

Chapter 1

Introduction

1.1 Background

The White River shoreline within the city of Buckley extends from the city boundary east of the Washington State Rainier School to a point west of the Wickersham basin. By statute, "shorelines" include the water areas of the state (in our case, the White River), and "shorelands" include *"those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands . . . associated with the streams . . . which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology. "*

The majority of City of Buckley shorelands are owned by Puget Sound Energy and are managed in accordance with the *Wildlife Management Plan for the White River Project*, prepared in cooperation with the Washington Department of Fish and Wildlife (formerly Washington Department of Wildlife) and the U.S. Fish and Wildlife Service. The White River shoreline and associated shorelands include three distinct areas

- (1) West of Wickersham Basin to SR-410 bridge overpass. This area is heavily vegetated, covered almost in its entirety by evergreen fir and deciduous tree species. Some low-lying areas include wetlands associated with the White River, and are characterized by low-lying marsh and silty/sand, vegetated in typical wetland species, blackberry, and deciduous trees including cottonwood and alder. There is a moderate to steep bluff along the south shoreline of the White River. Puget Sound Energy (PSE) maintains a sediment dredging, storage and sales operation on the north side of the flume, adjacent to SR-410.
- (2) SR-410 bridge overpass to Puget Sound Energy Diversion Darn This area includes an access road to the Puget Sound Energy facilities and diversion darn. The road is also used for maintenance of the flume structure. The remains of the old highway bridge are still in place, with some of the concrete used as a fish ramp. There is a diversion channel connecting the flume with the White River; the channel is used for overflows in the flume structure, to divert water back to the river. A fish hatchery operated by the Muckleshoot Indian Tribe is located on the north side of the diversion darn in King County.
- (3) PSE diversion dam to the east city boundary This section of the river is the least affected by human activities. However, the Rainier State School operates a wastewater treatment facility within this section, which discharges into the White River. The Washington State University dairy and adjacent farm lands border the river. There are single-family residences and shop/farm buildings at a rural density closer to the east city boundaries. The river forms extensive gravel bars within this section, indicating a meandering river channel during flood events. These gravel bars are valuable spawning habitat for salmon.

1.2 The Shoreline planning process

As the City began planning efforts under the requirements of the Growth Management Act (GMA), it

became apparent that a City Shoreline Master Program, now required by the Shoreline Management Act (SMA), must be consistent with the values, policies and regulations stated in the resultant GMA Comprehensive Plan as well as sensitive to the local natural physical setting.

This Shoreline Master Program (SMP) is the first comprehensive shoreline program for the City; containing goals, policies and regulations related to the protection of the valuable natural resources of the City's shoreline, while fostering all appropriate uses. In 1975, the City adopted the Pierce County Shoreline Master Program, without preparing additional data or environment designations for the White River shoreline within City boundaries as they existed at the time.

The new (SMP) has been developed with consideration for the natural resources and uses of shorelines in both the existing City limits and the 20 year Urban Growth Area as established in the City's GMA planning process. This Master Program is directly applicable to all shorelines of the state within the City limits at the time of Master Program adoption.

As additional shoreline within the Urban Growth Area is annexed into the City, the environment designations, goals, policies and regulations that have been established for these areas will become effective.

1.3 History and Objectives of the SMA

In 1969, the Washington State Supreme Court decided in the case of *Wilbur v. Gallagher* (77 Wn 2d 302), commonly known as the "Lake Chelan Case", that certain activities along shorelines were contrary to the public interest. The court findings required that the public interest be represented in the proper forum for determining the use of shoreline properties. The ramifications of this decision were significant in that developers, environmentalists and other interested parties began to recognize, although probably for different reasons, the need for a comprehensive planning and regulatory program for shorelines.

Wilbur v. Gallagher was a case primarily involving property rights. It was decided at a time of heightened environmental awareness. Federal legislative committees were hearing the beginnings of what eventually became the National environmental Policy Act of 1969. "Earth Day" and the concept of "spaceship earth" were part of the American scene. "Conservationists" had become "environmentalists" and some had even gone so far as to call themselves "ecologists". Whatever the name or concept, concern for fragile ecological areas became important, along with the rights of property ownership.

Voters of the state, seeing the failure of the Seacoast Management Bill in the State legislature, validated an initiative petition commonly titled the "Shoreline Protection Act". The State legislature, choosing between adoption of the peoples' initiative petition or its own alternative, passed into law the "Shoreline Management Act of 1971" (SMA), effective June 1, 1971, which contained the provision for both statutes to be deferred to the electorate in the November 1972 election. The election issue required that voters respond to two questions (1) Did they favor shoreline management? And (2) which alternative management program did they prefer? Most Washington voters favored both shoreline management and the legislature's alternative by an approximate 2 to 1 margin. It is important to keep in mind that the SMA was a response to a peoples' initiative and was ratified by the voters, giving the Act a populist foundation as well as an environmental justification.

The SMA's paramount objectives 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 clear mandate, the provisions of the SMA established a planning and regulatory program, which is initiated at the local level under state guidance.

This 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 (SMP's) and regulate (via permits) shoreline development. Local government actions are monitored by the Department of Ecology, which approves new or amended SMPs, reviews substantial development permits and approves conditional use permits and variances. The master program is essentially a shoreline comprehensive plan with a distinct environmental orientation applicable to shoreline areas and customized to local circumstances. Collectively, all the local master programs throughout the state comprise the State Shoreline Master Program. The administration/permitting requirements of this Master Program are prescribed by separate City ordinance.

1.4 The Shoreline Management Act's Legal Foundation

The authority to carry out the provisions of the Shoreline Management Act (SMA) is derived directly from the Constitution of the State of Washington and from the common law principle known as the Public Trust Doctrine.

The Constitution of the State and the U.S. Constitution provide both the authority for conducting the activities necessary to carry out the Shoreline Management Act and significant limitations on that authority.

The basic authority comes from the police power provision. This allows the State government and, by delegation from the State, local government, to adopt and enforce laws to protect the public health, safety and general welfare.

Limitations come in the form of the due process provisions. Government activities that constrain private options have to be conducted according to a set of rules that assures an opportunity for participation by the affected parties. The Shoreline Management Act and this Shoreline Master Program comply with this requirement by establishing extensive rules for general public and individual participation in the process of making the rules (i.e. adopting and amending the SMP) and deciding on individual permits.

1.5 Applicability of the Shoreline Master Program

The SMA established a process for managing the state's shorelines through locally administered programs with oversight and support from the state. Local governments are required to have an approved shoreline "master program" to regulate shoreline "use" and all "development" must be consistent with the program.

A Shoreline Master Program is defined as "the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020" (RCW 90.58.030(3)(b)).

1.6 Relationship of this SMP to other Regulatory Programs

State Environmental Policy Act (SEPA)

The SEPA process interacts with the shoreline management process in several ways. Compliance with SEPA is required for issuance of a shoreline permit. Conditioning and denial of a permit may be done under powers granted by the SEPA guidelines (WAC 197-11-660). The SEPA checklist must identify all local, state, and/or federal permits or approvals that may be required. If required, an Environmental Impact Statement (EIS) must include a detailed evaluation of the project's consistency with existing plans and policies (e.g. this SMP) and zoning regulations.

Growth Management Act (GMA)

The Growth Management Act (RCW 36.70A) has fundamentally changed the focus of environmental protection in Washington State. It both empowers and requires local governments to incorporate environmental protection into their decisions. At the same time, the GMA did not repeal any preexisting environmental legislation. The SMA, for example, remains unchanged and is still in full force and effect. This means that local and state government must closely coordinate implementation of the two laws. Fortunately, the two laws are quite compatible. The GMA requires preparation of local comprehensive plans and adoption of "development regulations".

Similarly, the SMA is a program that involves both comprehensive planning and implementation functions through use regulations. GMA required comprehensive plan elements are similar in many cases to SMA-required shoreline master program elements. The goals relating to environmental protection are similar, particularly as related to public access, recreation and open space. Many of the environmental resources addressed in the SMA and its guidelines are also addressed in Growth Management as "critical areas" and natural resource lands.

The SMA focuses on shorelines, with jurisdiction limited to certain water areas and adjacent shorelands. The SMA applies to all cities and counties with shorelines of the state within their boundaries.

Shorelines and other water resources must be managed for a variety of industrial, agricultural, commercial, recreational and environmental purposes. Shoreline master programs (implementing the SMA) must receive state review and approval before becoming effective and are adopted as state rule (WAC). Certain shoreline permits require state approval. Appeals of permit decisions issued under the Buckley Shoreline Master Program are now heard by the Central Puget Sound Growth Hearings Board.

The GMA is broader and limited to counties and cities required to plan under the Act (except that critical area protections apply to all). Local comprehensive plans are "presumed valid" and do not require state approval. GMA established sanctions for noncompliance and appeals can be filed with regional growth planning hearings boards.

GMA comprehensive plans contain a jurisdiction's vision of its future. Local governments need to include the state perspective in this vision. The state perspective is reflected in the GMA's comprehensive planning goals found in RCW 36.70A.020. For local governments with shoreline areas within their jurisdiction, the local vision should also consider and incorporate the policies of the

SMA (RCW 90.58.020).

Section 10/404 Permit Programs

The U.S. Army Corps of Engineers regulates construction in navigable waters under the authority granted by the River and Harbors Act of 1899 (Section 10), the Federal Water Pollution Control Act of 1972 (Section 404), the Clean Water Act of 1977, and numerous amendments and related water quality legislation. The Federal Coastal Zone Management Act requires that federal permits (including Sections 10/404) be consistent with the state's federally approved Coastal Zone Management Program (CZMP), which requires those projects be consistent with the local Shoreline Master Program.

Section 401 Water Quality Certification

Section 401 of the Federal Ocean Water Act requires applicants for federal permits to obtain a certification from the state (Department of Ecology) for any activity that could result in the discharge of a pollutant in violation of a state water quality standard. The state must certify that the materials to be discharged will comply with applicable effluent limitations, water quality standards, and any other applicable standards. Typically the 401 certification is administered along with the Section 10/404 permit review, but also applies to other federal permits.

Hydraulic Project Approval

The State Hydraulic Code requires that anyone proposing construction within or over the waters of the state waterward of the OHWM obtain a permit, called a Hydraulic Project Approval (HPA), from the state Department of Fish and Wildlife. An HPA is required for all types of in-water construction, including streambank protection, pile driving, culvert installation, dredging, gravel removal, construction of docks, piers, and bulkheads. Shoreline project proponents should be aware that fisheries closure periods (periods when no in-water construction may occur due to spawning or outmigration) can apply to their project. Permitting and project scheduling should take these closure periods into account.

Endangered Species Act

During final revision of the draft Shoreline Master Program document (March, 1999) the National Marine Fisheries Service listed the Chinook Salmon and Bull Trout as endangered species under the Federal Endangered Species Act. Prior to the petition to list, White River spring chinook were identified as critical by the 1992 Washington State Salmon and Steelhead Stock Inventory Report. Recovery strategies collectively include functional protection of riparian habitat. South Puget Sound coho are also on the candidate list. All these fish species and others are known to utilize the White River reach. Chinook and other salmon/steelhead stock status and recovery efforts are significant. All activities within the habitat areas identified for listed species under the Endangered Species Act will be required to comply with regulations and protection measures enacted under State/Federal programs.

Others

In addition to the regulatory programs listed above, the following laws and programs may also have

requirements affecting a proposal depending on the nature and location of the proposal

- * Forest Practices Act RCW 76.09
- * Flood Plain Management Program RCW 86.16
- * Model Toxics Control Act RCW 70.105
- * Aquatic Lands Act RCW 79.90

1.7 Master Program Organization

The Buckley Shoreline Master Program is organized into seven chapters, and two appendices.

Chapter 1 -contains an introduction and general overview of the Shoreline Management Act and City of Buckley Shoreline Master Program. This chapter provides a brief history of the Shoreline Management Act, as well as objectives of the Act and its relationship to some of the other existing regulatory programs.

Chapter 2 -includes narrative descriptions of the Buckley shoreline environment designations and corresponding maps showing the geographical extent of each designation and SMP jurisdiction.

Chapter 3 -articulates the goals of the Master Program, which provide the basis for all other SMP policies and regulations. This chapter is organized by the following seven elements Shoreline Use, Economic Development, Circulation, Public Access, Recreation, and Historic/Cultural.

Chapter 4 -contains the general policies and regulations of this Master Program. These are broad statements, based on the goals listed in chapter 2, which apply to all shoreline environments, uses and activities.

Chapter 5 -presents the two shoreline environments established by this Master Program. This chapter provides definitions and objectives for each of the shoreline environments, as well as policies and regulations specific to each environment. The regulations defining the allowable activities for each environment are presented in the Shoreline Use/Modification Activity Matrix (Table 5.1).

Chapter 6 -contains the more detailed shoreline use policies and regulations. These provisions apply to specific shoreline use categories, providing a greater level of detail in addressing shoreline uses and their impacts. At the end of this chapter, the Use Related Development Standards Matrix (Table 6.1) details the height and setback requirements by use activity for each environment.

Chapter 7 -presents the shoreline modification activity policies and regulations. Modification activities are usually preliminary construction actions undertaken in preparation for, or in support of, a shoreline use. Two or more modification activities may be involved in a particular use proposal. Therefore, the policies and regulations regarding a proposed activity are in addition to the applicable policies and regulations regarding the proposed shoreline use that the activity supports.

Appendix A -describes draft review criteria for Conditional Use Permits (CUP's). Permanent review criteria will be adopted with the implementing ordinance.

Appendix B -describes draft review criteria for Variance Permits. Permanent review criteria will be adopted with the implementing ordinance.

Chapter 2

Master Program Jurisdiction/Environments

Geographic Application 2.1

This chapter presents both narrative descriptions and a Shoreline Master Program Map that describe the geographic coverage of the two environment designations assigned to the Buckley shoreline. Table 2.1 provides a listing and narrative location (geographic coverage) descriptions of the two shoreline environment designations established by this Master Program. The following map (Figure 2.1) shows SMA jurisdiction in the City of Buckley and associated Urban Growth Area, and the environment designation(s) established for an shoreline areas within these areas.

2.2 Environment Descriptions

Table 2.1 • Buckley SMP Environment Designations Includes City and UGA(1)	
Environment Designation	Description
Rural	Shorelines east of a point starting at the north extension of Naches Street to the SR-410 bridge crossing; shorelines east of a point directly east of the Rainier School sewer treatment plant to the easternmost City boundary.
Conservancy	Shorelines west of a point starting at the north extension of Naches Street to the westernmost City boundary, all shorelines east of the SR-410 river crossing to a point directly east of the Rainier School sewer treatment plant.

- (1) The note regarding environment location within the City and UGA indicates that the shoreline environment description applies both within the incorporated City boundaries and the proposed UGA (see Shoreline environment map). The proposed Urban Growth Area is designated in the Proposed Land Use map (Land Use Element) of the 1995 Buckley Comprehensive Plan. Upon adoption by the City and approval by the state, this Shoreline Master Program is applicable to shorelines located within the City limits. Shorelines located within the UGA outside of the City will continue to be regulated under the Pierce County Shoreline Master Program until such time as they become part of the City of Buckley through the annexation process. This Master Program will be applicable to such additional shoreline areas, effective at the time of annexation.

2.3 Shoreline Environment map (Figure 2.1)

Chapter 3

Master Program Goals

The use of elements is mandated by the Shoreline Management Act and is intended to guide and support the major shoreline management issues. The seven use elements are shoreline use, economic development, circulation, conservation, public access, recreational and historic/cultural resources. The general goal statements found within each element are intended to provide the policy basis for Master Program General Policies and Regulations.

3.1 Shoreline Use

3.1.1 Provide for uses of the shorelines and water areas which do not needlessly diminish the quality of the shoreline environment.

3.1.2 Establish and implement policies and regulations for shoreline use consistent with the Shoreline Management Act of 1971. These policies and regulations should insure that the overall land use patterns that take place in shoreline areas are compatible with existing shoreline environment designations and are sensitive to and not degrade habitat and ecological systems and other shoreline resources.

3.1.3 Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including residential, recreational and open space uses, and power generation (PSE facilities).

3.1.4 Ensure that proposed shoreline uses are distributed, located and developed in a manner that will maintain or improve the health, safety and welfare of the public when such uses must occupy shoreline areas.

3.1.5 Ensure that activities and facilities are located on the shorelines in such a manner as to retain or improve the quality of the environment as it is designated for that area.

3.1.6 Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.

3.1.7 Encourage shoreline uses which enhance their specific areas or employ innovative features for purposes consistent with this program.

3.1.8 Encourage joint-use activities in proposed shoreline developments.

3.1.9 Designated shorelines of state-wide significance (SSWS) are of value to the entire state and should be protected and managed. In order of preference, the priorities are to

- A. Recognize and protect the state-wide interest over local interest;
- B. Preserve the natural character of the shoreline;
- C. Result in long-term over short-term benefit;
- D. Protect the resources and ecology of shorelines; and
- E. Increase public access to publicly owned areas of the shorelines.

3.1.10 Encourage restoration of shoreline areas that have been degraded or diminished in ecological value and function as a result of past activities or catastrophic events.

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

3.2 Economic Development

3.2.1 In evaluating shoreline proposals, acknowledge the critical importance of a balanced and diversified local economy for Buckley.

3.1.2 Ensure healthy, orderly economic growth by allowing those economic activities which will be an asset to the local economy and which result in the least possible adverse effect on the quality of the shoreline and surrounding environment.

3.2.3 Ensure that any economic activity taking place along the shoreline operates without harming the quality of the site's environment or adjacent shorelands.

3.2.4 Encourage new economic development to locate in areas already developed with similar uses which are consistent with this master program.

3.2.5 Before new commercial/industrial development is permitted within the shoreline, it is the proponent's responsibility to demonstrate that upland areas are not feasible for the intended economic activity.

3.2.6 Limit new shoreline industrial and commercial development to that which is classified as water-dependent, water-related, or water-enjoyment uses and discourage and/or prohibit non-water-oriented uses which are not accessory to a water-oriented use.

3.2.7 Proposed economic use of the shoreline should be consistent with the Buckley Comprehensive Plan. Conversely, upland uses on adjacent lands outside of immediate SMA jurisdiction (in accordance with RCW 90.58.340) should be consistent with the purpose and intent of this master program as they affect the shoreline.

3.3 Circulation

3.3.1 Ensure that the City street system will have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems.

3.3.2 Locate land circulation systems which are not shoreline dependent as far from the shoreline as feasible to reduce interference with either natural shoreline resources or other appropriate shoreline uses. Where possible avoid creating barriers between adjacent uplands and the shoreline.

3.3.3 Discourage shoreline uses which curtail or reduce existing free movement of the public unless such restriction is in the interest of the environment, public health and safety, or is necessary to a proposed beneficial use.

3.3.4 Where feasible relocate existing shoreline transportation facilities that are disruptive to public shoreline access or other shoreline uses or convert such rights-of-way to new public access routes.

3.3.5 Protect, manage 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.

3.4 Conservation

3.4.1 Assure that intrusions created by public access will not endanger the quality of life or property of City residents, or have adverse effects on fragile natural features of the shoreline or water areas.

3.4.2 Assure preservation of scenic and nonrenewable natural resources for the benefit of existing and future generations.

3.4.3 Develop and implement management practices that will insure a sustained yield of renewable resources of the shorelines while preserving & protecting, enhancing and restoring unique and nonrenewable shoreline resources or features, including forested areas, wetlands and wildlife habitat.

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

3.4.5 Reclaim and restore areas which are biologically and aesthetically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

3.5 Public Access

3.5.1 Public access to the shoreline shall be provided only where demonstrated to be safe and consistent with protection of fish habitat and the security of power generation support facilities.

3.5.2 Implement public access guidelines that incorporate public access into new shoreline development and unify individual public access elements into an organized system.

3.5.3 Public access will be considered and/or required for development larger than single-family residential or agriculture, except where there is potential hazard to public safety or health.

3.6 Recreation

3.6.1 Encourage appropriate water-oriented recreation which is compatible with natural site conditions.

3.6.2 Provide for appropriate recreational opportunities in shoreline areas that can reasonably tolerate public use of the shoreline without undue risk to safety and existing shoreline facilities.

3.6.3 Coordinate efforts with Pierce and King counties to optimize opportunities for water-oriented recreation.

3.6.4 Integrate the recreational elements of the Buckley Shoreline Master Program into federal, state and local public access and conservation planning.

3.6.5 Encourage federal, state and local government to acquire additional shoreline properties for public recreational uses.

3.6.6 Ensure existing and proposed recreational uses enhance the public health, safety and welfare by providing additional recreational opportunities.

3.6.7 Consider both active and passive recreational needs in development of recreational areas.

3.7 Historic/Cultural

3.7.1 Protect and/or restore shoreline or water areas which have archaeological, historic, cultural, educational or scientific value,

3.7.2 Protect historical/cultural sites along the shoreline through purchase, easement, gift or other means so as to insure their protection and preservation,

3.7.3 Encourage and support educational projects and programs that foster a greater appreciation of the importance of shoreline management, riverine activities and environmental conservation,

3.8 Public Participation

3.8.1 Public participation in the adoption and revision of the Shoreline Master Program shall be encouraged. All reasonable efforts to inform, fully involve and encourage the participation of all interested persons and public and private entities shall be pursued.

Chapter 4

General Policies and Regulations

4.1 General

General policies and regulations are applicable to all uses and activities (regardless of Master Program environment designation) that may occur along a jurisdiction's shorelines. Their importance and usefulness cannot be understated. They are broad policies and regulations that affect all shoreline uses and all other more specific policies and regulations. The policies and regulations found in this chapter are intended to be used in conjunction with the more specific use and activity regulations found in the following chapters.

Policies

4.1.1 All shoreline uses and modification activities, including those that do not require a shoreline Substantial Development Permit, should be subject to the policies and regulations of the Shoreline Master Program.

4.1.2 Shoreline uses, modification activities and conditions that are prohibited by the Shoreline Master Program shall not be eligible for consideration as a shoreline variance or conditional use.

4.1.3 The policies of the Shoreline Master Program should provide broad guidance for the application of Master Program regulations.

4.1.4 The Shoreline Master Program should not prevent emergency development or shoreline modification activities that require immediate action to protect property, public safety, health or the environment.

Regulations -General

1. All shoreline uses and shoreline modification activities, including those that do not require a shoreline Substantial Development Permit, shall conform to the policies and regulations of this master program.
2. Shoreline modification activities must be in support of an allowable shoreline use that conforms to the provisions of this master program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or an approved shoreline use are prohibited.
3. Shoreline uses, modification activities and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or shoreline conditional use permit.
4. The 'policies' listed in this master program will provide broad guidance and direction and will be used by the City in applying the "**regulations**".
5. This Master Program adopts by reference the regulations contained in the City of Buckley Stormwater Management ordinance.

6. Where provisions of this master program conflict, the more restrictive of the provisions shall apply unless specifically stated otherwise.
7. Industrial development within the area of shoreline jurisdiction is prohibited in Buckley as being incompatible with the criteria for the Rural and Conservancy environments.

Regulations -Emergency Exemptions

1. Emergency shoreline developments and activities necessary to protect property, public health, safety or the environment are those which require immediate action within a time frame too short to allow compliance with the prescribed permitting process. Such developments and activities are exempt from the requirement to obtain a shoreline permit prior to undertaking such actions, subject to the following
 - (a) No exempt development, use, or activity shall be undertaken within the jurisdiction of the Shoreline Management Act, Chapter 90.58 RCW and this Shoreline Master Program (SMP) unless a statement of exemption has been obtained from the Planning Director.
 - (b) The request for the statement of exemption shall be in writing and include the information required by the Planning Director. In the case of an emergency, the Planning Director may waive this requirement and authorize the use or activity orally or in writing.
 - (c) The Planning Director shall decide a request for a statement of exemption within ten calendar days of receiving the request.
 - (d) The statement of exemption shall be in writing unless an oral emergency statement of exception is given as proved in (1) above. If an oral emergency statement of exemption is given, the Planning Director shall reduce it to writing and send it to the applicant as soon as possible.
 - (e) The Planning Director shall decide requests for a statement of exemption based on the provisions of the Shoreline Management Act, the applicable provisions of the Washington Administrative Code and the provisions of this SMP. If there are any conflicts between the Shoreline Management Act or the Washington Administrative Code and this SMP, the Shoreline Management Act or the Washington Administrative Code shall control except where the Washington Administrative Code grants local governments the authority to more specifically define exempt uses and activities.
 - (f) The emergency exemption is to be construed narrowly.
 - (g) Exempt emergency developments and activities should comply with the Shoreline Management Act and the SMP. The Planning Director shall condition statements of exemption to ensure the exempt development or activity complies with the Shoreline Management Act and the SMP.
 - (h) Whenever an emergency development falls within the exemptions from the requirement to obtain a shoreline permit and the development is subject to a U.S. Army Corps of Engineers Section 10 permit (under the Rivers and Harbors Act of 1899) or a Section 404 permit (under the Federal Water Pollution Control Act of 1972), the Planning Director shall prepare a letter addressed to the applicant and Ecology, exempting the development from the shoreline permit requirements of chapter 90.58 RCW. The exemption shall be in substantially the same form as the exemption format in WAC 173-27050 or its successor. This letter shall substitute for the statement of exemption required by (1) above.

4.2 Archaeological and Historic Resources

Applicability -Archaeological and historic resources, because of their finite nature, are valuable links to our past and should be considered whenever a development is proposed along the state's shorelines. Where such resources are either recorded at the State Historic Preservation Office and/or with local

jurisdictions, or have been inadvertently uncovered, the following policies and regulations apply.

Policies

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

Regulations

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City if any phenomena of possible archaeological interest 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.
2. 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. 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.
3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued which 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.
4. 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 the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records) and shall comply with WAC 25-48 as well as the provisions of this master program.
6. Archaeological excavations may be permitted subject to the provisions of this program.
7. 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.
8. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

4.3 Clearing and Grading

Applicability -Clearing and grading is the activity associated with developing property for a particular use including commercial, industrial, recreational and residential uses. Specifically, "clearing" means the destruction or removal of vegetative ground cover and/or trees including, but not limited to, root material removal and/or topsoil removal. This includes such activities as clear -cutting or selective harvest of trees, chipping of stumps and hauling of f of shrubs, slash piles, etc. "Grading" means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials. This includes removing the duff layer, all surcharging, preloading and recontouring the ground and may include minor excavation and filling. Landfill addresses the placement of dry fill on existing dry or existing wet areas.

Policies

4.3.1 All clearing and grading activities should be designed and conducted to minimize impacts to wildlife habitat, sedimentation of creeks, streams, ponds, lakes, wetlands and other water bodies and degradation of water quality.

4.3.2 Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development. Such activities should be discouraged in designated (structural) setback areas and allowed in other shoreline locations only when associated with a permitted shoreline development.

4.3.3 Negative environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, bioengineering and use of erosion and drainage control methods as well as adequate maintenance.

4.3.4 Cleared and disturbed sites remaining after completion of construction shall be promptly replanted with native vegetation or, in limited circumstances, with other species contained in City approved plant lists.

4.3.5 All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age and cover density.

Regulations

1. In accordance with Buckley Municipal Code, a clearing and grading plan shall be required which addresses species removal, replanting, irrigation, erosion and sedimentation control and other methods of riparian corridor protection.
2. All clearing and grading activities shall be limited to the minimum necessary for the intended development, including residential development.
3. When applying the above clearing and grading standards the plant communities listed below shall determine in descending order of preference where clearing and grading may be allowed. The first plant community listed indicates the most preferred location for clearing and grading:
 - a. grass
 - b. shrub/scrub

c. forest

4. Clearing and grading activities may only be permitted (landward of required setbacks) when associated with a permitted shoreline development, provided that upon completion of construction, remaining cleared areas shall be replanted with native species as approved by the City. Replanted areas shall be maintained such that the vegetation is fully reestablished within three years.
5. Normal nondestructive pruning and trimming of vegetation for maintenance purposes shall not be subject to these clearing and grading regulations. In addition, clearing by hand held equipment of invasive nonnative shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly reestablished in the disturbed area.
6. Any significant placement of materials from of f-site, (other than surcharge or preload) or substantial creation or raising of dry upland shall be considered landfill and shall also comply with the landfill provisions in the Landfill Chapter.

4.4 Critical Areas

Applicability - Critical areas constitute the most fragile lands which support resources that are economically and culturally important to the state under the SMA They can be natural resources that provide fisheries habitat for example, or areas that may threaten the health and safety of the public, such as floodways or unstable bluffs.

“Critical Areas” shall mean those areas with especially fragile biophysical characteristics and/or with significant environmental resources as identified in (1) a scientifically documented inventory accomplished as part of the SEPA/NEPA process, (2) Buckley Municipal Code 12.12 *Environmentally Sensitive Areas*. or (3) other recognized assessment. Critical areas include but are not limited to

1. geologic hazard areas
2. wildlife habitat areas
3. wetlands
4. flood hazard areas (incl. channel migration zone)
5. streams
6. aquifer recharge areas

Policies

4.4.1 Unique, rare and fragile natural and man-made features and wildlife habitats should be preserved and protected from unnecessary degradation or interference.

4.4.2 Some areas, because of unique and/or fragile geological or biological characteristics, should be protected from public access.

4.4.3 Shorelines that are identified as hazardous for, or sensitive to, development should be discouraged from intensive development.

Regulations

1. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region and to facilitate the appropriate human intensity of use of such features, including but not limited to
 - a. Wetlands;
 - b. Fish and wildlife habitats, migratory routes and spawning areas;
 - c. Unstable bluffs.
2. When a development site encompasses critical areas, these features shall be left intact and maintained as open space or buffers. All development shall be set back from these areas to prevent hazardous conditions and property damage, as well as to protect valuable shore features.
3. All shoreline development shall be designed in accordance with all applicable local and FEMA flood control management codes and regulations, the State Environmental Policy Act and other applicable local land use codes.
4. The use of herbicides and pesticides shall be prohibited to remove noxious plants in wetland areas except where no reasonable alternatives exist and it is demonstrated that such activity is in the public interest. A Conditional Use Permit shall be required in such cases. Mechanical removal of noxious weeds shall be timed and carried out in a manner to minimize any disruption of wildlife or habitat.

4.5 Environmental Impacts

Applicability -The SMA is concerned with the environmental impacts that both a use and activity may have on the fragile shorelines of the state. Shoreline and water quality degradation caused by the introduction of contaminants such as petroleum products, chemicals, solid waste, domestic or industrial wastewater and sediment from erosion are all issues that must be addressed.

Policies

4.5.1 The adverse impacts of shoreline uses and activities on the environment should be minimized during all phases of development (e.g. design, construction, management and use).

Regulations

1. The location, design, construction and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and related regulatory agencies.
2. Solid and liquid wastes and untreated effluents shall not be allowed to enter any bodies of water or to be discharged onto land.
3. The release of oil, chemicals or hazardous materials onto land or into the water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
4. All shoreline uses and activities shall be located, designed, constructed and managed in a manner

that minimizes adverse impacts to surrounding land and water uses and is aesthetically compatible with the affected area.

5. All shoreline uses and activities shall utilize best management practice (BMP) measures to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Such measures may include but are not limited to dikes, catch basins or settling ponds, installation and required maintenance of oil/water separators, grassy swales, interceptor drains and landscaped buffers.
6. All shoreline uses and activities shall utilize effective erosion control methods during both project construction and operation.
7. All shoreline uses and activities shall be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
8. All shoreline uses and activities shall be located, designed, constructed and managed to minimize interference with beneficial natural shoreline processes such as water circulation, sand and gravel movement, erosion and accretion.
9. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. Surface drainage systems or substantial earth modifications shall be designed in accordance with requirements under the Buckley Municipal Code, including compliance with the Department of Ecology Surface Water Management Manual *latest* edition).
10. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
11. All shoreline uses and activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
12. Navigation channels shall be kept free of hazardous or obstructing uses and activities.
13. Herbicides and pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by appropriate agencies (U.S. and State Departments of Agriculture, U.S. Environmental Protection Agency, Washington Department of Ecology).

4.7 Geological Hazard Areas

Applicability -Geological hazard areas are areas susceptible to severe erosion or slide activity, such as unstable bluffs, and include areas with high potential for earthquake activity. They may be identified in GMA Critical Area documents. In general, they are not suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety.

Vegetation removal during development alters surface runoff and ground water infiltration patterns and can lead to increased bluff instability. Homes and other developments are often constructed very close

to the top of bluffs in order to capitalize on views. In response to accelerated erosion rates, or on considering the results of normal erosion rates, land owners frequently turn to bulkheading the toe of the slope. A bluff is a steep headland, promontory, broad faced bank or cliff running adjacent to and rising up from the shoreline.

For the purpose of measuring setbacks from the top of a bluff, the following shall apply. A bluff rises up from the Ordinary High Water Mark (OHWM) to the first significant break in slope. The "first significant break" in slope is a bench at least 30 feet deep. The top of a bluff is measured from the point where the first significant break in slope occurs. These steep slopes of unstable materials erode at variable rates depending on the type of material and intensity and frequency of forces acting on them such as flood flows or storm waves. In some locations, the high-risk area is a narrow band near the edge; in others, old landslides or active river channels may impact a large distance inland.

Policies

4.7.1 Development should be prohibited or minimized on unstable or moderately unstable slopes.

4.7.2 Development should be permitted only in locations where no slope protection is necessary or where nonstructural protection is sufficient for the life of the project.

4.7.3 Clearing vegetation on and within edges of bluffs should be avoided. Retention of a natural buffer should be encouraged.

4.7.4 Construction should be discouraged in areas with a slope greater than 2 :1 (a slope that rises 1 foot for every 2 feet horizontal) from the base of the bluff.

4.7.5 Structures should be designed and constructed in a manner that provides safety for the useful life of the structure and does not require construction of a retaining wall or bulkhead during that same time span.

4.7.6 Subdivision of lots on bluffs should allow sufficient lot depth for development to occur without need for bulkheading or other structural stabilization.

4.7.7. All sites indicated on critical area maps or other engineering documents, or as a result of a site reconnaissance, identified as being on potentially unstable material, geologic hazard areas or old landslides shall require a geotechnical report assessing the safety of the site and addressing drainage, grading and clearing requirements.

Regulations

1. Construction activity shall not increase or result in slope instability or sloughing.
2. Tree clearing and vegetation removal shall be limited to the minimum extent necessary to allow construction of the proposed development.
3. Foundations and septic systems shall be prohibited in any area with a 2:1 slope or greater, unless a soil engineer's report indicates that slope stability will not be affected.

4. Surface drainage down the face of the bluff shall be contained in a tight line (closed, non-leaking pipe) for discharge at the shoreline in such a way that erosion will not occur.
5. Surface drainage away from the bluff shall also use a tight line or some other approved method for discharge into a natural drainage course.
6. Stormwater retention systems on geologically hazardous areas will be discouraged unless designed by a licensed civil engineer and a soil or geology engineering report verifies that slope stability shall not be affected.
7. Proposals for developments on or immediately adjacent to unstable bluffs shall include the following information in their application
 - a. Soils, topography and existing vegetation;
 - b. Existing drainage patterns and how they may be changed;
 - c. Proposed vegetation removal and grading together with an erosion control plan; and
 - d. Proposed structure and use locations.
8. A geotechnical report shall be required when
 - a. Activity is within 200 feet of a bluff classified as unstable or having intermediate stability; or
 - b. Activity is within 200 feet of the shoreline when the vertical height of the bank exceeds 20 feet; or activity is within areas of 2:1 slope or greater; or
 - c. When otherwise required under BMC 12.12 Environmentally Sensitive Areas.
9. The geotechnical report shall contain
 - a. Soils and erosion rates;
 - b. Drainage;
 - c. Vegetation management options;
 - d. Recommended setback to avoid need for building a bulkhead during the life of the project;
 - e. Evaluation and statement on the stability and safety of the structure; and
 - f. Evaluation and statement on stability of the bluff.

4.8 **Parking**

Applicability -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. Parking as a "primary" use and parking which serves a use not permitted in the shoreline environment is prohibited.

Policies

4.8.1 Parking in shoreline areas should directly serve a permitted shoreline use.

4.8.2 Parking facilities should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access and vegetation and habitat maintenance.

4.8.3 Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).

Regulations

1. Parking as a primary use shall be prohibited over water and within shoreline jurisdiction.
2. Parking in shoreline jurisdiction shall directly serve a permitted shoreline use.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall consist of native vegetation and be planted before completion of the parking area in such a manner that plantings provide effective screening within three years of project completion.
4. 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.
5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
6. 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.

4.9 Public Access

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. There are a variety of types of public access including picnic areas, pathways and trails (including handicapped), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking and others.

Policies

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

- a. One and two family dwelling units; or
- b. Agricultural/ranching activities; or
- c. Where deemed inappropriate for public safety or environmental concerns.

4.9.2 Development, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water.

4.9.3 Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.

4.9.4 There should be 8 physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.

Regulations

1. Except as provided in Regulations 2 and 3, shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present
 - a. Public access will be considered and/or required for development larger than single-family residential or agriculture, except where there is potential hazard to public safety or health.
 - b. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact. However, proponents may control or restrict internal access on their development.
 - c. 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.
 - d. The shoreline permit file shall describe the impact, the required public access conditions, and how the conditions address the impact.
2. An applicant need not provide public access where one or more of the following conditions apply.
 - a. Safety or health hazards to the public are identified which cannot be prevented by any practical means;
 - b. The cost of providing the access is unreasonably disproportionate to the total cost of the proposed development;
 - c. Unacceptable environmental harm will result which cannot be mitigated; or
 - d. Significant conflict between the public access and the use and/or adjacent uses would occur.
3. In order to meet any of conditions "a" through "d" above, the applicant must demonstrate, and the City confirm, that all reasonable alternatives have been exhausted.
4. Public access sites shall be connected directly to the nearest public street, park, right of way, etc., and shall include provisions for handicapped and physically impaired persons, where feasible.
5. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.
6. 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.
7. Future actions by the applicant, successors in interest or other parties shall not diminish the usefulness or value of the public access provided.
8. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (RCW 36.79.035 and RCW 36.87.130).
9. The minimum width of public access easements shall be 25 feet.
10. Signs for public access shall comply with the City of Buckley Sign Code (BMC 19.34).

4.10 Utilities

Applicability -Utilities include accessory and primary. Accessory utilities are those involving small scale distribution services connected directly to the uses along the shoreline. For example, power, telephone, cable, water and sewer lines, including stormwater systems, are all considered as utilities accessory to shoreline uses. They are covered in this section because they relate to types of development and have the potential to impact the quality of the shoreline and its waters,

Policies

4.10.1 Utilities are necessary to serve shoreline uses and should be properly installed to protect the shoreline and its waters from contamination and degradation.

4.10.2 To the maximum extent possible, utility facilities and right-of ways should be located outside of the shoreline area. When utilities require a shoreline location, they should be placed underground.

4.10.3 Utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecology and minimizes conflicts with existing and planned land uses.

Regulations

1. In shoreline areas, 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.
2. Through coordination with government agencies, utility development shall provide for compatible multiple use 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.
3. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion.

4.11 Vegetation Management

Applicability -Vegetation management involves both a passive and active management system. The intent of both systems is to minimize habitat loss and the impact of invasive plants, erosion, sedimentation and flooding. "Passive" vegetation management is the protection and enhancement of existing diverse native plant communities along all shorelines, including wetlands and steep bluffs.

“Active” vegetation management involves aquatic weed control as well as the restoration of altered or threatened shorelines using a technology called soil bioengineering. Soil bioengineering reestablishes native plant communities as a dynamic system that stabilizes the land from the effects of erosion. Vegetation management provisions apply even to those shorelines and uses which are exempt from a permit requirement.

Policies

4.11.1 Native plant communities within and bordering shorelines including, but not limited to, wetlands and unstable bluffs should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.

4.11.2 Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use soil bioengineering techniques to arrest the processes of erosion, sedimentation and flooding.

4.11.3 The design and use of naturally regenerating systems for prevention and control of beach erosion should be encouraged.

4.11.4 Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum required to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

Regulations

1. Restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which originally occurred on-site.
2. Stabilization of exposed erosion prone surfaces along shorelines shall, wherever feasible, utilize soil bioengineering techniques.
3. The use of commercial nursery stock in the restoration of disturbed or degrading shorelines shall emulate the previously existing vegetation in both size, structure and diversity at maturation.
4. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
5. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a Shoreline Substantial Development Permit.
6. 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 interest. In such case, a Conditional Use Permit shall be required,

4.12 View Protection

Applicability -The protection of "scenic vistas" within the shorelines and water bodies is an important shoreline management objective. Consideration must be given to protection of the visual quality of the shoreline resource and to maintenance of view corridors to and from waterways and their adjacent shoreland features.

Policies

4.12.1 Development, uses and activities on or near the shoreline should not impair or detract from the public's visual access to the water.

Regulations

1. Shoreline uses and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual access to the water.
2. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed by clearing or topping.
3. Development on or over the water shall be constructed as far landward as possible to avoid interference with views.

4.13 Water Quality

Applicability -Water quality is affected in numerous ways by human occupation and development of shoreline areas. Typically the increase in impermeable surfaces as a result of development increases runoff which causes scouring and erosion of stream banks. Erosion increases suspended solids and carries heavy metals, household wastes and excess nutrients into the water. Increased nitrogen and phosphorous enrichment depresses levels of dissolved oxygen. The degradation of water quality adversely impacts wildlife habitat and public health.

Policies

4.13.1. All shoreline uses and activities should be located, designed, constructed and maintained to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, feeding areas and migratory routes.

4.13.2 The City should require reasonable setbacks, buffers and stormwater storage basins to achieve the objective of lessening negative impacts on water quality.

4.13.3 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 off-site impacts related to water do not degrade the existing water quality.

4.13.4 All treatment of runoff for the purpose of maintaining and/or enhancing water quality should be conducted on-site prior to discharge to waters off-site.

4.13.5 Dredging and filling activities should be conducted to minimize the effect on water quality from the addition of suspended solids, leaching of contaminants or disturbance of habitats and should be consistent with applicable regulatory agency requirements (e.g. Ecology, Fish and Wildlife, Corps of Engineers).

4.13.6 Agricultural activities that can impact water quality should be minimized by implementing best management practices, buffers and setbacks.

Regulations

1. All shoreline development, both during and after construction, shall minimize any increase in surface runoff through control, treatment and release of surface water runoff so that the receiving water body and shore properties and features **are** not adversely affected. Control measures include but are not limited to dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers and fugitive dust controls.
2. All industrial, commercial, residential, recreational and agricultural uses shall adhere to all required setbacks, buffers and standards for storage basins (refer to use related development standards for specific limits).

4.14 Wetlands

Applicability -The following provisions apply to all marshes, bogs and swamps and wetlands delineated according to the *Washington State Wetland Identification and Delineation Manual*, or successor documents, consistent with **the** State Master Program.

Policies

4.14.1 Wetlands serve many important ecological and environmental functions, and help to protect public health, safety and welfare by providing flood storage and conveyance, erosion control, sediment control, fish and shellfish production, fish and wildlife habitat, recreation, water quality protection, water supply, education and scientific research. Wetlands should be preserved and protected to prevent their continued loss and degradation.

4.14.2 Wetland areas should be identified according to established identification and delineation procedures and afforded appropriate protection consistent with the policies and regulations of this program. The *Washington State Wetland Identification and Delineation Manual*, Publication No. 96-94, or its successor, shall be used for identifying and delineating wetlands.

4.14.3 All wetlands should be protected from alterations which adversely impact them so that there is no net loss of wetland acreage and functions. The greatest protection should be provided to wetlands of exceptional resource value, defined as Category I and II wetlands under the wetland ranking system in the City of Buckley's Environmentally Sensitive Area (ESA) regulations.

4.14.4 A wetland buffer zone of adequate width should be maintained between a wetland and any adjacent development to protect the functions and integrity of the wetland.

4.14.5 The width of the established buffer zone should be based upon the functions and sensitivity of the wetland, the characteristics of the existing buffer and the potential impacts associated with the adjacent land use.

4.14.6 All activities which potentially affect wetland ecosystems should be controlled within both the wetland and the buffer zone to prevent adverse impacts.

4.14.7 No wetland alteration should be authorized unless it can be shown that the impact is both unavoidable, necessary and minimized and that any remaining impacts are offset through the deliberate

restoration, creation or enhancement of wetlands.

4.14.8 Wetland restoration, creation and enhancement projects should result in no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.

4.14.9 Wetlands which are impacted by activities of a temporary nature should be restored immediately upon project completion.

4.14.10 In-kind replacement of wetland functions and values is preferred. Where in-kind replacement is not feasible or practical due to the characteristics of the existing wetland, substitute resources of equal or greater ecological value should be provided.

4.14.11 On-site replacement of wetlands is preferred. Where on-site replacement is not feasible or practical due to characteristics of the existing location, replacement should occur within the same watershed and proximity.

4.14.12 Wetland restoration, creation and enhancement projects should be completed prior to wetland alteration, where possible. In all other cases, replacement should be completed prior to use or occupancy of the activity or development.

4.14.13 Applicants should develop comprehensive mitigation plans in order to ensure long term success of the mitigation project. Such plans should provide for sufficient monitoring and contingencies to ensure wetland persistence.

4.14.14 Applicants should demonstrate sufficient scientific expertise, supervisory capability and financial resources to complete and monitor the mitigation project.

4.14.15 Proposals for restoration, creation or enhancement should be coordinated with appropriate state and federal resource agencies to ensure adequate design and consistency with other regulation requirements.

4.14.16 Activities should be discouraged in wetland buffer zones except where such activities have no adverse impacts on wetland ecosystem functions or when necessary to provide for a reasonable use of the property.

4.14.17 Wetland buffer zones should be retained in their natural conditions unless revegetation is necessary to restore the buffer.

4.14.18 Where multiple ownership is involved and cooperative management is possible, wetland buffer zones should be reserved as common open space and designated as "native growth protection areas".

4.14.19 The City does not intend to deny all economic use of any property subject to these policies and regulations, except as the public trust doctrine would limit the use of the property. This policy will be implemented through the appropriate application of the following project design standards, transfers of development rights, mitigation and variances.

Regulations

1. All development within wetlands or their buffers shall be subject to the minimum requirements of Buckley Municipal Code 12.12 (Environmentally Sensitive Areas) as well as the provisions of this Master Program.
2. No development or activity including removing or disturbing soil, filling, changing the water level, placing obstructions, constructing a structure, destroying or altering vegetation or introducing pollutants may be permitted within a wetland or its buffer unless authorized by permit.
3. Development or activities shall not be authorized in a wetland except where it can be demonstrated that;
 - a. The impact is both unavoidable and necessary;
 - b. Unavoidable and necessary impacts are minimized, and any remaining impacts are offset through the deliberate restoration, creation or enhancement of wetlands of equivalent or greater resource value, including acreage and function;
 - c. The restored, created or enhanced wetland will be as persistent as the wetland it replaces; and
 - d. The applicant demonstrates sufficient scientific expertise, supervisory capability and financial resources to carry out the proposed replacement activity.
4. For wetlands of exceptional resource value, the applicant, in addition to complying with the provisions above, shall demonstrate that there is a compelling public need for the proposed activity or that denial of the permit would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property.
5. In-kind replacement of wetland functions and values shall be provided, unless it is found that in-kind replacement is not feasible or practical due to the characteristics of the existing wetland and a greater environmental benefit can be demonstrated by an alternative. In such cases, substitute resources of equal or greater ecological value shall be provided.
6. Wetland functions and values shall be calculated using the best professional judgment of a qualified wetland ecologist using the best available technology.
7. On-site replacement shall be provided, unless it is found that on-site replacement is not feasible or practical due to physical features of the property and a greater environmental benefit can be demonstrated by an alternative. In such cases, replacement shall occur within the same watershed and proximity.
8. Wetland acreage lost as a result of unavoidable and necessary alteration shall be replaced in accordance with the requirements of BMC 12.12, Environmentally Sensitive Area Regulations.
9. Wetland buffer zones shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required. Developments and activities shall not be allowed within the buffer except for
 - a. Minor activities which are found to have no adverse impact on the wetland functions or integrity;
 - b. Stormwater management facilities having no feasible alternative location ~outside of the buffer;
or

- c. Linear developments having no feasible alternative location outside of the buffer.
10. The location of all required buffer zones shall be flagged in the field prior to initiation of site work.
 11. The *Washington State Wetland Identification and Delineation Manual*, Publication No. 96-94, or its successor, shall be used for identifying and delineating wetlands.

Chapter 5

Shoreline Environment Policies and Regulations

5.1 Shoreline Environments

The objective of this Master Program is to provide reasonable and understandable guidelines to anyone seeking a permit for shoreline development. Therefore, in accordance with the Shoreline Management Act of 1971, RCW 90.58, and the Washington State Department of Ecology Shoreline Master Program Guidelines, WAC-173-16, this Master Program establishes two shoreline environments for the City of Buckley and its Urban Growth Area (UGA). These environments are:

1. The Rural Environment;
2. The Conservancy Environment;

This Master Program is applicable to all shorelines of the state within the City limits at the time of Master Program adoption. As additional shorelines within the Urban Growth Area are annexed into the City, the environment designations, goals, policies and regulations that have been established for these areas will become effective.

The principal tool for applying the provisions of the Master Program is the environment designation. A definition, objective and set of policies for each of the environments is provided on the following pages. Table 5.1, the Shoreline Use/Modification Activity Matrix, establishes the regulations for shoreline uses and modification activities that are "Permitted", "Conditional Uses" and "Prohibited" in each of the environments subject to all policies and regulations of this Master Program. This priority system determines a proposal's administrative: requirements and encourages activities that are compatible with each shoreline designation.

During permit application review, the basic element or intent of a proposed development will guide in the determination of the proposal's particular use/activity. When a proposal contains two or more use/activities, including accessory uses, the most restrictive category will be applied to the entire proposal. The terms "Permitted", "Conditional Use" and "Prohibited" are defined in the Glossary.

5.2 Rural Environment

Definition -The Rural Residential Environment is an area of medium-intensity land use, that is, having use types and densities which do not imply large-scale alterations to the natural environment. It is an environment designation that that will allow low to medium intensity residential and agricultural uses, along with activities associated with the diversion dam on the White River and Puget Sound Energy flume.

Objective -The Rural Environment is designed to provide for permanent residential and recreational needs, where adequate facilities for sewage disposal and water supply can be provided. Policies
The following policies apply to the Rural Environment:

- The Rural environment should provide for permanent residential and recreational needs where adequate facilities for sewage disposal and water supply can be provided.

- The Rural environment is appropriate for development of low to medium density residential uses and public recreation.
- The Rural environment should allow maintenance, replacement and where necessary extension of existing utility facilities, to serve residential and public recreational uses.

5.3 Conservancy Environment

Definition -The Conservancy environment is designed to protect, conserve and manage existing resources in order to ensure a continuous flow of recreational benefits to the public and to achieve a sustained resource utilization. This environment includes shorelines which meet one or more of the following criteria:

- (1) Areas containing natural resources which lend themselves to management on a sustained-yield basis, such as commercial forest land and agricultural land;
- (2) Areas subject to severe biophysical limitations, such as:
 - a. Steep slopes and landslide hazard areas;
 - b. Areas subject to severe erosion and feeder bluffs;
 - c. Unstable banks or bluffs;
 - d. Flood-prone areas;
 - e. Areas with soils that have poor drainage.
- (3) Areas which play an important part in maintaining the regional ecological balance such as:
 - (a) Areas important to the maintenance of natural water quality and flow;
 - (b) Areas important to maintaining fisheries habitat; and © Areas providing significant wildlife habitat.
- (5) (*sic*) Areas where intensive development or use would interfere with natural processes and result in significant damage to other resources;
- (6) Areas of high recreational value; and
- (7) Areas with extensive or unique historic or cultural resources.

Objective -The intent of the Conservancy environment is to protect, conserve and manage existing natural resources in order to achieve sustained resource utilization and provide recreational opportunities. The Conservancy environment is also intended to protect environmentally sensitive areas which are not suitable for intensive use, such as steep slopes, flood-prone areas, unstable bluffs and wetlands. The Conservancy environment is intended to permit activities associated with the Puget Sound Energy flume and diversion dam on the White River, subject to the policies and regulations in the Master Program.

Policies

The following policies apply to the Conservancy Environment:

- The Conservancy environment should protect environmentally sensitive areas which are not suitable for intensive use including steep slopes, unstable bluffs, and wetlands.
- Preferred uses in the Conservancy environment are those which are non-consumptive of physical and biological resources and do not substantially degrade or alter the existing character of the area.
- Activities or uses which would strip the shoreline of vegetative cover, cause substantial erosion or sedimentation, or adversely affect wildlife or aquatic life should be prohibited.
- Agricultural and recreational activities which will not be detrimental to the shoreline character, scenic quality and natural systems should be encouraged.
- Commercial and industrial uses, other than low-intensity agricultural and forestry practices, should be prohibited.
- New development should be designed to minimize the need for construction of structural shoreline stabilization and flood control works.
- Preservation of resources should have priority over public access recreation and development whenever a conflict exists.
- Maintenance of existing roads, structures and utilities within the Conservancy Environment will be allowed, consistent with the other goals, policies and regulations of this master program.

5.4 Regulations: Shoreline Use/Modification Activity Matrix

SHORELINE USE	Rural	Conservancy
Agriculture	p	P
Commercial development	C	X
Education/research facilities	P	C
Flood hazard management	C	C
Forest Practices	C	C
Mining	C	X
Recreation		
Water-dependent	C	C
Pedestrian/bicycle trail	C	C
Non-Water-Oriented	C	X
Parking (accessory only)	C	C
Residential		
Single family	P	C
Multifamily	X	X
Sewer treatment plant	C	C
Solid waste disposal	X	X
Roads/Railroads	C	C
Utilities (primary)	C	C
Diversion dam/flume maintenance activities	P*	P*
Diversion dam/flume modification or replacement	C	C

Telecommunications facilities	C	C
MODIFICATION ACTIVITIES		
Shoreline stabilization/dredging	C	C
Hazardous Waste Cleanup	C	C
Landfill	C	X

*Note: Repair and maintenance (as defined under WAC 173-27-040) is exempt from the requirement for a Shoreline Substantial Development Permit and/or Conditional Use Permit in accordance with RCW 90.58.030 .

** Uses that are not specifically listed may be allowed in accordance with the regulations for the most similar use under the malrix. subject to a written determination by the Shoreline Master Program Administrator. The Administrator may request a written interpretation by the Department of Ecology, in accordance with WAC 173-27.

SHORELINE USE	Rural	Conservancy
Roads/Rai roads	C	C
Utilities (primary)	C	C
Diversion dam / flume maintenance activities	P*	P*
Diversion dam / flume modification or replacement	C	C
Telecommunications facilities	C	C
MODIFICATION ACTIVITIES		
Shoreline stabilization/dredging _	C	C
Hazardous Waste Cleanup	C	C
Landfill	C	X

KEY

P = May be allowed subject to permit conditions and provisions contained in this Master Program.

= May be allowed over water if allowed in adjacent upland environments.

C = May be allowed as a conditional use.

X = Prohibited.

NA = Not applicable.

#C = May be allowed as a conditional use over water if allowed in adjacent upland environment .

*= Including necessary fill

** = other than diversion dam / flume maintenance activities

Chapter 6

Shoreline Use Policies and Regulations

Shoreline use provisions are more detailed than the general shoreline policies and regulations. The use policies and regulations apply to specific shoreline use categories, providing a greater level of detail in addressing shoreline uses and their impacts. Use policies establish the shoreline management principles applicable to each use category and serve as a bridge between Master Program goals in the elements section and the use regulations that follow. Use regulations set physical development and management standards for development of that type of use.

6.1 Agriculture

Definition -Agriculture refers to all methods of livestock, crop, vegetation and soil management. These include but are not necessarily limited to the related activities of tilling, fertilizer application, soil preparation and maintenance, harvesting and the control of weeds, plant diseases and insect pests. Also included are animal husbandry practices associated with the feeding, housing, maintenance and marketing of animals such as beef cattle, milk cows, breeding stock, horses and poultry and their by-products. Facilities contained within this category include, but are not limited to, storage, feed lots, fences and ditches. Excluded are agricultural processing industries.

Policies

6.1.1 Valuable agricultural lands should be protected from incompatible and preemptive patterns of development so that they may remain in productive agricultural use.

6.1.2 The creation of new agricultural lands by diking, draining or filling tidelands, tidal marshes and associated marshes, bogs and swamps should be prohibited.

6.1.3 Farm management techniques, operations and control methods should protect the productivity of the land base by maintaining or improving soil quality and minimizing soil losses through erosion in accordance with applicable Soil Conservation Service conservation practice guidelines.

6.1.4 A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality by slowing and filtering runoff and maintain habitat for fish and wildlife.

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

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

6.1.7 Cooperative arrangements should be encouraged between farmers and public recreation agencies

to allow public use of shorelines where it does not conflict with agricultural operations.

6.1.8 The scenic beauty of natural shorelines as well as the historic value of many **rural** agricultural landscapes should be protected in agricultural development.

6.1.9 Dairy, poultry and feed lot operators should be encouraged to recycle animal wastes.

Regulations

1. Agricultural development shall conform to applicable state and federal policies and regulations including but not limited to the following:
 - a. Erosion control guidelines and standards of the Natural Resources Conservation Service and U.S. Department of Agriculture;
 - b. Feedlot control guidelines of the U.S. Environmental Protection Agency;
 - c. Washington Pesticide Application Act (Chapter 17.21 RCW);
 - d. Washington Pesticide Act (Chapter 15.57 RCW RCW);
 - e. Intrastate Water Quality Standards (Chapter 372.64);
 - f. Interstate Water Quality Standards (Chapter 372.12);
 - g. State Board of Health Water Supply Rules and Regulations; and
 - h. Cooperative Extension Service guidelines cited in the SMA WACs for agriculture.
2. Manure spreading shall be set back from the shoreline no less than 25 feet from the OHWM and otherwise conducted in a manner that prevents animal wastes from entering water bodies or wetlands adjacent to water *bodies*.
3. Confinement lots, feeding operations, lot wastes, stockpiles of manure solids and storage of noxious chemicals are prohibited within 200 feet landward of the ordinary high water mark.
4. A buffer of natural or planted permanent native vegetation shall be maintained between areas used for crops or intensive grazing and adjacent waters and wetlands. The plant composition and width of the buffer shall be based on site conditions, including type of vegetation, soils types, drainage patterns and slope. The buffer shall be sufficient to retard surface runoff and reduce siltation and provide adequate riparian habitat. New or redeveloped cultivation or grazing sites shall submit a map indicating buffers.
5. 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.
6. Agricultural practices shall prevent the direct runoff of chemical laden waters resulting from the application of agricultural chemicals into water bodies or aquifer recharge areas. Adequate provision shall be made to minimize their entry into any body of water.
7. The application of agricultural fertilizers, including animal wastes, herbicides and pesticides, shall be prohibited within 100 feet landward of the OHWM.

6.2 Commercial Development

Commercial development, with the exception of water-dependent recreation and diversion dam/flume activities (addressed elsewhere in this chapter), is prohibited in all shorelines within the jurisdiction of this Master Program.

6.3 Education and Science Research Facilities

Definition - Water related education and science research facilities are developments which consist of laboratories, field research stations, scientific experiment monitoring stations, experimental control areas, aquariums, interpretive centers, and educational facilities. These developments may include related support facilities such as storage structures and parking areas.

Policies

6.3.1 Development should be designed to blend in with the environment and should preserve, to the maximum extent feasible, vegetation for site screening purposes.

6.3.2 Facilities should utilize, where applicable, security lighting which is directional and which would minimize glare to surrounding properties.

6.3.3 Where feasible, public access to the shoreline should be provided if it does not interfere with, nor jeopardize, normal research operations.

6.3.4 Facilities should be designed to minimize the need for shore defense works through careful site planning. In areas of high erosion hazard or on accretion shoreforms, efforts should be made to preserve these features through adequate shoreline set-back of structures or development.

6.3.5 Facilities which are dependent upon a shoreline location should receive favorable consideration.

Regulations

1. Facilities shall incorporate landscaping plans which maintain existing vegetation, to the extent feasible, for site screening purposes. The integration of non-native vegetation is permitted.
2. In facilities where security lighting is required, lighting fixtures must be directional so as to minimize glare to surrounding properties.
3. Structures or developments which are dependent upon a shoreline location shall be permitted, PROVIDED that the applicant can demonstrate that alternative locations would prove detrimental to the general operation of the facility.
4. Parking facilities shall not be considered as shoreline dependent and shall be located a minimum of 200 feet landward from the high water mark.

6.4 Flood Hazard Management

Definition - Flood hazard management projects are those actions taken with the primary purpose of

preventing or mitigating damage due to flooding. Flood hazard management projects or programs may employ any or several physical or regulatory controls including dikes, dams, lakes, engineered floodways, bioengineering, planning and zoning (land use management). These provisions also apply to repair and maintenance of flood hazard management systems if the systems are enlarged or otherwise modified.

Policies

6.4.1 Flood hazard management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider entire drainage systems or sizable stretches of rivers, lakes or marine shorelines. Thus, planning should consider the off-site 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 consider nonstructural approaches to minimizing flood damage.

6.4.2 Nonstructural solutions are preferred over structural flood control devices, and should be used wherever possible, 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 damage should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the damage

6.4.3 Flood hazard management works should be located, designed, constructed and maintained to provide:

- a. Protection of the physical integrity of the shore process corridor and other properties which may be damaged by interruptions of the geohydraulic system;
- b. Protection of water quality and natural ground water movement;
- c. Protection of fish, vegetation and other life forms and their habitat vital to the aquatic food chain; and
- d. Protection of recreation resources and aesthetic values such as point and channel bars, islands and other shore features and scenery.

6.4.4 In design of publicly financed or subsidized works, consideration should be given to providing public pedestrian access to the shoreline for low-intensity outdoor recreation.

6.4.5 Shorelines of State-wide Significance (SSWS) priorities (see RCW 90.58.020) should be considered in the review of all flood hazard management developments along shorelines of state-wide significance.

6.4.6 Wetlands should be protected to maintain their capacity to store flood waters and recharge ground water.

6.4.7 Natural drainage ways, creeks, streams and rivers should be protected to maintain their capacity to convey stormwater and flood water.

Regulations

1. The City shall require and utilize the following information during its review of shoreline flood

management projects and programs.

- a. Existing shoreline stabilization and flood protection works within the area;
 - b. Physical, geological and soil characteristics of the area;
 - c. Biological resources and predicted impact to fish, vegetation and animal habitat associated with shoreline ecological systems;
 - d. Predicted impact upon area shore and hydraulic processes, adjacent properties and shoreline and water uses; and
 - e. Analysis of alternative flood protection measures both structural and nonstructural.
2. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fish and Wildlife, may be incorporated into permits issued for flood protection.
 3. The City shall require professional design of flood protection works where such projects may cause interference with normal geohydraulic processes, lead to erosion of other shoreline properties or adverse effects to shoreline resources and uses.
 4. All flood management projects shall comply with the City of Buckley Flood Hazard regulations (BMC 16.36).
 5. Diking, flood walls and similar structures may be permitted as a conditional use subject to environment designation provisions PROVIDED:
 - a. Diking is set back to the edge of the floodway boundaty;
 - b. Timing and construction shall be coordinated with the Washington Department of Fish and Wildlife;
 - c. Diking shall be designed and constructed to meet Natural Resources Conservation Service teclmical manual standards and shall, at a minim\UII, include (1) layered compaction, (2) removal of debris (i.e. tree stumps, tires, etc.) and (3) revegetation and maintenance until ground cover is established; and
 - d. Appropriate vegetation management actions are undertaken.
 6. Flood protection measures shall be planned and constructed based on a state-approved comprehensive flood control management plan, when available, and in accordance with Chapter 86.16 RCW and the National Flood Insurance Program.
 7. Flood protection measures that alter, reroute or change the natural water course of the shoreline may be approved as a conditional use only if it is demonstrated that other flood protection and planning measures would be insufficient. Alternative measures to be analyzed shall include bioengineering techniques, restrictions to development, shoreline setbacks and comprehensive land use planning.

6.5 Forest Practices

Definition -Forest Practices are uses and activities relating to the growing, harvesting and limited processing of timber. This includes, but is not limited to, (1) site preparation and regeneration; (2) protection from insects, fire and disease; (3) silviculture practices such as thinning, fertilization and release from competing vegetation; and (4) harvesting. Forest practices do not include log storage (see section on Industrial Activities). Timber cutting, alone, is not a development subject to a substantial development permit. However, road building or grading for landings or major fire trails are developments and may require substantial development permits.

Policies

6.5.1 Timber harvesting practices should be conducted so as not to degrade existing water quality, quantity and fish habitat and to avoid adverse impacts to upland wildlife habitat.

6.5.2 Logging should be avoided on shorelines with slopes of such grade and/or soil type that would likely cause serious sediment runoff, unless adequate restoration and erosion control can be expeditiously accomplished.

6.5.3 In logging and thinning operations, special attention should be directed to prevent the accumulation of slash and other debris in contiguous waterways.

6.5.4 Skid roads and fire trails should be located to minimize the disturbance to shoreline resources. They should be rehabilitated as necessary to prevent erosion and import of sediments into contiguous waterways.

6.5.5 Reforestation in shorelines should be accomplished as quickly as possible. Replanting or seeding should be done with native species common to the area.

Regulations --General

1. All timber harvesting shall be done in compliance with the current rules and regulations adopted under the Forest Practices Act and the Timber/Fish/Wildlife Agreement or their successors.
2. Trees shall be directionally felled away from wetlands.
3. Except for snag removal required by the Department of Natural Resources or other agency with permit jurisdiction, all snags, nonmerchantable trees, down timber and understory vegetation within a minimum of fifty (50) feet, measured horizontally, of the ordinary high water mark, or marshes, bogs and swamps shall be left intact.
4. Buffer strips on steep slopes shall be protected by leaving stumps high enough to prevent any subsequently felled upslope trees from sliding or rolling into the strips.
5. Wheeled and tractored equipment shall not be allowed within a minimum of fifty (50) feet, measured horizontally, of the ordinary high water mark and wetlands. Should logs or debris enter the water, and removal be required by an agency with permit jurisdiction, equipment may be used as necessary. The City shall be notified prior to action and impacts shall be restricted to the minimum area possible. Disturbed areas shall be stabilized as required in Regulation #7 below.
6. Site preparation by burning shall be prohibited. Scarification shall not occur within fifty (50) feet, measured horizontally, of wetlands and the ordinary high water mark.
7. Skid roads, fire trails, abandoned roads and other erosion-prone conditions caused by timber harvest operations shall be water-barred, as needed, on completion of the activity. Such areas within 50 feet of a water course or on slopes exceeding 40 percent shall also be replanted and stabilized, as necessary, within one year of harvest.

8. Replanting or seeding required under the Forest Practice Rules and Regulations shall be accomplished within eighteen months of harvest.

6.6 Mining

Definition -Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, "processing" includes screening, crushing, stockpiling, all of which utilize materials removed from the site where the processing activity is located.

With the exception of maintenance and construction activities associated with the PSE diversion dam/flume, mining is prohibited within the lands and waters regulated by this Master Program.

6.7 Recreational Development

Definition -Recreational development includes 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 recreation facilities intended for use by the public or a private club, group, association or individual.

Policies

6.7.1 The coordination of local, state and federal recreation planning should be encouraged so as to mutually satisfy recreational needs.

Shoreline recreational developments should be consistent with all adopted park, recreation and open space plans.

6.7.2 The location and design of shoreline recreational developments should relate to local population characteristics, density and special activity demands. Acquisition priorities should consider the needs demands and special opportunities as well as public transit access and access for the physically impaired, where planned or available.

6.7.3 Recreational developments should be located, designed and operated to be compatible with, and minimize adverse impacts on, environmental quality and valuable natural features as well as on adjacent and surrounding land and water uses. Favorable consideration should be given to proposals which compliment their environment and surrounding land and water uses, and which leave natural areas undisturbed and protected.

6.7.4 Shoreline areas with a potential for providing recreation or public access opportunities should be identified for this use and acquired by lease or purchase and incorporated into the public park and open space system.

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

6.7.6 The concentration of recreation use pressure at a few points along the shoreline should be avoided by encouraging development of smaller, dispersed recreation areas.

6.7.7 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.

6.7.8 Recreational developments should be located and designed to preserve, enhance or create scenic views and vistas.

6.7.9 The use of shoreline street ends and publicly owned lands for public access and development of recreational opportunities should be encouraged.

6.7.10 The use of off-road vehicles should be prohibited in all shoreline areas, except where special areas have been set aside for this purpose, and then only if demand for such use and its location in shoreline areas can be sufficiently demonstrated through a Conditional Use Permit.

6.7.11 All recreational developments should make adequate provisions for:

- a. Vehicular and pedestrian access, both on-site and off-site;
- b. Proper water supply and solid and sewage waste disposal methods;
- c. Security and fire protection;
- d. The prevention of overflow and trespass onto adjacent properties, including but not limited to landscaping, fencing and posting of property; and
- e. Buffering of such development from adjacent private property or natural area.

6.7.12 Trails and pathways on steep shoreline bluffs should be located, designed and maintained to protect bank stability.

Regulations -General

1. The City shall consult state and local health agency regulations which apply to recreation facilities and ocean beaches (see WAC 17316-060-21(k)).
2. Valuable shoreline resources and fragile or unique areas such as wetlands, estuaries and accretion beaches shall be used only for non-intensive and nonstructural recreation activities.
3. Substantial accessory use facilities, such as restrooms, recreation halls and gymnasiums, commercial services, access roads and parking areas shall be located outside of shoreline management jurisdiction, unless it can be shown that such facilities are essentially shoreline dependent. These areas may be linked to the shoreline by walkways.
4. 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. Buffer strips and, if practical, shade trees shall be included in the development. The City shall determine the minimum width necessary for buffer strips but in no case shall the buffer strip be less than 25 feet. The developer shall also be required to leave a chemical-free swath at least 100 feet in width next to water bodies and wetlands.
5. The use of time-release fertilizers and herbicides shall be preferred over liquid or concentrate application for lawns grown within shoreline jurisdiction.

6. Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at the point of access and the entrance thereto.

Regulations --Design

1. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features including unique and fragile areas, scenic views and aesthetic values. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements and setbacks, as deemed appropriate to achieve this intent.
2. Recreational developments shall provide facilities for non-motorized access to the shoreline such as pedestrian and bicycle paths, subject to compliance with the policies and regulations for public access.
3. To protect natural resources and adjacent properties, recreational facility design and operation shall prohibit the use of all-terrain and off road vehicles in the shoreline area, except where specific areas for such use are set aside and controlled, and then only when it can be demonstrated that demand is sufficient to warrant such activity.
4. Proposals for developments shall include a landscape plan that utilizes primarily native, self-sustaining vegetation. The removal of onsite native vegetation shall be limited to the minimum necessary for the development of campsites, selected view points or other permitted structures or facilities.
5. No recreational buildings or structures shall be built over water, except water-dependent and/or public access structures may be permitted as a Conditional Use Permit.
6. Proposals for recreational development shall include adequate facilities for water supply, sewage and garbage disposal. Where sewage treatment facilities are not available, the appropriate reviewing authority shall limit the intensity of development to meet city, county and state onsite sewage disposal requirements.
7. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences and signs, to prevent overflow and to protect the value and enjoyment of adjacent or nearby private properties and natural areas.

6.8 Residential Development

Definition -Residential development means one or more buildings, structures, lots, parcels or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, together with accessory uses and structures normally applicable to residential uses. Residential development does not include hotels, motels or any other type of overnight or transient housing or camping facilities.

Exemptions

A substantial development permit is not required for construction within shoreline jurisdiction by an owner, lessee or contract purchaser of B single-family residence for his own use or the use of his family. However, such construction and all normal appurtenant structures must otherwise conform to this master program. "Appurtenant" structure means a structure that is necessarily connected to the use and enjoyment of a single-family residence and includes a guest house, garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty (250) cubic yards (see WAC 173-27-040).

Policies

6.8.1 Residential development should be permitted only where there are adequate provisions for utilities, circulation and access.

6.8.2 Residential development should be discouraged in critical areas including but not limited to wetlands, steep bluffs, floodways, etc.

6.8.3 The overall density of development, lot coverage and height of structures should be appropriate to the physical capabilities of the site.

6.8.4 New residential development should provide adequate setbacks and natural buffers from the water and ample open space among structures to provide space for outdoor recreation, protect natural features, preserve views and minimize use conflicts.

6.8.5 Residential development should be designed so as to preserve existing shoreline vegetation, control erosion and protect water quality, shoreline aesthetic characteristics, views and normal public use of the shoreline and the water.

6.8.6 Residential developments, with the exception of single-family dwellings on individual lots, should provide public access to the shoreline in accordance with the policies and regulations for public access in this Master Program.

6.8.7 New residential development should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical impacts and reduce utility and road costs.

6.8.8 Residential development should not cause significant adverse impacts to or result in the displacement of other nearby shoreline uses including but not limited to forestry, agriculture, or recreation.

6.8.9 Sewage disposal and water supply facilities should be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separated from sewage disposal systems.

6.8.10 Structures or other developments accessory to residential uses should be designed and located to blend into the site as much as possible. Accessory use and structures should be located landward of the principal residence.

Regulations -Location and Design

1. Residential development shall be located and designed to minimize the need for structural shore defense and flood protection works in the foreseeable future.
2. If wetlands or other unique and fragile features are located on a development site, clustering of residential units shall be required in order to avoid any development in such areas.
3. All residential structures, accessory uses and facilities shall be arranged and designed so as to preserve views and vistas to and from shorelines and water bodies and be compatible with the aesthetic values of the area.
4. Prior to issuance of a building permit, plat or short plat or other shoreline development approval, the developer shall submit plans for preservation of shore vegetation and for control of erosion during and after construction, resulting in permanent shoreline stabilization.
5. New residential structures and accessory structures shall be prohibited over water or floating on the water.

Regulations Shore Setback Standards

1. Residential development, including dwellings, accessory buildings and structures, parking areas and any substantial alteration of natural topography or vegetation shall meet the setback standards established in Table 6.1 as measured from the OHWM; provided that on erosional or geologically unstable banks exceeding ten (10) feet in height or sloping more than thirty (30) percent (16 degrees) such setbacks shall be measured from the rim or top of such slope respectively; and provided further that no shore setback shall exceed the geographic limit of the Act's jurisdiction.
2. Any setback reduction below the required setbacks established in Table 6. J shall require approval of a shoreline variance permit.

Regulations -Public Access

1. When required, public access easements shall be a minimum of twenty-five (25) feet in width and shall be in compliance with public access standards contained herein.

Regulations -Accessory Uses

See also regulations pertaining to bulkheads, shore defense works and piers and docks.

1. Accessory uses that are not appurtenant structures shall be reasonable in size and purpose and compatible with on-site and adjacent structures, uses and natural features.
2. Accessory structures which are not water-dependent are prohibited waterward of the principal residence.
3. Home occupations shall be subordinate to and incidental to an existing residential use of a dwelling and shall meet the following requirements:

- a. No additional development, such as accessory structures, parking, expansion of dwellings, etc. shall be allowed;
- b. No employees other than the owner/operator shall be employed on the site;
- c. The home occupation shall occur within the dwelling and shall not occupy greater than twenty-five (25) percent of the dwelling gross floor area; and
- d. The occupation shall be operated in a manner as to not give any outward appearances or manifest characteristics of a business, including signs and display of materials. The occupation shall also not involve equipment operations or processes which introduce noise, smoke, dust, fumes, vibrations, odors, glare, increased traffic or any other nuisance characteristics.

6.9 Transportation Facilities

Definition -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, heliports and other related facilities.

Policies

6.9.1 New roads, railroads and bridges in shoreline jurisdiction should be minimized, and allowed only when related to and necessary for the support of permitted shoreline activities. Major new highways, freeways and/or railways should be located out of shoreline jurisdiction.

6.9.2 Road and railroad locations should be planned to fit the topographical characteristics of the shoreline such that minimum alteration of natural conditions results. New transportation facilities should be located and designed to minimize the need for shoreline protection measures and minimize the need to modify natural drainage systems. The number of waterway crossings should be limited to the maximum extent possible.

6.9.3 Trail and bicycle paths should be encouraged along shorelines where they are compatible with the natural character, resources and ecology of the shoreline.

6.9.4 When existing transportation corridors are abandoned they should be reused for water-dependent uses or public access.

6.9.5 Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and motorized forms of transportation should be encouraged.

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

6.9.7 All debris, overburden and other waste materials from transport facility construction should be handled, contained and disposed of in a manner which prevents their entry into adjacent water bodies.

Regulations -General

1. Transportation facilities and services shall utilize existing transportation corridors whenever possible, provided that facility additions and modifications will not adversely impact shoreline

resources and are otherwise consistent with this program. If expansion of the existing corridor will result in significant adverse impacts, then a less disruptive alternative shall be utilized.

2. Transportation and primary utility facilities shall make joint use of rights-of-way wherever feasible and consolidate crossings of water bodies and minimize adverse impacts to the shoreline.
3. Landfills for transportation facility development are prohibited in water bodies, wetlands, except that when all structural and upland alternatives have proven unfeasible and the transportation facilities are necessary to support uses consistent with this program, such landfill may be permitted as a conditional use.
4. The following regulation applies to shoreline road ends:
 - a. RCW 36.79.035 and RCW 36.87.130 prohibits the City from vacating any City road which abuts a body of fresh water unless the street or road is not currently used or suitable for boat moorage or launching site or for a park, viewpoint, recreation, education or other public purposes.

Regulations --Location and Design

1. Major new highways, freeways and railways shall be located outside shoreline jurisdiction, except where water crossing is required. These roads shall cross shoreline areas and water bodies by the shortest, most direct route feasible unless such route would cause more damage to the environment.
2. New transportation facilities shall be located and designed to prevent or minimize the need for shoreline protective measures such as riprap or other bank stabilization, landfill, bulkheads, groins, jetties or substantial site grading. Transportation facilities allowed to cross over water bodies and wetlands shall utilize elevated, open pile or pier structures whenever feasible.
3. Shoreline transportation facilities shall be sited and designed to avoid steep or unstable areas and fit the existing topography in order to minimize cuts and fills.
4. Cut and fill slopes shall be designed at the normal angle of repose or less,
5. Cut, fill and sidecast slopes shall be protected from erosion by mulching, seeding, compacting, riprapping, benching or other suitable means.
6. Transportation corridors shall, if possible, be located parallel to existing surface drainage flow.
7. Waterway crossings shall be designed to provide minimal disturbance to banks.
8. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.
9. Bridges, crossings, debris grates, culverts and similar devices used by fish shall meet all requirements set by the State Department of Fisheries and Wildlife.
10. 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. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills or side cast materials.

11. Bridge abutments and necessary approach fills shall be located landward of wetlands or the OHWM for water bodies without wetlands, provided bridge piers may be permitted in a water body as a conditional use.
12. My soil or debris accidentally placed in a water channel during bridge construction shall be immediately removed by approved methods. All exposed soils shall be stabilized and n: vegetated following completion of construction.
13. Roads, railroads and other transportation facilities are prohibited over water, EXCEPT to serve water-dependent or public uses consistent with this program when inland alternatives are infeasible, including unavoidable water crossings.

Regulations --Setbacks

1. Except where water crossing is necessary, roads, railroads and other transportation facilities permitted shall be located landward of:
 - a. estuaries and their wetlands;
 - b. erosion or accretion shoreforms and associated drift sectors and backshore marshes; and
 - c. officially designated fish, shellfish and wildlife habitats.
2. All roads and railroads, if permitted parallel to shoreline areas, shall be adequately set back from water bodies and shall provide buffer areas of compatible, self-sustaining vegetation.

Regulations Construction and Maintenance

1. Overburden, debris and other waste materials from both construction and maintenance activities, including drainage ditch clearing, shall not be deposited into or sidecast on the shoreline side of roads or in water bodies, wetlands, estuaries, tidelands, accretion beaches and other unique natural areas. Such materials shall be deposited in stable locations where reentry and erosion into such areas is prevented.
2. All shoreline areas disturbed by 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.
3. The City shall give preference to mechanical means rather than the use of herbicides for roadside brush control on City roads in shoreline jurisdiction. If the situation requires the use of herbicides, they shall be applied to noxious weeds only, so that chemicals do not enter adjacent water bodies or damage or kill beneficial native shoreline vegetation.
4. The following design and construction methods shall be followed for road building during forestry operations and/or other low technology road construction:
 - a. Roads shall be designed to minimize the number of waterway crossings and avoid unnecessary duplication of road systems by making maximum use of existing rights-of-way. Where roads

traverse land in another ownership, but could adequately serve the operation, the proponent shall attempt to negotiate with the owner for use of such roads before constructing new roads.

- b. Running surface widths shall be kept to a minimum, not exceeding 26 feet for two-lane roads and not more than 20 feet for single-lane roads.
- c. All culverts shall be adequate in size and design to carry the maximum anticipated flow and shall be kept clear of obstructions.
- d. All bridges shall be high enough to allow all anticipated debris and high water flows to pass freely beneath.
- e. Where aggregate earthen materials are used for paving or accumulate on bridges, curbs shall be installed when necessary to contain the surface materials.

6.19 Utilities (primary)

Definition -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 use 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, gas distribution lines and storage facilities.

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

Solid waste includes all putrescible and nonputrescible 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.

Policies

6.10.1 Utilities should utilize existing transportation and utility sites, rights-of-way and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.

6.10.2 Utilities should be prohibited in wetlands, estuaries, critical wildlife areas or other unique and fragile areas unless no feasible alternatives exist.

6.10.3 New utility facilities should be located so as not to require extensive shoreline protection works.

6.10.4 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.

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

6.10.6 Solid waste disposal activities and facilities should be prohibited in shoreline areas.

Regulations --General

1. Applications for installation of utility facilities in shoreline areas shall include the following:
 - a. Description of the proposed facilities;
 - b. Reasons(s) why the utility facility requires a shoreline location;
 - c. Alternative locations considered and reasons for their elimination;
 - d. 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;
 - e. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the primary utility's useful life;
 - f. Plans for control of erosion and turbidity during construction and operation; and
 - g. An analysis of the potential for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.
2. Utility development shall, through coordination with the City and local government agencies, 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.
3. Utility lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible.
4. Existing solid waste disposal and transfer facilities shall be expeditiously phased out and rehabilitated.
5. New solid waste disposal sites and facilities are prohibited.

Regulations -Location and Design

1. New utility lines including electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement unfeasible. Existing above ground lines shall be moved underground during normal replacement processes.
2. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
3. 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.
4. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.
5. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other alternative exists. When permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.
6. Construction of utilities under water or in adjacent wetlands shall be timed to avoid fish migratory and spawning periods.

7. Landfilling in shoreline jurisdiction for utility facility or line development purposes is prohibited. Permitted crossings shall be underground or utilize pier or open pile techniques.
8. 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 prior condition.

6.11 Use Related Development Standards Matrix

Table 6.1 – Use Related Development Standards Matrix		
DEVELOPMENT STANDARDS	Rural	Conservancy
Agriculture		
Cultivation, grazing setback	25'	50'
Buildings setback	50'	100'
Manure Lagoons	100'	100'
Feedlots	200'	200'
Height limit	35'	35'
Commercial Development		
Water-dependent setback	0'	NA
Water-related, water enjoyment setback	25'	NA
Non-water oriented setback	75'	NA
Building height limit	45'	NA
Forest Practices		
Setbacks	50'	100'
Mining and related structures		
Setback	100'	NA
Parking		
Accessory	25'	150'
Primary (#1)	NA	NA
Recreational Development		
Setbacks:		
Non-water oriented (general)	100'	NA
Campsites, picnic areas, related	50'	100'
Access roads, restrooms, accessory structures	50'	100'
Parking areas	100'	NA
Height limit	35'	35'
Residential Development		
Single family	50'	75'
Multi-family	NA	NA
Height limit	35'	35'
Transportation Facilities		
Setbacks:		
Non-arterial, secondary, access roads	75'	100'
Arterials, highways, railroads	100'	200'
Utilities (Primary)		
Setbacks:		

Table 6.1 – Use Related Development Standards Matrix		
DEVELOPMENT STANDARDS	Rural	Conservancy
Buildings, distribution lines	50'	100'
Water-related (including flume/dam)		
Height limits		
Buildings, storage tanks, accessory uses	35'	15'
Distribution poles	35'	35'
Education and Science Research Facilities		
Setbacks:		
Water-dependent	0'	0'
Water-related	*50'	*100'
Non-water oriented	NA	NA
Building height limit	35'	15'

KEY

* = Setback requirements may vary for conditional uses

#1 = General regulations apply (parking).

#2 = No higher than existing permitted structure is attached to,

#3 = Except buried lines and approved water crossings.

Chapter 7

Shoreline Modification Activity Policies and Regulations

Introduction

Shoreline modification activities, referred to in this Master Program as "activities" are those actions that modify the physical configuration or qualities of the shoreline area. Typically, activities are related to construction of a physical element such as a dike or landfill, but they can include other actions such as clearing, grading, application of chemicals, etc. Shoreline modification activities usually are undertaken in support of or in preparation for a shoreline "use." A single use may require several different shoreline modification activities, for example, clearing and grading and landfill.

Activity policies and regulations are intended to prevent or mitigate the negative environmental impacts of proposed shoreline modification consistent with the goals of the SMA. A proposed development must meet all of the regulations for both applicable uses and activities as well as the general and environment designation regulations. Speculative shoreline modifications not tied to or required for a specific proposed use are generally prohibited.

7.1 Shoreline Stabilization -General

Shoreline stabilization and flood protection are actions taken primarily to address erosion impacts to upland property and improvements caused or associated with current, flood, wake or wave action. These actions include structural and nonstructural methods including but not limited to: riprap, bulkheads, jetties, groins, beach nourishment and bioengineering /vegetative management methods. These provisions should be used for all shoreline modifications activities whether such proposals address a single property or multiple properties. Flood hazard management activities should also be reviewed under the provisions of BMC 16.36, flood hazard management.

Policies

7.1.1 Riprapping and other bank stabilization measures should be located, designed and constructed primarily to prevent damage to existing development. All new development should be located and designed to prevent or minimize the need for shoreline stabilization measures and flood protection works. New development requiring shoreline stabilization should be discouraged.

7.1.2 Stabilization and protection works which are more compatible with ongoing shore processes and more flexible for long-term management and more natural in appearance such as vegetative stabilization should be encouraged over structural means such as concrete revetments or extensive riprap

7.1.3 Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the damage

7.1.4 Use of car bodies, demolition debris, concrete rubble, scrap building equipment or appliances for shoreline stabilization should be prohibited.

7.1.5 The design of stabilization or protection works should provide for the long term multiple use of shoreline resources and public access to public shorelines. In the design of publicly financed or subsidized works, consideration should be given to providing public pedestrian access to shorelines for low-intensity outdoor recreation.

7.1.6 Natural features such as snags, stumps or uprooted trees which support fish and other aquatic systems, should be left undisturbed.

7.1.7 Shorelines existing in their natural state should be preserved in their natural state, free of shoreline modification

7.1.8 All flood protection measures should be placed landward of the natural floodway boundary, including wetlands which are associated with the water body proper.

Regulations

1. All applicable federal and state permits shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.
2. All new development activities shall be located and designed to prevent or minimize the need for shoreline stabilization and flood protection works, such as bulkheads, riprap, landfills, levees, dikes, groins, jetties, or substantial site grading
3. The City shall require and utilize the following information, in addition to the standard permit information requirements contained in WAC 173-27-180, during its review of shoreline stabilization and flood protection proposals:
 - a. Purpose of the project;
 - b. Hydraulic characteristics of the shore within 1/2 mile on each side of the proposed project;
 - c. Existing shoreline stabilization and flood protection devices within 1/2 mile on each side of the proposed project;
 - d. Construction material and methods;
 - e. Physical, geological and/or soil characteristics of the area;
 - f. Predicted impact upon area shore and hydraulic processes, adjacent properties, shoreline and water uses; and
 - g. Alternative measures (including nonstructural) which will achieve the same purpose.
4. The City shall require and utilize the following information, in addition to the standard permit information requirements contained in WAC 173-27-180, in its review of all shoreline modification proposals:
 - a. Construction materials (e.g. type, dimensions, design);
 - b. Method of construction (e.g. source of backfill, erosion controls);
 - c. Location of project relative to toe and crest of uplands and upland structures;
 - d. The ordinary high water mark, mean higher high and extreme high water levels such as the highest recorded level or the 100-year flood elevation.
 - e. General direction and speed of prevailing winds;

- g. Profile rendition of beach and uplands;
 - h. Beach type, slope and material;
 - i. Uplands type, slope and material;
 - j. Soil types (NRC.S.);
 - k. Physical or geologic stability of uplands; and
 - 1. Potential impact upon area shore processes, adjacent properties and upland stability.
5. Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with native grasses, shrubs, and/or trees in keeping with existing bank vegetation. If native species cannot be obtained, acceptable substitutes may be used for stabilization purposes.
 6. Shoreline stabilization and flood protection works are prohibited in wetlands. They are also prohibited in salmon and trout spawning areas except for fish or wildlife habitat enhancement.
 7. Dikes and levees shall be limited in size to the height required to protect adjacent lands from the predictable annual flood.
 8. The City may require dedication and improvement of linear public access along new dikes when it determines such access to be in the public interest.
 9. Use of car bodies, scrap building materials, asphalt from street work, or any discarded pieces of equipment or appliances for the stabilization of shorelines shall be prohibited.
 10. All shoreline modification activities must be in support of an allowable shoreline use that is in conformance with the provisions of this master program. All shoreline modification activities not in support of a conforming allowable use are prohibited, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resource values.

The shoreline stabilization methods in Sections 7.2 through 7.7 are organized from "soft" to "hard". The use of "soft" methods is the preferred 'best practices' choice when considering shoreline stabilization.

7.2 Bioengineering

Definition -Bioengineering is the term given to the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material; soft gabions, fabric or other soil stabilization techniques; and limited rock toe protection where appropriate. Bioengineering projects often include fisheries habitat enhancement measures such as anchored logs or root wads in project design.

The use of bioengineering as a shoreline stabilization technique is considered an alternative to riprap, concrete and other structural solutions. It provides habitat while maintaining and preserving the natural character of the shoreline. Bioengineering is the preferred "best practices" choice when considering shoreline stabilization. Combining bioengineering techniques with armored revetments is also encouraged over singularly employing riprap or other types of armored revetment.

Policies

- 7.2.1 All bioengineering projects should ensure that water quality, fish and wildlife habitats and flood holding capacity are not degraded. Bioengineering projects should be designed and scheduled to minimize impacts to natural resources and to optimize survival of new plantings.
- 7.2.2 Whenever possible, the design of bioengineering projects should incorporate self-maintaining vegetation and materials over those requiring routine maintenance.
- 7.2.3 Bioengineering projects should extend no further waterward than is necessary to achieve intended results.
- 7.2.4 Shoreline stabilization through bioengineering should use native vegetation wherever possible.
- 7.2.5 Bioengineering projects should include buffers, fencing and/or other measures to avoid disturbance of the project site by livestock and vehicles.
- 7.2.6 Structural soil stabilization components including riprap, should be kept to a minimum in such projects and designed to last only until vegetation is well established.
- 7.2.7 Bioengineering projects should follow recommended best management practices for establishing/restoring vegetation in shoreline and riparian areas. Guidance from the Natural Resources Conservation Service, the State Departments of Fish and Wildlife, and Ecology and local Conservation Districts should be considered in project designs.

Regulations

1. The City shall require and utilize the following information, in addition to the standard permit information requirements contained in WAC 173-27-180, in its review of all bioengineering projects:
 - a. proposed timing of all construction phases of the project,
 - b. existing soil types, bank materials and analysis of slope stability,
 - c. proposed materials that will be used on-site including rock size, shape and quantity, plant materials, soil preparations that provide optimal planting mediums for the vegetation proposed, areas to be seeded, and fencing,
 - d. existing and proposed slope profiles, including location of ordinary high water mark,
 - e. design of transition areas between bioengineering site and adjacent properties,
 - f. documentation (including photos) of existing preconstruction shoreline characteristics.
2. All bioengineering projects shall use a diverse variety of native plant materials including trees, shrubs and grasses, unless demonstrated unfeasible for the particular site.
3. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that within three years time all vegetation is fully reestablished. Areas which fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.

4. All bioengineering projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired.
5. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat and to optimize survival of new vegetation.

7.3 Revetments (Riprap)

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

1. Heavy armor layer;
2. Filter layer; and
3. Toe protection.

This section deals specifically with the modification activity of revetments. For additional policies and regulations refer to section 7.01 in this chapter.

Policies

7.3.1 The use of armored structural revetments should be limited to situations where it is demonstrated that nonstructural solutions such as bioengineering, setbacks and buffers or any combination thereof will not provide sufficient shoreline stabilization.

7.3.2 The construction and maintenance of revetments should not result in the loss or reduction of shoreline environmental resource values. If a loss or reduction cannot be avoided, mitigation should be provided.

7.3.3 Revetments should be designed, improved and maintained to provide public access whenever possible.

Regulations --General

1. All forms of revetments shall be constructed and maintained in a manner that does not reduce water quality and/or fisheries habitat.
2. Design of the proposed revetment shall incorporate proper consideration of:
 - a. Data on local geophysical conditions~
 - b. Effects on adjacent properties.
3. Bank revetments, where permitted, shall be placed at the extreme edge or bank of the shoreline.
4. Design of revetments shall include and provide improved access to public shorelines whenever possible and appropriate.

5. Revetments must be in support of an allowable shoreline use that is in conformance with the Provisions of this master program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

Regulations --Riprap

1. Riprap shall be constructed using techniques and materials that will enhance natural shoreline values and functions, including fish and wildlife habitat, water quality, vegetation and aesthetics. The following techniques and materials shall be used:
 - a. Riprap material shall consist of clean quarried rock, free of loose dirt and any pollutants, and shall be of sufficient size and weight to prevent movement by wave or current action. Tires, automobile bodies, scrap metal, paper products and other inappropriate solid waste materials, shall not be used for riprap.
 - b. Use of downed logs, snags or rock to enhance habitat and to provide a more natural appearance to the shoreline shall be incorporated into the design where appropriate.
 - c. Where on-site environmental conditions allow, vegetation shall be incorporated into the riprap design to reduce erosion, provide cover, shade and habitat and improve the natural appearance of the shoreline, consistent with the applicable vegetation management provisions of this master program.

Regulations -Design

1. When permitted, the siting and design of revetments shall be performed using appropriate engineering principles, including guidelines of the Natural Resources Conservation Service and the U.S. Army Corps of Engineers.
2. If an armored revetment is employed the following design criteria shall be met:
 - a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
 - b. Filter cloth must be used to aid drainage and help prevent settling; and
 - c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from wave action for the anticipated life of the project.
3. The area shall be restored as nearly as possible to its prior condition including replanting with native species and maintenance care until the newly planted vegetation is established.

7.4 Bulkheads

Definition -Bulkheads are walls usually constructed parallel to the shore whose primary purpose is to contain and prevent the loss of soil caused by erosion or wave action. Bulkheads may also be termed seawalls; however in common usage, the term seawall is generally reserved for more massive public works structures along the open coast. Bulkheads are generally lighter in structure and are either public or private.

They are typically constructed of poured-in-place or precast concrete, steel or aluminum sheet piling, wood or wood and structural steel combinations. Bulkheads may either be thin structures penetrating deep into the ground or more massive structures resting on the surface.

Exemptions

The Shoreline Management Act exempts the construction of a normal protective bulkhead common to an existing single family residence from the substantial development permit requirement. However these structures are required to comply with all the policies, prohibitions and development standards of this master program and of this section. To qualify for the RCW 90.58.030 (3)(e)(ii) and WAC 173-27-040 (2)(c) exemption from the shoreline substantial development permit requirement, and to assure that such bulkheads will be consistent with this program, a statement of exemption should be obtained from the City before commencing construction of any bulkhead.

Policies

7.4.1 Defense works of natural materials such as protective berms, beach enhancement or vegetative stabilization are strongly preferred over structural defense works, of materials such as steel, wood, or concrete, because the former have less adverse and cumulative impacts on shore features and habitats. Proposals for structural solutions including bulkheads should demonstrate that natural methods are unworkable.

7.4.2 Owners of property containing feeder bluffs should generally be discouraged from constructing bulkheads, particularly in areas not already developed or not already subject to shoreline modification.

7.4.3 Bulkheads should be located, designed and constructed primarily to prevent damage to existing development and minimize adverse impacts to natural processes. New development requiring bulkheads and/or similar protection should be discouraged.

7.4.4 Shoreline uses should be located in a manner so that bulkheading is not likely to become necessary in the future.

7.4.5 Where bulkheading is necessary and appropriate, affected property owners and public agencies should be encouraged to coordinate bulkhead development for an entire drift sector or homogeneous reach in order to avoid exacerbating erosion on adjacent properties.

7.4.6 The cumulative effects of allowing bulkheads along segments of shoreline should be evaluated prior to granting individual permits or exemptions.

7.4.7 Bulkheads should not be approved as a solution to geohydraulic or geophysical problems such as mass slope failure, sloughing, landslides, etc. caused by factors with an upland origin.

Regulations General

1. Bulkhead design and development shall conform to all other applicable state agency policies and regulations including the Department of Fish and Wildlife criteria governing the design of bulkheads.
2. Natural materials and processes such as protective berms, drift logs, brush, beach feeding or vegetative stabilization shall be utilized to the maximum extent possible.

3. The City shall require and utilize standards found in section 7.1 of this chapter in its review of bulkhead proposals.
4. Bulkheads shall be allowed only when evidence is presented which conclusively demonstrates that one of the following conditions exist:
 - a. Serious wave erosion threatens an established use or existing building(s) on upland property;
 - b. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this master program, provided that all alternatives have proven unfeasible (i.e. use relocation, use design, nonstructural shore stabilization options) and that such bulkheads meet other policies and regulations of this chapter; or
 - c. Proposals for bulkheads have first demonstrated that use of natural materials and processes and nonstructural solutions to bank stabilization are unworkable in protecting existing development.
5. Because of their limited durability and the potential hazard to shore users and the shoreline environment, Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this program are feasible.
6. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized by this master program shall be prohibited.
7. Use of a bulkhead to protect 8 platted lot where no structure presently exists is prohibited.
8. Bulkheads are prohibited for any purpose if they will cause significant erosion or beach starvation.
9. All bulkheads must be in support of an allowable shoreline use that is in conformance with the provisions of this master program unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

Regulations -Location Criteria

1. Bulkheads shall not be located on shores where valuable geohydraulic-hydraulic or biological processes are sensitive to interference and critical to shoreline conservation.
2. Bulkheads are to be permitted only where local physical conditions such as foundation bearing material, surface and subsurface drainage are suitable.
3. On all shorelines, bulkheads shall be located landward of the OHWM, landward of protective berms (artificial or natural) and generally parallel to the natural shoreline. In addition:
 - a. On bluff or bank shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the bank as possible and in no case shall be more than 3 feet from the toe of the natural bank.
 - b. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that (1) the adjoining bulkheads were built at or near the OHWM and (2) the new bulkhead does not extend more than three feet waterward of OHWM at any point. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with the adjacent bulkhead at or landward of the OHWM and shall be contoured to minimize the land area waterward of the required setback, which shall be met on the side not abutting an existing bulkhead.

4. Replacement bulkheads may be located immediately in front of and abutting (sharing a common surface) an existing bulkhead provided that replacement bulkheads shall not be authorized abutting an abandoned or neglected bulkhead or a bulkhead in serious disrepair that is located more than three feet waterward of OHWM. Replacement of such bulkheads shall be located at the OHWM.

Regulations --Design

1. Bulkheads shall be sited and designed consistent with appropriate engineering principles.
2. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.
3. Bulkheads shall be designed with the minimum dimensions necessary to adequately protect the development for the expected life of the development.
4. Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of it.
5. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil/materials.
6. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.
7. Materials used in bulkhead construction shall meet the following standards:
 - a. Bulkheads shall utilize stable, nonerosional, homogeneous materials such as concrete, wood, rock riprap or other suitable materials which will accomplish the desired end with the maximum preservation of natural shoreline characteristics.
 - b. Beach materials shall not be used for fill behind bulkheads unless it is specifically authorized by the permit and then only when it is demonstrated that leaving the material on the beach would be detrimental to shoreline resources.
8. Fill behind bulkheads shall be limited to an average of 1 cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline 'substantial development permit.

7.5 Dikes and Levees

Definition -Dikes and levees are manmade earthen embankments utilized for the purpose of flood control, water impoundment projects, or settling basins.

Exemptions

The SMA exempts the operation and maintenance of any system of dikes, ditches, drains or other facilities existing on September 8, 1975 which were created, developed or utilized primarily as a part of an agricultural drainage or diking system from substantial development permit requirements (RCW 90.58.030 (3)(e)(x)).

Policies

7.5.1 Dikes and levees should be located, designed, constructed and maintained so that they will not cause significant damage to adjacent properties or valuable resources, and so that the physical integrity of the natural shore process is maintained.

7.5.2 Dikes and levees should be permitted only when the purpose or primary use being protected is consistent with this program and when they can be developed in a manner compatible with the multiple use of the floodway and associated resources, such as wildlife habitat, water quality, aesthetics, recreational resources and public access.

Regulations --General

1. Dikes and levees shall be designed, constructed and maintained in accordance with Hydraulic Project Approval and in consideration of requirements resource agency recommendations.
2. Dikes and levees shall protect the natural processes and resource values associated with streamways including but not limited to wildlife habitat.
3. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the protected flood stage as identified in the applicable comprehensive flood control management plan.
4. Dikes and levees shall not be constructed with material dredged from the adjacent wetland or streamway area unless part of a comprehensive flood and habitat plan and then only by conditional use permit.
5. Dikes and levees shall only be authorized by conditional use permit and shall be consistent with the comprehensive flood control management plan, or if no plan yet exists, with an overall watershed and drainage basin management systems approach.

Regulations -Design

1. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands and drainages.
2. Underground springs and aquifers shall be identified and protected.
3. The outside face of dikes shall be sloped at 1-1 /2 to 1 (horizontal to vertical) or flatter and seeded with grass and/or native vegetation. Landscaping and buffer areas may be required.

7.6 Dredging and Dredge Material Disposal

Definition -Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any river and associated shorelines and wetlands. Dredging is normally done for specific purposes such as for installing submarine pipelines or cable crossings, or for dike or drainage system repair and maintenance. Dredging may also be used to mine for aggregates such as sand and gravel.

Dredge material disposal is the depositing of dredged materials on land or into water bodies.

Exemptions

Pursuant to WAC 173-27-040, the following actions are exempt from the requirement for a shoreline substantial development permit, but may still require conditional use or variance approval.

Operations, maintenance or construction of canals, waterways, drains, reservoirs or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

Operation and maintenance of any system of dikes, ditches, drains or other facilities existing on September 8, 1975 which were created, developed or utilized primarily as part of an agricultural drainage or diking system.

Normal maintenance and repair of an existing facility which may include maintaining an existing navigational channel or other dredged facility for the purpose of periodically restoring a previously authorized configuration.

Policies

7.6.1 Dredging and dredge material disposal should be located and conducted in a manner which minimizes damage to existing ecological values and natural resources of the area to be dredged and of the disposal site.

7.6.2 Dredging of bottom materials for the primary purpose of obtaining the material for fill or other purposes is strongly discouraged.

7.6.3 Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties and values.

7.6.4 Dredge material disposal in water bodies should be discouraged, except for habitat improvement or where depositing dredge material on land would be more detrimental to shoreline resources than deposition in water areas.

7.6.5 Long range regional plans should be developed for the disposal and use of dredged material particularly in areas where maintenance of navigation channels is routine and continuous. Dredge disposal sites in water areas should be identified in cooperation with the U. S. Army Corps of Engineers, U.S. EPA and the State Departments of Ecology, Natural Resources, Fish and Wildlife.

7.6.6 When dredge material has suitable organic and physical properties, dredging operations should be encouraged to recycle dredged material for beneficial use in beach enhancement, habitat creation, aggregate or clean cover material at a landfill (where appropriate).

7.6.7 Dredging and dredge material disposal operations should be periodically reviewed for consistency with the SMP.

7.6.8 Dredged material containing chemicals at concentrations high enough to cause significant harm to resident biota should not be placed at unconfined open-water disposal sites.

Regulations --General

1. Applications for shoreline dredging and dredge material disposal shall provide the following types of information:
 - a. Physical, chemical and biological assessment of the proposed dredged material applicable to the particular dredging site.
 - b. Specific data to be considered include:
 - i. Physical • Grain size, clay, silt, sand or gravel as determined by sieve analysis.
 - ii. Chemical-Including conventional parameters, metals and organics.
 - iii. Biological -Bioassays useful in determining the suitability of dredged material for a selected disposal option.
 - c. Dredging volumes, methods, schedule, frequency, hours of operation and procedures;
 - d. Method of disposal, including the location, size, capacity and physical characteristics of the disposal site, transportation method and routes, hours of operation, schedule;
 - e. Stability of bedlands adjacent to proposed dredging area;
 - f. Hydraulic analyses, including tidal fluctuation, current flows, direction and projected impacts. Hydraulic modeling studies are required for large scale, extensive dredging projects, particularly in estuaries, in order to identify existing geohydraulic-hydraulic patterns and probable effects of dredging;
 - g. Assessment of water quality impacts; and
 - h. Biological assessment including migratory, seasonal and spawning use areas.
2. In evaluating permit applications for any dredging project, the adverse effects of the initial dredging, subsequent maintenance dredging and dredge disposal that will be necessary shall be considered. Dredging and dredge disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 - a. Result in significant and/or ongoing damage to water quality, fish, shellfish and other essential marine biological elements; and
 - b. Adversely alter natural drainage and circulation patterns, currents, and tidal flows or significantly reduce flood water capacities.
3. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect freshwater 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.
4. Dredging and dredge disposal shall not occur in marshes, bogs or swamps, except as authorized by conditional use permit.
5. 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.

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

Regulations -Dredging

1. Dredging waterward of the ordinary high water mark shall be permitted only:
 - a. For navigation or navigational access;
 - b. In conjunction with a water -dependent use of water bodies or adjacent shorelands;
 - c. As part of an approved habitat improvement project;
 - d. To improve water quality;
 - e. For mining and/or mineral extraction, as provided in the regulations on mining;
 - f. 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
 - g. To improve water flow and/or manage flooding only when consistent with an approved flood/stormwater comprehensive management plan.
2. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
3. Dredging shall utilize techniques that cause minimum dispersal and broadcast of bottom material.
4. New dredging activity is prohibited in habitats identified as critical to the life cycle of officially designated or protected fish, shellfish or wildlife.
5. Dredging for the primary purpose of obtaining material for landfill is prohibited.

Regulations -Dredge Material Disposal

1. Disposal of dredged material may be accomplished at approved contained upland disposal sites.
2. Individual disposal operations shall comply with Department of Natural Resources leasing practices, Ecology Water Quality Certification process and the U.S. Army Corp. of Engineers permit requirements.
3. Review of applications for use of a disposal site shall be based upon the criteria and guidelines established in the PSDDA report, where applicable. It shall be the responsibility of the disposal permittee to assure that disposal of dredged material and management of the disposal site comply with permit conditions and with the PSDDA report, where applicable.
4. Yearly status reports shall be prepared and submitted by the dredge disposal permittee to the local shoreline administrator. The reports shall state the quantity of material dumped, characterize the quality of the material, and review any factors necessary to verify continued compliance with the shoreline permit.
5. Depositing dredge materials in water areas shall be allowed only by conditional use permit for one or more of the following reasons:
 - a. For wildlife habitat improvement;

- b. To correct problems of material distribution adversely affecting fish and shellfish resources;
 - c. For permitted beach enhancement;
 - d. When the alternative of depositing material on land is demonstrated to be more detrimental to shoreline resources than depositing it in water areas; or (*sic*)
7. (*sic*) New in-water disposal sites shall be identified consistent with the following criteria:
- a. The site is in an area protected from significant storms, currents, stratification and turbulence that would cause shifting and dispersal of dredged material, unless specifically designed and permitted as a dispersal site;
 - b. The area is proven to be biologically, chemically and physically degraded by past dredge disposal or other activities, and water quality and biological productivity will not be degraded further;
 - c. Disposal will not interfere with hydraulic processes;
 - d. The dredged material has been analyzed by qualified personnel and found to be minimally or nonpolluting;
 - e. Dredge disposal will not impede water and tidal current flows or adversely affect flood water flows and capacities;
 - f. Aquatic life will not be adversely affected; and
 - g. The site and method of disposal meet all requirements and qualifications of applicable regulatory agencies.
8. Disposal, if allowed in water, shall utilize techniques that cause the least dispersal and broadcast of materials unless specifically designed and approved as a dispersal site
9. Use of dredge materials for beach enhancement shall be conducted so that:
- a. Except where specifically designed and intended, erosion or deposition adjacent to the disposal site is minimized. Erosion of the dredged material shall not smother marsh or other shallow productive areas.
 - b. To the extent possible, the volume and frequency of dredged material disposal maintains a stable beach profile. Dredged material shall be graded at a uniform slope and contoured to reduce cove and peninsula formation and to minimize stranding of juvenile fish.
10. Land disposal sites shall adhere to the following conditions:
- a. Containment dikes and adequate settling basins shall be built and maintained so that the site's discharge water carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one foot of standing water at all times to encourage proper settling;
 - b. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands and drainages;
 - c. Runoff water shall be controlled so as to enter a waterway through grassy swales or other treatment features that assures protection of water quality and other environmental resources.
 - d. Underground springs and aquifers shall be identified and protected;
 - e. The outside face of dikes shall be sloped at 1-112 to 1 (horizontal to vertical) or flatter and seeded with grass and/or native vegetation. Landscaping and buffer areas may be required;
 - f. Sites shall be adequately screened from view. Dredge disposal in shoreline areas shall not impair scenic views; and
 - g. Dredge materials deposited upland and not part of a permitted dike or levee shall constitute landfill, and when deposited within the jurisdiction of this master program, shall comply with the landfill regulations.

11. Nearshore or upland disposal of dredge materials shall not be located upon, adversely affect, or diminish:
 - a. Estuaries, wetlands, or significant plant communities;
 - b. Prime agricultural land except as enhancement;
 - c. Natural resources including but not limited to sand and gravel deposits, timber, or natural recreational beaches and waters except for enhancement purposes;
 - d. Designated or officially recognized wildlife habitat and concentration areas;
 - e. Water quality, quantity and drainage characteristics; and
 - f. Public access to shorelines and water bodies.
12. Where required, 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.
13. Proposals for disposal in shoreline jurisdiction must show that the site will ultimately be suitable for a use permitted by this master program.
14. Disposal of dredged materials shall occur on the smallest possible land area consistent with the standards above in order to minimize the quantity of land that is disturbed, unless dispersed disposal is authorized as a condition of permit approval (e.g. soil enhancement, etc.).
15. The City may impose reasonable limitations on dredge disposal operating periods and hours and may require provision for buffer strips at land disposal or transfer sites in order to protect the public safety and other shore users' lawful interests from unnecessary adverse impacts.

7.7 Landfill

Definition -Landfill is the placement of soil, sand, rock, gravel, existing sediment or other material (excluding solid waste) to create new land or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation. Any landfill activity conducted within shoreline jurisdiction must comply with the following provisions.

Policies

7.7.1 Landfills waterward of OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses which are consistent with this master program.

7.7.2 Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface water drainage or flood waters which would result in a hazard to adjacent life, property and natural resource systems.

7.7.3 In evaluating fill projects, such factors as potential and current public use of the shoreline and water surface area, navigation, water flow and drainage, water quality and habitat should be considered and protected to the maximum extent feasible. Further, the City should assess the overall value of the landfill site in its present state versus the proposed shoreline use to be created to ensure consistency with the Act and this master program.

7.7.4 The perimeter of landfills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time. Natural appearing and self-sustaining control methods are preferred over structural methods.

7.7.5 Where permitted, landfills should be the minimum necessary to provide for the proposed use and should be permitted only when tied to a specific development proposal that is permitted by this master program. Speculative landfill activity should be prohibited.

7.7.6 Sanitary landfills should not be located in shoreline jurisdiction.

Regulations --General

1. Applications for landfill permits shall include the following:
 - a. Proposed use of the landfill area;
 - b. Physical, chemical and biological characteristics of the fill material;
 - c. Source of landfill material;
 - d. Method of placement and compaction;
 - e. Location of landfill relative to natural and/or existing drainage patterns and wetlands.
 - f. Location of the landfill perimeter relative to the OHWM:
 - g. Perimeter erosion control or stabilization means; and
 - h. Type of surfacing and runoff control devices.
2. Landfill waterward of OHWM or in wetlands shall be permitted as a conditional use only:
 - a. In conjunction with a water-dependent or public use permitted by this master program;
 - b. 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;
 - c. As part of an approved beach restoration project; or
 - d. For fisheries, aquaculture, or wildlife habitat enhancement projects.
3. Pile or pier supports shall be utilized whenever feasible in preference to landfills. Landfills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible.
4. Environmental review of proposed landfills shall be accomplished concurrently with review of the intended use, and the threshold determination concerning the need for an environmental impact statement shall be based on this combined project review.
5. Landfill shall be permitted only where it is demonstrated that the proposed action will not:
 - a. Result in significant damage to water quality, fish, shellfish and/or wildlife habitat; or
 - b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities.
6. Landfills may be permitted only in conjunction with a specific development already permitted by this master program or as proposed (i.e. permit applied for) simultaneously with such development. Speculative landfills are prohibited.

Regulations --Design and Construction

1. Where landfills are permitted, the landfill shall be the minimum necessary to accommodate the proposed use.
2. Where existing public access is reduced, greater public access as part of the development project shall be provided.
3. Landfills shall be designed, constructed and maintained to prevent, minimize and control all material movement, erosion and sedimentation from the affected area. Perimeters of permitted land fill projects shall be designed and constructed with silt curtains, vegetation buffer areas or other methods and appropriately sloped to prevent erosion and sedimentation both during initial landfill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the landfill. Design shall incorporate use of natural appearing and self sustaining control methods unless they can be demonstrated to be unfeasible due to existing environmental conditions.
3. Fill materials shall be sand, gravel, soil, rock or similar material. Use of polluted dredge spoils, solid waste and sanitary landfill materials are prohibited.
4. Landfills shall be designed to allow surface water penetration into ground water supplies where such conditions existed prior to fill.
5. The timing of landfill construction shall be regulated so as to minimize damage to water quality and aquatic life.
6. Landfill on dry land shall not result in substantial changes to surface water drainage patterns off the project site and onto adjacent properties.

Appendix A

Conditional Uses

Draft Review Criteria for Conditional Use Permits (WAC 173-14-140)

The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020: PROVIDED, that conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use. Permits for conditional uses must be submitted to the Department of Ecology for approval or disapproval.

1. Uses which are classified or set forth in the Shoreline Master Program as conditional uses may be authorized provided the applicant can demonstrate all of the following:
 - a. That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the master program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines;
 - c. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;
 - d. That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located;
 - e. That the public interest suffers no substantial detrimental effect; and
 - f. The proposal complies with all other applicable requirements, criteria and standards of the City.
2. Other uses which are not classified or set forth in the Shoreline Master Program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC-173-14-140(1) above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.
3. Uses which are specifically prohibited by the master program may not be authorized.
4. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment. (Statutory Authority: Chapters 90.22 and 90.54. RCW 81-04-027 (Order DE 80-42), Section 173-14-140, filed 2/2/81. Statutory Authority: RCW90.58.200. 78-07-011 (Order DE 78-7). Section 173-14-140, filed 6/14/78; Order DE 75-22, Section 173-14-140, filed 10/16/75).

Appendix B

Variations

Draft Review Criteria for Variance Permits (WAC 173-27-170)

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Shoreline Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

1. Variance permits should be granted in a circumstance where denial of the application would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Any permit for a variance must be submitted to the Department of Ecology for approval or disapproval.
2. Applications for variances where the development authorized by the variance will be located landward of the ordinary high water mark, except within wetlands, may be approved or approved with conditions or modifications provided the applicant can demonstrate all of the following:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in this SMP precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by the SMP.
 - b. That the hardship described in 2(a) above is specifically related to the property, and is a result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions.
 - c. That the design of the project is compatible with other allowed activities and uses in the area and will not cause adverse effects to adjacent properties or the shoreline environment.
 - d. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and is the minimum necessary to afford relief per WAC 173-27.170(2)(e).
 - e. The public interest will suffer no substantial detrimental effect.
3. Applications for variances where the development authorized by the variance will be located either waterward of the ordinary high water mark or within wetlands, may be approved or approved with conditions or modifications provided the applicant can demonstrate all of the following:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in this SMP precludes a reasonable use of the property not otherwise prohibited by the SMP;
 - b. That the proposal is consistent with the criteria established under (2)(b) through (e) of this section; and
 - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
4. In the granting of all variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted for other developments in the area where similar circumstances exist, the total of the variances shall also remain consistent

with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

5. Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather for conditional uses. Such requests shall be evaluated using the criteria set forth in Appendix 'A'.