

RATIONALE

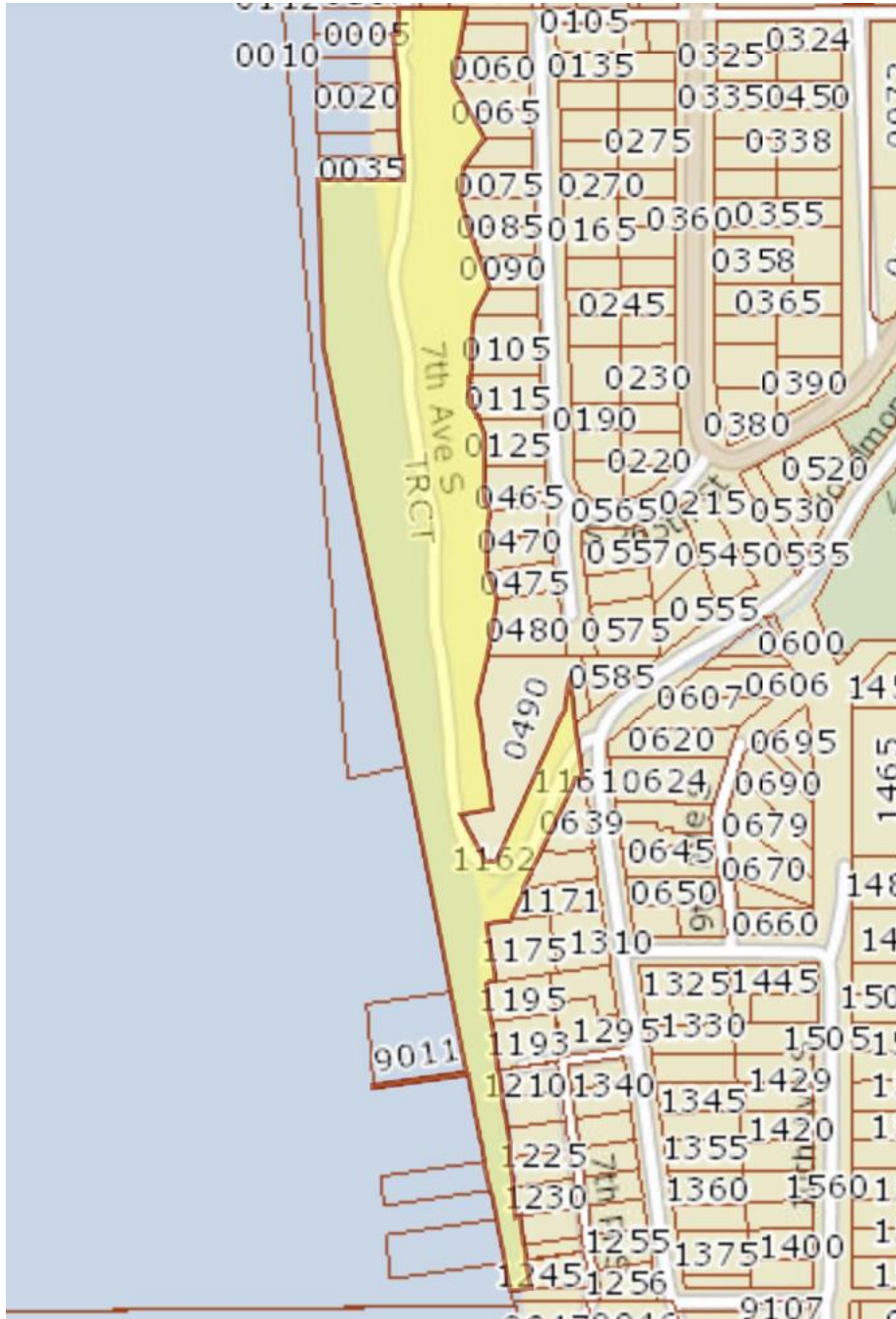
As directed by the Board's motion unanimously approved in June of 2021, the committee's recommendation is based on a thorough review and discussions that carefully considered:

- A) Existing conditions and regulations, on pages 2-9;
- B) Recreational interests, on page 10;
- C) Environmental best practices, on pages 11-13;
- D) Risk management, on page 14; and
- E) Enjoyment of our club's shared spaces by all members, on page 14.

The group also explored various alternatives to driving on the beach for launching watercraft that might improve current shoreline access conditions and provide additional opportunities for aquatic activities by WCC members, on page 15. The committee's key points on each topic are summarized on the following pages.

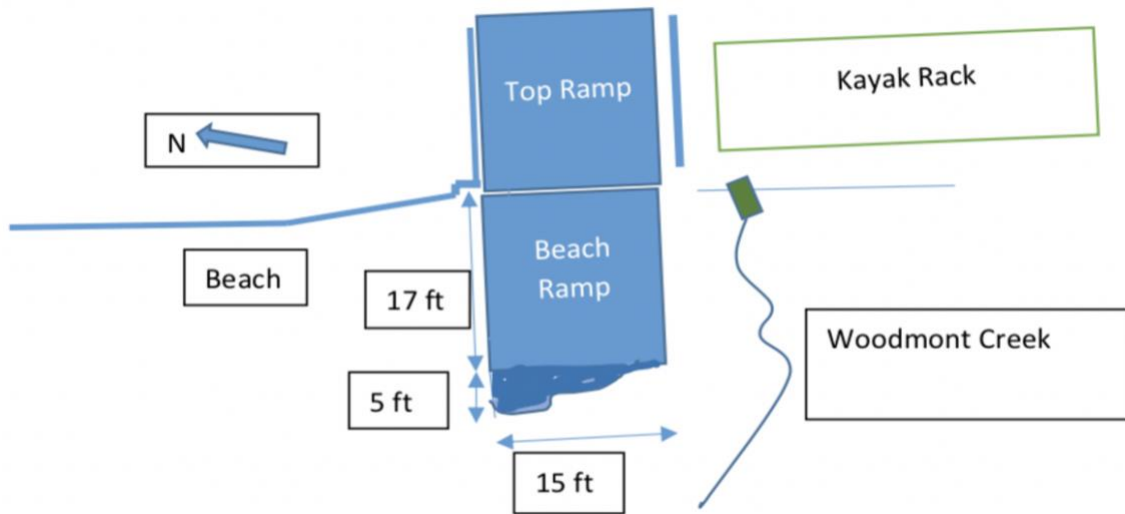
A. EXISTING CONDITIONS AND REGULATIONS -

First, the Club's beach property, the Plaza, and north beach access road, is collectively identified in King County records as Parcel No. 953660TRCT (sometimes called a "Tract"). A screen shot showing the Club's beach property's general location is attached below, subject to all disclaimers on the County's GIS site:



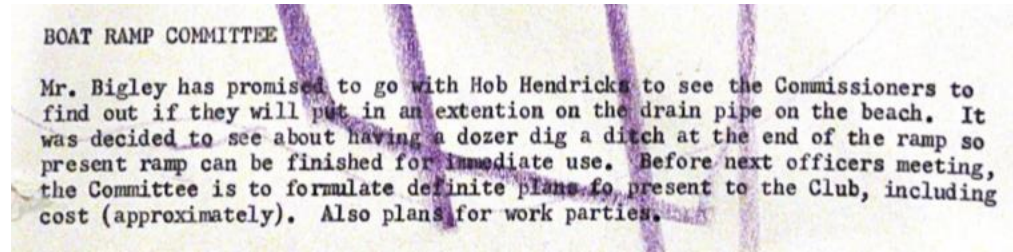
Of special interest to this topic, WCC owns an existing concrete ramp that descends from the Plaza area to a portion of the beach that is also owned by the Club, immediately north of an existing outfall pipe for Woodmont Creek, which is a protected critical area subject to limitations on activities in buffer areas and the like. (See, for example, SMP Sec. 6.4 re: Critical Areas Development and Performance Standards; the City's Shoreline Master Program, the "SMP", is available in .pdf form using the link in footnote 1, below).

The ramp itself is approximately 15 feet wide and extends from the bulkhead wall out into the beach area about 22 feet on the north side and about 17 feet on the south side, as confirmed in several site visits this year. These measurements are consistent with aerial images available online, including Google Earth. The following illustration and aerial photo shows the ramp, the Woodmont Creek outfall pipe, and other surrounding features:



(Google Earth image)

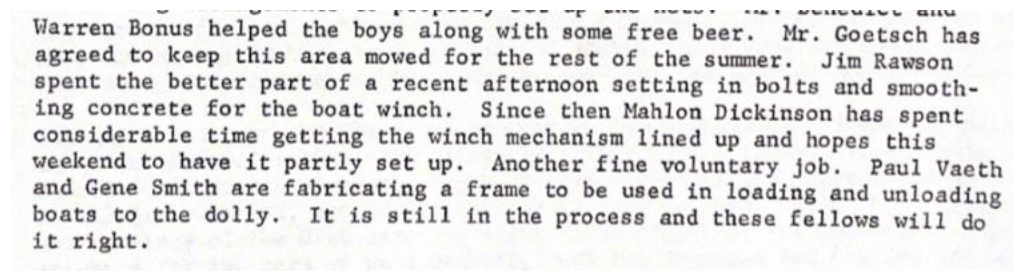
Based on a review of existing Club records, it appears as though the current ramp was constructed at some point in or about 1958, and that it included a “boat winch” mechanism and a “dolly” used for launching boats. Attached are portions of Club minutes from 1958, where the boat ramp/boat winch topic were mentioned:



BOAT RAMP COMMITTEE

Mr. Bigley has promised to go with Hob Hendricks to see the Commissioners to find out if they will put in an extension on the drain pipe on the beach. It was decided to see about having a dozer dig a ditch at the end of the ramp so present ramp can be finished for immediate use. Before next officers meeting, the Committee is to formulate definite plans to present to the Club, including cost (approximately). Also plans for work parties.

(Minutes of WCC “Officers” meeting, dated April 10, 1958)



Warren Bonus helped the boys along with some free beer. Mr. Goetsch has agreed to keep this area mowed for the rest of the summer. Jim Rawson spent the better part of a recent afternoon setting in bolts and smoothing concrete for the boat winch. Since then Mahlon Dickinson has spent considerable time getting the winch mechanism lined up and hopes this weekend to have it partly set up. Another fine voluntary job. Paul Vaeth and Gene Smith are fabricating a frame to be used in loading and unloading boats to the dolly. It is still in the process and these fellows will do it right.

(Letter to WCC members, from Club President, dated May 21, 1958)

After a review of Club archives, there are no permits from County or State agencies authorizing construction or modifications to the boat ramp. The Club property and the rest of the Woodmont community was not annexed into the City of Des Moines until 1997. Since annexation into the City, there are no city permits or approvals that have been issued for modifications or expanded use of the boat ramp.

The Washington State Shoreline Management Act (SMA), now codified in Chapter 90.58 RCW, was overwhelmingly passed by citizen initiative in 1972 in recognition that the state’s shorelines are some of the most valuable of our natural resources.

The Club’s beach property is subject to applicable provisions of: i) the state Shoreline Management Act, found in Chapter [90.58](#) RCW; and ii) the City of Des Moines Shoreline Master Program, accessible online using a link provided in the footnote below.¹

In any event, it appears as though the existing boat ramp qualifies as a “nonconforming use” established at some point in or about 1958, long before the State’s Shoreline Management Act was adopted in 1972 and shoreline permitting requirements

¹ City of Des Moines Shoreline Master Program, .pdf file link:
http://p1cdn4static.civiclive.com/UserFiles/Servers/Server_17385004/File/Departments/Planning and Building/Plan Development/Shoreline Master Program_201909231251132409.pdf

came into existence. "Nonconforming use" means an existing shoreline use that was lawfully established prior to the effective date of the SMA or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program. (SMP Sec. 6.3.2). And,

"Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173- 27-040 (2)(g) upon approval of a Conditional Use Permit." (SMP 6.3.2.1(a)).

As shown above, enlargement or expansion of a nonconforming use is not allowed without complying with current Shoreline regulations. However, maintenance activities appear to be allowed, subject to limitations. (See SMP 6.3.2.2(b), "Structures that were legally established and are used for a conforming use but are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may continue as legal nonconforming structures and may be maintained and repaired.").

The Woodmont County Club is a private entity, and Club properties are intended for use by members of the Club, as compared to public parks and the like that are open for use by members of the general public.

The State's Shoreline Management Act expressly gives preference to uses of the shoreline in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW [90.58.100](#) deemed appropriate or necessary." (See RCW [90.58.020](#), captioned "Legislative findings – State policy enunciated – Use preference").

As one can see, personal, wholly private uses of shorelines are not specifically listed, and "recreational opportunities" for the public fall near the bottom of preferences, with preservation of the natural character of the shoreline and protection of the resources and ecology of the shoreline receiving priority.

The City's Shoreline Master Program has a number of provisions that may be of interest to Club members, including the following:

"No vehicles shall be allowed on Des Moines' beach areas except for residential or service access to legally established uses or developments where alternative access is unavailable." (SMP, on page 96, Sec. 6.3.9(9)).

"Prohibit any proposed shoreline or adjacent land use development that would have a significant adverse impact on the water quality of Des Moines, Massey, McSorley, Woodmont, Redondo, or Cold Creeks." (SMP, on page 8, Sec. 3.2.1 "Shoreline Use Element", Goal B "Ensure that land uses within the shoreline will be compatible with adjacent land use and protect existing shoreline habitats and ecological systems").

"Where a legally established, nonconforming use of the buffer exists (e.g., a road or structure² that lies within the width of buffer recommended for that wetland), proposed actions in the buffer may be permitted as long as they do not increase the degree of nonconformity, or if no reasonable alternative exists. This means no increase in the impacts to the wetland from activities in the buffer." (SMP Sec. 6.4.8.6(b), re: Wetlands – Development standards).

"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, including, but not limited to its size, shape, configuration, location and external appearance, except where repair causes substantial adverse effects to the shoreline resource or environment. Normal repair must occur within a reasonable period after decay or partial destruction." (SMP Sec. 7.2.2, re: Exemptions from Substantial Development Permit Requirements).

[Washington law](#) requires people planning "Hydraulic Projects" in or near state waters to get a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW). This includes most marine and fresh waters. It is worth noting that the location of the boat ramp is in an area where both saltwater/marine waters are present, as well as the fresh waters of Woodmont Creek flowing onto the beach immediately south of the ramp. An HPA ensures that construction or maintenance activities are performed in a manner that protects fish and their aquatic habitats.

² The Club's concrete boat ramp falls in the SMP definition of the term "Structure" which is defined to mean: "A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels." (SMP Definitions, on page 194).

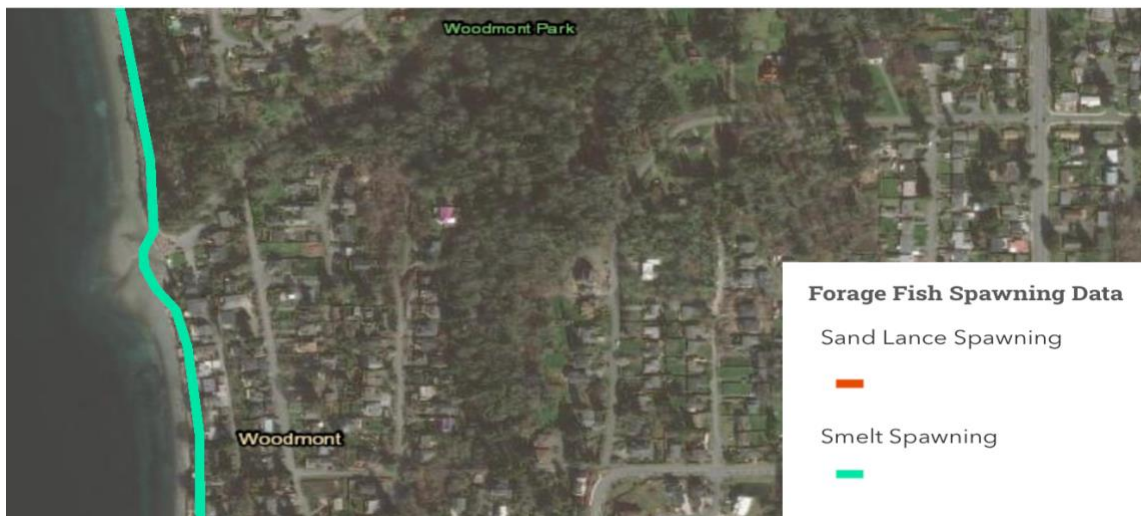
For instance, a “Hydraulic Project” is construction or other work activities conducted in or near state waters that will “use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state.” ([RCW 77.55.011\(11\)](#)). The state's Hydraulic Code Rules ([Chapter 220-660 WAC](#)) identify projects and activities that require an individual HPA. These include, but are not limited to:

- Aquatic plant removal and control;
- Boat ramps and launches (new, repair, modification, and replacement);
- Docks, piers, ramps, floats, boathouses, and buoys (new, repair, modification, and replacement);
- Dredging and sand/gravel removal; and
- Log placement, repositioning, or removal.

**(for a complete list, see WA Dept. of Fish and Wildlife online information captioned “About Hydraulic Project Approvals (HPAs)” available using the following link: <https://wdfw.wa.gov/licenses/environmental/hpa/about>).*

Under limited circumstances, WDFW will allow dredging to maintain access to an existing boat ramp or launch if the access was dredged as part of the original project. The Committee was unable to identify any information on whether dredging was necessary to construct the existing ramp, but it is likely that sand, rock, and gravel was removed, and logs were repositioned or removed in order to install the original ramp. (See WAC 220-660-390, WDFW regulations that appear to allow property owners to undertake limited maintenance activities on existing boat ramps).

Online maps show that Woodmont Beach is a Surf Smelt Spawning Habitat, based on surveys conducted by the Washington Department of Natural Resources (WA DNR).



The online map is available using the following link, which includes additional links to WDNR survey data for specific beach areas, including Woodmont:
<https://wdfw.maps.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3&extent=-126.1368,45.6684,-119.6494,49.0781>

It is worth noting that Surf Smelt spawn in the upper intertidal zone area, which is located in the uppermost parts of the beach area, identified as tides higher than +7 feet up to the maximum high water level on gravel beaches, like Woodmont Beach. Surf smelt in Puget Sound are considered to be a single genetic stock. Although Surf Smelt can spawn year-round, with most in Washington waters occurring in summer or fall, DNR surveys confirm Surf Smelt spawning along Woodmont Beach in the months of January, February, and March. (See DNR Survey data on map link provided above; as well as Surf Smelt and other Forage Fish information on WDFW handout captioned "FORAGE FISHES AND THEIR CRITICAL HABITAT IN THE NEARSHORE ZONE OF PUGET SOUND", available using the following link:

https://wsg.washington.edu/wacoast/meetings/June-2016/Handout-Forage_Fish_and_Their_Critical_Habitat.pdf)

Woodmont Beach is located in "Tidal Reference Area 4" as the term is used in various state regulations. (See WAC 220-660-310(2)(d) - "(d) Tidal Reference Area 4 (Tacoma): All saltwater areas northerly of the Tacoma Narrows Bridge and southerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island."). WDFW will only authorize work waterward of the Ordinary High Water Level between April 15 and September 30th in Tidal Reference Area 4 to provide protection for Surf Smelt Spawning. (See WAC 220-660-330, Table 4, showing authorized times for work in tidal areas for protection of fish species). In other words, along Woodmont Beach, activities that might interfere with fish spawning should not occur from October 1st to Mid-April.

Finally, Washington boating safety laws and regulations are available online, and include the following:

Boating Basics, Know the Law:

To ensure the safety of yourself and others, get to know the state [laws](#) for operating your boat.

Check out the [Adventures in Boating Washington Handbook](#) to learn many of the boating rules, including the following (open free .pdf version of handbook on link):

- Proper fueling.
- How to secure a boat to a trailer.
- The right way to launch a boat into the water.
- Navigational rules.
- Steps for handling bad weather and boating emergencies.

- Personal Watercraft (PWC) specific considerations, including tips on how to be a Courteous PWC operator *(on pages 37-40 of the Handbook link provided above)*.
- Controlling your wake.

(See <https://boat.wa.gov/boating/the-laws/>)

RCW [79A.60.030](#)

Operation of vessel in a negligent manner—Penalty.

A person shall not operate a vessel in a negligent manner. For the purposes of this section, to "operate in a negligent manner" means operating a vessel in disregard of careful and prudent operation, or in disregard of careful and prudent rates of speed that are no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, size of the lake or body of water, freedom from obstruction to view ahead, effects of vessel wake, and so as not to unduly or unreasonably endanger life, limb, property or other rights of any person entitled to the use of such waters. Except as provided in RCW [79A.60.020](#), a violation of this section is an infraction under chapter [7.84](#) RCW.

RCW [79A.60.190](#)

Operation of personal watercraft—Prohibited activities—Penalties.

- (1) A person shall not operate a personal watercraft unless each person aboard the personal watercraft is wearing a personal flotation device approved by the commission. Except as provided for in RCW [79A.60.020](#), a violation of this subsection is a civil infraction punishable under RCW [7.84.100](#).
- (2) A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to his or her person, clothing, or personal flotation device as appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch that was installed by the manufacturer.
- (3) A person shall not operate a personal watercraft during darkness.
- (4) A person under the age of fourteen shall not operate a personal watercraft on the waters of this state.
- (5) A person shall not operate a personal watercraft in a reckless manner, including recklessly weaving through congested vessel traffic, recklessly jumping the wake of another vessel unreasonably or unnecessarily close to the vessel or when visibility around the vessel is obstructed, or recklessly swerving at the last possible moment to avoid collision.
- (6) A person shall not lease, hire, or rent a personal watercraft to a person under the age of sixteen.
- (7) Subsections (1) through (6) of this section shall not apply to a performer engaged in a professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.
- (8) Violations of subsections (2) through (6) of this section constitute a misdemeanor under RCW [9.92.030](#).

B. RECREATIONAL INTERESTS.

While each WCC member may have their own preferred “recreational interest” associated with using Club properties, including the tennis courts, beach, Plaza, trails, and boat ramp, the following are some of the recreational interests that the Committee considered while reviewing the current boat ramp rules and policy. The list is non-exhaustive, and illustrates the need for members to be respectful of one another as they engage in their preferred recreational activity:

- Celebrations
- Dinner and drinks with friends and family
- Fishing from shore
- Jet-skis/personal water craft
- Kayaking
- Knitting club get togethers
- Nature walks to observe marine life
- Paddle boarding
- Parties
- Playing games on beach, like tossing a frisbee, fetch with a dog, etc.
- Scuba Diving
- Small boats used for crabbing/fishing
- Snorkeling
- Special events, like parties or celebrations of various kinds
- Swimming
- Walking alone, with friends, with pets

C. ENVIRONMENTAL BEST PRACTICES.

The Committee was unable to identify any private beach area along Puget Sound where driving vehicles is either permitted by a particular jurisdiction, or is common practice. In fact, the Committee's research shows that beach-driving is discouraged and/or prohibited on most all shorelines along Puget Sound, except for limited construction, maintenance, and similar activities. Other private boat ramps in nearby parts of Puget Sound, including Browns Point and The Cove in Normandy Park, restrict boat launching to high tide.

Simply put, the Committee could not find a rationale to support the Woodmont Country Club Beach area as the only, or one of the only, private beaches anywhere along the Puget Sound where cars and SUVs can drive off-ramp and onto the natural beach.

Other Environmental considerations include:

- Setting an example in our region, as stewards of our beach and shoreline resources;
- Pollution-prevention;
- Avoiding tire tread materials (small, but real source of pollution) on beach surfaces;
- Avoiding scour, trenching that remains after even a single car/SUV drives on soft beach surfaces;
- Beach Naturalist confirmed presence of valuable plant and aquatic life on Club Beach, including the beach ramp area;
- Elephant Seal, spoke for himself, and reminded everyone how special our beach area is, how wildlife relies on residents to be good stewards of the beach environment we share with a variety of life that often goes unseen;
- Policies and purposes detailed in the Washington Shoreline Management Act and the City's Shoreline Master Program; and
- As discussed under Section A, re: Existing Conditions and Regulations, Woodmont Beach is a protected Surf Smelt Spawning Habitat, and Smelt spawning occurs in tides higher than +7 feet, which encompasses the Club's boat ramp.

*The online map of Surf Smelt Spawning Habitat is available using the following link, which includes additional links to WDNR survey data for specific beach areas, including Woodmont:

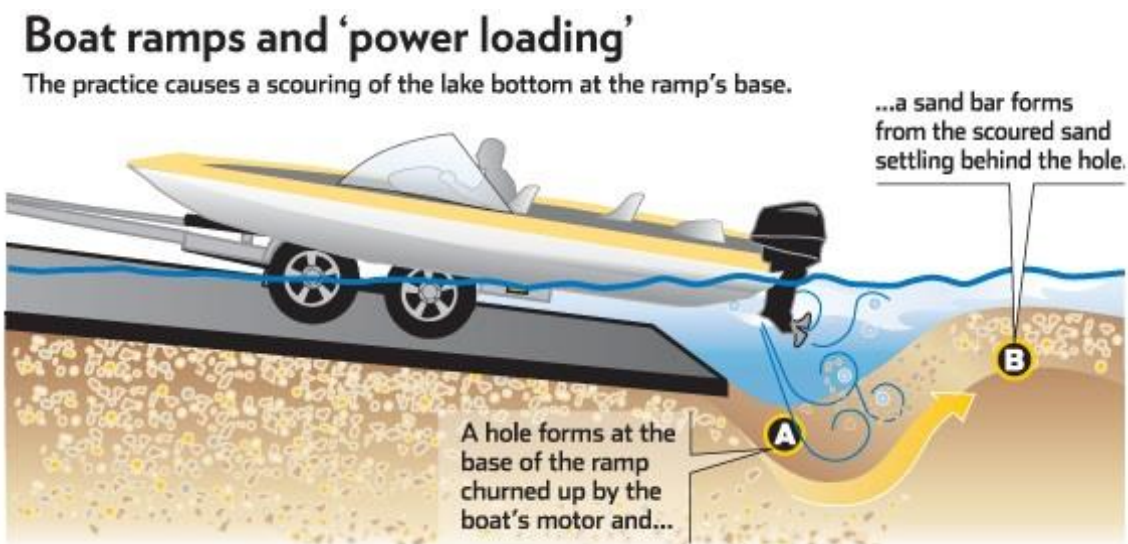
<https://wdfw.maps.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3&extent=-126.1368,45.6684,-119.6494,49.0781>

*Surf Smelt and other Forage Fish information is available on a WDFW handout captioned "FORAGE FISHES AND THEIR CRITICAL HABITAT IN THE NEARSHORE ZONE OF PUGET SOUND," using the following link:

<https://wsg.washington.edu/wacoast/meetings/June-2016/Handout-Forage Fish and Their Critical Habitat.pdf>

Finally, any use of the Club's boat ramp should avoid "Power Loading" a boat or other watercraft to load or unload onto and off a trailer, as it can cause scouring of the shoreline area at the ramp's base. The following illustration and information were obtained from public websites provided by the State of Minnesota, and is also used by local jurisdictions in Washington, including the City of Lakewood, for users of ramps on lakes in that community.

Power loading damages boat ramps.



(illustration obtained from public websites in the State of Minnesota; also used by City of Lakewood).

What is power loading?

Power loading is what it's called when you use the boat motor to load and unload a boat onto and off a trailer. Power loading can damage your boat, motor and trailer, as well as the launch ramp and adjacent shoreline areas.

Why is power loading a problem?

Trying to load or unload your boat using engine power can erode sediment and dig large and hazardous holes at the base of the ramp. The eroded sediment creates a

mound behind the propeller. Trailer tires can get stuck in these holes, and boats can run aground on the mound. It results in a barrier for both launching and loading.

- Boats and equipment can incur costly damage when boaters unknowingly back trailer wheels into the hole, damaging their trailer frames on the submerged ramps or getting the trailer stuck in the hole. When this happens, a tow truck may be the only option to retrieve the trailer and the vehicle attached to it.
- The boat or lower unit can run aground on the mound.
- In extreme cases, the end of the launch ramp can collapse, leaving it unusable and causing the access to be closed.
- Most boat ramps were not designed to sustain the forces of power loading generated by today's motorized watercraft.
- Repairs can be costly and time consuming.
- Power loading can negatively impact the adjacent shoreline resources, marine plants and organisms.

What you can do.

- Only attempt to launch or retrieve your watercraft when tidal conditions and the weather is favorable.
- Always check the end of the ramp for power loading holes and mounds before launching. You may not be able to see holes from the surface of the water.
- Don't race your boat motor while on the ramp. Slightly more than idle speed should be all that is necessary to load or unload the boat.
- Instead of power loading, use the trailer winch to load and unload your boat.
- Back in just far enough that your boat starts to float - you don't need to back in so far that the boat floats entirely off the trailer.
- Consider using smaller watercraft or going to a different launch ramp if the water is too shallow or tidal conditions are not favorable.

D. RISK MANAGEMENT.

- Potential for Pollution Liability (owner, operator, generator), if vehicle is stuck on beach area, cars/SUV's leak toxic substances, etc.;
- Over recent years, several vehicles have been stuck on the Club beach, requiring special measures to retrieve. The concern is real;
- Conflicts with operating vehicles on beach where other users are located;
- Insurance concerns, associated with vehicles driving onto beach areas beyond the existing ramp location;
- Concerns that current rules and policies may not be clear enough, should be supplemented to clearly explain assumption of risk, intended use of ramp.

E. ENJOYMENT:

– HOW USE AND MANAGEMENT OF BOAT LAUNCH IMPACTS ENJOYMENT OF SHARED SPACES.

- Heavy use of boat ramp by cars and SUV's can interfere with multiple other uses and activities at the Plaza and along the Club beach area;
- Jet skis have been observed generating wakes that impact kayakers and paddleboarders near the Plaza and Club beach area;
- Use of different "Tide Apps" generates different results, possibly generating confusion and conflicts amongst Club members;
- Increased use of boat ramp for motorized watercraft may have changed, or could result in a change to, the character of the community, without changes and impacts fully identified or addressed;
- Excessive noise from Jet Skis (Personal Watercraft, or PWCs) often makes them unwelcome with other vessel operators and people on shore (*See Boaters Handbook, linked here: [Adventures in Boating Washington Handbook](#), open "free PDF version"*);
- PWC operators should vary their operating area and should not keep repeating the same maneuver (*Boaters Handbook*);
- Congregating PWC operators near shore increases annoying noise levels (*Boaters Handbook*);
- Motorized watercraft operated at high speeds while close to shore generates waves and wakes up against shoreline properties, and tends to make excessive noise interfering with resident's peaceful enjoyment of adjacent outdoor venues.

ALTERNATIVES EXPLORED.

- *Expand or relocate boat ramp* – likely very expensive, with Shoreline Permitting required, as only ordinary maintenance is allowed within the existing footprint of the Club’s nonconforming boat ramp. Existing boat ramp is only used by a small number of Club members. Funding source unknown. Not recommended.
- *Floating Dock, anchored offshore, for watercraft to tie-off until tidal conditions at the ramp are favorable for retrieval.* Shoreline Permitting required. Might be difficult to obtain, given shadowing over underwater areas; navigation hazard in the area; attractive for trespassers; ongoing maintenance concerns, storage needs; major risk management concerns. Not recommended.
- *Buoys, anchored to seafloor, to avoid placing more concrete in marine waters, for watercraft to tie-off until tidal conditions at the ramp are favorable for retrieval.* Shoreline Permitting required. Unknown funding source. Ongoing maintenance. Cost/benefit to Club as a whole, vs. used by few members. Storage needs during off-season. Not recommended.
- *Electric Powered “dolly” or similar forklift-like device.* Might be worth exploring by individual members, but costs viewed as too high for the Club to absorb. Still a motorized vehicle, should not be operated on the beach. Not recommended.
- *If publicly funded, consider participation in “Programmatic Opportunities” identified in the City’s Shoreline Master Program, which mentions, but does not finance, an Incentive Program to Encourage Multiple Family/Neighborhood Use of Docks and Boat Ramps.* The City’s SMP makes reference to a conceptual, and completely unfunded, idea for neighborhood boat ramps, which reads: *“This program would be focused on new development or redevelopment in areas where private docks, piers, and boat ramps are located very close to one another. This program is less relevant to the City of Des Moines’ shoreline, since boat launch and moorage facilities are already concentrated at community locations such as the Des Moines Marina and the Redondo Boat Launch. (underlines added). Nonetheless, the City may consider policies in its SMP consistent with this concept.”* This language is part of the City’s SMP, at Sec. 4.5.1, captioned: “Programmatic Opportunities”. Any project would likely entail an expensive Shoreline Permitting process, placing a substantial impact of Club funds. Expanded use of the boat ramp, even if by members, could generate more parking problems and conflicts with other users at the Plaza, and could adversely impact enjoyment of the Club beach area by other users, as discussed in Sec. E, re: Enjoyment of Shared Spaces. Not recommended.
- *Signage.* Identify good examples of waterfront signage used on other parts of the region that identify plants and marine life on our beach to enhance experience for members and instill appreciation for shoreline functions and values. Recommended.
- *Chain, or Line.* Install/place/make available a chain or line of some sort for use in measuring end of the existing ramp. Recommended.