



**City of Shoreline  
Shoreline Master Program  
DRAFT General Goals, Policies and Regulations**

# Shoreline Elements – Goals

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## INTRODUCTION

The purpose of the Shoreline Master Program is to implement the Shoreline Management Act of 1971 through coordinated planning and management. This shoreline planning and management is required to protect the state’s shoreline resources for their reasonable and appropriate uses;,, while, at the same time, recognizing and protecting private property rights. Enactment of the Washington Shoreline Management Act of 1971 was based on the legislative finding that the shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state related to their utilization, protection, restoration and preservation. It was found that unrestricted construction along these shorelines was not in the best public interest.

As required by the Shoreline Management Act in RCW 90.58.100, the following elements have been considered in the preparation of this Master Program for the City of Shoreline: Economic Development, Public Access, Recreation, Circulation, Shoreline Use, Conservation, Historical/Cultural Resources, and Floodplain Management. 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.

\*Note that due to a situation unique to Shoreline, the name of the City and the name of the Program are the same. In order to minimize confusion and awkward phrasing, the physical shoreline may be referred to as “coastline” because the only qualifying “shoreline of the state” within jurisdictional boundaries is the 3 mile stretch along the coast of the Puget Sound. Generally, it can be assumed that “Shoreline” refers to the City, while “shoreline” refers to the physical water’s edge.

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## 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 (water-enjoyment).



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**PUBLIC ACCESS ELEMENT**

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

**Objective** To 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.

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**RECREATIONAL ELEMENT**

**Goal** 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.

**Objective** To develop public and private recreation opportunities that are compatible with adjacent uses and that protect the shoreline environment.

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**CIRCULATION ELEMENT**

**Goal** 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 benefits permitted uses without degrading the environment or aesthetic values of the area.

**Objective** To ensure that uses permitted in shorelines areas are designed and conducted in such a manner that any interference with the public's use of the water and shoreline is minimized, as much as is practical.

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**SHORELINE USE ELEMENT**

**Goal** Ensure that the overall design of land use patterns will locate activity and development in areas of the shoreline that will be compatible with adjacent uses and will be sensitive to existing shoreline environments, habitat, and ecological systems.

**Objective** To promote the best possible pattern of land and water uses consistent with the Shoreline Management Act of 1971, the City of Shoreline Comprehensive Plan, and the Shoreline Development Code.



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**CONSERVATION ELEMENT**

**Goal** Preserve, protect, and restore<sup>1</sup> 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 will ensure the long term enhancement of unique shoreline features, natural resources, and fish and wildlife habitat.

**Objective** To designate and develop areas where there is an opportunity to restore, enhance, and conserve the natural shoreline for the benefit of fish and wildlife habitat.

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**HISTORICAL/CULTURAL ELEMENT**

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

**Objective** To ensure the recognition, protection, and restoration of shoreline areas that have historical and or cultural value to the City of Shoreline and create a unique “sense of place” for public facilities, recreation areas in the shoreline jurisdiction.

**Objective** To ensure the recognition, protection, and restoration of shoreline areas that have educational or scientific values to the City of Shoreline.

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**FLOOD HAZARD MANAGEMENT**

**Goal** Protect the City of Shoreline from losses and damage created by flooding along the coast.

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

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<sup>1</sup> The Shoreline Management Act (RCW 98.58.100 (2)f) states that a shoreline master program shall include: “A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.” The shoreline guidelines suggest that one goal of an SMP shall be the “Protection and restoration of the ecological functions of shoreline natural resources.”



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**Objective** To ensure that flood hazard protection projects have a positive environmental benefit that emphasizes long-term solutions over short-term solutions.

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#### RESTORATION ELEMENT

**Goal** To protect and improve water quality, reduce the impacts of flooding events; and preserve natural areas, vegetation, and preserve and restore habitat functions.

**Objective** The degraded processes of the shoreline will be restored to the extent that a net improvement to the shoreline ecosystem is obtained to benefit water quality, vegetation, and the residents of Shoreline.



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# Shoreline Policies and Regulations

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## INTRODUCTION

Based upon the goals established in this Master Program, the following policies and regulations apply to uses, developments and activities in the shoreline area of the City of Shoreline.

### **General Policies and Regulations**

The General policies and regulations apply to all uses and activities that may occur within the shoreline jurisdiction *regardless of the Shoreline Master Program environment designation*. These policies and regulations provide the overall framework for the shoreline's management. These regulations are intended to be used in conjunction with the more specific use and activity policies and regulations to be developed for the Shoreline Master Program. General policies and regulations have been developed for the following:

1. Environmental Impacts
2. Environmentally Sensitive Areas: General
3. Environmentally Sensitive Areas: Floodplains
4. Environmentally Sensitive Areas: Wetlands
5. Public Access

### **Potential Inconsistency Between Various Policies and Regulations**

*The regulations of this chapter are in addition to other adopted city regulations.* Where the regulations in this Shoreline Master Program conflict with others, the regulations that provide more protection to the shoreline area shall apply as determined by the City. These interlocking development regulations 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.



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## General Policies and Regulations

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### **I. ENVIRONMENTAL IMPACTS**

The Shoreline Management Act (SMA) is concerned with the environmental impacts that both a use and activity may have on the fragile shorelines of the state. Issues addressed as environmental impacts include a range of problems that may degrade the shoreline and its waters with contaminants such as petroleum products, chemicals, metals, nutrients, solid or human waste, or soil sediments from erosion.

#### **Environmental Impact Policy**

1. The adverse impacts of shoreline developments and activities on the natural environment, including critical areas and properly functioning conditions for proposed, threatened, and endangered species, and on the built environment 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 provide public access and recreational opportunities to the shoreline are also consistent with the fundamental goals of this Master Program, and should be encouraged.

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#### **General Environmental Impact Regulations**

1. All shoreline development and activity shall comply with applicable plans, policies, regulations, and rules of local, regional, state, and federal agencies with jurisdiction.
2. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that mitigates adverse impacts to the environment. The preferred mitigation sequence (avoid, minimize, mitigate, compensate) shall follow that listed in WAC 173-26-201 (2)(e).
3. All shoreline development and activity shall be located, designed, constructed and managed in a manner that assures no net loss.



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4. 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).
5. 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 regrades 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 where other alternatives will provide less impact to the shoreline environment.
6. 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 create no net loss of shoreline ecological function.
7. All shoreline development and activity shall recognize the primacy of preserving the natural character of the Puget Sound coastline so there is no net loss of ecological functions.
8. In approving shoreline developments, the City of Shoreline 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 City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, and mitigation as deemed appropriate.
9. In approving shoreline developments, the City of Shoreline shall consider short and long term adverse environmental impacts. In addition, the City of Shoreline shall consider the cumulative adverse impacts of the development, particularly the precedent-setting 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.
10. As a condition of approval, the City 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:
  - Inventory of the existing shoreline environment including the physical, chemical, and biological elements and provide an assessment of their condition.
  - A discussion of the project's impacts and their effect on the ecological functions necessary to support existing shoreline resources.
  - A discussion of any federal, state, or local special management recommendations that have been developed for wetland or species or habitats located on the site.



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- An assessment of habitat recommendations proposed by resource agencies and their applicability to the proposal.
  - 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; success standards; and contingency plans.
  - A discussion of proposed measures that mitigate the impacts of the project and established success criteria.
  - An evaluation of the anticipated effectiveness of the proposed mitigation measures.
  - A discussion of proposed management practices which will protect fish and wildlife habitat after the project site has been fully developed, including proposed monitoring and maintenance programs.
  - Contingency plan if the mitigation fails to meet established success criteria.
  - Any additional information necessary to determine the impacts of a proposal and mitigation impacts.
11. 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 used as defined in SEPA (WAC 197-11-794).
12. Where provisions of this Master Program conflict with each other or with other laws, ordinances or programs, the more restrictive of the provisions shall apply.

#### Earth

1. Gravel bars and other accretion shoreforms are valued for recreation and in some cases may provide fish spawning substrate. Therefore, developments that could disrupt these shoreforms shall be carefully evaluated and only allowed: when such disruption would not reduce shoreline ecological function; where there is a demonstrated public benefit; and where the Department of Fish and Wildlife determines there would be no significant impact to the fisheries resource.
2. Developments that alter the topography of the shoreline shall be carefully evaluated to determine if flood events will increase in frequency or severity either upstream or downstream of the site. Developments that alter the topography of the shoreline shall only be approved if flood events will not increase in frequency or severity as a result of the project.
3. Developments that alter the topography of the shoreline shall be carefully evaluated to determine if such alteration would impact natural habitat forming processes and





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- reduce ecological functions. Mitigation shall be required for projects that would otherwise reduce ecological functions.
4. An erosion and sedimentation control program shall be submitted with a permit application that involves the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion and siltation.
  5. The proponent shall incorporate all known, available and reasonable methods of prevention, control and treatment (AKART) measures into the erosion and sedimentation control program. The Administrator shall determine what AKART measures are applicable for erosion and sedimentation control for projects in shorelines.
  6. Temporary and emergency control drainage measures, such as silt curtains, berms, and stormwater catch basins, shall be utilized during construction to prevent shoreline erosion and siltation of the waterbody.
  7. All debris, overburden, and other waste materials from construction shall be disposed of in such manner as to prevent their entry into a waterbody.
  8. All disposal sites for soils and materials resulting from the shoreline development shall be identified and approved before permit issuance.

#### Air

1. The applicant shall identify any emissions from the proposed development that may result in degradation of shoreline air quality. Emissions shall include any compounds, chemicals, pollutants, odors, fugitive dust, or vehicle exhaust that will be released into the air.
2. The applicant shall indicate in what quantity emissions will be released into the air and how these emissions will be controlled or eliminated.

#### Water

1. Shoreline development and activity shall maintain no net loss of ecological functions.
2. Shoreline development and activity shall avoid any further alteration of currents or floodway capacity.
3. Shoreline development and activity shall minimize impacts to geohydraulic processes, surface water drainage, and groundwater recharge.
4. All practicable measures shall be taken to protect waterbodies and wetlands from all sources of pollution, including, but not limited to sedimentation and siltation, petrochemical use and spillage, discharges from failing on-site septic systems, and storage of wastes and spoils.



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5. Adequate provisions to prevent water runoff from contaminating surface and groundwater shall be included in shoreline development design. The Shoreline Administrator shall specify the method of surface water control and maintenance program for shorelines.
6. For lawns and other vegetation maintained within shoreline jurisdiction, alternatives to the use of chemical fertilizers, herbicides, and pesticides shall be a preferred BMP. Where chemical fertilizer, herbicide, or pesticide use is necessary for protecting existing natural vegetation or establishing new vegetation in shoreline areas 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.
7. 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 in shoreline areas, vehicle refueling and vehicle maintenance shall occur outside of shoreline areas.
8. The bulk storage of oil, fuel, chemical, or hazardous materials, on either a temporary or a permanent basis, shall be PROHIBITED, except for uses allowed under the underlying zoning in the Urban Center environment.
9. All measures for the treatment of surface water runoff for the purpose of maintaining and/or enhancing water quality shall be conducted on-site. Only if on-site treatment is not possible will off-site treatment facilities be considered.

#### Plants and Animals

1. In general, this Master Program shall strive to protect and restore anadromous fish resources in the Puget Sound and its tributaries.
2. Shoreline development and activity shall be located and conducted in a manner that minimizes impacts to existing ecological values and natural resources of the area, conserves properly functioning conditions, and there is no net loss of ecological functions.
3. Shoreline development and activity shall be scheduled to protect biological productivity and to minimize interference with fish resources including anadromous fish migration, spawning, and rearing activity.
4. Projects shall be 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 assure no net loss.



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5. Shoreline activities and development projects shall minimize impacts to natural features of the shoreline as much as possible.
6. Shoreline development and activity shall maintain the unconstrained upstream and downstream migration of both adult and juvenile anadromous and resident fish, when applicable.
7. Mitigation shall be required of the applicant for the loss of fish and wildlife resources, 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, 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 participate in a publicly-sponsored restoration or enhancement program or purchase credits from a state certified mitigation in accordance with Chapter 90.84 RCW (Wetlands Mitigation Banking).
8. 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.
9. Where mitigation for loss, natural systems and resources is required, a habitat management plan shall be required. Habitat management plans shall be prepared by a professional wildlife biologist or fisheries biologist as determined appropriate by the Shoreline Administrator. The habitat management plan shall contain at a minimum:
  - A discussion of the project's effects on fish and wildlife habitat;
  - A discussion of any federal, state, or local special management recommendations which have been developed for species or habitats located on the site;
  - A discussion of measures to preserve existing habitats and restore habitats that were degraded prior to the proposed land use activity. Restoration plans shall include at a minimum: planting and soil specifications; success standards; and contingency plans;
  - A discussion of proposed measures which mitigate the impacts of the project;
  - An evaluation of the anticipated effectiveness of the proposed mitigation and restoration measures, when mitigation or restoration is proposed or required;
  - A discussion of ongoing management practices which will protect fish and wildlife habitat after the project site has been fully developed, including proposed monitoring and maintenance programs;



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- An assessment of habitat recommendations proposed by resource agencies and their applicability to the proposal; and
- Any additional information necessary to determine the impacts of a proposal and mitigation of the impacts.

**10.** Habitat management plans shall be forwarded to the appropriate state and/or federal resource agencies for review and comment.

**11.** When necessary to ensure the effectiveness of mitigation or restoration, the Administrator may require annual monitoring reports to be provided to the City by the property owner until the mitigation and/or restoration has been in place for up to 10 years and the success standards have been met. The City shall forward the monitoring reports annually to the appropriate federal agencies along with the following:

- A list and map of the location of development permits issued in the last calendar year;
- A contingency plan;
- The implementation status of habitat management plans; and
- The status of the habitat improvements.

**12.** Based on the habitat management plan, and comments from other agencies, the Shoreline Administrator may require mitigating measures to reduce the impacts of the proposal on critical habitat and/or wildlife areas. Mitigating measures may include, but are not limited to, increased buffers, setbacks for permanent and temporary structures, enhanced buffers, reduced project scope, limitations on construction hours, limitations on hours of operation, and relocation of access. Projects may be denied if the proposal will result in extirpation or isolation of a critical fish, wildlife, or plant species or its habitat. The authority of the State Environmental Policy Act shall provide possible mitigation for all areas of wildlife habitat not covered by this chapter.

**13.** 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 of the Shoreline Administrator, 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 over 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 list of parcels subject to this requirement;
- The implementation status of the habitat management plans; and



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- Status of the improvements (e.g., update if success standards are being met, what types of remedial actions have been implemented).

14. If mitigation is found to be ineffective, corrective action shall be required of the property owner to satisfy the mitigation objectives. Mitigation plans shall include a contingency plan if the mitigation fails to meet established success criteria.

15. If proposed mitigation is found to be inadequate or if adequate mitigation is determined to be impossible, the application shall be denied.

16. Timing of in-water construction, development, or activity shall be determined by Washington Department of Fish and Wildlife.

#### Noise

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

#### Public Health

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

#### Land Use

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.

3. In reviewing shoreline permit applications, the City of Shoreline shall consider potential and current public use of the shoreline, total water surface reduction, and restriction to navigation.



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**Aesthetics**

1. Shoreline development shall be designed and located to be aesthetically compatible with the area.
2. If required by the Shoreline Administrator, the applicant shall provide a landscape plan that provides suitable screening but does not block scenic 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 or shielded to avoid off-site glare and impacts to fisheries.

**Historical/Cultural**

1. Wherever possible, public or private developments shall be prevented from destroying or destructively altering potential or recognizable sites having historic, cultural, scientific, or educational value as identified by appropriate authorities.
2. All shoreline permits shall contain provisions that require developers to immediately stop work and notify the City of Shoreline if any items of archaeological interest are uncovered during excavation. In such cases, there should be notification to the office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation.
3. Where archaeological or historic sites have been identified, public access shall be required, provided the development is consistent with the provisions for public access and provided further it is determined that public access to the site will not damage or reduce the cultural value of the site.

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**2. ENVIRONMENTALLY SENSITIVE AREAS - GENERAL**

The following policies and regulations must be factored into decisions regarding all environmentally sensitive areas planning and development within the shoreline jurisdiction. Environmentally sensitive areas are those lands especially vulnerable to development because of fragile biophysical characteristics and/or important resource values.

The City of Shoreline Critical Area Regulations, as codified in Chapter 20.80 Critical Areas of the Shoreline Development Code (SMC) (Ordinance 398-1, 2/27/06, Appendix A) are hereby incorporated into this Master Program.



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Environmentally sensitive areas include but are not limited to:

- Wetlands
- Fish breeding, rearing, or feeding areas
- Wildlife habitat areas
- Floodplains and floodways
- Unstable slopes
- Aquifer Recharge areas

**Any conflicts between the incorporated ordinances and the SMP are resolved in favor of the regulation that is most protective of the ecological functions. Exceptions to the applicability of the City of Shoreline Critical Areas Regulations in the Shoreline Jurisdiction are: Section 20.80.030 SMC Exemptions; Section 20.80.040 SMC Partial exemptions; Section 20.30.336 SMC Critical areas reasonable use permit (Type C action), and Section 20.30.333 SMC Critical area special use permit (Type C action);**

#### Environmentally Sensitive Area General Policies

1. Unique, rare, and fragile natural and man-made features and wildlife habitats should be preserved and protected.
2. The diversity of aquatic life, wildlife, and habitat within the shoreline should be enhanced.
3. Conserve and maintain designated open spaces for ecological reasons and for 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 to that end.
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. Intensive development of shorelines areas that are identified as hazardous or environmentally sensitive to development should be discouraged.

#### Environmentally Sensitive Area General Regulations

1. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region, and to 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;





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- b) Fish and wildlife habitats, including streams, migratory routes, and spawning areas;
  - c) Natural or man-made vistas or features;
  - d) Floodplains and Floodways;
  - e) Geologically hazardous areas, including erosion, landslide, steep slope and seismic hazard areas; and
  - f) Ground water (aquifer) recharge areas.
2. The standards of the City's Critical Areas Regulations are hereby incorporated into this Shoreline Master Program by reference and shall regulate critical areas within shoreline jurisdiction.
3. The standards of the City of Shoreline's Critical Area Regulations shall apply within areas landward of the ordinary high water mark (OHWM) and 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.
4. The use of pesticides to remove noxious plants in the riparian management zones of estuarine, river, streams and wetland areas shall be strongly discouraged, except where no reasonable alternatives exist and it is demonstrated that such activity is in the public interest. Mechanical removal of noxious weeds shall be timed and carried out in a manner to minimize any disruption of wildlife or habitat.

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### 3. ENVIRONMENTALLY SENSITIVE AREAS - 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.

#### Floodplain Management Policies

1. Flood management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider the entire coastal





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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.

#### Floodplain Management Regulations

1. The City shall require and utilize the following information as appropriate during its review of shoreline flood management projects and programs.

- River channel hydraulics and floodway characteristics up and downstream from the project area.
- Existing shoreline stabilization and flood protection works within the area.
- Physical, geological, and soil characteristics of the area.
- Biological resources and predicted impact to coastal ecology, including fish, vegetation, and animal habitat.
- Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and,
- 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 river geohydraulic processes, off-site impacts, or adverse effects to shoreline resources and uses. Non-structural methods of flood



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protection shall be preferred over structural solutions, when the relocation of existing shoreline development is not feasible

3. Flood protection measures shall be planned and constructed based on city Flood Hazard regulations (Section 20.80.360, Section 20.80.370, Section 20.80.380, and Section 20.80.390 SMC Ordinance 398-1, 2/27/2006, Appendix A). Flood protection measures must assure no net loss of ecological functions.

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#### 4. ENVIRONMENTALLY SENSITIVE AREAS - WETLANDS

The following policies and regulations must be factored into decisions regarding all development within wetlands that fall within the City's shoreline jurisdiction.

"Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water 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 Policies

1. Wetland ecosystems serve many important ecological and environmental functions, which are beneficial to the public welfare. Such functions include flood storage and conveyance, erosion control, sediment control, fish production, fish and wildlife habitat, recreation, water quality protection, water supply, education, and scientific research. Wetland ecosystems should be preserved and protected to prevent their continued loss and degradation.
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 and the City's Critical Areas per Section 20.80.310, Section 20.80. 320, Section 20.80.330, Section 20.80. 340, and Section 20.80.350 SMC, Ordinance 398-1 2/27/06, (Appendix A).
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:



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- Documented or potential habitat for an endangered, threatened, or sensitive species.
  - High quality native wetland systems as determined by the Washington State Natural Heritage Program.
  - Significant habitat for fish or aquatic species as determined by the appropriate state resource agency.
  - Diverse wetlands exhibiting a high mixture of wetland classes and subclasses as defined in the US Fish and Wildlife Service classification system.
  - Mature forested swamp communities.
  - 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 (Section 20.80.330 SMC Ordinance 398-1 2/27/06).
  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 (Section 20.80.330 SMC Ordinance 398-1 2/27/06).
  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 (Section 20.80.330, Section 20.80.340 and Section 20.80 350 Ordinance 398-1 2/27/06).
  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 (Section 20.80.330, Section 20.80.340 and Section 20.80 350 Ordinance 398-1 2/27/06).
  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 (Section 20.80.330, Section 20.80.340, and Section 20.80 350 Ordinance 398-1 2/27/06).
  9. Wetlands that are impacted by activities of a temporary nature should be restored immediately upon project completion (Section 20.80.340 and Section 20.80 350 Ordinance 398-1 2/27/06).
  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



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(Section 20.80.330, Section 20.80.340 and Section 20.80.350 Ordinance 398-1 2/27/06).

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 (Section 20.80.340 and Section 20.80 350 Ordinance 398-1 2/27/06).
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 (Section 20.80.330, Section 20.80.340 and Section 20.80 350 Ordinance 398-1 2/27/06) .
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. (Section 20.80.350, SMC Mitigation performance standards and requirements, Ordinance 398-1 2/27/2006)
14. Applicants should demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor the mitigation project (Section; 20.80.350 SMC Ordinance 398-1 2/27/06).
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 (Section 20.80.330, Section 20.80.340, and Section 20.80.350 Ordinance 398-1 2/27/2006).
17. Wetland buffer zones should be retained in their natural condition unless revegetation is necessary to improve or restore the buffer (Section 20.80.330 SMC Ordinance 398-1 2/27/06).
18. Wetland education programs should be developed to increase awareness of the importance of wetlands and to inform the citizenry of protective wetland regulations.
19. The City of Shoreline should distribute wetland education materials to schools, landowners, and developers in the shoreline area.

#### **Wetland Regulations**

1. If a wetland of exceptional value is adjacent to a public access trail required under the provisions of this Master Program, then interpretive signage is required. The interpretive signage shall explain why the wetland is considered valuable. The



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Shoreline Administrator shall determine the type and extent of interpretive signage required.

2. Wetland mitigation sequencing shall be done in accordance with the Shoreline Critical Area Regulations (Appendix A) (Section 20.80.350 SMC Mitigation performance standards and requirements, Ordinance 398-1 2/27/06)

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## **5. PUBLIC ACCESS**

Shoreline public access 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, including picnic areas, pathways and trails, promenades, bridges, street ends, ingress and egress, parking and others, although some of these are not currently provided along the City's shorelines.

### **Public Access Policies**

1. Public access to shorelines does not include the right to enter upon or cross private property, except for dedicated and marked public easements.
2. Public access provisions should be incorporated into all private and public developments. Exceptions may be considered for the following types of uses:
  - A single family residence.
  - An individual multi-family structure containing fewer than three (3) dwelling units; and
  - Where deemed inappropriate by the Shoreline Administrator.
3. 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.
4. 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.
5. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment.
6. 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 riparian management zone as practical. Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed for accessibility by handicapped and physically impaired persons. Publicly owned shorelines should



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- be limited to water-dependent or public recreation uses, otherwise such shorelines should remain protected open space.
7. Shoreline areas that hold unique value for public enjoyment should be purchased for public use, and public access area should be of sufficient size to allow passage and allow the visitor to stop, linger, and contemplate the setting.
  8. Public access afforded by shoreline street ends should be preserved, maintained, and enhanced.
  9. 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, achieved by providing adequate space, through screening with landscape planting or fences, or other means.
  12. 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.
  13. Maximum height limits for buildings shall be set by underlying zoning in shoreline areas, of which the maximum height of a building is 35 feet.
  14. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever financially feasible and possible.
  15. Public access facilities should be maintained to provide a clean and safe experience and protect the environment.

#### 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 less than three (3) dwelling units.
2. A shoreline development or use that does not provide public access may be authorized provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.
  - Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
  - Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;



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- The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
- Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or
- Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:

- Regulating access by such means as limiting hours of use to daylight hours.
- Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.
- Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.

3. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.
4. Public access sites shall be connected directly to the nearest public street.
5. Public access sites shall be made barrier free for the physically disabled where feasible.
6. 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.
7. 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 in perpetuity with the land. Said recording with the Auditor's office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval or disapproval).
8. 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.
9. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.



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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 sensitive natural systems.
12. Whenever financially feasible and practical, the City shall require the use of environmentally friendly materials and technology in such things as building materials, paved surfaces, porous pavement, etc., when developing public access to the shoreline.