Council Meeting Date: August 5, 2013 **Agenda Item:** 7(c)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 668, Adopting the Shoreline Master Program (SMP)
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Miranda Redinger, Senior Planner, Project Manager Rachael Markle, AICP, P&CD Director
	__X_ Ordinance ____ Resolution ____ Motion ____Discussion ___ Public Hearing

ISSUE STATEMENT:

The City of Shoreline has been working to create its own Shoreline Master Program (SMP) since 2007. On May 29, 2012, Council adopted Resolution No. 327, approving the submittal of the draft SMP for Department of Ecology (DOE) review. The May 29 staff report and SMP are available on the City's website.

DOE concluded their review and the City received final approval documents on July 3, 2013, including a letter of Conditional Approval from the Ecology Director, Maia Bellon (Attachment B); Findings and Conclusions (Attachment A, Exhibit 1); and Required Changes (Attachment C). The changes required by DOE do not materially change the preliminary SMP adopted with Resolution No. 327 and no additional public hearing is required for adoption of these changes.

Fourteen days after the DOE receives the letter from the City Manager accepting the Department's required changes, the SMP will become effective, revising Shoreline Municipal Code Title 20 and the SMP Element of the Comprehensive Plan.

RESOURCE IMPACT:

No significant financial impact is anticipated from adoption or implementation of the Shoreline Master Program.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 668 (Attachment A), approving the final Shoreline Master Program.

Approved By: City Manager ***JU*** City Attorney ***IS***

ATTACHMENTS:

Attachment A – Ordinance No. 668
- Exhibit 1 - Ecology Findings and Conclusions
- Exhibit 2 - Comprehensive Plan SMP Element (changes accepted)
- Exhibit 3 - Development Code SMP Regulations (changes accepted)

Attachment B - Conditional Approval Letter from Ecology
Attachment C - Required Changes from Ecology

ORDINANCE NO. 668

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING A SHORELINE MASTER PROGRAM TO MEET THE REQUIREMENTS SET FORTH IN THE SHORELINE MANAGEMENT ACT, RCW 90.58; AND AMENDING THE SHORELINE MASTER PROGRAM ELEMENT OF THE COMPREHENSIVE PLAN AND ADDING NEW SHORELINE REGULATIONS TO THE MUNICIPAL CODE AS CHAPTERS 20.200-20.230.070.

WHEREAS, RCW Chapter 90.58, the Shoreline Management Act ("SMA") and the Growth Management Act , RCW36.70A.480 , require the City of Shoreline to develop and implement local Shoreline Master Program ("SMP") goals and policies as an element of its Comprehensive Plan and development regulations to implement this element; and

WHEREAS, Shoreline adopted King County's Shoreline Management Master Program as adopted in 1996 in Shoreline Municipal Code chapter 16.10 ; and

WHEREAS, the State Department of Ecology ("Ecology") adopted new SMP guidelines in requiring all jurisdictions in the state to update their Shoreline Master Programs; and

WHEREAS, the City Council adopted Resolution No. 327 on May 29, 2012 to submit the SMP packet to Ecology for review; and

WHEREAS, Ecology completed its review and the City received a Letter of Conditional Approval, Findings and Conclusions, and Required Changes on July 3, 2013; and

WHEREAS, f the City Manager will notify Ecology Director Bellon of Council action adopting the SMP that incorporates Required Changes; and

WHEREAS, the City's SMP will become effective 14 days following receipt of said letter; now, therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Findings and Conclusions. In support of adoption of the Shoreline Master Program, as provided in Section 2 below, the City Council adopts the Department of Ecology's Findings and Conclusions set forth in Exhibit 1, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Adoption of the Shoreline Master Program. The City of Shoreline's Shoreline Master Program, Receiving No. 7321, as revised with final required changes from the Department of Ecology is hereby adopted.

Section 3. Amendment, Comprehensive Plan. The 2012 Comprehensive Plan SMP Element set forth in Exhibit 2 and incorporated herein by reference is hereby adopted.

Section 4. New chapters. Chapters 20.200-20.230.070 are added to the Shoreline Municipal Code as set forth in Exhibit 3 attached hereto and incorporated herein by reference.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Publication and Effective Date. This ordinance shall take effect 5 days after publication of a summary consisting of its title in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON AUGUST 5, 2013.

_____
Mayor Keith McGlashan

ATTEST:

_____
Scott Passey
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

Date of publication:
Effective date:

ATTACHMENT A: FINDINGS AND CONCLUSIONS FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF SHORELINE SHORELINE MASTER PROGRAM

SMP Submittal accepted February 14, 2013, Ordinance No.327
Prepared by Barbara Nightingale on June 18, 2013

Brief Description of Proposed Amendment:

The City of Shoreline has submitted to Ecology for approval, the City's first Shoreline Master Program (SMP) to comply with the Shoreline Management Act (SMA) and SMP Guidelines requirements of WAC 173-26. This master program contains locally tailored shoreline management policies, regulations, environment designation maps, and administrative provisions. The SMP includes many elements from the City's Critical Areas Ordinance (Ordinance 398), adopted by reference as part of the SMP. Consistent with WAC 173-26-221(2)(c)(i)(A)(B)(C)(D) and (E), this SMP incorporates updated wetland standards that meet state standards for wetlands associated with state shorelines. This SMP and its updated standards and critical area provisions, adopted by reference, assures no net loss of shoreline ecological functions to sustain shoreline natural resources, as defined by Ecology guidelines adopted pursuant to RCW 90.58.060.

This SMP will regulate the shoreline jurisdiction of the City of Shoreline, totaling approximately three and one-half linear miles within the city limits. The BNSF railroad runs the entire length of the City shoreline with a full 70% of the railway right-of-way abutting Puget Sound and supported by continuous riprap. The remaining 30 % percent of the railway, within the City's shoreline jurisdiction, is landward of Richmond Beach Saltwater Park, the Richmond Beach neighborhood, and the Point Wells industrial area, a potential annexation area. The extent of the remaining uses abutting the City's Puget Sound shorelines and potential annexation area include 16% occupied by the Point Wells industrial facility, 9% single-family residential uses, and 5% parks and open space. If Point Wells is annexed by the City, the total shoreline SMP linear miles will be approximately 4 miles. The area has been predesignated with designations appropriate to the character of the area.

The topography of the City's shoreline includes low elevation shorelines, to the north, surrounding the Point Wells Facility, the Richmond Beach Residential Community, and the Richmond Beach Saltwater Park. Those shorelines, south of the Richmond Beach Park, are largely high bluffs with slopes greater than 40%, and are presently separated from Puget Sound by the BNSF railroad and the shoreline stabilization supporting the railroad.

FINDINGS OF FACT

Need for amendment. The proposed SMP is needed to comply with the statutory deadline for comprehensive updates for cities located in King County pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMA and its implementing rules. When the City of Shoreline incorporated in 1995, it adopted regulations outlined in Title 25 (Shoreline Management Plan) of the King County Code as the interim shoreline management code (Shoreline Municipal Code [SMC] 16.10). In 1998, with the adoption of its own Comprehensive Plan, the City included an SMP Element with goals, policies, and maps reflecting those elements of the King County SMP. In addition to these areas located in King County, the shoreline properties within the City's potential annexation area at Point Wells are currently regulated

under the Snohomish County SMP. This locally-adopted SMP includes all existing shoreline uses within existing City Limits and the Point Wells potential annexation area. This SMP is required to meet the RCW 90.58.080 master program timetable in the development of regulations for land uses over the reasonably foreseeable future specific to the City's entire shoreline, including any potential annexation areas, such as Point Wells. If and when the City annexes the Point Wells area, this SMP will also regulate the Point Wells area, bringing the total linear miles regulated by the SMP to over four (4) linear miles of Puget Sound shoreline.

SMP Provisions to be changed by the amendment as proposed: This updated Shoreline SMP covers approximately four miles of marine shoreline in central Puget Sound, located between the boundaries of the cities of Woodway and Seattle, and the unincorporated Snohomish County area at Point Wells. It also regulates the area waterward of Ordinary High Water Mark (OHWM) west to the Kitsap Peninsula boundary along the middle of Puget Sound. In summary, this SMP update is needed to enable the City to regulate the present and future land uses. This SMP applies environmental protection and land use management policies and practices provided by the City's 2006 Critical areas Ordinance, Comprehensive Plan elements, the 2003 SMP Guidelines (WAC 173-26), and state standards for wetlands. SMP changes include more site and use-specific policies and regulations for these City shorelines, based upon the City's inventory of conditions and demonstration of the potential to achieve no net loss of ecological functions, as provided in their use analysis and cumulative impacts analysis. This is the City's first SMP tailored to the City's specific conditions and comprehensive planning.

Amendment History, Review Process: The City indicates the proposed SMP amendments originated from a local planning process that began on November 11, 2007. In April 2008, the City produced a Public Participation Plan for soliciting early and continuous feedback from the local community and statewide stakeholder groups. Phase I included collection of existing shoreline data from a variety of sources in order to connect people and organizations to relevant shoreline information. The record shows that the main forum for SMP discussions, occurred at Planning Commission meetings, with SMP background information presented at the July 17, 2008 Planning Commission meeting, and SMP open house workshops held in conjunction with the November 20, 2008 and August 20, 2009 planning commission meetings. Several SMP meetings were held by the planning commission and on March 1, 2012, the Planning Commission approved the draft SMP and recommended it be moved to the City Council for adoption. The City Council issued a notice of hearing in the Seattle Times for a public hearing on March 14, 2012. During that hearing, only one citizen commented and that comment was to urge the City Council to adopt the SMP. City Council then scheduled the SMP Resolution of Intent to Adopt (Resolution 327) for May 29, 2012. These meetings were widely noticed and open to the public. Over the last three years, the City has been working closely with citizens residing along the shoreline. The City has resolved all controversy with these homeowners. Affidavits of publication provided by the City indicate notice of the hearing was published in the Seattle Times on February 15, 2012 for a public hearing before the planning commission and a publication with the Seattle Times on May 3, 2012 for the City Council adoption on May 14, 2012.

With passage of Resolution #327, on May 29, 2012, the City authorized staff to forward the proposed amendments to Ecology for approval of the City's SMP.

Documents submitted by the City, indicate that the City has met all WAC 173-26 Guideline requirements and the RCW 90.58 SMA requirements for development policies and regulations based

on existing ecological conditions and land uses, as provided in the City's Inventory and Characterization.

The locally-adopted SMP was received by Ecology for state review and verified as complete on February 14, 2013. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on March 22, 2013 in compliance with the requirements of WAC 173-26-120. The Ecology website also posted the City's proposed SMP and all supporting documents effective on March 14, 2013, and as follows: The state comment period began on March 27, 2013 and continued through April 28, 2013. Fourteen (14) individuals submitted comments on the proposed SMP. Ecology sent all written comments it received to the City on May 1, 2013. All 14 comments urged Ecology to adopt the SMP as drafted.

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on (December 5, 2011). Notice of the SEPA determination was published in the Seattle Times on February 15, 2012. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolio, and data prepared for the City in support of this SMP:

These supporting documents include:

-
- *December 2008 Land Use and Public Access Analysis*
- *April 2010 Shoreline Inventory and Characterization,*
- *March 2012 Cumulative Impacts Analysis,*
- *April 2010 Restoration Plan, and the*
- *April 2008 Public Participation Plan.*

The proposed SMP divides the City shorelines into the following six (6) designations:

Environment Designation	Objectives	Native Vegetation Conservation Area/Building Setbacks[1]
Aquatic	To protect, restore, and manage unique characteristics and resources of the areas waterward of the OHWM out to the middle of Puget Sound.	N/A
Urban Conservancy	To protect and restore relatively undeveloped or unaltered shorelines to maintain open space, floodplains, or habitat, while allowing a variety of compatible uses. This designation is suitable for low intensity development and uses that are a combination of water-related or water-enjoyment uses that allow substantial number of people access to the shoreline.	150 feet or 50 feet from top of a landslide hazard area, whichever is greater
Shoreline Residential	To accommodate residential development and accessory structures consistent with the SMP. This designation shall apply to shorelines that do not meet criteria for Urban Conservancy, and are characterized by single-family or multifamily residential development.	115 feet
Waterfront Residential	Shoreline with high energy wind and wave action fully armored prior to December 4, 1969. This designation supports a number of nonconforming homes & structures built prior to January 1, 1992. This designation is distinguished from existing residential property cut off from the shoreline by bluffs and railroad tracks and potential new residential properties at Point Wells.	20 feet
Point Wells Urban	To accommodate higher density uses while protecting and/or restoring ecological functions at the Point Wells potential annexation area.	200 feet with restoration required as part of development
Point Wells Urban Conservancy	This designation supports a different level of potential and existing ecological function within Point Wells and regulate uses and public access to protect and enhance those functions.	200 feet

1. Native Conservation Area applies to unarmored shorelines, objective: to maintain natural, undisturbed, undeveloped and vegetated conditions. Building Setback applies to armored areas cut off by railroad or hard-armored conditions.

Summary of Issues Arising During the Public Review Process:

The City's SMP amendment drafting and public outreach process was at times contentious with considerable debate centered around the Richmond Beach waterfront homeowners and their need to maintain their Richmond Beach area bulkheads from high energy wind and waves. It was determined, that given the unique characteristics, location, and concerns for this particular beach segment, that it would have its own shoreline designation of Waterfront Residential. City staff worked closely with the

homeowner group to identify the unique risks of this segment of shoreline and meet the wind and wave protection needs in developing the SMP regulations and restoration plan. The City and Ecology staff worked closely on the risks and preventive measures applicable to this particular segment of shoreline.

Summary of Issues Identified by Ecology as Relevant To Its Decision:

Key Issues	Policy & Regulatory Approach
Height Limitations	• SDP exemption requires SFR not to exceed 35 feet at average grade level. • Shoreline Variance shall not be granted when it would allow a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site.
Shoreline Stabilization	• All development shall be located and designed to avoid and minimize the need for shoreline stabilization measures. Where such measures are necessary, bio-stabilization techniques shall be preferred. • For purposes of CZM consistency, the railroad is required to comply with City policies.
Public Access	• All non residential boating facilities require public access. • Public access easements require a minimum 25 - ft width. • Subdivision of land into more than 4 lots must provide public access. • Multifamily structures containing more than four (4) dwelling units must provide public access.
Wetlands	• SMP Wetland definition, buffers, and mitigation ratios have been updated in the SMP for consistency with current state standards
Aquaculture	• Aquaculture is allowed in the Aquatic areas with a shoreline CUP. • Aquaculture policies & regulations are included in the SMP.
Setbacks-Native Vegetation Conservation	• 200 feet in both Point Wells Designations; 150 feet or 50 feet from top of a landslide hazard area, whichever is greater; 115 feet for Shoreline Residential, and 20 feet for Waterfront Residential.
Docks ,Marinas,	• Marinas are prohibited across all designations. • Piers and Docks are allowed only for public and joint-use only. • Piers and Docks are prohibited in the Point Wells Urban Conservancy designation.
Dredging	• Prohibited in all designations except for restoration and enhancement purposes and for navigation purposes respective to a public pier in Point Wells Urban area.

The draft SMP incorporates the 2006 CAO by reference except for CAO reasonable use determination, exemptions, variance procedures and wetland regulations. For wetland regulations, the City has incorporated wetland buffers, setbacks, mitigation ratios and associated uses and reports by incorporating into the SMP the standards from the Ecology Pub. No. 10-06-002 Wetlands & CAO Updates: Guidance for Small Cities, Western Washington Version. The City has incorporated all of Ecology's comments in the development of inventory and maps. Due to the topography of the City's Puget Sound shoreline and the private ownership of the BNSF railway along the extent of the shoreline, the only major roadway that falls within the City's shoreline planning area is Richmond

Beach Drive NW. This roadway is the primary roadway that allows access to 32 residences along the shoreline in this northwestern portion of the City. These residences span a total of 1,886 linear feet of shoreline.

Marinas are prohibited in all designations within the City Limits with new docks permitted only for public or joint-use within the existing City limits. New boating facilities, docks and marinas are prohibited in the Point Wells Urban Conservancy designation. However, upon annexation, public docks and piers and launching ramps are permitted in the PW Urban designation.

The environment designation system and regulations were developed with extensive collaboration with the public to protect present uses, while achieving no-net-loss.

Similarly, the City worked closely with the Muckleshoot Tribe to define Aquaculture and Aquaculture Activity. Aquaculture is only allowed with a conditional use permit in the Aquatic designation.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all public comments received, Ecology concludes that the City's proposed SMP, subject to and including Ecology's changes, is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and 020 definitions). This includes a conclusion that approval of the proposed SMP, with required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c).

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notices, consultation with parties of interest, and solicitation of comments from tribes, government agencies, and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(f)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed SMP to be consistent with Shoreline Management Act policy and the applicable guidelines and implementing rules, subject to the City's acceptance Ecology's required changes in Attachment B updated June 5, 2013.

As provided in RCW 90.58.090(2)(e)(ii), the City may choose to submit an alternative to some or all of the changes required by Ecology.

If Ecology determines that the alternative proposals are consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final. Approval of the updated SMP is effective 14 days from Ecology's final action.

Appendix A

SHORELINE MASTER PROGRAM

Goals, Policies, and Analysis

Shoreline Master Program Element Goals, Policies, and Analysis

INTRODUCTION

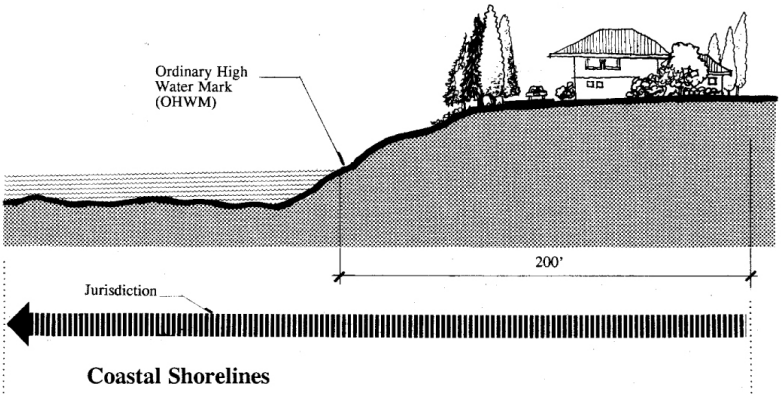
Washington's Shoreline Management Act (SMA) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The SMA establishes a balance of authority between local and state government. Cities and counties are the primary regulators, but the State has authority to review local shoreline management programs and permit decisions.

The SMA has three broad policies:

- Encourage water-dependent and water-oriented uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines...."
- Promote public access: "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."
- Protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life...."

Shoreline Jurisdiction

Under the SMA, the shoreline jurisdiction includes areas that are 200 feet landward of the ordinary high water mark (OHWM) of waters that have been designated as "shorelines of statewide significance". The City of Shoreline's shoreline area includes approximately 3.5 miles of Puget Sound coastline. There are no shorelines of statewide significance associated with rivers, streams, or freshwater lakes in the city or its Future Service Annexation Area (FSAA) of Point Wells.



Shoreline Master Programs

Under the SMA, each city and county adopts a Shoreline Master Program (SMP) that is based on State guidelines, but tailored to the specific needs of the community. Local SMPs combine both policies and regulations to guide and control development within the shoreline area. The plans are a comprehensive vision of how shoreline areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must meet.

Driftwood

The City of Shoreline incorporated on August 31, 1995, and subsequently adopted the King County Shoreline Master Program (Ord. 23, 1995). With the adoption of the Comprehensive Plan in 1998, the City adopted a Shoreline Master Program Element that contained goals, policies and maps of shoreline environments. While largely consistent with the King County SMP, this newer SMP Element was not reviewed by Ecology, and therefore it did not qualify as part of the City's recognized SMP. The 2005 Comprehensive Plan contained an SMP Update Strategy, and in 2007 the City received a grant from the Department of Ecology to develop its own SMP, which was adopted by City Council on May 29, 2012. Following a thorough review by Ecology, Council adopted the final SMP through Ordinance 668 on August 5, 2013.

Because the SMP contains Goals and Policies, and Analysis, as well as regulations and other information, rather than recreate these elements within this Comprehensive Plan, the City of Shoreline's Shoreline Master Program is referenced at the following link in its entirety:
http://shorelinewa.gov/Modules/ShowDocument.aspx?documentid=11043

Environment Designations

Part of the process of drafting regulations involved classifying areas of the coastline according to their historic and existing conditions, and ecological function. This map is included as Figure SMP1.

SHORELINE MASTER PROGRAM




PROPOSED REVISIONS TO TITLE 20 OF THE
CITY OF SHORELINE UNIFIED DEVELOPMENT CODE
DEPARTMENT OF ECOLOGY GRANT #G0800171
Adopted by City Council on May 29, 2012 by Resolution No. 327
Submitted for Review and Approval to the Washington Department of Ecology on February 14, 2013
Final approval by City Council on August 5, 2013 by Ordinance No. 668
Effective on August 20, 2013

Acknowledgements

Shoreline City Council

Keith McGlashan, Mayor

Chris Eggen, Deputy Mayor

Will Hall

Doris McConnell

Christopher Roberts

Shari Winstead

Jesse Salomon

Terry Scott *

** Term ended prior to City Council adoption.*

Shoreline Planning Commission

Michelle Linders Wagner, Chair

Ben Perkowski, Vice Chair

Donna Moss

Cynthia Esselman

John Behrens

Michael Broili

Easton Craft

Janne Kaje *

** Term ended prior to Planning Commission recommendation.*

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20.200 Shoreline Master Plan

20.200.010 Title

This chapter shall be known as the City's Shoreline Master Program, hereafter referred to as the Master Program.

20.200.020 Authority

The Master Program is adopted in accordance with the Shoreline Management Act (Chapter 90.58 RCW) and the state shoreline guidelines (Chapter 173-26 WAC).

Where these regulations require that public access be provided, the requirement shall be construed to be limited to the extent of the lawful and constitutional authority of the City to require public access or to require the easement, fee ownership or interest requested.

Subchapter 1. Goals and Objectives

20.200.030 Purpose

The purpose of this Master Program is to:

- Promote the public health, safety, and general welfare of the community;
- Manage shorelines in a positive, effective, and equitable manner;
- Achieve no net loss to the ecological functions of the City's shorelines;
- Assume and carry out the responsibilities established by the Shoreline Management Act (SMA);
- Adopt and foster the policies contained in the Revised Code of Washington (RCW) 90.58, the State Shoreline Management Act, for shorelines of the State; and
- Assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights.

20.200.040 Shoreline Elements

The following elements have been considered in the preparation of this Master Program for the City of Shoreline. The goals and objectives established for these elements provide the basis for policies and regulations included under the general use requirements of this Master Program.

ECONOMIC DEVELOPMENT ELEMENT

Goal Provide for economically productive uses that are particularly dependent on their shoreline location or use.

Objective Plan for economic activity that is water-dependent, water-related, or that provides an opportunity for a substantial number of people to enjoy the shoreline and water.

PUBLIC ACCESS ELEMENT

Goal Increase public access to publicly-owned areas of the shoreline.

Objective Provide for public access to publicly owned shoreline areas, except where deemed inappropriate due to safety hazards, inherent security problems, environmental impacts, or conflicts with adjacent uses.

RECREATIONAL ELEMENT

Goal Develop public and private recreation opportunities that are compatible with adjacent uses and that protect the shoreline environments.

Objective Provide for the preservation and enlargement of public and private recreational opportunities and recreational facilities along the shoreline, including but not limited to, parks and recreational areas, wherever appropriate.

CIRCULATION ELEMENT

Goal Provide inter-connected, efficient, and safe transportation networks to and around the shoreline to accommodate vehicles, transit, pedestrians, and cyclists.

Objective Provide for a safe and adequate circulation system, including existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities within the shoreline jurisdiction that benefit permitted uses without degrading the environment or aesthetic values of the area.

SHORELINE USE ELEMENT

Goal Regulate land use patterns to 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.

Objective Include protections for the natural environment and adjacent uses in the Shoreline Development Code, Point Wells Subarea Plan, Saltwater Park master planning efforts, and other regulatory framework for development along the shoreline.

CONSERVATION ELEMENT

Goal Conserve and protect the natural resources of the shoreline including, but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.

Objective Through the use of best available science, develop and implement siting criteria, design standards, and best management practices that promote the long term enhancement of unique shoreline features, natural resources, and fish and wildlife habitat.

HISTORICAL/CULTURAL ELEMENT

Goal Identify, preserve, protect, and restore shoreline areas, buildings, and sites having historical, cultural, educational, or scientific values.

Objective Educate citizens on historical, cultural, and scientific significance of shoreline structures, amenities, and functions.

FLOOD HAZARD MANAGEMENT

Goal Protect the City of Shoreline and other property owners from losses and damage created by flooding along the coast and sea-level rise.

Objective Seek regional solutions to flooding problems through coordinated planning with state and federal agencies, other appropriate interests, and the public.

Objective Develop a plan to mitigate and adapt to potentially altered environmental conditions along the coastline resulting from climate change.

RESTORATION ELEMENT

Goal Improve water quality, reduce the impacts of flooding events; and restore natural areas, vegetation, and habitat functions.

Objective Seek funding for restoration projects within the shoreline jurisdiction and require development proposals to address habitat restoration and water quality.

Objective Engage in discussions with other municipalities that border the Puget Sound and BNSF railroad regarding efforts to benefit fish passage and nutrient transfer.

Subchapter 2. General Provisions

20.200.050 Purpose

This chapter defines requirements for implementation of the Master Program and sets an orderly process for project review and permitting. The development regulations in the Master Program are intended to make shoreline development responsive to specific design needs and opportunities along the City's shorelines, and to protect the public's interest in the shorelines' recreational and aesthetic values.

20.200.060 Administrator

The Planning and Community Development Director or designee is the Shoreline Administrator, herein after known as the Director, and is vested with authority to:

- Administer the Master Program;
- Approve, approve with conditions, or deny Shoreline Substantial Development Permits;
- Grant exemptions from Shoreline Substantial Development Permits;
- Determine compliance with RCW43.21C, the State Environmental Policy Act; and
- Adopt rules that are necessary and appropriate to carry out the provisions of this chapter.

The Director's duties and responsibilities include:

- Making administrative decisions and interpretations of the policies and regulations of this program and the Shoreline Management Act;
- Developing and proposing amendments to this Master Program to more effectively and equitably achieve its goals and policies;
- Seeking remedies for violations of this Master Program, the provisions of the Shoreline Management Act, or the conditions of Substantial Development Permits issued by the City; and
- Forwarding shoreline permits to Washington State Department of Ecology for Ecology action.

20.200.070 Applicability

A. The regulations of this Title apply to all shorelines of Statewide Significance and their associated wetlands within the City and to the waters and underlying land of the Puget Sound extending to the middle of Puget Sound adjacent to Kitsap County, between the northern and southern limits of the City and 200 feet landward of the Ordinary High Water Mark (OHWM).

B. These standards provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992. Nothing in this Master Program shall constitute authority for requiring or ordering the removal of any structures, improvements, docks, fills, or developments placed in navigable waters prior to December 4, 1969, and the consent and authorization of the state of Washington to the impairment of public rights of navigation, and corollary rights incidental thereto, caused by the retention and maintenance of said structures, improvements, docks, fills or developments are hereby granted: PROVIDED, That the consent herein given shall not relate to any structures, improvements, docks, fills, or developments placed on tidelands, shorelands, or beds underlying said waters which are in trespass or in violation of state statutes.

C. Regulation of private property to implement Program goals such as public access and protection of ecological functions and processes must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to civil rights guaranteed by the U.S. and State constitutions, recent federal and state case law, and state statutes, such as RCW 34.05.328, 43.21C.060, and 82.02.
D. All proposed uses and development, as defined in this chapter, occurring within the shoreline jurisdiction shall comply with this Master Program and RCW 90.58.
E. Uses and development regulated by this Program are subject to applicable provisions of the SMC, the Comprehensive Plan, the Washington State Shoreline Management Act (RCW 90.58), Growth Management Act (RCW 36.70), Environmental Policy Act (RCW 43.21C and WAC 197-11), and other local, state and federal laws. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development, or activity.
F. The Master Program policies and regulations shall apply in addition to other city regulations. Where the regulations of the Master Program conflict with other regulations, the regulations that provide more shoreland and shoreline protection shall apply.
G. Non-conforming uses and improvements within the shoreline jurisdiction shall be subject to this Program and SMC 20.220.150.
H. The City's Critical Areas Ordinance SMC 20.80, which was passed on February 27, 2006 by Ordinance No. 398, is adopted as a part of the Master Program. The provisions of SMC 20.80 shall apply to any use, alteration or development within the shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required.
I. Uses and developments within the shoreline jurisdiction that meet the Reasonable Use Exception provisions of SMC 20.30.336 require a Shoreline Variance in accordance with this chapter.
J. The exemptions and partial exemptions listed in sections SMC 20.80.030 and 20.80.040 shall not apply within the shoreline jurisdiction. Such activities may require a Shoreline Substantial Development Permit, Shoreline Variance, or Shoreline Conditional Use Permit unless the Master Program and RCW 90.58.030(3)(e) specifically indicates the activity is exempt from the Shoreline Substantial Development Permit requirements.

20.200.080 Master Program Review and Update

This Master Program shall be periodically reviewed as necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.

20.200.090 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 173.26 WAC. Amendments to the Master Program do not become effective until approved by the Department of Ecology.

Proposals for shoreline environment redesignation, for example amendments to the shoreline maps and descriptions, must demonstrate consistency with the criteria set forth in WAC 173-16-040 (4).

Subchapter 3. Definitions

20.210.010 Definitions
The Master Program shall be implemented according to the definitions contained in SMC chapter 20.20, RCW 90.58, and WAC 173-26-020. Where definitions contained in SMC chapter 20.20 conflict or differ from definitions contained in the Shoreline Management Act the definitions in the RCW and WAC shall prevail.

Accretion. May be either natural or artificial. Natural accretion is the buildup of land, solely by the action of the forces of nature, on a beach by deposition of water- or airborne material. Artificial accretion is a similar buildup of land by reason of an act of man, such as the accretion formed by a groin, breakwater, or beach fill deposited by mechanical means.

Activity. An occurrence associated with a use; the use of energy toward a specific action or pursuit. Examples of shoreline activities include, but are not limited to, fishing, swimming, boating, dredging, fish spawning, or wildlife nesting.

Adjacent Lands. Lands adjacent to the lands within the shoreline jurisdiction. The SMA directs local governments to develop land use controls (i.e., zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local shoreline master program (Refer to RCW 90.58.340).

Agricultural Uses. (a) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation; (b) **"Agricultural products"** includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products; (c) **"Agricultural equipment"** and **"agricultural facilities"** includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; and (d) **"Agricultural land"** means those specific land areas on which agriculture activities are conducted as of the date of adoption of a

local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program land converted to agricultural use is subject to compliance with the requirements of the master program.

Anadromous fish. Fish born in fresh water, which spend most of their lives in the sea and return to fresh water to spawn. Salmon, smelt, shad, striped bass, and sturgeon are common examples.

Associated Wetlands. Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-22-030(1).

Aquaculture. The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery and upland finfish.

Aquaculture Activity. Actions directly pertaining to growing, handling, or harvesting of aquaculture produce including, but not limited to propagation, stocking, feeding, disease treatment, waste disposal, water use, development of habitat and structures. Excluded from this definition are related upland commercial or industrial uses such as wholesale and retail sales, sorting, staging, hatcheries, tank farms, and final processing and freezing.

Backfill. The placement of earth material or other approved material behind a retaining wall or structure.

Boat Launch or Ramp. Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Breakwaters. Structures constructed on coasts as part of coastal defense to protect an anchorage from the effects of weather and longshore drift.

Building Setback. The building setback shall be equal to the depth of the required native vegetation conservation area.

Bulkheads. A vertical or nearly vertical structure placed parallel to the shoreline at or near the ordinary high water mark (OHWM) for the purposing of armoring the shoreline and protecting structures from the effects of erosion caused by wind or waves. Bulkheads generally consist of concrete, timber, steel, rock, or other material resistant to erosion. Bulkheads are used to protect banks by retaining soil at the toe of the slope, or by protecting the toe of the bank from erosion and undercutting.

Community Pier or Dock. Moorage for pleasure craft and/or landing for water sports for use in common by four or more residential units of a certain subdivision or community within the shoreline jurisdiction.

Community Boat Launching Ramp. An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand for use in common by shoreline residents of a certain subdivision or community within shoreline jurisdiction.

Conditional Use, Shoreline. A use, development, or substantial development that is classified as a conditional use or is not classified within the Master Program. Refer to WAC 173-27-030(4).

Development, Shoreline. Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level. RCW 90.58-030 3(d).

Dredging. The removal or displacement of earth such as gravel, sand, mud, or silt from lands covered by water. Lands covered by water include stream beds and wetlands. Dredging is normally done for specific purposes or uses such as maintaining navigation channels, constructing bridge footings, or laying submarine pipelines or cable.

Dredge Spoil. The material removed by dredging.

Dredge Spoil Disposal. The depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands or for disposing of the material in an acceptable manner.

Ecological Functions, Shoreline or **Shoreline Functions**. The work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201(c).

Enhancement. Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Exemption. Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments, and are therefore exempt from the Substantial Development Permit process of the SMA.

Fair Market Value. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish a development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials.

Feasible. An action, such as a development project, mitigation, or preservation requirement, shall meet all of the following conditions: (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) The action provides a reasonable likelihood of achieving its intended purpose; and (c) The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Flood Control. Any undertaking for the conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream overflow.

Gabions. Cages, cylinders, or boxes filled with soil or sand that are used in civil engineering, road building, and military applications, primarily for erosion control and building dams and retaining walls.

Geotechnical Report or Analysis. A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Groin. A rigid structure built out from a shore to protect the shore from erosion, to trap sand, or to direct a current for scouring a channel.

Grading. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Groundwater recharge. A hydrologic process where water moves downward from surface water to groundwater. Recharge occurs both naturally (through the water cycle) and anthropologically (i.e., "artificial groundwater recharge"), where rainwater and or reclaimed water is routed to the subsurface.

Jetty. Any of a variety of structures used in river, dock, and maritime works that are generally carried out in pairs from river banks, or in continuation of river channels at their outlets into deep water; or out into docks, and outside their entrances; or for forming basins along the sea-coast for ports in tideless seas.

Joint-Use. Moorage for pleasure craft and/or landing for water sports for use in common by 2 or more residential units of a certain subdivision or community within shoreline jurisdiction.

Hydric Soil. Soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper soil horizon(s).

Land Disturbing Activities. Any activity resulting in a movement of earth, or a change in the existing soil cover, both vegetative and non-vegetative, or the existing topography excluding the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Land disturbing activities include, but are not limited to clearing, grading, filling, excavation, or addition of new or the replacement of impervious surface. Compaction, excluding hot asphalt mix, which is associated with stabilization of structures and road construction, shall also be considered a land disturbing activity.

Landfilling. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that creates dry land.

Native Vegetation. Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as madrona, douglas fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

Native Vegetation Conservation Area. Vegetated area between the Native Vegetation Setback Line and the Ordinary High Water Mark.

Native Vegetation Setback Line. Unless otherwise indicated within this Master Program, the line that establishes the limits of all buildings, fencing and impervious surfaces along the shoreline.

Nonconforming Use and Development. A shoreline use or development that was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.

Nonwater-oriented Uses. Those uses that are not water-dependent, water-related, or water-enjoyment.

Normal Maintenance. Usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

Normal Repair. 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,

within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

Ordinary High Water Mark (OHWM). OHWM on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition 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, provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

Public Access. Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

Public Pier or Dock. Moorage for pleasure craft and/or landing for water sports for use by the general public.

Public Boat Launching Ramp. An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand for use by the general public.

Restoration. The reestablishment or upgrading of impaired ecological processes or functions. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive structures, toxic materials, or invasive or non-native plants. Restoration does not imply a requirement for returning the area to pre-European settlement conditions.

Revetment. A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes away from the water and has a rough or jagged face. These features differentiate it from a bulkhead, which is a vertical structure. Revetments are a facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents. The principal features of a revetment are: 1) heavy armor layer, 2) filter layer, and 3) toe protection.

Riparian. The characteristic of relating to or living or located on the bank of a natural watercourse (as a river) or sometimes of a lake or a tidewater.

Sediment. The fine-grained material deposited by water or wind.

Shorelands or Shoreland Areas. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; contiguous floodplain areas landward two hundred feet; and all wetlands and deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

Shoreline Jurisdiction. All "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline Master Program or **Master Program**. The comprehensive plan for the use of a described area, and the regulations for use of the area including maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's Comprehensive Plan. All other portions of the Shoreline Master Program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

Shoreline Modifications. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; and (ii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines of Statewide Significance. "Shorelines of the State" that meet the criteria for "Shorelines of Statewide Significance" contained in RCW 90.58.030(f). As it applies to the City of Shoreline, shorelines of statewide significance include those areas of Puget Sound and adjacent salt waters between the ordinary high water mark and the line of extreme low tide.

Shorelines of the State. This term includes both "shorelines" and "shorelines of statewide significance."

Substantial Development. Any development with a total cost or fair market value of five-thousand seven hundred and eighteen dollars ($5,718.00) or more that requires a Shoreline Substantial Development Permit. The threshold total cost or fair market value of $5,718.00 is set by the State Office of Financial Management and may be adjusted in the future pursuant to the SMA requirements, as defined in RCW 90.58.030(3)(e) as now or hereafter amended.

Water-dependent Use. A use or portion of a use which cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations.

Water-enjoyment Use. A recreational or other use that facilitates public access to the shoreline as a primary characteristic 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 characteristic of the use and which through location, design, and operation ensures 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 general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-oriented Use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Water Quality. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through RCW 90.03.340.

Water-related Use. A use or portion of a use that is not intrinsically dependent on a waterfront location, but whose economic viability is dependent upon a waterfront location because: (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Wave Return. A structure added on top of, or part of an existing bulkhead or hard-armoring which redirects wave action back waterward and helps prevent water from splashing landward, thereby protecting the armoring itself, and landward items such as natural ecology and other structures.

Weir. A dam in a watercourse, usually a stream or river, to raise the water level or divert its flow.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands

Wetland delineation. A technical procedure performed by a wetland specialist to determine the area of a wetland, ascertaining the wetland's classification, function, and value, and to define the boundary between a wetland and adjacent uplands. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Program.

20.220 Administrative Procedures

Subchapter 1. Permits

20.220.010 Permit Requirements - General

A. Based on the provisions of this Master Program, the Director shall determine if a Substantial Development Permit, a Shoreline Conditional Use Permit and/or a Shoreline Variance is required.
B. A permit is required for substantial development as defined in RCW 90.58.030(3)(e) within the shoreline jurisdiction.
C. A Substantial Development Permit is not required for exempt development. An exempt development requires a statement of exemption pursuant to 20.220.030 and may require a Shoreline Variance from Master Program provisions and/or a Shoreline Conditional Use Permit.
D. All uses and development shall be carried out in a manner consistent with the SMC and the Master Program regardless of whether a Substantial Development Permit, Statement of Exemption, Shoreline Variance, or Shoreline Conditional Use Permit is required.
E. When a development or use is proposed that does not comply with the bulk, dimensional and/or performance standards of this Program, such development or use may only be authorized by approval of a Shoreline Variance, even if the development or use does not require a Substantial Development Permit.
F. A development or use listed as a Shoreline Conditional Use pursuant to this chapter, or any unlisted use, must obtain a Shoreline Conditional Use Permit even if the development or use does not require a Substantial Development Permit.
G. Issuance of a Statement of Exemption, Shoreline Substantial Development Permit, Shoreline Variance, or Shoreline Conditional Use Permit does not constitute approval of any other City, state, or federal laws or regulations.
H. All shoreline permits or statements of exemption issued for development or use within the shoreline jurisdiction shall include written findings prepared by the Director, documenting compliance with bulk and dimensional policies and regulations of the Master Program. The Director may attach conditions to the approval as necessary to assure consistency with the Master Program and RCW 90.58. The conditions may include a requirement to post a performance financial guarantee assuring compliance with permit requirements, terms and conditions.

20.220.020 Substantial Development Permit

A. Substantial development as defined by RCW 90.58.030 shall not be undertaken by any person on the shorelines of the state without first obtaining a Substantial Development Permit from the Director, unless the use or development is specifically identified as exempt.
B. A Substantial Development Permit shall only be granted by the Director when the development proposed is consistent with the policies and procedures of RCW.90.58; the provisions of WAC 173-27; and the Master Program.
C. An exemption from the Substantial Development Permit requirements does not constitute an exemption from the policies and use regulations of the Shoreline Management Act, the provisions of this Master Program or other applicable city, state, or federal requirements. A formal Statement of Shoreline Exemption is required pursuant to 20.220.030.

20.220.030 Shoreline Exemption

A. The Director is hereby authorized to approve or deny requests for statements of exemption from the Shoreline Substantial Development Permit requirement for uses and developments within shorelines that are specifically listed in RCW 90.58.030 and WAC 173-27-040. The statement shall be in writing and shall indicate the specific exemption of the Master Program that is being applied to the development, and shall provide a summary of the Director's analysis of the consistency of the project with this Master Program and the Act. WAC 173.27.040 delineates exemptions and is included below.

Exempt developments include:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the **Washington State Register** at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
2. 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, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
3. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing

bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

4. 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 this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, 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 shorelands 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.
6. Construction or modification of navigational aids such as channel markers and anchor buoys.
7. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated

within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark.

8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:
    a. In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or
    b. In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.
    c. For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above.
9. 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 groundwater from the irrigation of lands.
10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
11. 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 a part of an agricultural drainage or diking system.
12. Any project with a certification from the governor pursuant to chapter 80.50 RCW.
13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
    a. The activity does not interfere with the normal public use of the surface waters;
    b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
    c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
    d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
    e. The activity is not subject to the permit requirements of RCW 90.58.550;

    The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement

published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW.

14. Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

    "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
    a. A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
    b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
    c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.
    d. "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

15. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
    a. The project has been approved in writing by the department of fish and wildlife;
    b. The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW; and
    c. The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

    Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows:

i. In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under 15(c)(i)(I) and (II) of this subsection:

I. A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

• Elimination of human-made fish passage barriers, including culvert repair and replacement;

• Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

• Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department of fish and wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

II. A fish habitat enhancement project must be approved in one of the following ways:

• By the department of fish and wildlife pursuant to chapter 77.95 or 77.100 RCW;

• By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

• By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project;

• Through the review and approval process for the jobs for the environment program;

• Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;

• Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and

• Through other formal review and approval processes established by the legislature.

ii. Fish habitat enhancement projects meeting the criteria of 15(c)(i) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of 15(c)(i) of this subsection and being reviewed and approved according to

the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).

I. A hydraulic project approval permit is required for projects that meet the criteria of 15(c)(i) of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

II. Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.

iii. No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of 15(c)(i) of this subsection and that are reviewed and approved according to the provisions of this section.

16. Before issuing a Shoreline Exemption, the Director shall review the Master Program to determine if the proposed development requires a Shoreline Variance and/or a Shoreline Conditional Use Permit.

20.220.040 Shoreline Variance

The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in the Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant or diminish the policies set forth in RCW 90.58.020.

A. The Director is authorized to approve a Shoreline Variance from the performance standards of this Master Program only when all of the criteria enumerated in WAC 173-27-170 are met.
B. A Shoreline Variance should be granted in circumstances where denial of the permit would thwart the policies enumerated in RCW 90.58.020.

C. In all instances, the applicant must demonstrate that extraordinary circumstances exist and the public interest will not suffer substantial detrimental effect.
D. The applicant for a Shoreline Variance must demonstrate that the variance meets the criteria in WAC 173-27-170.
E. Proposals that require a Critical Area Reasonable Use Permit pursuant to SMC 20.30.336 shall also require a Shoreline Variance.
F. Prior to approval of any Shoreline Variance, the Director shall consider the cumulative environmental impacts of previous, existing, and possible future requests for like actions in the area. The total effects of approved Shoreline Variances should remain consistent with the policies of RCW 90.58.020 and shall not produce significant adverse effects to the shoreline ecological functions, processes, or other users.
G. Before making a determination to approve a Shoreline Variance, the Director shall consider issues related to the conservation of valuable natural resources and the protection of views from public lands.
H. Shoreline Variance requests based on the applicant's/proponent's desire to enhance the view from the subject development may be granted where there are no likely detrimental effects to existing or future users, views from public lands, critical areas, other features or shoreline ecological functions and/or processes, and where reasonable alternatives of equal or greater consistency with this Program are not available.
I. A Shoreline Variance shall not be granted when it would allow a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site.
J. A variance issued per SMC 20.30.310 shall not be construed to mean approval of a Shoreline Variance from Shoreline Master Program use regulations.
K. An issued Shoreline Variance does not provide relief from the variance requirements under SMC 20.30.310.

20.220.050 Shoreline Conditional Use Permit

The purpose of a Shoreline Conditional Use Permit is to allow greater flexibility in the application of the use regulations of the Master Program in a manner consistent with the policies of RCW 90.58.020.

A. The Director is authorized to issue Shoreline Conditional Use Permits only when all the criteria enumerated in WAC 173-27-160 are met.
B. Shoreline Conditional Use Permits should be granted in a circumstance where denial of the permit would result in a conflict with the policies enumerated in RCW 90.58.020.
C. In authorizing a Shoreline Conditional Use, special conditions may be attached to the permit by the Director or by the Department of Ecology to minimize the effects of the proposed use. Uses that are specifically prohibited by the Master Program may not be authorized with the approval of a Shoreline Conditional Use Permit.
D. Proposals that require a Critical Area Reasonable Use Permit pursuant to SMC 20.30.336 shall also require a Shoreline Variance.

Subchapter 2. SMP Permit Procedures

20.220.060 General

A. Permits required under this chapter shall be processed consistent with the provisions of chapter 20.30 SMC and the criteria in this subchapter.
B. No permit shall be approved unless the proposed development is consistent with the provisions of this Master Program, the Shoreline Management Act of 1971, and the rules and regulations adopted by the Department of Ecology.
C. Applications for shoreline permits shall also demonstrate compliance with the provisions of this subchapter.

20.220.070 Application Review

A. Applications for shoreline permits shall comply with the submittal requirements developed pursuant to 20.30.100 and shall provide all information the Director determines necessary for an application to be complete.
B. Burden of Proof. It is the applicant's responsibility to provide proof that the proposed development is consistent with the permit criteria requirements.
C. Approval. The Director may approve, or approve with conditions, any application that complies with criteria imposed by the Master Program and the Shoreline Management Act.
D. Conditions. The Director may attach to a permit any suitable and reasonable terms or conditions necessary to ensure the purpose and objectives of this Master Program and the Shoreline Management Act.
E. Denial. The Director may deny any application that does now comply with criteria imposed by the Master Program or the Shoreline Management Act.
F. Financial Guarantees. The Director may require a financial guarantee to assure full compliance with the terms and conditions of any Substantial Development Permit, Shoreline Variance or Shoreline Conditional Use. The guarantee shall be in an amount to reasonably assure the City that permitted improvements will be completed within the time stipulated.

20.220.080 Permit Process

A. **Application submittal.** Complete applications for a Substantial Development Permit, Shoreline Variance, and a Shoreline Conditional Use Permit are Type B actions. The applications will be processed pursuant to the procedures identified in this subchapter and SMC 20.30.010 through 20.30.270 and Table 20.30.050.
B. **Decision**. The Director shall provide Notice of Final Decision per SMC 20.30.150. Pursuant to RCW 90.58.140(6) the Director shall send the final decision, including findings and conclusions to the following State agencies:
   1. Department of Ecology.
   2. Attorney General.
C. **Department of Ecology Review of permits.**
   1. After the Director has approved a Shoreline Variance or Shoreline Conditional Use Permit, the Director shall file the permit with the Department of Ecology for its approval, approval with conditions, or denial.
   2. When a Substantial Development Permit, a Shoreline Variance, or a Shoreline Conditional Use Permit are required for a development, the local government's ruling on the permit shall be filed simultaneously with Ecology.

3. The Department of Ecology will issue its decision on a Shoreline Variance or Shoreline Conditional Use Permit within thirty (30) days of filing.
4. Upon receipt of the Department of Ecology's decision, the Director shall notify those interested parties having requested notification of such decision.

20.220.090 Local Appeals.
There are no administrative appeals for shoreline permit decisions made by the Director.

20.220.110 Appeals to State Shoreline Hearings Board
A. Appeals of the final decision of the City with regard to shoreline management shall be governed by the provisions of RCW 90.58.180.
B. Appeals to the Shoreline Hearings Board of a decision on a Shoreline Substantial Development Permit, Shoreline Variance or Shoreline Conditional Use Permit may be filed by the applicant/proponent or any aggrieved party pursuant to RCW 90.58.180.
C. The effective date of the City's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

20.220.120 Initiation of Development
A. Development pursuant to a Shoreline Substantial Development Permit shall not be authorized until twenty one (21) days after the "date of filing" of the Director's decision with the Department of Ecology;
B. Development for which a Shoreline Variance or Shoreline Conditional Use is required shall not begin and shall not be authorized until twenty one (21) days after the "date of filing" of the Department of Ecology's decision with the Director; or
C. All appeal proceedings before the Washington State Shoreline Hearings Board have terminated.

20.220.130 Expiration of Permits
The City of Shoreline may specify the length of time a shoreline permit will be effective based on the specific requirements of the development proposal. If a permit does not specify an expiration date, the following requirements apply, consistent with WAC 173-14-060:
A. **Time Limit for Substantial Progress**. Construction, or substantial progress toward completion, must begin within two (2) years after approval of the permits.
B. **Extension for Substantial Progress**. The City of Shoreline may at its discretion, with prior notice to parties of record and the Department of Ecology, extend the two-year time period for the substantial progress for a reasonable time up to one year based on factors, including the inability to expeditiously obtain other governmental permits that are required prior to the commencement of construction.
C. **Five-Year Permit Authorization**. If construction has not been completed within five (5) years of approval by the City of Shoreline, the City will review the permit and, upon showing of good cause, either extend the permit for one year, or terminate the permit.
D. Prior to the City authorizing any permit extensions, it shall notify any parties of record and the Department of Ecology. Note: Only one extension is permitted.

20.220.140 Revision to Permits

A. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this Program or the Act. Changes that are not substantive in effect do not require a permit revision.

B. An application for a revision to a shoreline permit shall be submitted to the Director. The application shall include detailed plans and text describing the proposed changes. The City shall review and process the request in accordance with the requirements of WAC 173-27-100.

20.220.150 Nonconforming Use and Development

A. **Nonconforming Structures**

1. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height, or density may be maintained and repaired, and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses. Such normal appurtenances are by definition located landward of the ordinary high water mark.
2. A structure for which a Shoreline Variance has been issued shall be considered a legal nonconforming structure, and the requirements of this section shall apply as they apply to preexisting nonconformities.
3. A structure that is being or has been utilized for a nonconforming use may be used for a different nonconforming use only upon the approval of a Shoreline Conditional Use permit. A Shoreline Conditional Use permit may be approved only upon a finding that:
   a. No reasonable alternative conforming use is practical;
   b. The proposed use will be at least as consistent with the policies and provisions of the act and Master Program, and as compatible with the uses in the area as the preexisting use; and
   c. Conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act, and to ensure that the use will not become a nuisance or a hazard.
4. Any structure nonconforming as to height or setback standards that becomes damaged may be repaired or reconstructed, provided that:
   a. The extent of the previously existing nonconformance is not increased; and
   b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction.

B. **Nonconforming Uses**

1. 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, without an approved conditional use permit, 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).

2. A use which is listed as a conditional use but existed prior to adoption of the Master Program or any relevant amendment, and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.
3. A use which is listed as a conditional use in table 20.230.081 but existed prior to the applicability of the Master Program to the site, and for which a Shoreline Conditional Use permit has not been obtained, shall be considered a nonconforming use.
4. If a nonconforming use is abandoned for twelve consecutive months, or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be made conforming. A use authorized pursuant to subsection 20.220.150(E) shall be considered a conforming use for purposes of this section.

C. **Nonconforming Lots**

An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with SMC 20.30, subchapter 7, and state subdivision requirements prior to the effective date of the act or the applicable Master Program that does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government, as long as such development conforms to all other requirements of the applicable master program and the act.

20.220.160 Enforcement

A. The Director is authorized to enforce the provisions of this chapter and any rules and regulations promulgated hereunder pursuant to the enforcement and penalty provisions of WAC 173-27.
B. This Program will be enforced by the means and procedures set forth in SMC 20.30, Subchapter 9.

20.230 Shoreline Policies and Regulations

Subchapter 1. General Policies and Regulations

20.230.010 General

The General Policies and Regulations apply to all uses and activities that may occur within the City's shoreline jurisdiction regardless of the Shoreline Master Program environment designation. These policies and regulations provide the overall framework for the management of the shoreline. Use these general regulations in conjunction with 20.230, subchapter 2, Specific Use and Modification Policies and Regulations.

20.230.020 Environmental

The Shoreline Management Act (SMA) is concerned with the environmental impacts that development, use, or activity may have on the fragile shorelines of the state. Development and certain uses or activities within the regulated shoreline may degrade the shoreline and its waters, and may damage or inhibit important species and their habitat.

A. **General Environmental Policies and Regulations**

Policies

1. The adverse impacts of shoreline developments and activities on the natural environment, critical areas and habitats for proposed, threatened, and endangered species should be minimized during all phases of development (e.g., design, construction, operation, and management).
2. Shoreline developments that protect and/or contribute to the long-term restoration of habitat for proposed, threatened, and endangered species are consistent with the fundamental goals of this Master Program. Shoreline developments that propose to enhance critical areas, other natural characteristics, resources of the shoreline, and/or provide public access and recreational opportunities to the shoreline are also consistent with the fundamental goals of this Master Program, and should be encouraged.

Regulations

1. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that mitigates adverse impacts to the environment. When applying mitigation to avoid or minimize significant adverse effects and significant ecological impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:
   a. Avoiding the impact altogether by not taking a certain action or parts of an action;
   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
   c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
   d. Reducing or eliminating the impact over time by preservation and maintenance operations;
   e. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; or

f. Monitoring the impact and the compensation projects (from subsection e. above) and taking appropriate corrective measures.

Efforts to avoid and minimize impacts must be documented in a manner acceptable to the Director prior to the approval of mitigation and/or compensation actions.

2. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that assures no net loss of shoreline ecological function.
3. All shoreline development shall be located, designed, constructed, and managed to protect the functions and values of critical areas consistent with the Shoreline Critical Area Regulations (Appendix A).
4. All shoreline development shall be located and designed to avoid or minimize the need for shoreline stabilization measures and flood protection works, such as bulkheads, revetments, dikes, levees, or substantial site regrading and dredging. Where measures and works are demonstrated to be necessary, biostabilization techniques shall be the preferred design option unless demonstrated to be infeasible, or when other alternatives will have less impact on the shoreline environment.
5. All shoreline development and activity shall be located, designed, constructed, operated, and managed to minimize interference with beneficial natural shoreline processes, such as water circulation, sand and gravel movement, erosion, and accretion to ensure no net loss of shoreline ecological function.
6. In approving shoreline developments, the Director shall ensure that the development will maintain, enhance, or restore desirable shoreline features, as well as ensure no net loss of ecological functions. To this end, the Director may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, and mitigation as deemed appropriate. Mitigation shall be required of developments that would otherwise result in net loss of ecological functions.
7. In approving shoreline developments, the Director shall consider short and long term adverse environmental impacts. In addition, the Director shall consider the cumulative adverse impacts of the development, particularly the precedence effect of allowing one development, which could generate or attract additional development. Identified significant short term, long term, and cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.
8. As a condition of approval, the Director may require periodic monitoring for up to ten years from the date of completed development to ensure the success of required mitigation. Mitigation plans shall include at a minimum:
    a. Inventory of the existing shoreline environment including the physical, chemical, and biological elements, and provide an assessment of each element's condition;
    b. A discussion of the project's impacts and their effect on the ecological functions necessary to support existing shoreline resources;
    c. A discussion of any federal, state, or local special management recommendations that have been developed for wetlands, species, or habitats located on the site;
    d. An assessment of habitat recommendations proposed by resource agencies and their applicability to the proposal;
    e. A discussion of measures to preserve existing habitats and opportunities to restore habitats that were degraded prior to the proposed land use activity. Mitigation

plans shall include at a minimum: planting and soil specifications (in the case of mitigation planting projects), success standards, and contingency plans;

f. A discussion of proposed measures that mitigate the impacts of the project and establish success criteria;
g. An evaluation of the anticipated effectiveness of the proposed mitigation measures;
h. A discussion of proposed management practices that will protect fish and wildlife habitat after the project site has been fully developed, including proposed monitoring and maintenance programs;
i. A monitoring plan, including scientific procedures to be used to establish success or failure of the project, sampling points, success criteria, and a monitoring schedule; and
j. Any additional information necessary to determine the impacts of a proposal and appropriate mitigation.

9. Shoreline development shall not be permitted if it significantly impacts the natural character of the shoreline, natural resources, or public recreational use of the shoreline. "Significant" is defined in State Environmental Policy Act (SEPA) in WAC 197-11-794.
10. Where provisions of this Master Program conflict with each other, or with other laws, ordinances or programs, the most restrictive provisions shall apply.

B. **Earth**

Policies

1. Beaches are valued for recreation and may provide fish spawning substrate. Development that could disrupt these shoreforms may be allowed:
   a. When such disruption would not reduce shoreline ecological function;
   b. Where there is a demonstrated public benefit; and/or
   c. Where the Department of Fish and Wildlife determines there would be no significant impact to the fisheries resource.

Regulations

1. Developments that alter the shoreline topography may be approved if:
   a. Flood events will not increase in frequency or severity resulting from the alteration; and/or
   b. The alteration would not impact natural habitat forming processes and would not reduce ecological functions. Mitigation is required for projects that would reduce ecological functions to ensure no net loss of function
2. The applicant shall incorporate all known, available, and reasonable methods of prevention, control, and treatment measures into stormwater pollution prevention during and post construction.
3. All debris and other waste materials from construction shall be disposed of in such a manner as to prevent their entry into the water body.
4. All disposal sites for soils and materials resulting from the shoreline development shall be identified and approved before permit issuance.

C. **Water**

Policies

1. Shoreline development and activities shall result in no net loss of ecological functions.
2. Development and regulated activities shall minimize impacts to hydrogeologic processes, surface water drainage, and groundwater recharge.
3. Measures shall be incorporated into the development, use, or activity to protect water bodies and wetlands from all sources of pollution including, but not limited to sediment and silt, petrochemicals, and wastes and dredge spoils.
4. Adequate provisions to prevent water runoff from contaminating surface and groundwater shall be included in development design. The Director may specify the method of surface water control and maintenance programs. Surface water control must comply with the adopted storm-water manual.
5. All measures for the treatment of surface water runoff for the purpose of maintaining and/or enhancing water quality shall be conducted onsite. Off-site treatment facilities may be considered if onsite treatment is not feasible.
6. Point and non-point source pollution should be managed on a basin-wide basis to protect water quality and support the efforts of shoreline property owners to maintain shoreline ecological functions.

Regulations

1. Pesticides, herbicides and fertilizers that have been identified by State or Federal agencies as harmful to humans, wildlife, or fish shall not be used on City owned-property within the shoreline jurisdiction or for development or uses approved under a Substantial Development Permit, Shoreline Conditional Use Permit or Shoreline Variance, except as allowed by the Director for the following circumstances:
   a. When use of pesticides, herbicides and fertilizers are consistent with the Best Management Practices (BMPs) for the project or use proposed;
   b. When the Director determines that an emergency situation exists where there is a serious threat to public safety, health or the environment and that an otherwise prohibited application must be used as a last resort;
      Where chemical fertilizer, herbicide, or pesticide use is necessary to protect existing natural vegetation or establish new vegetation as part of an erosion control or mitigation plan, the use of time release fertilizer and herbicides shall be preferred over liquid or concentrate application, except as used in targeted hand applications.
2. The release of oil, chemical, or hazardous materials onto or into the water is prohibited. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. During construction, vehicle refueling and vehicle maintenance shall occur outside of regulated shoreline areas.
3. The bulk storage of oil, fuel, chemical, or hazardous materials, on either a temporary or a permanent basis, is prohibited, except for uses allowed by the zoning classification. For the purpose of this section, heating oil, small boat fuel, yard maintenance, equipment fuel, propane, sewage sumps, and similar items common to single family residential uses are not included in this definition.

D. **Plants and Animals**

Policies

1. In general, this Master Program shall strive to protect and restore anadromous fish resources in the Puget Sound and its tributaries within the City of Shoreline.
2. Shoreline development, uses, and activities shall be:
   a. Located and conducted in a manner that minimizes impacts to existing ecological values and natural resources of the area, conserves properly functioning conditions, and ensures no net loss of shoreline ecological functions;
   b. Scheduled to protect biological productivity and to minimize interference with fish resources including anadromous fish migration, spawning, and rearing activity;
   c. Designed to avoid the removal of trees in shorelines wherever practicable, and to minimize the removal of other woody vegetation. Where riparian vegetation is removed, measures to mitigate the loss of vegetation shall be implemented to ensure no net loss; and
   d. Designed to minimize impacts to the natural character of the shoreline as much as possible.

Regulations

1. Mitigation shall be required of the applicant for the loss of fish and wildlife resources, and natural systems, including riparian vegetation, wetlands, and sensitive areas. The mitigation required shall be commensurate to the value and type of resource or system impacted by development and activity in the shoreline. On-site compensatory mitigation shall be the preferred mitigation option, except where off-site mitigation can be demonstrated to be more beneficial to fish and wildlife resources, and natural systems, including riparian vegetation, wetlands, and sensitive areas. If on-site compensatory mitigation is not feasible or if off-site mitigation is demonstrated to be more beneficial to the shoreline environment, the applicant shall provide funding for a publicly-sponsored restoration or enhancement program in the City of Shoreline.
2. Enhancement, restoration, and/or creation of coniferous riparian forest or forested riparian wetland shall be the preferred mitigation for impacts to riparian vegetation and wetlands when avoidance is not possible. Preference will be based on site-specific recommendation of qualified professional. Alterations to fish and wildlife habitat conservation areas should be avoided. If they cannot be avoided, mitigation is required, and a Habitat Management Plan shall be prepared as required in SMC 20.80.290-20.80.300.
3. Habitat management plans shall be forwarded by the applicant to the appropriate state and/or federal resource agencies for review and comment. The City will provide the applicant with a list of addressees for this purpose.
4. Based on the habitat management plan, and comments from other agencies, the Director may require mitigating measures to reduce the impacts of the proposal on the wildlife habitat conservation areas. Mitigating measures may include, but are not limited to:
   a. Increased or enhanced buffers;
   b. Setbacks for permanent and temporary structures;
   c. Reduced project scope;

d. Limitations on construction hours;
e. Limitations on hours of operation; and/or
f. Relocation of access.

5. Mitigation activities shall be monitored to determine effectiveness of the habitat mitigation plan. Monitoring shall be accomplished by a third party, subject to the approval by the Director, and shall have the concurrence of the U.S. Fish and Wildlife Service, NOAA Fisheries, Washington Department of Fish and Wildlife, and where applicable, the Washington Department of Ecology. Monitoring shall occur for up to ten (10) years following implementation of the plan. Results of the monitoring shall be publicly available and reported to the U.S. Fish and Wildlife Service and National Marine Fisheries Service. Reports shall contain the following information:
   a. A list and map of parcels subject to this requirement;
   b. The implementation status of the habitat management plans;
   c. Status of the improvements (e.g., updates if success standards are being met, what types of remedial actions have been implemented); and
   d. Recommendations for corrective measures if necessary.
6. If proposed mitigation is found to be inadequate, or if adequate mitigation is determined to be impossible, the application shall be denied.
7. Timing of in-water construction, development, or activity shall be determined by Washington Department of Fish and Wildlife.
8. Properties that are located in the Urban Conservancy Shoreline Environment Designation shall retain trees that are 12 inches or more in diameter. Trees determined by a certified arborist to be hazardous or diseased may be removed upon approval by the City. If healthy or non-hazardous trees are removed, each removed tree must be replaced with at least three (3) six-foot tall trees, one (1) 18-foot tall tree, or one (1) 12-foot plus one (1) six-foot tall tree. Trees must be of the same species removed, or equivalent native tree species.

E. **Noise**

Policy

1. Noise levels shall not interfere with the quiet enjoyment of the shoreline.

Regulations

1. Any noise emanating from a shoreline use or activity shall be muffled so as to not interfere with the designated use of adjoining properties. This determination shall take into consideration ambient noise levels, intermittent beat, frequency, and shrillness.
2. Ambient noise levels shall be a factor in evaluating a shoreline permit application. Shoreline developments that would increase noise levels to the extent that the designated use of the shoreline would be disrupted shall be prohibited. Specific maximum environment noise levels can be found in WAC 173-60-040.

F. **Public Health**

Policy

1. All development within the regulated shoreline shall be located, constructed, and operated so as not to be a hazard to public health and safety.

Regulations

1. Development shall be designed to conform to the codes and ordinances adopted by the City.

G. **Land Use**

Policy

1. The size of the shoreline development and the intensity of the use shall be compatible with the surrounding environment and uses. The City of Shoreline may prescribe operation intensity, landscaping, and screening standards to ensure compatibility with the character and features of the surrounding area.
2. Shoreline developments shall minimize land use conflicts to properties adjacent to, upstream, and downstream of the proposed site.

Regulations

1. In reviewing permit applications, the City shall consider current and potential public use of the shoreline, total water surface reduction, and restriction to navigation.
2. Development within the designated shoreline shall comply with the development and uses standards for the underlying zoning.

H. **Aesthetics**

Policy

1. Development should be designed to minimize the negative aesthetic impact structures have on the shoreline by avoiding placement of service areas, parking lots, and/or view-blocking structures adjacent to the shoreline.

Regulations

1. Development shall be designed to comply with the code standards required in the underlying zone.
2. If the zoning and use require landscaping, or if planting is required for mitigation by the Director, the property owner shall provide a landscape plan that provides suitable screening that does not block public views.
3. Development on or over the water shall be constructed as far landward as possible to avoid interference with views from surrounding properties and adjoining waters.
4. Development on the water shall be constructed of non-reflective materials that are compatible in terms of color and texture with the surrounding area.
5. Lighting shall be properly directed and shielded to avoid impacts to fish and off-site glare.

I. **Historical/Cultural**

Policy

1. Development should strive to preserve historic or culturally significant resources.

Regulations

1. Developments that propose to alter historic or culturally significant resources identified by the National Trust for Historic Preservation, the State Department of Archeology and Historic Preservation, the King County Historic Preservation Program, or the City of Shoreline Historic Resource Inventory, or resources that could potentially be designated as historically or culturally significant, shall follow the applicable Federal, State, County, or local review process(es).
2. All shoreline permits issued by the City require immediate work stoppage and City notification when any item of archaeological interest is uncovered during excavation. The applicant or project owner shall notify the State Department of Archeology and Historic Preservation Office, affected Indian tribes, and the City.
3. Where archaeological or historic sites have been identified, and it is determined that public access to the site will not damage or reduce the cultural value of the site, access may be required consistent with section 20.230.040.

20.230.030 Environmentally Sensitive Areas Within the Shoreline

A. **Critical Areas**

General Policy

1. Preserve and protect unique, rare, and fragile natural and man-made features and wildlife habitats.
2. Enhance the diversity of aquatic life, wildlife, and habitat within the shoreline.
3. Conserve and maintain designated open spaces for ecological, educational, and recreational purposes.
4. Recognize that the interest and concern of the public is essential to the improvement of the environment, and sponsor and support public information programs.
5. The level of public access should be appropriate to the degree of uniqueness or fragility of the geological and biological characteristics of the shoreline (e.g., wetlands, spawning areas).
6. Discourage intensive development of shoreline areas that are identified as hazardous or environmentally sensitive.

General Regulations

1. Critical areas in shoreline jurisdiction are regulated by the Critical Areas regulations (which was adopted on February 27, 2006 by Ordinance No. 398) codified under Chapter 20.80 SMC, which is herein incorporated into this SMP with the exceptions of the following:
    a. 20.80.030
    b. 20.80.040
    c. Subchapter 4. Wetlands
    d. 20.80.310
    e. 20.80.320
    f. 20.80.330

g. 20.80.340
h. 20.80.350

2. The provisions of Chapter 20.80, Critical Areas must be factored into decisions regarding development within the regulated shoreline and associated critical areas.
3. All shoreline uses and activities shall be located, designed, constructed, and managed to protect or at least not adversely affect those natural features which are valuable, fragile, or unique in the region. They should also facilitate the appropriate intensity of human use of such features, including but not limited to:
   a. Wetlands, including but not limited to marshes, bogs, and swamps;
   b. Fish and wildlife habitats, including streams and wetlands, nesting areas and migratory routes, spawning areas, and the presence of proposed or listed species;
   c. Natural or man-made vistas or features;
   d. Flood hazard areas; and/or
   e. Geologically hazardous areas, including erosion, landslide, and seismic hazard areas.
4. The standards of the City of Shoreline's Critical Area Regulations shall apply within the shoreline jurisdiction, where critical areas are present. If there are any conflicts or unclear distinctions between the Master Program and the City's Critical Areas Regulations, the most restrictive requirements apply as determined by the City.

B. **Floodplain Management**

The following policies and regulations must be factored into decisions regarding all flood management planning and development within that portion of the 100-year floodplain that falls within Shoreline's shoreline jurisdiction (within 200 feet of OHWM).

Floodplain management involves actions taken with the primary purpose of preventing or mitigating damage due to flooding. Floodplain management can involve planning and zoning to control development, either to reduce risks to human life and property, or to prevent development from contributing to the severity of flooding. Floodplain management can also address the design of developments to reduce flood damage and the construction of flood controls, such as dikes, dams, engineered floodways, and bioengineering.

Policy

1. Flood management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider the entire coastal system. This planning should consider off-site impacts such as erosion, accretion, and/or flood damage that might occur if shore protection structures are constructed.
2. Non-structural control solutions are preferred over structural flood control devices, and should be used wherever possible when control devices are needed. Non-structural controls include such actions as prohibiting or limiting development in areas that are historically flooded or limiting increases in peak flow runoff from new upland development. 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.
3. Substantial stream channel modification, realignment, and straightening should be discouraged as a means of flood protection.
4. Where possible, public access should be integrated into the design of publicly financed flood management facilities.

5. The City supports the protection and preservation of the aquatic environment and the habitats it provides, and advocates balancing these interests with the City's intention to ensure protection of life and property from damage caused by flooding.
6. Development should avoid potential channel migration impacts.

Regulations

1. The City shall require and utilize the following information as appropriate during its review of shoreline flood management projects and programs:
   a. Stream channel hydraulics and floodway characteristics, up and downstream from the project area;
   b. Existing shoreline stabilization and flood protection works within the area;
   c. Physical, geological, and soil characteristics of the area;
   d. Biological resources and predicted impact to coastal ecology, including fish, vegetation, and animal habitat;
   e. Predicted impact upon area, shore, and hydraulic processes, adjacent properties, and shoreline and water uses; and/or
   f. Analysis of alternative flood protection measures, both non-structural and structural.
2. The City shall require engineered design of flood protection works where such projects may cause interference with normal geohydraulic processes, off-site impacts, or adverse effects to shoreline resources and uses. Non-structural methods of flood protection shall be preferred over structural solutions when the relocation of existing shoreline development is not feasible.

C**. Wetlands**

Presently, the wetlands within the City's shoreline jurisdiction have not been delineated and rated using current state standards. As the wetland category combined with the habitat functions rating defines the required buffers using current state standards, the requirements of this section apply to any new development application in the vicinity of an associated wetland. At that time, the wetland and its buffers would need to be categorized and delineated and the activities would be regulated using the following standards.

Policy

1. Wetland ecosystems serve many important ecological and environmental functions, which are beneficial to the public welfare. Such functions include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, and retention and transformation of sediments, nutrients, and toxicants; as well as education and scientific research.
2. Wetland areas should be identified according to established identification and delineation procedures and provided appropriate protection consistent with the policies and regulations of this Master Program .
3. The greatest protection should be provided to wetlands of exceptional resource value, which are defined as those wetlands that include rare, sensitive, or irreplaceable systems such as:

a. Documented or potential habitat for an endangered, threatened, or sensitive species;
b. High quality native wetland systems as determined by the Washington State Natural Heritage Program;
c. Significant habitat for fish or aquatic species as determined by the appropriate state resource agency;
d. Diverse wetlands exhibiting a high mixture of wetland classes and subclasses as defined in the US Fish and Wildlife Service classification system;
e. Mature forested swamp communities; and/or
f. Sphagnum bogs or fens.

4. A wetland buffer of adequate width should be maintained between a wetland and the adjacent development to protect the functions and integrity of the wetland.
5. The width of the established buffer zone should be based upon the functions and sensitivity of the wetland, the characteristics of the existing buffer, and the potential impacts associated with the adjacent land use.
6. All activities that could potentially affect wetland ecosystems should be controlled both within the wetland and the buffer zone to prevent adverse impacts to the wetland functions.
7. No wetland alteration should be authorized unless it can be shown that the impact is both unavoidable and necessary, and that resultant impacts are offset through the deliberate restoration, creation, or enhancement of wetlands.
8. Wetland restoration, creation, and enhancement projects should result in no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.
9. Wetlands that are impacted by activities of a temporary nature should be restored immediately upon project completion.
10. In-kind replacement of functional wetland values is preferred. Where in-kind replacement is not feasible or practical due to the characteristics of the existing wetland, substitute ecological resources of equal or greater value should be provided.
11. On-site replacement of wetlands is preferred. Where on-site replacement of a wetland is not feasible or practical due to characteristics of the existing location, replacement should occur within the same watershed and in as close proximity to the original wetland as possible.
12. Where possible, wetland restoration, creation, and enhancement projects should be completed prior to wetland alteration. In all other cases, replacement should be completed prior to use or occupancy of the activity or development.
13. Applicants should develop comprehensive mitigation plans to ensure long-term success of the wetland restoration, creation, or enhancement project. Such plans should provide for sufficient monitoring and contingencies to ensure wetland persistence.
14. Applicants should demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor the mitigation project.
15. Proposals for restoration, creation, or enhancement should be coordinated with appropriate resource agencies to ensure adequate design and consistency with other regulatory requirements.
16. Activities should be prevented in wetland buffer zones except where such activities have no adverse impacts on wetland ecosystem functions.
17. Wetland buffer zones should be retained in their natural condition unless revegetation is necessary to improve or restore the buffer.

18. Land use should be regulated to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout Shoreline, and review procedures should be established for development proposals in and adjacent to wetlands.

Regulations

A. **Identification and Delineation.** Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. Wetland delineations are valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary.

B. **Rating.** Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating System for Western Washington* (Ecology Publication #04-06-025, or as revised and *Wetlands Guidance for Small Cities Western* approved by Ecology), which contains the definitions and methods for determining whether the criteria below are met.

1. **Category I.** Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in undisturbed coastal lagoons; and (6) wetlands that perform many functions well (scoring 70 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

2. **Category II.** Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre; (3) disturbed coastal lagoons or (4) wetlands with a moderately high level of functions (scoring between 51 and 69 points).

3. **Category III**. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 30 and 50 points); and (2) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 30 and 50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

4. **Category IV.** Category IV wetlands have the lowest levels of functions (scoring fewer than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

C**. Illegal modifications**. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

Regulated Activities

A. For any regulated activity, a critical areas report (see SMC 20.80.110) may be required to support the requested activity.
B. The following activities are regulated if they occur in a regulated wetland or its buffer:
    1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
    2. The dumping of, discharging of, or filling with any material;
    3. The draining, flooding, or disturbing of the water level or water table;
    4. Pile driving;
    5. The placing of obstructions;
    6. The construction, reconstruction, demolition, or expansion of any structure;
    7. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland;
    8. "Class IV - General Forest Practices" under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations," WAC 222-12-030, or as thereafter amended; and/or
    9. Activities that result in:
        a. A significant change of water temperature;
        b. A significant change of physical or chemical characteristics of the sources of water to the wetland;
        c. A significant change in the quantity, timing, or duration of the water entering the wetland; and/or
        d. The introduction of pollutants.
C. Subdivisions. The subdivision and/or short subdivision of land in wetlands and associated buffers are subject to the following:
    1. Land that is located wholly within a wetland or its buffer may not be subdivided; and
    2. Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is:
        a. Located outside of the wetland and its buffer; and
        b. Meets the minimum lot size requirements of SMC Table 20.50.020(1).
D. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:
    1. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
    2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
    3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops,

chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

4. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.
5. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and disposed of appropriately. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
6. Educational and scientific research activities.
7. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not expand the footprint of the facility or right-of-way.

Wetland Buffers

A. Buffer Requirements**.** The standard buffer widths in Table 20.230.031 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington.
    1. The use of the standard buffer widths **requires** the implementation of the measures in Table 20.230.032, where applicable, to minimize the impacts of the adjacent land uses.
    2. If an applicant chooses not to apply the mitigation measures in Table 20.230.032, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.
    3. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.
    4. Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 32 points for habitat function would require a buffer of 225 feet (75 + 150).

Table 20.230.031 Wetland Buffer Requirements for Western Washington

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores 21-25 habitat points	Additional buffer width if wetland scores 26-29 habitat points	Additional buffer width if wetland scores 30-36 habitat points
Category I: Based on total score	75ft	Add 30 ft	Add 90 ft	Add 150 ft
Category I: Forested	75ft	Add 30 ft	Add 90 ft	Add 150 ft
Category I: Estuarine	150 ft	N/A	NA	N/A
Category II: Based on score	75 ft	Add 30 ft	Add 90 ft	Add 150 ft
Category III (all)	60 ft	Add 45 ft	Add 105 ft	NA
Category IV (all)	40 ft	NA	NA	NA

Table 20.230.032 Required measures to minimize impacts to wetlands
(Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland.
Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10’ heavily vegetated buffer strip immediately

	adjacent to the outer wetland buffer.
Toxic runoff	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 ft of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use Low Intensity Development techniques (per PSAT publication on LID techniques).
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	Use best management practices to control dust.
Disruption of corridors or connections	Maintain connections to offsite areas that are undisturbed. Restore corridors.

5. Increased Wetland Buffer Area Width. Buffer widths shall be increased on a case-by-case basis as determined by the Administrator when a larger buffer is necessary to protect

wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include, but not be limited to the following criteria:

a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
c. The adjacent land has minimal vegetative cover or slopes greater than 30 percent.

6. Buffer averaging to *improve wetland protection* may be permitted when **all** of the following conditions are met:
   a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area;
   b. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional;
   c. The total area of the buffer after averaging is equal to the area required without averaging; and
   d. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.
7. Averaging through a shoreline variance may be permitted when **all** of the following are met:
   a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging;
   b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional;
   c. The total buffer area after averaging is equal to the area required without averaging; and
   d. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

B. To facilitate long-range planning using a landscape approach, the Administrator may identify and pre-assess wetlands using the rating system and establish appropriate wetland buffer widths for such wetlands. The Administrator will prepare maps of wetlands that have been pre-assessed in this manner.

C. Measurement of Wetland Buffers**.** All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or

enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.

D. Buffers on Mitigation Sites**.** All mitigation sites shall have buffers consistent with the buffer requirements of this Chapter. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

E. Buffer Maintenance**.** Except as otherwise specified or allowed in accordance with this Chapter, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the mitigation bond (Section 20.230.070.H.2.a.viii).

F. Impacts to Buffers**.** Requirements for the compensation for impacts to buffers are outlined in Section 20.230.070 of this Chapter.

G. Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.

H. Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this Chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

1. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
2. Passive recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including:
    a. Walkways and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable; and/or
    b. Wildlife-viewing structures.
3. Educational and scientific research activities.
4. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.
5. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops, and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
6. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not

interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.

7. Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and disposed of appropriately. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
8. Stormwater management facilities**.** Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:
    a. No other location is feasible;
    b. The location of such facilities will not degrade the functions or values of the wetland; and
    c. Stormwater management facilities are not allowed in buffers of Category I or II wetlands.
9. Non-Conforming Uses**.** Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

I. Signs and Fencing of Wetlands and Buffers:

1. Temporary markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.
2. Permanent signs. As a condition of any permit or authorization issued pursuant to this Chapter, the Administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.
    a. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one (1) per lot or every fifty (50) feet, whichever is less, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the Administrator:

Protected Wetland Area Do Not Disturb
Contact the City of Shoreline Regarding Uses, Restrictions, and Opportunities for Stewardship

    b. The provisions of Subsection (a) may be modified as necessary to assure protection of sensitive features.
3. Fencing

a. Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

Critical Area Report for Wetlands

A. If the Administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to a wetland, a wetland report, prepared by a qualified professional, shall be required. The expense of preparing the wetland report shall be borne by the applicant.

B. Minimum Standards for Wetland Reports. The written report and the accompanying plan sheets shall contain the following information, at a minimum:

1. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the wetland critical area report; a description of the proposal; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.
2. A statement specifying the accuracy of the report and all assumptions made and relied upon.
3. Documentation of any fieldwork performed on the site, including field data sheets for delineations, rating system forms, baseline hydrologic data, etc.
4. A description of the methodologies used to conduct the wetland delineations, rating system forms, or impact analyses including references.
5. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 300 feet of the project boundaries using the best available information.
6. For each wetland identified on site and within 300 feet of the project site provide: the wetland rating, including a description of and score for each function, per *Wetland Ratings* (Section 20.230.020.B) of this Chapter; required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acreages for on-site portion and entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.
7. A description of the proposed actions, including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives, including a no-development alternative.
8. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.
9. A description of reasonable efforts made to apply mitigation sequencing pursuant to *Mitigation Sequencing* (Chapter 20.230.020) to avoid, minimize, and mitigate impacts to critical areas.

10. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.
11. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.

C. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.

D. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:
    1. Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates);
    2. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project; and
    3. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

Compensatory Mitigation

A. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:
    1. Avoid the impact altogether by not taking a certain action or parts of an action.
    2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
    3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
    4. Reduce or eliminate the impact over time by preservation and maintenance operations.
    5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
    6. Monitor the required compensation and take remedial or corrective measures when necessary.

B. Requirements for Compensatory Mitigation:
    1. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1),* Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised.
    2. Mitigation ratios shall be consistent with Subsection G of this Chapter.

3. Mitigation requirements may also be determined using the credit/debit tool described in "*Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Operational Draft*" (Ecology Publication #10-06-011, February 2011, or as revised) consistent with subsection H of this Chapter.

C. Compensating for Lost or Affected Functions**.** Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:
   1. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or
   2. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished wetland types.

D. Preference of Mitigation Actions**.** Methods to achieve compensation for wetland functions shall be approached in the following order of preference:
   1. Restoration (re-establishment and rehabilitation) of wetlands.
   2. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.
   3. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.
   4. Preservation. Preservation of high-quality, at-risk wetlands as compensation is generally acceptable when done in combination with restoration, creation, or enhancement, provided that a minimum of 1:1 acreage replacement is provided by re-establishment or creation. Preservation of high-quality, at risk wetlands and habitat may be considered as the sole means of compensation for wetland impacts when the following criteria are met:
      a. Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other ESA listed species;
      b. There is no net loss of habitat functions within the watershed or basin;
      c. Mitigation ratios for preservation as the sole means of mitigation shall generally start at 20:1. Specific ratios should depend upon the significance of the preservation project and the quality of the wetland resources lost; and
      d. The impact area is small (generally <½acre) and/or impacts are occurring to a low-functioning system (Category III or IV wetland).

      All preservation sites shall include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.

E. Type and Location of Compensatory Mitigation. Unless it is demonstrated that a higher level of ecological functioning would result from an alternative approach, compensatory mitigation for

ecological functions shall be either in kind and on site, or in kind and within the same stream reach, sub-basin, or drift cell (if estuarine wetlands are impacted). Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:

1. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);
2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
3. Off-site locations shall be in the same sub-drainage basin unless:
    a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site; or
    b. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the bank's certification.
4. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.

F. Timing of Compensatory Mitigation. It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

1. The Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The

request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the City.

G. Wetland Mitigation Ratios

Category and Type of Wetland	**Creation or Re-establishment**	**Rehabilitation**	**Enhancement**	**Preservation**
Category I: Bog, Natural Heritage site	Not considered possible	6:1	Case by case	10:1
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

H. Compensatory Mitigation Plan**.** When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:

- Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1a or 1b, *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance--Version 1*, (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised).
  1. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in *Minimum Standards for Wetland Reports* section of this Chapter.
  2. Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the elements listed below. Full guidance can be found in *Wetland Mitigation in Washington State– Part 2: Developing Mitigation Plans (Version 1)* (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).
     a. The written report must contain, at a minimum:
        i. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project;
        ii. Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands;

iii. Description of the existing wetland and buffer areas proposed to be impacted. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding lands uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating, based on *Wetland Ratings* (Section 20.230.020.B) of this Chapter;

iv. Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?);

v. A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands;

vi. A description of the proposed mitigation construction activities and timing of activities;

vii. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands);

viii. A bond estimate for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring; and

ix. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.

b. The scaled plan sheets for the compensatory mitigation must contain, at a minimum:

i. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions;

ii. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas that are proposed to be impacted, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation;

iii. Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions;

iv. Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes;

v. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Chapter;

vi. A plant schedule for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, timing of installation; and

vii. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium.

I. Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

20.230.040 Public Access

Public access to the shoreline is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access, such as picnic areas, pathways and trails, promenades, bridges, street ends, ingress and egress, and parking.

A. **Public Access Policies**

1. Public access provisions should be incorporated into all private and public developments. Exceptions may be considered for the following types of uses:
   a. A single family residence;
   b. An individual multi-family structure containing more than four (4) dwelling units; and/or
   c. Where deemed inappropriate by the Director.
2. Development uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.
3. Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment and adjacent wetlands, public access should assure no net loss of ecological functions.
4. Where appropriate, water-oriented public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment.
5. Except for access to the water, the preferred location for placement of public access trails is as close to the furthest landward edge of the native vegetation zone as practical. Public access facilities should provide auxiliary facilities, such as parking and sanitation, when appropriate, and shall be designed for accessibility by people with disabilities. Publicly owned shorelines should be limited to water-dependent or public recreation uses, otherwise such shorelines should remain protected open space.
6. Public access afforded by public right of way street ends adjacent to the shoreline should be preserved, maintained, and enhanced.
7. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy. This may include providing a physical separation to reinforce the distinction between public and private space, providing adequate space, through screening with landscape planting or fences, or other means.
8. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excess removal of vegetation that partially impairs views.

9. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever financially feasible and possible.
10. Public access facilities should be maintained to provide a clean, safe experience, and to protect the environment.

B. **Public Access Regulations**

1. Public access shall be required for all shoreline development and uses, except for a single-family residence or residential projects containing four (4) or less dwelling units.
2. Requirement of public access to shorelines does not confer the right to enter upon or cross private property, except for dedicated and marked public easements.
3. A shoreline development or use that does not provide public access may be authorized provided the applicant demonstrates and the Director determines that one or more of the following provisions apply:
   a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any feasible means;
   b. Security requirements cannot be satisfied through the application of alternative design features or other solutions;
   c. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
   d. Unacceptable environmental harm, such as damage to fish spawning areas will result from the public access that cannot be mitigated; and/or
   e. Significant conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
4. The applicant must also demonstrate that all reasonable means to public access have been exhausted, including but not limited to:
   a. Regulating access by such means as limiting use to daylight hours;
   b. Designing separation of uses and activities with such means as fences, terracing, hedges, or landscaping; and/or
   c. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.
5. Public access sites shall be made barrier free for people with disabilities.
6. Public access sites shall be connected directly to the nearest public street.
7. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
8. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running with the land. Said recording with the King County Recorder's office shall occur at the time of permit approval (RCW 58.17.110).
9. The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Signs controlling or restricting public access may be approved as a condition of permit approval.
10. Development on or over the water shall be constructed as far landward as possible to avoid interference with views from surrounding properties to the shoreline and adjoining waters.

11. Physical public access shall be designed to prevent significant impacts to natural systems by employing Low Impact Development techniques.

Subchapter 2. Specific Shoreline Use Policies and Regulations

20.230.070 General

Specific shoreline use provisions are more detailed than those listed in General Policies and Regulations. These use policies and regulations apply to the identified use categories and provide a greater level of detail for uses and their impacts. The policies establish the shoreline management principles that apply to each use category and serve as a bridge between the various elements listed in section 20.200.020 of this Master Program and the use regulations that follow.

This subchapter also includes those activities that modify the configuration or qualities of the shoreline area. Shoreline modification activities are, by definition, undertaken in support of or in preparation for a permitted shoreline use. Typically, shoreline modification activities relate to construction of a physical element such as a breakwater, dredged basins, landfilling, etc., but they can include other actions such as clearing, grading, application of chemicals, etc.

Shoreline modification policies and regulations are intended to prevent, reduce, and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act. A proposed development must meet all of the regulations for both applicable uses and activities as well as the general and environment designation regulations.

The following policies and regulations apply to specific types of development that may be proposed in the shoreline jurisdiction of the City. A proposal can consist of more than one type of development. In addition, all specific shoreline development must be consistent with the following Shoreline Environmental Designations; the goals and objectives of SMC 20.200, subchapter 1; and the general policies and regulations contained in SMC 20.230, subchapter 1.

20.230.080 Shoreline Environmental Designations- Map included in Appendix D, page 205

Aquatic Environment (A). Encompasses all submerged lands from OHWM to the middle of Puget Sound. The purpose of this designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark. New overwater structures are allowed only for water-dependent uses, public access, or ecological restoration and must be limited to the minimum necessary to support the structure's intended use.

Urban Conservancy Environment (UC). The purpose of this designation is to protect and restore relatively undeveloped or unaltered shorelines to maintain open space, floodplains, or habitat, while allowing a variety of compatible uses. This designation shall apply to shorelines that retain important ecological functions, even if partially altered. These shorelines are suitable for low intensity development, uses that are a combination of water related or water-enjoyment uses, or uses that allow substantial numbers of people access to the shoreline. Any undesignated shorelines are automatically assigned an urban conservancy designation.

Shoreline Residential Environment (SR). The purpose of this designation is to accommodate residential development and accessory structures that are consistent with this Shoreline Master Program. This designation shall apply to shorelines that do not meet the criteria for Urban

Conservancy and that are characterized by single-family or multifamily residential development or are planned and platted for residential development.

Waterfront Residential Environment (WR). The purpose of this designation is to distinguish between residential portions of the coastline where natural and manmade features preclude building within the shoreline jurisdiction and the section along 27th Avenue NW where residential properties directly abut the Puget Sound.

Characteristics of 27th Avenue NW include:

- Only fully established residential property in the City of Shoreline directly abutting the Puget Sound;
- Substantial number of legally existing nonconforming lots and nonconforming structures;
- Exposure to high energy wind and wave action;
- Fully armored shoreline prior to December 4, 1969 and residences occupied prior to January 1, 1992; and
- Failure of an individual bulkhead would cause adverse effect on subject property as well as neighboring properties.

These unique circumstances and considerations warrant different regulations for 27th Avenue NW as compared to existing residential property that is cut off from the shoreline by bluffs and railroad tracks (UC and SR), and potential new residential properties in the Point Wells designations (PW and PWC).

Point Wells Urban Environment (PW). The purpose of this designation is to accommodate higher density uses while protecting existing ecological functions and restoring ecological functions that have been degraded.

Point Wells Urban Conservancy Environment (PWC). The purpose of this designation is to distinguish between differing levels of potential and existing ecological function within the Point Wells environment, and regulate uses and public access requirements appropriately.

Table 20.230.081 Permitted Uses and Modifications Within the Shorelines

Uses that are allowed in tables 20.40.120 through 20.40.150 are permitted uses in accordance with the underlying zone, this chapter, and the provisions of the Shoreline Master Program.

P = Permitted - Permitted uses may require Shoreline Substantial Development Permits and any other permits required by the Shoreline Municipal Code and/or other regulatory agencies.

C = Conditional Use - Conditional uses require Shoreline Conditional Use Permit and may require other permits required by the Shoreline Municipal Code and/or other regulatory agencies.

X = Prohibited

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Table 20.230.081 Permitted Uses and Modifications Within the Shorelines						
	Shoreline Environments					
Shoreline Use	**Aquatic**	**Urban Conservancy**	**Shoreline Residential**	**Waterfront Residential**	**PW Urban Conservancy**	**PW Urban**
Agriculture	X	X	X	X	X	X
Aquaculture	C	X	X	X	X	X
Boating Facilities (boat hoists and launching ramps)	P[1]	P: Boat launching ramps open to the public	P: Joint-use boat launching ramps	P: Joint-use boat launching ramps	X	P: Boat launching ramps open to the public
Nonresidential Development	X	X	X	X	P	P
Forest Practices	X	X	X	X	X	X
Industrial Development	X	X	X	X	P: Existing	P: Existing C: Expansion
In-stream Structures	P[1]	P: Part of a fish habitat enhancement or a watershed restoration project	P: Part of a fish habitat enhancement or a watershed restoration project	P: Part of a fish habitat enhancement or a watershed restoration project	P: Part of a fish habitat enhancement or a watershed restoration project	P: Part of a fish habitat enhancement or a watershed restoration project
Mining	X	X	X	X	X	X
Mooring	P	X	X	X	X	X
Recreation Use (water-related)	C: Water-dependent only	P	P	P	P: Limit to low intensity uses, passive uses	P
Recreation Facilities	C[9]	P	P	P	P: Limit to low intensity uses, passive uses	P

Shoreline Use	Aquatic	Urban Conservancy	Shoreline Residential	Waterfront Residential	PW Urban Conservancy	PW Urban
Residential Developments	X	P	P	P	P	P
Signs	X[6]	P	P	P	P	P
Permanent Solid Waste Storage or Transfer Facilities	X	X	X	X	X	X
Transportation Facilities (Roads and Bridges)	X	C	P	P	C	P
Transportation Facilities[3] (Railroads)	P	P	P	P	P	P
Utilities	C	P: Underground facilities C: Aboveground facilities	P: Underground facilities C: Aboveground facilities	P: Underground facilities C: Aboveground facilities	P: Underground facilities C: Aboveground facilities	P: Underground facilities C: Aboveground facilities
Unclassified Uses	C	C	C	C	C	C

Shoreline Modifications	Aquatic	Urban Conservancy	Shoreline Residential	Waterfront Residential	PW Urban Conservancy	PW Urban
Breakwaters, Jetties, Groins, and Weirs	C[1]	X	X	X	X	C[7]
Dredging	P[4] C: Related to navigation for PWU	P[4]	P[4]	P[4]	P[4]	P[4]
Dredging Material Disposal	C	P[5]	P[5]	P[5]	P[5]	P[5]
Dune Modification	X	X	X	X	X	X
Piers and Docks	P[1]	P: Public	P: Joint-use	P: Joint-use	X	P: Existing associated w/ industrial use P: Public piers or docks C: Expansion of existing with water-oriented industrial use
Structural Flood Hazard Reduction (Dikes and Levees)	X	X	X	X	X	X
Soft-shore Stabilization	P[1]	P	P	P	P: w/Utilities	P
Repair, replacement, and maintenance of existing hard-shore armoring	P	P	P	P[8]	P	P

Shoreline Modifications	Aquatic	Urban Conservancy	Shoreline Residential	Waterfront Residential	PW Urban Conservancy	PW Urban
Hard shoreline armoring where none previously existed	X	C	C	C	X	C
Land Disturbing activities	X	P[3]	P[3]	P[3]	P[3]	P[3]
Landfilling	C[4]	C[3]	C[1]	C[1]	C[3]	C[3]
Shoreline Habitat and Natural Systems Enhancement Projects	P	P	P	P	P	P
Marinas	X	X	X	X	X	X

[1] Subject to the use limitations and permit requirements of the abutting upland shoreline environment designation.
[2] The City recognizes the Federal preemption for local permitting per the ICC Termination Act of 1995, 49 U.S.C. § 10501(b); however, for the purposes of Coastal Zone Management consistency the railroad company would be required to comply with the policies of the City of Shoreline's SMP.
[3]For activities associated with shoreline restoration or remediation; or limited if associated with public access improvement and allowed shoreline development.
[4]For activities associated with shoreline or aquatic restoration or remediation
[5]For shoreline habitat and natural systems enhancement, fish habitat enhancement, or watershed restoration project.
[6]Signs required by regulatory agencies for navigational operation, safety and direction purposes allowed in Aquatic environment per 20.230.230(B)(1).
[7]Limited to water-dependent, public access, or shoreline stabilization activities
[8]This includes replacement
[9]Refer to 20.230.130 for conditions

Table 20.230.082 Native Conservation Area / Building Setbacks[1]

Shoreline Environmental Designation	Minimum Native Vegetation Conservation or Setback Area[1]
Urban Conservancy	150 feet or 50 feet from the top of a landslide hazard area, whichever is greater
Shoreline Residential	115 feet
Waterfront Residential	20 feet
Point Wells Urban	200 feet (restoration required as part of development)
Point Wells Urban Conservancy	200 feet

Bulk standards will be regulated by underlying zoning according to SMC Table 20.50.020(1). Zoning designation is R6 for UC, SR, and WR, and yet to be determined for PW and PWC.

[1]The term "Native Conservation Area" (NVCA) applies to areas where the shoreline is not armored, such as the PWUC environment designation, and Richmond Beach Saltwater Park. NVCAs should be maintained in a predominantly natural, undisturbed, undeveloped, and vegetated condition, except where necessary to accommodate appurtenances to a permitted water-dependent use. The term "Building Setback" applies in areas where the railroad or bulkheads prohibit natural sediment transfer. In those areas, it is necessary to maintain hard-armored conditions, but further encroachment or vegetative clearing are not permitted.

20.230.090 Boating Facilities

Boating facilities serving two or more single family dwelling units generally include boat launch ramps (public and private), wet and dry boat storage, and related sales and service for pleasure and commercial watercraft. For the purpose of this section, boat hoists, davits, lifts, and/or dry boat storage of private watercraft consistent with single-family residential properties are not included.

A. **Boating Facilities Policies**

1. Boating facilities can have a significant impact on habitat. The impacts of boating facilities should be reviewed thoroughly before boating facilities are permitted in the shoreline jurisdiction.
2. Public and community boating facilities may be allowed. Individual private facilities are prohibited.
3. New nonresidential boating facilities may be allowed as a conditional use within the regulated shoreline. When allowed, such facilities should be designed to accommodate public access and enjoyment of the shoreline location. Depending on the scale of the facility, public access should include walkways, viewpoints, restroom facilities, and other recreational uses.
4. Dry boat storage should not be considered a water-oriented use. Only boat hoists, boat launch ramps, and access routes associated with a dry boat storage facility should be considered a water-oriented use.
5. Health, Safety and Welfare considerations must be addressed in application for development of boating facilities.
6. Navigation rights must be protected in development of boating facilities.

7. Extended moorage on waters of the state without a lease or permission is restricted and mitigation of impacts to navigation and access is required.

B. **Boating Facilities Regulations**

1. Boating facilities may be permitted only if:
   a. It can be demonstrated that the facility will not adversely impact fish or wildlife habitat areas or associated wetlands; and
   b. Adequate mitigation measures ensure that there is no net loss of the functions or values of the shoreline and habitat as a result of the facility.
2. Boating facilities shall not be permitted within the following marine shoreline habitats because of their scarcity, biological productivity and sensitivity unless no alternative location is feasible, the project would result in a net enhancement of shoreline ecological functions, and the proposal is otherwise consistent with this Program:
   a. Critical saltwater habitats; and
   b. Marshes, estuaries and other wetlands.
3. Preferred ramp designs, in order of priority, are:
   a. Open grid designs with minimum coverage of beach substrate;
   b. Seasonal ramps that can be removed and stored upland; and
   c. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in beach profile.
4. Ramps shall be placed and maintained near flush with the foreshore slope.
5. Boat launches shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available. Rail and track systems shall be preferred over concrete ramps or similar facilities.
6. Launch access for non-motorized watercraft shall use gravel or other permeable material. Removal of vegetation for launch access should be limited to eight (8) feet in width.
7. Before granting approval of a permit to allow a boat launch ramp, the proponent must satisfactorily demonstrate that:
   a. Adequate facilities for the efficient handling of sewage and litter will be provided;
   b. The boating facilities will be designed so that structures are aesthetically compatible with, or enhance shoreline features and uses; and
   c. The boating facilities will be designed so that existing or potential public access along beaches is not blocked or made unsafe, and so that public use of the surface waters is not unduly impaired.

C. **Boat Launch Ramps**

1. Boat launch ramps shall be located on stable shorelines where water depths are adequate to eliminate or minimize the need for channel maintenance activities.
2. Boat launch ramps may be permitted on accretion shoreforms provided any necessary grading is not harmful to affected resources.
3. Where boat ramps are permitted, parking, and shuttle areas shall not be located on accretion shoreforms.
4. Boat launch ramps may be permitted on stable, non-eroding banks where the need for shore stabilization structures is minimized.
5. Ramp structures shall be placed near flush with the foreshore slope to minimize the interruption of geohydraulic processes.
6. Boat launch sites that are open to the public shall have adequate restroom facilities operated and maintained in compliance with King County Health District regulations.

D. **Dry Boat Storage**
1. Dry boat storage shall not be considered a water-oriented use and must comply with the required shoreline environment setback.
2. Only water-dependent aspects of dry-boat storage, such as boat hoists and boat launch ramps may be permitted within shoreline environment setbacks.
3. Boat launch ramps associated with dry boat storage shall be consistent with applicable requirements in this section.

20.230.095 Breakwaters, Jetties, Groins, and Weirs

A. **Breakwaters, Jetties, Groins and Weirs Policies**
1. Breakwaters, jetties, groins, and weirs should be permitted only for water-dependent uses and only where mitigated to provide no net loss of shoreline ecological functions and processes.

B. **Breakwaters, Jetties, Groins and Weirs Regulations**
1. Groins are prohibited except as a component of a professionally designed public beach management program that encompasses an entire drift sector or reach for which alternatives are infeasible, or where installed to protect or restore shoreline ecological functions or processes.
2. Jetties and breakwaters are prohibited except as an integral component of a professionally designed harbor, or port. Where permitted, floating, portable or submerged breakwater structures, or smaller discontinuous structures are preferred where physical conditions make such alternatives with less impact feasible. Defense works that substantially reduce or block littoral drift and cause erosion of downdrift shores, shall not be allowed unless an adequate long term professionally engineered beach nourishment program is established and maintained.

20.230.100 Nonresidential Development

A. **Nonresidential Development Policies**
1. Priority of any nonresidential development should be given to water-dependent and water-enjoyment uses. Allowed uses include restaurants that provide a view of the sound to customers, motels and hotels that provide walking areas for the public along the shoreline, office buildings, and retail sales buildings that have a waterfront theme with public access to the beach or water views.
2. Over-the-water nonresidential development shall be prohibited.
3. Nonresidential development should be required to provide on-site physical or visual access to the shoreline, or offer other opportunities for the public to enjoy shorelines of statewide significance. If on-site access cannot be provided, offsite access should be required. Off site access could be procured through the purchase of land or an easement at a location appropriate to provide the access deemed necessary. Nonresidential developments should include multiple use concepts such as open space and recreation.
4. Nonresidential development in the shoreline jurisdiction should include landscaping to enhance the shoreline area.

B. **Nonresidential Development Regulations**

1. Over-water construction of nonresidential uses is prohibited, with the exception of boat facilities necessary for the operation of an associated nonresidential use.
2. All nonresidential development within the shoreline area shall provide for visual and/or physical access to the shoreline by the public. Where on-site public access is feasible, nonresidential development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for the general public. Public access easements shall be a minimum of 25 feet in width and shall comply with the public access standards contained in the Public Access section of this Shoreline Master Program and the Shoreline Development Code.
3. All nonresidential loading and service areas shall be located on the upland side of the nonresidential activity or provisions shall screen the loading and service areas from the shoreline.
4. All nonresidential development within shoreline jurisdiction shall assure no net loss of shoreline ecological functions.
5. A shoreline setback is not required to be maintained for water-dependant nonresidential development.
6. Water-dependent, nonresidential development shall maintain a shoreline setback of either 25 feet from the OHWM or 10 feet from the edge of the base flood elevation, whichever is greater. If public access is provided to the shoreline, the setback may be reduced to 10 feet from the OHWM or the edge of the base flood elevation, whichever is greater.
7. Nonwater-dependent nonresidential development shall maintain a minimum setback from the OHWM consistent with Table 20.230.082.

20.230.110 In-stream Structures.

A. **In-stream Structures Policies**

1. In-stream structures should provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources including, but not limited to fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-stream structures should give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
2. Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to structural in-stream structures.

B. **In-stream Structures Regulations**

1. Natural instream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages.
2. Instream structures shall allow for normal ground water movement and surface runoff.
3. In-stream structures shall not impede upstream or downstream migration of anadromous fish.
4. All debris, overburden and other waste materials from construction shall be disposed of in such a manner that prevents their entry into a water body.

20.230.115 Aquaculture.

A. **Aquaculture Policies**

1. Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Therefore, the City recognizes the necessity for some latitude in the development of this use as well as its potential impact on existing uses and natural systems.

2. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in SMC 20.230.020.

B. **Aquaculture Regulations**

1. Aquaculture is allowed as a conditional use in the Aquatic environment where it can be located, designed, constructed, and managed to avoid a net loss of ecological functions, not spread diseases to native aquatic life, not adversely impact native eelgrasses and macroalgae species or not significantly conflict with navigation.

2. The supporting infrastructure for aquaculture may be located landward of the aquaculture operation subject to the City's land use code.

3. Aquaculture facilities are required to develop best management practices to minimize impacts from the construction and management of the facilities.

4. New aquatic species that are not previously cultivated in Washington state shall not be introduced into Shoreline's saltwaters or freshwaters without prior written approval of the Director of the Washington Department of Fish and Wildlife and the Director of the Washington Department of Health. This prohibition does not apply to: Pacific, Olympia, Kumomoto, Belon or Virginica oysters; Manila, Butter, or Littleneck clams; or Geoduck clams.

5. No aquacultural processing, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms, shall be permitted waterward of the ordinary high water mark unless fully contained within a tending boat or barge.

6. Aquaculture wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards, including but not limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.

20.230.120 Parking Areas.

A. **Parking Area Policies**

1. Parking in shoreline areas should be minimized.
2. Parking within shoreline areas should directly serve a permitted use on the property.
3. Parking in shoreline areas should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance.

4. Landscaping should consist of native vegetation in order to enhance the habitat opportunities within the shorelines area.

B. **Parking Regulations**

Parking for specific land use activities within the City of Shoreline is subject to the requirements and standards set forth in SMC 20.50 Subchapter 6. Parking, Access, and Circulation. In addition, the following parking requirements shall apply to all developments within shorelands.

1. The location of parking areas in or near shoreland areas shall be located outside of the minimum setbacks listed in Table 20.230.082 for the shoreline designation.
2. Parking in the shorelands must directly serve an approved shoreline use.
3. Parking shall be located on the landward side of the development unless parking is contained within a permitted structure. Where there is no available land area on the landward side of the development, parking shall extend no closer to the shoreline than a permitted structure.
4. Landscape screening is required between the parking area and all adjacent shorelines and properties.
5. The landscape screening for parking areas located within the shoreline areas shall consist of native vegetation, planted prior to final approval of project, which provides effective screening two (2) years after planting. Adequate screening or landscaping for parking lots shall consist of one or more of the following:
   a. A strip five (5) feet wide landscaped with trees, shrubs, and/or groundcover;
   b. A building or enclosed structure; and/or
   c. A strip of land not less than two and a half (2.5) feet in width that is occupied by a continuous wall, fence, plant material, or combination of both; which shall be at least three and a half (3.5) feet high at time of installation. The plant material shall be evergreen and spaced not more than one and a half (1.5) feet on center if pyramidal in shape, or not more than three (3) feet if wider in branching habit. If the plant material is used in conjunction with a wall or fence meeting the minimum height requirements then said material may be of any kind and spacing. More restrictive screening may be required 20.50 SMC, Subchapters 6 and 7. Required parking area screening may be incorporated into general landscaping requirements under SMC Subchapters 6 and 7.
6. The requirement for screening may be waived by the Director, where screening would obstruct a significant view from public property or public roadway.
7. Parking areas shall not be permitted over the water.
8. Parking as a primary use shall be prohibited within all shoreline environments.
9. Parking or storage of recreational vehicles or travel trailers as a primary use shall be prohibited in all shoreline environments.

20.230.130 Recreational Facilities.

Recreational development provides for low impact activities, such as hiking, photography, kayaking, viewing, and fishing, or more intensive uses such as parks. This section applies to both publicly and privately-owned shoreline facilities.

A. **Recreational Facilities Policies**

1. The coordination of local, state, and federal recreation planning should be encouraged so as to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted parks, recreation, and open space plans.
2. Parks, recreation areas, and public access points, such as hiking paths, bicycle paths, and scenic drives should be linked.

3. Recreational developments should be located and designed to preserve, enhance, or create scenic views and vistas.
4. The use of jet-skis and similar recreational equipment should be restricted to special areas. This type of activity should be allowed only where no conflict exists with other uses and wildlife habitat.
5. All recreational developments should make adequate provisions for:
   a. Vehicular and pedestrian access, both on-site and off-site;
   b. Proper water, solid waste, and sewage disposal methods;
   c. Security and fire protection for the use itself and for any use-related impacts to adjacent private property;
   d. The prevention of overflow and trespass onto adjacent properties; and
   e. Buffering of such development from adjacent private property or natural areas.

B. **Recreational Facilities Regulations**

1. Valuable shoreline resources and fragile or unique areas, such as wetlands and accretion shore forms, shall be used only for low impact and nonstructural recreation activities.
2. For recreation developments that require the use of fertilizers, pesticides, or other chemicals, the property owner shall submit plans demonstrating the methods to be used to prevent these chemical applications and resultant leachate from entering adjacent water bodies. The property owner shall be required to maintain a chemical-free swath at least one hundred (100) feet in depth adjacent to water bodies.
3. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences, and signs, to mitigate nuisance to nearby private properties.
4. No recreational buildings or structures shall be built waterward of the OHWM, except water-dependent and/or water-enjoyment structures such as bridges and viewing platforms. Such uses may be permitted as a Shoreline Conditional Use.
5. Proposals for recreational development shall include adequate facilities for water supply, sewage, and garbage disposal.

20.230.140 Residential Development.

1. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.
2. A Shoreline Substantial Development Permit is not required for construction of a single family residence by an owner, lessee, or contract purchaser for their own use or the use of their family. Single family residential construction and accessory structures must otherwise conform to this Shoreline Master Program.
3. A Shoreline Variance or Shoreline Conditional Use Permit may be required for residential development for situations specified in the Shoreline Master Program.
4. Uses and facilities associated with residential development, which are identified as separate use activities in this Shoreline Master Program, such as land disturbing activities, are subject to the regulations established for those uses in this section.

A. **Residential Policies**

1. In accordance with the Public Access requirements in 20.230.040, residential developments of more than four (4) dwelling units should provide dedicated and improved public access to the shoreline.
2. Residential development and accessory uses should be prohibited over the water.

3. New subdivisions should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical impacts, and provide for public access to the shoreline.
4. In all new subdivisions and detached single family development with four (4) dwelling units, joint-use shoreline facilities should be encouraged.
5. Accessory uses and structures should be designed and located to blend into the site as much as possible. Accessory uses and structures should be located landward of the principal residence when feasible.

B. **Residential Regulations**

1. Residential development is prohibited waterward of the OHWM and within setbacks defined for each shoreline environment designation.
2. Residential development shall assure no net loss of shoreline ecological functions.
3. Residential development shall not be approved if geotechnical analysis demonstrates that flood control or shoreline protection measures are necessary to create a residential lot or site area. Residential development shall be located and designed to avoid the need for structural shore defense and flood protection works.
4. If wetlands or other critical areas are located on the development site, clustering of residential units shall be required in order to avoid impacts to these areas.
5. Storm drainage facilities shall include provisions to prevent the direct entry of uncontrolled and untreated surface water runoff into receiving waters as specified in the Stormwater Manual.
6. Subdivisions and planned unit developments of four (4) waterfront lots/units shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public. When required, public access easements shall be a minimum of 25 feet in width and shall comply with the Public Access standards in 20.230.060. The design shall conform to the standards in the Engineering Development Manual.
7. Single family residential development shall maintain a minimum setback from the OHWM consistent with Table 20.230.082.
8. Multifamily residential development shall maintain a minimum setback from the OHWM consistent with Table 20.230.082.
9. One (1) accessory structure to the residence may be placed within the required shoreline setback provided:
   a. No accessory structure shall cover more than 200 square feet.

Subchapter 3. Shoreline Modification Policies and Regulations

20.230.150 General

Shoreline modification involves developments that provide bank stabilization or flood control. The purpose of the modification is to reduce adverse impacts caused by natural processes, such as current, flood, tides, wind, or wave action. Shoreline modification includes all structural and nonstructural means to reduce flooding and/or erosion of banks.

Nonstructural methods include setbacks of permanent and temporary structures, relocation of the structure to be protected, ground water management, planning, bioengineering or "soft" engineered solutions, and regulatory measures to avoid the need for structural stabilization.

"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on natural materials such as biotechnical vegetation or beach enhancement. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. New structural shoreline stabilization also often results in vegetation removal, as well as damage to nearshore habitat and shoreline corridors. There are a range of measures varying from soft to hard that include:

- Vegetation enhancement
- Upland drainage control
- Biotechnical measures
- Beach enhancement
- Anchor trees
- Gravel placement
- Rock revetments
- Gabions
- Concrete groins
- Retaining walls and bluff walls
- Bulkheads

A. **Shoreline Modification Policies - General**

1. Biostabilization and other bank stabilization measures should be located, designed, and constructed primarily to prevent damage to the existing primary structure.
2. 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 shall be discouraged in areas where no preexisting shoreline stabilization is present.
3. Shoreline modifications are only allowed for mitigation or enhancement purposes, or when and where there is a demonstrated necessity to support or protect an existing primary structure or legally existing shoreline use that is otherwise in danger of loss or substantial damage.
4. Proposals for shoreline modifications should be designed to protect life and property without impacting shoreline resources.
5. Shoreline modifications that are natural in appearance, compatible with ongoing shoreline processes, and provide flexibility for long term management, such as protective berms or

vegetative stabilization, should be encouraged over structural means such as concrete bulkheads or extensive revetments, where feasible.

6. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not be able to withstand the erosive forces of the current and waves.
7. The design of bank stabilization or protection works should provide for the long–term, multiple-use of shoreline resources and public access to public shorelines.
8. In the design of publicly financed or subsidized works, consideration should be given to providing pedestrian access to shorelines for low impact outdoor recreation.
9. All flood protection measures should be placed landward of the natural flood boundary, including wetlands that are directly interrelated and inter-dependent with water bodies.
10. If through construction and/or maintenance of shoreline modification developments, the loss of vegetation and wildlife habitat will occur, mitigation should be required.

B. **Shoreline Modification Regulations - General**

1. All new development, uses or activities within the shoreline area shall be located and designed to prevent or minimize the need for bank stabilization and flood protection works.
2. Permitted and Shoreline Conditional Use requirements for bulkheads and revetments are specified in this chapter. All other forms of shoreline modification, except soft shore must be approved as a Shoreline Conditional Use within all shoreline environments.
3. All shoreline stabilization proposals require a geotechnical analysis.
4. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that mitigates impacts to the environment. The preferred mitigation sequence (avoid, minimize, mitigate, compensate) shall follow that listed in WAC 173-26-201 (2)(e).
5. New nonwater-dependent development, including single-family residences, that includes structural shoreline stabilization shall not be allowed unless all of the conditions below apply, otherwise new stabilization measures are limited to protecting only existing developments:
   a. The need to protect the development from destruction due to erosion caused by natural processes, such as currents and waves, is demonstrated through a geotechnical/hydro-geological report prepared by a City-approved qualified professional.
   b. The erosion is not caused by upland conditions, such as the loss of vegetation and/or drainage issues.
   c. There will be no net loss of shoreline ecological functions or impacts to adjacent or down-current properties.
   d. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements and soft structural solutions such as bioengineering, are not feasible or not sufficient.
   e. The structure will not cause adverse impacts to the functions and values of critical areas or properly functioning conditions for proposed, threatened, and endangered species.
   f. Other mitigation/restoration measures are included in the proposal.
6. Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with appropriate vegetation. All losses in riparian vegetation or wildlife habitat shall be mitigated at a ratio of 1:1.25 (habitat lost to habitat replaced).
7. Shoreline stabilization and flood protection works are prohibited in wetlands and on point and channel bars. They are also prohibited in fish spawning areas.
8. Developments shall not reduce the volume and storage capacity of streams and adjacent wetlands or flood plains.

9. Use of refuse for the stabilization of shorelines is prohibited.

20.230.160 Dredging and Disposal of Dredging Spoils

A. **Dredging and Dredge Spoil Policies**

1. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material is prohibited.
2. Dredging operations should be planned and conducted to minimize interference with navigation; avoid creating adverse impacts on other shoreline uses, properties, and ecological shoreline functions and values; and avoid adverse impacts to habitat areas and fish species.
3. Dredge spoil disposal in water bodies shall be prohibited except for habitat improvement.
4. Dredge spoil disposal on land should occur in areas where environmental impacts will not be significant.

B. **Dredging and Dredge Spoil Regulations**

1. Dredging and dredge spoil disposal shall be permitted only where it is demonstrated that the proposed actions will not:
   a. Result in significant damage to water quality, fish, and other essential biological elements;
   b. Adversely alter natural drainage and circulation patterns, currents, or reduce floodwater capacities;
   c. Adversely impact properly functioning conditions for proposed, threatened, or endangered species; or
   d. Adversely alter functions and values of the shoreline and associated critical areas.
2. Proposals for dredging and dredge spoil disposal shall include all feasible mitigating measures to protect habitats and to minimize adverse impacts such as turbidity; release of nutrients, heavy metals, sulfides, organic materials, or toxic substances; depletion of oxygen; disruption of food chains; loss of benthic productivity; and disturbance of fish runs and/or important localized biological communities.
3. Dredging and dredge spoil disposal shall not occur in wetlands unless for approved maintenance or enhancement associated with a restoration project.
4. Dredging within the shorelines shall be permitted only:
   a. For navigational purposes; or
   b. For activities associated with shoreline or aquatic restoration or remediation.
5. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
6. Dredging shall utilize techniques that cause minimum dispersal and broadcast of bottom material; hydraulic dredging shall be used wherever feasible in preference to agitation dredging.
7. Dredge material disposal shall be permitted in shoreline jurisdiction only as part of an approved shoreline habitat and natural systems enhancement, fish habitat enhancement or watershed restoration project.
8. Dredged spoil material may be disposed at approved upland sites. If these upland sites are dry lands and fall within shoreline jurisdiction, the disposal of dredge spoils shall be considered landfilling and must be consistent with all applicable provisions of the Master Program. Depositing dredge spoils within the Puget Sound shall be allowed only by Shoreline Conditional Use for one of the following reasons:
   a. For wildlife habitat improvements; or

b. To correct problems of material distribution that are adversely affecting fish resources.

9. If suitable alternatives for land disposal are not available or are infeasible, water disposal sites may be permitted by appropriate agencies, provided the sites are determined by the Director to be consistent with the following criteria:
   a. Disposal will not interfere with geohydraulic processes;
   b. The dredge spoil has been analyzed by a qualified professional and found to be minimally or non-polluting;
   c. Aquatic life will not be adversely affected; and
   d. The site and method of disposal meets all requirements of applicable regulatory agencies.
10. Disposal of dredge material shall be done in accordance with the Washington State DNR Dredge Material Management Program. DNR manages disposal sites through a Site Use Authorization (SUA); all other required permits must be provided to DNR prior to the DNR issuing a SUA for dredge disposal.
11. The City may impose reasonable limitations on dredge spoil disposal operating periods and hours, and may require buffer strips at land disposal sites.

20.230.170 Piers and Docks

Piers and Docks may be allowed in accordance with Table 20.230.081 only when the following conditions are met:

1. The public's need for piers and docks is clearly demonstrated, and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020.
2. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible, or would result in unreasonable and disproportionate cost to accomplish the same general purpose.
3. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.
4. The project is consistent with the state's interest in resource protection and species recovery.
5. Private, noncommercial docks for joint or community use may be authorized provided that:
   a. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and
   b. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.
6. An inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions is required. The methods and extent of the inventory shall be consistent with accepted research methodology. Proposals will be evaluated using Department of Ecology technical assistance materials for guidance.
7. Community moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage; provided that a limited number of upland lots may also be accommodated. Applications for shared moorage shall demonstrate that mooring buoys are not feasible prior to approval of dock moorage.
8. Piers and docks shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions of a pier or dock, decking, and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain, or runoff. At a minimum, piles, floats, or other structural members in direct contact with the water shall be constructed of concrete or steel in accordance with BMP’s published by the Washington Department of Fish and Wildlife (WDFW) and the

United States Army Corps of Engineers (USACE), and they shall not be treated or coated with herbicides, fungicides, paint, or pentachlorophenol. Use of arsenate compounds or creosote is prohibited.

9. Pilings used in piers or docks shall have a minimum clearance of two feet above extreme high tide and a maximum clearance of five feet above the OHWM. Floats shall not rest on the substrate.
10. To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:
    a. The width of docks, piers, floats, and lifts shall be the minimum necessary, and shall not be wider than six (6) feet;
    b. The length of docks and piers shall be the minimum necessary to prevent the grounding of floats and boats on the substrate during low tide;
    c. Docks floats or floating docks shall include stops that serve to keep the float bottom off tidelands at low tide;
    d. The length and location of docks, piers, floats, and lifts pilings shall be designed using the BMP's as conditioned in the permitting documents approved by WDFW and USACE; and
    e. The size of shared docks or piers is limited to 700 square feet for two lots and 1,000 square feet for 3 or more lots.
11. All new piers or docks must be fully grated. Grating to allow light passage or reflective panels to increase light refraction into the water shall be used on piers, docks, floats and gangways in nearshore areas. Decking shall have a minimum open space of 40% and after installation at least 60% ambient light beneath the structure shall be maintained.

20.230.175 Pier and Dock Repair, Replacement, or Expansion

1. Existing over-water structures may be repaired and/or replaced in the same location as the existing structure.
2. Repair or replacement of 50% or more of an existing over-water deck structure shall include the replacement of the entire decking with grated material to achieve a minimum open space of 40% and shall result in at least 60% ambient light beneath the structure.
3. Repair or replacement of less than 50% of the over-water deck structure shall use grated decking in the area to be replaced. If the cumulative repair in any three year period exceeds 50%, the entire decking shall be replaced to achieve a minimum open space of 40% and shall result in at least 60% ambient light beneath the structure.
4. Repair or replacement of structural members in contact with the water shall be constructed of concrete or steel in accordance with BMP's published by WDFW and USACE and they shall not be treated or coated with herbicides, fungicides, paint, or pentachlorophenol. Use of arsenate compounds or creosote is prohibited.
5. Expansion of existing over-water structures is prohibited.
6. Other repairs not described in this section to existing legally established are considered minor and may be permitted consistent with all applicable regulations.

20.230.180 Bulkheads

Bulkheads are walls usually constructed parallel to the shore, whose primary purpose is to contain and prevent the loss of soil by erosion, wave, or current action. Bulkheads are typically constructed of poured-in-place concrete; steel or aluminum sheet piling; wood; or wood and structural steel combinations.

The Washington State Shoreline Management Act only exempts the construction of a normal protective bulkhead associated with an existing single family residence from the Shoreline Substantial Development Permit requirement. However, these structures are required to comply with all the policies and development standards of this Shoreline Master Program.

A. **Bulkhead Policies**

1. Bulkheads constructed from natural materials, such as protective berms, beach enhancement, or vegetative stabilization are strongly preferred over structural bulkheads constructed from materials such as steel, wood, or concrete. Proposals for bulkheads should demonstrate that natural methods are unworkable.
2. Bulkheads should be located, designed, and constructed primarily to prevent damage to the existing primary structure. New development that requires bulkheads is not permitted except as specifically provided under this Master Program.
3. Shoreline uses should be located in a manner so that a bulkhead is not likely to become necessary in the future.
4. Bulkheads should not be approved as a solution to geo-physical problems such as mass slope failure, sloughing, or landslides. Bulkheads should only be approved for the purposes of preventing bank erosion by the Puget Sound.

B. **Bulkhead Regulations**

1. New bulkheads may be allowed only when evidence is presented which demonstrates that one of the following conditions exist:
   a. Serious erosion threatens an established use or existing primary structure on upland property.
   b. Bulkheads are necessary to the operation and location of water-dependent, water-related, or water-enjoyment activities consistent with this Shoreline Master Program, provided that all other alternative methods of shore protection have proven infeasible; and/or
   c. A bulkhead is necessary to retain landfilling that has been approved consistent with the provisions of the Master Program.
2. Proposals for bulkheads must first demonstrate through a geotechnical analysis that use of natural materials and processes and non-structural or soft structural solutions to bank stabilization are not feasible.
3. The construction of a bulkhead for the primary purpose of retaining landfilling shall be allowed only in conjunction with:
   a. A water-dependent use;
   b. A bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; and/or
   c. A wildlife or fish enhancement project.
4. Bulkheads shall not be located on shorelines where valuable geo-hydraulic or biological processes are sensitive to interference. Examples of such areas include wetlands and accretion landforms.
5. Bulkheads are to be permitted only where local physical conditions, such as foundation bearing materials, and surface and subsurface drainage, are suitable for such alterations.
6. If possible, bulkheads shall be located landward of the OHWM and generally parallel to the natural shoreline. In addition:
   a. Where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the eroding bank as possible and in no case shall it be more than three (3) feet from the toe of the bank;

b. A bulkhead for permitted landfilling shall be located at the toe of the fill; and
c. Where permitted a bulkhead must tie in flush with existing bulkheads on adjoining properties, except where the adjoining bulkheads extend waterward of the base flood elevation, the requirements set forth in this section shall apply.

7. Replacement bulkheads may be located immediately waterward of the bulkhead to be replaced such that the two (2) bulkheads will share a common surface, except where the existing bulkhead has not been backfilled or has been abandoned and is in serious disrepair. In such cases, the replacement bulkhead shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992 and there are overriding safety or environmental concerns.
8. All bulkheads proposals require a geotechnical report prepared by a qualified professional. Bulkheads shall be sited and designed as recommended in approved geotechnical reports. For the Waterfront Residential environment designation, one geotechnical report could be prepared for multiple properties.
9. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.
10. Bulkheads shall be designed for the minimum dimensions necessary to adequately protect the development.
11. Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of the bulkhead, unless they are retractable or removable.
12. Bulkheads shall be designed to permit the passage of surface or groundwater without causing ponding or saturation of retained soil/materials.
13. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.
14. Materials used in bulkhead construction shall meet the following standards:
    a. Bulkheads shall utilize stable, non-erodible, homogeneous materials such as concrete, wood, and rock that are consistent with the preservation and protection of the ecological habitat;
    b. Dredge spoils shall not be used for fill behind bulkheads, except clean dredge spoil from a permitted off-site dredge and fill operation; and
    c. Backfill and wave returns to stabilize bulkheads are permitted.

20.230.190 Revetment

A revetment is a sloped shoreline structure built to protect an existing eroding shoreline or newly placed fill against currents. Revetments are most commonly built of randomly placed boulders (riprap) but may also be built of sand cement bags, paving or building blocks, gabions (rock filled wire baskets), or other systems and materials. The principal features of a revetment, regardless of type is a heavy armor layer, a filter layer, and toe protection.

A. **Revetment Policies**

1. The use of armored structural revetments should be limited to situations where it is determined that nonstructural solutions such as bioengineering, setbacks, buffers or any combination thereof, will not provide sufficient shoreline stabilization.
2. Revetments should be designed, improved, and maintained to provide public access whenever possible.

B. **Revetment Regulation**

1. The proposed revetment shall be designed by a qualified professional engineer.

2. Design of revetments shall include and provide improved access to public shorelines whenever possible.
3. When permitted, the location and design of revetments shall be determined using engineering principles, including guidelines of the U.S. Soil Conservation Service and the U.S. Army Corps of Engineers.
4. Armored revetment design shall meet the following design criteria:
   a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
   b. Filter fabric must be used to aid drainage and help prevent settling;
   c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from scouring or wave action; and
   d. Fish habitat components, such as large boulders, logs, and stumps shall be considered in the design subject to a Hydraulic Project Approval by the Washington Department of Fish and Wildlife.

20.230.200 Land Disturbing Activities.

A. **Land Disturbing Activity Policies**
   1. Land disturbing activities should only be allowed in association with a permitted shoreline development.
   2. Land disturbing activities should be limited to the minimum necessary to accommodate the shoreline development or a landscape plan developed in conjunction with the shoreline development.
   3. Erosion shall be prevented and sediment shall not enter waters of the state.

B. **Land Disturbing Activity Regulations**
   1. All land disturbing activities shall only be allowed in association with a permitted shoreline development.
   2. All land disturbing activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan. Clearing invasive, non-native shoreline vegetation listed on the King County Noxious Weed List is permitted in the shoreline area with an approved clearing and grading permit provided best management practices are used as recommended by a qualified professional, and native vegetation is promptly reestablished in the disturbed area.
   3. Tree and vegetation removal shall be prohibited in required Native Vegetation Conservation Areas, except as necessary to restore, mitigate or enhance the native vegetation by approved permit as required in these areas.
   4. All significant trees in the Native Vegetation Conservation Areas shall be designated as protected trees consistent with SMC 20.50.340 and removal of hazard trees must be consistent with SMC 20.50.310(A)(1).
   5. All shoreline development and activities shall use measures identified in the Stormwater Manual. Stabilization of exposed surfaces subject to erosion along shorelines shall, whenever feasible, utilize soil bioengineering techniques.
   6. For extensive land disturbing activities that require a permit, a plan addressing species removal, revegetation, irrigation, erosion and sedimentation control, and other methods of shoreline protection should be required.

20.230.210 Landfilling

A. **Landfilling Policies**

1. The perimeter of landfilling should be designed to avoid or eliminate erosion and sedimentation impacts, during both initial landfilling activities and over time.
2. Where permitted, landfilling should be the minimum necessary to provide for the proposed use and should be permitted only when conducted in conjunction with a specific development proposal that is permitted by the Shoreline Master Program. Speculative landfilling activity should be prohibited.

B. **Landfilling Regulations**

1. Landfilling activities shall only be permitted in conjunction with a specific development. Landfilling may be permitted as a Shoreline Conditional Use for any of the following:
   a. In conjunction with a water-dependent use permitted under this Shoreline Master Program; and/or
   b. In conjunction with a bridge, utility, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist;
2. Pier or pile supports shall be utilized in preference to landfilling. Landfilling for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven structurally infeasible.
3. Landfilling 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 wildlife habitat; or
   b. Adversely alter natural drainage and current patterns or significantly reduce floodwater capacities.
4. Where landfilling activities are permitted, the landfilling shall be the minimum necessary to accommodate the proposed use.
5. Landfilling from dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions.
6. Dredging waterward of the OHWM for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of shoreline ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM.
7. Landfilling shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Landfilling perimeters shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms to prevent material movement. In addition, the sides of the landfilling shall be appropriately sloped to prevent erosion and sedimentation, during both the landfilling activities and afterwards.
8. Fill materials shall be clean sand, gravel, soil, rock, or similar material. Use of polluted dredge spoils and sanitary landfilling materials are prohibited. The property owner shall provide evidence that the material has been obtained from a clean source prior to fill placement.
9. Landfilling shall be designed to allow surface water penetration into aquifers, if such conditions existed prior to the fill.

20.230.230 Signs

A. **Sign Policies**
Signs should be designed and placed so that they are compatible with the natural quality of the shoreline environment and adjacent land and water uses.

B. **Sign Regulations**
Signs within the City, including the shoreline area, are subject to the requirements and standards specified in SMC 20.50 Subchapter 8. Signs are based on the underlying zoning. In addition, the following sign requirements shall apply to signs within shoreline areas.

1. Signs shall only be allowed in or over water for navigation purposes; at road or railroad crossings as necessary for operation, safety and direction; or as related and necessary to a water dependent use.
2. Signs are permitted in all shoreline environments upland of the OHWM. Theses sign standards supplement the provisions of SMC 20.50.530 to 20.50.610. Where there is a conflict, the provisions herein shall apply.

C. **Prohibited signs.**

1. All prohibited signs per SMC 20.50.550.
2. Balloons, any inflatable signs, or inflatable objects used to aid in promoting the sale of products, goods, services, events, or to identify a building.
3. Searchlights and beacons.
4. Electronic reader boards or changing message signs.
5. Neon signs.
6. Pole Signs.
7. Backlit awnings used as signs.
8. Internally illuminated signs, except as allowed in 20.230.230(D)(1).
9. Signs that impair visual access from public viewpoints in view corridors are prohibited in all shoreline environments.

D. **Illumination of Signs**

1. Illumination of signs is only allowed as permitted by the underlying zoning.
2. Internal illumination of signs is only allowed with light provided by LED or other Energy Star rated luminaries, and is limited to:
    a. Opaque cabinet signs where light only shines through the letters, not including symbols, images, or background; or
    b. Shadow lighting, where letters are backlit, but light only shines through the edges of the letters.
3. All externally illuminated signs shall shield nearby properties from direct lighting. Light source must be within a maximum of 6 feet from the sign display, and limited to LED or other Energy Star rated luminaries.
4. No commercial sign shall be illuminated after 11:00 p.m. unless the commercial enterprise is open for business, and then may remain on only as long as the business is open.
5. The light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect:
    a. Surrounding or facing premises;

b. Safe vision of operators of vehicles on public or private roads, highways, or parking areas; or
c. Safe vision of pedestrians on a public right-of-way.

6. Light from any sign shall not shine on, nor directly reflect into, residential structures, lots, or the water.
7. These provisions shall not apply to:
   a. Lighting systems owned or controlled by any public agency for the purpose of directing or controlling navigation, traffic, and highway or street illumination;
   b. Aircraft warning lights;
   c. Temporary lighting used for repair or construction as required by governmental agencies; or
   d. Temporary use of lights or decorations relating to religious or patriotic festivities.

20.230.240 Stormwater Management Facilities

A. **Stormwater Management Facilities Policies**
1. Stormwater facilities located in the shoreland area should be maintained only to the degree necessary to ensure the capacity and function of the facility, including the removal of non-native, invasive plant species.
2. The stormwater facility should be planted with native vegetation.

B. **Stormwater Management Facility Regulations**
1. New stormwater facilities shall be located so as not to require any shoreline protection works.
2. Stormwater facility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with stormwater facility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
3. Construction of stormwater facilities in shoreland areas shall be timed to avoid fish and/or wildlife migratory and spawning periods.

20.230.250 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, railroad facilities, and boat and floatplane terminals.

A. **Transportation Policies**
1. New roads within the shoreline area should be minimized.
2. Roads and railroad locations should be planned to fit the topographical characteristics of the shoreline such that alternation of natural conditions is minimized.
3. Pedestrian and bicycle trails should be encouraged.
4. When existing transportation corridors are abandoned they should be reused for water-dependent use or public access.
5. Alternatives to new roads or road expansion in the shoreline area should be considered as a first option.
6. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities, and motorized forms of transportation should be encouraged.
7. New roads should be designed to accommodate bicyclists, pedestrians and transit, where feasible.

B. **Transportation Regulations**

1. Transportation facilities and services shall utilize existing transportation corridors wherever possible, provided the shoreline is not adversely impacted and the development is otherwise consistent with this Shoreline Master Program.
2. Transportation and primary utilities shall jointly use rights-of-way.
3. Landfilling activities for transportation facility development are prohibited in wetlands and on accretion beaches, except when all structural and upland alternatives have proven infeasible, and the transportation facilities are necessary to support uses consistent with this Shoreline Master Program.
4. Major new roads and railways shall avoid being located in the shoreline jurisdiction to the extent practical. These roads shall cross shoreline areas by the shortest, most direct route, unless this route would cause more damage to the environment.
5. New transportation facilities shall be located and designed to minimize or prevent the need for shoreline modification.
6. All bridges must be built high enough to allow the passage of debris, and provide 3 feet of clearance above the base flood elevation.
7. Shoreline transportation facilities shall be located and designed to avoid steep or unstable areas and fit the existing topography in order to minimize cuts and fills.
8. Bridge abutments and necessary approach fills shall be located landward of the OHWM, except bridge piers may be permitted in a water body as a Shoreline Conditional Use.

20.230.260 Unclassified Uses and Activities

In the event that a proposed shoreline use or activity is not identified or classified in this Shoreline Master Program, the following regulation shall apply.

A. **Regulations**

1. All uses and activities proposed in the shoreline area that are not classified by provisions in this Shoreline Master Program shall require a Shoreline Conditional Use Permit.

20.230.270 Utilities

Primary utilities include substations, pump stations, treatment plants, sanitary sewer outfalls, electrical transmission lines greater than 55,000 volts, water, sewer or storm drainage mains greater than eight (8) inches in diameter, gas and petroleum transmission lines, and submarine telecommunications cables. Accessory utilities include local public water, electric, natural gas distribution, public sewer collection, cable and telephone service, and appurtenances.

A. **Utility Policies**

1. Utilities should utilize existing transportation and utility sites, rights-of-way, and corridors whenever possible. Joint use of rights-of-way and corridors should be encouraged.
2. Unless no other feasible alternative exists, utilities should be prohibited in the shoreline jurisdiction, wetlands, and other critical areas. There shall be no net loss of ecological functions or significant impacts to other shoreline resources or values.
3. New utility facilities should be located so as not to require extensive shoreline modifications.
4. Whenever possible, utilities should be placed underground or alongside or under bridges.
5. Solid waste disposal activities and facilities should be prohibited in shoreline areas.

B. **Utility Regulations**

1. Utility development shall provide for compatible, multiple-use of sites and rights-of-way when practical.
2. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
3. The following primary utilities, which are not essentially water-dependent, may be permitted as a Shoreline Conditional Use if it can be shown that no reasonable alternative exists:
   a. Water system treatment plants;
   b. Sewage system lines, interceptors, pump stations, and treatment plants;
   c. Electrical energy generating plants, substations, lines, and cables; or d. Petroleum and gas pipelines.
4. New solid waste disposal sites and facilities are prohibited.
5. New utility lines including electricity, communications, and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible.
6. Transmission and distribution facilities shall cross shoreline areas by the shortest most direct route feasible, unless such route would cause increased environmental damage.
7. Utilities requiring withdrawal of water shall be located only where minimum flows as established by the Washington State Department of Fish and Wildlife can be maintained.
8. Utilities shall be located and designated so as to avoid the use of any structural or artificial shoreline modification.
9. All underwater pipelines are prohibited. If no other alternative exists a Shoreline Conditional Use Permit is required.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 26, 2013

The Honorable Keith McGlashan
City of Shoreline
17500 Midvale Avenue North
Shoreline, WA 98133-4905

Re: City of Shoreline Comprehensive Shoreline Master Program – Conditional Approval, Resolution 327

Dear Mayor McGlashan:

I would like to take this opportunity to commend the city of Shoreline (City) for its efforts in developing the City's first Shoreline Master Program (SMP). It is obvious that a significant effort was invested in this SMP development by your citizens, staff, Planning Commission and City Council. This SMP is tailored to the conditions, uses, and future visions for the city of Shoreline. Through this SMP, the City provides a shoreline-specific framework to guide future development along City shorelines, while protecting existing shoreline buffers and wetlands.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified three required changes. These changes are detailed in Attachment B. Ecology's findings and conclusions related to the City's proposed SMP are contained in Attachment A.

Pursuant to RCW 90.58.090(2)(e) at this point the City may:

- Agree to the required changes,
- Deny the proposed changes, or
- Submit alternative language. Ecology will then review the alternative language submitted for consistency with the purpose and intent of the change originally submitted by Ecology and with the Shoreline Management Act.

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that you, your citizens, the City Council, Shoreline Advisory Board, and the Planning Commission have put into the Shoreline Master Program update.

Thank you again for your efforts. We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Barbara Nightingale, at Barbara.Nightingale@ecy.wa.gov/(425) 649-4309.

Sincerely,

Maia D. Bellon
Director

Enclosures (2)

By Certified Mail [7012 1010 0003 3028 3294]

Cc: Rachael Markle, City of Shoreline
Miranda Redinger, City of Shoreline
Barbara Nightingale, Ecology
Peter Skowlund, Ecology
Erik Stockdale, Ecology

Attachment C

Ecology Required Changes (Attachment B)

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	**SMC 20.210.010**	Definitions	"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.	Required for consistency with definition in RCW 90.58.030(2)(h)
2	**SMC 20.230.030 C. Wetlands**	Policy	Wetland areas should be identified according to established identification and delineation procedures and provided appropriate protection consistent with the policies and regulations of this Master Program. ~~and chapter 20.80 Critical Areas~~	Required for consistency with 20.80.030 Environmentally Sensitive Areas within the Shoreline A. Critical Areas General Regulations 1. which exempts out the wetlands section of 20.80.
3	**SMC 20.230.140 Residential Development**	Residential Policies & Regulations	Development **A. 1.** In accordance with the Public Access requirements in **20.230.0640** residential developments of more than four (4) ~~or over~~ dwelling units should provide dedicated and improved public access to the shoreline; **A.4** In all new subdivisions and detached single family developments with more than four(4) ~~or more~~ dwelling units…, and **B. 6.** Subdivisions and planned unit developments of more than four (4) ~~or more~~ waterfront lots/units shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public.	Required for internal consistency and meeting requirements of WAC 173-26-221(4)(iii)