline Management Act.
  4. Collecting applicable fees.
  5. Determining that all applications and necessary information and materials are provided.
  6. Making field inspections, as necessary.

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7. Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate application needs.
8. Determining if a shoreline Substantial Development Permit, Conditional Use Permit or Variance Permit is required.
9. Conducting a thorough review and analysis of shoreline Substantial Development Permit applications making written findings and conclusions and approving, approving with conditions, or denying such permits.
10. Submitting Variance and Conditional Use Permit Applications and making written recommendations and findings on such permits to the Town Council for their consideration and official action. The Administrator shall assure that all relevant information and testimony regarding the application is made available to the Council during their review.
11. Assuring that proper notice is given to appropriate persons and the public for all hearings.
12. Providing technical and administrative assistance to the Town Council as required for effective and equitable implementation of this program and the Act.
13. Provide summary report of the shoreline management permits issued during the past calendar year to the Town Council in February of each year. The report should include findings and conclusions on significant administrative determinations and appeals, identification of problem areas and recommendations on how the Master Program can be improved.
14. Informing the citizens of Winthrop of the purposes, goals, policies, and regulations of this program and any changes or amendments thereto.
15. Investigate, develop, and propose amendments to this program as deemed necessary to more effectively and equitably achieve its goals and policies.
16. Seeking remedies for alleged violations of this program, the provisions of the act, or of conditions of any approved Shoreline Permit issued by Winthrop.
17. Coordination of information with affected agencies.

**7.03 Winthrop Town Council:**

- A. The Winthrop Town Council, hereinafter known as the Council, is vested with authority to:

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1. Approve, approve with conditions, or deny shoreline Variance and Conditional Use Permits after considering the findings and recommendations of the Administrator; PROVIDED that any decisions on this matter made by the Council may be further appealed to the State Shorelines Hearings Board as provided for in the Act;
  2. Decide local administrative appeals of the Administrator's actions and interpretations;and
  3. Approve any revisions or amendments to the Master Program in accordance with the requirements of the Act and related WACs.
- B. The duties and responsibilities of the Council shall include:
1. Consideration of Variances, Conditional Uses, and administrative appeals of the Administrator's actions on regular meeting days or public hearings.
  2. Review of the findings and conclusions for permit applications or appeals of the Administrator's actions and interpretations.
  3. Approval, approval with conditions, or denial of shoreline Variance and Conditional Use permits.
  4. Conducting public hearings on appeals of the Administrator's actions, interpretations and decisions.
  5. Basing all decisions on shoreline permits or administrative appeals on the criteria established in this Master Program.
  6. At the discretion of the Council, requiring any applicant granted a shoreline permit to post a bond or other acceptable security with the Town conditioned to assure that the applicant and/or his successors in interest shall adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or securities shall have a face value of at least 150 percent of the estimated development cost including attached conditions. Such bonds or securities shall be approved as to form by the Town Attorney.
  7. Reviewing and acting upon any recommendations of the Administrator for amendments to or revisions of this Program. The Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective any amendments to the Program must be reviewed and approved by the Department of Ecology, pursuant to RCW 90.58.190 and Chapter 173-19 WAC.

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**7.04 County Tax Assessor:**

As provided for in RCW 90.58.290, the restrictions imposed upon the use of real property through the implementation of the policies and regulations of the ACT and this Master Program shall be duly considered by the County Assessor and the County Board of Equalization in establishing the fair market value of such properties.

**7.05 Applicability to Substantial Development:**

Any person wishing to undertake substantial development or exempt development on shorelines shall apply to the Administrator for a shorelines permit or a Statement of Exemption.

Whenever a development falls within the exemption criteria outlined below and the development is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the Administrator shall prepare a Statement of Exemption, and transmit a copy to the applicant and the Washington State Department of Ecology. Exempt development as defined herein shall not require a Substantial Development Permit, but may require a Conditional Use Permit, Variance and/or a Statement of Exemption.

Before determining that a proposal is exempt, the Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline Management Act.

**Note: EXEMPTION FROM SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENTS DOES NOT CONSTITUTE EXEMPTION FROM THE POLICIES AND USE REGULATIONS OF THE SHORELINE MANAGEMENT ACT, THE PROVISIONS OF THIS MASTER PROGRAM, AND OTHER APPLICABLE CITY, STATE OR FEDERAL PERMIT REQUIREMENTS.**

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**7.06 Statement of Exemption:**

Applicants for all non-shoreline permits or approvals within the shoreline area must obtain a writ-ten "Statement of Exemption" from securing a Substantial Development Permit. This process verifies that the action is exempt and offers an applicant an itemization of SMP and other requirements applicable to the proposed project. In the case of development subject to the policies and regulations of this Master Program but exempt from the Substantial Development Permit process, the Building Official or other permit authorizing official shall attach shoreline management terms and conditions to the building permits and other permits and approval pursuant to RCW 90.58.140. For example, the approval of a building permit for a single family residence can be conditioned with provisions from the Master Program. Other permit approvals may be conditioned on the basis of SMP policy and use regulations as well.

**7.07 Fees:**

A filing fee in an amount established by the Town Council shall be paid to the Town of Winthrop at the time of application.

**7.08 Permit Application:**

The Administrator shall provide the necessary application forms for shoreline Substantial Development, Conditional Use and Variance Permits. In addition to the information requested on the application the applicant shall provide, at a minimum, the following information:

- A. SITE PLAN - drawn to scale and including:
  - 1. site boundary;
  - 2. property dimensions in vicinity of project;
  - 3. ordinary high water mark;
  - 4. typical cross section or sections showing:
    - a) existing ground elevation
    - b) proposed ground elevation
    - c) height of existing structures

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- d) height of proposed structures;
- 5. Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of ordinary high water mark, if development involves grading, cutting, filling, or other alteration of land contours;
- 6. Show dimensions and location of existing structures which will be maintained;
- 7. Show dimensions and locations of proposed structures; parking and landscaping;
- 8. Identify source, composition, and volume of fill material;
- 9. Identify composition and volume of any extracted materials, and identify proposed disposal area;
- 10. Location of proposed utilities, such as sewer, septic tanks and drain fields, water, gas and electricity;
- 11. If the development proposes septic tanks, does proposed development comply with local and state health regulations?
- 12. Shoreline designation according to the Master Program.
- 13. Show which areas are shorelines and which are shorelines of statewide significance.

**B. VICINITY MAP**

- 1. Indicate site location using natural points of reference and sufficient detail and scale to quickly and accurately (roads, state highways, prominent landmarks, etc.) locate the project site.
- 2. If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the map. If disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to nearest city or town.
- 3. Give brief narrative description of the general nature of the improvements and land use within 1,000 feet in all directions from development site.

**C. ADJACENT LAND OWNERS.** Provide names and addresses of all real property owners within 300 feet of property where development is proposed.

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Complete application and documents for all shoreline permits shall be submitted to the Administrator for processing and review. Any deficiencies in the application or documents shall be corrected by the applicant prior to further processing.

**7.09 Permit Process:**

Within ten (10) days of receipt of a complete application and associated information, the Administrator shall mail notice of proposed project to all real property owners named on the list as supplied by the applicant, and shall post or require the applicant to post notice (minimum of 8" x 10" in size) in a conspicuous manner on the property upon which the project is to be constructed. The Administrator shall also be responsible for delivering legal notice to the newspaper, to be published at least once a week in the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. Advertising costs will be the responsibility of the applicant. Further, the burden of proving that a proposed development is consistent with the approval criteria and master program policies and regulations shall be the applicants.

The Administrator shall schedule a public hearing before the Town Council in the case of a Conditional Use Permit (CUP) or Variance Permit. No public hearing is required for shoreline Substantial Development permits acted upon by the Administrator. For the purpose of scheduling a public hearing, the date of submittal of a complete application shall be considered the date of application. The minimum allowable time required from the date of application to Town Council hearing date shall be 45 days or a maximum of 60 days. Any interested person may submit his/her written views upon the application to the Town within 30 days of application or notify the Town of his/her desire to receive a copy of the action taken upon the application. All persons who so submit their views shall be notified in a timely manner of the action taken upon the application.

A. Application Review - Administrator Action

The Administrator shall make recommendations in the case of Variance and Conditional Use permits and decisions in the case of Substantial Development permits or requests for revision to approved permits pursuant to Sub-Section 7.10, based upon:

1. The policies and procedures of the Act, and related WAC's as amended;
2. The Shoreline Master Program for Winthrop, as amended.
3. Other applicable land use regulations.

B. Public Hearings

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1. At least one public hearing shall be held by the Town Council regarding applications for permits where:
    - a. The proposal involves a Variance
    - b. The proposal involves a Conditional Use.
    - c. The proposal involves an appeal of the Administrator's decision on a Substantial Development Permit or Exemption.
    - d. The Administrator or the Town Council determines that the proposed development is one of public significance and/or would have a significant impact upon the shoreline environment.
  2. The Town Council shall review an application for Conditional Use Permits, Variance and appeals of Substantial Development Permits and Exemption decisions based upon any or all of the following:
    - a. The application.
    - b. Applicable SEPA documents, Shorelines Management Act regulations and Master program provisions and local land use regulations.
    - c. Evidence presented at the public hearing.
    - d. The findings, conclusions, decisions, and recommendation of the Administrator.
    - e. The findings, conclusions, decisions and recommendation of the Administrator.
    - f. Written and oral comments from interested persons.
- C. Town Council Action
1. Upon receipt of a recommendation from the Administrator, the Town Council shall either approve, conditionally approve, or deny the application.
  2. The Town Council shall review the permit application at the first regularly scheduled public hearing of the Council following transmittal of the Administrator's recommendation.
  3. The Council shall review the application and make decisions regarding permits based upon:

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- a. The Master Program for Winthrop.
  - b. Policies and Procedures of Chapter 90.58 RCW, the Shoreline Management Act and its supporting WAC's.
  - c. Written and oral comments from interested persons.
  - d. The comments and findings of the Administrator.
4. A written notice of the public hearing at which the Council considers the application, shall be mailed or delivered to the applicant a minimum of five days prior to hearing.
  5. The decisions of the Council shall be the final decision of the Town of Winthrop on all applications and the Council shall render a written decision including finding, conclusions, and a final order, and transmit copies of the decision within five days of the Council's final decision to the following:
    - a. The applicant.
    - b. The Department of Ecology.
    - c. Attorney General.

**D. Washington State DOE Review**

Development pursuant to a shoreline permit shall not begin and is not authorized until 30 days from the date the Administrator files the approved permit with the Department of Ecology and the Attorney General, in the case of a Substantial Development Permit, or up to 60 days in the case of Variance or Conditional Use Permit PROVIDED all review and appeal proceedings initiated within 30 days of the date of such filing of a Substantial Development Permit or 30 days of final approval by the Washington State Department of Ecology for a Conditional Use Permit or Variance have been terminated.

**E. Duration of Permits**

The Town of Winthrop may issue permits with termination dates of up to five years. If a permit does not specify a termination date, the following requirements apply, consistent with WAC 173-14-060:

1. Time Limit for Substantial Progress. Construction, or substantial progress toward completion, must begin with two years after approval of the permits.
2. Extension for Substantial Progress. Winthrop may at its discretion, with prior notice to parties of record and the Department, extend the two-year time period

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for the substantial progress for a reasonable time up to one year based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

3. Five Year Permit Authorization. If construction has not been completed within five years of approval by the Town the Town will review the permit and, upon showing of good cause, wither extend the permit for one year, or terminate the permit. Prior to the Town authorizing any permit extensions, it shall notify any parties of record or the Department. Note: Only one single extension is permitted.

**7.10 Revision of Permits:**

When an applicant desires to revise a permit, the applicant must submit detailed plans and text describing the proposed changes. If the Administrator determines that the revisions proposed are within the scope and intent of the original permit, consistent with WAC 173-14-064, the Administrator may approve the revision. "Within the scope and intent of the original permit" means all of the following:

- A. No additional over-water construction is involved, except that pier, dock or float construction may be increased by five hundred (500) square feet or ten percent (10%), whichever is less;
- B. Ground area coverage and height is not increased more than ten percent (10%);
- C. Additional structures do not exceed a total of two hundred fifty (250) square feet;
- D. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the Winthrop Shoreline Master Program;
- E. Additional landscaping is consistent with conditions (if any) attached to the original permit;
- F. The use authorized pursuant to the original permit is not changed; and
- G. No Substantial adverse environmental impact will be caused by the project revision.

If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, an application for a new shoreline permit must be submitted. If the revision involves a Conditional Use or Variance which was conditioned by the Department of Ecology, the revision also must be reviewed and approved by the Department of Ecology (see WAC 173-14-064).

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A Town or Department decision on revision to the permit may be appealed within thirty (30) days of such decision, in accordance with RCW 90.58.180 and WAC 173-14-064.

Construction allowed by the revised permit that is not authorized under the original permit is undertaken at the applicant's own risk until the expiration of the appeals deadline.

**7.11 Local Appeals:**

Any decision made by the Administrator on a substantial development permit, master program policy or regulation interpretation, permit revision, or other action within the purview and responsibility of the Administrator, may be appealed by the applicant, private or public organization, or individual to the Town Council within five regular town business days following the issuance of a written decision by the Administrator. Such appeals shall be initiated by filing with the Town Clerk, a notice of appeal setting forth the action being appealed and the principal points upon which the appeal is based, together with a filing fee as prescribed by the Town Council.

The Town Council shall hear the appeal at its next regularly scheduled public meeting, or as soon thereafter as is feasible. The Town Council, using the applicable decision making criteria established in this master program, shall affirm, modify, or reverse the decision of the Administrator. This decision of the Town Council shall be the final local government decision.

**7.12 Appeal to State Shorelines Hearings Board:**

Any person aggrieved by the granting, denying, rescission or modification of a Shoreline Permit made by the Town Council may seek review from the State Shorelines Hearings Board by filing an original and one copy of request for the same with the Hearings Board within 30 days of receipt of the final decision by the Town Council. Said request shall be in the form required by the rules for practice and procedure before the Hearings Board, the person seeking review shall file a copy of the request for review with the State Department of Ecology and the Attorney General. Hearing Board regulations are contained in Chapter 461-08 WAC.

**7.13 Variances and Conditional Uses Permits:**

The Shoreline Management Act states that Master Programs shall contain provisions covering conditional uses and variances. These provisions should be applied in a manner which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

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- A. Variances: The purpose of a Variance Permit is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program, and where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as state in RCW 90.58.020.

Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

1. Application: An application for a Shoreline Variance shall be submitted on a form provided by the City accompanied by maps, completed environmental checklist, applicable fees, and any other information specified in this Master Program or requested by the Administrator.
2. Criteria for Granting Variances: Variance Permits for development that will be located landward of the ordinary high water mark, except those areas designated by DOE as marshes, bogs, or swamps pursuant to WAC 173-22, may be authorized provided the applicant can demonstrate all of the following:
  - a. That the strict requirements of the bulk, dimensional, or performance standards set forth in the Master Program preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by the Master Program.
  - b. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions.
  - c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment.
  - d. That the Variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.
  - e. That the public interest will suffer no substantial detrimental effect.

Variance Permits for development that will be located either waterward of the ordinary high water mark or within marshes, bogs, or swamps as designated in WAC 173-22, may be authorized provided the applicant can demonstrate all the criteria stated above as well as the following:

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- f. That the public rights of navigation and use of the shorelines will not be adversely affected by granting the Variance.

In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Variances were granted to other developments in the area where similar circumstances exist, the total of the Variances should also remain consistent with the policies of RCW 90.58 and should not produce substantial adverse effects to the shoreline environment.

Requests for varying the use to which a shoreline area is to be put are not requests for Variances, but rather requests for Conditional Uses. Such requests shall be evaluated using the criteria set for below.

- B. Conditional Uses: The purpose for a Conditional Use Permit is to allow greater flexibility in varying the application of the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020; provided, that Conditional Use Permits should also be granted in a circumstance where denial of the permit would result in a thwarting of State policy enumerated in RCW 90.58.020. In authorizing a Conditional Use, special conditions may be attached to the permit by the Town of Winthrop or the Department of Ecology to prevent undesirable effects of the proposed use. Uses which are specifically prohibited by the master program shall not be authorized with approval of a conditional use permit.

Uses classified as conditional uses in Section 6.00 may be authorized provided that the applicant can demonstrate all of the following:

1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Master Program.
2. That the proposed use will not interfere with the normal and/or existing public use of public shorelines.
3. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.
4. That the proposed use will cause no unreasonably adverse effects to the Shoreline Environment designation in which it is to be located.
5. That the public interest suffers no substantial detrimental effect.

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**7.14 Unclassified Uses:**

Uses not specifically listed and not synonymous with or substantially or materially the same as a listed use shall be prohibited unless the Town Council finds, by formal written findings of fact, by clear, cogent and convincing evidence that such use is consistent with the convincing evidence that such use is consistent with goals and policies and the management principles and guidelines of this Master Program and the Shoreline Management Act and with the shoreline environmental designation criteria of the particular shoreline environment in which the proposal is to be located. Once the Council has completed such a review and determined that the proposed project is consistent with the master program, said project may be permitted upon issuance of a Conditional Use Permit.

**7.15 DOE Approval of Conditional Uses and Variance Permits:**

After Winthrop's approval of a Conditional Use of Variance Permit, the Administrator shall submit the permit to the Department of Ecology for its approval, approval with conditions, or denial. Upon receipt of the DOE decision, the Administrator shall notify those interested persons having requested notification of the such decision.

**7.16 Nonconforming Development:**

Nonconforming development is a shoreline use or structure which was lawfully constructed or established prior to the effective date of the act or the Master Program, or amendments thereto, but which does not conform to present regulations or standards of the Master Program or policies of the act. In such cases, the following standards shall apply.

- A. Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity, unless authorized by the issuance of a CUP.
- B. A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;
- C. If a nonconforming development is damaged to an extent not exceeding seventy-five (75) percent replacement or market value of the structure cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is begun within one year and completed within three years of the date of damage, with the exception that, single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage.

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- D. If a nonconforming use is discontinued for twenty-four (24) consecutive months, any subsequent use shall be conforming.
- E. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed; and
- F. An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the act and the Master Program but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the Master Program and the act.

**7.17 Enforcement and Penalties:**

The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

- A. Civil Penalty
  - 1. Action by the Town Attorney: when authorized by the Mayor or State, shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions of the Act and this Master Program and to otherwise enforce the provisions of the Act and the Master Program.
  - 2. Non-Compliance: Any person who fails to conform to the terms of a permit or exemption issued under this Master Program or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the Master Program or who fails to comply with a cease and desist order issued under regulations shall also be subject to a civil penalty not to exceed one thousand (1000) dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.
  - 3. Aiding and Abetting: Any person who, through an act of commission or omission procedures, aids, or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
  - 4. Notice of Penalty: The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the Town of Winthrop.

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The notice shall include the "content of order" specified in subsection f. Regulatory Order.

5. **Remission and Joint Order:** Within thirty (30) days after the notice is received, the person incurring the penalty may apply in writing to the Town of Winthrop for remission or mitigation of such penalty. Upon receipt of the application, the Town may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this section by the Town shall be subject to review by the Town Council. In accordance with RCW 90.58.050 and RCW 90.58.210(4), any penalty jointly imposed by the Town and the Department of Ecology shall be appealed to the Shorelines Hearings Board. When a penalty is imposed jointly by the Town and the Department of Ecology, it may be remitted or mitigated only upon such terms as both the Town and the Department agree.
  6. **Regulatory Order: Content of order shall set forth and contain:**
    - a. A description of the specific nature, location, extent, and time of violation and the damage or potential damage; and
    - b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under this section may be issued with the order and same shall specify a date certain or schedule by which payment will be complete.
  7. **Effective Date:** The cease and desist order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed.
  8. **Compliance:** Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
- B. **Delinquent Permit Penalty:** Permittees applying for a permit after commencement of a use or activity may, at the discretion of the Town be required, in addition, to pay a delinquent permit penalty not to exceed three times the appropriate permit fee paid by the permittee. A person who has caused, aided, or abetted a violation within two (2) years after the issuance of a regulatory order, notice of violation, or penalty by the Town or the Department against said person may be subject to a delinquent permit penalty not to exceed ten times the appropriate permit fee paid by the permittee. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

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- C. Property Lien: Any person who fails to pay the prescribed penalty as authorized in this section shall be subject to a lien upon the affected property until such time as the penalty is paid in full. The Town Attorney shall file said lien against the affected property at the office of the Okanogan County Assessor and County Auditor.
- D. Mandatory Civil Penalties: Issuance of civil penalties is mandatory in the following instances:
1. The violator has ignored the issuance of an order or notice of violation.
  2. The violation causes or contributes to significant environmental damage to shorelines of the state as determined by the Town.
  3. A person causes, aids, or abets in a violation within two (2) years after issuance of a similar regulatory order, notice of violation, or penalty by the Town or the Department against said person.
- E. Minimum Penalty Levels:
1. Regarding all violations that are mandatory penalties, the minimum penalty is two hundred and fifty (250) dollars.
  2. For all other penalties, the minimum penalty is one hundred (100) dollars.
- F. General Criminal Penalty: In addition to incurring civil liability under Sub-Section 1., any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of the Act or the Master Program shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than one hundred (100) dollars nor more than one thousand (1000) dollars or by imprisonment in the county jail for not more than ninety (90) days for each separate offense, or by both such fine and imprisonment. Provided, that the fine for each separate offense for the third and all subsequent violations in any five-year period shall be not less than five hundred (500) dollars nor more than ten thousand (10,000) dollars.
- G. Violator Liabilities - Damages, Attorney's Fees/Costs: Any person subject to the regulatory program of the Act or the Master Program who violates any provision thereof or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The Town Attorney shall bring suit for damages under this section on behalf of the Town. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provisions to assure that restoration will be accomplished within reasonable time at the expense of the violator. In addition to such relief, including

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money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

- H. Development and Building Permits: No building permit, septic tank permit, or other development permit shall be issued for any parcel of land developed or divided in violation of the Master Program. All purchasers or transferees of property shall comply with provisions of the Act and the Master Program, and each purchaser or transferee may recover his damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Act or the Master Program, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Act or the Master Program as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to conforming his property to these requirements, rescind the sale, transfer, or lease and recover cost of investigation and reasonable attorney's fees occasioned thereby from the violator.

**7.18 Master Program Review:**

This Master Program shall be periodically reviewed and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-19 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

**7.19 Amendments to Master Program:**

Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-19 WAC. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Washington State Dept. of Ecology.

Proposals for shoreline environment redesignations (ie. amendments to the shoreline maps and descriptions, Appendices B & C) must demonstrate consistency with the criteria set forth in Appendix A, Shoreline Environment Designation Criteria.

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**7.20 Severability:**

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

APPENDIX A

SHORELINE ENVIRONMENT DESIGNATION CRITERIA

The following provisions address the four shoreline environment designations applied to Winthrop's shorelines. Each section begins with a statement of purpose for the subject environment, followed by a list of designation criteria used to apply (ie. locate) the environment designation on the shorelines of Winthrop, and a series of management policies relating to shoreline use and development appropriate in the given environment. These management policies have been used as the basis for determining which uses and activities are permitted in each shoreline environment.

The following provisions are also designed for use when considering future proposals for establishing environment designations in newly annexed shoreline areas or for modifying (ie. amending) existing environment designations. In all cases, these provisions should serve as a basis for the appropriate delineation of environment designations for the shorelines of Winthrop such that they remain consistent with the purpose and intent of the Act and this master program.

A. URBAN ENVIRONMENT

1. Purpose

The Urban Environment is an area of high intensity land use including residential, commercial and industrial development. The purpose of this environment is to ensure optimum utilization of shorelines which are either presently urbanized or planned for urbanization and which are typically served by urban services and infrastructure. Development in urban areas should be managed to maintain and enhance the shorelines for a variety of urban uses, with priority given to water-oriented uses.

2. Designation Criteria

Areas designated Urban should not have biophysical limitations to development such as floodplains, steep slopes, slide hazard areas and/or wetlands and should meet one or more of the following:

- a. Shorelines used or designated for high intensity commercial, industrial or recreational use or for multi-family residential development;
- b. Shorelines of lower intensity use, where surrounding land use is urban and urban services are available;

3. Management Policies

- a. Because shorelines are a finite resource, and because urban uses tend to preclude other shoreline uses, emphasis should be given to directing new development into already developed areas.
- b. Full utilization of existing urban areas should be encouraged before further expansion is allowed.
- c. Reasonable long range projections of regional economic need should guide the amount of shoreline designated Urban.
- d. Priority should be given to water-oriented uses over other uses. Uses which derive no benefit from a water location should be discouraged.
- e. Existing non-water-oriented commercial and industrial uses should be encouraged to relocate out of the shoreline area.
- f. Visual and physical public access should be encouraged. Industrial and commercial facilities should be designed to permit pedestrian waterfront activities. Planning for the acquisition of land for permanent public access to the water in the Urban Environment should be encouraged.
- g. Aesthetic considerations should be actively promoted by means such as sign control regulations, development siting and architectural standards, and planned unit developments.
- h. In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, the redevelopment and renewal of substandard or obsolete urban shoreline areas should be encouraged.

## B. SUBURBAN ENVIRONMENT

### 1. Purpose

The Suburban Environment is intended to serve as a transitional area between the more intensive Urban Environment and the low intensity uses of the Rural Environment. It includes shoreline areas that presently support low to medium intensity uses, where existing densities permit space for small numbers of livestock, gardens or woodlots. The Suburban Environment is designed to provide for permanent residential and recreational areas outside urban areas, where adequate facilities for sewage disposal and water supply can be provided.

### 2. Designation Criteria

Areas designated Suburban should meet one or more of the following:

- a. Areas presently developed or platted for residential uses.
  - b. Areas planned and zoned for residential development with lot sizes ranging from 1/4 acre (with public sewer and water) to 5 acres. Also included are existing extensive small, single lot shoreline developments.
  - c. Areas which could support and serve the needs of planned unit residential developments.
  - d. Areas which could serve as transition zones between urban and rural, conservancy or natural shoreline areas.
  - e. Areas having the physical ability to support low to medium density residential uses and associated commercial, recreational and public service facilities.
  - f. Areas which are appropriate for low to medium intensity recreational uses compatible with residential and/or small scale agricultural activities.
  - g. Areas which are capable of supporting small scale, low intensity agricultural activities such as livestock grazing, small scale crops, gardens or woodlots.
  - h. Areas which can provide and have the capabilities to support the necessary public services, utilities and access to accommodate low to medium density development. Sewage disposal and water supply facilities may be provided on an individual or community basis or could possibly be provided via future regional sewer or water systems.
  - i. Areas officially designated on comprehensive plans for future expansion of single family residential use.
3. Management Policies
- a. Residential, recreational and agricultural activities of low to medium intensity are preferred over other more land and resource consumptive development or uses.
  - b. Residential and other developments should be located, sited, designed and maintained to protect and enhance the shoreline environment.

- c. Developments should be permitted only in those shoreline areas that are environmentally capable of supporting the proposed use in a manner which protects and enhances the shoreline environment.
- d. Public access opportunities to publicly owned shorelines and/or water bodies should be encouraged.
- e. Residential and recreational developments should provide shoreline areas for community or public open space.
- f. Commercial development should be limited to uses that serve the surrounding low and medium intensity residential, recreational or agricultural activities and should not conflict with these activities.
- g. Access, utilities and public services should be available and adequate to serve existing needs and planned future development.

C. RURAL ENVIRONMENT

1. Purpose

The Rural Environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational uses compatible with agricultural and forestry uses.

2. Designation Criteria

Areas designated Rural should meet one or more of the following:

- a. Areas dominated by agricultural, forestry or recreational uses;
- b. Areas possessing a high capability of supporting agricultural uses and compatible forms of development;
- c. Areas modified from their natural vegetative cover and surface drainage patterns but generally supporting low density development;
- d. Areas where residential development is or should be low density because of biological or physical limitations, utility capabilities, access

problems and/or potential incompatibility with other uses;

- e. Areas of undeveloped land not appropriate for Natural or Conservancy Environment designations and not planned for significant development;
- f. Areas which serve as buffers between shoreline areas supporting greater and lesser intensities of use;
- g. Areas possessing valuable sand, gravel and mineral deposits.

3. Management Policies

- a. Areas with a high capability of supporting agricultural or forestry uses should be protected from incompatible patterns of development and should be maintained for those uses.
- b. New developments in a Rural Environment should reflect the character of the surrounding area by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from the water.
- c. Public and private recreational facilities and uses which are compatible with agriculture and forestry should be encouraged.
- d. Intensive development should not be permitted.
- e. Low density residential development should be allowed when supporting community facilities, such as public sewer, water and power, are available.
- f. Sand, gravel and mineral extraction should be allowed in suitable areas not designated as prime agricultural land.
- g. Industrial and commercial uses (not including agriculture, forestry and mining) should be prohibited.

D. CONSERVANCY ENVIRONMENT

1. Purpose

The intent of the Conservancy Environment is to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to achieve sustained resource utilization and provide recreational opportunities. The Conservancy Environment is also intended to protect environmentally sensitive

areas which are not suitable for intensive use, such as steep slopes, flood-prone areas, eroding bluffs, wetlands and areas which cannot provide adequate sewage disposal. Examples of uses that are appropriate in a Conservancy Environment include dispersed outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related uses and activities.

2. Designation Criteria

Areas designated Conservancy should meet one or more of the following:

- a. Areas containing natural resources which lend themselves to management on a sustained-yield basis, such as commercial forest land and agricultural land;
- b. Areas subject to the severe biophysical limitations such as:
  - (1) Steep slopes and landslide hazard areas;
  - (2) Areas subject to severe erosion;
  - (3) Unstable banks or bluffs;
  - (4) Flood-prone areas;
  - (5) Areas with soils that have poor drainage;
  - (6) Wetlands
- c. Areas which play an important part in maintaining the regional ecological balance such as:
  - (1) Areas rich in quality and quantity of life forms;
  - (2) Areas important to the maintenance of natural water quality and flow;
  - (3) Areas important to maintaining the food chain process;
- d. Areas free from extensive development;
- e. Areas where intensive development or use would interfere with natural processes and result in significant damage to other resources;

- f. Areas of high scenic or recreational value; and
  - g. Historic areas.
3. Management Policies
- a. Preferred uses in the Conservancy Environment are those which are non-consumptive of the physical and biological resources of the area and activities and uses of a non-permanent nature which do not substantially degrade or alter the existing character of the areas. Non-consumptive uses are those uses which utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources of the area.
  - b. Activities and uses which would substantially degrade or permanently deplete the physical or biological resources of the area should be prohibited.
  - c. New development should be restricted to that which is compatible with the natural and biological limitations of the land and water and will not require extensive alteration of the land/water interface.
  - d. Development in the Conservancy Environment should be designed to protect the shore process corridor and its operating systems.
  - e. Activities or uses which would strip the shoreline of vegetative cover, cause substantial erosion or sedimentation or adversely affect aquatic life should be prohibited.
  - f. Recreational activities which will not be detrimental to the shoreline character, natural systems and geohydraulic processes and aquacultural and agricultural uses should be encouraged. Residential development should be restricted as necessary to protect such uses and features.
  - g. Commercial and industrial uses other than low intensity agricultural practices, commercial forestry and extraction of renewable sand, gravel and mineral resources should be prohibited.
  - h. Construction of structural shoreline stabilization and flood control works should be minimized. New developments should be designed to preclude the need for such works and should be compatible with shoreline characteristics and limitations.

## **APPENDIX B**

### **SHORELINE ENVIRONMENT MAPS**

**APPENDIX C**  
**SHORELINE ENVIRONMENT DESCRIPTIONS**

This appendix contains "common" legal descriptions for the shoreline environments depicted in the maps contained in Appendix B. Descriptions of the right and left bank presume that a persons is facing downstream. All areas under the jurisdiction of the Town of Winthrop Shoreline Master Program are described below.

DESCRIPTIONS OF SHORELINE ENVIRONMENT DESIGNATIONS:

TOWN OF WINTHROP

Chewuch River:

Right Bank

Those shoreline areas within the jurisdiction of the Town of Winthrop beginning at or near the north corporate limit line in the NW 1/4 of the NW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. thence south along said river to the confluence with the Methow River is the SW 1/4 of the NW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. shall be designated as follows:

- 1) from the OHWM landward twenty-five (25) feet on a horizontal plane - **Conservancy**
- 2) the remainder of the shoreline area (from the boundary of the area noted above landward to a line parallel to and at least 200 feet from the floodway boundary) - **Suburban**

Left Bank

Those shoreline areas within the jurisdiction of the Town of Winthrop beginning at or near the north corporate limit line in the NW 1/4 of the NW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. thence south along said river to a point where a line extended from the eastern right-of-way line of Castle Avenue intersects the river in the SW 1/4 of the NW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. shall be designated as follows:

- 1) from the OHWM landward twenty-five (25) feet on a horizontal plane - **Conservancy**
- 2) the remainder of the shoreline area (from the boundary of the area noted above landward to a line parallel to and at least 200 feet from the floodway boundary) - **Suburban**

Those shoreline areas within the jurisdiction of the Town of Winthrop beginning at a point where a line extended from the eastern right-of-way line of Castle Avenue intersects the river in the SW 1/4 of the NW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. thence south along said river to the confluence with the Methow River in the SW 1/4 of the NW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. shall be designated as follows:

- 1) from the OHWM landward twenty-five (25) feet on a horizontal plane - **Conservancy**
- 2) the remainder of the shoreline area (from the boundary of the area noted above landward to a line parallel to and at least 200 feet from the floodway boundary) - **Urban**

Methow River:

Right Bank

*Those shoreline areas within the jurisdiction of the Town of Winthrop beginning at or near the north corporate limit south of the confluence of the Methow and Chewuch Rivers in the NW 1/4 of the SW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. thence south along said river to the centerline of the S.R. 20 Bridge over the Methow River in the NE 1/4 of the SW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. shall be designated as follows:*

- 1) *from the OHWM landward twenty-five (25) feet on a horizontal plane - **Conservancy***
- 2) *the remainder of the shoreline area (from the boundary of the area noted above landward to a line parallel to and at least 200 feet from the floodway boundary) - **Urban***

Those shoreline areas within the jurisdiction of the Town of Winthrop beginning at the centerline of the S.R. 20 Bridge over the Methow River in the NE 1/4 of the SW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. thence south along said river to the south corporate limit line SE 1/4 of the NE 1/4 of Section 11, Township 34 N., Range 21 E.W.M. shall be designated as follows:

- 1) from the OHWM landward twenty-five (25) feet on a horizontal plane - **Conservancy**

- 2) the remainder of the shoreline area (from the boundary of the area noted above landward to a line parallel to and at least 200 feet from the floodway boundary) - **Urban**

Left Bank

Those shoreline areas within the jurisdiction of the Town of Winthrop beginning upstream (at the western boundary of the corporate limits - the Town's park property) of confluence of the Methow and Chewuch Rivers in the SW 1/4 of the NE 1/4 of Section 3, Township 34 N., Range 21 E.W.M. thence south along said river the centerline of the S.R. 20 Bridge over the Methow River in the NE 1/4 of the SW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. shall be designated as follows:

- 1) from the OHWM landward twenty-five (25) feet on a horizontal plane - **Conservancy**
- 2) the remainder of the shoreline area (from the boundary of the area noted above landward to a line parallel to and at least 200 feet from the floodway boundary) - **Urban**

Those shoreline areas within the jurisdiction of the Town of Winthrop beginning at centerline of the S.R. 20 Bridge over the Methow River in the NE 1/4 of the SW 1/4 of Section 2, Township 34 N., Range 21 E.W.M. upstream thence south along said river to the south corporate limit line in the NE 1/4 of the NE 1/4 of Section 11, Township 34 N., Range 21 E.W.M. shall be designated as follows:

- 1) from the OHWM landward twenty-five (25) feet on a horizontal plane - **Conservancy**
- 2) the remainder of the shoreline area (from the boundary of the area noted above landward to a line parallel to and at least 200 feet from the floodway boundary) - **Suburban**

## **APPENDIX D**

### **NATIVE VEGETATION SPECIES**

REVEGETATION GUIDE TO WETLAND RESTORATION/MITIGATION  
EASTERN WASHINGTON

Restoration of wetland and riparian communities on the eastern side of Washington, with the extreme weather patterns and drier summers, requires advanced planning prior to vegetation or obtaining plant materials.

1. **PLANNING CONSIDERATIONS**

- A. Observe the characteristics of the site to revegetate. In particular, the dynamics of the system, soils and hydrology need to be observed. Staff from the Washington Department of Wildlife and Ecology have collaborated on the enclosed revegetation information. It is divided into Scrub-shrub wetland and riparian areas, transitional (drier) areas, eastside forested wetland and riparian areas, transitional forested areas (drier), eastside emergent wetlands (non-woody grasslike plants and flowering plants), east-side grasses, saline and alkaline areas, vernal pond vegetation, bog vegetation, and agricultural riparian areas. These plant lists are in the developmental phases, and as we continue to develop information on this subject, we will continue to provide it. Washington Department of Ecology will be developing a restoration guidebook this year.
- B. Each site has individual characteristics. If a site is undisturbed or relatively pristine, we strongly recommend avoidance of impacts. Undisturbed natural systems should not be "enhanced" by pond construction or introduction of plant species, as this constitutes degradation of wetland condition, values and functions. In some cases, exclusion of grazing will allow natural revegetation to occur with little additional planting. In all cases, revegetation efforts will be unsuccessful if grazing is allowed to continue in the area to be restored - cattle trample and browse the tender young shoots that have been recently planted. Trespass cattle also provide significant deterrence to revegetation success. Do not plant cuttings on a site unless cattle are to be excluded for at least five years.
- C. Revegetation success is very poor when reed canary grass has been established on the site. Attempts to remove the canary grass through burning, spraying with herbicides and mulching have been largely unsuccessful. Red alder and some shrubs have been planted in these areas with some success; conifers have not some well at all. We recommend that reed canary grass, Russian Olive and purple loosestrife never be a component of any vegetation plan. These plants are invasive weeds that crowd out other native vegetation, are difficult to remove, and provide very poor wildlife habitat.

## 2. SITE PLAN AND DEVELOPMENT

- A. Review the hydrology of the site. Wetland or riparian areas along rivers tend to experience radical fluctuations in water level: either extremely high flooding water during some years or some times of the year, and drought conditions other times of the year. These sites often have very porous sandy or gravelly soils, which further reduces their moisture holding capability and increases drought conditions.
- B. Review hydrology information for the period of record. Pay particular attention to average or normal year floods, 10 year events and 100 year events. This becomes significant if water is unusually high during spring, when it is in the optimum time to plant. Sometimes these sites are under water at this time, and will have to be planted later. Also, vegetation planted in areas likely to flood should have more rhizomatous or binding roots and flexible stems to withstand flooding (such as willows and red osier dogwood).
- C. Irrigation is critical to revegetation success. Even when planting native woody species, irrigation until the root system develops (for at least two years) is critical. For transitional or non-wetland riparian areas, sandy or cobbled soils along river floodplains, and elevated benches along rivers irrigation is particularly important.
- D. When designing the revegetation plan, attempt to replicate native vegetation communities which occur on similar undisturbed areas adjacent to the site. Try to replant with the same types and relative numbers of plants which occur on undisturbed but similar sites. This ensures both planting species which are easy to maintain, as they are adapted to the environmental conditions of the site, and are also the same species wildlife have evolved with as food, shelter and cover.

## 3. PLANTING TECHNIQUES

### A. Woody Vegetation

- 1) Willow, red osier dogwood and hardhack may be propagated by cutting. Cuttings are taken in January and February and kept in cold storage until tucked to the planting site at the beginning of the growing season. The cuttings should be planted within two weeks after being removed from cold storage. Willows have a 20 to 30 percent survival rate ( Soil Conservation Service), with red osier dogwood and hardhack having somewhat lower rates.
- 2) Cutting are about twelve inches long (sometimes longer if the water table is deep where they are to be planted). The majority of the cuttings come without root mass. The bottoms of the cuttings are dipped in white latex

paint to ensure that they are planted top site up. The cuttings are easier to transport than long, uncut whips or rooted saplings. All but the top two or three buds on the cuttings are planted.

- 3) Planting density of cuttings is about 18-inch on center.
- 4) Fascine planting includes bundling slips together and burying them in a trench. This is usually done perpendicular to the slope as an erosion control, slope stabilization measure. 8 inch bundles of 6-foot cuttings were placed in a trench. The method was considered labor intensive, but rejuvenation did occur.
- 5) Red alder has been planted as 3-to-4 foot pull ups planted on 6-foot centers. The pullups are placed in saw dust and transported to the planting sites.
- 6) In rip rap environments, rebar is used to punch in the shoots. Depending on the size of the rock, additional soil is usually not required in the crevices between the rocks. Best results were achieved planting the shoots one year or later after the rip rap was installed.
- 7) Cottonwoods are best planted in areas with few other species.

## 5. DONOR SITES

- A. Woody Vegetation. Be very careful to avoid adversely impacting the donor site. Trampled soils, creating trails, destroying vegetation and allowing invasion by exotic plant or animal species are all adverse impacts. Move through the site, taking a few cuttings throughout the site, and leaving areas with no impact. Don't take more than half of the twigs or any particular plant clone.
- B. Herbaceous Vegetation. Seeds or transplanting sprigs can be used for herbaceous revegetation. Since most wetlands plants reproduce asexually, and often have poor seed viability, use rooted bunches or clumps from nurseries or donor sites are most often used. Use of nursery stock is preferred.

A list of nurseries with available native plants can be obtained by contacting Town Hall. The density is generally 18 inches to 3 feet on center. Irrigation is critical for vegetation establishment when intermittent hydrology is present.

Wetlands composed almost entirely of soft rush, cattail or bulrushes are good donor sites which would not likely be significantly adversely impacted by

harvesting sprigs, provided large buffer areas remain undisturbed to recolonize the site. High quality emergent marshes should not be touched for donor sites.

Seeds and nursery stock are available from commercial nurseries. Grass mixtures are included in the revegetation plan which had been attached. Few native grass systems remain in Washington; where the appropriate substrate is available, re-establishment of these systems is highly preferred. If aggressive non-natives such as reed canary grass, cheatgrass, timothy or medusahead are present, it is a waste of time and money to attempt revegetation with native grasses. Do not allow livestock in the area for five years after planting to allow establishment of native species.

#### **4. MANAGEMENT**

- A. A detailed vegetation plan should be developed giving planting densities, quantities and types of plants. Washington Department of Ecology technical staff will be happy to review these plans and provide technical assistance. Timing of the planting, types of planting (seeds, cuttings, sprigs), hydrology, and soils are important information to include.
- B. Implementation of the revegetation plan should be reviewed in the field to ensure success. This is especially important where the water levels are critical to plant survival. After completion of the planting, a site review should be made to make sure the contract specifications are met.
- C. Irrigation, specified fertilization, replacing transplants that have suffered mortality, replanting unsuccessfully seeded areas with transplants and, if required, temporarily protecting the vegetation from wildlife during this period are critical. Livestock are extremely damaging to any revegetation effort, and must be kept out of the area.

#### **5. MONITORING**

- A. Revegetation is similar to gardening in that a certain amount of maintenance is necessary. Irrigation must be checked to ensure that it is working properly, and that the frequency and duration of watering is sufficient to sustain young plants. Weedy species, particularly purple loosestrife, must be eliminated or they will crowd out native species. Manual removal is preferred over herbicide use, as herbicides often eliminate non-target species.
- B. The site should be visited once a year to ensure successful vegetation has occurred. The area should be replanted if 80 percent of the woody vegetation has not survived. For herbaceous plants, 80 percent cover is expected.



## SELECTED NATIVE VEGETATION SPECIES

### Eastside scrub/shrub wetland and riparian areas:

Douglas Hawthorn (Cataegus douglasii var. douglasii)

white alder (Alnus rhombifolia)

water birch (Betula occidentalis)

willows (salix lasiandra, s. exiqua, S. amydaloides.)

red-osier dogwood (Cornus stolonifera),

black twinberry (Lonicera utahensis),

honeysuckle (Lonicera utahensis),

Black cottonwood (Populus trichocarpa)

### Transitional areas:

Black hawthorn (Crataegus douglasii)

Columbia hawthorn (C. columbiana)

bitter cherry (Prunus emarginata var. emarginata)

common chokecherry (Prunus virginiana)

wild rose (Rosa gymnocarpa, R. woodsii),

snowberry (Symphoricarpo albus)

serviceberry (Amelanchier alnifolia)

mock orange (Philadelphus lewisii)

clematis (Clematis ligusticifolia)

blue elderberry (Sambucus cerulea)

virgin's bower (Clematis ligustisifolia),

gooseberry (Ribes aureum)

scouler's willow (Salix scouleriana),

ninebark (Physocarpus malvaceus),

syringa (Philadelphus lewisii)

hackberry (Celtis reticulata)

ocean spray (Holodiscus discolor)

**Eastside forested:**

Wetter sites:

black cottonwood (Populus trichocarpa)

mountain alder (Alnus incana)

white alder (Alnus rhombifolia)

water birch (Betula occidentalis)

red-osier dogwood (Cornus stolonifera),

**Eastside Transitional areas:**

aspen (Populus tremuloides)

Oregon white oak (Quercus garryana)

ninebark (Physocarpus malvaceus)

ocean spray (Holodiscus discolor)

serviceberry (Amelanchier alnifolia)

wild rose (Rosa gymnocarpa, R. woodsii),

mock orange (Philadelphus lewisii)

clematis (Clematis ligusticifolia)

blue elderberry (Sambucus cerulea)

Oregon grape, tall (Berberis aquilifolium)

spirea (Spirea douglasii)

**Eastside Emergent:**

false solomon seal (Smilacina stellata, S. racemosa)

monkeyflower (Mimulus guttatus)

woolley sedge (Carex lanuginosa)

beaked sedge (Carex rostrata)

Nebraska sedge (Carex nebrascensis)

field sedge (Carex prae-gracilis)

common spike-rush (Eleocharis palustris)

hardstem bulrush (Scirpus acutus)

baltic rush (Juncus balticus)

three-square bulrush (Scirpus americanus)

softstem bulrush (Scirpus validus)

broadfruited burreed (Sparganium eurycarpum)

common cattail (Typha latifolia)

**Eastside Grasses:**

Giant wildrye (Elymus cinereus)

Tufted hairgrass (Deschampsia cespitosa)

wheatgrass (Agropyron smithii, A. dasystachyum)

fowl mannagrass (Glyceria straita)

**Saline or Alkaline Areas, Eastside:**

black greasewood (Sarcobatus vermiculatus)

alkalai saltgrass (Distichlis stricta)

great wildrye (Elymus cinereus)

**Vernal Pond Vegetation:**

April-May

Gray's desert parsley (Lomatium grayi)

narrowleaved montia (Montia linearis)

Mid-May to Mid-June

Geyer's onion (Allium geeyeri)

Navarretia (Navarretia intertexta var. propinqua)

close-flowered knotweed (Polygonum confertifolium)

Mid-June to Mid-July

Showy downingia (Downingia elegans)

alkalai bluegrass (Poa juncifolia)

common spikerush (Eleocharis palustris)

Mid-July to early August

low gumweed (Grindelia nana)

**Bog:**

sphagnum moss (Sphagnum)

labrador tea (Ledum groenlandicum)

bog cranberry (Vaccinium oxycoccos)

bog laural (Kalmia occidentalis)

**Agricultural Riparian Areas:**

cattail (Typha latifolia)

willows (Salix sp.)

wild rose (Rosa nutkana)

**Exotic Plants Will Be Discouraged:**

The following exotic plant species invade native plant communities and shall be discouraged. Existing stands of these plants will be restored to native plant communities whenever possible:

reed canarygrass (Phalaris arundinacea)

purple loosestrife (Lythrum salicaria)

Russian olive (Elaeagnus angustifolia)

smooth cordgrass (Spartina alterniflora, Spartina  
townsendii).

Note: reed canarygrass may be used to control the spread of purple loosestrife or other noxious weeds and prevent erosion, if no acceptable native plant material can be found.