Final
Shoreline Master Program
City of Enumclaw
Enumclaw, Washington

DOE APPROVED
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Prepared for

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LIST OF ABBREVIATIONS AND ACRONYMS

cfs	Cubic Feet per Second
City	City of Enumclaw, Washington
DAHP	Washington State Department of Archaeology and Historic Preservation
Ecology	Washington State Department of Ecology
EMC	Enumclaw Municipal Code
FEMA	Federal Emergency Management Act
ft	Feet
GMA	Growth Management Act
OHWM	Ordinary High Water Mark
PSDDA	Puget Sound Dredged Disposal Analysis
RCW	Revised Code of Washington
SEPA	Washington State Environmental Policy Act of 1971
SMA	Shoreline Management Act
SMP	Shoreline Master Program
UGA	Urban Growth Area
WAC	Washington Administrative Code
WDFW	Washington State Department of Fish and Wildlife

1.0 INTRODUCTION

The City of Enumclaw (City), Washington has developed its first Shoreline Master Program (SMP), as required under the Washington State Shoreline Management Act (SMA). The SMA was adopted in 1972 "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines," and has three broad policies:

1. Encourage water-dependent uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines…"

2. Protect shoreline natural resources, including "…the land and its vegetation and wildlife, and the water of the state and their aquatic life…"

3. Promote public access: "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

This document contains goals, policies, and regulations that are intended to ensure that the City permits land uses within the shoreline jurisdiction that meet the policies of the SMA. The implications of the proposed goals, policies, and regulations, as described in this SMP, are to create an additional layer of protections for land within the shoreline jurisdiction, focusing on the protection of critical areas from impacts associated with development, while allowing for zoned and planned land uses. Technical information that supports these goals, policies, and regulations can be found in the City of Enumclaw Shoreline Characterization Report, produced by Landau Associates.

1.1 OVERVIEW OF THE SHORELINE MANAGEMENT ACT

The paramount objectives of the SMA are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or that offer opportunities for the public to enjoy the state's shorelines. With this mandate, the SMA establishes a planning and regulatory program to be initiated at the local level under State guidance. The cooperative effort balances local and state-wide interests in the management and development of shoreline areas by requiring local governments to plan (via shoreline master programs) and regulate (via permits) shoreline development within SMA jurisdiction (see Section 1.2) Local government actions are monitored by the Washington State Department of Ecology (Ecology), which approves new or amended SMPs, reviews substantial development permits, and approves conditional use permits and variances.

An abbreviated history of the SMA is summarized below:

- The "Shoreline Management Act of 1971" was passed by the state legislature and became effective June 1, 1971.

- Ecology adopted Chapter 173-16 WAC to serve as a standard for the implementation of the SMA and to provide direction to local governments and Ecology in preparing master programs.

- Over the years, local governments, with the help of Ecology, developed a set of practices and methodologies, which were collected and described in the 1994 Shoreline Management Guidebook (Skowland 1994[1]).

- In 1995, the state legislature passed Engrossed Substitute House Bill 1724, which included several amendments to the Revised Code of Washington (RCW) to better integrate the Growth Management Act (GMA), the Shoreline Management Act (SMA), and the State Environmental Policy Act (SEPA). The bill also directed Ecology to review and update the state SMA guidelines every 5 years. In response, Ecology undertook a primarily internal process to prepare a new WAC chapter (also referred to in this SMP as the "Guidelines").

- Ecology formally proposed a new Washington Administrative Code (WAC) rule for the SMA in April 1999.

- In 2003, the state legislature further clarified the integration of the SMA and GMA.

- The final version of the Guidelines was adopted December 17, 2003.

1.2 SHORELINE JURISDICTION

Pursuant to RCW 90.58.030, "Shorelines" that fall under the jurisdiction of the Shoreline Management Act consist of rivers or streams with a flow of 20 cubic feet per second (CFS) greater, marine shorelines, and lakes 20 acres in size or greater[2].

In addition to these shorelines, "Shorelands" associated with these waters also fall under the jurisdiction of the SMA. "Shorelands" include the lands that extend landward 200 feet from the Ordinary High Water Mark (OHWM) from "Shorelines", floodways and contiguous floodplain areas within 200 feet landward of the floodway, and wetlands associated with "Shorelines"[3]. The local jurisdiction has the option to determine the portion of the one-hundred year flood plain to be included in its Master Program, as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward

[1] Skowland, Peter. 1994. *Shoreline Management Guidebook, Second Edition.* Publication No. 93-104a. Washington State Department of Ecology. January.

[2] RCW 90.58.030(d)

[3] RCW 90.58.030(f)

two hundred feet therefrom.[4] There are no Shorelines of Statewide Significance within the City of Enumclaw or its Urban Growth Area.

Shoreline jurisdiction is mapped on Figures 1A and 1B. Within the City and its associated Urban Growth Area (UGA), two streams are considered "shorelines of the state," Boise Creek and Newaukum Creek. Both creeks begin in the Cascade foothills above the Enumclaw plateau. There are no lakes 20 acres in size or over and there are no Marine shorelines. The remaining streams within the City and UGA flow at less than 20 CFS, and are thus not subject to the SMA. Also included within shoreline jurisdiction shown on Figures 1A and 1B are the areas within 200 feet of Boise and Newaukum Creeks, the 100 year floodplain associated with these creeks and associated wetlands that are contiguous to the 100 year floodplain.

Detailed information related to the geographic application of the SMA, and determination of the City's shoreline jurisdiction is provided in Addendum No. 1 to the Shoreline Characterization Report dated July 31, 2010

Note that final shoreline jurisdiction boundaries should be evaluated by the project proposer on a project/property scale when beginning any land use permitting process, in order to verify whether a shoreline permit is applicable to a project or area. In the event of a mapping error, the City will rely upon the common boundary descriptions and the criteria contained in RCW 90.58.020(2) and chapter 173-22 WAC pertaining to the determinations of shorelands rather than the incorrect or outdated map.

[4] RCW 90.58.030(f)(i)

2.0 GOALS AND OBJECTIVES

The Shoreline Management Act (SMA) identifies eight "program elements" that must be addressed and included in local shoreline master programs: Economic development; public access; recreation; circulation; land use; conservation; flood hazard; and historic, cultural, scientific, and educational. This section presents goals and objectives that apply to the specific shoreline conditions and uses within the City of Enumclaw and its UGA. The goals and objective are derived from the SMA objectives and provisions in the City of Enumclaw Comprehensive Plan, as well as input from citizens.

2.1 GENERAL SHORELINE JURISDICTION LAND USE

General shoreline land use goals for the City include the following:

A. Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, residential, recreational, and open space uses.

B. Ensure that activities and facilities that are located within the shoreline jurisdiction are designed in such a manner as to retain or improve the quality of the environment.

C. Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private property owners.

D. Encourage shoreline uses that enhance shoreline environment and public access, or that employ innovative features for purposes consistent with this program.

E. Encourage joint-use activities in proposed shoreline developments.

F. Ensure that planning, zoning, and other regulatory and non-regulatory programs governing lands adjacent to shoreline jurisdiction are consistent with SMA and GMA policies and regulations and the provisions of this SMP.

G. Encourage water-related and water-enjoyment uses.

H. When determining allowable uses and resolving use conflicts, apply the following preferences and priorities in order of sequence listed below with a. being given top priority.

   1. Water-dependent uses

   2. Water-related uses

   3. Water enjoyment.

I. Encourage uses and activities that protect and restore ecological functions, control pollution, and prevent damage to the natural environment and public health.

J. Allow the construction of single- or multiple-family residences where they are appropriate and consistent with the City's Comprehensive Plan and where they can be developed without significant impact to ecological functions or displacement of water-oriented uses

K. Allow for non-water-oriented uses where they are consistent with the Comprehensive Plan and where they can be developed without significant impact to ecological functions or displacement of water-oriented uses.

2.2 ECONOMIC DEVELOPMENT ELEMENT

The economic development element considers the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce, and other developments that are particularly dependent on shorelines of the state. Economic development goals related to shorelines include the following:

A. Ensure sustainable, orderly economic growth by allowing development and/or redevelopment activities that will be an asset to the community and local economy and that result in the least possible adverse effect on the quality of the shoreline and surrounding environment.

B. Protect current economic activity that is consistent with the objectives of the Comprehensive Plan and the SMP and that provides for environmentally sensitive new development.

C. Develop, as an economic asset, the recreation industry along shorelines in a manner that will enhance the public enjoyment of, and public access to shorelines. Encourage improvement of boat launches, marina facilities, and public access trails when coupled with environmental protection and/or restoration.

D. Ensure that any economic activity taking place along the shoreline operates without harming the quality of the shoreline environment either on site or off site, directly or indirectly.

E. Encourage new economic development to locate in areas already developed with similar uses that are consistent with the City's Comprehensive Plan including this master program.

2.3 CIRCULATION ELEMENT

Circulation consists of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities. Goals for roads, crossings, or other connections within the shoreline jurisdiction include the following:

A. Provide safe, reasonable, and adequate circulation systems to shorelines where routes will have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

B. To the extent feasible, locate land circulation systems that are not shoreline-dependent in a manner that will reduce or eliminate interference with either natural shoreline resources or other appropriate shoreline uses. Where possible, avoid creating barriers between adjacent uplands (buffers), wetlands, floodplain, and the shoreline jurisdiction.

C. Protect and enhance those characteristics of shoreline roadway corridors that are unique or have historic significance or aesthetic quality for the benefit and enjoyment of the public.

2.4 CONSERVATION ELEMENT

The conservation element addresses the preservation of natural resources including, but not limited to, scenic vistas, aesthetics, and vital estuarine areas for fish and wildlife. Goals for conservation of ecological functions and processes, as well as aesthetic values within the shoreline jurisdiction, include the following:

A. As a long-term goal, seek no further degradation of ecological functions and where appropriate, the improvement of functions (as described in the Shoreline Characterization Report.

B. Ensure that use of a natural resource takes place with the minimum adverse impact to natural systems and quality of the shoreline environment.

C. Protect areas with high ecological values or functions. Add access and interpretive displays describing the natural ecology for such areas.

D. Restore areas that are ecologically and/or aesthetically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

E. Preserve and enhance the scenic aesthetic quality of shoreline areas and vistas to the greatest extent feasible.

F. Pursue a comprehensive program of ecological enhancements as identified in the Shoreline Ecological Restoration Plan (Appendix B).

G. Minimize the loss of native vegetation and preserve native woody vegetation cover in riparian areas by establishing voluntary, programmatic, or permit-dependent conservation standards.

H. Encourage public and private shoreline owners to control populations of invasive or noxious plants and animals as defined by King County Noxious Weed Program or other appropriate agency.

I. Encourage public and private shoreline owners to plant native vegetation with habitat value for wildlife that use shoreline areas.

J. To the extent feasible, locate and design development to avoid impacts to shoreline natural resources and the functions provided by these resources. Shoreline development projects should follow best management practices that protect water quality.

K. Consider and, when possible, require protection of scenic vistas of the shorelines of the state when reviewing public and private development proposals.

2.5 PUBLIC ACCESS ELEMENT

The public access element considers public access to publicly-owned land along shorelines of the state. Goals of the public access element are to:

A. Support the public interest with regard to rights to access waters held in the public trust by the state, while protecting private property rights and public safety, as well as considering impacts on ecological processes and functions.

B. Protect the rights of navigation and the space necessary for water-dependent uses.

C. To the greatest extent feasible, consistent with the overall best interests of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.

D. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

E. Work cooperatively with other programs and agencies that are involved in facilitating public access.

F. Work with citizens of the City to determine appropriate shoreline public access projects and priorities.

G. Pursue a comprehensive program of public access improvement, as identified in the Shoreline Public Access Plan (Appendix C).

2.6 RECREATION ELEMENT

The recreational element provides for the preservation and improvement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas. Recreation goals include the following:

A. Increase recreational opportunities in shoreline areas that can reasonably tolerate active, passive, competitive, or contemplative uses without diminishing or degrading the integrity and character of the shoreline.

B. Coordinate with the Enumclaw Parks, Recreation, and Cultural Services Department to increase opportunities for water-oriented recreation.

C. Integrate recreational elements into other regional trail systems and into federal, state, and local public access planning.

D. Ensure existing and proposed recreational uses are safe.

E. Evaluate opportunities to acquire shoreline property for purposes of public recreation from willing sellers of private property.

2.7 HISTORICAL/CULTURAL RESOURCES, SCIENTIFIC, AND EDUCATIONAL ELEMENT

The historic, cultural resources, scientific, and educational element establishes goals intended to prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value

as identified by the appropriate authorities, including affected tribes, and the Washington State Department of Archaeology and Historic Preservation (DAHP). Goals for this element include the following:

A. Identify, protect, preserve, and restore important archaeological, historical, and cultural sites for educational and scientific purposes as well as the enjoyment of the general public.

B. Encourage educational projects and programs that foster appreciation of the importance of shoreline management, traditional aquatic and shoreland land uses, environmental conservation, and local history.

C. Encourage cooperation among involved private and public parties to achieve these historic, cultural, scientific, and educational objectives.

2.8 FLOOD DAMAGE MINIMIZATION ELEMENT

The flood damage minimization element considers development patterns and regional programs to minimize the potential for flood damage to property. Goals for flood damage minimization include the following:

A. Reduce the likelihood of flood damage to property, infrastructure, and habitat within and outside the city limits by locating development away from flood-prone areas and by protecting and restoring natural hydrogeological processes.

B. Participate in watershed-wide programs to reduce flood hazards and improve the shoreline ecology.

C. Work cooperatively with other programs to update comprehensive stormwater plans that affect shorelines.

D. Prioritize flood minimization projects that improve other shoreline ecological functions or that address basin-scale water quantity issues.

2.9 LAND USE ELEMENT

The land use element considers the general distribution, location, and extent of use of the shorelines and adjacent areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private use of the land. Goals for land use include the following:

A. Consider the policy goals of the Shoreline Master Program when designating land use and zoning within the shoreline jurisdiction.

B. Consider shoreline ecological functions and watershed or basin-scale processes when designating land use and zoning within the shoreline jurisdiction.

3.0 ENVIRONMENT DESIGNATIONS

The Shoreline Management Act (SMA; RCW 90.58) requires that shoreline management programs classify shoreline areas into specific environmental designations. Shoreline environment designations provide a means of adapting broad policies to shoreline segments while recognizing different conditions and valuable shoreline resources. These designations are intended to serve as a tool for applying and tailoring the general policies of the SMA to local shorelines. The ecological rationale for determining environmental designations can be found in the Shoreline Characterization Report. General locations for environment designations are shown on the shoreline environment designation map (Figure 1A and 1B).

Under this SMP, the City is pre-designating areas located within the UGA, which will become effective following annexation into the City (which is due to occur following completion of appropriate wastewater treatment facility development). Until that time, pre-existing shoreline designations, as described under King County's 1975 Shoreline Master Program (under KCC Title 25 – Shoreline Management) apply to these areas.

Two types of environment designations exist within the City and its UGA: Aquatic and Urban Conservancy (see Figures 1A and 1B). The purpose, designation criteria, and management policies for each designation are described below.

Undesignated shorelines located landward of the ordinary high water mark (OHWM) shall be assigned an Urban Conservancy designation. Undesignated shorelines located waterward of the OHWM shall be designated Aquatic.

3.1 AQUATIC ENVIRONMENT

3.1.1 PURPOSE

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 (OHWM).

3.1.2 DESIGNATION CRITERIA

An Aquatic Environment designation is assigned to all shoreline areas waterward of the OHWM. This designation may not be shown on maps due to scale issues, but will apply and must be shown on site-scale maps when applicable.

3.1.3 APPLICATION

The Aquatic Shoreline Environment corresponds with areas waterward of the ordinary high water mark of Boise and Newaukum Creeks, and those areas located waterward of the ordinary high water mark for any wetlands associated with these creeks.

3.1.4 MANAGEMENT POLICIES

A. New overwater structures should be prohibited except for water-dependent uses, public access, or as needed to facilitate ecological restoration.

B. The size of new overwater structures should be limited to the minimum necessary to support the structure's intended use or as needed to limit a project's footprint within critical areas.

C. Provisions for the Aquatic Environment should be directed toward maintaining and restoring habitat for priority aquatic species.

D. The design of all new structures within the Aquatic Environment shall be located and designed to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife (including large mammals), particularly those species dependent on migration.

E. Uses that cause significant ecological impacts to critical species or habitats [as defined by the Critical Areas Ordinance or by the Washington State Department of Fish and Wildlife (WDFW)] should be discouraged. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts shall be mitigated according to the sequence defined in 5.2.1.3 (D).

F. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions (unless they are intended to restore hydrologic conditions as part of ecological restoration projects).

G. Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with the provision of this program, unless they provide habitat for wildlife that is otherwise not provided in the landscape (or that habitat will be replaced as an element of the structure removal project).

3.2 URBAN CONSERVANCY ENVIRONMENT

3.2.1 PURPOSE

The purpose of the Urban Conservancy Environment is to protect and conserve the shoreline for ecological, public safety, and recreation purposes. Areas with an Urban Conservancy designation are characterized as containing important ecological processes and functions, sensitive areas, flood and

geological hazards, and/or recreational opportunities. Residential areas can also be designated as Urban Conservancy shorelines.

3.2.2 DESIGNATION CRITERIA

A. The Urban Conservancy Environment designation is intended to protect and restore the public benefits and ecological functions of open space, natural areas, and other sensitive lands while allowing a variety of compatible uses. It is the most suitable designation for shoreline areas that possess a specific resource or value that can be protected without excluding or severely restricting all other uses.

B. Areas that may be included in Urban Conservancy Shoreline are:

1. Shoreline reaches primarily within an identified Federal Emergency Management Agency (FEMA) floodway or severe channel migration hazard zone;

2. River shorelines with a restoration plan determination of conservation and/or enhancement;

3. Shorelines in public ownership and managed for public access or recreation;

4. Shoreline not suitable, or less suitable, for water dependent uses;

5. Floodplains, steep slopes, or other areas that should not be more intensively developed;

6. Shorelines with a high potential for ecological restoration; or

7. Shorelines that provide or have the opportunity to provide important ecological functions, even though they are partially developed.

3.2.3 APPLICATION

The Urban Conservancy Environment includes areas within the shoreline jurisdiction that are zoned Public and Residential (R1, R2), as shown on Figure 2. Areas within the 100 year flood plain of Boise and Newaukum Creeks and those areas that are wetlands contiguous to the 100 year flood plain are designated Conservancy.

3.2.4 MANAGEMENT POLICIES

A. Primary uses in the Urban Conservancy Environment should be those that preserve the natural character of the area, promote preservation of open space, floodplain or sensitive areas either directly or over the long term.

B. The continuation of existing agriculture uses should be allowed

C. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

D. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Urban Conservancy Environment to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat for priority species.

E. Water-oriented and water enjoyment uses should be given priority over non-water-oriented uses.

F. The City should require that new uses or development preserve the existing character of the shoreline consistent with the purpose of the environment, including:

1. Limiting density and lot coverage so that the total effective impervious surface in the shoreline jurisdiction is no greater than 10 percent in order to maintain the existing hydrologic character of basins draining to the shoreline;

2. Allowing for greater lot coverage for development of lots legally created prior to the date of adoption of this SMP. In these cases, impervious surface coverage shall be limited to the maximum extent practicable; and

3. Derelict, unsafe, and unlawful structures should be removed or brought into conformance with this SMP.

4.0 SHORELINE LAND USES AND MODIFICATIONS

All shoreline development must conform to the Universally Applicable Provisions (Section 5.1), the Provisions Based on Landscape or Environmental Conditions (Section 5.2), the Project-Specific Provisions (Section 5.3), and/or the Provisions by Land Use and Development Type (Section 5.4), as well as the Environment Designation Provisions (see Section 3) as stated in this master program. This section may not authorize a land use that is not allowed by the underlying zoning, but may add additional restrictions or conditions, or prohibit specific land uses within the shoreline jurisdiction. All uses in the shoreline jurisdiction must comply with all relevant Enumclaw Municipal Code (EMC) provisions and with the Enumclaw SMP. When there is a conflict between the permitted land uses in the EMC and shoreline uses in this section, preference for shoreline uses shall first be given to water-dependent uses, then to water-related uses, and finally to water-enjoyment uses, in keeping with the Goals and Objectives of the Program (see Section 2).

The following matrices (Tables 1A and 1B) indicate the allowable uses and shoreline modifications and some of the standards applicable to those uses and modifications. Where there is a conflict between the matrices and the written provisions in this master program, the written provisions shall apply.

The matrices below are coded according to the following legend. See also “Notes” following the matrices for additional explanation, where applicable.

P May be permitted, given adherence to relevant provisions in the SMP text.
C May be permitted as a conditional use only, given adherence to relevant provisions in the SMP text.
X Prohibited; the use is not eligible for a variance or conditional use permit.

TABLE 1A: LAND USE MATRIX FOR SHORELINE ENVIRONMENTS

SHORELINE USE	SHORELINE ENVIRONMENT DESIGNATION	
	Aquatic	Conservancy
Agriculture	X	P (b)
Aquaculture	P(f)	P(f)
Boating facilities (including marinas)	X	X
Commercial:		
Water-dependent	P (a,b)	P (a,b)
Water-related, water-enjoyment	X	P (a,b)
Non-water-oriented	X	X
Flood damage management	X	P (b)
Forest practices	X	X
Industrial:		
Water-dependent	X	X
Water-related, water-enjoyment	X	X
Non-water-oriented	X	X
Mining	X	X
Parking (accessory)	X	P (b)
Parking (primary, including paid)	X	X
Recreation:		
Water-dependent	P (b)	P(b)
Water-related, water-enjoyment	P (a,b)	P (a,b)
Non-water-oriented	X	P (a,b)
Single-family residential	X	P (a,b)
Multifamily residential	X	P (a,b)
Land division	X	P (a,b)
Signs:		
On premises	X	P (b)
Off premises	X	P (b)
Solid waste disposal	X	X
Transportation:		
Water-dependent	X	X
Non-water-oriented	X	C (a,d,e)
Roads, railroads	C (a,d,e)	P (a,d,e)
Utilities (primary)	C (a,d,e)	C (a,d,e)
Utilities (accessory)	C (a,d,e)	P (a,d,e)

TABLE 1B

LAND MODIFICATION MATRIX FOR SHORELINE ENVIRONMENTS

SHORELINE MODIFICATIONS	SHORELINE ENVIRONMENT DESIGNATION	
	Aquatic	Conservancy
Shoreline stabilization:		
Bioengineering	P (c,e)	P (c), C (b,e)
Revetments	X	X
Bulkheads	X	X
Breakwaters/jetties/rock weirs/groins	X	X
Dikes, levees	X	P (b)
Shoreline restoration/enhancement	P (b)	P (b)
Dredging	X	X
Hazardous waste cleanup	P (b), C (a,d)	P (b), C (a,d)
Fill	P (c)	P (c), C (b,e)
Piers, docks, buoys, floats	X	X

Notes for Tables 1A and 1B:

(a) Public access, as approved by the City, is a condition of non-water-dependent development.

(b) May be allowed provided it does not cause significant negative ecological impacts and is in keeping with underlying zoning.

(c) May be permitted within critical areas, as part of restoration project that is not connected to a new development project, or if the City determines that there will be a demonstrated net increase in desired shoreline ecological functions

(d) May be allowed providing there is no other feasible route or location and ecological impacts are mitigated for.

(e) Fill within the floodway or wetlands requires a conditional use permit.

(f) Fish and wildlife resource enhancement, including aquaculture related to fish propagation are allowed and encouraged.

5.0 SHORELINE PROVISIONS, POLICIES, AND REGULATIONS

This section contains provisions, policies, and regulations (grouped as provisions) designed to implement the goals of the SMP. This section is organized into four subsections. The first subsection sets forth universal policies and regulations that are applicable to all uses and activities (regardless of local environmental conditions, land use type or project type) that may occur in the jurisdiction's shorelines, followed by specific policies and regulations that are applicable to specific environmental conditions, specific project types, and specific land use types. It is intended that any proposed project within the shoreline jurisdiction will fall under one or more of the groups of provisions, without contradiction among provisions. If contradicting provisions exist for a project that falls under more than one groups of provisions, those meeting the intent of the SMP (as described in Section 2, Goals and Objectives), as interpreted by the City, shall prevail.

5.1 UNIVERSALLY APPLICABLE PROVISIONS

5.1.1 NO-NET-LOSS OF SHORELINE FUNCTIONS AND VALUES

5.1.1.1 Applicability

The following regulations describe the requirements for all shoreline uses and modifications in all environment designations.

5.1.1.2 Policies

A. Where appropriate, the City will pursue the policies of this master program in other land use, development permitting, public construction, and public health and safety activities. Specifically, such activities include, but are not limited to:

   1. Water quality and stormwater management activities, including those outside shoreline jurisdiction but affecting the shorelines of the state.

   2. Vegetation management on private and publicly owned properties.

   3. Health and safety activities, especially those related to sanitary sewage.

   4. Public works and utilities development.

B. Involve affected federal, state, and tribal governments, and citizens in the review process of shoreline applications.

5.1.1.3 Regulations

A. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the SMA, Chapter 90.58 RCW, and to the policies and regulations of this master program.

B. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this master program. Except as otherwise noted, all shoreline modifications not associated with a legal existing use or an approved shoreline use are prohibited.

C. Shoreline uses, modifications, and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or shoreline conditional use permit.

D. The "policies" listed in this master program will provide broad guidance and direction and will be used by the City in applying the "regulations."

E. Where provisions of this master program conflict, the provisions most directly implementing the objectives of the SMA, as determined by the City, shall apply unless specifically stated otherwise.

F. See Section 6 for regulations, including exemptions, variances, conditional uses, and non-conforming uses.

5.1.2 PUBLIC ACCESS

5.1.2.1 Applicability

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. Public access facilities may include picnic areas, pathways and trails, promenades, viewing towers, bridges, and improved street ends.

5.1.2.2 Policies

A. Public access should be considered in the review of all private and public developments (including land division) with the exception of the following:

1. Single family residences not part of a development planned for more than four parcels; or

2. Where deemed inappropriate due to health, safety, and environmental concerns.

B. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation.

C. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.

D. Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public utilities, and rights-of-way should be preserved, maintained, and enhanced.

E. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.

F. Public views from the shoreline upland areas should be enhanced and preserved. Native vegetation that provides ecological benefits to the stream and/or shoreline should not be removed for the purpose of enhancing views.

G. Public access and interpretive displays should be provided as part of publicly funded restoration projects where significant ecological impacts can be avoided.

H. Commercial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area wherever feasible.

I. The acquisition of suitable upland shoreline properties to provide access to publicly owned shorelands should be encouraged.

5.1.2.3 Regulations

A. Public access shall be required for all non-water dependant developments except for the following:

1. Short subdivisions creating four lots or less;

2. Construction of a single family residence or single family residential project containing less than four dwelling units.

B. Shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:

1. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact.

2. Where a development or use will interfere with an existing public accessway, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing onsite or nearby accesses.

3. Where a use that is not a priority shoreline use under the SMA locates on a shoreline of the state, the use or development shall provide public access to mitigate this impact.

4. Where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact.

5. Where the development is proposed by a public entity or on public lands.

6. Where called for under the City's public access plan.

C. An applicant need not provide public access where the City determines that one or more of the following conditions apply.

1. The adopted City's public access planning indicates that public access is not required;

2. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;

3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;

4. As determined by the City, the cost of providing the access, easement, or alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development (in this case, the City may determine that an offsite mitigation option is more appropriate);

5. Significant ecological impacts will result from the public access that cannot be mitigated; or

6. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

D. In order to meet any of the conditions 1 through 6 above, the applicant must first demonstrate, and the City determine in its findings, that all reasonable alternatives have been exhausted, including but not limited to:

1. Regulating access by such means as maintaining a gate, lighting, and/or limiting hours of use;

2. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazings, hedges, landscaping, etc.); and

3. Developing provisions for access at a site geographically separated from the proposal such as a street end, vista, or trail system.

E. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not be diminished per RCW 35.79.035 and RCW 36.87.130.

F. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.

G. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.

H. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, at a minimum. Recording with the County Auditor's Office shall occur at the time of permit approval (RCW 58.17.110).

I. Minimum width of public access easements shall be 20 ft, unless the City determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.

J. The standard state-approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval. Refer to Section 5.3.1.

K. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

5.1.3 VEGETATION CONSERVATION

5.1.3.1 Applicability

The following provisions apply to any activity that results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, application of herbicide, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities. They do not apply to forest practices managed under the Wash

ington State Forest Practices Act, except for Class IV-G forest practices permits. See Section 7 for definitions of "significant vegetation removal," "ecological functions," "clearing," "grading," and "restore."

5.1.3.2 Policies

A. Vegetation within the shoreline jurisdiction should be enhanced over time to provide a greater level of ecological functions, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of this master program, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in the Shoreline Inventory and Characterization Report.

B. This master program, in conjunction with other City development regulations, should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.

C. Aquatic weed management is not permitted unless performed in conjunction with an approved restoration or mitigation project.

5.1.3.3 Regulations

For All Shoreline Environments

A. The creation of new land parcels or lots that would require significant vegetation removal in order to develop is not allowed. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that development can be accomplished without significant vegetation removal. The City may make exceptions to this standard for water-dependent development, if applicable.

B. All development, including clearing and grading, shall minimize significant vegetation removal in shoreline jurisdiction to the extent feasible. In order to implement this regulation, applicants proposing development that includes significant vegetation removal, clearing, or grading within shoreline jurisdiction must provide, as a part of a substantial development permit or a letter of exemption application, a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading within 100 ft of the OHWM. The City may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions or require additional onsite mitigation.

C. In addressing impacts from significant vegetation removal, the City will apply the mitigation sequencing per Section 5.2.1.3 (D).

D. Vegetation restoration of any shoreline that has been disturbed or degraded shall use native plant materials that the City finds appropriate for the conditions.

E. Where shoreline restoration is required, the vegetation plantings shall adhere to the specifications in Appendix B unless the City determines that another method is more appropriate.

F. A condition of all development shall be that those shorelands on the site not occupied by structures, shoreline uses, human activities, or permanent resource use or production, shall be revegetated and enhanced with native woody and herbaceous vegetation.

G. The enhancement of vegetation shall be a condition of all new non-water-dependent uses, with the exception of agricultural uses (crop, grazing, or forest production) development except where the City finds that:

    1. Vegetation enhancement is not feasible on the project site (in these cases, the City may require offsite vegetation enhancement that performs the same ecological functions within the basin.), or

    2. The restoration of ecological processes and functions can be better achieved through other measures such as the removal of channel constraints.

    3. Sufficient native vegetation already exists.

For Shorelines in the Urban Conservancy Environments

A. For properties within areas planned for residential development, new development that will cause significant permanent vegetation removal shall not be allowed except where the dimensions of existing lots or parcels are not sufficient to accommodate permitted primary

residential structures outside of the vegetation conservation area or where the denial of reasonable use would result in a takings. In these instances, the City will apply the mitigation sequence in Section 5.2.1.3 (D) to minimize ecological impacts. Generally, this will mean placing the development away from the shoreline as far as possible, locating the development to avoid tree cutting, and modifying building dimensions to reduce permanent vegetation removal. Refer to Section 6.2, Variances.

For Shorelines in the Aquatic Environment

A. Aquatic weed control shall not be allowed unless in conjunction with an approved restoration project. Aquatic weed control shall occur in compliance with all other applicable laws and standards.

B. The control of aquatic or emergent weeds (within riparian or wetland areas) by derooting, rotovating, or other method that disturbs the bottom sediment, stream bank, or wetland soils shall be considered development for which a substantial development permit is required.

C. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. A conditional use permit shall be required in such case.

5.1.4 WATER QUALITY

5.1.4.1 Applicability

The following section applies to all development and uses in shoreline jurisdiction that affect water quality (per definitions).

5.1.4.2 Policies

A. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by altering water quality, quantity, or hydrology.

B. The City should require setbacks, buffers, and stormwater storage basins and encourage low-impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.

C. All measures for controlling erosion, stream flow rates, or floodwaters through the use of stream control works should be located, designed, constructed, and maintained so that net offsite impacts related to water do not degrade the existing water quality.

D. As a general policy, the City will seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines as well as local shoreline functions, within shoreline jurisdiction.

E. The City will regulate development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs.

F. The City will implement the 2005 Washington State Department of Ecology (Ecology) Stormwater Manual for Western Washington as adopted, or as may be amended.

5.1.4.3 Regulations

A. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that the receiving water quality and shore properties and features are not adversely affected. Control measures include, but are not limited to, catch basins or settling ponds, created treatment wetlands, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.

B. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this master program.

5.2 PROVISIONS BASED ON LANDSCAPE OR ENVIRONMENTAL CONDITIONS

5.2.1 CRITICAL AREAS

The Enumclaw Critical Areas Regulations, as codified in Chapter 19.02 of the EMC (passed January 14, 2008, Ordinance #2382), are incorporated into this master program except as noted below. Exceptions to the applicability of Enumclaw Critical Areas Regulations in shoreline jurisdiction are the following:

A. If provisions of the Critical Areas Regulations and other parts of the master program conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.

B. Provisions of the Critical Areas Regulations that are not consistent with the SMA, Chapter, 90.85 RCW, and supporting Washington Administrative Code (WAC) chapters shall not apply in shoreline jurisdiction.

C. The provisions of Enumclaw Critical Areas Regulations do not extend shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffer areas that are outside shoreline jurisdiction, see the Enumclaw Critical Areas Regulations.

D. Provisions of Enumclaw Critical Area Regulations that include “reasonable use” provisions shall not apply within shoreline jurisdiction. Refer to Section 6.2, Variances.

E. Provisions of Enumclaw Critical Areas Regulations relating to “variance” and “exemption” procedures and criteria do not apply in shoreline jurisdiction.

F. Provisions of Enumclaw Critical Areas Regulations relating to wetland buffers (EMC 19.02.090.C and 19.02.100.C) and Mitigation (EMC 19.02.250) shall not apply as they are addressed by the regulations in this section.

G. Provisions of Enumclaw Critical Areas Regulations relating to monitoring of compensatory mitigation (EMC 19.02.240, Appendices B and C) shall not apply as they are addressed by regulations in this section.

H. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

5.2.1.1 Applicability

The following policies and regulations apply to all uses and development in shoreline jurisdiction.

5.2.1.2 Policies

A. In implementing this master program, the City will take necessary steps to ensure compliance with Chapter 43.21 RCW, the Washington State Environmental Policy Act of 1971 (SEPA), and its implementing guidelines.

B. All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and offset with appropriate mitigation.

C. No-net-loss of ecological functions will occur as a result of land use practices, as permitted by the City.

5.2.1.3 Regulations

For All Critical Areas

A. All project proposals, including those for which a shoreline permit is not required, shall comply with Chapter 43.21c RCW, the Washington SEPA.

B. Projects that cause significant ecological impacts, as defined in Section 7, Definitions, are not allowed unless mitigated according to the sequence in Item D, below, to avoid reduction or damage to ecosystem-wide processes and ecological functions (as described in the Shoreline Characterization Report).

C. Projects that cause significant adverse impacts, other than significant ecological impacts, shall be mitigated according to the mitigation sequence (see definition of “mitigation” in Section 7, Definitions).

D. The City will set mitigation requirements or permit conditions based on impacts identified. In determining appropriate mitigation measures, avoidance of impacts by means such as relocating or redesigning the proposed development will be applied first. Lower priority measures will be applied only after higher priority measures are demonstrated to be not feasible or not applicable (see definition of “feasible” in Section 7, Definitions).

E. All shoreline development shall be located and constructed to avoid significant adverse impacts to human health and safety.

F. Some degree of ecological restoration or enhancement will be a condition of all new development within all critical areas and/or critical buffers (as defined under Critical Areas Ordinance) located within the shoreline jurisdiction.

Wetland Buffers

A. Buffer Requirements**.** The standard buffer widths in Table 2A have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington.

1. The use of the standard buffer widths requires the implementation of the measures in Table 2B, where applicable, to minimize the impacts of the adjacent land uses.

2. If an applicant chooses not to apply the mitigation measures in Table 2B, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.

3. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

4. Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 32 points for habitat function would require a buffer of 225 feet (75 + 150).

Table 2A Wetland Buffer Requirements

Wetland Category	**Standard Buffer Width**	**Additional buffer width if wetland scores 21-25 habitat points**	**Additional buffer width if wetland scores 26-29 habitat points**	**Additional buffer width if wetland scores 30-36 habitat points**
Category I: Based on total score	75ft	Add 30 ft	Add 90 ft	Add 150 ft
Category I: Bogs	190 ft	NA	NA	Add 35 ft
Category I: Natural Heritage Wetlands	190 ft	N/A	NA	Add 35 ft
Category I: Forested	75ft	Add 30 ft	Add 90 ft	Add 150 ft
Category II: Based on score	75 ft	Add 30 ft	Add 90 ft	Add 150 ft
Category III (all)	60 ft	Add 45 ft	Add 105 ft	NA
Category IV (all)	40 ft	NA	NA	NA

Table 2B Required measures to minimize impacts to wetlands
(Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	• Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (per PSAT publication on LID techniques)
Change in water regime	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust
Disruption of corridors or connections	• Maintain connections to offsite areas that are undisturbed • Restore corridors or connections to offsite habitats by replanting

B. Increased Wetland Buffer Area Width. Buffer widths shall be increased on a case-by-case basis as determined by the Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

1. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

2. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or

3. The adjacent land has minimal vegetative cover or slopes greater than 30 percent.

C. Buffer averaging to *improve wetland protection* may be permitted when all of the following conditions are met:

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area.

2. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.

3. The total area of the buffer after averaging is equal to the area required without averaging.

4. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

D. Averaging to *allow reasonable use* of a parcel may be permitted when all of the following are met:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

2. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional.

3. The total buffer area after averaging is equal to the area required without averaging.

4. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

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

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

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

G. Buffer Maintenance**.** Except as otherwise specified or allowed in accordance with this Chapter, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the mitigation bond (EMC 19.02 Appendix C).

H. Impacts to Buffers**.** Requirements for the compensation for impacts to buffers are below.

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

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

1. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

2. Passive recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including:

a. Walkways and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.

b. Wildlife-viewing structures.

3. Educational and scientific research activities.

4. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

5. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

6. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not

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

7. Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

8. Stormwater management facilities**.** Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:

   a. No other location is feasible; and

   b. The location of such facilities will not degrade the functions or values of the wetland; and

   c. Stormwater management facilities are not allowed in buffers of Category I or II wetlands.

9. Non-Conforming Uses**.** Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

Compensatory Mitigation

A. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

   1. Avoid the impact altogether by not taking a certain action or parts of an action.

   2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

   3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.

   4. Reduce or eliminate the impact over time by preservation and maintenance operations.

   5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.

6. Monitor the required compensation and take remedial or corrective measures when necessary.

B. Requirements for Compensatory Mitigation:

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

2. Mitigation ratios shall be consistent with Table 2C of this Section.

C. Compensating for Lost or Affected Functions**.** Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:

1. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or

2. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished wetland types.

D. Preference of Mitigation Actions**.** Methods to achieve compensation for wetland functions shall be approached in the following order of preference:

1. Restoration (re-establishment and rehabilitation) of wetlands.

2. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.

3. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.

4. Preservation. Preservation of high-quality, at-risk wetlands as compensation is generally acceptable when done in combination with restoration, creation, or

enhancement, provided that a minimum of 1:1 acreage replacement is provided by re-establishment or creation.

Preservation of high-quality, at risk wetlands and habitat may be considered as the sole means of compensation for wetland impacts when the following criteria are met:

a. Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other ESA listed species.

b. There is no net loss of habitat functions within the watershed or basin.

c. Mitigation ratios for preservation as the sole means of mitigation shall generally start at 20:1. Specific ratios should depend upon the significance of the preservation project and the quality of the wetland resources lost.

d. The impact area is small (generally <½acre) and/or impacts are occurring to a low-functioning system (Category III or IV wetland).

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

E. Type and Location of Compensatory Mitigation. Unless it is demonstrated that a higher level of ecological functioning would result from an alternative approach, compensatory mitigation for ecological functions shall be either in kind and on site, or in kind and within the same stream reach, sub-basin, or drift cell (if estuarine wetlands are impacted). Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:

1. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);

2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and

3. Off-site locations shall be in the same sub-drainage basin unless:

a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site; or

b. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the bank's certification.

4. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.

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

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

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

H. Monitoring. The mitigation plan shall include provisions for the compensatory project to be monitored for a period of at least five years or a period necessary to establish that performance standards have been met. For forested and scrub-shrub wetlands, the monitoring period shall be 10 years.

Table 2C: Wetland Mitigation Ratios

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement	Preservation

Category I: Bog, Natural Heritage site	Not considered possible	6:1	Case by case	10:1
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

5.2.2 ARCHAEOLOGICAL AND HISTORIC RESOURCES

5.2.2.1 Applicability

A. The following provisions apply to archaeological and historic resources that are either recorded at the Washington State Department of Archaeology and Historic Preservation (DAHP) and/or by local jurisdictions or have been inadvertently uncovered.

B. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and shall comply with Chapter 25-48 WAC as well as the provisions of this section.

5.2.2.2 Policies

A. Due to the limited and irreplaceable nature of the resource, public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.

5.2.2.3 Regulations

A. All shoreline permits shall contain provisions that require developers to immediately stop work and notify the City, State Office of Archaeology and Historic Preservation, and affected Indian Tribes if any features or artifacts of possible archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged or mapped.

B. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by an archaeologist in coordination with the affected Indian tribes. The permit shall require approval by the City before work can begin on a project following inspection. Significant archaeological data or artifacts shall be recovered before work begins or resumes on a project, as authorized by DAHP.

C. Significant archaeological and historic resources shall be permanently preserved for scientific study, education, and public observation. When the City or DAHP determines that a site has

significant archaeological, natural, scientific, or historical value, a Substantial Development Permit shall not be issued that would pose a threat to the site. The City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

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

E. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 2744 (Indian Graves and Records) and RCW 2753 (Archaeological Sites and Records) and shall comply with WAC 25-48 as well as the provisions of this master program.

F. Archaeological excavations may be permitted subject to the provisions of this program.

G. Identified historical or archaeological resources shall be considered in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.

H. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

I. The City will work with affected tribes and other agencies to protect Native American artifacts and sites of significance and other archaeological and cultural resources as mandated by Chapter 27.53 RCW.

5.2.3 FLOOD HAZARD REDUCTION AND RIVER CORRIDOR MANAGEMENT

5.2.3.1 Applicability

The provisions in this section apply to those areas within shoreline jurisdiction, including rivers, streams, and associated wetlands in the floodplain. The provisions in this section are intended to address two concerns especially relevant to river shorelines:

A. Protecting human safety and minimizing flood hazard to human activities and development.

B. Protecting and contributing to the restoration of ecosystem-wide processes and ecological functions found in the applicable watershed or sub-basin.

5.2.3.2 Policies

A. Implement a comprehensive program to manage the City's riparian corridors that integrates the following City ordinances and activities:

1. Regulations in this master program.

2. The City's Critical Area Ordinance.

3. The City's zoning ordinance.

4. The City's stormwater management plan and implementing regulations.

5. The construction, removal, or improvement of facilities, including roads, dikes, utilities, bridges, culverts, ditches, and other structures that affect drainage.

6. The ecological restoration of shoreline jurisdiction areas.

B. In regulating development on shorelines within SMA jurisdiction, endeavor to achieve the following:

1. Maintenance of human safety.

2. Protection and, where appropriate, the restoration of the physical integrity of the ecological system processes, including water and sediment transport and natural channel movement.

3. Protection of water quality and natural groundwater (including seasonally high water tables and shallow groundwater) movement.

4. Protection of fish, vegetation, and other life forms and their habitat vital to the aquatic food chain.

5. Protection of existing legal uses and legal development unless the City determines relocation or abandonment of a use or structure is the only feasible option or that there is a compelling reason to the contrary based on public concern and the provisions of the SMA.

6. Protection of recreation resources and aesthetic values, such view points, trails, and other shore features and scenery.

C. Undertake flood hazard planning, where practical, in a coordinated manner among affected property owners and public agencies and consider entire drainage systems or sizable stretches of river shorelines. This planning should consider the offsite (or outside of City boundaries or UGA) erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities. Flood hazard management planning should fully employ non-structural approaches to minimizing flood hazard to the extent feasible. Planning should follow guidance provided by the Federal Emergency Management Agency (FEMA), including "Managing Floodplain Development Through the National Flood Insurance Program."

D. Give preference to and use non-structural solutions over structural flood control devices wherever feasible, including prohibiting or limiting development in historically flood-prone areas, regulating structural design and limiting increases in peak stormwater runoff from new upland development, public education, and land acquisition for additional flood storage. Structural solutions to reduce shoreline hazard should be allowed only after it is demonstrated that non-structural solutions would not be able to reduce the hazard.

E. In designing publicly financed or subsidized works, give consideration to providing public pedestrian access to the shoreline for low-impact outdoor recreation.

F. Encourage the removal or breaching of dikes to provide greater wetland area for floodwater storage and habitat, provided that such an action does not increase the risk of flood damage to existing human development.

5.2.3.3 Regulations

A. The applicant shall provide the following information as part of a shoreline permit application.

1. Location of the ordinary high water mark (OHWM), 100-year floodplain boundary, floodway boundary as defined by FEMA, and bankfull width boundary.

2. Location and description of stormwater management features.

3. Location and description of frequently flooded areas, critical aquifer recharge areas, and wetlands, if present.

4. Existing shoreline stabilization and flood-protection works on the site.

5. Physical, geological, and soil characteristics of the area.

6. Predicted impacts upon area shore and ecological processes, adjacent properties, and shoreline and water uses.

7. Analysis of alternative construction methods, development options, or flood protection measures, both structural and non-structural.

8. Description of existing shoreline vegetation and measures to protect existing vegetation and to re-establish vegetation.

B. New development must be consistent with Items 1 through 5 below in addition to the provisions of this master program. In cases of inconsistency, the provisions most protective of shoreline ecological functions and processes shall apply:

1. The applicable provisions of the City floodplain regulations adopted under Chapter 86.16 RCW.

2. The Preliminary Flood Insurance Rate Maps and Flood Insurance Study for King County, Washington (or most recent), prepared by FEMA in accordance with Chapter 86.16 RCW and the National Flood Insurance Program.

3. Guidance provided by FEMA, including “Managing Floodplain Development Through the National Flood Insurance Program.”

4. The most recent Ecology Stormwater Manual.

5. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fish and Wildlife, may be incorporated into permits issued for flood protection.

C. New structural flood hazard reduction measures, including dikes, levees, and overflow channels, may be allowed only when all of the following can be demonstrated:

1. The project does not further restrict natural channel movement, except that flood hazard reduction measures that protect an existing building, roadway, bridge, or utility line may be installed, provided the measure is placed as close to the existing structure as possible;

2. Other, non-structural measures, would not be feasible or adequate;

3. The measures are necessary to protect existing development or new public development, such as a roadway, that cannot be located further from the stream channel; and

4. Shoreline vegetation necessary to provide ecological functions is protected or restored prior to approval of a structural flood hazard reduction method.

D. New flood hazard reduction measures, including dikes and levees, may be constructed to protect properties as part of a shoreline environmental restoration project, such as the breaching of a dike to create additional wetlands.

E. When allowed, flood hazard reduction measures shall employ the type of construction or measure that causes the least significant ecological impacts. The City will require that the construction method with the least negative significant ecological impacts be used. For example, the City will not allow rock revetments to be used for erosion control if a "softer" approach using vegetation plantings and engineered woody debris placement is possible.

F. Existing hydrological connections into and between water bodies, such as streams, tributaries, wetlands, and dry channels, shall be maintained. Where feasible, natural surface and shallow subsurface flow to obstructed channels shall be re-established as a condition of non-water-dependent uses, development in the 100-year floodplain, and structural flood hazard reduction measures.

G. Re-establishment of native woody vegetation waterward of any new structure located within a stream buffer within the shoreline jurisdiction is required. The City may require re-establishment of vegetation on and landward of the structure if it determines such vegetation is necessary to protect and restore ecological functions.

H. Designs for flood hazard reduction measures and shoreline stabilization measures in river corridors must be prepared by qualified professional engineers (or geologists or hydrologists) who have expertise in local riverine processes.

I. Structural flood hazard reduction projects that are continuous in nature, such as dikes or levees, shall provide for public access unless the City determines that such access is not feasible or desirable according to the criteria in the "Public Access" section of the Shoreline Characterization Report or more recent information.

J. Refer to the use, shoreline modification and development standards (Tables 1a and 1b, the Shoreline Land Use and Modification Matrices, in Section 4) for allowable uses and modification and development standards such as setbacks and clearing and grading within each environment designation.

K. Residential, commercial, and industrial uses that may be damaged by flooding are prohibited in 100-year floodplains. In determining whether a use may be damaged, the city should consider its location, its design, the extent to which development has occurred in the floodplain, and whether emergency access will be available during flood events.

L. Hospitals, health care facilities, nursing homes, and retirement homes are prohibited within 100-year floodplains.

M. Residential, commercial, and industrial subdivisions and short subdivisions shall be designed so that each lot will have a building site outside the 100-year floodplain, and new buildings shall be located outside the 100-year floodplain. The subdivision's internal street system should be laid out to provide access to each lot that is passable by passenger cars during a 100-year flood event. This street system should be located outside of the floodplain, as well.

N. Bridges, culverts, and other waterway crossings shall be designed and constructed so they do not restrict flood flows, and so that they are not impacted by debris flows during flood events. Where a bridge, culvert, or other waterway crossing replaces an existing crossing, the replacement structure shall not increase flood heights over those caused by the original structure.

O. The removal of stream bed gravels for flood control may only be allowed if all of the following conditions are met:

1. It is determined by a qualified fish biologist that the substrate is not suitable for fish habitat (foraging, refuge, or spawning);

2. A biological and geomorphologic study demonstrates a long-term benefit to flood hazard reduction;

3. It is demonstrated that no net loss of ecological functions will occur; and

4. Extraction is part of a comprehensive flood management solution that includes restoration of hydrologic functions.

5.2.4 GEOLOGICALLY HAZARDOUS AREAS

5.2.4.1 Applicability

The following provisions apply to any activity that impacts a geologically hazardous area as defined by the City of Enumclaw Critical Area Ordinance.

5.2.4.2 Policies

A. New development or the creation of new lots and/or shoreline stabilization structures should not be allowed within or near geologically hazardous areas except where there is no feasible alternative location and no net loss of ecological functions will result.

5.2.4.3 Regulations

A. New development or the creation of new lots that would cause forseeable risk from geological conditions to people or improvements during the life of the development shall not be allowed.

B. New development or the creation of new lots that would require structural shoreline stabilization is not allowed except where necessary to protect allowed uses; where no alternative locations are available and no net loss of ecological functions would result.

C. Stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with Section 5.3.4 only where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible and less expensive than the proposed stabilization measure.

5.3 PROJECT-SPECIFIC PROVISIONS

The policies and regulations in this section are intended to prevent or mitigate the adverse environmental impacts of proposed shoreline modifications. This section provides policies and regulations that are intended to provide additional clarification or add more restrictive language to the general provisions described in Sections 5.1 or 5.2.

5.3.1 SIGNAGE

5.3.1.1 Applicability

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

5.3.1.2 Policies

A. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.

B. Signs should not block or otherwise interfere with visual access to the water or shorelands.

C. Sign design may be modified at the discretion of the City.

5.3.2 SHORELINE MODIFICATION

Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, breakwaters, docks, and floats. Actions such as clearing, grading, landfilling, and dredging are also considered shoreline modifications.

5.3.2.1 Applicability

The following provisions apply to all shoreline modification activities whether such proposals address a single property or multiple properties.

5.3.2.2 Policies

A. Structural shoreline modifications should be allowed only where they are 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 reconfiguration of the shoreline for mitigation or enhancement purposes.

B. The adverse effects of shoreline modifications should be reduced and, as much as possible, shoreline modifications should be not increase in number or extent from existing conditions to the extent practicable.

C. Allowed shoreline modifications should be appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

D. The City should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions, and requiring mitigation of identified impacts resulting from shoreline modifications.

E. Where applicable, the City should base provisions on "best available science," scientific and technical information, and a comprehensive analysis of site-specific conditions for river and stream systems.

F. Impaired ecological functions should be enhanced and/or restored where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, the City should incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

G. In reviewing shoreline permits, the City should require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26- 201(2)(e).

H. When shoreline modifications are necessary, they should be as compatible as possible with ecological shoreline processes and functions.

5.3.2.3 Regulations

A. All shoreline modification activities must be in support of a permitted shoreline use. Shoreline modification activities that do not support a permitted shoreline use are considered "speculative" and are prohibited by this master program; unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resource values.

B. Structural shoreline modification measures shall be permitted only if non-structural measures are unable to achieve the same purpose. Non-structural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation, and vegetation enhancement.

C. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative.

D. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.

E. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.

F. In addition to the permit information required by WAC 173-27-190, the City shall require and consider the following information when reviewing shoreline modification proposals:

1. Construction materials and methods.

2. Project location relative to the ordinary high water mark (OHWM).

3. General direction and speed of prevailing winds.

4. Profile rendition of beach and uplands.

5. Beach and upland soil type, slope, and material.

6. Physical or geologic stability of uplands.

7. Potential impact to natural shoreline processes, adjacent properties, and upland stability.

G. Shoreline modification materials shall be only those approved by applicable state agencies. No toxic (e.g., creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.

5.3.3 IN-STREAM STRUCTURES

5.3.3.1 Applicability

A. In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow. They typically are constructed for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), recreational, or fisheries enhancement. Both the structures themselves and their support facilities are covered by this section. This section applies to their construction, operation, and maintenance, as well as the expansion of existing structures and facilities.

5.3.3.2 Policies

A. In-stream structures should be allowed only for the purposes of environmental restoration.

B. They should only be allowed following mitigation sequencing per Section 5.2.1.3 (D), and given a demonstrated public or ecological need.

C. They should provide for the protection, preservation, and restoration 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.

D. They may not be permitted if they are opposed by another regulatory authority, such as WDFW.

5.3.3.3 Regulations

A. In-stream structures are permitted only for the purposes of environmental restoration or as necessary to serve a public need.

B. In-stream structures may be required to provide public access, provided public access improvements do not create significant ecological impacts or other adverse environmental impacts to and along the affected shoreline nor create a safety hazard to the public.

C. Public access provisions shall include, but not be limited to, any combination of trails, vistas, parking, and any necessary sanitation facilities.

D. Required public access sites shall be dedicated for public use through fee acquisition or recorded easement. The public access provisions in Section 5.1.2 apply.

E. In-stream structures may be permitted only with authorization from WDFW.

5.3.4 SHORELINE STABILIZATION (INCLUDING BULKHEADS)

5.3.4.1 Applicability

A. Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, or essential structures caused by natural processes, such as current, flood, or wind. These include structural and non-structural methods. Non-structural methods include building setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization. “Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete walls, 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.

B. WAC 173-27-040(2)(b) defines normal replacement and repair of existing structures and notes that normal maintenance and repair actions are not exempt from substantial development permits if they “cause substantial adverse effects to shoreline resources or the environment.”

C. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

5.3.4.2 Policies

A. “Soft” shoreline stabilization of natural materials such as protective berms, large woody debris, beach enhancement or vegetation stabilization are strongly preferred over structural

shoreline stabilization made of materials such as steel, wood, or concrete. Non-structural or "soft" measures have less adverse and cumulative impacts on shore features and habitats.

B. Proposals for structural solutions including bulkheads should demonstrate that natural methods are unfeasible for engineering and/or geotechnical reasons.

C. Bulkheads should not be allowed, as they are not necessary in within the shoreline jurisdiction of the City and its UGA.

D. Other structural stabilizations should be located, designed, and constructed primarily to prevent damage to existing development and minimize adverse impacts to ecological functions.

E. New development requiring bulkheads and/or similar protection should not be allowed.

F. Shoreline uses should be located in a manner so that bulkheading and other structural stabilization are not likely to become necessary in the future.

5.3.4.3 Regulations

A. New stabilization measures to protect an existing primary structure are only allowed when necessity is demonstrated as follows:

1. New or enlarged structural shoreline stabilization measures shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis by a licensed geotechnical engineer or related licensed professional, is not demonstration of need. The geotechnical report must include estimates of erosion rates and damage within three years and must evaluate onsite drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The project design and analysis must also evaluate vegetation enhancement as a means of reducing undesirable erosion; and

2. The structure will not reduce shoreline functions, given appropriate mitigation.

B. New development shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization, including structural shoreline stabilization or flood hazard protection. New development that would require shoreline stabilization that would cause significant adverse impacts to adjacent or down-current properties is prohibited.

C. New development, including single-family residences, that includes structural shoreline stabilization shall not be allowed unless all of the conditions below apply:

1. The need to protect the development from destruction due to erosion caused by natural processes, such currents, is demonstrated through a geotechnical report.

2. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.

3. Non-structural measures, such as placing the development further from the shoreline, planting vegetation, or installing onsite drainage improvements, are not feasible or not sufficient, as demonstrated through a geotechnical or engineering report.

4. The structure will not reduce shoreline functions, given appropriate mitigation.

D. New shoreline stabilization measures to protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the following conditions apply:

1. Nonstructural measures, planting vegetation or installing on-site drainage improvements are not feasible or not sufficient; and

2. The erosion control structure will not result in a net loss of shoreline ecological functions.

E. New development on steep slopes or bluffs shall be set back, as required in the City's Critical Area Ordinance, sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis by a licensed geotechnical engineer or related licensed professional.

F. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is need to protect primary structures from erosion caused by currents. At the discretion of the City Engineer, the demonstration of need does not necessarily require a geotechnical report by a licensed geotechnical engineer or related licensed professional. The replacement structure shall be designed, located, sized, and constructed to minimize harm to ecological functions.

G. Replacement walls shall not encroach waterward of the OHWM and shall be designed to allow for establishment of vegetation, and/or habitat elements.

H. Before completion of a stabilization project, all outdated existing structures will be removed, unless the existing structure provides irreplaceable habitat for critical species, or if ecological impacts to critical aquatic habitats would occur (such as increased erosion or other impacts beyond temporary impacts) as a result of its removal. If the existing structure provides habitat that is limited in the landscape, that habitat will be replaced via a habitat mitigation project. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM.

I. Where structural shoreline stabilization measures are demonstrated to be necessary, as in the above provisions, the size of stabilization measures shall be limited to the minimum necessary. The City may require that the proposed structure be altered in size or design. Impacts to sediment transport shall be avoided or minimized.

J. The City will require mitigation of adverse impacts to shoreline functions in accordance with the mitigation sequence defined in 5.2.1.3 (D) of the General Provisions. The City may require the inclusion of vegetation conservation, as described in Section 4.B.11, as part of shoreline stabilization, where feasible.

K. Shoreline modification activities, with the exception of shoreline restoration or enhancement efforts, are prohibited in wetlands and in salmon and trout spawning waters. Shoreline

stabilization and shoreline protection shall be located landward of the floodway and all associated wetlands.

L. Shoreline stabilization measures along the shoreline that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed.

M. Repair of existing shoreline stabilization measures is allowed. Replacement of existing shoreline stabilization measures, as defined in the Applicability statement above, is allowed if it conforms to Regulations C and E above and the City determines that replacement is necessary to prevent damage to residences, appurtenant structures, or the shoreline ecology from shoreline erosion; and impacts to the natural environment are minimized.

N. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative or if the City determines that it would significantly improve shoreline ecological functions.

O. Gabions (wire mesh filled with concrete or rocks) are prohibited within the shoreline jurisdiction unless authorized by a pertinent agency as an emergency measure.

P. Stairs and boat ramps are not permitted.

Q. Wood is the preferred material for shoreline stabilization. Rock should only be used when the applicant can provide a compelling ecological or logistical reason for its use. Toxic wood treatments are prohibited. If there is a reason to use rock, it should consist of large stones, with vegetation planted in the gaps. Stones should not be stacked in a wall greater than 2 horizontal to 1 vertical slope.

R. The following materials are not acceptable for shoreline stabilization structures:

1. Degradable plastics and other non-permanent synthetic materials.

2. Sheet materials, including metal, plywood, fiberglass, or plastic.

3. Broken concrete, asphalt, or rubble.

4. Car bodies, tires or discarded equipment.

S. Following completion of shoreline modification activities, disturbed shoreline areas shall be restored to pre-project conditions to the greatest extent possible. Plantings shall consist of native grasses, shrubs, and/or trees in keeping with pre-existing bank vegetation. If the area did not contain native vegetation, native plantings will still be installed.

T. Placement of fill behind shoreline stabilization is not allowed and shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.

U. The City may require and use the following information, in addition to the standard permit information required by WAC 173-27, in its review of all bioengineering projects:

1. Proposed construction timing.

2. Hydrologic analysis, including predicted flood flows.

3. Site vegetation, soil types, and slope stability analysis.

4. Proposed project materials, including rock size, shape, and quantity; plant types; and soil preparations.

5. Existing and proposed slope profiles, including location of OHWM.

6. Proposed designs for transition areas between the project site and adjacent properties.

7. Documentation (including photographs) of existing (preconstruction) shoreline characteristics.

V. Bioengineering projects shall use native trees, shrubs, and/or grasses, unless such an approach is unfeasible.

W. All bioengineering projects shall include a program for monitoring and maintenance.

5.3.5 PIERS AND DOCKS

5.3.5.1 Applicability

A. Piers and docks are structures that abut the shoreline and are used as a landing or moorage place for water craft. Piers are built on fixed platforms above the water, while docks float upon the water. Mooring floats, buoys and other mooring facilities are also covered in this section.

5.3.5.2 Policies

A. No new pier and dock construction, mooring floats or facilities should be allowed, as they are not necessary in within the shoreline jurisdiction for the City and its UGA.

5.3.5.3 Regulations

A. New pier and dock construction will not be allowed.

B. New mooring floats, buoys or other facilities will not be allowed.

5.3.6 FILL

5.3.6.1 Applicability

A. Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structures, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Fill is not permitted within the 100-year floodplain without providing compensatory flood storage to prevent a rise in the base flood, which is a flood having a 1 percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." Fill can impact ecological processes and functions, including channel migration.

5.3.6.2 Policies

A. Fills waterward of OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses, cleanup and disposal of contaminated sediments as part of an approved restoration project, or for other water-dependent uses that are consistent with this master program.

B. Fill should be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, or floodwaters, which would result in a hazard to adjacent life, property, and ecological processes.

5.3.6.3 Regulations

A. Applications for fill permits shall include the following:

1. Proposed use of the fill area;

2. Physical, chemical and biological characteristics of the fill material;

3. Source of fill material;

4. Method of placement and compaction;

5. Location of fill relative to natural and/or existing drainage patterns and wetlands;

6. Location of the fill perimeter relative to the OHWM;

7. Perimeter erosion control or stabilization means; and

8. Type of surfacing and runoff control devices.

B. Fill waterward of the OHWM may be permitted only when:

1. In conjunction with a bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist;

2. Following an environmental cleanup action involving excavation/fill, as authorized by the City; or

3. As part of an approved shoreline restoration project.

C. Waterward of the OHWM, pile or pier supports shall be used whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven unfeasible.

D. Fills are prohibited in floodplains except where it can be clearly demonstrated that the hydrologic characteristics and flood storage capacity will not be altered to increase flood hazard or other damage to life or property. Fills are prohibited in floodways, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use, specified in Regulation B, above.

E. Fill shall be permitted only where it is demonstrated that the proposed action will not:

1. Result in significant ecological damage to water quality, fish, shellfish, and/or wildlife habitat; or

2. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows, or significantly reduce floodwater capacities.

F. Sanitary fills shall not be located in shoreline jurisdiction.

5.3.7 FOREST PRACTICES

5.3.7.1 Applicability

A. Forest practices are those methods used for the protection, production and harvesting of timber.

5.3.7.2 Policies

A. The City should rely on the Forest Practices Act and rules implementing the act and the *Forest and Fish Report* as adequate management of commercial forest uses within shoreline jurisdiction.
B. Assure no net loss of shoreline ecological functions by prohibiting forest practice conversions and other Class IV-General forest practices where there is a likelihood of conversion to nonforest uses.

5.3.7.3 Regulations

A. Forest practice conversions and other Class IV-General forest practices where there is a likelihood of conversion to nonforest uses, are not allowed

5.3.8 BREAKWATERS, JETTIES, AND GROINS

5.3.8.1 Applicability

A. Breakwaters are protective structures built off shore to protect harbor areas, moorage, navigation, beaches and bluffs from wave action. Breakwaters may be fixed (for example, rubble mound or rigid wall), open-pile, or floating.

B. Rock weirs and groins are structures built seaward perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, groins may be built in a series along the shore.

C. Rock groins are also used to protect buried pipes of cables from erosion or other damage, anchor dragging, etc.

5.3.8.2 Policies

A. Breakwaters, rock weirs, and groins should not be allowed, as they are not necessary in within the shoreline jurisdiction for the City and its UGA.

5.3.8.3 Regulations

A. Breakwaters, rock weirs, and groins are not allowed.

5.3.9 DREDGING AND DISPOSAL

5.3.9.1 Applicability

A. Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt, and/or other material or debris) from a stream, water body, ditch, or associated wetland or floodplain.

B. Dredge material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of the by-products of dredging.

5.3.9.2 Policies

A. Dredging and dredge material disposal should not be allowed within Critical Areas (per the EMC) located within the shoreline jurisdiction, unless associated with an approved restoration or environmental cleanup project.

B. Dredging in shorelands that are not located within Critical Areas (per the EMC) should be limited to the minimum amount necessary.

C. Dredging operations should be planned and conducted to minimize adverse impacts to other shoreline uses, properties, and values.

5.3.9.3 Regulations

A. Dredging and dredge material disposal is not allowed within Critical Areas (per the EMC) located within the shoreline jurisdiction, unless associated with:

1. An approved restoration project,

2. An environmental cleanup project,

3. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist, or

4. ~~To improve water flow and/or manage flooding only when consistent with an approved flood/stormwater comprehensive management plan~~ An approved comprehensive flood management plan meeting the requirements of Section 5.2.3 Flood Hazard Reduction and River Corridor Management.

B. Dredging operations should be planned and conducted to minimize adverse impacts to other shoreline uses, properties, and values.

C. Permit applications for dredging and dredge material disposal may be required to provide the following information:

1. Demonstrated need for the project

2. Proper mitigation sequencing per Section 5.2.1.3 (D), including avoidance, minimization, and mitigation.

3. Physical, chemical and biological assessment of the proposed dredged material applicable to the particular dredging site.

4. Specific data to be considered include:

   a. Physical: Grain size, clay, silt, sand or gravel as determined by sieve analysis.

   b. Chemical: Including conventional parameters, metals, and organics.

   c. Biological: Bioassays useful in determining the suitability of dredged material for a selected disposal option.

5. Dredging volumes, methods, schedule, frequency, hours of operation and procedures;

6. Method of disposal, including the location, size, capacity and physical characteristics of the disposal site, transportation method and routes, hours of operation, schedule;

7. Stability of soils adjacent to proposed dredging area; and

8. Assessment of water quality impacts.

D. Dredging and dredge disposal shall be permitted only where it is demonstrated that the proposed actions will not:

1. Result in significant and/or ongoing damage to water quality, fish, or other essential elements;

2. Adversely alter natural drainage and circulation patterns, currents, or river flows or significantly reduce floodwater capacities; or

3. Cause other significant ecological impacts.

E. Proposals for dredging and dredge 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 material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.

F. Dredging and dredge disposal shall be carefully scheduled to protect biological productivity (e.g., fish runs, spawning, benthic productivity, etc.) and to minimize interference with fishing activities.

G. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the Washington Heritage Register or the National Register of Historic Places until such time that they have been released by the State Archaeologist.

H. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.

I. Except for sites approved through the Puget Sound Dredged Disposal Analysis (PSDDA) Management Plan, depositing clean dredge materials in critical areas (per the EMC) shall be allowed only by conditional use permit for one or more of the following reasons:

   1. For capping environmental cleanup sites, or

   2. To correct problems of material distribution adversely affecting shoreline functions, as part of a habitat restoration project.

J. Proposals for disposal in non-critical areas (per the EMC) within the shoreline jurisdiction, must show that the site will ultimately be suitable for a use permitted by this master program.

K. Revegetation of land disposal sites shall occur as soon as possible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species and other compatible plants shall be used. Refer to Appendix B.

L. The City may impose reasonable limitations on dredge disposal operating periods and hours and may require provision for buffers at land disposal or transfer sites in order to protect the public safety and other shore users' lawful interests from unnecessary adverse impacts.

5.3.10 MINING

5.3.10.1 Applicability

A. Mining is the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. Historically, the most common form of mining in shoreline areas is for sand and gravel because of the geomorphic association of rivers and sand and gravel deposits. Mining in the shoreline generally alters the natural character, resources, and ecology of shorelines of the state and may impact critical shoreline resources and ecological functions of the shoreline. Activities associated with shoreline mining, such as processing and transportation, also generally have the potential to impact shoreline resources unless the impacts of those associated activities are evaluated and properly managed

5.3.10.2 Policy

A. Mining is not an allowed shoreline use or activity.

5.3.10.3 Regulations

A. Mining is not an allowed shoreline use or activity.

5.3.11 BOATING FACILITIES

5.3.11.1 Applicability

A. Boating facilities include marinas, both backshore and foreshore, dry storage and wet-moorage; boat launch ramps; covered moorage; boat houses; mooring buoys; and marine travel lifts. See also "Piers and Docks" in Section 5, "Project-Specific Provisions," for non-marina-associated boating facility provisions.

B. There are uses and activities associated with boating facilities but that are identified in this section as separate uses (e.g., Commercial Development and Industrial Development, including ship and boat building, repair yards, utilities, and transportation facilities) or as separate shoreline modifications (e.g., piers, docks, bulkheads, breakwaters, jetties and groins, dredging, and fill). These uses are subject to the regulations established for those uses and modifications in addition to the standards for boating facilities established in this section.

5.3.11.2 Policies

A. Boating facilities, marinas, launch ramps, and related facilities should not be located in the shoreline jurisdiction as the there are no navigable waters present within the City or its UGA.

5.3.11.3 Regulations

A. Boating facilities, marinas, launch ramps, and related facilities shall not be located in the shoreline jurisdiction as the there are no navigable waters present within the City or its UGA.

5.3.12 SHORELINE RESTORATION AND ECOLOGICAL ENHANCEMENT

5.3.12.1 Applicability

A. Shoreline restoration and/or enhancement is the improvement of the natural characteristics of upland, tidal, or submerged shoreline using native materials. The materials used are dependent on the intended use of the restored or enhanced shoreline area.

B. An Ecological Restoration Plan accompanies this SMP (Appendix B) that recommends ecological enhancement and restoration measures.

5.3.12.2 Policies

A. The City should consider shoreline enhancement and/or restoration as an alternative to structural shoreline stabilization and protection measures where feasible.

B. All shoreline restoration and/or enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.

C. Where possible, shoreline restoration and/or enhancement should use maintenance-free or low-maintenance designs.

D. The City will pursue the recommendations in the shoreline restoration plan prepared as part of this SMP update. The City will give priority to projects consistent with this plan.

E. Shoreline restoration and/or enhancement should not extend waterward more than necessary to achieve the intended results.

5.3.12.3 Regulations

A. Shoreline enhancement may be permitted if the project proponent demonstrates that no significant change to sediment transport or river current will result that will adversely affect ecological processes, properties, or habitat.

B. Shoreline restoration and/or enhancement projects shall use best available science and management practices.

C. Shoreline restoration and/or enhancement shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.

D. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided:

1. The project's purpose is the restoration of natural character and ecological functions of the shoreline, and

2. It is consistent with the implementation of a comprehensive restoration plan approved by the City, or the City finds that the project provides an ecological benefit and is consistent with this master program.

5.3.13 UTILITIES

5.3.13.1 Applicability

A. Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities. See Section 5.3.12, "Utilities," for onsite accessory use utilities.

B. Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste on any land area or in the water.

C. Solid waste includes all putrescible and non-putrescible solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material or agricultural or other commercial logging wastes not specifically listed above.

5.3.13.2 Policies

A. New utility facilities should not be located inside of the shoreline jurisdiction unless there is a demonstrated water-oriented purpose.

B. New facilities should be designed so as not to require extensive shoreline protection impacts or works.

C. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or alongside or under bridges.

D. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

5.3.13.3 Regulations

A. New utility production facilities, with the exception of associated transmission lines, shall not be allowed within the of the shoreline jurisdiction unless there is a demonstrated water-oriented purpose.

B. In order of preference, allowed utility and utility transmission lines shall:

1. Be located entirely outside of the in shoreline jurisdiction.

2. Be located outside of critical areas (per the EMC) within the shoreline jurisdiction.

3. Be located so as to cause minimum harm to the shoreline.

4. Be located in existing rights-of-way and utility corridors.

5. Be coordinated with other government agencies in order to provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner.

6. Minimize impacts to public access and views.

C. Applications for new or expanded utility facilities development in the shoreline jurisdiction shall include the following:

1. Demonstration of the need for the facility.

2. An analysis of alternative alignments or routes, including where feasible, alignments or routes outside shoreline jurisdiction.

3. An analysis of potential impacts complying with the State Environmental Policy Act (SEPA), including an analysis of comparative impacts of feasible alternative routes. (See the definition of “feasible” in Section 7.)

4. Description of construction, including location, construction type, and materials.

5. Location of other utility facilities in the vicinity of the proposed project and any plans to include the facilities of other types of utilities in the project.

6. Plans for reclamation of areas disturbed during construction.

7. Plans for control of erosion and turbidity during construction and operation.

8. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.

D. If allowed, small power-generating facilities for maintenance of a transmission system shall require a conditional use permit.

E. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

F. The City may require the relocation or redesign of proposed utility development in order to avoid significant adverse ecological impacts.

G. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities.

H. New electricity, communications, and fuel lines shall be located underground and shall be co-located, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that aboveground lines would have a lesser impacts, or if another solution is considered safer.

I. At the discretion of the City, existing aboveground lines shall be moved underground during normal replacement processes, unless such activity will impact a critical area.

J. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shore defense or flood protection works.

K. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.

L. Filling in critical areas (per the EMC) within the shoreline jurisdiction for utility facility or line development purposes is prohibited, except where no other feasible option exists and the proposal would avoid or minimize impacts more completely than other methods.

M. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition, or, if the pre-project condition is of poor quality (consisted on bare soil, non-native grasses, or invasive species) it will be enhanced with native vegetation. Refer to Appendix B for example specifications for these activities.

5.3.14 UTILITIES (ACCESSORY)

5.3.14.1 Applicability

Accessory utilities are those that effect small-scale distribution services connected directly to the uses along the shoreline. They are addressed in this section because they concern all types of development and have the potential to impact the quality of the shoreline and its waters.

5.3.14.2 Policies

A. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation.

B. Accessory utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.

C. Accessory utility facilities should be designed and located in a manner that preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

5.3.14.3 Regulations

A. In shoreline areas, accessory utility transmission lines, pipelines, and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, corridors, and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.

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

C. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.

D. Utility discharges and outfalls should be located, designed, constructed, and operated in accordance with best management practices to ensure degradation to water quality is kept to a minimum.

E. Restoration of native vegetation is required following construction or installation of utilities, no matter how small the area of disturbance is. Refer to Appendix B, Shoreline Restoration.

5.3.15 PARKING

5.3.15.1 Applicability

A. Parking is the temporary storage of automobiles or other motorized vehicles. Except as noted, the following provisions apply only to parking that is "accessory" to a permitted shoreline use.

B. Parking as a "primary" use, and parking that serves a use not permitted in the shoreline jurisdiction, is prohibited.

5.3.15.2 Policies

A. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g., serving recreational use on weekends, commercial uses on weekdays).

B. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.

C. Low-impact parking facilities, such as permeable pavements, may, if appropriate, be used within the shoreline jurisdiction.

5.3.15.3 Regulations

A. Parking as a primary use or that serves a use not permitted in the applicable shoreline environment designation shall be prohibited over water and within shoreline jurisdiction.

B. Parking in shoreline jurisdiction must be accessory to a permitted shoreline use.

C. Parking facilities shall be designed and landscaped to minimize adverse impacts upon the adjacent shoreline and abutting properties. Landscaping shall consist of native vegetation and/or plant materials approved by the City and shall be planted and verified by City staff before the parking area can be used. Plants must be installed in such a manner to provide effective screening within three years of project completion.

D. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, EXCEPT when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.

E. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines (including access to trail systems, if present on or adjacent to the property where the parking is being constructed).

F. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, using best available technologies and include a maintenance program that will assure proper functioning of such facilities over time.

5.3.16 TRANSPORTATION

5.3.16.1 Applicability

A. 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, ferry terminals, float plane terminals, airports, heliports, and other related facilities.

B. Uses and facilities associated with transportation, which are identified as separate use activities or shoreline modifications in this program, such as Shoreline Stabilization and Flood Protection, Utilities, Bridges, Landfill, and Clearing and Grading, are subject to the regulations established for those modifications in addition to any special conditions relating to residential areas established in this section.

5.3.16.2 Policies

A. Transportation that is not meant specifically to provide circulation to and from shoreline jurisdiction areas should not be located in the jurisdiction.

B. Circulation systems within shoreline jurisdiction should include systems for pedestrian, bicycle, and public transportation where appropriate.

C. Cooperative planning among local, county, and state agencies should be undertaken to allow for connectivity among shoreline jurisdictions, other shoreline areas (within the unincorporated county), and downtown.

D. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the master program.

E. Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline.

F. Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner that does not reduce or substantially impact shoreline resources or ecological functions.

G. When existing transportation corridors are abandoned, they should be reused for water-oriented used or public access.

H. Abandoned or unused road or railroad rights-of-way that offer opportunities for public access to the water should be acquired and/or retained for such use.

5.3.16.3 Regulations

A. New transportation facilities shall be located outside shoreline jurisdiction, if possible. In determining the feasibility of a non-shoreline location, the City will apply the definition of “feasible” in Section 7 and weigh the action’s relative public costs and benefits, considered in the short- and long-term time frames.

B. Applications for new or expanded transportation facilities development in shoreline jurisdiction shall include the following information:

1. Demonstration of the need for the facility.

2. An analysis of alternative alignments or routes, including where feasible, alignments or routes outside shoreline jurisdiction.

3. An analysis of potential impacts complying with the SEPA, including an analysis of comparative impacts of feasible alternative routes.

4. Description of construction, including location, construction type, and materials.

5. Description of restoration measures.

C. All new and expanded transportation facilities development shall be conditioned with the requirement to mitigate significant adverse impacts consistent with 5.2.1.3 (D) of this master program.

D. New or expanded transportation facilities development that cause significant ecological impacts shall not be allowed unless the development includes shoreline mitigation/restoration that increases the ecological functions being impacted to the point where:

1. Significant short- and long-term risks to the shoreline ecology from the development are eliminated.

2. Long-term opportunities to increase the natural ecological functions and processes are improved.

E. If physically feasible, the mitigation/restoration shall be in place and functioning prior to project impacts. The mitigation/restoration shall include a monitoring and adaptive management program.

F. All roads and railroads, if permitted parallel to shoreline areas, shall be adequately set back from critical areas (per the EMC) and shall provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.

G. New transportation facilities shall be located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, or substantial site clearing and grading.

H. Transportation facilities allowed to cross over water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible.

I. All new and expanded transportation facilities development in shoreline jurisdiction shall be consistent with the City’s Comprehensive Plan and applicable capital improvement plans.

J. Transportation facilities and services shall use existing transportation corridors whenever possible: Expansions, additions or modifications shall be designed and/or conditioned to eliminate or minimize adverse impacts consistent with 5.2.1.3 (D).

K. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies if practicable, where adverse impact to the shoreline can be minimized by doing so.

L. New and expanded transportation facilities development shall not diminish but may modify public access to the shoreline, as described in 5.2.1.3 (D).

M. Waterway crossing shall be designed to provide minimal disturbance to banks.

N. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.

~~O. Culverts and similar devices shall be designed with regard to the 25-year storm frequencies and allow continuous fish passage.~~

P. Culverts shall be located so as to avoid relocation of the stream channel.

Q. Bridges, crossings, debris grates, culverts, and similar devices used by fish shall meet all requirements set by the Washington State Department of Fish and Wildlife (WDFW).

R. All transportation facilities shall be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas.

S. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills, or sidecast materials without appropriate best management practices.

T. Bridge abutments and necessary approach fills shall be located landward of wetlands or the OHWM for water bodies without wetlands.

U. All shoreline areas disturbed by transportation facility construction and maintenance shall be replanted and stabilized with compatible, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained until established by the agency or developer constructing or maintaining the road. Refer to Appendix B, Shoreline Restoration Plan.

V. The vegetation restoration/replanting plans shall be as approved by the City.

5.4 PROVISIONS BY LAND USE AND DEVELOPMENT TYPE

5.4.1 GENERAL

A. The City will give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.

B. The City will ensure that all proposed shoreline development will not diminish the public's health, safety, and welfare, as well as the land or its vegetation and wildlife, and will endeavor to protect property rights while implementing the policies of the SMA.

C. The City will reduce use conflicts by prohibiting or applying special conditions to those uses that are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference will be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.

5.4.2 AGRICULTURE

5.4.2.1 Applicability

A. Agriculture includes, but is not limited to, the production of horticultural, vinicultural, floricultural, livestock, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees; the operation and maintenance of farm and stock ponds, drainage ditches, or irrigation systems; normal crop rotation and crop change; and the normal maintenance and repair of existing structures, facilities, and lands currently under production or cultivation.

B. Excluded are agricultural processing industries.

C. Uses and shoreline modifications associated with agriculture that are identified as separate use activities in this program, such as industry, shoreline stabilization, and flood hazard management, are subject to the regulations established for those uses in addition to the standards established in this section.

5.4.2.2 Policies

A. The creation of new agricultural lands by diking, draining, or filling of wetlands, channel migration zones, should be prohibited.

B. A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce bank erosion and resulting sedimentation, enhance water quality, reduce flood hazard, and maintain habitat for fish and wildlife.

C. Animal feeding operations, retention and storage ponds, and feedlot waste and manure storage should be located out of the shoreline jurisdiction and constructed to prevent contamination of water bodies and degradation of the adjacent shoreline environment.

D. Appropriate farm management techniques should be used to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.

E. Where ecological functions have been degraded, new development should be conditioned with the requirement for ecological restoration.

5.4.2.3 Regulations

A. Agricultural uses are allowed in the Urban Conservancy environment as a permitted use.

B. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the SMA and this master program.

C. New manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within shoreline jurisdiction.

D. New agricultural activities and land uses or expansion of existing agricultural activities and uses outside of area(s) that existed as of the date of adoption of this master program shall comply with all provisions of the SMA and this shoreline master program.

E. On land used for agriculture as of the date of this master program, streams and wetlands within the shoreline jurisdiction shall be protected from damage due to concentration and overgrazing of livestock by providing the following:

1. Suitable bridges, culverts, or ramps for stock crossing.

2. Ample supplies of clean fresh water in tanks on dry land for stock watering.

3. Fencing or other grazing controls to prevent bank compaction, bank erosion, or the overgrazing of or damage to buffer vegetation.

F. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.

G. The application of agricultural chemicals shall prevent the direct runoff of chemical-laden waters into streams, surface water conveyances (ditches), natural wetlands (excluding created treatment wetlands), or aquifer recharge areas.

5.4.3 COMMERCIAL

5.4.3.1 Applicability

A. Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices, and private or public indoor recreation facilities.

5.4.3.2 Policies

A. New commercial projects that are not at least partially water-oriented should not be located in the shoreline jurisdiction.

5.4.3.3 Regulations

A. New commercial projects that are not at least partially water-oriented shall not be located in the shoreline jurisdiction.

B. The City shall require and use the following information in its review of commercial development proposals:

1. Nature of the commercial activity (e.g., water-related, water-enjoyment, non-water-oriented, mixed-use), including a breakdown of specific shoreline use components.

2. The reason(s) why the project needs a shoreline location.

3. Design measures to take advantage of the shoreline location.

4. Provisions for ecological restoration and for public visual and physical access to the shoreline.

5. Provisions to ensure that the development will not cause significant ecological impacts or adverse environmental impacts.

6. Layout, size, height, and general appearance of all proposed structures.

7. Pedestrian and vehicular circulation, public access features, pavements, landscaping, and view corridors.

8. For mixed-use proposals, the mix of water-oriented and non-water-oriented uses and activities, structure locations, site designs and bulk considerations, enhancements for physical and visual public access to the shoreline (both public and private space), and other design measures that address the goals and policies of the master program.

C. Water-oriented commercial developments may be permitted as indicated in Section 4, Tables 1A and 1B, the Shoreline Land Use and Modification Matrices, and in accordance with other provisions of this master program.

D. Non-water-dependant commercial developments are not allowed to be located over water (within the Aquatic Environment) as indicated in Section 4, Table 1A.

E. Non-water-oriented commercial developments may be permitted as indicated in Section 4, Tables 1A and 1B, and in accordance with other provisions of this master program only where all three of the following can be demonstrated:

1. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site's separation from the water.

2. The proposed development does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.

3. The proposed development will be of appreciable public benefit by increasing ecological functions together with public use of or access to the shoreline.

5.4.4 INDUSTRIAL

5.4.4.1 Applicability

A. Industrial developments and uses are facilities for processing, manufacturing, and storing of finished or semi finished goods. Shoreline modifications and other uses associated with industrial development are described separately in this master program.

5.4.4.2 Policies

A. No new industrial development should be allowed within the shoreline jurisdiction. The City's shorelines do not support navigation and are not conducive to industrial water-dependent or water-oriented uses.

5.4.4.3 Regulations

A. No new industrial development shall be allowed within the shoreline jurisdiction.

5.4.5 RECREATIONAL

5.4.5.1 Applicability

A. Recreational development includes public and commercial facilities for passive recreational activities such as hiking, photography, viewing, and fishing. It also includes facilities for active or more intensive uses, such as parks, campgrounds, golf courses, and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association, or individual.

B. Recreational uses and development can be part of a larger mixed-use project. For example, a resort will probably contain characteristics of, and be reviewed under, both the "Commercial Development" and the "Recreational Development" sections. Primary activities such as boating facilities, subdivisions, and motels are not addressed directly in this category.

C. Uses and activities associated with recreational developments that are identified as separate land use activities in this program are subject to the regulations established for those uses in addition to the standards for recreation established in this section.

5.4.5.2 Policies

A. The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.

B. State-owned shorelines, being particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses, should be given special consideration for park and recreational uses.

C. Recreational developments and plans should promote preservation of the natural character, resources and ecological functions and processes of the shoreline jurisdiction.

D. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.

E. Water-dependent recreational uses, such as angling and swimming, should have priority over water-enjoyment uses, such as picnicking and golf. Water-enjoyment uses should have priority over non-water-oriented recreational uses, such as baseball or soccer.

F. The linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking paths, bicycle paths, easements, and/or scenic drives, should be encouraged. Recreational facilities should be integrated with public access systems.

G. Where appropriate, non-intensive recreational uses may be permitted in floodplain areas. Non-intensive recreational uses include those that do not do any of the following:

1. Adversely affect the natural hydrology of the river,

2. Add pollutants, such as fertilizers, or strong lights, that harm water quality or wildlife,

3. Create flood hazards,, and

4. Damage the shoreline environment through modifications such as structural shoreline stabilization or vegetation removal.

5.4.5.3 Regulations

A. Water-oriented recreational developments may be permitted as indicated in Section 4, Tables 1A and 1B, Shoreline Land Use and Modification Matrices. In accordance with said matrix and other provisions of this master program, non-water-oriented recreational developments may be permitted only where it can be demonstrated that:

1. The proposed use shall not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.

2. The proposed use will be of appreciable public benefit by increasing ecological functions together with public use, enjoyment, or access to the shoreline.

3. Accessory parking shall not be located in shoreline jurisdiction unless the City determines there is no other feasible option.

4. All new parking that must be located with the shoreline jurisdiction shall implement low impact development technologies.

5. New impervious surfaces will not be allowed within critical areas (per the EMC) or their buffers.

B. All new recreational development proposals will be reviewed by the City for ecological restoration and public access opportunities. When restoration and/or public access plans indicate opportunities exist, the City may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

C. All new non-water-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access.

D. The City shall consult the Environmental Restoration Plan to determine the applicability and extent of ecological restoration and/or public access required for all recreational development plans.

E. Substantial structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall not be located within critical areas (per the EMC), unless it can be clearly shown that such facilities are essentially water-dependent or there is no feasible alternative. These areas may be linked to the shoreline by pervious walkways.

F. For recreation developments that require the use of fertilizers, pesticides, or other toxic chemicals, such as golf courses and play fields, the applicant shall submit plans demonstrating the methods to be used to prevent these applications and resultant leachate from entering adjacent water bodies and must demonstrate that alternative lower impact options are not practicable.

G. Buffer strips and, if practical, shade trees shall be included in the development.

H. The City shall determine the maximum width necessary for buffer strips.

I. The proponent shall also be required to leave a chemical-free swath at least 100 ft in width next to water bodies and wetlands.

J. Snags and living trees shall not be removed within critical areas (per the EMC) unless a professional forester or horticulturalist determines them to be extreme hazards and likely to fall into a park use area. Snags and living trees within the setback that do not present an extreme hazard shall be retained.

5.4.6 RESIDENTIAL

5.4.6.1 Applicability

A. Residential development means one or more buildings, structures, lots, parcels or portions thereof that are designed for and used or intended to be used to provide a place of abode for human beings, including single-family residences, duplexes, other detached dwellings, floating homes, multi-family residences, apartments, townhouses, mobile home parks, other similar group housing, condominiums, subdivisions and short subdivisions, together with normal appurtenances as defined in Section 7.0 (Definitions). Residential development does not include hotels, motels or any other type of overnight or transient housing, recreational vehicle parks, or camping facilities.

B. The SMA identifies single-family residences as a priority use when (and only when) developed in a manner consistent with the control of pollution and prevention of damage to the natural environment.

C. Although some owner-occupied single-family residences are exempt from the substantial development permit process, they still must comply with all of the provisions of this section and of the master program.

D. Subdivisions and short subdivisions must also comply with all of the provisions of this section and the master program.

E. All development is subject to the variance and conditional use requirements and permit processes, when indicated.

F. Uses and facilities associated with residential development, which are identified as separate use activities or shoreline modifications in this program, such as Boating Facilities, Piers, Shoreline Stabilization and Flood Protection, Utilities, Landfill and Clearing and Grading, are subject to the regulations established for those modifications in addition to any special conditions relating to residential areas established in this section.

5.4.6.2 Policies

A. Recognizing the single-purpose, irreversible, and space-consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space between structures to provide space for outdoor recreation, to protect and restore ecological functions and ecosystem-wide processes, to preserve views, and to minimize use conflicts.

B. New residential development should be designed so as to not cause significant ecological impacts or significant adverse impacts to shoreline esthetic characteristics, views, and improve public use of the shoreline and the water.

C. New residential development should be located and designed so as to minimize conflicts or incompatibilities with water-oriented uses.

5.4.6.3 Regulations

A. In accordance with the SMA, Chapter 90.58 RCW, the following categories of development on single-family residential properties do not require a shoreline substantial development permit.

1. Construction in shoreline jurisdiction by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his family that does not exceed a height of 30 ft above the average building elevation and meets all of the requirements of this master program and other applicable local, state, and federal laws.

2. “Appurtenances” to single-family residences located landward of the OHWM and the perimeter of a wetland, including such structures as garages, decks, driveways, utilities, fences, installation of a septic tank and drainfield, and grading that does not exceed 250 cubic yards and that does not involve placement of fill in any wetland or waterward of the OHWM.

3. The construction of bioengineered shoreline stabilization, or restoration project including vegetation enhancement, enhancement, upland drainage control.

B. HOWEVER, all of the development described above shall meet the provisions of this master program. In order to implement the objectives of the Shoreline Management Act (SMA), RCW 90.58.020, the City shall review development proposals for such actions.

C. Persons intending to carry out the types of single-family development described above shall apply for a “letter of exemption.”

D. Residential development, including appurtenances and accessory uses, shall be prohibited within floodways, channel migration zones, wetlands, critical wildlife habitats, and other

hazardous areas, such as steep slopes and areas with unstable soils or geologic conditions (per the EMC).

E. Appurtenances, as defined in this master program consistent with Chapter 173-27 WAC (or in Section 7, Definitions), shall be subject to the same conditions as primary residences, except that for the protection of human health and safety and ecological functions further restrictions may apply.

F. Accessory uses that are not appurtenant structures shall be reasonable in size and purpose and compatible with onsite and adjacent structures, uses, and natural features.

G. Accessory structures that are not water-dependent are prohibited waterward of the principal residence.

H. Residential setbacks and density shall be consistent with the requirements of the R-1 zoning district (EMC 18.06) or R-2 zoning district (EMC 18.08), as applicable. Reference Figure 2. The City's Comprehensive Plan allows 4-7 dwelling units per acre within these zones.

I. Setbacks from the Ordinary High Water Mark for structures shall be as required by the Section 5.2.1, Critical Areas.

J. The creation of new lots shall be prohibited unless all of the following can be demonstrated.

1. A primary residence can be built on each new lot without any of the following being necessary:

    a. New structural shoreline stabilization.

    b. New development or clearing and grading within critical areas (per the EMC).

    c. Causing significant erosion or reduction in slope stability.

    d. Causing increased flood hazard or erosion in the new development or to other properties.

2. Adequate sewer, water, access, and utilities can be provided.

3. The intensity and type of development is consistent with the City Comprehensive Plan and development regulations (EMC Titles 18 and 19). Specifically:

    - Residential setbacks and density shall be consistent with the requirements of the R-1 zoning district (EMC 18.06) or R-2 zoning district (EMC 18.08), as applicable. Reference Figure 2. The City's Comprehensive Plan allows 4-7 dwelling units per acre within these zones.

    - Setbacks from the Ordinary High Water Mark for structures shall be as required by the Section 5.2.1, Critical Areas.

4. Potential significant adverse environmental impacts (including significant ecological impacts) can be avoided or mitigated to achieve no net loss of ecological functions, taking into consideration temporal loss due to development and potential adverse impacts to the environment.

5. The project uses low impact development technologies.

K. Over-water residences and floating homes are prohibited.

Multi-unit development, including the subdivision of land into more than four parcels, shall be required to provide public access according to 5.2.1.3 (D), Public Access.

L. The City will determine whether or not a proposed development meets the above conditions.

6.0 ADMINISTRATIVE PROVISIONS

6.1 SHORELINE PERMIT REVIEW PROVISIONS

The following shoreline administrative provisions will be codified as EMC Chapter 15.36 as follows:

15.36.010 PURPOS**E**

The purpose of this chapter is to establish an administrative system designed to assign responsibilities for implementation of the Shoreline Master Program and shoreline permit review within the City of Enumclaw, to provide an orderly process by which to review proposals and permit applications, and to ensure all persons affected by the Shoreline Master Program are treated in a fair and equitable manner. All permits must be consistent with:

- The legislative policies stated in the SMA, RCW 90.58.020 (SMA).
- The Shoreline Master Program of the City of Enumclaw

15.36.020 SHORELINE MASTER PROGRAM ADOPTED

The City of Enumclaw Shoreline Master Program adopted by Ordinance No. _____ is herein incorporated by reference as set forth in full.

15.36.030 PERMITS REQUIRED

Any person wishing to undertake development within shoreline jurisdiction shall apply for a Substantial Development Permit, a Shoreline Conditional Use Permit, a Shoreline Variance permit, or a Statement of Exemption. Based on the City's Comprehensive Plan and Shoreline Master Program, the Administrator shall determine which permit is required or if the proposal is exempt from a shoreline permit.

A. Substantial Development Permit. Any development of which the total cost or fair market value exceeds five thousand dollars, or any development, which materially interferes with the normal public use of the water or shorelines of the state. No substantial development shall be undertaken on shorelines of the City without first obtaining a Substantial Development Permit from the City. Applications for such permits shall be made on forms provided by the Administrator. An application shall provide the information necessary to be considered complete as specified in the application process.

1. **Review Process and Notice Provisions.** A Substantial Development Permit is a Type II permit subject to the review process and notice requirements found in EMC 15.20. In the event of a conflict between EMC 15.22 and this Chapter, this Chapter prevails.

2. Decision Criteria. A Substantial Development Permit must be consistent with the policies and regulations contained within the City's Shoreline Master Program and the requirements of the RCW 90.58.

3. Decision. The Administrator shall file the permit decision with the Department of Ecology and the Attorney General. Construction of development authorized by a shoreline substantial development permit shall not begin until twenty-one (21) days from the date that the permit is received by the Department of Ecology or until after all properly filed appeals are terminated.

B. Shoreline Conditional Use Permit. A shoreline conditional use is any use, development, or substantial development classified as a conditional use or any use not classified within the SMP. A Shoreline Conditional Use Permit allows flexibility in varying the application of the use regulations consistent with the shoreline master program, the comprehensive plan, and the SMA. Shoreline Conditional Use Permits should also be granted in a circumstance where denial of the permit would result in a thwarting of those same policies. In authorizing a Shoreline Conditional Use, special conditions may be attached to the permit to prevent undesirable effects of the proposed use. Uses that are specifically prohibited may not be authorized with approval of a Shoreline Conditional Use Permit. Applications for such permits shall be made on forms provided by the administrator. An application shall provide the information necessary to be considered complete as specified in the application process.

1. Review Process and Notice Provisions. A Shoreline Conditional Use permit is a Type IV permit subject to the review process and notice requirements found in EMC 15.24. In the event of a conflict between EMC 15.24 and this Chapter, this Chapter will prevail.

2. Decision Criteria.

a. Uses classified as Shoreline Conditional Uses may be authorized provided the applicant can demonstrate all of the following:

i. That the proposed use will be consistent with the policies of the SMA and the policies of the master program.

ii. That the proposed use will not interfere with the normal public use of public shorelines.

iii. That the proposed use of this site and design of the project will be compatible with other permitted uses within the area.

iv. That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.

v. That the public interest suffers no substantial detrimental effect.

b. Other uses that are not classified or set forth in the master program may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth in Subsection a of this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

c. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

3. Decision. All Shoreline Conditional Uses issued by the City must be submitted to the Washington State Department of Ecology (Ecology) for its approval or disapproval. A decision is not final until submitted to and approved by the Washington State Department of Ecology. Construction of development authorized by a shoreline conditional use permit shall not begin until twenty-one (21) days from the date that the decision by the Department of Ecology is transmitted to the Administrator, or until after all properly filed appeal proceedings are terminated.

C. Shoreline Variance. The purpose of a variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the master program where there are extraordinary or unique circumstances relating to the properties such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in the SMA.

1. **Review Process and Notice Provisions.** A Shoreline Conditional Use permit is a Type IV permit subject to the review process and notice requirements found in EMC 15.24. Where there is a conflict between EMC 15.24 and this Chapter, this Chapter will prevail.

2. **Decision Criteria.** The criteria for granting variances shall be consistent with WAC 173-27-170 and include the following:

a. Variances should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in the SMA. In all instances, extraordinary circumstances should be shown, and the public interest shall suffer no substantial detrimental effect.

b. Variances for development that will be located landward of the ordinary high-water mark may be authorized provided the applicant can demonstrate all of the following:

i. That the strict application of the bulk, dimensional, or performance standards as set forth in the master program precludes or significantly interferes with a reasonable permitted use of the property.

ii. That the hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the

master program and not, for example, from deed restrictions or the applicant's own actions.

iii. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

iv. That the variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief.

v. That the public interest will suffer no substantial detrimental effect.

c. Variances for development that will be located waterward of the ordinary high-water mark may be authorized provided the applicant can demonstrate all of the criteria specified in Subsection C.2.b, above. The applicant must also demonstrate that the public rights of use of the shorelines will not be adversely affected by the granting of the variance, and that the strict application of the bulk, dimensional, or performance standards set forth in the applicable master program precludes all reasonable use of the property.

d. In granting of all variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

3. Decision. All shoreline variances issued by the City must be submitted to the Washington State Department of Ecology (Ecology) for its approval or disapproval. A decision is not final until submitted to and approved by the Washington State Department of Ecology. Construction of development authorized by a shoreline variance shall not begin until twenty-one (21) days from the date that the decision by the Department of Ecology is transmitted to the Administrator, or until after all properly filed appeal proceedings are terminated.

D. Shoreline Exemption. If a development does not meet the definition of "Substantial Development" (RCW 90.58.030(3)(e), it may be exempt from the requirement to obtain a Shoreline Substantial Development, but may require a Shoreline Conditional Use Permit, Shoreline Variance, or a Statement of Exemption.

1. Statement of Exemption Required. Applicants for all non-shoreline permits or approvals within the shoreline jurisdiction must obtain a written "Statement of Exemption" from securing a Shoreline Substantial Development Permit. This process verifies the action is exempt and offers the applicant an itemization of shoreline policies and other requirements applicable to the proposed project.

2. Review Process. A statement of exemption is an administrative determination. Before determining a proposal is exempt, the Administrator may conduct a site inspection to ensure the proposal meets the exemption criteria.

3. Decision Criteria. 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, and other applicable city, state, or federal permit requirements. The exemption granted may be conditioned to ensure the activity is consistent with the Shoreline Master Program, the City's Comprehensive Plan, and SMA. The City shall attach shoreline management terms and conditions to the building permits and other permits and approval pursuant to RCW 90.58.140.

4. Exemptions Waterward of OHWM. Whenever a development falls within the exemption criteria and is subject to a US Army Corps of Engineers Section 10 or Section 404 Permit, the Administrator shall prepare a Statement of Exemption, and transmit a copy to the applicant and the Washington State Department of Ecology.

15.36.040 APPEALS

A. Local Appeals**.** Any decision made by the Administrator regarding shoreline exemptions, statement of exemptions, shoreline policy or regulation interpretations may be appealed to the Hearing Examiner pursuant to EMC 15.06.070.

B. Appeal to State Shorelines Hearings Board**.** Any person aggrieved by the granting, denying, rescinding, or revision of a shoreline substantial development permit, shoreline conditional use permit, shoreline variance or shoreline permit revision may seek review from the State Shorelines Hearings Board by filing an original and one (1) copy of the request with the Hearings Board within twenty-one (21) days of the date that the permit decision is received by Ecology. If the case is a variance or conditional use permit decision, the appeal must be filed within twenty-one (21) days from the date Ecology transmits its decision to the City and applicant.

15.36.050 TIME LIMITS

A. Duration of Permits**.** The City may issue shoreline permits with termination dates of up to five (5) years. If a permit does not specify a termination date, the following requirements apply, consistent with WAC 173-14-060:

1. Time Limit for Substantial Progress. Construction, or substantial progress toward completion, must begin two (2) years after approval of the shoreline permit.

2. **Extension for Substantial Progress.** The City may, at its discretion with prior notice to parties of record and Ecology, extend the two (2) year time period for the substantial progress for a reasonable time up to one (1) year based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

B. Five (5) Year Permit Authorization**.** If the applicant has not completed construction within five (5) years of approval, the City will review the shoreline permit and, upon showing of good cause, will either extend the permit for one (1) year, or terminate the permit. Prior to the City authorizing any permit extensions, it shall notify any parties of record and Ecology.

15.36.060 REVISIONS TO PERMITS (SEE ALSO WAC 173-27-100)

A. When an applicant seeks to revise a substantial development, conditional use, or variance permit, the Planning Department shall request from the applicant detailed plans and text describing the proposed changes in the permit.

B. If the planning staff determines that the proposed changes are within the scope and intent of the original permit, the revision may be approved, provided it is consistent with Chapter 173-27 WAC, the SMA, and this master program. "Within the scope and intent of the original permit" means the following:

1. No additional over-water construction will be involved.
2. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit, provided that revisions involving new structures not shown on the original site plan shall require a new permit.
3. Landscaping may be added to a project without necessitating an application for a new permit if consistent with the conditions attached to the original permit and with the Shoreline Master Program.
4. The use authorized pursuant to the original permit is not changed.
5. No additional significant adverse environmental/ecological impact will be caused by the project revision.
6. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof.

C. If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the City shall require the applicant to apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

D. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

E. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the Department of Ecology in the same manner as required for the original permit. In addition, local government shall notify parties of record of their action.

F. If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to Ecology for the Ecology's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27-100. Ecology will render and transmit to local government and the applicant its final decision within fifteen days of the date of its receipt of the submittal from local government. Local government shall notify parties of record of the Ecology's final decision.

G. The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection F of this section, upon final action by the department.

15.36.070 NON-CONFORMING USES

A. The provisions of the EMC Section 15.10, Non-Conforming Uses, are incorporated into this SMP as though fully set forth herein, with the following exception:

If a nonconforming development is damaged to an extent not exceeding seventy-five percent (75%) replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was

damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, and all permits are obtained and the restoration is completed within two years of permit issuance;

B. All references to provisions contained in the EMC Chapter 18, Enumclaw Zoning Code shall be construed as referring to this SMP (including shoreline permits), and all references to zoning environments shall represent shoreline environment designations as established by this SMP.

15.36.080 ENFORCEMENT

A. Enforcement and penalties shall be consistent with WAC 173-27-240 through WAC 173-27-300.

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

6.2 DOCUMENTATION OF PROJECT REVIEW ACTIONS AND CHANGING CONDITIONS IN SHORELINE AREAS

A. The City will keep on file documentation of all project review actions, including applicant submissions and records of decisions, relating to shoreline management provisions in this SMP.

B. The City may develop a user-friendly and statistically rigorous monitoring program to review ecological conditions within the shoreline jurisdiction in order to determine that no-net-loss of shoreline ecological functions is occurring under the SMP. The City will determine whether or not other actions are necessary to protect and restore ecological functions, protect human health and safety, and enhance public access to and recreational uses on the City's shorelines. Specific issues to be addressed in such evaluations include, but are not limited to:

1. Water quality.

2. Conservation of native vegetation (control of noxious weeds and enhancement of vegetation that supports more ecological functions and recreational conditions).

3. Visual character and aesthetics as a result of new residential development, including additions, and individual vegetation conservation practices.

4. Shoreline stabilization and modifications.

5. Public access, use and information related to shorelines.

C. The City will keep records of all project review actions within shoreline jurisdiction, including shoreline permits, letters of exemption, and building permits.

D. The City may use the results of the monitoring program analysis and records review to formally document net-gain or net-improvement in shoreline functions.

E. The City may determine an accounting methodology in order to document shoreline function improvement credits.

F. The City may determine how to apply documented credits toward future projects located within the shoreline jurisdiction or that have a direct or indirect effect of functions within the shoreline jurisdiction, as mitigation for separate City or private projects that serve the public interest and are in keeping with the goals of this SMP.

6.3 AMENDMENTS TO THIS MASTER PROGRAM

If the City determines it necessary, the City will review shoreline conditions and update this SMP within 7 years of its adoption.

7.0 DEFINITIONS

Accessory use. Any structure or use incidental and subordinate to a primary use or development.

Adjacent lands. Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator. The City of Enumclaw Community Development Director or his/her designee, charged with the responsibility of administering the Shoreline Master Program.

Appurtenance. A structure or development that is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. (On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, and grading that does not exceed 250 cubic yards.)

Aquatic. Pertaining to those areas waterward of the ordinary high water mark.

Aquaculture. The cultivation of fish, shellfish, and/or other aquatic animals or plants, including the incidental preparation of these products for human use.

Archaeological. Having to do with the scientific study of material remains of past human life and activities.

Average grade level. See "base elevation."

Base elevation. The average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle that will enclose the proposed structure, excluding eaves and decks. The approved topography of a parcel is the natural topography of a parcel or the topographic conditions approved by the City prior to August 10, 1969, or as approved by a subdivision, short subdivision, binding site plan, shoreline substantial development permit, filling and grading permit, or SEPA environmental review issued after August 10, 1969. An approved benchmark will establish the relative elevation of the four points used to establish the base elevation.

Beach. The zone of unconsolidated material that is moved by waves and wind currents, extending landward to the shoreline.

Berm. A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Bioengineering. The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

Biofiltration system. A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

Buffer. A parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife and to afford limited public access.

Building height. The vertical distance from the base elevation of a building to the highest point of the roof, exclusive of building appurtenances.

Bulkhead. A solid wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

Buoy. An anchored float for the purpose of mooring vessels.

Channel. An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stock watering channels.

City. The City of Enumclaw, Washington.

Clearing. The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

Conditional use. A use, development, or substantial development that is classified as a conditional use or is not classified within the applicable master program.

Covered moorage. Boat moorage, with or without walls, that has a roof to protect the vessel.

Ecology. The Washington State Department of Ecology.

Development. 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 that interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level. (RCW 90.58.030(3)(d).)

Development regulations. The controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

Dock. A structure that abuts the shoreline and is used as a landing or moorage place for craft. A dock may be built either on a fixed platform or float on the water. See also “development” and “substantial development.”

Document of record. The most current shoreline master program officially approved or adopted by rule by Ecology for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190

Dredging. Excavation or displacement of the bottom or shoreline of a water body.

Ecological functions (or shoreline functions). The work performed or 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.

Ecological processes. The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Emergency. An unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the local master program. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (RCW 90.58.030(3eiii).)

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

Erosion. The wearing away of land by the action of natural forces.

Exemption. Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3e); WAC 173-27-040.) (See also "development" and "substantial development.")

Fair market value. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish 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. For the purpose of this master program, 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, or studies or tests have demonstrated 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.

(c) The action does not physically preclude achieving the project's primary intended 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 City Council may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Floats. An anchored, buoyed object.

Floodway. FEMA definition: A "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations. For streams and other watercourses where FEMA has provided Base Flood Elevations, but no floodway has been designated, the community must review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur, or identify the need to adopt a floodway if adequate information is available.

Forest land (RCW 76.09.020(14)) means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

Forest practice (RCW 76.09.020(16)) means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization;

Prevention and suppression of diseases and insects;

Salvage of trees; and

Brush control.

Gabions. Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geotechnical report (or geotechnical analysis). A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative 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 engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes.

Grade. See "base elevation."

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.

Grassy Swale. A vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

Guidelines. Those standards adopted by the Washington State Department of Ecology (Ecology) into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and Ecology in developing and amending master programs.

Habitat. The place or type of site where a plant or animal naturally or normally lives and grows.

Height. See "building height."

Hydrological. Referring to the science related to the waters of the earth including surface and groundwater movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

Letter of exemption. A letter or other official certificate issued by a local government to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act, this section, and the applicable master program.

Littoral. Living on, or occurring on, the shore.

Littoral drift. The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

May. Refers to actions that are acceptable, provided they conform to the provisions of this master program and the SMA.

Mitigation (or mitigation sequencing). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following listed in the order of sequence priority, with (a) of this subsection being top priority. See Section 5.2.1.3 (D).

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations.

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

(f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Multi-family dwelling (or residence). A building containing two or more dwelling units, including but not limited to duplexes, apartments, and condominiums.

Must. A mandate; the action is required.

Non-conforming development. A shoreline use or structure that was lawfully constructed or established prior to the effective date of the applicable master program provision, and which no longer conforms to the applicable shoreline provisions.

Non-point pollution. Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

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

Normal maintenance. Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. See also “normal repair.”

Normal repair. To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. (WAC 173-27-040.) See also “normal maintenance” and “development.”

Offsite replacement. To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

Ordinary high water mark or *OHWM*, per WAC 173-22-030. “The Ordinary high water mark 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." The following criteria clarify this mark on streams: "where the ordinary high water mark cannot be found, it shall be the line of mean high water."

Note that the OHWM is to be determined/delineated based on most recent guidance provided by Ecology, "Determining the Ordinary High Water Mark on Streams in Washington State."

Party of record. All persons, agencies, or organizations who have submitted written comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

Periodic. Occurring at regular intervals.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (RCW 90.58.030(1d).)

Provisions. Policies, regulations, standards, guideline criteria or designations.

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

Residential development. Development that is primarily devoted to or designed for use as a dwelling(s).

Restore (restoration). To significantly re-establish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. To restore does not necessarily imply returning the shoreline area to aboriginal or pre-European settlement condition.

Revetment. Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

Riprap. A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Runoff. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

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

State Environmental Policy Act or *SEPA*. SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, Environmental Impact Statements may be required to be prepared and public comments solicited.

Setback. A required open space, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark.

Shall. A mandate; the action must be done.

Shorelands. All lands within Shoreline Management Act jurisdiction lying upland or higher in elevation of the OHWM.

Shoreline areas (and shoreline jurisdiction). The same as "shorelines of the state" and "shorelands" as defined in RCW 90.58.030, and explained in the Shoreline Characterization Report.

Shoreline environment designations. The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline designations in Enumclaw include: Aquatic, Urban Conservancy, Residential.

Shoreline functions. See "ecological functions."

Shoreline jurisdiction. The term describing all of the geographic areas covered by the SMA, related rules and the applicable master program. Also, such areas within a specified local government's authority under the SMA. See definitions of "shorelines", "shorelines of the state", "shorelines of state-wide significance" and "wetlands." See also the "Shoreline ~~Management Act Scope~~Jurisdiction" section (1.2) in the "Introduction" of this master program.

Shoreline Master Program or *SMP*. This Shoreline Master Program, as adopted by the City of Enumclaw and approved by Ecology.

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, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline permit. A substantial development, conditional use, revision, or variance permit or any combination thereof.

Shoreline property. An individual property wholly or partially within shoreline jurisdiction.

Shoreline restoration, *restoration*, or *ecological restoration*. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Shoreline restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

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 state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

Shorelines of the state. The total of all "shorelines" and "shorelines of state-wide significance" within the state.

Shorelines of state-wide significance. A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply.

Should. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this shoreline master program, against taking the action.

Sign. A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

Significant ecological impact. An effect or consequence of an action if any of the following apply:

(a) The action measurably or noticeably reduces or harms a site-specific ecological function or ecosystem-wide process.

(b) Scientific evidence or objective analysis indicates the action could cause reduction or harm to those site-specific ecological functions or cumulative ecosystem-wide processes described in the Shoreline Characterization Report.

(c) Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to site-specific ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

Significant vegetation removal. The removal or alteration of native trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant site-specific ecological impacts to functions provided by such vegetation. The removal of invasive, non-native, or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Single-family residence. A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership that is a normal appurtenance.

Shoreline Management Act or *SMA.* The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Shoreline Characterization Report. The report prepared by Landau Associates entitled "City Enumclaw Shoreline Master Program Characterization Report, Enumclaw, Washington" dated January 9, 2009 as amended by Addendum No. 1 dated July 31, 2010.

State Environmental Policy Act or *SEPA.* SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, Environmental Impact Statements may be required to be prepared and public comments solicited.

Stormwater. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

Stream. A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. See also "channel."

Structure. A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels.

Subdivision. The division or redivision of land, including short subdivision for the purpose of sale, lease or conveyance.

Substantial development. "Substantial development" shall mean any development of which the total cost or fair market value exceeds $5,000, or any development that materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every 5 years, beginning July 1, 2007, based upon changes in the consumer price index during that time period per RCW 90.58.030(3)(e).

Substantially degrade. To cause reduce area's ecological functions. An action is considered to substantially degrade the environment if:

(a) The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or

(b) The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or

(c) Scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

Terrestrial. Of or relating to land as distinct from air or water.

Transportation (Facilities). A structure or development(s) that aid in the movement of people, goods or cargo by land, water, air or rail. They include but are not limited to highways, bridges, causeways, bikeways, trails, railroad facilities, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

Upland. Generally described as the dry land area above and landward of the ordinary high water mark.

Utility. A public or private agency that provides a service that is used or available to the general public (or a locationally specific population thereof). Such services may include, but are not limited to, stormwater detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

Utility (Accessory). Accessory utilities are small-scale distribution services connected directly to the uses along the shoreline that are not carrying significant capacity to serve other users that are not located in the shoreline jurisdiction.

Variance. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this master program and not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the Administrator and Ecology.

Vessel. Ships, boats, barges, or any other floating craft that are designed and used for navigation and do not interfere with normal public use of the water.

WAC. Washington Administrative Code.

Water-dependent. A use or a portion of a use that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include fishing, boat launching, swimming, and stormwater discharges.

Water-enjoyment. A recreational use 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. Primary water-enjoyment uses may include, but are not limited to:

- Parks with activities enhanced by proximity to the water.
- Docks, trails, and other improvements that facilitate public access to shorelines of the state.
- Restaurants with water views and public access improvements.
- Museums with an orientation to shoreline topics.
- Scientific/ecological reserves.
- Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

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.

Water quantity. Where used in this document, the term "water quantity" refers only to development and uses regulated under this section and affecting water quantity, such as impervious surfaces and stormwater handling practices. Water quantity, for purposes of this master program, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use. A use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Weir: A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment of other moving objects transported by water.

Wetland or wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support—and that under normal circumstances do support—a prevalence of vegetation typically adapted for life in marshes, bogs, and similar areas. Wetlands do not

include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Zoning. The system of land use and development regulations in Title 18 and related provisions of the Enumclaw Municipal Code.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.