



Memorandum

DATE: February 17, 2011

TO: Shoreline Planning Commission

FROM: Joseph W. Tovar, FAICP, Planning and Development Services Director
Steve Cohn, Project Manager, Senior Planner
Miranda Redinger, Project Manager, Associate Planner *MR*

SUBJECT: February 17 Study Session on Shoreline Master Program (SMP) Draft Regulations

Purpose

The goals of tonight's meeting are to discuss changes to the draft SMP regulations since the last update based on comments from the public, Ecology, and Commissioners, and to discuss big picture questions. If, by the end of the evening, the Commissioners are comfortable with proposed regulations, staff requests that they direct staff to set a public hearing date for the full SMP.

Background

The Planning Commission last discussed the SMP Update on December 2, 2010 when staff introduced the draft regulations and reported on progress to date. Since that time, revisions have been made to the regulations (Attachment 1) based on Department of Ecology review (Attachment 2), consultant comments via the Cumulative Impacts Assessment (CIA) (Attachment 3), and meetings with the Richmond Beach Preservation Association (RBPA). Staff forwarded Ecology comments and the CIA to Plancom on January 21 and 24, respectively.

Changes to Draft Regulations:

Attachment 1 is the proposed document in "track change" format, with explanation in the comment box so Commissioners can clearly view the proposed revisions and staff's reasoning.

Changes to the document since the December 2 meeting include the following:

Revisions based on Department of Ecology comments:

- Definitions added;
- Modifications to meet criteria in Ecology's SMP Submittal checklist.

Revisions based on Richmond Beach Preservation Association comments:

- Definitions added;
- Language clarifying that sections of the WAC call for protection of property rights and existing structures added, particularly in relation to bulkhead maintenance/replacement and exempting uses commonly associated with single family residences;
- Staff is not recommending RBPA's proposed language addressing common line setbacks.

Revisions based on Commissioner's comments:

- Commissioner Kaje proposed additional language and questions. Most of his questions are addressed in the comments in Attachment 1, and most of his language was accepted. In cases where it was not, explanations are noted in the comment boxes.

Revisions based on consultant comments in the Cumulative Impacts Assessment (CIA):

- More work is needed on this. The current draft does not reflect many changes based on the consultant's comments; however, some concerns have been addressed through revisions based on Ecology comments or other staff work. Staff will need to have additional conversation with the consultant to determine specific revisions and update the CIA based on these changes.
- Concerns raised in the CIA include:
 - ❖ Public access on or over water not defined/limited;
 - ❖ Lack of restriction on size of boating facilities, docks and piers;
 - ❖ Lack of standards for marinas, breakwaters, jetties, groins, weirs, vegetation conservation, and tree retention;
 - ❖ Residential accessory structures and pools are allowed in setback with no limit to number of structures.

Big Picture Questions:

The following issues/questions were flagged in the December study session as items for additional discussion. At tonight's meeting staff would like the Commission to discuss and offer direction on the following items:

- Docks and marinas at Point Wells- Adaptive reuse of an existing large dock is included in the development proposal recently presented by Blue Square Real Estate. Should docks and marinas be allowed as part of potential development of the site or should such uses be prohibited?
- Private verses Community Docks- Ecology has a preference that individual docks be prohibited, while communal docks are permitted. There are several places in the regulations where community dock is defined as serving 4 or more residences. In a meeting with our Ecology representative and RBPA leadership, it was agreed that "joint-use" docks (serving 2 neighboring lots) could be allowed in the Waterfront Residential environment designation. Is the Commission comfortable with this direction?
- Non-conforming uses- The City's current non-conforming use code is relatively lenient; Vice-Chair Perkowski raised the question as to whether these standards should be somewhat more stringent in the shoreline environments. How should the SMP deal with non-conforming structures or uses?
- No Harvest Zones- (This is more an FYI). In 2007, the City of Seattle adopted legislation declaring portions of their public parks as marine reserves. This allows for state patrol enforcement of regulations prohibiting taking of shellfish, capturing of any wildlife species and otherwise damaging or destroying submerged or intertidal lands within our parks. It is unlikely that such legislation would benefit private property, and staff will need to have additional discussion with the Parks department to see whether they would like to pursue such legislation. Information is included as Attachment 4.
- Common-line setback- In Attachment 5, RBPA proposed language to implement this type of setback in order to protect views from existing residences. Staff is not recommending this approach, and is developing a separate memo explaining its rationale, to be sent to the RBPA and the Planning Commission prior to the February 17 study session.

Next Steps

When the Planning Commission is comfortable with the regulations, staff will assemble the full SMP packet. Commission will hold a public hearing on the Shoreline Master Program and make its recommendation to the City Council.

If you have questions about the proposed regulations that you would like addressed at the study session, please contact Miranda Redinger at 206-801-2513 or email her at mredinger@shorelinewa.gov.

Attachments:

- Attachment 1: Draft Goals, Policies and Regulations in "track change" format
- Attachment 2: Department of Ecology Comments
- Attachment 3: Draft Cumulative Impacts Assessment
- Attachment 4: Information on Seattle No Harvest legislation
- Attachment 5: RBPA proposed language regarding common-line setback



**SHORELINE MASTER PROGRAM
*GOALS, POLICIES AND REGULATIONS***

Adopted by City Council on _____

Submitted for Review and Approval to the
Washington Department of Ecology on _____

PROPOSED REVISIONS TO TITLE 20 OF THE
CITY OF SHORELINE MUNICIPAL CODE

DEPARTMENT OF ECOLOGY GRANT #G0800171

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Comment [m1]: Will change page numbers when all edits are complete

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; ~~and~~
- 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 right.**

Comment [j2]: ADDED IN RESPONSE TO PUBLIC COMMENT 11/30/10 JEF

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 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.

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 environments.

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 benefit 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.

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.

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 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 and enhance the natural shoreline for the benefit of fish and wildlife habitat.

HISTORICAL/CULTURAL ELEMENT

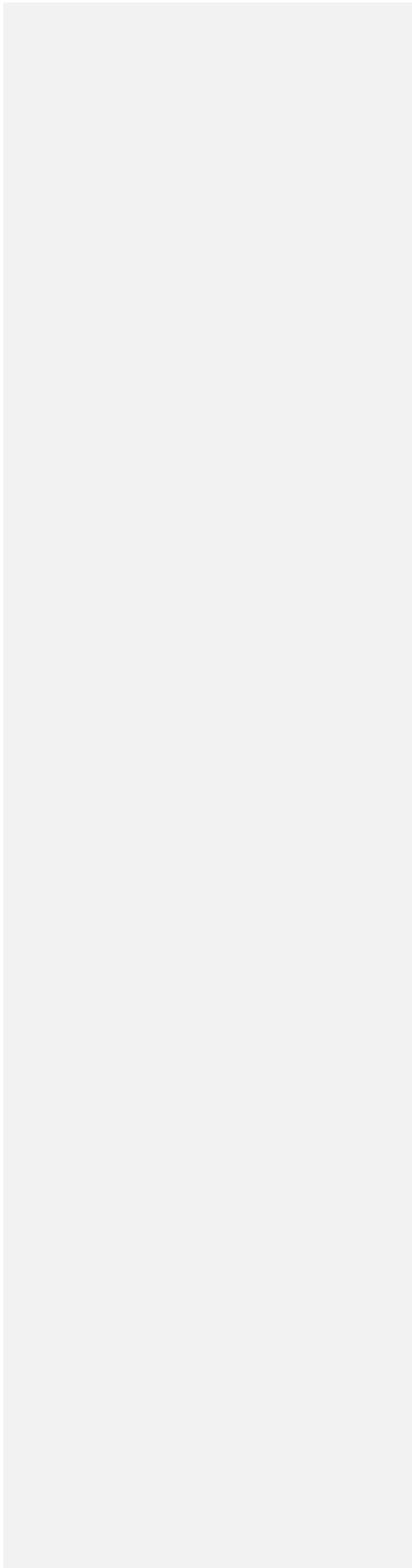
- Goal** Identify, preserve, protect, and restore shoreline areas, buildings, and sites having historical, cultural, educational, or scientific values.
- Objective** To ensure the recognition, protection, and restoration of shoreline areas that have historical and or cultural value to the City of Shoreline 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.

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

RESTORATION ELEMENT

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



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 Development Services 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. ~~A.~~ The regulations of this Title apply to all shorelines of Statewide Significance 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 such waters.

B. ~~B.~~ The standards shall 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 maintained in conformance with this chapter and the SMA

C. 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.

D. ~~C.~~ 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.

E. ~~D.~~ The Master Program policies and regulations shall apply in addition to other city regulations.

Comment [jk3]: Is this really the case? YES

Comment [m4]: ADDED IN RESPONSE TO ECOLOGY COMMENTS

Comment [j5]: ADDED IN REPOSNSE TO PUBLIC COMMENTS 11/30/10 JEF

Where the regulations of the Master Program conflict with other regulations, the regulations that provide more shoreland and shoreline protection, ~~as determined by the City,~~ shall apply.

~~F. E.~~ Non-conforming uses and improvements within the shoreline jurisdiction shall be subject to this Program and SMC 20.220.150.

~~G. F.~~ The City’s Critical Areas Ordinance SMC 20.80 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.

~~H. G.~~ 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.

~~I. H.~~ 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 Act the definitions in RCW 90.58, and WAC 173-26-020 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

Comment [j6]: THE FOLLOWING DEFINITIONS SHOULD BE ADDED TO SMC 20.20. THEY ARE HERE FOR REFERENCE.

Comment [m7]: ADDED IN RESPONSE TO ECOLOGY COMMENT

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.

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 farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may include development such as structures or rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of wildstock geoducks on state-owned lands. Wildstock geoduck harvest is a fishery.

Comment [m8]: DNR SUPPLIED DEFINITION

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.

Comment [j9]: ADDED IN REPOSNSE TO PUBLIC COMMENTS 11/30/10 JEF

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

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 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. 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 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.

Comment [j10]: ADDED IN REPOSNSE TO PUBLIC COMMENTS 11/30/10 JEF

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. ~~Dredging is t~~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. ~~is t~~The material removed by dredging.

Dredge spoil disposal. ~~is~~ 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. "Fair market value" of a development is 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 the 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. Per the guidelines, Feasible means, that an action, such as a development project, mitigation, or preservation requirement, meets 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.

Geotechnical report. Geotechnical report or "geotechnical analysis" means 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

Comment [j11]: REPLACE DEFINITION IN 20.20

Comment [m12]: ADDED IN RESPONSE TO ECOLOGY COMMENTS

Comment [m13]: ADDED IN RESPONSE TO ECOLOGY COMMENTS

or geologists who have professional expertise about the regional and local shoreline geology and processes.

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.

Comment [m14]: ADDED IN RESPONSE TO ECOLOGY COMMENTS

Hydric Soil. ~~Hydric soil means s~~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), thereby influencing the growth of plants.

Landfilling. The placement of soil, rock, existing sediment or other approved material (excluding solid waste) to create new land, tideland or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation.

~~**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 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.

Comment [j15]: REPLACE DEFINITION IN 20.20

Native Vegetation Conservation Area. Vegetated area between the Native Vegetation Setback Line and the OHWM.

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

Nonconforming Use and Development. A shoreline use or development which 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. Normal maintenance includes interior and exterior repairs and incidental alterations. Normal maintenance and repair may include, but is not limited to, painting, roof repair and replacement, plumbing, wiring and electrical systems, mechanical equipment replacement and weatherization. Incidental alterations may include construction of nonbearing walls or partitions.

~~**Normal protective bulkhead.**~~ ~~common to single family residences.~~ ~~Normal protective bulkhead common to single family residences means a~~ bulkhead constructed on a building site zoned to permit one single-family residence and containing one single-family residence.

~~**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

Comment [j16]: REPLACE DEFINITION IN 20.20

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).

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 and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the area to pre-European settlement conditions.

Comment [j17]: REPLACE DEFINITION IN 20.20

Revetment. ~~Facing~~ 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.

Comment [j18]: ADDED IN REPOSNSE TO PUBLIC COMMENTS 11/30/10 JEF

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

Shorelands or shoreland areas. ~~means~~ 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. ~~means~~ a 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 and the Strait of Juan de Fuca 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. ~~Substantial development means a~~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.

Comment [j19]: REPLACE DEFINITION IN 20.20

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.

Comment [j20]: REPLACE DEFINITION IN 20.20

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 which 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.

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 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 is an 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. A complete list of exemptions is provided in WAC 173-27-040.

Exempt developments include:

- 1. Any development of which the total construction cost or fair market value, whichever is higher, does not exceed five thousand seven hundred and eighteen (\$5,718) dollars, and does not

materially interfere with public use of the water or shorelines of the state. 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;

2. Normal maintenance or normal 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 within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Repairs also include increasing the overall height of an existing wall for the purpose of preventing wave over topping and undermining of the existing structure, provided that the added height does not extend waterward of the existing footing and the new height is comparable to the predominant height of single family residential bulkheads within the Waterfront Residential (WR) 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 a normal protective bulkhead common to single family residences. A "normal protective bulkhead" is constructed at or near the ordinary high water mark to protect an existing a single family residence and is for protecting land from erosion, not for the purpose of creating dry land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings;
4. Emergency construction necessary to protect property from damage by the elements. Flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
5. Construction, installation, or modification of navigational aids such as channel markers and anchor buoys;
6. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his/her own use or for the use of his/her family, which residence does not have a building height that exceeds 35 feet and meets all requirements of the Shoreline Municipal Code (SMC) and this chapter;
7. 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 one or more single and multi-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 the fair market value of the dock does not exceed \$2,500;
8. The marking of property lines or corners, when such marking does not significantly interfere with the normal public use of the surface waters;
9. Any project with certification from the Governor pursuant to Chapter 80.50 RCW;
10. Watershed restoration projects as defined in WAC 173-27-040. The City shall review the projects for consistency with the Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) 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;

Comment [m21]: ADDED IN RESPONSE TO PUBLIC COMMENT.

Comment [jk22]: The WAC is specific about "existing" and we should be too.

11. 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 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; and
 - 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.
 12. When a development meets the exemption criteria listed in this section and WAC 173-27-040, and is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, a copy of the Shoreline Exemption shall be sent to the Department of Ecology.
- C. 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. 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 the 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, approve with conditions, or deny any application that does not substantially comply 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. 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 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 and a Shoreline Variance or Shoreline Conditional Use Permit are required for a development, the filing on local government's rulings on the permits shall be made simultaneously with Ecology.

Comment [jef23]: AMEND 20.30.120 (B) (7) TO INCLUDE 30 DAY NOA COMMENT PERIOD.

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 persons 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 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 which 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.

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

~~1. C. A use which is listed as a conditional use but which 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. A use which is listed as a conditional use in table 20.220.081 but which 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.~~

2. ~~D.~~ 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. ~~E.~~ A structure which is being or has been used 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; and
- b. The proposed use will be at least as consistent with the policies and provisions of the act and the Master Program and as compatible with the uses in the area as the preexisting use.
- 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 assure that the use will not become a nuisance or a hazard.

4. ~~F.~~ 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.

~~G.~~

Comment [j24]: REVISED FORMAT TO SUPPLEMENT PUBLIC COMMENTS JEFF 11/30/10

B. Nonconforming Uses

2. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a Shoreline Conditional Use permit.
3. A use which is listed as a conditional use but which 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. A use which is listed as a conditional use in table 20.230.081 but which 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 conforming. A use authorized pursuant to subsection 20.220.150(E) shall be considered a conforming use for purposes of this section.

~~H.~~**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 but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so 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.

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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 the 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 both development and 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. Developments and certain uses or activities 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, 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.

Regulations

1. 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). Efforts to avoid and minimize impacts must be documented in a manner acceptable to the City prior to the approval of mitigation or compensation actions.
2. All shoreline development and activity shall be located, designed, constructed and managed in a manner that assures no net loss.
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

Comment [k25]: Often, the first two steps become simple preferences with no effort to actually do them. We should change that practice.
PROPOSED ADDITION ACCEPTED.

unless demonstrated to be infeasible, or where other alternatives will provide less impact to 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 create no net loss of shoreline ecological function.
6. 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. Mitigation shall be required of developments that would otherwise result in net loss of ecological functions.
7. 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 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 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:
 - a. Inventory of the existing shoreline environment including the physical, chemical, and biological elements and provide an assessment of their 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 wetland or 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 established success criteria.
 - g. An evaluation of the anticipated effectiveness of the proposed mitigation measures.
 - h. 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.
 - i. A monitoring plan including scientific procedures to be used to establish success or failure of the project, sampling points, success criteria, and monitoring schedule.
 - j. Any additional information necessary to determine the impacts of a proposal and mitigation impacts.
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 used as defined in SEPA (WAC 197-11-794).

Comment [m26]: ADDED IN RESPONSE TO COMMISSIONER COMMENT

Comment [k27]: This seems to imply that planting is the only potential kind of mitigation. That may not be the case and it may not be feasible in all shoreline environments at the scale of a single development. PROPOSED ADDITION ACCEPTED.

10. 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.

B. Earth

Policies

1. Accretion shoreforms are valued for recreation and ~~in some cases~~ may provide fish spawning substrate. Development that could disrupt these shoreforms may be allowed:
 - a. When the accreted shoreform is private property;
 - b. When such disruption would not reduce shoreline ecological function;
 - c. Where there is a demonstrated public benefit; and
 - d. 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;
 - 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 erosion prevention and sediment control 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.

Comment [k28]: Do we mean specifically construction-related TESC? If so, let's say so. In shoreline developments it is often the potential for natural erosion that we want to protect. CHANGED TERMINOLOGY TO REFLECT CURRENT AND MAKE NOTE THAT TIMEFRAME INCLUDES DURING AND AFTER CONSTRUCTION. ANY DEVELOPMENT WOULD HAVE TO ADHERE TO STANDARDS LAID OUT IN DOE STORMWATER MANUAL, WHICH REGULATES SOIL CONTAMINATION, POLLUTANTS SUCH AS CONCRETE, PETROLEUM, AND LEACHATES FROM OTHER CONSTRUCTION MATERIALS.

D. Water

Policies

1. Shoreline development and activities shall ~~maintain result in~~ no net loss of ecological functions.
2. Development and regulated activities shall minimize impacts to geohydraulic 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 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 Department of Ecology *Stormwater Management Manual for Western Washington*.
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

Comment [j29]: ADDED IN RESPONSE TO PUBLIC COMMENTS JEFF 11/30/10

Regulations

1. For lawns and other vegetation maintained within the regulated shoreline, 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 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.

Comment [j30]: ADDED IN RESPONSE TO PUBLIC COMMENTS JEFF 11/30/10

E. 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 insures 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 assure no net loss; and
 - d. Designed to minimize impacts to the natural feature-character of the shoreline as much as possible.

Comment [k31]: In general, there's a bit of a mixed bag in this section. It seems that many of the "Mitigation Measures" under Part 5 are really efforts to REDUCE impacts. Then, under part 2 we talk about mitigation plantings etc. May need to clean this up to make it more clear, and use a narrower definition for mitigation.

Regulations

1. 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~~ provide funding to 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.

Comment [k32]: In general, since our only shoreline is the saltwater, it may be worth discussing whether on-site mitigation on individual single family parcels makes any sense from the standpoint of addressing nearshore functions. Of course sequencing still has to happen (avoidance, etc.), but we might consider setting up a priori a publicly-sponsored program specifically for nearshore actions, i.e., a fund that mitigation payments would partly support. Doing a bunch of incremental plantings in a distributed way in the nearshore, coupled with the monitoring provisions, just seems like a recipe for mediocre results. FEASIBILITY OF SUCH A PROGRAM WILL HAVE TO BE EXPLORED. STAFF CONCERNED ABOUT LIMITED FUNDING AND CAPACITY TO IMPLEMENT TO DEGREE THAT WOULD BE EFFECTIVE.

Comment [k33]: Our most likely impacts will be to the nearshore – do we want to say what the preferred option is? PREFERRED OPTION MAY VARY FROM SITE TO SITE

~~3-2.~~ 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.

~~4-3.~~ 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.

~~5-4.~~ 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 buffers;
- b. Setbacks for permanent and temporary structures;
- c. Enhanced buffers;
- d. Reduced project scope;
- e. Limitations on construction hours;
- f. Limitations on hours of operation; and
- g. Relocation of access.

~~6-5.~~ 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 of parcels subject to this requirement and a map;
- b. The implementation status of the habitat management plans;
- c. Status of the improvements (e.g., update if success standards are being met, what types of remedial actions have been implemented); and
- d. Recommendations for corrective measures if necessary.

~~7-6.~~ If proposed mitigation is found to be inadequate or if adequate mitigation is determined to be impossible, the application shall be denied.

~~8-7.~~ Timing of in-water construction, development, or activity shall be determined by Washington Department of Fish and Wildlife.

Comment [k34]: If we look at part 5 and this part, it's an awkward match. What third party is going to monitor "increased buffers" or "reduced project scope" for example. Why not the city itself with the project owner providing funding for said monitoring? CITY DOESN'T HAVE IN-HOUSE EXPERTISE TO DO THIS, STAFF DOES REVIEW MONITORING REPORTS.

F. 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.

G. 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.

H. 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 potential and current 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.

I. Aesthetics

Policy

- 1. Development should be designed to minimize the visual **effect** structures have on the shoreline, minimize visual clutter, avoid placement of service areas, parking lots, view-blocking structures adjacent to the shoreline.

Regulations

- 1. Development shall be designed to comply with the development standards required in the underlying zone.
- 2. If the zone 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 off-site glare and impacts to fisheries.

J. 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 items of archaeological interest are 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, access may be required consistent with section 20.230.040, the provisions for public access, and it is determined that public access to the site will not damage or reduce the cultural value of the site.

20.230.030 Environmentally Sensitive Areas Within the Shoreline.

A. Critical Areas

General Policy

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 shoreline areas that are identified as hazardous or environmentally sensitive to development should be discouraged.

Comment [k35]: I doubt we are talking about restricting use of the beach due to forage fish spawning, right? YES. FOR EXAMPLE CERTAIN ACTIVITIES MAY BE RESTRICTED DURING SPAWING PERIOD. FOR EXAMPLE, SEE TABLE 6 IN INVENTORY AND CHARACTERIZATION REPORT.

General Regulations

1. The City’s Critical Areas Ordinance, SMC 20.80 adopted _____, Ordinance number _____ is hereby incorporated into this Shoreline Master Program by reference and shall regulate critical areas within shoreline jurisdiction.
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 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;
 - 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;
 - e. Geologically hazardous areas, including erosion, landslide, and seismic hazard areas; and
4. 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.

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.

Comment [k36]: Does not apply here, does it? I assume we mean mapped channel migration zones. MAY BE APPLICABLE IN BOEING CREEK FLOOD HAZARD AREA.

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,
 - 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

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

Policy

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 Chapter 20.80, Critical Areas.
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.
 - 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.

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 Director shall determine the type and extent of interpretive signage required.
2. Wetland mitigation sequencing shall be done in accordance with Chapter 20.80, Critical Areas.

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 four (4) or fewer dwelling units; and
 - 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, 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 ~~riparian management~~ **native vegetation**-zone as practical. Public access facilities should provide auxiliary facilities, such as parking and

Comment [k37]: Ask Barb if this concept applies in nearshore. YES, OFTEN CALLED NATIVE VEGETATION ZONE.

sanitation facilities, when appropriate, and should be designed for accessibility by handicapped and physically impaired persons. Publicly owned shorelines should be limited to water-dependent or public recreation uses, otherwise such shorelines should remain protected open space.

6. 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.
7. Public access afforded by shoreline street ends should be preserved, maintained, and enhanced.
8. 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.
9. 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.
10. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever financially feasible and possible.
11. Public access facilities should be maintained to provide a clean and safe experience and 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 fewer 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 it is demonstrated by the applicant and the Director determines that one or more of the following provisions apply:
 - a. Unavoidable health or safety hazards to the public exist which 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; or
 - e. Significant conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
 - f. The applicant must also demonstrate that all reasonable means to public access have been exhausted, including but not limited to:
 - i. Regulating access by such means as limiting hours of use to daylight hours;
 - ii. Designing separation of uses and activities, with such means as fences, terracing, hedges, or landscaping; and
 - iii. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.
4. Public access sites shall be made barrier free for the physically disabled where feasible.

5. Public access sites shall be connected directly to the nearest public street.
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 with the land. Said recording with the King County Recorder's office shall occur at the time of permit approval (RCW 58.17.110).
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. 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.
10. 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

Aquatic Environment (A). The purpose of the "aquatic" environment 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.

Comment [m38]: ADDED IN RESPONSE TO ECOLOGY COMMENTS

Urban Conservancy Environment (UC). The purpose of the 'Urban Conservancy' environment 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 conservancy designation.

Comment [m39]: ADDED IN RESPONSE TO ECOLOGY COMMENTS

Shoreline Residential Environment (SR). The purpose of the 'Shoreline Residential' environment 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 the ‘Waterfront Residential’ environment is to distinguish between the 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. Unique circumstances and considerations will warrant different regulations for each area.~~

~~The purpose of the “waterfront residential” environment 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~~
- ~~• Failure of an individual bulkhead would cause adverse effect on subject property as well as neighboring properties.~~

~~The unique circumstances and considerations will warrant different regulations for 27th Avenue NW as compared to existing residential property cut off by from the shoreline by natural or manmade features, and potential new residential properties in the potential Point Wells designations~~

Point Wells Urban Environment (PW). The purpose of the ‘Point Wells Urban’ 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 the “Point Wells Urban Conservancy” is to provide a specific designation unique to an industrial use or mix of uses that can be developed. Existing and planned uses require a different set of policies and regulations than a general Urban Conservancy designation, ~~although assurance of no net loss is still required.~~

Comment [m40]: ADDED IN RESPONSE TO PUBLIC COMMENT

Comment [m41]: ADDED IN RESPONSE TO ECOLOGY COMMENTS

Comment [k42]: Clarify intent – not really clear if this is more or less restrictive than PW Urban. SLIGHTLY MORE RESTRICTIVE DUE TO ECOLOGICAL SENSITIVITY OF AREA.

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

Shoreline Use	Shoreline Environments					
	Aquatic	Urban Conservancy	Shoreline Residential	Waterfront Residential	PW Urban Conservancy	PW Urban
Agriculture	X	X	X	X	X	X
Aquaculture	X	X	X	X	X	X
Boating Facilities (marinas and boat launching ramps)	P ¹	P: Boat launching ramps open to the public	P: <u>Community</u> Boat launching ramps	P: <u>Community</u> Boat launching ramps	X	P: Boat launching ramps open to the public P
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-ete	P	X	X ^P	X ^P	X ^P	P ^X
Recreation Use (water-related)	C: Water-dependent only	P	P	P	P: Limit to low intensity uses, passive uses	P
Recreation Facilities	See 20.230.150	P	P	P	P: Limit to low intensity uses, passive uses	P
Residential Developments	X	P	P	P	P	P
Signs	X ^Z	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				
Unclassified Uses	C	C	C	C	C	C

Comment [k43]: Consider “community” ramps, but even that is questionable. Are there any now? If not, why open the door? See 20.230.090 THIS IS A BIG PICTURE QUESTION THAT WILL BE DISCUSSED AT THE 2/17 STUDY SESSION.

Comment [jn44]: Why would this be allowed in any of the landward environments. It should only be in the Aquatic, and it should probably be conditional so the Fish and Wildlife stuff can be considered. This use is not in the Consultants memo.

Comment [j45]: Need criteria P or C?

Comment [rem46]: What about safety signs – no wake signs, navigational signs? SEE ADDED FOOTNOTE

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
Dredging	P ⁵ C: Related to navigation for PWU	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
Dredging Material Disposal	P ¹	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶
Dune Modification	X	X	X	X	X	X
Piers and Docks	P ¹	P: Public	P: Community	P: Community	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
Shoreline Stabilization Bulkheads and Revetments						
Soft-shore Stabilization	P ²	P	P	P	P: w/ Utilities	P
Maintenance of existing	P	P	P	P	X	P
Hard shoreline armoring	X	C	C	C	X	C
Clearing and Grading	X	P ^{1,4}	P ^{1,4}	P ^{1,4}	P ^{1,4}	P ^{1,4}
Landfilling	P ⁵	P ⁴	P ¹	P ¹	P ⁴	P ⁴
Shoreline Habitat and Natural Systems Enhancement Projects	P	P	P	P	P	P

Comment [m47]: NEED TO INCLUDE FOOTNOTE THAT THESE ARE LIMITED TO ONLY WATER-DEPENDENT, PUBLIC ACCESS OR SHORELINE STABILIZATION, WILL WORK ON FORMATTING TO FIT

Comment [k48]: What does this mean? MEANS SHORELINE SHOULD REMAIN NATURAL, EXCEPT TO PROTECT UTILITY INFRASTRUCTURE IN THIS ENVIRONMENT

Comment [m49]: FOOTNOTE FOR WR THAT REPLACEMENT IS ALSO PERMITTED- (FORMATTING PRECLUDES ADDITIONAL FOOTNOTES, LANGUAGE THAT DEFINES MAINTENANCE TO INCLUDE REPLACEMENT OF EXISTING BULKHEADS IS ALREADY INCLUDED IN OTHER SECTIONS OF THESE REGULATIONS)

¹ Subject to the use limitations and permit requirements of the abutting upland shoreline environment designation.

² Allowed only if permitted in the abutting upland shoreline environment designation.

³ 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.

⁴ For activities associated with shoreline restoration or remediation; or limited if associated with public access improvement and allowed shoreline development.

⁵ For activities associated with shoreline or aquatic restoration or remediation

⁶ For shoreline habitat and natural systems enhancement, fish habitat enhancement, or watershed restoration project.

⁷ Signs required by regulatory agencies for navigational operation, safety and direction purposes allowed in Aquatic environment per 20.230.230(B)(1).

Table 20.230.082 Native Conservation Area / Building Setbacks Bulk Standards

Shoreline Environmental Designation	Minimum Native Vegetation Conservation Area	Bulk Standards <u>(see chart below for specific standards)</u>
Urban Conservancy	150 feet or 50 feet from the top of a landslide hazard area, whichever is greater	<u>Underlying zoning is R6</u>
Shoreline Residential	115 feet	<u>Underlying zoning is R6</u>
Waterfront Residential	20 feet	<u>Underlying zoning is R6</u>
Point Wells Urban	50 feet (restoration required as part of development)	<u>Zoning TBD</u>
Point Wells Urban conservancy	115	<u>Zoning TBD</u>

STANDARDS	R-6
Base Density: Dwelling Units/Acre	6 du/ac (7)
Min. Density	4 du/ac
Min. Lot Width (2)	50 ft
Min. Lot Area (2)	7,200 sq ft
Min. Front Yard Setback (2) (3)	20 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two
Base Height (9)	30 ft (35 ft with pitched roof)
Max. Building Coverage (2) (6)	35%
Max. Hardscape (2) (6)	50%

20.230.090 Boating Facilities

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

Comment [j50]: ADDED IN REPOSNSE TO PUBLIC COMMENTS JEF 11/30/10

Comment [m51]: ADDED IN RESPONSE TO PUBLIC COMMENT.

A. Boating Facilities Policies

- 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.
- Public and community boating facilities are preferred. Individual private facilities are prohibited.
- 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. Impacts of live-aboard vessels shall be limited.

4-8. Extended moorage on waters of the state without a lease or permission is restricted and mitigation of impacts to navigation and access is required.

Comment [m52]: ADDED IN RESPONSE TO ECOLOGY COMMENT

Comment [m53]: ADDED IN RESPONSE TO ECOLOGY COMMENT

Comment [m54]: ADDED IN RESPONSE TO ECOLOGY COMMENT

Comment [m55]: ADDED IN RESPONSE TO ECOLOGY COMMENT

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.

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.

E. Marinas

1. Must be public.
2. Must include public amenities: parking, restrooms, open space, art.
3. Must include commercial uses.
4. Marinas shall be operated in a manner to preserve water quality and protect the public health and safety. An operational plan shall be submitted with the shoreline application and shall, at a minimum, plan to provide:
 - a. Adequate facilities and operational procedures for fuel handling and storage to prevent accidental spillage;

- b. Facilities, equipment, and procedures for the containment, recovery, and mitigation of spilled sewage, petroleum, and other hazardous materials;
 - c. Signs located in areas easily visible to marina users; addressing the following:
 - i. Regulations on handling and disposing of waste, sewage, or other toxic materials;
 - ii. Regulations prohibiting the disposal of fish or shellfish wastes, scrapfish, viscera, or unused bait in or near the marina; and
 - iii. The location of all public access facilities and pump out devices.
 - d. Garbage or litter receptacles shall be located and sized to be convenient to marina users/visitor dock, including provisions for recycling waste;
 - e. Safety equipment located on dock and pier facilities (e.g., life rings, hooks, and ropes);
 - f. All pipes, plumbing, wires, and cables at or below ground and dock levels at the marina site;
 - g. Adequate upland restrooms, available 24 hours per day, for use by any patron of the marina facility. The number and type of restrooms shall be determined based on the number of permanent and transient moorage slips within the marina.
5. Marine facilities shall be designed and constructed in conformance with the policies and regulations contained in the Master Program.
 6. Marine facilities shall conform to height limitations contained in the Master Program and shoreline environment, and structures shall be limited to office, restroom, waste disposal and fueling facilities.
 6. Boat maintenance activities shall only include routine repairs done by boat owners to keep their own boats in good repair.
 7. Boat launching may occur in conjunction with a marina development and sufficient parking is provided for launch vehicles.

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 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, provided this prohibition does not preclude the development of boat facilities necessary for the operation of an associated nonresidential use.

Comment [k56]: Not clear how any of these are water-dependent. Would retail sales allow something like a kayak rental place/ (I hope so) 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. KAYAK RENTALS WOULD BE ALLOWED.

2. All nonresidential development within the shoreline area shall provide for public visual and/or physical access to the shoreline. 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.
3. All nonresidential loading and service areas shall be located on the upland side of the nonresidential activity or provisions shall be made to 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-related, 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-related nonresidential development shall maintain a minimum setback from the OHWM consistent with Table 20.230.082.

20.230.110 In-stream Structures.

In-stream structures shall 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 shall 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.

Comment [j57]: NEW SECTION ADDED 11/19
JEF

20.230.140~~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, to be planted prior to final approval of project and provide an effective screening ~~threetwo~~ (32) 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 groundcover;
 - b. A building or enclosed structure; and/or
 - e. A strip of land not less than two and one 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 one half (3.5) feet high at time of installation. The plant material shall be evergreen and spaced not more than one and one 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.

Comment [m58]: CONFORMS TO CURRENT MAINTENANCE BOND TIMEFRAME

20.230.150130 Recreational Facilities.

Recreational development provides for low impact activities, such as hiking, photography, kayaking, viewing, and fishing; or more intensive uses such as parks, campgrounds, and golf courses. This section applies to both publicly- and privately-owned shoreline facilities intended for use by the public or a private club, group, association, or individuals.

Comment [k59]: Do we really need these? PROPOSED ADDITION AND DELETION ACCEPTED

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 ~~such as golf courses and playfields~~ 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 width next to water bodies.
- 3. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences, and signs, to prevent overflow onto adjacent 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.

20.230.160140 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. Land disturbing activities may be exempted from the Shoreline Substantial Development Permit requirement, provided it is associated with an exempted single family residence and the activity is confined to the construction site and grading does not exceed 250 cubic yards, including grading for structures.

A. Residential Policies

- 1. In accordance with the Public Access requirements in 20.230.060, 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 more than 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 more than 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 Guide.
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 structures 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

20.230.170150 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 softer materials, such as biotechnical vegetation measures or beach enhancement. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Structural shoreline stabilization also often results in vegetation removal and 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; and
- Bulkheads.

Note: As applied to shoreline stabilization measures, “normal repair” and “normal maintenance” include the patching, sealing, or refinishing of existing structures, the replenishment of sand or other material that has been washed away, and the replacement of less than twenty percent (20%) of the structure. Normal maintenance and normal repair are limited to those actions that are typically done on a periodic basis. Construction that causes significant ecological impacts is not considered normal maintenance and repair.

As applied to shoreline stabilization measures, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose.

Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures, with the exception that bulkhead height may be increased in the Waterfront Residential environment designation if geotechnical report concludes that it is necessary or promotes better design.

Comment [m60]: ADDED IN RESPONSE TO PUBLIC COMMENT

The following policies and regulations apply to all actions and developments that modify the shoreline for the purposes of preventing erosion or flooding. Following these general requirements, specific policies and regulations are provided for bulkheads, revetments, dikes, and levees.

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 should be discouraged.
3. Shoreline modifications are only allowed when and where there is a demonstrated necessity to support or protect an allowed-existing primary structure or legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
4. Proposals for shoreline modifications should be designed to protect life and property without impacting shoreline resources.
5. Shoreline modifications which 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.

Comment [k61]: Not sure why wouldn't say "...is not permitted in areas where no preexisting shoreline stabilization is present. This would allow the hardened edge at Point Wells, for example, to be improved or reconstructed if necessary, but not the construction of new hard banks along beaches that are still moderately functional and lack armoring (ignoring the railroad). COULD POTENTIALLY LEAD TO TAKINGS ISSUE IF CHANGED

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. Where allowed, bank stabilization or protection works shall contemplate and provide for the long term, multiple-use of shoreline resources and public access to public shorelines.
3. Permitted and Shoreline Conditional Use requirements for bulkheads and revetments, are specified under the headings below. All other forms of shoreline modification must be approved as a Shoreline Conditional Use within all of the shoreline environments.
4. All shoreline stabilization proposals require a geotechnical analysis.
5. 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).

- 6. 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 being caused by upland conditions, such as the loss of vegetation and drainage.
 - 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 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.
- 7. 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).
- 8. Shoreline stabilization and flood protection works are prohibited in wetlands and on point and channel bars. They are also prohibited in salmon or trout spawning areas.
- 9. Developments shall not reduce the volume and storage capacity of streams and adjacent wetlands or flood plains.
- 10. Use of refuse for the stabilization of shorelines is prohibited.

Comment [k62]: As above, would like to see us consider new non-water dependent development with structural stabilization ONLY where such stabilization is already in place to some degree. This would allow a new house on an old lot, but not a new house on a new lot that requires protection. KEEP PHRASING TO AVOID TAKING

20.230.180160 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 ~~should be~~ **shall be** prohibited except for habitat improvement.
- 4. Dredge spoil disposal on land should occur in areas where environmental impacts will not be significant.

Comment [k63]: This seems very vague. Are there places in our shorelines where it would be appropriate? SEE REGULATIONS BELOW

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, and will not adversely alter natural drainage and circulation patterns, currents, or reduce floodwater capacities, or adversely impact properly functioning conditions for proposed, threatened, or endangered species or the functions and values of the shoreline and associated critical areas.

Comment [jk64]: See comment below

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 important localized biological communities.
3. Dredging and dredge spoil disposal shall not occur in wetlands unless for approved maintenance or enhancement. Dredging within the shorelines shall be permitted only:
 - a. For navigational purposes;
 - b. In conjunction with a water-dependent use;
 - c. As part of an approved habitat improvement project;
 - d. To improve flood control, water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from reentering the water;
 - e. In conjunction with a bridge, utility, navigational structure, or instream structure, for which there is a documented public need and where other feasible sites or routes do not exist.
4. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
5. 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.
6. 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;
 - b. To correct problems of material distribution that are adversely affecting fish resources; or
7. 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.
8. 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.-
9. The City may impose reasonable limitations on dredge spoil disposal operating periods and hours and may require buffer strips at land disposal sites.

Comment [jk65]: If there is any dredging in the Sound, it will involve the Army Corps and DNR. I believe they have designated dredge disposal sites. I don't think we should get into the business of allowing disposal except in the narrow cases already identified re habitat restoration.

~~D-20.230.170 Piers and Docks~~

1. The public's need for ~~piers and docks~~ **such an action or structure** 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;

Comment [jef66]: POLICY DISCUSSION. NEED STANDARDS FOR OPTIONS
Excerpt from WAC 173-26

Comment [jk67]: This seems to be missing an opening clause regarding permissibility

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 ~~individual residential 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;
 - 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.

Comment [m68]: Joint-use docks

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 ~~should be discouraged 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.

- 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;
 - 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.
 - 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:

Comment [m69]: ADDED IN RESPONSE TO PUBLIC COMMENT

Comment [m70]: BARB WILL CHECK INTO EXEMPTION FOR "RETRACTABLE"

Comment [m71]: ADDED IN RESPONSE TO PUBLIC COMMENT.

- 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.
- c. Backfill to stabilize bulkheads is permitted.

Comment [j72]: ADDED IN REPOSNSE TO PUBLIC COMMENTS.

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 Clearing and Grading.

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. Land disturbing should not be permitted within shoreline environment setbacks, unless fish and wildlife habitat will not be degraded.
- 4. 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 land disturbing permit provided hand held equipment is used, and native vegetation is promptly reestablished in the disturbed area.
3. 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.
4. 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.

Comment [jn73]: What happens when there is an associated critical area? How does this interact with the clearing and grading regulations for critical areas? Is tree removal allowed in the Shoreline Jurisdiction, when there are critical areas? JUNIPER WILL DO ADDITIONAL RESEARCH

20.230.210 Landfilling.

Landfilling is the placement of soil, rock, existing sediment or other material (excluding solid waste) in order to raise the elevation of upland areas or to create new land, tideland or bottom land area along the shoreline below the OHWM.

A. Landfilling Policies

1. The perimeter of landfilling should be designed to avoid or eliminate erosion and sedimentation impacts, both during 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.
 - 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.
 - c. As part of an approved shoreline restoration project.
 - d. For fisheries, aquaculture, or wildlife habitat enhancement projects.
 - e. 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.
2. 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.
 - b. Adversely alter natural drainage and current patterns or significantly reduce floodwater capacities.
3. Where landfilling activities are permitted, the landfilling shall be the minimum necessary to accommodate the proposed use.

4. Landfilling from dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts that cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions.
5. 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.
6. 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, both during the landfilling activities and afterwards.
7. 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.
8. 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 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 water navigation, road or railroad crossings as necessary for operation, safety and direction; or related and necessary as part of a water dependent use.
2. Signs are permitted in all shoreline environments upland of the OHWM. These sign standards supplement the provisions of SMC 20.50.540. Where there is a conflict, the provisions herein shall apply.

C. Prohibited signs.

1. ~~Spinning devices; flashing lights; pennants~~ All prohibited signs per SMC 20.50.550.
2. Balloons. Balloons or any inflatable signs or inflatable objects used to aid in promoting the sale of products, goods, services or events or 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 cabinet signs,~~ except as allowed in 20.230.230(-D)(1).

~~7-9.~~ 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. ~~Signage needs to be unobtrusive and the form of lighting can only be back lighting or externally~~
~~Internal illumination of signs is only allowed with light is provided by LED or other Energy Star rated luminaries and is limited to:~~
 - a. ~~Opaque cabinet signs where that only shines through the letters, not including symbols or images or background.~~
 - ~~Shadow lighting, where letters are backlit, but light only shines through the edges of the letters. Internally illuminated signs are not allowed.~~
- ~~3-3.~~ All externally illuminated signs shall shield adjacent properties from direct lighting. Permitted ~~m~~Maximum 6 feet from the sign display ~~and limited to LED or other Energy Star rated luminaries.~~
- ~~3-4.~~ 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.
- ~~4-5.~~ 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.
- ~~5-6.~~ Light from any sign shall not shine on, nor directly reflect into, residential structures or lots or the water
- ~~6-7.~~ 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, highway or street illumination;
 - b. Aircraft warning lights;
 - c. Temporary lighting used for repair or construction as required by governmental agencies;
 - d. Temporary use of lights or decorations relating to religious and patriotic festivities.

Comment [jn74]: what if they are LED lighting the words only (like the new Crista monument signs)? JUNIPER WILL COME UP W/ LANGUAGE

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 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 minimum alteration of natural conditions result.
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.

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 water bodies and 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 and 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; and
 - 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 significant 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.

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January 14, 2011

Miranda Redinger, Planner II
City of Shoreline
17500 Midvale Ave. N.
Seattle, WA 98133

Re: Ecology Comments on 10-26-10 Draft Goals, Policies and Regulations

Dear Miranda Redinger:

Thank you for the opportunity to review the City's draft SMP policies and regulations. Basically, the city has done a very nice job on this document. I have attached with this letter, the Ecology SMP Submittal Checklist with indications of areas that need attention to be in compliance with the Guidelines. The checklist is in table format and the 3rd column indicates whether the document is compliant or non-compliant and where the information is located in the policies and regulations.

The checklist is good for the details; while this letter is an overview and elaboration on some issues to follow-up on. As you can see from the checklist comments, the draft goals, policies and regulations are largely compliant with the WAC Guidelines. Some outstanding issues include:

Associated wetlands: The city has two wetlands that have been categorized as Type II wetlands along the shoreline. The City's Critical Areas Ordinance did not adopt state standards for wetland rating and buffers. Therefore, the SMP will provide a platform to strengthen the protections of those wetlands. If it is the intent of the City to adopt by reference the current standards found in Chapter 20.80, then Ecology would need sufficient scientific documentation to substantiate protection adequacy.

Default Conservancy Environment for undesignated shorelines. For compliance with the guidelines, the SMP needs to state that any undesignated shorelines are automatically assigned conservancy environment designation. See WAC 173-26-211(2)(e).

New Overwater structures need to be limited to the minimum necessary. Per WAC 173-26-211(5)(c) (ii)(B).

Breakwaters, jetties, groins, and weirs: These structures are prohibited in all environments except the Point Wells Urban. Question 1. Are these permitted in this designation seen to be for water dependent, public access, or other public purpose? Question 2: Are critical areas protected in the policies and regulations specific to these structures and is appropriate mitigation required?

Boating Facilities:

- 1) **Health and Safety and Welfare Requirements for Boating Facilities:** Need to at least to loosely reference health, safety and welfare requirements required for boating facilities or include a general statement them in this section of the regulations.
- 2) **Limiting impacts of live-aboard vessels.** The regulations imply this but a statement would clarify this.
- 3) **Protection of Navigation rights with development of boating facilities:** needs to be stated.
- 4) **Extended moorage on waters of the state without a lease or permission is restricted and mitigation of impacts to navigation and access is required.** See WAC 173-26-241(3)(c)(vii) Need to make a statement about this limitation.

Industry: Point Wells Urban. SMP Needs to required assurance of no net loss of ecological functions.

Definitions: The following definitions are used in the document without definition and should be added.

- 1) **Feasible:** Per the guidelines, "Feasible" means, that an action, such as a development project, mitigation, or preservation requirement, meets 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.
- 2) **Geotechnical report: Per the Guidelines "Geotechnical Re[port]" means** Geotechnical report" or "geotechnical analysis" means 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.

- 3) **Grading: Per the Guidelines**, "Grading" means 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.

- 4) **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.

Aquaculture: As the SMP prohibits Aquaculture, you should coordinate with Hugo Flores, Washington Department of Natural Resources, to check if there are DNR lands along the City's shorelines that WDNR would consider leasing out for aquaculture uses. This way the City and WDNR can work out any potential conflicts that could arise.

I look forward to meeting with you on these comments on January 26, 2011 in your office. I also look forward to the production of your shoreline jurisdiction and designation maps that will also be an important piece of the SMP.

If you have any questions, please always feel free to contact me at 425-649-4309.

Sincerely,

Barbara Nightingale, Regional Shoreline Planner
Department of Ecology
Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA 98008
425-649-4309

Enclosure

SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST 2-19

This checklist is for use by local governments to satisfy the requirements of WAC 173-26-201(3)(a), relating to submittal of Shoreline Master Programs (SMPs) for review by the Department of Ecology (Ecology) under Chapter 173-26 WAC. The checklist does not create new or additional requirements beyond the provisions of that chapter.

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<p>Demonstration that critical areas regulations for shorelines are based on the SMA and the guidelines, and are at least equal to the current level of protection provided by the currently adopted critical areas ordinance. WAC 173-26-221(2)(b)(ii),(iii) and (c).</p>		<p>Ecology reviewed the Draft CAO in 2006 and the City adopted the CAO on August 15, 2006.</p> <p>Compliant The draft SMP incorporates the 2006 CAO by reference except for CAO reasonable use determination, variance procedures, CAO exemptions and defers setback requirements for shorelines of the state to the SMP.</p>
<p>Documentation of process to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. See "State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property." WAC 173-26-186(5).</p>	<p>See page 5</p>	<p>Compliant. SMp specifically states on page 5: "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".</p>
<p>Final submittal includes:</p> <ul style="list-style-type: none"> evidence of local government approval (or a locally approved "statement of intent to adopt"); 		

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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<ul style="list-style-type: none"> new and/or amendatory text, environment designation maps (with boundary descriptions and justification for changes based on existing development patterns, biophysical capabilities and limitations, and the goals and aspirations of the local citizenry); a summary of the proposal together with staff reports and supporting materials; evidence of SEPA compliance; copies of all comments received with names and addresses. WAC 173-26-110 <p>Submittal must include clear identification and transmittal of all provisions that make up the SMP. <i>This checklist, if complete, meets this requirement.</i> WAC 173-26-210(3)(a) and (h).</p>		
Shoreline Inventory		
<p>Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).</p> <p>For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(A)&(B).</p>	completed	<p><u>Compliant</u> Inventory and characterization has incorporated all WDOE comments and is considered complete.</p>
Shoreline Analysis		
<p>Characterization of shoreline ecosystems and their associated ecological functions that:</p> <ul style="list-style-type: none"> identifies ecosystem-wide processes and ecological functions; assesses ecosystem-wide processes to determine their relationship to ecological functions; identifies specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes. WAC 173-26-201(3)(d)(i)(A). <p>Demonstration of how characterization was used to prepare master program policies and regulations that achieve no net loss of ecological functions necessary to support shoreline resources and to plan for restoration of impaired functions. WAC 173-26-201(3)(d)(i)(E).</p> <p>For vegetation, see WAC 173-26-221(5). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(B).</p> <p>Description of data gaps, assumptions made and risks to ecological functions associated with SMP provisions. WAC 173-26-201(2)(a)</p> <p>Characterization includes maps of inventory information at appropriate scale. WAC 173-26-201(3)(c)</p>	See Shoreline Master Program Inventory and Characterization for the City of Shoreline	<p><u>Compliant</u> The inventory, analysis and recommendations have been reviewed by the Dept. of Ecology and revised per comments on these items. The required SMP Restoration Plan has been submitted, reviewed and revised per Ecology comments.</p> <p>Cumulative Impact Analysis, as a future task, is not completed at this time.</p>

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<p>Use analysis estimating future demand for shoreline space and potential use conflicts based on characterization of current shoreline use patterns and projected trends. Evidence that SMP ensures adequate shoreline space for projected shoreline preferred uses. Public access needs and opportunities within the jurisdiction are identified. Projections of regional economic need guide the designation of "high-intensity" shoreline. WAC 173-26-201(3)(d)(ii) & (v); WAC 173-26-211(5)(d)(ii)(B)</p> <p>For SMPs that allow mining, demonstration that siting of mines is consistent with requirements of WAC 173-26-241(3)(h)(i).</p> <p>For SSWS:</p>	<p>See use analysis tables in Chapter 6.0 of the SIAR</p>	<p>Use analysis was done on a site-specific basis with the objectives:</p> <p><u>Compliant</u></p> <p>To meet the requirements of WAC 173-26-201(3)(d)(ii) & (v) an analysis estimating future demand for shoreline space, potential use conflicts and a characterization of shoreline use patterns and projected trends was completed. This document provides use patterns and redevelopment potential for each of the five shoreline segments within shoreline jurisdiction. With the exception of Point Wells, a PAA, very little redevelopment is expected to occur due to the existing build-out, steep slopes, wetlands, parks, and railroad ROW along the shoreline. Site-specific land-use analysis is incorporated into Table 9 of the Inventory, A separate Recommendations report was also completed.</p> <p>N/A Mining is prohibited along City shorelines.</p>
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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<ul style="list-style-type: none"> evidence that SMP preserves adequate shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance (e.g., commercial shellfish beds and navigable harbors) based on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies. Evidence that public access and recreation requirements are based on demand projections that take into account activities of state agencies and interests of the citizens to visit public shorelines with special scenic qualities or cultural or recreational opportunities. WAC 173-26-251(3)(c)(ii) & (iii) Optimum implementation directives incorporated into comp plan and development regulations. WAC 173-26-251(2) & (3)(e) <p>For GMA jurisdictions, SMP recreational provisions are consistent with growth projections and level-of-service standards contained in comp plan. WAC 173-26-241(3)(i)</p>	<p>See page 28 of SMP Inventory. SMP Pages 6-8.</p>	<p><u>Compliant</u> A Land Use Analysis was completed and a Recommendations Report identified the extent and location of opportunities for water-dependent uses, public access and restoration opportunities.</p> <p><u>Compliant</u> The Smp Inventory reports characterizes the SMP update to include update of the SMP goals and policies and the integration of these goals and policies with the GMA comprehensive plan requirements.</p>
<p>Restoration plan that:</p> <ul style="list-style-type: none"> identifies degraded areas, impaired ecological functions, and potential restoration sites; Establishes restoration goals and priorities, including SMP goals and policies that provide for restoration of impaired ecological functions; Identifies existing restoration projects and programs; Identifies additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources sets timelines and benchmarks for implementing restoration projects and programs; provides mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals. WAC 173-26-186(8)(c); 201(2)(c)&(f) <p>For critical freshwater habitats: incentives to restore water connections impeded by previous development. WAC 173-26-221(2)(c)(iv)(C)(III).</p> <p>For SSWS, identification of where natural resources of statewide importance are being diminished over time, and master programs provisions that contribute to the restoration of those resources. WAC 173-26-251(3)(b)</p>	<p>See Restoration Plan (Nov 2009) See SMP page 16 #10. Page 25.2.c –e Restoration planning measures required. Shoreline Use table page 33. Page 35 Native conservation Area/Building Setbacks Table 20.230.082. Page 49 prohibits dredging except for restoration projects. SMP Page 13.on location of SSWS in Shoreline and page 37 describes policies and regulations for those shorelines. See Shoreline Inventory & characterization and Restoration Plan.</p>	<p><u>Compliant</u> Restoration Plan identifies all WAC required elements of a Restoration Plan and included extensive work with the community in the development of this final Restoration Plan.</p>

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<p>Evidence that each environment designation is consistent with guidelines criteria [WAC 173-26-211(5)], as well as existing use pattern, the biological and physical character of the shoreline and the goals and aspirations of the community. WAC 173-26-211(2)(a). WAC 173-26-110(3)</p> <p>Lands designated as "forest lands of long-term significance"</p>	<p>Section 20.230.80 page (30)</p> <p>See Use Table (pages 33-34)</p>	<p><u>Compliant</u></p> <p>The environment designation system was developed with extensive work with the public to protect present uses while achieving no-net-loss. The city has two designations, Urban Conservancy and aPW Urban conservancy that protect existing natural resources. In these designations modifications are not allowed except for remediation or restoration/enhancement. Piers and docks are allowed but only public piers and docks in the UC and prohibited in the PW UC. Dikes and levees are not allowed permitted shoreline stabilization measures are limited to softshore stabilization. Repair of existing is permitted in UC but not in PW UC. Hard shoreline armoring requires a CUP in UC and is prohibited in PW/UC.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>under RCW 36.70A.170 are designated either natural or rural conservancy shoreline environment designations. WAC 173-26-241(3)(e).</p> <p>For SSWS, demonstration that environment designation policies, boundaries, and use provisions implement SMA preferred use policies of RCW 90.58.020(1) through (7). WAC 173-26-251(3)(c)</p>	<p>conditions.</p>	<p><u>Compliant</u> Preference to single-family residential and water dependent uses, including public recreation uses and access to the shoreline are goals in Subchapter 1</p>
<p>Assessment of how proposed policies and regulations cause, avoid, minimize and mitigate cumulative impacts to achieve no net loss policy. Include policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development. Evaluation addresses:</p> <p>(i) <i>current circumstances</i> affecting the shorelines and relevant natural processes; (ii) reasonably <i>foreseeable future development</i> and use of the shoreline (including impacts from unregulated activities, exempt development, and other incremental impacts); and (iii) <i>beneficial effects</i> of any established regulatory programs under other local, state, and federal laws. WAC 173-26-201(3)(d)(iii) and WAC 173-26-186(8)(d)</p> <p>For jurisdictions with critical saltwater habitats, identification of methods for monitoring conditions and adapting management practices to new information. WAC 173-26-221(2)(c)(iii)(B).</p> <p>For SSWS, evidence that standards ensuring protection of ecological resources of statewide importance consider cumulative impacts of permitted development. WAC 173-26-251(3)(d)(i)</p>		<p><u>Non-Compliant</u> No cumulative impacts analysis to date. This is a future task.</p>
SMP CONTENTS		
<p>Any goals adopted as part of the SMP are consistent with the SMA. (Note: Goal statements are not required.)</p>	<p><i>See Chapter 20.200 Subchapter 1. Goals and Objectives, SMP pages 5-7</i></p>	<p><u>Compliant</u></p>
<p>Policies (A) are consistent with guidelines and policies of the SMA; (B) address elements of RCW 90.58.100; and (C) include policies for environment designations, accompanied by a map or physical description of designation boundaries in sufficient detail to compare with comprehensive plan land use designations. (D) are consistent with constitutional and other legal limitations on regulation of private property. WAC 173-26-191(2)(a)(i)</p> <p>SMP implements preferred use policies of the SMA. WAC 173-26-201(2)(d)</p>	<p>Policies in Chapters 2, 3, 4 and 5 Environment designation policies in SubChapter 220230.080 Use table by designation at 20.30.081 (page 32)</p>	<p><u>Compliant</u> Policies are consistent with SMA and WAC and based on Chapter 173-26 WAC.</p>

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<p>Regulations: (A) are sufficient in scope and detail to ensure the implementation of SMA, SMP guidelines, and SMP policies; (B) include environment designation regulations; (C) include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and, (D) are consistent with constitutional and other legal limitations on the regulation of private property. WAC 173-26-</p>	<p>See SMP Chapter 20.230 Shoreline Policies and Regulations Subchapters 1, 2, and 3</p>	<p><i>Compliant</i></p>
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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
191(2)(a)(ii)		
ENVIRONMENT DESIGNATIONS		
<p>Each environment designation includes: Purpose statements, classification criteria, management policies, and regulations (types of shoreline uses permitted, conditionally permitted, and prohibited; building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards). WAC 173-26-211(2)(4).</p>	Subchapter 2	<p><u>Compliant</u> Subchapter 2 -20.230-080 purposes Setbacks by designations see Table 20.230.082 Minimum Native Ve. Conserv. Area UC 150 ft or 50 ft from top of landslide hazard area, whichever is greater; SR 115 ft; WR 20 ft Pt. Wells Urban 50 ft (restoration required as part of development); and PW- UC 115 ft.</p>
<p>An up-to-date map accurately depicting environment designation boundaries on a map. If necessary, include common boundary descriptions. WAC 173-26-211(2)(b); WAC 173-26-110(3);</p>		<p><u>Non-Compliant</u> No map yet.</p>
<p>Statement that undesignated shorelines are automatically assigned a conservancy environment designation. WAC 173-26-211(2)(e).</p>		<p><u>Non-Compliant</u> Needs to be added</p>
Natural environment. WAC 173-26-211(5)(a)		
<p>Designation criteria: Shorelines that are ecologically intact and performing functions that could be damaged by human activity, of particular scientific or educational interest, or unable to support human development without posing a safety threat. WAC 173-26-211(5)(a)(iii)</p>		<p><u>N/A</u></p>
<p>Prohibition on new:</p> <ul style="list-style-type: none"> uses that would substantially degrade ecological functions or natural character of shoreline. WAC 173-26-211(5)(a)(ii)(A) Commercial uses; industrial uses; nonwater oriented recreation; roads, utility corridors, and parking areas. WAC 173-26-211(5)(a)(ii)(B) development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions. WAC 173-26-211(5)(a)(ii)(G) subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. WAC 173-26-211(5)(a)(ii)(G) 		<p><u>N/A</u></p>
<p>For single family residential development: limits on density and intensity to protect ecological functions, and requirement for CUP. WAC 173-26-211(5)(a)(ii)(C)</p>		<p><u>N/A</u></p>
<p>For commercial forestry: requirement for CUP, requirement to follow conditions of the State Forest Practices Act. WAC 173-26-211(5)(a)(ii)(D)</p>		<p><u>N/A</u></p>

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<p>For agriculture: low intensity use allowed if subject to appropriate limits or conditions to assure that the use does not expand or practices don't conflict with purpose of the designation. WAC 173-26-211(5)(a)(ii)(E)</p>	<p>See polices in 2.B.1 and charts in 4.B and 5.B</p>	<p><u>N/A</u></p>
<p>Low intensity public uses such as scientific, historical, cultural, educational research uses, and water-oriented recreational access allowed if ecological impacts are avoided. WAC 173-26-</p>	<p>See polices in 2.B.1 and charts in 4.B</p>	<p><u>N/A</u></p>

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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
211(5)(a)(ii)(F)		
Rural conservancy. WAC 173-26-211(5)(b)		
Designation criteria: areas outside municipalities or UGAs with: (A) low-intensity, resource-based uses, (B) low-intensity residential uses, (C) environmental limitations such as steep banks or floodplains, (D) high recreational or cultural value, or (E) low-intensity water-dependent uses. WAC 173-26-211(5)(b)(iii)	No Rural Conservancy designation	<u>N/A</u>
Restrictions on use and development that would degrade or permanently deplete resources. Water-dependent and water-enjoyment recreation facilities are preferred uses. Low intensity, water-oriented commercial and industrial uses limited to areas where those uses have located in the past or at sites that possess conditions and services to support the development. WAC 173-26-211(5)(b)(ii)(A) and (B) For SMPs that allow mining, see WAC 173-26-241(3)(h).	N/A	<u>N/A</u>
Prohibition on new structural shoreline stabilization and flood control works except where there is documented need to protect an existing primary structure (provided mitigation is applied) or to protect ecological functions. WAC 173-26-211(5)(b)(ii)(C).	N/A	<u>N/A</u>
Development standards for residential use that preserve existing character of the shoreline. Density, lot coverage, vegetation conservation and other provisions that ensure no net loss of shoreline ecological functions. Density or lot coverage limited to a maximum of ten percent total impervious surface area within the lot or parcel, or alternative standard that maintains the existing hydrologic character of the shoreline. (May include provisions allowing greater lot coverage for lots legally created prior to the adoption of a master program prepared under these guidelines, if lot coverage is minimized and vegetation is conserved.) WAC 173-26-211(5)(b)(ii)(D).	N/A	<u>N/A</u>
Aquatic. WAC 173-26-211(5)(c)		
Designation criteria: Areas waterward of the ordinary high-water mark (OHWM). WAC 173-26-211(5)(c)(iii)	Subchapter 2, 20.230.080 SMP page 30	<u>Compliant</u> Waterward of OHWM designated is Aquatic However, SMP needs to acknowledge out to middle of Puget Sound adjacent to Kitsap County.
New over-water structures: <ul style="list-style-type: none"> allowed only for water-dependent uses, public access, or ecological restoration. WAC 173-26-211(5)(c)(ii)(A) limited to the minimum necessary to support the structure's intended use. WAC 173-26-211(5)(c)(ii)(B) 		<u>Compliant</u> Over-water construction of nonresidential uses is prohibited, provided this prohibition does not preclude the development of boat facilities necessary for the operation of an associated nonresidential use.. <u>Non-Compliant</u> Does not specific new over-water structures to be minimum necessary.

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<p>Multiple use of over-water facilities encouraged. WAC 173-26-211(5)(c)(ii)(C)</p>		<p><u>Compliant</u> Development of Nonresidential development should include multiple uses (20.230.100 page 36)</p>
<p>Location and design of all developments and uses required to:</p> <ul style="list-style-type: none"> minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration. WAC 173-26-211(5)(c)(ii)(D) prevent water quality degradation and alteration of natural hydrographic conditions. WAC 173-26- 	<p>Page 26 Page 43 Page 44</p>	<p><u>Compliant</u> Subchapter 1. 20.230. G. Land Use Regulation1. Permit review shall consider restriction to navigation Subchapter 3. 20.230.80 Dredging must minimum interference with navigation. Dredging only for navigation.</p>

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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
211(5)(c)(ii)(F)		
<p>Uses that adversely impact ecological functions of critical saltwater and freshwater habitats limited (except where necessary for other SMA objectives, and then only when their impacts are mitigated). WAC 173-26-211(5)(c)(ii)(E)</p>	<p>Page 44-45</p>	<p><u>Compliant</u> Piers and Docks avoidance of impacts to critical saltwater habitats. Project including any required mitigation, will result in no net loss of ecological functions associated with CSH. Requires inventory of critical habitats and functions conditions all over-</p>
<p>High-intensity. WAC 173-26-211(5)(d)</p>		
<p>Designation criteria: Areas within incorporated municipalities, "UGAs," and "rural areas of more intense development" (see RCW 36.70A.070) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii)</p>	<p>Page 33</p>	<p><u>Compliant</u> Although Shoreline does not have High-Intensity the SMP designates Potential Annexation area Point Wells as Point Wells Urban to accommodate higher density uses while protecting existing ecological functions and restoration of degraded areas. Existing industry is permitted but expansion requires a CUP. Uses are limited to recreated (waterprelated) recreation and residential. Nonresidential Development is allowed in this mixed-use development.</p>
<p>Priority given first to water-dependent uses, then to water-related and water-enjoyment uses. New non-water oriented uses prohibited except as part of mixed use developments, or where they do not conflict with or limit opportunities for water oriented uses or where there is no direct access to the shoreline. WAC 173-26-211(5)(d)(ii)(A)</p>	<p>Subchapter 2 20.230.100.A 1. Page 37</p>	<p><u>Compliant</u> Priority of any nonresidential development should be given to water dependent and water enjoyment uses.</p>
<p>Full use of existing urban areas required before expansion of intensive development allowed. WAC 173-26-211(5)(d)(ii)(B)</p>	<p>Use table</p>	<p><u>Compliant</u> Expansion requires a CUP</p>

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<p>New development does not cause net loss of shoreline ecological functions. Environmental cleanup and restoration of the shoreline to comply with relevant state and federal laws assured. WAC 173-26-211(5)(d)(ii)(C)</p>	<p>Page 22-28</p>	<p><u>Compliant</u> Development in the shoreline must ensure no net loss of ecological functions and mitigate impacts to the environment through location, design, construction and project management.</p>
<p>Visual and physical public access required where feasible. Sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers to achieve aesthetic objectives. WAC 173-26-211(5)(d)(ii)(D) and (E)</p>	<p>Page 28-29</p>	<p><u>Compliant</u> Public access to be incorporated into all private and public developments With applicable architectural, screening, vegetation buffers required to separate public space form private space</p>
<p>Urban conservancy. WAC 173-26-211(5)(e)</p>		
<p>Designation criteria: Areas within incorporated municipalities, UGAs, and rural areas of more intense development that are not suitable for water-dependent uses and that are either suitable for water-related or water-enjoyment uses, are flood plains, have potential for ecological restoration, retain ecological functions, or have potential for development that incorporates ecological restoration. WAC 173-26-211(5)(e)(iii)</p>	<p>Pages 30-31</p>	<p><u>Compliant</u> Two Urban Conservancy designations were established .to address different issues and existing development. These are urban Conservancy and Point Wells UC.</p>

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<p>Allowed uses are primarily those that preserve natural character of area, promote preservation of open space, floodplain or sensitive lands, or appropriate restoration. WAC 173-26-211(5)(e)(ii)(A)</p> <p>Priority given to water-oriented uses over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses given highest priority. WAC 173-</p>	<p>Page 33</p>	<p><u>Compliant</u> Limits uses: public boat Launching ramps, fish habitat enhance or restoration, water related recreation and facilities, and residential development.</p>
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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
26-211(5)(e)(ii)(D) For SMPs that allow mining, see WAC 173-26-241(3)(h).		<u>Compliant</u> Mining Prohibited
Standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications that ensure new development does not result in a net loss of shoreline ecological functions or degrade other shoreline values. WAC 173-26-211(5)(e)(ii)(B)	Subchapter 3 20.230.170 A & B Pages 41-43 Page 46 #10	<u>Compliant</u> Avoid or minimize need for stabilization. Stabilization policies and regulations use the hierarchy from most preferred soft to least preferred hard to ensure no net loss of ecological function. Requires minimum necessary
Public access and recreation required where feasible and ecological impacts are mitigated. WAC 173-26-211(5)(e)(ii)(C)	Page 42.	<u>Compliant</u> Design of bank stabilization or protection works should provide for the long term multiple uses of shoreline resources and public access to public shorelines.
Shoreline residential. WAC 173-26-211(5)(f)		
Designation criteria: Areas within incorporated municipalities, Urban Growth Areas (UGAs), "rural areas of more intense development," and "master planned resorts" (see RCW 36.70A.360) that are predominantly residential development or planned and platted for residential development. WAC 173-26-211(5)(f)(iii)	Page 30-31	<u>Compliant</u> Most of the City's shorelines are Residential. This is split into Waterfront Residential (WR). WR consists of manmade structures that directly abut Puget Sound largely with large bulkheads to protect the primary structures. Whereas, the remainder of the shoreline residential areas are built away from the shoreline.
Standards for density or minimum frontage width, setbacks, buffers, shoreline stabilization, critical areas protection, and water quality protection assure no net loss of ecological function. WAC 173-26-211(5)(f)(ii)(A)	Table 20.230.082 page 35-40	<u>Compliant</u> Note: a variance does not allow for greater height or reduced setbacks of that typical to that area.
Multifamily and multi-lot residential and recreational developments provide public access and joint use for community recreational facilities. WAC 173-26-211(5)(f)(ii)(B)	Page 27- 29 and page 40	<u>Compliant</u> Public access to be incorporated into all private and public developments over four dwelling
Access, utilities, and public services required to be available and adequate to serve existing needs and/or planned future development. WAC 173-26-211(5)(f)(ii)(C)	Section .230.160 Pages 39-40	<u>Compliant</u>
Commercial development limited to water-oriented uses. WAC 173-26-211(5)(f)(ii)(D)	Use Table page 33	<u>Compliant</u> The only commercial areas are expected to be in the Point Wells PAA.
GENERAL POLICIES AND REGULATIONS		
Archaeological and Historical Resources. WAC 173-26-221(1)		

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<p>Developers and property owners required to stop work and notify the local government, state office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation. WAC 173-26-221(1)(c)(i)</p>	<p>See page 26-27</p>	<p><u>Compliant</u> Stop work and coordination required</p>
<p>Permits issued in areas documented to contain archaeological resources require site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes WAC 173-26-221(1)(c)(ii)</p>	<p>See page 26-27</p>	<p><u>Compliant</u> Consistent with guidelines</p>
<p>Critical areas. WAC 173-26-221(2)</p>		
<p>Policies and regulations for critical areas (designated under GMA) located within shorelines of the state: (i) are consistent with SMP guidelines, and (ii) provide a level of protection to critical areas within the shoreline area that is at least equal to that provided by the local government's existing critical area</p>	<p>20.230.030 page 27; page 9; 16-17; page 22; protect CAOs consistent with SMC CAO; 27;</p>	<p><u>Compliant</u> Critical Areas adopted by reference; CARU also requires shoreline variance.</p>

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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>regulations adopted pursuant to the GMA for comparable areas other than shorelines. WAC 173-26-221(2)(a) and (c)</p> <p>Planning objectives are for protection <i>and restoration</i> of degraded ecological functions and ecosystem-wide processes. Regulatory provisions <i>protect</i> existing ecological functions and ecosystem-wide processes. WAC 173-26-221(2)(b)(iv)</p> <p>Critical area provisions promote human uses and values, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions. WAC 173-26-221(2)(b)(v)</p>	<p>Pages 22 and 27</p>	<p><u><i>Compliant</i></u></p>
<p>If SMP includes optional expansion of jurisdiction: Clear description of the inclusion of any land necessary for buffers of critical areas that occur within shorelines of the state, accurately depicting new SMP jurisdiction consistent with RCW 90.58.030(2)(f)(ii) and WAC 173-26-221(2)(a).</p>	<p><u><i>N/A</i></u></p>	<p><u><i>N/A</i></u></p>
<p>Wetlands. WAC 173-26-221(2)(c)(i)</p>		
<p>Wetlands definition are consistent with WAC 173-22.</p>		<p><u><i>Non-Compliant</i></u></p> <p>Two wetlands were identified in the 2004 Tetra Tech/KCM study located in shoreline jurisdiction. The city did not use the Washington State Wetland Rating System for Western Washington (publication #04-06-025) and did not base buffer widths on that rating system as found in ((appendix 8-C of Wetlands in Washington State Volume 2: guidance for Protecting and Managing Wetlands (publication #04-06-024).</p>
<p>Provisions requiring wetlands delineation method are consistent with WAC 173-22-035.</p>		<p><u><i>Non-Compliant</i></u></p> <p>SMC 20.80.330</p>
<p>Regulations address all uses and activities listed in WAC 173-26-221(2)(c)(i)(A) to achieve no net loss of wetland area and functions including lost time when the wetland does not perform the function. [WAC 173-26-221(2)(c)(i)(A) + (C)]</p>		<p><u><i>Non-Compliant</i></u></p> <p>If it is the intent of the City to adopt by reference the current standards found in chapter 20.80 then Ecology would need sufficient scientific documentation to substantiate protection adequacy.</p>
<p>Wetlands rating or categorization system is based on rarity, irreplaceability, or sensitivity to disturbance of a wetland and the functions the wetland provides. Use Ecology Rating system or regionally specific, scientifically based method. WAC 173-26-221(2)(c)(i)(B)]</p>		<p>The city has since then categorized those wetlands as Category II. Wetland M is reported to be tidally influenced, therefore would be a shoreline associated wetland. However, wetland Q may not be associated but appears to lie within the 200 ft shoreline jurisdiction.</p>

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<p>Buffer requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent land uses. WAC 173-26-221(2)(c)(i)(B)</p>		<p>The City needs to provide protections for these wetlands that would satisfy the requirements of BAS.</p>
<p>Wetland mitigation requirements are consistent with WAC 173-26-201(2)(e) and which are based on the wetland rating. WAC 173-26-221(2)(c)(i)(E) and (F)</p>		<p>See above comments.</p>
<p>Compensatory mitigation allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.</p> <p>Compensatory mitigation requirements include (I) replacement ratios; (II) Performance standards for evaluating success; (III) long-term monitoring and reporting procedures; and (IV) long-term protection and management of compensatory mitigation sites. WAC 173-26-221(2)(c)(i)(F)</p> <p>Compensatory mitigation requirements are consistent with preference for "in-kind and nearby" replacement, and include</p>		<p>See above comments concerning the two wetlands located inside shoreline jurisdiction.</p>

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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
requirement for watershed plan if off-site mitigation is proposed. WAC 173-173-26-201(2)(e)(B)		
Geologically Hazardous Areas. WAC 173-26-221(2)(c)(ii)		
Prohibition on new development (or creation of new lots) that would: <ul style="list-style-type: none"> cause foreseeable risk from geological conditions during the life of the development prohibited. WAC 173-26-221(2)(c)(ii)(B) require structural shoreline stabilization over the life of the development. (Exceptions allowed where stabilization needed to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.) WAC 173-26-221(2)(c)(ii)(C) 	SMP Page 40 Residential	<u>Compliant</u>
New stabilization structures for existing primary residential structures allowed only where no alternatives (including relocation or reconstruction of existing structures), are feasible, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result. WAC 173-26-221(2)(c)(ii)(D)	Page 46 B.1.	See above. Bulkhead Regulations only allow new bulkheads when evidence is presented which demonstrates that one of the following conditions a-c, which includes serious erosion threaten an established use or existing primary structure on upland property.
Critical Saltwater Habitats. WAC 173-26-221(2)(c)(iii)		
Prohibition on new docks, bulkheads, bridges, fill, floats, jetties, utility crossings and other human-made structures that intrude into or over critical saltwater habitats, except where: <ul style="list-style-type: none"> public need is clearly demonstrated; avoidance of impacts is not feasible or would result in unreasonable cost; the project include appropriate mitigation; and the project is consistent with resource protection and species recovery. Private, non-commercial docks for individual residential or community use allowed if it is infeasible to avoid impacts by alternative alignment or location and the project results in no net loss of ecological functions. WAC 173-26-221(2)(c)(iii)(C)	Page 45 Page 46 Page 44-45	<u>Compliant</u> Pages 45 piers and docks Page 46 Bulkhead Regulations #4 Page 46 #10 requires minimum necessary to protect development Pier and dock regulations require avoidance of impacts to critical saltwater habitat. Project will result in no net loss of ecological functions associated with critical saltwater habitat.
Where inventory of critical saltwater habitat has not been done, all over water and near-shore developments in marine and estuarine waters require habitat assessment of site and adjacent beach sections. WAC 173-26-221(2)(c)(iii)(C)		
Critical Freshwater Habitats. WAC 173-26-221(2)(c)(iv)		
Requirements that ensure new development within stream channel, channel migration zone, wetlands, floodplain, hyporheic zone, does not cause a net loss of ecological functions. WAC 173-26-221(2)(c)(iv)(C)(I) and WAC 173-26-221(2)(c)(iv)(B)(II)		NA

Authorization of appropriate restoration projects is facilitated. WAC 173-26-221(2)(c)(iv)(C)(III)		<i>NA</i>
Regulations protect hydrologic connections between water bodies, water courses, and associated wetlands. WAC 173-26-221(2)(c)(iv)(C)(IV)		<i>NA</i>

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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Flood Hazard Reduction. WAC 173-26-221(3)		
New development within the channel migration zone or floodway limited to uses and activities listed in WAC 173-26-221(3)(b) and (3)(c)(i)	Page 6-7 H	No channel migration zone. However in coastal flood zones, development is to be located away from floodprone areas.
New structural flood hazard reduction measures allowed only: <ul style="list-style-type: none"> where demonstrated to be necessary, and when non-structural methods are infeasible and mitigation is accomplished. landward of associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis. WAC 173-26-221(3)(c)(ii) & (iii) 	SMP Page 7	<u>Compliant</u> Page 7 Objectives
New publicly funded dikes or levees required to dedicate and improve public access (see exceptions). WAC 173-26-221(3)(c)(iv)		<u>Compliant</u> Prohibited in all designations.
Removal of gravel for flood control allowed only if biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution. WAC 173-26-221(3)(c)(v)	p.34 and 39-40	<u>Compliant</u> Removal of materials from is prohibited except for restoration and habitat enhancement. Residential development is prohibited if a geotechnical analysis demonstrates flood control or shoreline protection measures are necessary. Residential development shall be located and designed to avoid the need for structural shore defense and flood protection works.
Public Access. WAC 173-26-221(4)		
Policies and regulations protect and enhance both physical and visual access. WAC 173-26-221(4)(d)(i)	Pages 27-29	<u>Compliant</u>
Public entities are required to incorporate public access measures as part of each development project, unless access is incompatible with safety, security, or environmental protection. WAC 173-26-221(4)(d)(ii)	Pages 27-29	<u>Compliant</u>
Non-water-dependent uses (including water-enjoyment, water-related uses) and subdivisions of land into more than four parcels include standards for dedication and improvement of public access. WAC 173-26-221(4)(d)(iii)	Pages 27-29	<u>Compliant</u>

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<p>Maximum height limits, setbacks, and view corridors minimize impacts to existing views from public property or substantial numbers of residences. WAC 173-26-221(4)(d)(iv); RCW 90.58.320</p>	<p>Page 15</p>	<p><u>Compliant</u></p>
<p>Vegetation Conservation (Clearing and Grading). WAC 173-26-221(5)</p>		
<p>Vegetation standards implement the principles in WAC 173-26-221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. WAC 173-26-221(5)(c)</p>	<p>Page 35 Page 42-43</p>	<p><u>Compliant</u> Native conservation Area/Building Setbacks. Loss of vegetation with shoreline modifications requires mitigation. Wetlands are the exception. See wetland comments earlier in checklist.</p>
<p>Selective pruning of trees for safety and view protection is allowed and removal of noxious weeds is authorized. WAC 173-26-221(5)(c)</p>	<p>SMP Page 26</p>	<p><u>Compliant</u></p>
<p>Water Quality. WAC 173-26-221(6)</p>		

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Provisions protect against adverse impacts to water quality		<u>Compliant</u>
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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
and storm water quantity and ensure mutual consistency between SMP and other regulations addressing water quality. WAC 173-26-221(6)		
SHORELINE MODIFICATIONS		
SMP: (a) allows structural shoreline modifications only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for mitigation or enhancement; (b) limits shoreline modifications in number and extent; (c) allows only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed; (d) gives preference to those types of shoreline modifications that have a lesser impact on ecological functions. Policies promote "soft" over "hard" shoreline modification measures (f) incorporates all feasible measures to protect ecological shoreline functions and ecosystem-wide processes as modifications occur; (g) requires mitigation sequencing. WAC 173-26-231(2); WAC 173-26-231(3)(a)(ii) and (iii);		<u>Compliant</u>
Shoreline Stabilization. WAC 173-26-231(3)(a)		
Definition: structural and nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. WAC 173-26-231(3)(a)(i) Definition of new stabilization measures include enlargement of existing structures. WAC 173-26-231(3)(a)(iii)(C), last bullet; WAC 173-26-231(3)(a)(iii)(B)(I), 5 th bullet		<u>Compliant</u>
Standards setting forth circumstances under which shoreline alteration is permitted , and for the design and type of protective measures and devices. WAC 173-26-231(3)(a)(ii)		<u>Compliant</u>
New development (including newly created parcels) required to be designed and located to prevent the need for future shoreline stabilization, based upon geotechnical analysis. New development on steep slopes and bluffs required to be set back to prevent need for future shoreline stabilization during life of the project, based upon geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited. WAC 173-26-231(3)(a)(iii)(A)		<u>Compliant</u>
New structural stabilization measures are not allowed except when necessity is demonstrated. Specific requirements for <i>how to demonstrate need</i> are established for: (I) existing primary structures; (II) new non-water-dependent development including Single Family Residences; (III) water-dependent development; and (IV) ecological restoration/toxic clean-up remediation projects. WAC 173-26-231(3)(a)(iii)(B)		<u>Compliant</u>
Replacement of existing stabilization structures is based on demonstrated need. Waterward encroachment of replacement structure only allowed for residences occupied prior to January 1, 1992, or for soft shoreline stabilization measures that provide		<u>Compliant</u>

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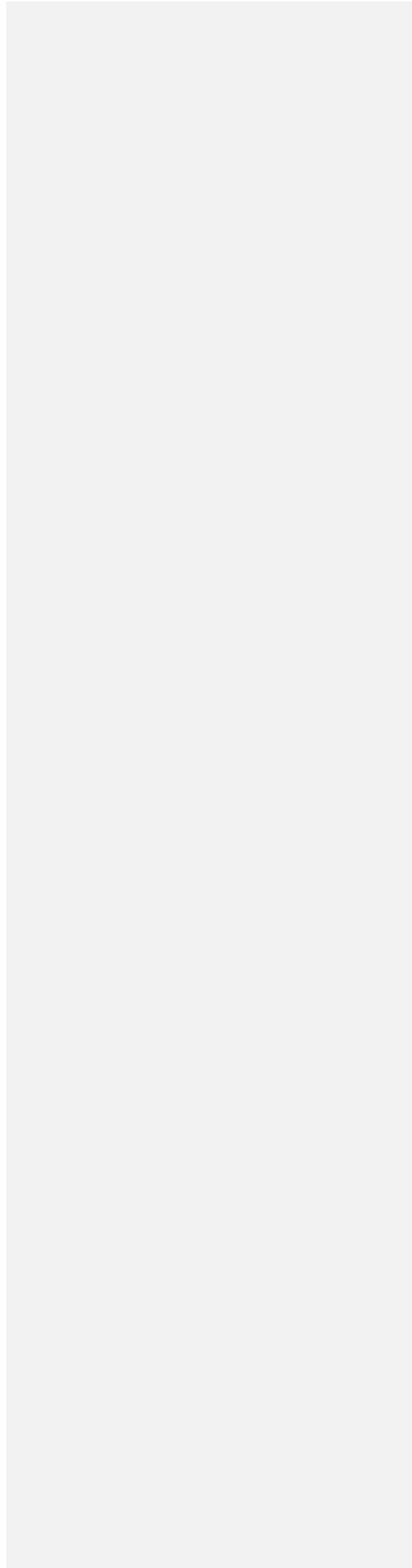
STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
restoration of ecological functions. WAC 173-26-231(3)(a)(iii)(C)		
Geotechnical reports prepared to demonstrate need include estimates of rate of erosion and urgency (damage within 3 years) and evaluate alternative solutions. WAC 173-26-231(3)(a)(iii)(D)		<u>Compliant</u>
Shoreline stabilization structures are limited to the minimum size necessary. WAC 173-26-231(3)(a)(iii)(E)		<u>Compliant</u>
Public access required as part of publicly financed shoreline erosion control measures. WAC 173-26-231(3)(a)(iii)(E)		<u>Compliant</u>
Impacts to sediment transport required to be avoided or minimized. WAC 173-26-231(3)(a)(iii)(E)		<u>Compliant</u>
Piers and Docks. WAC 173-26-231(3)(b)		
New piers and docks: <ul style="list-style-type: none"> allowed only for water-dependent uses or public access restricted to the minimum size necessary to serve a proposed water-dependent use. permitted only when specific need is demonstrated (except for docks accessory to single-family residences). Note: Docks associated with single family residences are defined as water dependent uses provided they are designed and intended as a facility for access to watercraft. WAC 173-26-231(3)(b)		<u>Compliant</u>
When permitted, new residential development of more than two dwellings required to provide joint use or community docks, rather than individual docks. WAC 173-26-231(3)(b)	Page 40	<u>Compliant</u> SFR docks are not allowed. Only public or community facilities are allowed. This WAC requirement is specific to single family residential docks.
Design and construction of all piers and docks required to avoid, minimize and mitigate for impacts to ecological processes and functions and be constructed of approved materials. WAC 173-26-231(3)(b)		<u>Compliant</u>
Fill. WAC 173-26-231(3)(c)		
Definition of "fill" consistent with WAC 173-26-020(14)		<u>Compliant</u>
Location, design, and construction of all fills protect ecological processes and functions, including channel migration. WAC 173-26-231(3)(c)	Page 34 Modification Table Page 46-49	<u>Compliant</u> Fill limited to restoration or remediation or limited of public access in Aquatic, Urban Conservancy, PW Urban Conservancy and PW Urban. Shoreline Residential and Waterfront residential only allow fill subject to permit requirements of abutting upland shore

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<p>Fill waterward of the OHWM allowed only by shoreline conditional use permit, for:</p> <ul style="list-style-type: none">• water-dependent use;• public access;• cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;• disposal of dredged material in accordance with DNR Dredged Material Management Program;• expansion or alteration of transportation facilities of statewide significance currently located on the shoreline (if alternatives to fill are shown not feasible);• mitigation action, environmental restoration, beach nourishment or enhancement project. WAC 173-26-231(3)(c)		<p><u>Compliant</u> Fill in Aquatic designation only permitted for remediation, restoration or public access</p>
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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Breakwaters, Jetties, and Weirs. WAC 173-26-231(3)(d)		
Structures waterward of the ordinary high-water mark allowed only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose. WAC 173-26-231(3)(d)	Page 34	<u>Question:</u> Prohibited in all environments except Aquatic and PW Urban with CUP only. However not specifically limited to only water-dependent, public access or shoreline stabilization. Is this to be allowed only for water-dependent uses, public access, shoreline stabilization or other public purpose?
Shoreline conditional use permit required for all structures except protection/restoration projects. WAC 173-26-231(3)(d)		<u>Compliant</u>
Protection of critical areas and appropriate mitigation required. WAC 173-26-231(3)(d)		<u>Question:</u> Does the SMP protect Critical areas and require appropriate mitigation for these structures?
Dunes Management. WAC 173-26-231(3)(e)		
Development setbacks from dunes prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dunes. WAC 173-26-231(3)(e)	N/A	
Dune modifications allowed only when consistent with state and federal flood protection standards and result in no net loss of ecological processes and functions. WAC 173-26-231(3)(e)	N/A	
Dune modification to protect views of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy. WAC 173-26-231(3)(e)	N/A	
Dredging and Dredge Material Disposal. WAC 173-26-231(3)(f)		
Dredging and dredge material disposal avoids or minimizes significant ecological impacts. Impacts which cannot be avoided are mitigated. WAC 173-26-231(3)(f)	Pages 34 and 43-49	<u>Compliant</u>
New development siting and design avoids the need for new and maintenance dredging. WAC 173-26-231(3)(f)	Pages 34 and 43-49	<u>Compliant</u>
Dredging to establish, expand, relocate or reconfigure navigation channels allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. WAC 173-26-231(3)(f)	Pages 34 and 43-49	<u>Compliant</u>
Maintenance dredging of established navigation channels and basins restricted to maintaining previously dredged and/or existing authorized location, depth, and width. WAC 173-26-231(3)(f)	Pages 34 and 43-49	Compliant
Dredging for fill materials prohibited except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. Placement of fill must be <i>waterward</i> of OHWM. WAC 173-26-231(3)(f)	Pages 34 and 43-49	<u>Compliant</u>

<p>Uses of dredge material that benefits shoreline resources are addressed. If applicable, addressed through implementation of regional interagency dredge material management plans or watershed plan. WAC 173-26-231(3)(f)</p>	<p>Pages 34 and 43-49</p>	<p><u>Compliant</u></p>
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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Disposal within river channel migration zones discouraged, and in limited instances when allowed, require CUP. (Note: not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially <u>a</u>ffect the geo-hydrologic character of the channel migration zone). WAC 173-26-231(3)(f)</p>	<p>NA</p>	
<p>Shoreline Habitat and Natural Systems Enhancement Projects. WAC 173-26-231(3)(g)</p>		
<p>Provisions that foster habitat and natural system enhancement projects, provided the primary purpose is restoration of the natural character and functions of the shoreline, and only when consistent with implementation of the restoration plan developed pursuant to WAC 173-26-201(2)(f)</p>		<p><u>Compliant</u></p>
<p>Agriculture. WAC 173-26-241(3)(a)</p>		
<p>Use of agriculture related terms is consistent with the specific meanings provided in WAC 173-26-020. WAC 173-26-241(3)(a)(ii) and (iv)</p>	<p>NA</p>	<p><u>Compliant</u> Agriculture is prohibited along all shoreline jurisdictions.</p>
<p>Provisions address new agricultural activities, conversion of agricultural lands to other uses, and other development not meeting the definition of agricultural activities.</p> <p>Provisions assure that development in support of agricultural uses is: (A) consistent with the environment designation; and (B) located and designed to assure no net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values. WAC 173-26-241(3)(a)(ii) & (v)</p>	<p>NA</p>	
<p>Shoreline substantial development permit is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv)</p>	<p>NA</p>	
<p>Conversion of agricultural land to non-agricultural uses is consistent with the environment designation, and regulations applicable to the proposed use do not result in a net loss of ecological functions. WAC 173-26-241(3)(a)(vi)</p>	<p>NA</p>	
<p>Aquaculture. WAC 173-26-241(3)(b)</p>		
<p>Location and design requirements for aquaculture facilities avoid: loss of ecological functions, impacts to eelgrass and macroalgae, significant conflict with navigation and water-dependent uses, the spreading of disease, introduction of non-native species, or impacts to shoreline aesthetic qualities. Impacts to functions are mitigated. WAC 173-26-241(3)(b)</p>	<p>N/A</p>	<p><u>Compliant</u> Aquaculture is not permitted.</p>
<p>Boating Facilities. WAC 173-26-241(3)(c)</p>		

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<p>Definition: Boating facility standards do not apply to docks serving four or fewer SFRs. WAC 173-26-241(3)(c)</p>	<p>Page 36</p>	<p><u>Compliant</u> Provides boating facility regulations.</p> <p>Although the City does not define public or community docks by number of vessels, the city prohibits individual private facilities. Per WAC Guidelines, boating facilities are not clearly defined as separate from SFR docks serving four or fewer SFR.</p>
<p>Boating facilities restricted to suitable locations. WAC 173-26-241(3)(c)(i)</p>	<p>Page 36</p>	<p><u>Compliant</u></p>
<p>Provisions ensuring health, safety, and welfare requirements are met. WAC 173-26-241(3)(c)(ii)</p>		<p><u>Non-Compliant</u> Need to loosely reference health, safety and welfare requirements required for boating facilities or include them in this section of regulations.</p>

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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Provisions to avoid or mitigate aesthetic impacts . See WAC 173-26-241(3)(c)(iii)		<u>Non-Compliant</u> Aesthetics are not called out.
Public access required in new boating facilities. WAC 173-26-241(3)(c)(iv)		<u>Compliant</u>
Impacts of live-aboard vessels are limited. WAC 173-26-241(3)(c)(v)		<u>Non-Compliant</u> Implied but not specified in regulations
Provisions assuring no net loss of ecological functions as a result of development of boating facilities while providing public recreational opportunities. WAC 173-26-241(3)(c)(vi)		<u>Compliant</u> Requires CUP for new boating facilities. Must demonstrate no adverse impacts to habitat and mitigation is required.
Navigation rights are protected. WAC 173-26-241(3)(c)(vii)		<u>Non-Compliant</u> Navigation not mentioned
Extended moorage on waters of the state without a lease or permission is restricted, and mitigation of impacts to navigation and access is required. WAC 173-26-241(3)(c)(viii)		<u>Non-Compliant</u> Not addressed
Commercial Development. WAC 173-26-241(3)(d)		
Preference given first to water-dependent uses, then to water-oriented commercial uses. WAC 173-26-241(3)(d)	Page 37	<u>Compliant</u>
Water-enjoyment and water-related commercial uses required to provide public access and ecological restoration where feasible and avoid impacts to existing navigation, recreation, and public access. WAC 173-26-241(3)(d)	Page 37	<u>Compliant</u>
New non-water-oriented commercial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(d)	Page 37	<u>Compliant</u>
Non-water-dependent commercial uses over water prohibited except in existing structures, and where necessary to support water-dependent uses. WAC 173-26-241(3)(d)	Page 37	<u>Compliant</u>
Forest Practices. WAC 173-26-241(3)(e)		
Forest practices not covered by the Forest Practices Act, especially Class IV-General forest practices involving conversions to non-forest use result in no net loss of ecological functions and avoid impacts to navigation, recreation and public access. WAC 173-26-241(3)(e)	N/A	Prohibited in all designations.
SMP limits removal of trees on shorelines of statewide significance (RCW 90.58.150). Exceptions to this standard require shorelines conditional use permit. WAC 173-26-241(3)(e)	N/A	
Industry. WAC 173-26-241(3)(f)		

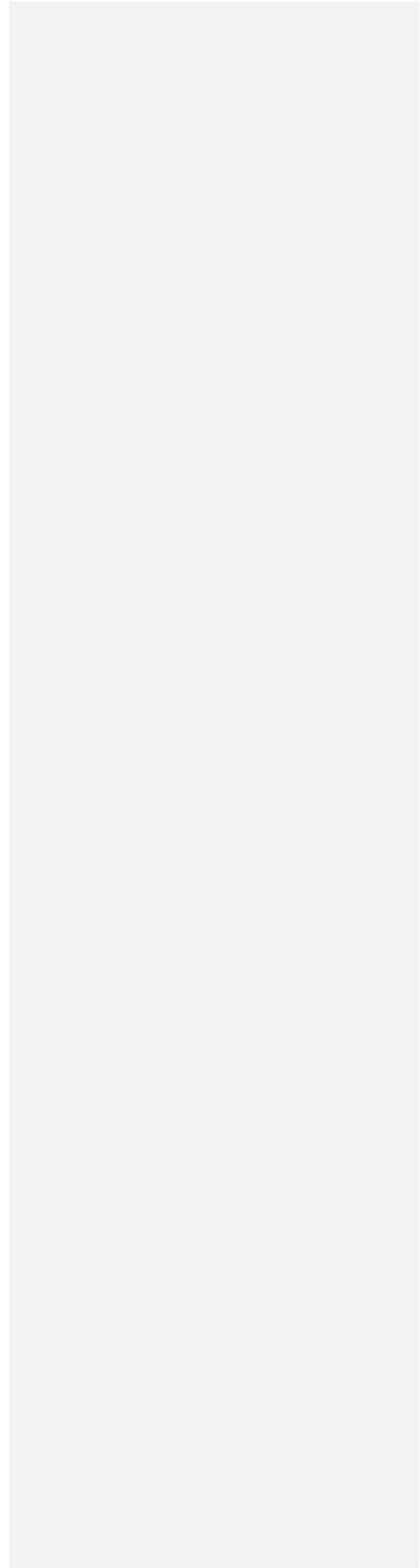
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<p>Preference given first to water-dependent uses, then to water-oriented industrial uses. WAC 173-26-241(3)(f)</p>	<p>Page 33</p>	
<p>Location, design, and construction of industrial uses and redevelopment required to assure no net loss of ecological functions. WAC 173-26-241(3)(f)</p>	<p>Page 33</p>	<p><u><i>Compliant- Point Wells Urban Environment</i></u> Prohibited in all designations except Point Wells. Existing is permitted and CUP for expansion. <u><i>Non-Compliant-Point Wells Urban Conservancy Environment</i></u> Needs to require assurance of no net loss of ecological functions.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Industrial uses and redevelopment encouraged to locate where environmental cleanup and restoration can be accomplished. WAC 173-26-241(3)(f)	Page 33	<u>Compliant</u> Only allowed in cleanup and restoration site at Point Wells
Public access required unless such a requirement would interfere with operations or create hazards to life or property. WAC 173-26-241(3)(f)	Page 37	<u>Compliant</u> All non-residential development required to provide public access.
New non-water-oriented industrial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(f)	Page 37	<u>Compliant</u>
In-Stream Structures. WAC 173-26-241(3)(g)		
Definition: structure is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. WAC 173-26-241(3)(g)	Page 33	<u>Compliant</u> Only allowed for fish habitat enhancement or watershed restoration in UC, SR, and WR, prohibited in both PW designations.
In-stream structures protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. WAC 173-26-241(3)(g)		<u>Compliant</u> See above
Mining. WAC 173-26-241(3)(h)		
Policies and regulations for new mining projects: <ul style="list-style-type: none"> require design and operation to avoid and mitigate for adverse impacts during the course of mining and reclamation achieve no net loss of ecological functions based on required final reclamation give preference to proposals that create, restore or enhance habitat for priority species are coordinated with state Surface Mining Reclamation Act requirements. assure subsequent use of reclaimed sites is consistent with environment designation and SMP standards. See WAC 173-26-241(3)(h)(ii)(A) – (C)	N/A	<u>Compliant</u> Prohibited in all designations
Mining waterward of OHWM is prohibited unless: <p>(I) Removal of specified quantities of materials in specified locations will not adversely impact natural gravel transport;</p> <p>(II) The mining will not significantly impact priority species and the ecological functions upon which they depend; and</p> <p>(III) these determinations are integrated with relevant SEPA requirements. WAC 173-26-241(3)(h)(ii)(D)</p>	N/A	
Renewal, extension, or reauthorization of in-stream and gravel bar mining activities require review for compliance with these new guidelines requirements. WAC 173-26-241(3)(h)(ii)(D)(IV)	N/A	
Mining within the Channel Migration Zone requires a shoreline conditional use permit. WAC 173-26-241(3)(h)(ii)(E)	N/A	

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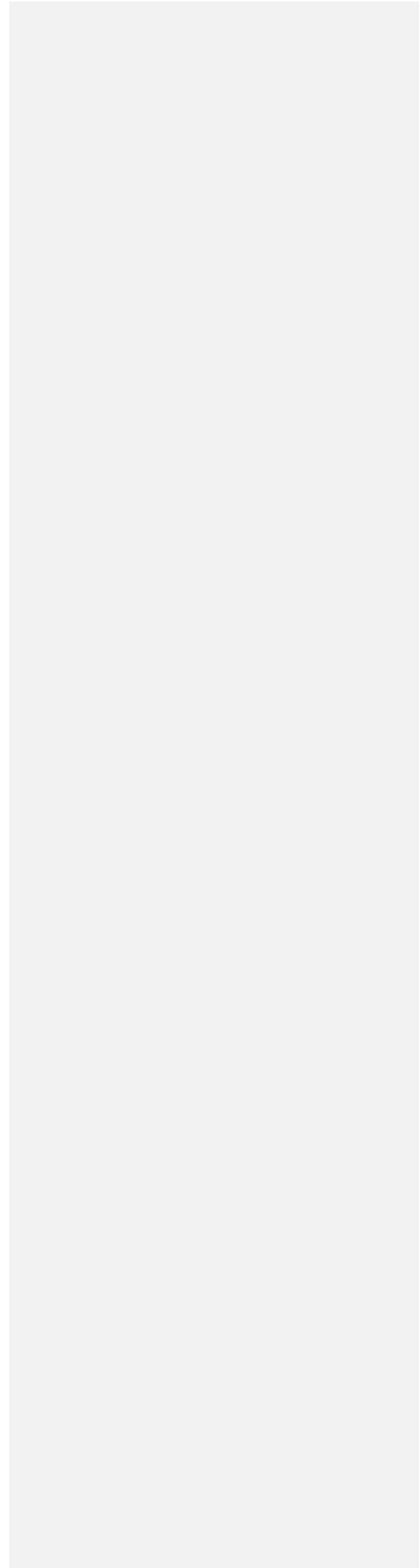


STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Recreational Development. WAC 173-26-241(3)(i)		
Definition includes both commercial and public recreation developments. WAC 173-26-241(3)(i)		<u>Compliant</u>
Priority given to recreational development for access to and use of the water. WAC 173-26-241(3)(i)	Page 37-39	<u>Compliant</u>
Location, design and operation of facilities are consistent with purpose of environment designations in which they are allowed. WAC 173-26-241(3)(i)	Pages 38-39	<u>Compliant</u>
Recreational development achieves no net loss of ecological processes and functions. WAC 173-26-241(3)(i)	Page 39	<u>Compliant</u>
Residential Development. WAC 173-26-241(3)(j)		
Definition includes single-family residences, multifamily development, and the creation of new residential lots through land division. WAC 173-26-241(3)(j)		<u>Compliant</u>
Single-family residences identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. WAC 173-26-241(3)(j)		<u>Compliant</u>
No net loss of ecological functions assured with specific standards for setback of structures sufficient to avoid future stabilization, buffers, density, shoreline stabilization, and on-site sewage disposal. WAC 173-26-241(3)(j)		<u>Compliant</u>
New over-water residences and floating homes prohibited. Appropriate accommodation for existing floating or over-water homes. WAC 173-26-241(3)(j)	Page 40	<u>Compliant</u>
New multiunit residential development (including subdivision of land for more than four parcels) required to provide community and/or public access in conformance to local public access plans. WAC 173-26-241(3)(j)	Page 40	<u>Compliant</u>
New (subdivided) lots required to be designed, configured and developed to: (i) Prevent the loss of ecological functions at full build-out; (ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures; and (iii) Be consistent with applicable SMP environment designations and standards. WAC 173-26-241(3)(j)	Page 40	<u>Compliant</u>
Transportation Facilities. WAC 173-26-241(3)(k)		
Proposed transportation and parking facilities required to plan, locate, and design where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water dependent uses. WAC 173-26-241(3)(k)	Page 50	<u>Compliant</u>
Circulation system plans include systems for pedestrian, bicycle, and public transportation where appropriate. WAC 173-26-241(3)(k)		<u>Compliant</u>

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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Parking allowed only as necessary to support an authorized shoreline use and which minimize environmental and visual impacts of parking facilities. WAC 173-26-241(3)(k)</p>	<p>Page 36-38</p>	<p><u>Compliant</u></p>
<p>Utilities. WAC 173-26-241(3)(l)</p>		
<p>Design, location and maintenance of utilities required to assure no net loss of ecological functions. WAC 173-26-241(3)(l)</p>	<p>Page 51</p>	<p><u>Compliant</u></p>
<p>Utilities required to be located in existing rights-of-ways whenever possible. WAC 173-26-241(3)(l)</p>	<p>Page 50-51</p>	<p><u>Compliant</u></p>
<p>Utility production and processing facilities and transmission facilities required to be located outside of SMA jurisdiction, unless no other feasible option exists. WAC 173-26-241(3)(l)</p>	<p>Page 51</p>	<p><u>Compliant</u></p>
<p>SMP ADMINISTRATIVE PROVISIONS</p>		
<p>The statement: "All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program" whether or not a permit is required. WAC 173-26-191(2)(a)(iii)(A)</p>	<p>Pages 14-15</p>	<p><u>Compliant</u></p>
<p>Administrative provisions ensure permit procedures and enforcement are conducted in a manner consistent with relevant constitutional limitations on regulation of private property. WAC 173-26-186(5) and WAC 191(2)(a)(iii)(A)</p>	<p>Page 5</p>	<p><u>Compliant</u></p>
<p>Identification of specific uses and development that require a shoreline conditional use permit (CUP). Standards for reviewing CUPs and variances conform to WAC 173-27. WAC 191(2)(a)(iii)(B) and WAC 173-26-241(2)(b)</p>	<p>Page 17</p>	<p><u>Compliant</u></p>
<p>Administrative, enforcement, and permit review procedures conform to the SMA and state rules (see RCW 90.58.140, 143, 210 and 220 and WAC 173-27). WAC 191(2)(a)(iii)(C), WAC 173-26-201(3)(d)(vi)</p>	<p>Pages 14-20</p>	<p><u>Compliant</u></p>
<p>Mechanism for tracking, and periodically evaluating the cumulative effects of all project review actions in shoreline areas. WAC 173-26-191(2)(a)(iii)(D)</p>		

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SMP definitions are consistent with all definitions in WAC 173-26-020, and other relevant WACs.

Should add the following definitions:-

Feasible-"Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets 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.

Grading : "Grading" means 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

Geotechnical Geotechnical report" or "geotechnical analysis" means 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.

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INSTRUCTIONS

This checklist is intended to help in preparation and review of local shoreline master programs (SMPs). Local governments should include a checklist with all SMPs submitted for review by Ecology.

Information provided at the top of the checklist identifies what local jurisdiction and specific amendment (e.g. comprehensive update, environment re-designation or other topic) the checklist is submitted for, and who prepared it. Indicate in the location column where in the SMP (or other documents) the requirement is satisfied. If adopting other regulations by reference, identify what specific adopted version of a local ordinance is being used, and attach a copy of the relevant ordinance (see *example 1, below*).

Draft submittals: For draft submittals, local governments may use the Comments column to note any questions or concerns about proposed language. Ecology may then use the Comment field to respond (see *example 2, below*).

Final submittals: When submitting locally-approved SMPs for Ecology review, leave the comment field blank. Ecology will use the comment field to develop final comments on the SMP.

Ecology has attempted to make this checklist an accurate and concise summary of rule requirements, however the agency must rely solely on adopted state rules and law in approving or denying a master program. This document does not create new or additional requirements beyond the provisions of state laws and rules [WAC 173-26-201(3)(a)].

EXAMPLE 1: reference other documents if necessary

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).	Appendix A: Shoreline Inventory and Analysis, Section 2.	
Wetland buffer requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent land uses. WAC 173-26-221(2)(c)(i)(B)	City Ordinance CA 19.072, adopted July 17 2003, p. 32	

EXAMPLE 2: for draft submittals, use Comments column

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
High-intensity environment designation criteria: Areas within incorporated municipalities, "UGAs," and "rural areas of more intense development" (see RCW 36.70A.070) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii)	Urban Industrial, p. 15 Urban Mixed, p. 18 Also see Appendix B, Use Analysis, Chapter 3, p. 12.	Local government: SMP includes two urban designations that meet high-intensity criteria – Urban Industrial, and Urban Mixed. These alternative designations allow more specificity for public access, view and amenity requirements for the mixed use areas. Ecology: Proposed alternative designations are consistent with the purposes and policies of the high-intensity criteria, as per WAC 173-26-211(4)(c).

Acronyms and abbreviations

- comp plan: Comprehensive Plan
- CUP: Conditional Use Permit
- SMA: Shoreline Management Act, RCW 90.58
- SMP: Shoreline Master Program
- SSWS: Shorelines of Statewide Significance
- WAC: Washington Administrative Code

For more information

www.ecy.wa.gov/programs/sea/SMA/index.html

Ecology SMA Policy Lead: Peter Skowlund: (360) 407-6522

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memorandum

date November 16, 2010

to Miranda Redinger, City of Shoreline

from Reema Shakra and Teresa Vanderburg, ESA Adolfson

subject **City of Shoreline, Shoreline Master Program Update – Preliminary Draft Cumulative Impacts Analysis**

The purpose of this memo is to assess the cumulative impacts of reasonably foreseeable future development in the shoreline that would result from development and activities over time under the proposed City of Shoreline SMP (October 2010 Draft) required by WAC 173-26-186(8)(d). This memorandum is intended to support the environmental review of the proposed SMP amendments under the State Environmental Policy Act (SEPA).

For the City of Shoreline, shorelines of the state in the city limits and potential annexation area (PAA) include approximately 5 miles of the Puget Sound shoreline.

The purpose of evaluating cumulative impacts is to insure that, when implemented over time, the proposed SMP goals, policies and regulations will achieve no net loss of shoreline ecological functions from current “baseline” conditions. Baseline conditions are identified and described in the City of Shoreline Inventory and Characterization Report (ESA Adolfson, 2008). The proposed Shoreline SMP provides standards and procedures to evaluate individual uses or developments for their potential to impact shoreline resources on a case-by-case basis through the permitting process. The purpose of this memorandum is to determine if impacts to shoreline ecological functions are likely to result from the aggregate of activities and developments in the shoreline that take place over time under the updated SMP.

The guidelines state that, “to ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of such cumulative impacts should consider:

- Current circumstances affecting the shorelines and relevant natural processes;
- Reasonably foreseeable future development and use of the shoreline; and

- Beneficial effects of any established regulatory programs under other local, state, and federal laws.”¹

This cumulative impacts assessment uses these three considerations as a framework for evaluating the potential long-term impacts on shoreline ecological functions and processes that may result from development or activities under the proposed SMP over time.

Current Circumstances

The City prepared the first draft of the shoreline inventory and characterization report in 2004; however, the report was not formally adopted or finalized. As part of the City’s current comprehensive SMP update process, the report and map folio were updated in the fall of 2008. The report was revised in December 2008 to address technical review comments and November 2009 and April 2010 to incorporate public review comments. The Shoreline Inventory and Characterization (ESA Adolfson, 2008) identifies existing conditions and evaluates the ecological functions and processes in the City’s shoreline jurisdiction. The inventory included all shoreline areas within the City and its Potential Annexation Area (PAA) and included a characterization of ecosystem processes functioning at a watershed scale. “Shoreline planning area” is a term used in this tech memo to refer to the approximate area within the City’s shoreline jurisdiction, or areas subject to SMP regulations.

For the purposes of the Inventory and Characterization Report, the Puget Sound shoreline was addressed in five shoreline planning segments, as shown on Map 1, and described below in Table 1. Reach breaks were assigned based upon land uses and existing shoreline conditions as described in the inventory report. The most dominant land use in the shoreline is the Burlington Northern Santa Fe (BNSF) right-of-way, which extends in a north-south direction along the entire length of the shoreline area within city limits. The remaining portions of the shoreline planning area are occupied by industrial uses, residential uses, and parks and open space.

Approximately 97 percent of the City’s shoreline adjacent to Puget Sound is modified with riprap and bulkheads (WDNR, 2001). The majority of this armoring is associated with the BNSF railroad bed.

Table 1. Shoreline Planning Segments

Shoreline Segment	Approximate Length (feet)	Approximate Segment Acreage	General Boundaries
A	3,411	15.6	Potential Annexation Area / Point Wells: located directly north of the city limits in unincorporated Snohomish County.
B	4,724	21.7	Richmond Beach residential area: the Snohomish County line south to Richmond Beach Saltwater Park.
C	2,801	11.0	Richmond Beach Saltwater Park south to Storm Creek culvert.
D	1,295	5.7	Innis Arden residential area: south of Richmond Beach Saltwater Park to Innis Arden Reserve Park.
E	9,424	41.6	Innis Arden Reserve / Highlands: Innis Arden Reserve Park south to city limits.

Source: City of Shoreline, 2002

The following sections further summarize baseline conditions, or current circumstances, with regard to the City’s Puget Sound shoreline.

¹ WAC 173-26-286(8)(d)

Physical and Coastal Processes

Puget Sound beach morphology and composition is dependent upon three main influences: wave energy, sediment sources, and relative position of the beach within a littoral cell. Wave energy is controlled by fetch, the open water over which winds blow without any interference from land. Wind-generated wave action gradually erodes beaches and the toe of coastal bluffs, leading to landslides. These coastal bluffs are the primary source of sediment for most Puget Sound beaches. In the city, coastal bluffs are separated from the shoreline by the BNSF Railway, thus completely removing bluff sediment sources. Although riparian vegetation is located along portions of the shoreline, the shore modifications associated with the BNSF Railway and BNSF maintenance activities prevent recruitment of large woody debris to the shoreline. These shore modifications also preclude net shore-drift along the Puget Sound. A small amount of sediment is delivered by fluvial sources (streams) in the city, although this process is also impaired by culvert systems and the BNSF Railway. Construction of the railroad buried much of upper foreshore beach, thereby locking up coarse sand and gravel in the littoral system. This limits or precludes longshore transport of sediment.

Shoreline Modifications

Approximately 97 percent of the City's shoreline adjacent to Puget Sound is modified with riprap and bulkheads (WDNR, 2001). The majority of this armoring is associated with the BNSF railroad bed. As a result, sediment delivery from upslope sources is limited to several streams that deliver sediment via culverts under the railroad ROW. Forage fish spawning still occurs at these limited points of sediment input.

There are no docks, piers, or over-water structures along Puget Sound within the City limits. However, within the PAA, Point Wells contains a large industrial dock used for both import and export of materials to and from the facility. Construction of the King County Wastewater Treatment Brightwater Conveyance pipeline and marine outfall project is currently underway at the Point Wells site.

Clearing of riparian vegetation along the marine shoreline for the BNSF Railway construction and maintenance, residential uses, bulkheads and other shoreline armoring has resulted in a lack of large woody and organic debris available for recruitment to the marine system. The lack of debris in turn affects the stability of the beaches as the presence of beach logs and debris can reduce erosion by dissipating wave energy and trapping sediment. Large woody debris also provides thermoregulation of sediment for spawning forage fish and detritus recruitment.

Habitat and Species

The Puget Sound nearshore environment is a highly productive zone that provides habitat for a variety of aquatic and terrestrial species. The "nearshore" is generally considered to be an area extending from a point underwater where light penetrates to the bottom (the "littoral zone"), across the intertidal zone and beach, up to the top of marine bluffs. Important documented features of the nearshore that provide habitat include:

- Banks, bluffs, beaches and backshore (sediment sources, substrate, and storm berms);
- Tidal flats (intertidal or shallow subtidal areas used by juvenile salmonids, shorebirds, and shellfish);
- Eelgrass meadows and kelp forests (feeding and rearing habitat for wide variety of marine organisms);
and
- Stream mouths and pocket estuaries (fish and wildlife corridors and source of fluvial sediment to nearshore).

Within the City's shoreline planning area, there are seven streams that feed into the Puget Sound. Segment A has an unnamed tributary of Barnacle Creek that is located east of the BNSF railroad and south of Point Wells. It travels south where it connects to Barnacle Creek in Segment B. Lost Creek is located north of the city limits in the Town of Woodway. It flows southwest both in piped and open water sections towards Puget Sound. It appears to connect to Barnacle Creek before discharging into Puget Sound in Segment B. Barnacle Creek is formed by the confluence of Upper Barnacle Creek and Lower Barnacle Creek and discharges to Puget Sound in Segment B. A palustrine forested wetland, less than one acre in size, is associated with Barnacle Creek. Storm Creek and Blue Heron Creek discharge to Puget Sound in Segment D. Coyote Creek, Boeing Creek, and Highlands Creek discharge to Puget Sound in Segment E. A scrub/shrub wetland is associated with Coyote Creek.

Aquatic and terrestrial species found in or near the City of Shoreline that utilize the nearshore or deep waters of Puget Sound include:

- Shellfish (clams, mussels, and crab);
- Salmonids (including listed species such as Chinook and bull trout);
- Forage fish (surf smelt, sand lance, and Pacific herring); and
- Shorebirds and waterbirds.

Land Use and Public Access

The BNSF Railway right-of-way (ROW) extends in a north-south direction along the entire length of the City's shoreline planning area. It is the most dominant land use in the shoreline, occupying 48 percent of the total shoreline planning area. Residential development occupies approximately 19 percent of the total shoreline planning area while Point Wells (in the UGA), the only industrial property located along the Puget Sound shoreline, occupies approximately 20 percent. The remaining land uses are parks and open space (8 percent) and vacant properties (2 percent).

Public access opportunity is provided at Richmond Beach Saltwater Park in Segment C. It is a regional 40-acre park that provides active and passive uses including picnic areas, shelter buildings, a playground area, observation areas, trails, and Puget Sound shoreline access. Kayu Kayu Ac Park, in Segment B, is a 2-acre city park recently opened near Richmond Beach Pump Station; this provides shoreline views. Innis Arden Reserve is a 23-acre natural open space area/greenway passive-use park located in Segment E along the bluffs overlooking Puget Sound. Hiking/walking trails represent the main activity of this passive-use reserve. Although trails eventually lead to the shoreline, the public has to cross the BNSF railroad tracks and riprap to reach the Puget Sound shoreline. Blue Heron Reserve (Segment C) and Coyote Reserve (Segment D) are privately owned tracts that are associated with Blue Heron Creek and Coyote Creek, respectively. No public shoreline access is permitted along these tracts. Boeing Creek Reserve is a private 4-acre natural area associated with Boeing Creek located along the Puget Sound shoreline in Segment E. It is preserved as private open space. No public shoreline access is permitted from this reserve along the bluff.

Reasonably Foreseeable Future Development and Use

Substantial development or redevelopment within the City's shoreline planning area is unlikely. However, limited development may occur on vacant parcels, residential parcels with potential for redevelopment and residential parcels that can be subdivided. Such parcels occupy 16.5 acres (17 percent) of the City's shoreline planning area. A majority of these properties is located in Segments B and E and is discussed in more detail below. Houses on existing single-family lots are also expected to grow larger through additions up to the maximum allowed building envelope under the zoning, SMP and CAO regulations.

Point Wells is the only commercial property that may have a major redevelopment. It is unknown if the redevelopment would take place under Snohomish County's, Woodway's or Shoreline's jurisdiction.

There are several factors which will inhibit major new development along the Puget Sound shoreline. One is the BNSF Railway which occupies 48 percent of the city's shoreline planning area, extending in a north-south direction along the entire length of the shoreline. This limits development potential because vehicular access across the BNSF tracks is limited. The City has received no indication that BNSF would sell their ROW property or provide new road crossings of the tracks. A second factor that contributes to limiting development is steep slopes and landslide hazard areas located throughout portions of Segments B - E.

Vacant Parcels

In order to evaluate the potential for shoreline development in the reasonably foreseeable future, King County Assessor records (2007) were examined to identify parcels classified as "vacant" that are located within the shoreline jurisdiction. While the term "vacant" may not always accurately reflect current conditions (such as protected open space, steep slopes, wetlands, or other lands with development restrictions), the classification generally indicates that no structural improvements have been made or assessed for taxes on the property. Depending on the land use and zoning designations, these areas may be subject to new development in the future.

Vacant parcels occupy only 2 percent of the City's shoreline planning area (including the PAA) and account for a total of 1.5 acres. The vacant properties are located in Segments B and E. This percentage value does not include BNSF property or City-owned right-of-way. Development of vacant lands is therefore not anticipated to cause a significant change in the existing condition of the City's shorelines.

Redevelopment Potential

In addition to the potential for development on vacant parcels, there is potential for underutilized lots along the Puget Sound to redevelop. For the purposes of this Cumulative Impacts Assessment, we based redevelopment potential on the assumption that parcels in a single-family zone (R-4 and R-6) with a land value assessed by King County at 50% or higher than building value are likely to redevelop some time in the future. Based on this assumption, 22 parcels of the City's shoreline planning area have the potential to redevelop. All 22 parcels are located in Segment B and account for a total of 3 acres or 3 percent of the City's shoreline planning area.

The only major commercial property that is likely to redevelop is Point Wells. Snohomish County, in response to a petition from the Point Wells property owner, changed the Comprehensive Plan designation and zoning designation of Point Wells from Urban Industrial to Urban Center. Urban Center allows for a mix of high-density residential, office and retail uses. The City of Shoreline has a Comprehensive Plan designation of Mixed Use, which is intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses. It seems likely that the property

would redevelop based on the recent changes to the County's designations. However, the property would need to be remediated to address soil and groundwater contamination. Vehicular access to the property is severely limited and poses considerable challenges to developing high-intensity land uses.

Subdivision Potential

A third approach to determining potential development along the Puget Sound was to determine whether there are residential parcels that have the potential for subdividing. We based subdivision potential on the assumption that parcels in single-family zone (R-4 and R-6) that are at least 2 times larger than the minimum lot size allowed in the zone are likely to subdivide some time in the future. Fifty-three parcels have the potential to subdivide, 9 of which are located in Segment B, 5 in Segment C, 12 in Segment D, and 27 in Segment E. The total acreage amount within the City's shoreline planning area is 12 acres or 12 percent of the City's shoreline planning area.

Changes to Shoreline Environment Designations

SMPs establish a system of "shoreline environment designations" that provide a uniform basis for applying policies and use regulations within distinctly different shoreline areas. Shoreline environment designations function like zoning overlays. That is, they do not replace the underlying zoning regulations for density, setbacks, etc., but they may impose additional development standards or regulations for portions of property within the shoreline jurisdiction. Generally, environment designations are based on existing and planned development patterns, biological and physical capabilities and limitations of the shoreline, and a community's vision or objectives for its future development.

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). Three shoreline environment designations are established in the King County Shoreline Management Master Program and were applied to the City's shorelines:

1. Urban,
2. Rural, and
3. Conservancy

Since the City's Potential Annexation Area is located in Snohomish County, the shoreline environment designation that currently applies to Point Wells is Urban.

The proposed SMP environment designations per the October 2010 Draft SMP include the following:

- "Point Wells Urban" environment to accommodate higher density uses while protecting existing ecological functions and restoring ecological functions that have been degraded.
- "Point Wells Urban Conservancy" environment to provide a specific designation unique to an industrial use or mix of uses that can be developed.
- "Urban Conservancy" environment to protect and restore relatively undeveloped or unaltered shorelines to maintain open space, floodplains or habitat, while allowing a variety of compatible uses.

- “Waterfront Residential” environment to distinguish between the 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 structures lie westerly of the BNSF railroad ROW and directly abut the Puget Sound.
- “Shoreline Residential” environment to accommodate residential development and accessory structures that are consistent with the City’s Shoreline Master Program.
- “Aquatic” environment to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

The proposed environment designations are consistent with both the existing land use pattern and Comprehensive Plan future land use designations.

Changes to Development Standards and Use Regulations

The proposed SMP offers several changes to the development regulations that encourage shoreline conservation and prohibit activities that would cause adverse impact to shoreline functions and processes. Many of these changes deal with shoreline modification such as bulkheads and riprap revetments along much of the City’s shoreline. These shoreline modifications have significantly altered the natural net-shore drift direction and the availability and local distribution of beach sediment. Other changes related to specific uses in the shoreline are also designed to protect shoreline ecological functions and processes, while continuing to allow legal uses, public access, and appropriate development.

This section describes in general terms how the proposed SMP protects shoreline functions and processes to achieve no net loss. Appendix A cites specific provisions in the proposed SMP (City of Shoreline, 2010) and Draft Restoration Plan (ESA Adolfson, 2009) that serve to protect and enhance shoreline ecological functions. For each proposed shoreline environment designation, Appendix A provides the current conditions, likely future changes, potentially impacted shoreline processes and functions, effects of proposed SMP provisions, existing regulatory controls, and an assessment of expected future performance.

The proposed SMP offers several changes to the development regulations that encourage shoreline conservation and prohibit activities that would cause adverse impact to shoreline functions and processes. One of the most significant changes is the application of a vegetation conservation area on the Puget Sound and accompanying requirements for vegetation enhancement. Most of the City’s Puget Sound shoreline was developed under King County development standards prior to city incorporation. Puget Sound is not considered a critical area under the City’s Critical Areas Ordinance (Shoreline Municipal Code Chapter 20.80) and did not have buffer standards or requirements. Current King County standards require a 25-foot setback from the ordinary high water mark (OHWM) for single-family development in Urban and Rural environments and a 50-foot setback from the OHWM in the Conservancy environment. The proposed SMP standards and regulations would establish a 20-150 foot vegetation conservation area. Only 9 percent of the total linear length of the City’s Puget Sound shoreline would be regulated with a 20-foot vegetation conservation area. The northern portion of the PAA would be regulated with a 50-foot vegetation conservation area (with accompanying restoration). The remainder of the City’s shoreline will be classified as Shoreline Residential and Urban Conservancy with a 115 to 150 foot vegetation conservation area. Extensive land disturbing activities that require a permit are required to implement a plan that involves revegetation (See 20.230.200.B.4 of Draft SMP).

Regulation of shoreline modifications, such as bulkheads and riprap revetments, will be updated as well. New development and land divisions would be required to be located and designed to avoid the need for shoreline stabilization measures. Further, the conservation of shoreline vegetation has been emphasized in the new shoreline regulations for the City to further stabilize shorelands and increase habitat functions. Updated policies and development standards establish a preference for alternative “soft-shore” erosion control or stabilization designs. In most cases, project applicants would be required to demonstrate why a “soft-shore” design would not provide adequate protection of existing development. Over time these changes will likely have a net beneficial effect on shoreline ecological processes as properties are redeveloped.

The proposed changes to development standards and use regulations are, in general, more protective than the existing SMP. New development would be required to meet standards contained in the CAO and meet the policy intent and development standards of the SMP. As redevelopment occurs, the policies and regulations in the SMP require that development be located and designed in a manner that avoids impacts to ecological functions and/or enhances functions where they have been degraded. For example, the vegetation conservation measures may require that, as part of a redevelopment proposal, non-native or invasive species be replaced with native vegetation.

Changes to the Treatment of Non-conforming Uses

Much of the development in the City of Shoreline along the Puget Sound predates incorporation of the City in 1995. Several properties and developments in the City’s shoreline do not conform to current zoning or SMP regulations. The proposed SMP includes regulations that are designed to increase protection of shoreline resources over time by prohibiting redevelopment that would result in a greater degree of non-conformity for existing development.

Under the proposed SMP the following standards apply:

- Structures that were legally established and are used for a conforming use, but which now do not conform with regard to setbacks, buffers or yards, area, bulk, height, or density may continue as long as they do not increase the extent of non-conformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
- Uses and developments that were legally established and are nonconforming with regard to the use regulations of the SMP may continue as legal nonconforming uses. Such uses cannot be enlarged or expanded, except that nonconforming single-family residences that are located landward of the OHWM 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 upon approval of a Shoreline Conditional Use permit.
- Structures that are or have been used for non-conforming uses may be used for a different non-conforming use but only upon the approval of a Shoreline Conditional Use permit.
- A non-conforming structure that is moved any distance must be brought into conformity with the proposed SMP.

- If a non-conforming use is discontinued for twelve (12) consecutive months or for twelve months during any two-year period, the non-conforming rights expire and any subsequent use must comply with the SMP.
- If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

Restoration Planning

The draft SMP Restoration Plan (ESA Adolfson, 2009) represents the shoreline restoration element of the SMP. The plan identifies opportunities for restoration activities or efforts that include programmatic opportunities (e.g., investigate a beach nourishment program; reduce overwater structures; protect remaining riparian marine vegetation), site-specific opportunities (such as replacing Boeing Creek culvert with a larger box culvert), regional plans and policies for Puget Sound restoration, and potential funding and partnership opportunities. The SMP's restoration planning is focused on areas where shoreline functions have been degraded by past development activities. The areas with impaired functions were identified in the City's Shoreline Inventory and Characterization. Recognizing that much impairment to shoreline processes and functions are the result of the railroad tracks along the coast (which is assumed to remain), the implementation of the Restoration Plan will improve shoreline ecological functions incrementally over time.

Beneficial Effects of Any Established Regulatory Programs Under Other Local, State, and Federal Laws

A variety of other regulatory programs, plans, and policies work in concert with the City's SMP to manage shoreline resources and regulate development near the shoreline. The City's Comprehensive Plan establishes the general land use pattern and vision of growth and development the City has adopted for areas both inside and outside the shoreline jurisdiction. Various sections of the Shoreline Municipal Code (SMC) are relevant to shoreline management, such as zoning (SMC Chapter 20.40), stormwater management (SMC Chapter 13.10), and flood damage prevention (SMC 16.12). The City's development standards and use regulations for environmentally critical areas (SMC Chapter 20.80) are particularly relevant to the City's SMP. Designated environmentally critical areas are found throughout the City's shoreline jurisdiction, including geologic hazard areas, wetlands, flood hazard areas, and streams areas. Standards and regulations in the critical areas regulations have been adopted by reference in the proposed SMP.

A number of state and federal agencies may have jurisdiction over land or natural elements in the City's shoreline jurisdiction. Local development proposals most commonly trigger requirements for state or federal permits when they impact wetlands or streams; potentially affect fish and wildlife listed under the federal Endangered Species Act (ESA); result in over one acre of clearing and grading; or affect the floodplain or floodway. As with local requirements, state and federal regulations may apply throughout the city, but regulated resources are common within the City's shoreline jurisdiction. The state and federal regulations affecting shoreline-related resources include, but are not limited to:

Endangered Species Act (ESA): The federal ESA addresses the protection and recovery of federally listed species. The ESA is jointly administered by the National Oceanic and Atmospheric Administration (NOAA) Fisheries (formerly referred to as the National Marine Fisheries Service), and the United States Fish and Wildlife Service (USFWS).

Clean Water Act (CWA): The federal CWA requires states to set standards for the protection of water quality for various parameters, and it regulates excavation and dredging in waters of the U.S., including wetlands. Certain activities (i.e., fill or dredge) affecting wetlands in the City's shoreline jurisdiction or work waterward of the ordinary high water mark in the Puget Sound or streams may require a permit from the U.S. Army Corps of Engineers and/or Washington State Department of Ecology under Section 404 and Section 401 of the CWA, respectively.

Hydraulic Project Approval (HPA): The Washington Department of Fish and Wildlife (WDFW) regulates activities that use, divert, obstruct, or change the natural flow of the beds or banks of waters of the state and may affect fish habitat. Projects in the shoreline jurisdiction requiring construction below the ordinary high water mark of Puget Sound or streams in the city could require an HPA from WDFW. Projects creating new impervious surface that could substantially increase stormwater runoff to waters of the state may also require approval.

National Pollutant Discharge Elimination System (NPDES): Ecology regulates activities that result in wastewater discharges to surface water from industrial facilities or municipal wastewater treatment plants. NPDES permits are also required for stormwater discharges from industrial facilities, construction sites of one or more acres, and municipal stormwater systems that serve census-defined Urbanized Areas, which include any urbanized areas with more than 50,000 people and densities greater than 1,000 people per square mile.

Conclusion

The City of Shoreline's Puget Sound coastline is largely developed with a variety of existing uses. There are nearly no major opportunities for new development within the shoreline jurisdiction. Therefore, change within the shoreline will primarily be the result of redevelopment activities. The system of shoreline environment designations and use regulations in the proposed SMP is consistent with the established land use pattern, as well as the land use vision planned for in the City's comprehensive plan, zoning, and other long-range planning documents. Based on this consistency, it is unlikely that substantial changes in shoreline land uses will occur within the City limits in the future. However, should the Point Wells site be annexed into the City of Shoreline, substantial changes in shoreline land use could occur on this specific site.

The proposed SMP provides a new system of shoreline environment designations that establishes more uniform management of the City's shoreline. The updated development standards and regulation of shoreline modifications provides more protection for shoreline processes. The updated standards and regulations are more restrictive of activities that would result in adverse impacts to the shoreline environment. The restoration planning effort outlined in the proposed SMP provides the City with opportunities to improve or restore ecological functions that have been impaired as a result of past development activities. In addition, the proposed SMP is meant to compliment several city, state and federal efforts to protect shoreline functions and values.

(PLACEHOLDER FOR NO NET LOSS STATEMENT)

References

City of Shoreline. 2002. *City of Shoreline Geographic Information System (GIS) Data*.

City of Shoreline. 2010. Shoreline Master Program Goals, Policies and Regulations. October 2010 Draft.

ESA Adolfson. 2009. City of Shoreline, Shoreline Master Program Update, Draft Restoration Plan. Last Updated April 2010. Prepared for City of Shoreline. Seattle, WA.

ESA Adolfson. 2008. City of Shoreline, Shoreline Inventory and Characterization. Last updated April 2010. Prepared for City of Shoreline. Seattle, WA.

King County Assessors. 2007. GIS Data. Seattle, WA.

Washington State Department of Natural Resources (WDNR). 2001. *Washington State ShoreZone Inventory*. Nearshore Habitat Program, Washington State Department of Natural Resources. Olympia, WA.

DRAFT

**City of Shoreline, Shoreline Master Program Update
Preliminary Draft Cumulative Impacts Memo**

**Appendix A:
General Cumulative Impacts Analysis**

**Cumulative Impacts Appendix A
General Cumulative Impact Analysis**

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
Point Wells Urban					
<p>Includes the northern portion of Segment A</p> <p>This area is in the City’s Potential Annexation Area (PAA) and includes the Point Wells industrial port, a petroleum products storage, processing and distribution site.</p>	<p>Snohomish County, in response to a petition from the Point Wells property owner, changed the Comprehensive Plan designation and zoning designation of Point Wells from Urban Industrial to Urban Center. Urban Center allows for a mix of high-density residential, office and retail uses. The City of Shoreline has a Comprehensive Plan designation of Mixed Use, which is intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses. It seems likely that the property would redevelop based on the recent changes to designations.</p>	<p>Segment A: The portion of Segment A located within Point Well Urban is completely developed. All shoreline functions are considered low, except that eelgrass is mapped off-shore which provides spawning habitat for forage fish. The shoreline is modified with overwater structures and hard armoring.</p> <p>Shoreline functions would remain at low performance levels and would continue to be impaired unless redevelopment occurs. Soil and groundwater contamination would be remediated and the nearshore habitat would be restored as mitigation for the redevelopment.</p>	<p>The purpose of the “Point Wells Urban” environment is:</p> <p>20.230.080: to accommodate higher density uses while protecting existing ecological functions and restoring ecological functions that have been degraded.</p> <p>SMP regulations and standards include:</p> <p>Table 20.230.082: A 50-foot vegetation conservation area with restoration is required for development in the Point Wells Urban environment</p> <p>20.230.020.A: Development must:</p> <ul style="list-style-type: none"> • apply the mitigation sequence in WAC 173-26-201(2)(e) • ensure no net loss of shoreline ecological functions by being consistent with SMC 20.80 Critical Areas, avoiding or minimizing the need for shoreline stabilization, substantial land disturbance and dredging, and minimizing interference with natural shorelines processes <p>20.230.020.B: Development that alters topography may be approved if:</p> <ul style="list-style-type: none"> • Flood events will not increase in frequency or severity 	<p>City’s Surface Water Management Program: Shoreline development must be designed in conformance with the 1998 King County Surface Water Design Manual (urban environments only) and Chapter 20.60, subchapter 3 of the SMC and the City of Shoreline Surface Water Design Code</p> <p>Critical Areas Regulations: Chapter 20.80 of the Shoreline Municipal Code (Critical Areas) establishes development standards, construction techniques, and permitted uses in critical areas and their buffers (i.e., geologic hazard areas, fish and wildlife habitat conservation areas, wetlands, flood hazard areas, aquifer recharge areas, and stream areas) to protect these areas from adverse impacts. Designated critical areas are found throughout the City’s shoreline planning area, particularly wetlands and streams, flood hazard areas, and geologic hazard areas</p> <p>Clean Water Act (CWA): The federal CWA requires states to set standards for the protection of water quality for various parameters, and it regulates</p>	<p>Factors potentially leading to net loss:</p> <ul style="list-style-type: none"> • Public access on or over the water not defined/limited • No restriction on size of boating facilities, no standards for marinas • No restriction on size for piers and docks –see WDFW guidance. • No specific standards for breakwaters, jetties, groins and weirs • Residential accessory structures are allowed in setback with no limit to number of structures • No vegetation conservation standards – give limits for clearing and standards for tree retention • Remove pool exception from limits to accessory structures in vegetation conservation area.

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
			<ul style="list-style-type: none"> Alteration would not impact natural habitat forming processes and would not reduce ecological functions <p>20.230.020.C: Alternatives to the use of chemical fertilizers, herbicide and pesticides is the preferred BMP.</p> <p>Vehicle refueling and vehicle maintenance must occur outside of regulated shoreline areas.</p> <p>The bulk storage of oil, fuel, chemicals or other hazardous materials is prohibited except for uses allowed by the zoning classification.</p> <p>20.230.030.B: Public access on or over the water must be constructed as far landward as possible to avoid interference with views.</p> <p>Physical public access must be designed to prevent significant impacts to natural systems employing LID techniques.</p> <p>Table 20.230.081: Boating facilities including boat launch ramps, dry boat storage, launch ramps and marinas are permitted uses. Breakwaters, jetties, groins and weirs are conditionally permitted. Existing piers and docks associated with industrial use and public piers and docks are permitted. Expansion of existing piers and docks associated with water-oriented industrial use is conditionally permitted.</p>	<p>excavation and dredging in waters of the U.S., including wetlands. Certain activities affecting wetlands in the City’s shoreline jurisdiction or work in the Puget Sound waters may require a permit from the U.S. Army Corps of Engineers and/or Washington State Department of Ecology under Section 404 and Section 401 of the CWA, respectively.</p> <p><u>Hydraulic Project Approval (HPA):</u> The Washington Department of Fish and Wildlife (WDFW) regulates activities that use, divert, obstruct, or change the natural flow of the beds or banks of waters of the state and may affect fish habitat. Projects in the shoreline jurisdiction requiring construction below the ordinary high water mark of Puget Sound or stream mouths in the city could require an HPA from WDFW. Projects creating new impervious surface that could substantially increase stormwater runoff to waters of the state may also require approval.</p> <p><u>Over-water structures:</u> Any in- or over-water (including wetlands) proposals would require review not only by the City, but also by the Washington Department of Fish and Wildlife (WDFW), the U.S. Army Corps of Engineers (Corps), and/or the Washington</p>	

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
			<p>20.230.090B: Boating facilities are allowed only if they do not adversely impact fish or wildlife habitat areas and associated wetlands and there is adequate mitigation to ensure no net loss.</p> <p>20.230.090C: Boat launch ramps must be located on stable shorelines where water depth is adequate to eliminate/minimize need for channel maintenance activities. Boat launch ramps are allowed on stable non-erosional banks where need for shore stabilization structures is minimized. Ramp structures must be placed near flush with foreshore slope to minimize interruption of geohydraulic processes.</p> <p>Dry boat storage must comply with the required setback except that water-dependent components are allowed within the setback.</p> <p>20.230.180.D: Piers and docks must include mitigation to ensure no net loss to critical saltwater habitat.</p> <p>Table 20.230.081: Dredging is permitted for activities associated with shoreline/aquatic restoration or remediation, associated public access improvement, allowed shoreline development. Dredge spoil disposal is permitted for shoreline habitat and natural systems enhancement, fish habitat enhancement, and watershed restoration projects.</p> <p>20.230.180.B: Dredging/disposal</p>	<p>Department of Ecology. Each of these agencies is charged with regulating and/or protecting streams and wetlands, and would impose certain design or mitigation requirements on applicants. A project that includes stream or wetland fill would require Corps review and permitting.</p> <p>Restoration Plan (2009): The restoration plans identifies a restoration opportunity in Point Wells that would completely remove the sea wall, riprap dike, and fill, regrade the site and reconnect local freshwater sources to re-create a tidal lagoon system with an opening at the north end of the point, and reestablish native riparian and backshore vegetation. Such actions would improve sediment transport and deposition, nearshore habitat forming processes, beach erosion and accretion of sediments and mineral particulate material, and intertidal fish and wildlife habitat.</p>	

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
			<p>allowed only when actions will not result in significant damage to water quality, biological elements, circulation patterns, floodwater capacity, and properly functioning conditions for threatened / endangered species.</p> <p>Dredging limited to: navigational purposes, water-dependent uses, approved habitat improvement project, improvement of flood control/water flow/water quality, and bridge/utility/instream structures.</p> <p>Depositing dredge spoil material in the Puget Sound allowed as a CUP for wildlife habitat improvements and correcting problems of material distribution that affect fish resources.</p> <p>Table 20.230.081: Hard shoreline armoring is conditionally permitted. Soft-shore stabilization and maintenance of existing is permitted.</p> <p>20.230.180B: New bulkheads allowed when there is serious erosion threatening an established use or existing primary use or when they are necessary for the operation and location of a water-oriented use. A new bulkhead can be constructed to retain landfill in conjunction with a water-dependent use, bridge/navigational structure, or for a wildlife/fish enhancement project.</p> <p>Bulkheads must use stable, nonerodable, homogeneous materials such as concrete, wood,</p>		

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
			<p>and rock that are consistent with the preservation of ecological habitat.</p> <p>Table 20.230.081: Clearing and grading and landfill are permitted for activities associated with restoration or remediation, public access improvement, and allowed shoreline development.</p> <p>20.230.200.B: Extensive land clearing that requires a permit must revegetate, irrigate, and establish erosion and sedimentation control.</p> <p>20.230.210.B: Landfill is allowed as a CUP for:</p> <ul style="list-style-type: none"> • Water-dependent use • Bridge/utility/navigational structure • Shoreline restoration project • Fisheries, aquaculture, wildlife habitat enhancement projects • Piers or pile supports should be used instead of landfills. <p>Landfill perimeters must be designed with silt curtains, vegetation retaining walls or other methods to prevent material movement.</p> <p>Table 20.230.081: Residential development is a permitted use.</p> <p>20.230.160B: Residential development is prohibited waterward of the OHWM.</p> <p>Residential development must assure no net loss of shoreline ecological functions.</p> <p>Residential development will not be</p>		

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
			<p>approved if a geotechnical analysis indicates that flood control or shoreline protection measures are necessary to create a residential lot or site area. Development must be located to avoid the need for structural shore defense and flood protection works.</p> <p>Residential units must be clustered in order to avoid impacts to wetlands or critical areas.</p> <p>Accessory structures are allowed in the vegetation conservation area provided that no structures, except swimming pools, can cover more than 200 square feet.</p>		
Point Wells Urban Conservancy					
<p>Includes the southern portion of Segment A</p> <p>This area is in the City’s Potential Annexation Area (PAA) and includes the Point Wells industrial port, a petroleum products storage, processing and distribution site.</p>	<p>As described under Point Wells Urban, the Point Wells property owner has indicated interest in redevelopment by petitioning a change to the Snohomish County Comprehensive Plan and zoning designations. However, this portion of segment A retains its Urban Industrial designation.</p>	<p>Similar to conditions described under Point Wells Urban, this property has been extensively modified. However, due to the lack of overwater structures, the presence of Lost Creek, and no hard armoring, some shoreline functions are present. The shoreline contains eelgrass meadows and kelp forests, forage fish spawning area, 31 species of shellfish, a sand and gravel flat, and habitat for shorebirds. Lost Creek provides for pocket estuary habitat.</p> <p>No change in shoreline functions is expected unless redevelopment occurs. Soil and groundwater contamination would be remediated and the nearshore habitat would be restored as mitigation for the redevelopment. A change to a higher land-use intensity and increased</p>	<p>The purpose of the “Point Wells Urban Conservancy” environment is:</p> <p>20.230.080: to provide a specific designation unique to an industrial use or mix of uses that can be developed.</p> <p>SMP regulations and standards include:</p> <p>Table 20.230.082: A 115-foot vegetation conservation area is required for development in the Point Wells Urban Conservancy environment</p> <p>The same regulations under 20.230.020 and 20.230.030 for Point Wells Urban apply to Point Wells Urban Conservancy as well.</p>	<p>Same as items above in Point Wells Urban.</p> <p>Restoration Plan (2009): The restoration plans identifies a restoration opportunity in Point Wells that would enhance the shoreline by removing riprap dike, eliminate invasive plants, reestablish native riparian and backshore vegetation, and create a three acre intertidal lagoon. Similar to the restoration opportunity for Point Wells Urban, such actions would improve sediment transport and deposition, nearshore habitat forming processes, beach erosion and accretion of sediments and mineral particulate material, and intertidal fish and wildlife</p>	<p>Factors potentially leading to net loss:</p> <ul style="list-style-type: none"> • Same as PW Urban

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
		public access would likely disrupt wildlife and shore bird habitat.	<p>The regulations for dredging, dredge material disposal, clearing and grading, landfill and residential development for Point Wells Urban apply to Point Wells Urban Conservancy as well.</p> <p>Table 20.230.081: Boating facilities, breakwaters, jetties, groins and weirs, piers and docks, maintenance of existing shoreline stabilization and new hard shoreline armoring are prohibited.</p>	habitat.	
Urban Conservancy					
<p>Includes the northern portion of Segment B, portion of Segment C that is Richmond Beach Saltwater Park, and Segment E.</p> <p>This area is characterized by several parks, public and private greenways, the Highlands residential neighborhood, and the Burlington Northern Santa Fe (BNSF) railroad right-of-way (ROW).</p>	<p>Future development would likely be limited to redevelopment of existing single-family homes, few new residences, and park development. Development is inhibited by the presence of the BNSF ROW, landslide hazard areas, and streams and their associated greenways.</p>	<p>Shoreline functions within this area are low to moderate, with the following functions moderately intact:</p> <ul style="list-style-type: none"> ▪ Northern portion of Segment B has eelgrass meadows and kelp forests, a sand flat, forage fish spawning area, and a forested wetland at Barnacle Creek. The wetland provides some filtering of pollutants; however, it is narrow and east of the railroad grade. ▪ Richmond Beach Saltwater Park in Segment C provides some sediment transport function, attenuates wave energy although it is limited due to its length (alongshore) and narrow width, has some potential for large woody debris recruitment, and some vegetation, although it does not overhang the intertidal zone. Eelgrass meadows and kelp forests, forage fish spawning area, and 37 species of shellfish are present. 	<p>The purpose of the “Urban Conservancy” environment is:</p> <p>20.230.080: to protect and restore relatively undeveloped or unaltered shorelines to maintain open space, floodplains or habitat, while allowing a variety of compatible uses.</p> <p>SMP regulations and standards include:</p> <p>Table 20.230.082: A 150-foot or 50-foot from the top of a landslide hazard area, whichever is greater, vegetation conservation area is required for development in the Urban Conservancy environment</p> <p>The same regulations under 20.230.020 and 20.230.030 for Point Wells Urban apply to Urban Conservancy as well.</p> <p>Table 20.230.081: Marinas, dry boat storage, and breakwaters, jetties,</p>	<p>Same as items above in Point Wells Urban.</p> <p>Restoration Plan (2009): The restoration plan identifies a restoration opportunity that would replace all stream culverts with larger box culverts or other fish-friendly structures to allow fish access during low flows and allow opportunity for more sediment to reach the nearshore. Such actions would improve nearshore habitat forming processes and intertidal fish and wildlife habitat.</p> <p>A second restoration opportunity would be to create tidally influenced wetland or restore wetland habitat on the east side of the BNSF railroad tracks NW of the pump station. Such actions would improve nearshore habitat forming processes, intertidal fish and wildlife habitat, and hydrologic,</p>	<p>Factors potentially leading to net loss:</p> <ul style="list-style-type: none"> • Same as PW Urban • No standards for in-stream structures • Need higher vegetation conservation standards than used in Shoreline Residential.

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
		<ul style="list-style-type: none"> ▪ Segment E contains eelgrass meadows and kelp forests, a sand flat, and the Boeing Creek outlet which serves as an important area for feeding, migration, spawning, and rearing of forage fish. Although the shoreline is modified by the BNSF railroad tracks, riparian vegetation is prevalent upslope of the tracks throughout the entire length of Segment E. This segment is also characterized by landslide hazard areas and has recently seen numerous slide activities. <p>Because no significant new development is anticipated, new impacts are anticipated to be limited.</p>	<p>groins and weirs are prohibited.</p> <p>The regulations for boat launching ramps, dredging, dredge material disposal, piers and docks, shoreline stabilization, clearing and grading, landfill and residential development for Point Wells Urban apply to Urban Conservancy as well, with the exception that only public piers and docks are allowed in Urban Conservancy.</p> <p>Table 20.230.081: In-stream structures are permitted as part of a fish habitat enhancement or a watershed restoration project.</p>	<p>hyporheic and water quality functions.</p> <p>A third restoration opportunity would be to implement the Richmond Beach Saltwater Park Vegetation Management Plan to remove non-native invasive plants and reestablish native plant communities within wetlands east of railroad and on beach area west of railroad. Such actions would improve freshwater wetland and intertidal wildlife habitat and stabilize beach substrates.</p> <p>A fourth restoration opportunity would be to protect intact wetlands and their associated uplands adjacent to Puget Sound and develop and implement a vegetation management plan for the Innis Arden Reserve. Such actions would improve nearshore habitat forming processes, hydrologic, hyporheic and water quality functions, riparian habitat structure and function, and fish and wildlife habitat.</p> <p>A fifth restoration opportunity would be to reduce stormwater flow down steep slopes along Boeing Creek to stabilize banks and control sediment loading of the stream and extend recommendations of Vegetation Management Plan for Boeing Creek Park to include entire stream corridor downslope to Puget Sound. Such actions</p>	

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
				<p>would improve exchange of aquatic organisms, sediment delivery to nearshore from fluvial sources, source of detritus and particulate organic matter, riparian habitat structure and function, freshwater input, and fish and wildlife habitat.</p> <p>A sixth restoration opportunity would be to protect intact uplands and native vegetation communities adjacent to Puget Sound along Boeing Creek Reserve. Such actions would improve source of detritus and particulate organic matter, riparian habitat structure and function, and fish and wildlife habitat.</p>	
Waterfront Residential					
<p>Includes the southern portion of Segment B, where the Richmond Beach residential neighborhood is located waterward of the BNSF ROW.</p>	<p>Future development would likely be limited to redevelopment of existing single-family homes and one or two new residences. Development is inhibited by shallow lots and limited vehicular access. Bulkheads likely to be maintained and replaced due to severe weather storms.</p>	<p>Shoreline functions are low in this portion of the Segment B. The bulkheads, some of which are below the mean high tide level, interrupt longshore transport of sediment, increase wave energy, and preclude the use of nearshore habitat for resting and foraging. Vegetation is limited to ornamental landscaping, including lawn areas.</p> <p>Because no significant new development is anticipated, new impacts are anticipated to be limited.</p>	<p>The purpose of the “Waterfront Residential” environment is:</p> <p>20.230.080: to distinguish between the 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.</p> <p>SMP regulations and standards include:</p> <p>Table 20.230.082: A 20-foot vegetation conservation area is required for development in the Waterfront Residential environment.</p> <p>The same regulations under</p>	<p>Same as items above in Point Wells Urban.</p> <p>Restoration Plan (2009): The restoration plans identifies restoration opportunities that while residences are present, would protect intertidal area by limiting additional traditional bulkheads or overwater structures and reduce impact of shore armoring through replacement of existing traditional bulkheads with soft-shore alternatives, except where they are necessary to protect property from high energy systems. Such actions would improve sediment transport and deposition, nearshore habitat forming processes, beach</p>	<p>Factors potentially leading to net loss:</p> <ul style="list-style-type: none"> • Same as PW Urban • No instream structure standards • Landfill activities not limited

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
			<p>20.230.020 and 20.230.030 for Point Wells Urban apply to Waterfront Residential as well.</p> <p>Table 20.230.081: Marinas, dry boat storage, and breakwaters, jetties, groins and weirs are prohibited.</p> <p>The regulations for boat launching ramps, dredging, dredge material disposal, piers and docks, shoreline stabilization, clearing and grading, landfill and residential development for Point Wells Urban apply to Waterfront Residential as well, with the following exceptions:</p> <ul style="list-style-type: none"> • only public boat launching ramps and community piers and docks are allowed in Waterfront Residential; and • landfill in Waterfront Residential does not have to be limited to activities associated with restoration or remediation, public access improvement, and allowed shoreline development. <p>Table 20.230.081: In-stream structures are permitted as part of a fish habitat enhancement or a watershed restoration project.</p>	<p>erosion and accretion of sediments and mineral particulate material, and intertidal fish and wildlife habitat.</p>	
Shoreline Residential					
<p>Includes the southern portion of Segment B, where the Richmond Beach residential neighborhood is located landward of the BNSF ROW.</p>	<p>Future development would likely be limited to redevelopment of existing single-family homes and few new residences. Development is inhibited by the presence of the</p>	<p>Shoreline functions are low in this portion of the segment due to the presence of the BNSF ROW and limited upland vegetation.</p> <p>Because no significant new development is anticipated, new impacts are anticipated to be limited.</p>	<p>The purpose of the “Shoreline Residential” environment is:</p> <p>20.230.080: to accommodate residential development and accessory structures that are consistent with this Shoreline Master Program.</p> <p>SMP regulations and standards</p>	<p>Same as items above in Point Wells Urban.</p> <p>Restoration Plan (2009): The restoration plan identifies restoration opportunities that would replace all stream culverts with larger box culverts or other fish-friendly structures to allow fish access during low</p>	<p>Factors potentially leading to net loss:</p> <ul style="list-style-type: none"> • Same as PW Urban • No instream structure standards • Landfill activities not limited

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
	BNSF ROW.		<p>include:</p> <p>Table 20.230.082: A 115-foot vegetation conservation area is required for development in the Shoreline Residential environment.</p> <p>The same regulations under 20.230.020 and 20.230.030 for Point Wells Urban apply to Shoreline Residential as well.</p> <p>Table 20.230.081: Marinas, dry boat storage, and breakwaters, jetties, groins and weirs are prohibited.</p> <p>The regulations for boat launching ramps, dredging, dredge material disposal, piers and docks, shoreline stabilization, clearing and grading, landfill and residential development for Point Wells Urban apply to Shoreline Residential as well, with the following exceptions:</p> <ul style="list-style-type: none"> • only public boat launching ramps and community piers and docks are allowed in Waterfront Residential; and • landfill in Shoreline Residential does not have to be limited to activities associated with restoration or remediation, public access improvement, and allowed shoreline development. <p>Table 20.230.081: In-stream structures are permitted as part of a fish habitat enhancement or a watershed restoration project.</p>	<p>flows and allow opportunity for more sediment to reach the nearshore. Such actions would improve nearshore habitat forming processes and intertidal fish and wildlife habitat.</p>	

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
Aquatic					
<p>Includes all lands waterward of the marine ordinary high-water mark in the City of Shoreline.</p> <p>Areas designated Aquatic in the City of Shoreline are all areas within the tidal waters and open waters of the Puget Sound. The only area that has overwater structures is in Segment A, associated with the Point Wells development.</p>	<p>Hard armoring is expected to be maintained for the BNSF railroad ROW and the residential bulkheads located along Richmond Beach. New hard armoring could occur in Segment A although soft-shore stabilization methods would likely be utilized as mitigation for redevelopment.</p> <p>New overwater structures may occur at publicly owned properties, such as Richmond Beach Saltwater Park or in Segment A as part of redevelopment.</p> <p>Dredging may occur in Segment A but only as part of shoreline or aquatic restoration or remediation.</p>	<p>Existing functions and processes have been characterized above.</p> <p>Impacts are anticipated to be limited since no new significant development is anticipated. Any impacts would have to be mitigated.</p>	<p>The purpose of the “Aquatic” environment is:</p> <p>20.230.080: to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.</p> <p>SMP regulations and standards include:</p> <p>The same provisions under 20.230.020 and 20.230.030 for Point Wells Urban apply to Aquatic as well.</p> <p>Table 20.230.081: Most allowed uses and modifications in this environment must meet the use and permit limitations of the upland designation.</p> <p>The regulations for boat launching ramps, breakwaters, jetties, groins and weirs, soft shoreline stabilization, and maintenance of existing shoreline stabilization for Point Wells Urban apply to Aquatic as well.</p> <p>New hard shoreline armoring, clearing and grading and residential development are prohibited.</p> <p>In-stream structures are permitted provided the use and permit limitations of the upland designation is met. Water-dependent recreation is conditionally allowed. Transportation facilities (railroads) are allowed. Dredging related to</p>	<p>Same as items above in Point Wells Urban.</p> <p>Restoration Plan (2009): The restoration plans identifies a restoration opportunity in Point Wells (Segment A) that would remove creosote pilings and in-water debris. Such actions would improve water and sediment quality and intertidal fish and wildlife habitat.</p> <p>A second restoration opportunity would be to protect forage fish spawning, rearing, migration, and feeding areas and protect eelgrass beds and kelp beds. Such actions would improve food web support and intertidal fish and wildlife habitat.</p> <p>A third restoration opportunity would be to explore the potential to restore the connection between feeder bluffs and nearshore areas. Such actions would improve sediment delivery to the nearshore.</p>	<p>No Change or Potential Improvement</p> <p>Substantial development is currently limited to Segment A in the aquatic environment. Any future in-water work would likely be associated with the Richmond Beach Saltwater Park and Point Wells. Any of these developments would have to mitigate impacts to ecological functions and achieve project-specific no net loss.</p> <p>Redevelopment would require replacement with improved materials, and compliance with Critical Areas and Stormwater Regulations, HPA, and federal CWA.</p> <p>Improved stormwater management and bulkhead removal / improvement projects would also improve functions overtime.</p>

Shoreline Segment & Existing Condition	Likely Future Development	Functions or Processes Potentially Impacted	Effects of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect – IN PROGRESS
			<p>navigation for Point Wells Urban is a conditional use. Piers and docks are only limited to the extent of the use and permit requirements of the upland designation. Landfill is limited to activities associated with shoreline or aquatic restoration or remediation.</p> <p>Subject to the limitations stated above, the regulations listed under Point Wells Urban that apply to these uses and modifications also apply to Aquatic.</p>		

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"Creating community through people, parks, and programs"

Christopher Williams, Acting Superintendent

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Seattle Parks Foundation



City Park Marine Reserves Rule

The Rule creating City Park Marine Reserves builds upon years of work done by the Carkeek Watershed Community Action Project, King County Water and Land Resources and the Seattle Aquarium. Work to explore opportunities for further protecting marine habitat began in 1990 and was intended to address overharvesting of marine resources in our City Parks. In addition to these efforts, the Washington Dept. of Natural Resources - Aquatics Land Division is working with the City of Seattle to extend our proposed Marine Reserve areas into the subtidal areas. There has been considerable public interest in protecting park sites along Puget Sound.

This legislation creates City Park Marine Reserves in the marine and intertidal areas within certain portions of [Golden Gardens](#), [Carkeek Park](#), [South Alki/Richey Viewpoint](#), [Lincoln Park](#), [Schmitz Viewpoint](#) and [Discovery Park](#).

Although many of these activities are already unlawful in a City park, this legislation will specifically designate City of Seattle park sites along Puget Sound as Marine Reserves and as such prohibit taking of shellfish, capturing of any wildlife species and otherwise damaging or destroying submerged or intertidal lands within our parks.

If there is a legitimate public purpose for any of these activities, the Superintendent of Seattle Parks and Recreation may grant permission, provided that it does not violate other applicable federal, state or local law.

Marine Reserves will still be open to the public, but the Superintendent has the authority to close all or part of a City Park Marine Reserve for a specific period of time.

This rule gives us an opportunity to highlight the importance of our critical marine habitat and spell out activities that are prohibited in these designated areas.

We are developing signage, a public education brochure, post information on our website and will use other means to get the work out and educate the general public.

There are no additional mechanisms to enforce this rule; we will rely on the same methods used to enforce the Park Code. Individuals will need to call police or animal control to report violations.

- » [view full rule](#) (PDF)
- » [Seattle Aquarium Marine Reserve web page](#)

New State Marine Protected Areas in Seattle

On April 7, after two years of effort, the Washington Fish and Wildlife Commission formally adopted marine protected status of the intertidal at all six Seattle marine reserves. This commission decision came after two public hearings in 2004 and 2005, with strong support from People for Puget Sound, Seattle Aquarium staff and Beach Naturalist volunteers.

About 50% of each of the following beaches are now set aside by the city and the state as no-harvest reserves (except for hook and line fin-fishing): [Carkeek Park](#), [Golden Gardens](#), [Discovery Park](#), [South Alki/Richey Viewpoint](#), [Schmitz Memorial /Me-Kwa-Mooks](#) and [Lincoln Park](#). Total amount of protected intertidal is about 108 acres.

The benefit of the state adoption of these new "Marine Preserves" is threefold:

Education - inclusion in the state fish/shellfish pamphlet so people know of the closure

Consistency of messages - potential harvesters were confused when collection was closed by the city but not the state

Enforcement - now harvesting from the reserves is a state misdemeanor and citizens can report violations to the state patrol for enforcement. Prior to this, city enforcement on reserves meant city police could only remove a person from the beach.

This culminates 13 years to get city MPA status and another 2 for state action. Commissioners at both hearings had high praise for the role the Aquarium played in working with state

 **Note:** To view a PDF, you must have Adobe Acrobat Reader. Download it for free at <http://www.adobe.com/products/acrobat/readstep2.html>.

government on securing these conservation areas, and educating people about them and the resources found here. This process - and it's success - was held up as a model to be replicated elsewhere for resolving multi-jurisdictional natural resource management matters.

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Updated May 3, 2007

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Waterfront Residential – Residential Development

Policy: Maintain shoreline views so that views from adjacent residences be comparable.

Policy: Maintain an average setback such that neighboring residences are in a common line of site. As such new or modified residences shall be setback the greater of the 20 foot buffer or the average setback of the adjacent residences.

Regulation:

1. Where an existing residential structure is set back beyond the 20 foot buffer, it may be expanded water ward to the extent that the setback is the greater of the 20 foot buffer or the average setbacks of the adjacent residences. The buffer shall be determined as 1) the common line drawn between the nearest corners of the adjacent residences (“nearest corners” of the adjacent residences are those closest to the side-yard property line of the subject structure property.) see figure 1a, or 2) a common line calculated by the average of both adjacent residences existing setbacks $((y+z)/2 = x)$ see figure 1b.
2. A proposed new residential structure shall be setback the greater of the 20 foot buffer or the average setbacks of the adjacent residences. The “average setback” buffer shall be determined as the greater of either; 1) the common line drawn between the nearest corners of the adjacent residences (“nearest corners” of the adjacent residences are those closest to the side-yard property line of the subject structure property.) see figure 1a, or 2) a common line calculated by the average of both adjacent residences existing setbacks $((y+z)/2 = x)$ see figure 1b.
3. Where there is only a residence on one side of the subject lot, then the buffer shall be the greater of the 20 foot setback or the average setback of the adjacent residence and the next closest residence on the opposite side. The “average setback” buffer shall be determined as the greater of either; 1) the common line drawn between the nearest corners of the adjacent and closest residences (“nearest corners” of the closest residences are those closest on opposite sides to the side-yard property line of the subject structure property.) see figure 1c, or 2) a common line calculated by the average of both adjacent residences existing setbacks $((y+z)/2 = x)$ see figure 1d.
4. Figures 1a-d below illustrates examples of common line buffer allowance. Where discrepancy between the text and the graphs exist, the text shall govern. Graphs are for illustration only, buffer shall be measured perpendicularly from the Ordinary High Water Mark as per this section.

Figure 1.a

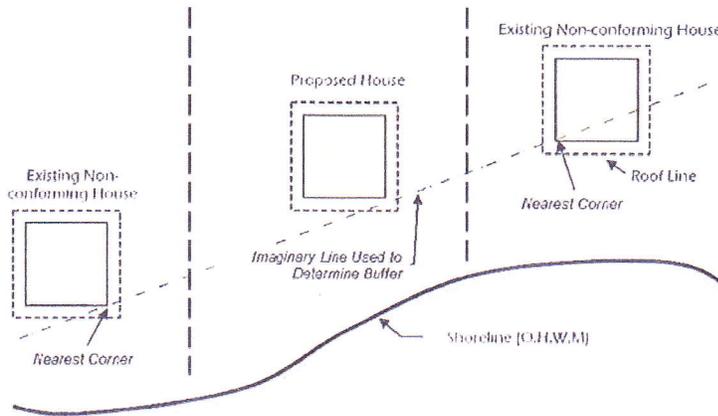
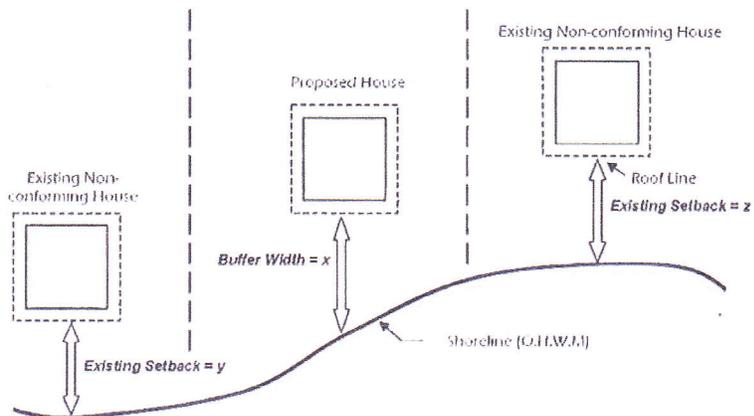


Figure 1.b



1

