CITY OF ORTING SHORELINE MASTER PROGRAM

Adopted April, 2009

Acknowledgements

This shoreline master program was developed with the participation of the people of Orting and the assistance and cooperation of the state Department of Ecology. The City appreciates the contributions made by former Councilmembers and Planning Commissioners who served during the shoreline planning process.

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Attachment A – List of Agency Contacts

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(Maps and illustrations are bound in a companion document.)

Electronic versions of this document may not include all photos, maps and graphics to limit file size.

I. INTRODUCTION

1.01 INTRODUCTION

1.01.01 Requirements of the Shoreline Management Act

In 1971, the State of Washington legislature enacted the Shoreline Management Act (RCW 90.58) in order to address growing concern about the quality of the state's shoreline environments. This Act recognizes that "shorelines are among the most valuable and fragile" of the state's resources. The Shoreline Management Act and the City of Orting recognize and protect private property rights along the shoreline, while aiming to preserve the quality of this unique resource for all state residents.

The primary purpose of the Act is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. In order to protect the public interest in preserving these shorelines, the Act establishes a coordinated planning program between the state and local jurisdictions to use in addressing the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

1. Development of an inventory of the natural characteristics and land use patterns along shorelines covered by the Act.

2. Preparation of a "Master Program" to determine the future of the shorelines.

3. Development of a permit system to further the goals and policies of both the Act and the local Master Plan.

Under RCW 90.58.030, “shorelines” is defined as “all water areas of the state, including shorelands and their associated wetlands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the shorelands associated with such upstream segments....” In order to be classified as a shoreline of statewide significance, a river must have a mean annual flow of a minimum of one thousand (1,000) cubic feet per second (cfs). At the City of Orting, the mean annual flow for both the Puyallup and Carbon Rivers is less than 1,000 cfs, therefore, neither river qualifies as a shoreline of statewide significance. The flow of the two rivers does not exceed this threshold until their confluence several miles downstream.

1.01.02 Legislative Findings and Washington Shoreline Management Act Policies

The Shoreline Management Act was adopted by the Washington State Legislature in 1971 as a result of a citizen initiative. The initiative focused on developing a system by which the shorelines of the state could be planned for and protected in a manner that preserved them for all residents of the state to enjoy in the years to come. In passing the Shoreline Management Act, the Legislature determined the following (RCW 90.58.020):

- The shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation.

- Ever increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state.

- Much of the shorelines of the state and uplands adjacent thereto are in private ownership and that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest;

- Therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state which, at the same time, shall be consistent with public interest.

- And, therefore, there is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy is intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities.

1.02 PLANNING PROCESS AND EXISTING CONDITIONS

Orting's Shoreline Master Program was originally adopted by the City in 1999. Between 1999 and 2005, Orting conducted numerous public workshops before the City Planning Commission to develop the Orting Shoreline Inventory and updates to the City's Critical Areas Ordinance. The City was provided detailed comments from Ecology on the draft inventory on August 30, 2004. The City sent a response letter concerning the inventory on September 21, 2004. The new Critical Areas Ordinance was adopted by the City in 2005 to include best available science. All studies and correspondence related to the SMP update are part of the administrative record. For the adoption of the final SMP, the Orting Planning Commission will conduct a public hearing on the SMP and final Shoreline Element amendment to the Orting Comprehensive Plan as a part of the annual update cycle. The Commission's recommendation will then be forwarded on to the City Council for their approval. Of particular interest to the City is the coordination of provisions relative to flooding and protection of the shorelands. Improved mapping will also be a product.

The shoreline area of Orting addressed by this element and under the jurisdiction of the City's Shoreline Master Program, is that area adjacent to the Carbon and Puyallup Rivers within the City. There are approximately four and a half miles of shoreline in the City. The majority of shoreline area is held in public ownership, although there are several small parcels in private ownership.

Land uses along the Carbon and the Puyallup Rivers are predominantly residential. This low intensity use is separated from higher intensity uses in Orting by buffers. The Orting Comprehensive Plan designates the shoreline area along both the Puyallup and Carbon Rivers as *Residential*, except for an area of land held by the school district which is planned for recreational use.

The natural resources located within the shoreline area are similar to those expected in a parks and open space area. There are numerous wetlands. Much of the land adjacent to the Carbon River consists of riparian vegetation, especially in the northeast portion of the City.

Many years ago, the U.S. Army Corps of Engineers installed an extensive system of levees on both the Carbon and Puyallup rivers. These levees are maintained by Pierce County. The City has experienced flooding along both the Puyallup and Carbon River, and flooding events have occurred when flows have reached sufficient volume to overflow the levees and/or flows have breached the levees. When such flooding has occurred in the past, the levee has tended to breach on the City side of the river (especially along the Puyallup) and the water has inundated several areas of the City. Several portions of the levees along both the Carbon and Puyallup rivers were replaced or repaired after the flooding events of 1996. The Puyallup and Carbon Rivers are both very shallow and, with the exception of recreation rafting and kayaking, are not viable for boating.

The shoreline area of Orting addressed by this element and under the jurisdiction of the City's Shoreline Master Program, is that area adjacent to the Carbon and Puyallup Rivers within the City. There are approximately five and a half miles of shoreline in the City.

Land uses along the Carbon and the Puyallup Rivers are predominantly residential. This low intensity use is separated from higher intensity uses in Orting by buffers. The Orting Comprehensive Plan designates the shoreline area along both the Puyallup and Carbon Rivers as *Residential*, except for an area of land held by the school district which is planned for recreational use.

There are about 80 parcels in the Orting shoreline jurisdiction area. Some are totally within and some are partially within the shoreline area. Of this total, about 7% are city-owned, 27% are owned by other public agencies, and the remaining 66% are privately-owned. While the number of publicly-owned parcels is only 1/3 of the total, the river frontage of those parcels is very significant. Except for the site of the Orting wastewater treatment plant, and rights-of-way, all of the city-owned parcels are city parks and are zoned "Open Space and Recreation". The rest of the publicly-owned parcels are under the control of the Orting School District and Pierce County. Pierce County owns and manages the levees that exist along both rivers through Orting's jurisdiction.

<u>Segment A - Puyallup River</u>

The City of Orting owns two major sites and controls nearly a mile of the Puyallup River frontage near the north city limits. Village Green Wetlands Park is aptly named and is planned to largely be an open space/riparian habitat with a nominal amount of passive recreation use in the limited upland portion adjacent to the Village Green neighborhood.

Two Orting School District parcels are within the Puyallup River shoreline area. These amount to about ½ mile of river frontage and contain a

significant amount of delineated wetlands. These portions of the shoreline will not be developed. The City has used Conservation Futures grant funding to obtain another major riverfront parcel named "Grazter Park" that will provide enhancements to the shoreline area in this vicinity.

Pierce County has ownership of most of the Puyallup River shoreline area on both sides of the River in the southern portion of the city (15 parcels). The County and U.S. Army Corps of Engineers have designed the Soldiers Home Setback Levee Project that will create more than a mile of restored riparian habitat. Except for this project, no development within the shoreline jurisdiction in this area is anticipated, given the ownership and environmental characteristics.

Segment B - Carbon River

More than a mile of Carbon River frontage north of the Orting Wastewater Treatment Plant has been dedicated as either private open space or city park land as part of a 2003 residential development permitting process. The wastewater treatment plant site within the shoreline jurisdiction is essentially developed. The Orting School District campus (high school and middle school) has Carbon River frontage that is used for sports activities. The District has no plans for development in this area. Pierce County owns four parcels on the Carbon.

The Carbon and Puyallup Rivers are both very shallow and, with the exception of recreation rafting and kayaking, are not viable for boating. The natural resources located within the shoreline area are similar to those expected in a parks and open space area. There are numerous wetlands. Much of the land adjacent to the Carbon River consists of riparian vegetation, especially in the northeast portion of the City.

1.03 SHORELINE JURISDICTION

The Shoreline jurisdiction in Orting includes the "shorelands" of the Carbon and Puyallup Rivers in the City, as the City has defined these areas. As defined under the Shoreline Management Act, ***shoreland areas*** or ***shorelands*** are:

> "… those lands that extend landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are of a size large enough to be subject to the provisions of (the Shoreline Management Act); the same to be designated as to location by the Washington Department of Ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred (200) feet there from."

As defined in this Shoreline Master Program, the Orting shorelands extend two hundred (200) feet from the ordinary high water mark (OHWM) and floodways associated with the Carbon and Puyallup Rivers, and include any wetlands associated with these two rivers, and lands necessary for buffers for critical areas in accordance with RCW 90.58.030(2)(f)(ii). (Refer to Figure 1.03-1 Orting Shoreline Jurisdiction).

1.03.01 Wetlands Jurisdiction

In order to ensure consistency between the Orting Shoreline Master Program and Critical Areas Ordinance, the definitions of wetlands used in this Shoreline Master Program will be as defined in the Orting Critical Areas Ordinance. This definition is as follows:

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

created from nonwetland areas to mitigate conversion of wetlands."

1.04 THE ORTING SHORELINE MASTER PROGRAM - GOALS, POLICIES, AND REGULATIONS

1.04.01 Shoreline Goals and Policies

In response to the framework established by the Shoreline Management Act, the City of Orting has adopted a set of nine overarching shoreline management goals that relate to program elements specified in RCW 90.58.100. These goal statements and their supporting policies (provided in Chapter 4) establish the basis from which the environmental designation, policies, regulations, and administrative procedures of the Shoreline Master Program are developed.

The overarching goals have been further developed into policies and regulations that apply to all uses, developments, and activities in the shoreline jurisdictional area of the City. These policies and regulations have been divided into three categories to reflect how they apply to the shoreline environment. The categories include **General Policies and Regulations, Shoreline Use Policies and Regulations**, and **Shoreline Modifications Policies and Regulations**.

General Policies and Regulations

The "General Policies and Regulations" of the Shoreline Master Program apply to all uses and activities that may occur within the shoreline jurisdiction. These policies and regulations provide the overall framework for the shoreline's management, and are intended to be used in conjunction with the more specific "use and activity" policies and regulations. Categories of "general policies" include such general issues as *Clearing and Grading*, *Environmental Impacts*, *Signage, Vegetation Management*, and *View Protection*. These policies and regulations are presented in Chapter 5.

Shoreline Use Policies and Regulations

"Shoreline Use" provisions apply to specific shoreline use categories and provide a greater level of detail in addressing shoreline uses and their impacts. Use policies establish the shoreline management principles that apply to each use category and serve as a bridge between the various elements contained in the overall shoreline goals (e.g., *Circulation*, *Economic Development*, *Public Access*, etc.) and the use regulations that are located in the Shoreline Master Program. Use regulations set physical development and management standards for development of that type of use. Examples of shoreline use categories include *Forest Practices, Residential Development,* and *Commercial Development.* These policies and regulations are presented in Chapter 6.

Shoreline Modification Activity

"Shoreline Modification Activities" are those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modification activities usually are undertaken in support of, or in preparation, for a shoreline "use."

Shoreline modification activity policies and regulations are intended to prevent, reduce, and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act. Policies and regulations relating to shoreline modifications are classified into general regulations for all shoreline modifications and three categories, including *Dredging and Fill*; *Overwater Structures: Piers, Docks, Floats, and Buoys*; and *Shoreline Stabilization*. These policies and regulations are presented in Chapter 7.

This document does not regulate the following activities which are prohibited uses within the shoreline jurisdiction in the City of Orting:

- Aquaculture
- Agriculture
- Mining
- Forestry Practices
- Commercial Development
- Industrial Development
- Boating Facilities
- Piers and Docks

1.05 HOW THE SHORELINE MASTER PROGRAM IS USED

The City of Orting Shoreline Master Program is a planning document that outlines goals and policies for the shoreline of the City and establishes regulations for development occurring in that area.

In order to preserve and enhance the shoreline of the City of Orting, it is important that all development proposals relating to the shoreline area be evaluated in terms of the City's Shoreline Master Program, and that the City Shoreline Administrator be consulted. Some developments may be exempt from regulation, while others may need to stay within established guidelines, or may require a conditional use permit application or variance application;

ALL proposals must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program adopted by the City of Orting.

Shoreline Jurisdictions

The Shoreline Management Act (SMA) defines for local jurisdictions the content and goals that should be represented in the Shoreline Management programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community. Under the SMA, all shorelines of the state meeting the criteria established receive a given shoreline environmental designation. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment.

Orting has designated a single shoreline environment for the waterways within its jurisdiction: *Urban Conservancy*. The Urban Conservancy environment is located on both the Puyallup and Carbon Rivers between the ordinary high water mark and two hundred (200) feet landward. This shoreline environment is described in Chapter 3: Shoreline Environment.

1.06 RELATIONSHIP OF THIS SHORELINE MASTER PROGRAM TO OTHER PLANS AND REGULATIONS

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Orting Shoreline Master Program must be consistent with local plans and policy documents, specifically, the Orting Comprehensive Plan and the City's Critical Areas Ordinance. The City's Shoreline Master Program must also be consistent with the regulations developed by the City to implement its plans, such as the zoning code, as well as regulations relating to building construction and safety.

Permit submittal for a shoreline development or use does not exempt an applicant from complying with any other local, county, state, regional or federal statutes or regulations which may also be applicable to such development or use. Examples of activities that may require permits, review, or approval from other agencies are listed in the following table.

Agency	*Authority/Jurisdiction*	*Types of Activity Requiring Permit*	*Permit*
Federal Emergency Management Agency (FEMA)	CFR 44, Part 60 This Ordinance applies to the areas designated as flood zones on FEMA's Federal Insurance Rate Map. The adopted FEMA ordinance enables City residents to acquire federal flood insurance and permits Orting to be eligible to receive Federal Flood Disaster Funds.	All development within and uses of the Floodplain must meet the standards established in Title 14 of the Orting Municipal Code (OMC), Flood Planning Management and Flood Damage Prevention.	Review for compliance with FEMA guidelines is conducted through enforcement of OMC, Title 14.
Army Corps of Engineers	Sect. 10 of Federal River & Harbor Act Jurisdiction extends to Ordinary High Water Mark of the navigable waters of the US	Structures or work in these waters, including marinas, piers, wharves, floats, intake pipes, outfall pipes, pilings, bulkheads, boat ramps, dredging, dolphins, fills, overhead transmission lines, etc.	Section 10 Permit
	Sect. 404 of Clean Waters Act. Jurisdiction extends to Ordinary High Water Mark of all waters of the US and includes all adjacent wetlands	Discharge of dredged materials, fills, grading, ditch sidecasting, groins, breakwaters, road fills, beach nourishment, riprap, jetties, etc.	Section 404 Permit (some limited activities are covered by nationwide general permits)
Washington Department of	Varies	Use of pesticides by any means other than hand pumped device - varied restrictions apply depending on the	Varies

Agency	*Authority/Jurisdiction*	*Types of Activity Requiring Permit*	*Permit*
Agriculture		ownership of the property receiving the pesticide, the type of pesticide, etc.	
Washington State Department of Fish and Wildlife (DFW)	RCW 75.20.100-160. All fresh or salt water in the state	Work, construction, development or other activities that will change the natural flow or bed of any fresh or salt water in the state.	Hydraulic Project Approval (HPA)
Washington State Department of Natural Resources (DNR)	RCW 79.90. Navigable water bodies, including certain lakes, rivers, and streams. These waters are owned by the State of Washington.	Construction, filling, dredging, drilling, mining, road construction, utility installation, etc., within the beds or shorelines of these waters.	Aquatic Lands Lease and/or Authorization.
	RCW 76.09. Waterbodies near forest activities	Forest activities relating to growing, harvesting or processing timber, road construction and maintenance, brush clearing, slash disposal	Forest Practice Approval
Washington State Department of Ecology (DOE)	Section 401, Clean Water Act	Any activity that might result in a discharge of dredge or fill material into water or wetlands, or excavation in water or wetlands that requires a federal permit.	Water Quality Certification
	RCW 90 (various chapters)	Withdrawal of surface or ground water.	Water Use Permit; Certificate of Water Right
	RCW 43.21C Determined by the scope of the project. See also: City of Orting, SEPA.	SEPA is a process that provides a way to analyze and address the environmental impacts of a project and is geared to mesh with already existing permits, approvals, and/or licenses.	State Environmental Policy Act (SEPA) Review
	Water Pollution Control Act (RCW 90.48)	Act prohibits discharges of polluting matter to any waters of the state, including wetlands. A permit is required for any project potentially impacting state waters.	Various permits, including NPDES, Municipal Wastewater, and Septic permits.
City of Orting	Orting Shoreline Master Program (OMC, Title 5, Chapter 4) - SMP jurisdiction is listed in Section 3.03 of this document.	See Chapters 5, 6, and 7 of this document.	Shoreline Substantial Development Permit
			Shoreline Conditional Use Permit
			Shoreline Variance
	OMC, Title 10 Building and Construction	Varies - See OMC, Chapter 10	Permits defined by OMC, Chapter 10 (Building, Plumbing, Mechanical, Demolition, etc.)
	OMC, Title 14, Flood Planning Management and Flood Damage Prevention Ordinance (this is the	All development activity, including buildings, mining, filling, dredging, grading, paving, excavations, drilling	Floodplain Development Permit - review for compliance with this

Agency	*Authority/Jurisdiction*	*Types of Activity Requiring Permit*	*Permit*
	local ordinance to carry out FEMA requirements Within the 100-year floodplain	operations, and storage of equipment or materials.	ordinance is conducted as a part of the development review and building permit process.
	Development Regulations (Zoning Code), OMC, Title 13.	See OMC, Title 13	Zoning Variance
			Zoning Conditional Use
			Zone Change
City of Orting (continued) City of Orting (continued)	Environmentally Critical Areas, OMC, Title 11 Orting State Environmental Policy Act (SEPA) Policies, OMC, Title 5, Chapter 5 (This is the local ordinance intended to carry out the state SEPA requirements.)	Critical Areas Ordinance All activity meeting the threshold identified in RCW 43.21C and WAC Chapter 197-11.	Critical Areas Ordinance Regulations State Environmental Policy Act (SEPA) Review
	--	--	Any other adopted permit or required approval

<u>The Shoreline Application and Application Process</u>

In order to simplify the application process for the applicant, the City of Orting has adopted the Joint Aquatic Resources Permit Application, or "JARPA," as a part of its shoreline permit form. The JARPA provides a single application form that can be used to apply to the following agencies and departments for the following applications:

City of Orting

- Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption (within the Orting shoreline jurisdiction)
- Floodplain Management Permit and/or Critical Area Ordinances

Washington Department of Fish and Wildlife

- Hydraulic Project Approval (if project will use, divert, obstruct or change the natural flow or bed of any fresh or salt water of the state).

Washington Department of Ecology

- Section 401 Water Quality Certification (Corps of Engineers Nationwide Permit, FERC Hydropower license, and Corps of Engineers Individual Permit)
- Approval to Allow Temporary Exceeding of Water Quality Standards (if project will create a temporary exceeding of water

quality criteria established by the state for in-water work, e.g., changes in turbidity from sediment disturbances and pH changes from concrete curing)

Washington Department of Natural Resources

- Aquatic Resources Use Authorization Notification (if project is on, crosses, or impacts the shorelands of a navigable water)

U.S. Army Corps of Engineers

- Section 404 Permit (if project involves a discharge or excavation of dredged or fill materials waterward of OHWM, in waters of the United States, including wetlands)
- Section 10 Permit (any work in or affecting navigable waters of the United States (e.g., floats, piers, docks, dredging, piles, buoys, overhead power lines, etc.)

U.S. Coast Guard

- Section 9 Permit (construction of new bridge or modification to existing bridge over navigable waterway)

JARPA enables the applicant to fill out a single application packet that he or she can then forward to other agencies with jurisdiction over the development proposal. Use of the JARPA will simplify the application and review process for both the applicant and the project reviewer. The applicant will have only one application form to complete, and the various agency reviewers will receive the information they need to perform the review, and will know that the information provided to other agencies was consistent with what they received.

Other activities that could occur along the shoreline (starting bonfires, disposing or spilling/releasing of regulated or hazardous waste products, use of pesticides, activities within wetlands) may require other permits, review, or approval not identified here.

At the time of an initial inquiry or when a permit application is submitted, the City Shoreline Administrator will inform an applicant, to the best of the administrator's knowledge, of any additional regulations and statutes that may apply to the proposed project. The final responsibility for complying with such other statutes and regulations, however, shall rest with the applicant. A list of agencies, departments and phone numbers is provided in the Appendix of this SMP. Questions about permits, licenses, or review may be directed to the Permit Assistance Center of the Washington Department of Ecology.

<u>Potential Inconsistency Between Various Policies and Regulations</u>

The goals, policies, and regulations in this Shoreline Master Program apply in addition to other adopted ordinances and rules. It is the intent of regulatory reform to minimize or eliminate conflicts between the

various applicable City regulations, however, if conflicts exist, the policies and regulations that provide more protection to the shoreline area shall apply. These interlocking development regulations are intended to make shoreline development responsive to specific design needs and opportunities along the City's shorelines, and to protect the public's interest in the shorelines' recreational and aesthetic values.

1.07 ORGANIZATION OF THE SHORELINE MASTER PROGRAM

This Master Program is divided into nine Chapters:

Chapter 1: Introduction provides general background information on the state Shoreline Management Act; the development of the Shoreline Master Program in Orting; a general discussion of when and how a shoreline master program is used, how the shoreline master program relates to other plans and regulatory documents, and an explanation of the shoreline application and permit process.

Chapter 2: Definitions provides definitions for terms found in this document.

Chapter 3: Shoreline Environment describes the natural and built environment along the City of Orting shoreline and identifies management policies for this environment.

Chapter 4: Shoreline Goals and Policies lists the general goals that provide the foundation for the policies and regulations found in the Orting Shoreline Master Program.

Chapter 5: General Policies and Regulations. This chapter is based on the overall shoreline goals identified in Chapter 4. The general policies and regulations apply to all uses and activities that may occur in the shoreline jurisdiction. These regulations are intended to be used in conjunction with the more specific use and activity policies and regulations in the Orting Shoreline Master Program.

Chapter 6: Shoreline Use Policies and Regulations. This chapter addresses the policies and regulations that apply for only specific uses and activities typically found in shoreline areas. These policies provide a greater level of detail in addressing shoreline uses and their impacts, and provide the physical development and management standards for various types of use.

Chapter 7: Shoreline Modification Policies and Regulations. This chapter addresses those actions that modify the physical configuration or qualities of the shoreline area. These policies and regulations are intended to prevent, reduce and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act.

Chapter 8: Administration provides the system by which the Orting Shoreline Master Program will be administered and enforced, and provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, conditional use permits, and variances.

Chapter 9: Shoreline Restoration and Public Access lists the shoreline restoration and public access priorities to guide and increase public access to and recreational use of the shoreline areas within the city. It also provides information about outreach organizations and funding.

Appendix A: List of Federal and State Agency Contacts

Appendix B: Orting Shoreline Inventory Report and Orting's Critical Areas Regulations

1.08 TITLE

This document shall be known and may be cited as the "Orting Shoreline Master Program." This document may refer to itself as "this Master Program."

2. DEFINITIONS

Accessory Use or Accessory Structure - Any structure or portion of a structure or use incidental and subordinate to the primary use or development.

Adjacent Lands - Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The Shoreline Management Act (SMA) directs local governments to develop land use controls (i.e., zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local shoreline master program (see Chapter 90.58.340 RCW).

Administrator *(Shoreline Administrator)* - The City Administrator or his/her designee, charged with the responsibility of administering the shoreline master program.

Anadromous Fish - Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to procreate.

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. (On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM. Refer to WAC 173-27-040(2)(g).

Average Grade Level - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided, that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure (WAC 173-27-030(3)).

Benthos - Benthos are living organisms associated with the bottom layer of aquatic systems, at the interface of the sediment (or substrate) and overlying water column. Benthos commonly refers to an assemblage of insects, worms, algae, plants, and bacteria.

Best Available Technology (BAT) - The most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective and preferably low maintenance.

Best Management Practices (BMPs) - BMPs are methods of improving water quality that can have a great effect when applied by numerous individuals. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater runoff and in receiving waters.

Bioengineering - See ***Soil Bioengineering***.

Buffers or Buffer Area - Vegetated areas adjacent to wetlands, or other aquatic resources that can reduce impacts from adjacent land uses through various physical, chemical, and/or biological processes

Clearing - The destruction or removal of vegetation ground cover, shrubs, and trees including, but not limited to, root material removal and/or topsoil removal.

Comprehensive Plan - A generalized, coordinated land use policy statement adopted by the governing body of a county, city or town. Also referred to as a comprehensive land use plan.

Conditional Use - A conditional use is a use, development, or substantial development which is classified as a conditional use or is not classified within this shoreline master program.

Critical Areas – Critical areas are lands with natural hazards or lands that support certain unique, fragile, or valuable resource areas. Critical areas include the following ecosystems: areas with a critical recharging effect on aquifers used for drinking water; fish and wildlife habitat conservation areas; frequently flooded areas; geologically hazardous areas; wetlands and streams.

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level (RCW 90.58.030(3d)).

Development Regulations - The controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved

or adopted under chapter 90.58 RCW, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

Dock - *A dock is a floating landing and moorage facility for commercial and pleasure watercraft which abuts the shoreline and does not include recreational decks, storage facilities, or other appurtenances.*

Dredge Spoil - The material removed by dredging; also referred to as "dredge material."

Dredging - Excavation or displacement of the bottom or shoreline of a water body. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for flood hazard reduction, water intake maintenance, or for cleanup of polluted sediments.

Ecology - The Washington State Department of Ecology.

Emergency - *An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2d)). See also* ***Substantial Development****, section (D).*

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

Critical Areas Ordinance (Title 11, OMC), Orting - This ordinance provides the goals, policies, and implementing regulations for protecting the designated environmentally critical areas of Orting. The ordinance addresses sensitive area development controls; measures important for protecting and preserving these resources; preventing or mitigating cumulative adverse environmental impacts to sensitive areas; and serves to alert the public to the development limitations of sensitive areas.

Exemption - Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments and are, therefore, exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the Shoreline Management Act (SMA) must still be carried out in compliance with policies and standards

of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (RCW 90.58.030(3e); WAC 173-27-040(1b). See also ***Substantial Development***.

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

Fill - The addition of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Floodplain - Synonymous with 100-year floodplain. The land area susceptible to being inundated by stream derived waters with a 1 percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA (WAC 173-22-030(4)).

Floodway - The area, as identified in this master program, that either: (i) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Forest Practices - Any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include, but are not limited to: road and trail construction, final and intermediate harvesting, pre-commercial

thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees and brush control. See WAC 222-16-010(21).

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

HPA - Hydraulic Project Approval - The permit issued by the Washington State Departments of Fisheries or Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW.

Hearings Board - The Orting Planning Commission is designated as the Hearings Board as referenced in this document (see section 8.03, *Orting Hearings Board*).

Height - The distance measured from the average grade level to the highest point of a structure; provided, that television antennas, chimneys and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines; provided further, that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)). See also ***Building Height***.

In-kind Replacement - To replace wetlands, streams, habitat, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced, or degraded by an activity.

In-Stream Structure - A structure that is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

JARPA (Joint Aquatic Resources Permit Application) - The Washington Joint Aquatic Resources Permit Application can be used to apply for Hydraulic Project Approvals, Shoreline Management Permits, Approvals for Excedance of Water Quality Standards, Water Quality Certifications, Coast Guard Bridge Permits, Department of Natural Resources Use Authorization, and Army Corps of Engineers permits. The City of Orting uses this application as a part of its shoreline permit applications.

Fill - The placement of soil, sand, rock, gravel existing sediment or other material (excluding solid waste) to create new land, tideland, or bottom land along the shoreline waterward of the ordinary high water mark or on wetland or upland areas in order to raise the elevation.

Levee - A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

Marshes, Bogs and Swamps – See ***Wetlands***; also ***Hydrophyte***, and ***Hydric soil***.

Mitigation - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal (see WAC 197-11-768). The following is a list of mitigation techniques, listed in order of preference, with (a) being the most preferred:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

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

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

e. Compensating for the impact by replacing, enhancing, or providing substitute resource or environments; and

f. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Native Plants - These are plants that occur naturally, and that distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s.

Natural Riparian Habitat Corridor - The streamside environment designed and maintained primarily for fisheries and wildlife habitat, water quality improvement, groundwater recharge and secondarily for flood attenuation and storage, while allowing controlled public access that avoids damage to natural resources.

Nonconforming Development - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable Shoreline Management Act/Shoreline Master Program provision, or amendments thereto, but which no longer conforms to the applicable shoreline provisions (WAC 173-27-080(1)).

Non-water-oriented Uses - Those uses that are not water-dependent, water-related, or water-enjoyment. Adding public access features to a non-water-oriented use does not automatically change the inherent use to a water-enjoyment use. Examples include, but are not limited to, professional offices, automobile sales or repair shops, mini-storage facilities, residential development, department stores, and gas stations. See also ***Water-enjoyment***, ***Water-related***, and ***Water-oriented***.

Normal Maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2b)). See also ***Substantial Development (B.),*** and ***Normal Repair***.

Normal Protective Bulkhead - A bulkhead, common to single-family residences, constructed at or near the ordinary high water mark to protect an existing single-family residence, and which sole purpose is for protecting land from erosion, not for the purpose of creating new land (WAC 173-27-040(2c).

Normal Repair - To restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(2b)). See also ***Normal Maintenance***.

Off-site Replacement - To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

OHWM, Ordinary High Water Mark - That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department.

WAC 173-22-030(11) specifically states that for rivers/streams where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided rivers and streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

On-site Replacement - To replace wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted by a regulated activity.

Practicable Alternative - An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology and logistics in light of overall project purposes.

Professional Engineer - A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering and is licensed by the state of Washington or another state.

Public Interest - The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030(14)).

Qualified Professional – A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and a minimum of two years of related work experience.

A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.

A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

A qualified professional for critical aquifer recharge areas must be a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

Restoration - The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning

the shoreline area to aboriginal or pre-European settlement conditions.

Revetment - Erosion protection measures constructed on a slope, normally in the range of 1.5:1 to 2:1 (horizontal: vertical). Construction materials may be rock riprap, gabions, interlocking concrete parent units, or similar materials.

Riparian - Of, on, or pertaining to the banks of a river.

Riprap - A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Runoff - Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

SEPA - see ***State Environmental Policy Act.***

SEPA Checklist - A checklist is required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. The checklist will also help to reduce or avoid impacts from a proposal, and help the responsible governmental agency decide whether a full environmental impact statement (EIS) is required (WAC 197-11-960).

SMA - see ***Shoreline Management Act.***

SMP - see ***Shoreline Master Program.***

Salmon and Steelhead Habitats - Gravel bottomed streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, adult residency, cover and refuge from predators and high water; streams, creeks, lakes, rivers, estuaries, and shallow areas of saltwater bodies used as migration corridors; and salt water bodies used for rearing, feeding, adult residency, and refuge from predators and currents.

Shall - "Shall" indicates a mandate; the particular action must be done.

Shoreland Areas or ***Shorelands*** - Those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Washington Department of Ecology. Any county or city may

determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred (200) feet there from.

Within the City of Orting, the shorelands (i.e., shoreline jurisdiction) extend two hundred (200) feet from the ordinary high water mark (OHWM) and floodways associated with the Carbon and Puyallup Rivers, and include any wetlands associated with these two rivers, and land necessary for buffers for critical areas in accordance with RCW 90.58.030(2)(f)(ii).

Shoreline Administrator - The Orting Shoreline Administrator is the City Administrator. (See section 8.02, Administrator)

Shoreline Environment Designations - The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. See WAC 173-26.

Shoreline Jurisdiction - The term describing all of the geographic areas covered by the SMA, related rules and the applicable master program. Also, such areas within a specified local government's authority under the SMA. See definitions of ***Shorelines***, ***Shorelines of the State***, ***Shorelines of Statewide Significance***, and ***Wetlands.***

Shoreline Management Act of 1971 - Chapter 90.58 RCW, as amended.

Shoreline Master Program (SMP) - The comprehensive use plan and related 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. The SMP is used by local governments to administer and enforce the permit system for shoreline management. Master programs must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under Chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

Shoreline Modification - Physical construction on, or alteration to, a shoreline area. Examples of shoreline modifications include piers,

docks, bulkheads, riprap, and other modifications to riparian and wetland areas.

Shoreline Permit - A substantial development, conditional use, revision or variance permit or any combination thereof (WAC 173-27-030(13)).

Shorelines - All of the water areas of the state, including reservoirs and their associated shorelands, together with the lands underlying them, except (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes (see RCW 90.58.030(2)(d) and WAC 173-18, 173-19 and 173-22).

Shorelines Hearings Board - A six member, state-level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA. See RCW 90.58.170; 90.58.180; and WAC 173-27-220 and 173-27-290.

Shorelines of Statewide Significance - A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special preservationist policies apply and where greater planning authority is granted by the SMA. Permit review must acknowledge the use priorities for these areas established by the SMA. Neither the Puyallup River or Carbon River qualifies as a shoreline of statewide significance within the City of Orting. See RCW 90.58.020.

Shorelines of the State - The total of all shorelines and shorelines of statewide significance.

Should - The particular action is required, unless there is a compelling reason against it.

Soil Bioengineering - An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

Structural (or Hard) Erosion Control - Measures which include revetments, bulkheads, and seawalls, vertical rock walls, and similar facilities, constructed parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from the erosive action of waves or currents.

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (WAC 173-27-030(15)).

Substantial Development - Any development of which the total cost or fair market value exceeds $5,718.00(circa 2008), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection is adjusted for inflation by the state office financial management (OFM) every five years beginning July 1, 2007; EXCEPT for those uses excepted from the definition of substantial development by RCW 90.58.030(3)(e)(i)-(xi) . and WAC 173-27-040. These exemptions are listed in section 8.05 of Chapter 8: Administration. See also Development and Exemption.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in the master program. A variance is not a means to vary the *use* of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-27-170).

WAC - Washington Administrative Code.

Water-dependent Uses - A use or a portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include, marinas, aquaculture, sewer outfalls, swimming, and fishing. See also ***Water-enjoyment***, ***Water-related***, ***Water-oriented*** and ***Non-water oriented***.

Water-enjoyment - A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through the location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to shorelines of the state; and general water-enjoyment uses may include, but are not limited to, restaurants, museums, aquariums, scientific/ecological reserves, resorts and mixed-use commercial,

provided, that such uses conform to the above water-enjoyment specifications and the provisions of the master program. See also ***Water-dependent***, ***Water-related***, ***Water-oriented,*** and ***Non-water oriented***.

Water-oriented - A use that is water dependent, water-related, or water-enjoyment, or a combination of such uses. See also ***Water-dependent, Water-enjoyment***, ***Water-related***, and ***Non-water oriented.***

Water-related - A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

a. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,

b. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

See also ***Water-dependent, Water-enjoyment***, ***Water-oriented***, and ***Non-water oriented***.

Watershed Restoration Project - "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

a. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with

primary emphasis on using native vegetation to control the erosive forces of flowing water; or

c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

Watershed Restoration Plan - "Watershed restoration plan" means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

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

The criteria for identifying wetlands under the Shoreline Management Act is available in the Washington State Wetland Identification and Delineation Manual, Ecology Publication # 96-94.

Wetland Creation (Establishment) – The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic

plant species (Gwin et al. 1999). Establishment results in a gain in wetland acreage and function.

Wetland Enhancement – The manipulation of the physical, chemical, or biological characteristics of a biological wetland to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acreage.

Wetland Impacts, Indirect – result from activities adjacent to or upslope from an aquatic resource that may affect the way the aquatic resource functions. Indirect impacts can result from construction activities nearby (e.g. producing sediment that enters the wetland or other aquatic resource). Indirect impacts can also result from changing the hydrology in an area so there is too much or too little water after project construction, thereby changing or limiting wetland function. A road that crosses through a wetland affects more than just the area of wetland under the road fill. The flow of water through the wetlands often changes and the road may provide a barrier to animal movement as well as ongoing disturbances. In other instances, indirect impacts occur when so much of a wetland is lost that the remaining wetland area can't provide functions at its former levels. With some functions, as wetland size diminishes the functions and values of the wetland provided by the wetland decrease. In such cases, the agencies may consider the entire wetland to be adversely impacted and compensatory mitigation will be required for both direct and indirect impacts to the wetland.

Wetland Impacts, Permanent – are described as those impacts that result in the permanent loss of wetlands and/or waters of the U.S. These types of impacts are usually related to the footprint of a fill or other impacts such as completely drained areas.

Wetland Impacts, Temporal (long-term effects) – refer to those functions that can and will eventually be replaced but cannot and do not achieve similar functionality in a short period of time. Temporal impacts for replacing functions, such as song bird habitat in a tree canopy provided by a 50-year old palustrine forested wetland, may take over 20 years to develop the level of function lost at the impact site. Temporal impacts normally require compensatory mitigation and are usually reflected as an increase in the mitigation ratios required.

Wetland Impacts, Temporary (short-term effects) – are those lasting for a limited time and where functions can be replaced in a relatively short period of time (about one year). Compensatory mitigation is normally not required for temporary impacts to functions if these functions can be replaced within one growing season for the impact. For example, replacing the functions (such as habitat for small mammals, water quality functions, nutrient uptake) for palustrine emergent (PEM) wetlands may be done within one growing season if the disturbance is not severe.

Wetland Preservation (Protection/Maintenance) – The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres, but it may result in a gain in functions over the long term.

Wetland Restoration**,** – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

Wetland Re-establishment – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres and functions.

Wetland Rehabilitation – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

3. SHORELINE ENVIRONMENT

3.01 URBAN CONSERVANCY SHORELINE ENVIRONMENT

GOAL S-UC 1 Ensure that the designated Urban Conservancy shoreline environment in Orting is protected and preserved by restricting intensive development along shorelines, providing a wildlife buffer between the river and the adjoining residential and public service areas. Restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Policies

Pol. S-UC 1 The City shall designate as Urban Conservancy those shoreline areas meeting one or more of the following criteria:

1. They are suitable for water-related or water-enjoyment uses;

2. They are open space, floodplain or other sensitive areas that should not be more intensively developed; They have potential for ecological restoration; They retain important ecological functions, even though partially developed; or

   They have the potential for development that is compatible with ecological restoration.

Pol. S-UC 2 The shorelines of the Carbon and Puyallup Rivers within the city limits of Orting shall be designated as the Urban Conservancy shoreline environment.

Pol. S-UC 3 All shorelines of the Carbon and Puyallup Rivers annexed to the City from its urban growth area shall be automatically assigned the Urban Conservancy shoreline environment designation until redesignated through a shoreline master program amendment.

Pol. S-UC 4 New development should be limited to water-related or water-enjoyment uses.

Pol. S-UC 5 Non water-related or non water-enjoyment development should not be permitted in the Urban Conservancy environment.

Pol. S-UC 6 Residential development may be allowed when self-contained or when supporting public facilities such as sewer, water, and power are available, and where allowing such development will not lead to higher densities in the future.

Pol. S-UC 7 Critical areas, such as wetlands should be protected through vegetation management, maintenance, and erosion control regulations.

Pol. S-UC 8 The use regulations for the Urban Conservancy shoreline environment shall be as indicated by Chapters 5, 6, and 7 of this Master Program. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses.

3.02 Regulations

A. No new or expanded structure shall exceed a height of 35 feet, except for transmission lines and radio towers and other similar structures.

B. Permanent and temporary structures, storage, and hard surfaces shall be set back a minimum of 150 feet from the ordinary high water mark. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.

C. Developments associated with water-dependent uses and public access are not required to meet the 150 foot setback. However, where such development can be approved within the 150 foot setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. Accessory parking within public rights-of-way or on city land and serving shoreline access areas shall be restricted to a maximum of 3,000 square feet per site and shall not be covered with impervious surfaces.

3.03 LEGAL DESCRIPTION OF SHORELINE ENVIRONMENT

3.03.01 General

The following section accurately defines and maps the Urban Conservancy shoreline environment designation in the City of Orting.

3.03.02 Written Description

A. Carbon River

1. South Bank: Beginning at a point where the Carbon River intersects with Orting city limits in the northeast corner of Sec.32 T19 R5E, thence downstream along said Carbon River to the point where the northern Orting city limits intersects the Carbon River in the northwest corner of Sec.19 T19 R5E. Downstream, from the point where the Old City of Orting corporate limits intersect with the newly annexed portion of the City in the northwest corner of Sec. 29 T19N R5E, the City jurisdiction extends to the riverside edge of the top of the levee. Elsewhere, City jurisdiction extends to the centerline of the Carbon River.

B. Puyallup River

1. South Bank: Beginning at a point where the Puyallup River intersects with the southeastern Orting City limits in the northwest corner of Sec. 5 T18N R5E, thence downstream along said Puyallup River to the point where it intersects a portion of the southwestern Orting city limits in the southeast corner of Sec.31 T19N R5E.

2. North Bank: Beginning at a point where the Puyallup River intersects with the southeastern Orting city limits in the northwest corner of Sec.5 T18N R5E, thence downstream along said Puyallup River to the point where it intersects the northern Orting city limits in the northeast corner of Sec.25 T19N R4E. Downstream, from the point where the Old City of Orting corporate limits intersect with the newly annexed portion of the City in the northeast corner of Sec. 31 T19N R5E, the City jurisdiction extends to the riverside edge of the top of the levee.

3.03.03 Shoreline Environment Designation Map

Figure 1 depicts the Urban Conservancy shoreline environment designation contained within the City of Orting.

Figure 1

4. SHORELINE GOALS & POLICIES

4.01 INTRODUCTION

Shoreline management goals relating to program elements specified in RCW 90.58.100 have been identified for the City of Orting. These goal statements, and their supporting policies, address the following shoreline elements: Shoreline Uses and Activities, Economic Development, Circulation, Recreation, Conservation, Historic/Cultural Resources, and Public Access. These goals establish the basis from which the environmental designation, policies, regulations, and administrative procedures of the Shoreline Master Program are developed.

4.02 SHORELINE USES AND ACTIVITIES

GOAL S-UA 1 Maintain, restore and improve the quality of our shorelines.

Policies

Pol. S-UA 1 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.

Pol. S-UA 2 Preserve shorelines in a manner that assures a balance of shoreline uses with minimal adverse effect on the quality of water, life, or environment.

Pol. S-UA 3 Preference should be given to those uses or activities which enhance the natural amenities of the shorelines and which depend on a shorelines location or provide public access to the shoreline.

Pol. S-UA 4 Proposed shoreline uses and activities that have the potential of being objectionable due to noise or odor or otherwise offensive or unsafe conditions should be mitigated before approval is granted.

Pol. S-UA 5 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.

GOAL S-UA 2 **Promote reasonable and appropriate use of the shorelines, while recognizing and protecting private property rights consistent with the public interest.**

Policies

Pol. S-UA 6 Public access should be maintained and regulated.

Pol. S-UA 7 Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.

Pol. S-UA 8 Ensure that all planning, zoning and other regulatory and nonregulatory programs governing lands adjacent to shoreline jurisdiction are consistent with one another, the goals and policies of the Shoreline Management Act and the regulations and the provisions established in the Orting Shoreline Master Program.

4.03 ECONOMIC DEVELOPMENT

GOAL S-ED 1 **Ensure healthy, orderly economic growth by allowing those economic activities within the shorelands of Orting that will be an asset to the economy of the area and protect the quality of the shoreline environment.**

Policies

Pol. S-ED 1 Promote recreational uses of the shorelines to contribute to the economic attractiveness of the community.

Pol. S-ED 2 Proposed economic development in the shoreline should be consistent with Orting's comprehensive plan and development regulations. 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.

4.04 CIRCULATION

GOAL S-PA/C 1 **Provide safe, reasonable and adequate access and circulation systems to shorelines that have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.**

Policies

Pol. S-PA/C 1 Emphasis should be placed on pedestrian and bicycle paths, rather than roads.

Pol. S-PA/C 2 Parking facilities on shorelands are discouraged.

Pol. S-PA/C 3 Shoreline trails, parks and public access points along the Carbon and Puyallup Rivers shall be integrated with the City's trail system.

Pol. S-PA/C 4 Public access shall be sensitive to the unique characteristics of the shoreline and the natural character and quality of the environment and adjacent wetlands.

Pol. S-PA/C 5 Locate vehicular circulation facilities as far upland as possible to reduce interference with natural shoreline resources and other more appropriate shoreline uses. Where possible, avoid creating barriers between adjacent uplands and the shorelines.

Pol. S-PA/C 6 Discourage shoreline uses that curtail or reduce physical and visual access to the water and shoreline area.

GOAL S-PA/C 2 Increase and improve public access to shoreline areas provided that private rights, public safety, and the natural shoreline character are not adversely affected.

Policies

Pol. S-PA/C7 Public right-of-way to and along the shoreline should provide pedestrian access.

4.05 RECREATION

GOAL S-R 1 Provide additional water-oriented recreation opportunities that are diverse, convenient and adequate to support active, passive, and contemplative uses while protecting the integrity and character of the shoreline.

Policies

Pol. S-R 1 Recreational fishing should be supported and maintained.

Pol. S-R 2 Water-related recreational activities including accessibility to the shorelines edge and provisions of passive and active recreational uses should be encouraged.

Pol. S-R 3 Encourage recreational uses that are compatible with adjacent uses.

Pol. S-R 4 Encourage state agencies and other local governments to acquire additional property for public recreational use.

Pol. S-R 5 Integrate recreational elements into federal, state and local public access and conservation plans.

4.06 CONSERVATION

GOAL S-C 1 The resources and amenities of all shorelines within Orting are to be protected and preserved for use and enjoyment by present and future generations.

Policies

Pol. S-C 1 Erosion and pollution should be prevented.

Pol. S-C 2 Shoreline development should result in no net loss of shoreline environmental resources, such as water circulation, sand and gravel movement, erosion and accretion.

Pol. S-C 3 Reclaim and restore areas which are biologically and aesthetically degraded while maintaining appropriate use of the shoreline.

Pol. S-C 4 Unique, rare and fragile natural and man-made features as well as scenic vistas and wildlife habitats should be preserved and protected from degradation or interference.

Pol. S-C 5 Public access to unique or fragile geological or biological areas such as wetlands should be limited.

Pol. S-C 6 Development of shorelines that are identified as hazardous or sensitive should be discouraged.

Pol. S-C 7 Spawning grounds for steelhead and salmon should be protected, improved, and, if feasible, enhanced.

4.07 HISTORIC/CULTURAL RESOURCES

GOAL S-H/C 1 **Protect, preserve and/or restore important archaeological, historical, and cultural sites located in the shorelands of Orting for educational, scientific, and enjoyment of the general public.**

Policies

Pol. S-H/C 1 Acquire historic/cultural sites to ensure their protection and preservation with available funding.

Pol. S-H/C 2 Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management and environmental conservation.

Pol. S-H/C 3 Ensure that access to such sites does not reduce their cultural attraction or degrade the quality of the environment.

4.08 PUBLIC AWARENESS

GOAL S-PA 1 **Increase public awareness of its responsibility to maintain the quality of the environment and the intent of the Shoreline Management Act.**

Policies

Pol. S-PA 1 The City should develop standardized markers to inform the public of shoreline access routes, parking, and allowable activities in each area.

Pol. S-PA 2 The City should promote ways to educate citizens on tools and techniques that minimize adverse impacts on water quality.

Pol. S-PA 3 The City should coordinate with local schools on providing programs on the adverse impacts of littering, clearing brush, and off-road vehicle traffic on shorelines and water quality.

5. GENERAL POLICIES & REGULATIONS

5.01 INTRODUCTION

The following general policies and regulations are based upon the overall shoreline goals established in this Master Program (Chapter 4). The general policies and regulations apply to all uses and activities that may occur within the shoreline jurisdiction. These policies and regulations provide the overall framework for shoreline management.

The following general regulations are intended to be used in conjunction with the more specific use and activity policies and regulations in the Orting Shoreline Master Program. These categories of General Policies and Regulations include:

- General Regulations
- Archaeological and Historic Resources
- Clearing and Grading
- Environmental Impacts
- Critical Areas
  - Wetlands
  - Salmon and Steelhead Habitats
- Flood Hazard Management
- Parking
- Public Access
- Signage
- Vegetation Conservation
- Water Quality, Stormwater, and Nonpoint Pollution

5.02 GENERAL REGULATIONS

A. All proposed shoreline uses, and shoreline modification activities including those that do not require a Shoreline Substantial Development Permit, must conform to the Shoreline Goal provisions, General provisions, Environment Designation provisions (including the environment designation maps), Shoreline Use provisions and Shoreline Modification provisions.

B. All proposed shoreline development shall be designed in accordance with the State Environmental Policy Act, the City's Critical Areas Ordinance, the City's Municipal Code, and federal FEMA flood control regulations.

C. Shoreline modification activities must be in support of an allowable shoreline use which 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.

D. All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program.

E. Where provisions of this Master Program conflict with each other, the critical areas regulations, or with other laws, ordinances or programs, the more protective provisions shall apply.

5.03 ARCHAEOLOGICAL AND HISTORIC RESOURCES

5.03.01 Applicability

Archaeological and historic resources, because of their finite nature, are valuable links to the past and should be considered whenever a development is proposed along the state's shorelines. Where such resources are either recorded at the State Office of Archaeology and Historic Preservation and/or with the City of Orting, or have been inadvertently uncovered, the following regulations apply.

5.03.02 Policies

1. Public or private uses and activities should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value.

5.03.03 Regulations

A. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City, State Office of Archaeology and Historic Preservation and affected Indian tribes of any archaeological phenomena uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist in coordination with affected Indian tribes to ensure that all possible valuable archaeological data is properly salvaged.

B. Significant archaeological and historic resources shall be permanently preserved for scientific study, education, and public observation. If a qualified archaeologist determines that a site has significant archeological, natural, scientific, or historical value, a shoreline substantial development permit shall

not be issued. The City may require that development be postponed in the affected areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

C. 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, the project may be exempted from the permit requirements. If the project is exempt, the City shall notify the State Department of Ecology, the State Attorney General's Office, the Office of Archaeological and Historic Preservation, and affected Indian tribes in a timely manner.

D. 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.

E. Identified historical or archaeological resources shall be designed and managed to provide maximum protection to the resource and surrounding environment.

5.04 CLEARING AND GRADING

5.04.01 Applicability

Clearing and grading is the activity associated with developing property for a particular use. Specifically, "clearing" means the removal of vegetative ground cover and/or trees including, but not limited to, root and/or topsoil removal. "Grading" means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials. Clearing and grading activities may cause increased erosion, siltation, increased runoff and flood volumes, reduced flood storage capacity, and altered habitat.

5.04.02 Policies

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

2. Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development.

3. The City encourages proper site planning, construction timing and practices, bank stabilization, bioengineering, the usage of erosion and drainage control methods, the use of best available technology, vegetation control methods, and proper maintenance of all proposed developments to ensure quality environmental projects are constructed.

4. All cleared and disturbed sites remaining after construction has been completed should be promptly replanted with native vegetation. In limited circumstances, sites may be replanted with non-native plant species as approved by the City with input from the Department of Natural Resources, Department of Ecology, and other appropriate agencies consulted by the City. The planting plan should include appropriate soil bioengineering techniques and utilize best management practices.

5. All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age, and cover density. Clearing and grading should not lead to any net loss of ecological function of the shoreline jurisdiction.

6. All clearing and grading plans should address species removal, replanting, irrigation, erosion and sedimentation control. The clearing and grading plan should meet the City's municipal code requirements and regulations regarding maximum percentage of site clearing permitted.

5.04.03 Regulations

A. Land clearing, grading, filling shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not developed must be replanted within one (1) year with native species. The City, in consultation with appropriate resource agencies, shall review the proposal to confirm that amount of land clearing, grading, filling, and alteration of drainage features is the minimum necessary for development.

B. All shoreline development, both during and after construction, shall control, treat and release surface water runoff so that the quality of receiving waters and shore properties and features are not adversely affected. Control measures include but are not limited to levees, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers and fugitive dust controls.

C. Clearing and grading within the designated shoreline structural setback areas shall not exceed the following maximums (all

measurements should be taken parallel to the shoreline).
Clearing and grading of public street ends within public rights-of-way to provide shoreline access and limited accessory parking may not exceed 70% of the right-of-way area:

Parcels with:	**Maximum Cleared Area Allowed:**
Less than 200 feet of shoreline frontage	30 feet maximum of the lot frontage along the shoreline
Between 200 to 500 feet of shoreline frontage	15% of the lot frontage along the shoreline
Over 500 feet of shoreline frontage	15% of the total lot frontage, provided clearing occurs in two or more segments separated by at least 100 feet of undisturbed area, where no one segment exceeds seventy-five (75) feet in length along the shoreline

5.05 ENVIRONMENTAL IMPACTS

5.05.01 Applicability

The Shoreline Management Act is concerned with the environmental impacts that degrade the shoreline and its waters with contaminants, including the cumulative impacts of petroleum products, chemicals, solid or human waste or soil sediments from erosion.

5.05.02 Policies

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

2. Development and activities within the shoreline jurisdiction should not result in a net loss of ecological function.

5.05.03 Regulations

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

B. Ambient noise levels shall be a factor in evaluating a shoreline permit application. Shoreline developments that would increase

noise levels to the extent that the natural character of the shoreline would be disrupted shall be prohibited.

C. Solid waste, liquid waste and untreated effluent shall be prohibited within the shoreline jurisdiction.

D. The release of oil, hazardous materials or chemicals within the shoreline jurisdiction is prohibited. Equipment used to transport, store, handle or apply hazardous materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, further use of the equipment shall be suspended until corrected.

E. Proposed shoreline uses and activities shall utilize best management practices to prevent increased surface runoff and to control, treat and release surface water runoff. The Administrator shall review and approve the method of surface water control and the maintenance program for all shoreline development proposals. Control measures include but are not limited to catch basins or settling ponds, installation and required maintenance of oil/water separators, grassy swales, interceptor drains and landscaped buffers.

F. Proposed shoreline development shall utilize best management practices and effective erosion control methods (such as those defined in the Stormwater Management Manual for the Puget Sound Basin and the City's stormwater management ordinance) during both construction and operation.

G. Proposed shoreline uses and activities shall be located, designed, constructed and managed to avoid disturbance of and to minimize impacts to water quality, fish and wildlife resources, including spawning, nesting, rearing, feeding and habitat areas, and migratory routes.

H. Proposed shoreline development shall not cause any hazard to public health and safety and the proposal shall be aesthetically compatible with the surrounding area.

I. Herbicides and pesticides shall not be applied or allowed to enter water bodies or wetlands unless approved by the appropriate agencies (State Department of Agriculture, Ecology, U.S. Department of Agriculture, and/or the Seattle Regional Office of Environmental Protection Agency (EPA).

J. Alternatives to the use of chemical fertilizers, herbicides, and pesticides shall be a preferred best management practice (BMP). The use of time release fertilizer and herbicides shall be preferred over liquid or concentrate application.

K. All new shoreline development and activities within the Orting shoreline jurisdiction shall be located, designed, constructed, and managed in a manner that avoids, minimizes, and mitigates adverse impacts to the environment. In approving shoreline developments, the City shall ensure that shoreline development, use, and/or activities will not result in a net loss of ecological function. To this end, the City may require mitigation consistent with WAC 173-26-201(2)(e).

5.06 FLOOD HAZARD MANAGEMENT

5.06.01 Applicability

GOAL S-FM 1 Protect the City of Orting from losses and damage created by flooding.

5.06.02 Policies

1. The City shall coordinate with outside public agencies, including the U.S. Army Corps of Engineers, the Federal Emergency Management Administration, and other appropriate interests to seek solutions to flooding. The City shall support projects that have a positive environmental benefit.

2. The City shall emphasize long-term solutions over short term solutions.

5.06.03 Regulations

A. The City shall require and utilize the following information during its review of flood protection proposals:

- Purpose of the project;
- Hydraulic characteristics of the river within one-half (0.5) mile on each side of the proposed project;
- Existing shoreline stabilization and flood protection devices within one-half (0.5) mile on each side of the proposed project;
- Biological characteristics of the area, including fish and wildlife resources;
- Construction material and methods;
- Physical, geological, and/or soil characteristics of the area;

- Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and

- Alternative measures (including non-structural) that will achieve the same purpose.

B. Development and uses proposed within shoreline jurisdiction shall be consistent with the City's flood hazard prevention regulations.

5.07 CRITICAL AREAS

5.07.01 Applicability

Critical areas constitute the most environmentally fragile parcels within the City which support resources that are economically and culturally important to the State of Washington under the Shoreline Management Act. They can be natural resources that provide fish habitat or areas that may threaten the health and safety of the public, such as floodways or unstable slopes. "Critical areas" shall apply to the following:

a. Wetlands (delineated according to Washington State Wetlands Identification and Delineation Manual (Washington Department of Ecology, March 1997, Ecology Publication #96-94),

b. Areas with a critical recharging effect on aquifers used for potable waters;

c. Fish and wildlife habitat conservation areas;

d. Frequently flooded areas;

e. Geologically hazardous areas

The City of Orting Environmentally Critical Areas regulations as codified in Title 11 of the Orting Municipal Code (Ordinance 806, 6-30-2005), are herein incorporated into this master program except as noted. Any conflicts between the incorporated ordinances and the SMP are resolved in favor of the regulation that is most protective of the ecological functions. Exceptions to applicability of the environmentally critical area regulations in the shoreline jurisdiction are OMC 11-1-4 Exemptions; 11-1-5 Reasonable Use Exceptions; 11-1-8 Variances; Chapter 2 Critical Area Determinations; 11-4-1 Wetlands; 11-4-2-C Impervious Surface Ratio; 11-4-2-E Development Design; and 11-4-6 Critical Habitat Areas.

5.07.02 Policies

1. For proposed shoreline uses, developments, and activities within the Orting shoreline jurisdiction, the City shall protect existing ecological functions and processes of critical areas using best available science. This includes the restoration of degraded shoreline areas, if applicable.

2. Conserve and maintain designated open spaces for ecological reasons and for educational and recreational purposes.

3. Recognize that the interest and concern of the public is essential to the improvement of the environment. The City shall sponsor and support public information programs to that end.

4. The level of public access should be appropriate to the degree of uniqueness or fragility of the geological and biological characteristics of the shoreline (e.g., wetlands, spawning areas).

5.07.03 Regulations

A. Proposed shoreline uses and activities shall be located, designed, constructed and managed to protect the existing ecological functions of critical areas.

B. Proposed shoreline uses, developments, and activities on sites within the shoreline jurisdiction must comply with all applicable local, state and federal laws including but not limited to FEMA flood control management codes and regulations and the State Environmental Policy Act.

5.07.A WETLANDS

5.07.A.01 Applicability

Wetlands serve many important ecological and environmental functions, and help to protect public health, safety, and welfare. The beneficial functions performed by wetlands include, but are not limited to, providing habitat for fish and wildlife; recharging and discharging ground water; and storing storm and flood waters to reduce flooding and erosion. The following provisions apply to all wetlands delineated according to the Washington State wetland delineation manual.

5.07.A.02 Policies

1. Wetland ecosystems should be preserved and protected, and unavoidable impacts should be mitigated, so that there is no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.

2. A wetland buffer zone of adequate width should be maintained between a wetland and any adjacent development to protect the ecological functions and integrity of the wetland. The width of the buffer zone should be based upon the functions and sensitivity of the wetland and the potential impacts associated with the adjacent land use.

3. All activities that could potentially affect wetland ecosystems should occur outside of the wetland and the buffer zone in a manner that prevents adverse impacts to the wetland functions.

5.07.A.03 Regulations

A. Wetlands shall be delineated in accordance with the "Washington State Wetlands Identification and Delineation Manual," Ecology Publication #96-94, March 1997, or as revised by Ecology.

B. Wetlands shall be rated according to the "Washington State Wetland Rating System for Western Washington, Revised," Ecology Publication #04-06-025, August 2004, or as revised by Ecology.

C Shoreline development proposed within 300 feet of a shoreline jurisdictional wetland shall require preparation of a wetland analysis by a qualified professional. The analysis shall include the wetland rating, a functional assessment of the wetland and potential buffers, and notes of any water features and other critical areas and their related buffers in the proximity of the wetland. This requirement may be waived or modified when the City determines, in consultation with Ecology, that the activity will have no impact on adjacent wetlands.

D Development and uses shall be prohibited from wetlands and buffers, except as provided for in this shoreline master program. In wetlands, only the following uses shall be allowed, provided they are conducted using best management practices:

1. Outdoor recreational activities, including fishing, bird-watching, and hiking

2. The maintenance of drainage ditches.

3. Nature trails. Trails shall be limited to elevated trails in wetlands for pedestrian use only, placed within the outer twenty five (25) feet of the wetland.

4. Utility lines.

5. Shoreline restoration

E. In addition to those activities listed above in Regulation No. D, the following activities are allowed within wetland buffers provided that buffer impacts are minimized and that disturbed areas are immediately restored:

1. Normal maintenance and repair of existing structures or improved areas. Maintenance and repair does not include modifications that change the character, scope or size of the original structure or improved area.

2. Nature trails. Trails shall be limited to permeable surfaces for pedestrian use only.

3. Vegetation-lined swales designed for storm water management; provided that they are placed within the outer twenty five (25) feet of the buffer of Category III or IV wetlands, only.

4. Shoreline restoration

F. Standard wetland buffer widths are those determined by Ecology and described in *Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands*, Appendix 8-C, Buffer Alternative 3, Ecology Publication #05-06-008, or as revised by Ecology. Buffer widths are based on wetland category, wetland characteristics and land use intensity.

G. Wetland buffers shall be retained in their natural condition. Buffers shall be maintained as areas of undisturbed native vegetation for the protection of wetland functions.

H. The buffers for a wetland created, restored or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored or enhanced wetland.

I. Development or uses shall not be authorized in a wetland or its' buffer unless applicants demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to wetlands. When an alteration to a wetland is proposed, such alteration shall be avoided, minimized, or

compensated for in the following sequential order of preference:

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

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

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

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

6. Monitoring the impact and taking appropriate corrective measures.

J. Where wetland or buffer alterations are permitted by the City, the applicant shall mitigate impacts to achieve no net loss of wetland acreage and functions. Compensatory mitigation shall be provided according to *Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands*, Appendix 8-C, Ecology Publication #05-06-008, or as revised by Ecology.

K. Mitigation plans shall be consistent with *Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans*, Ecology Publication #06-06-011b, or as revised by Ecology.

L. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

1. The bank is certified under Chapter 173-700 WAC;

2. The Shoreline Administrator, in consultation with Ecology, determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

3. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

4. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the Shoreline Administrator prior to the commencement of

permitted activities. Such field markings shall be maintained throughout the duration of the permit.

M. Permanent signs. As a condition of any permit or authorization issued pursuant to this master program, the City may require the applicant to install permanent signs along the boundary of a required wetland buffer.

N. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. Signs must be posted at an interval of one per lot or every 200 feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the Administrator:

1. "Protected Area"
2. "Do Not Disturb"
3. "Contact [local contact information]"
4. "Regarding Uses and Restriction"

O. Fencing. The City shall condition any permit or authorization to require the applicant to install a permanent fence at the edge of the wetland buffer, when fencing will prevent future impacts to the wetland area. Fencing installed as part of a proposed activity or as required shall be design so as to not interfere with species migration and shall be constructed in a manner that minimizes impacts to riparian and wetland areas.

P. Performance or maintenance bonds or other security may be required by the City to assure that work is completed, monitored and maintained.

5.07.B SALMON AND STEELHEAD HABITATS

5.07.B.01 Applicability

It is vital to protect and enhance salmonid habitats within the Carbon and Puyallup Rivers and the smaller tributaries that flow into these waterways. The following policies and regulations apply to the Carbon and Puyallup Rivers, and the streams and tributaries within the designated shoreline jurisdiction that provide habitat for salmonids. (Refer to the *Orting Shoreline Inventory & Characterization Report* and the Washington State Department of Fish and Wildlife salmonid habitat database for specific locations of salmon and steelhead habitats).

Potential salmonid habitats within shorelines in Orting are: 1) gravel bottomed streams used for spawning; 2) areas of streams and wetlands used for rearing,

feeding, and refuge from predators and high waters; and 3) streams used as migration corridors.

5.07.B.02 Policies

1. The City encourages aggressive efforts to protect and enhance salmonid habitat because of its importance to the aquatic ecosystem and the local economy.

2. Non-water dependent or non-water-related uses, activities, structures and fills should not be located in salmonid habitats.

3. Where new non-water-dependent uses, activities, and structures must locate in salmonid habitats, impacts on these areas shall be lessened to the greatest extent possible. Significant unavoidable impacts should be mitigated by creating in-kind replacement habitat near the project where feasible. Where in-kind replacement mitigation is not feasible, rehabilitation of degraded habitat is required.

4. Proposed development that have the potential to significantly affect salmonid habitat shall develop mitigation measures in consultation with the City of Orting, the State Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the Washington State Department of Ecology and the Muckleshoot Indian Tribe.

5. For proposed development, the City prefers full spanning structures without center support piles for crossing salmonid habitat.

6. Proposed structures and uses that create significant impervious surfaces shall include stormwater treatment systems.

   Review of proposals for new impervious surfaces shall be guided by the City's adopted stormwater regulations in conjunction with the impervious surface and stormwater treatment requirements of the most recent version of Stormwater Management Manual for the Puget Sound Basin. This review shall apply with the following exception:

   a. The Orting Shoreline Administrator or his/her designee shall have authority to waive compliance with these guidelines for proposals with total impervious surface areas less than five thousand (5,000) square feet if the impact of the proposal does not warrant runoff treatment. Proposals for new impervious surface areas greater than five thousand (5,000) square feet shall adhere to the Stormwater

Management Manual for the Puget Sound Basin regulations.

7. The City of Orting encourages and supports Adopt-A-Stream programs and similar efforts to protect and rehabilitate salmonid spawning, rearing, feeding, refuge, and migration habitat.

5.07.B.03 Regulations

A. Proposed shoreline development and activity shall be scheduled to protect biological productivity and to minimize interference with salmonid migration, spawning, and rearing.

B. Proposed fish bypass facilities shall allow adult fish to migrate upstream. New fish bypass facilities shall prevent fry and juveniles migrating downstream from being trapped or harmed.

C. All new development sites adjacent to the Puyallup or Carbon River shall retain a one hundred and fifty (150) foot buffer of native vegetation measured from the ordinary high water mark (OHWM) of the river.

D. Proposed shoreline protection structures are allowable only under the following conditions:

   1. The applicant demonstrates that shoreline or streambank stabilization is necessary, and

   2. The applicant demonstrates that soil bioengineering techniques for stabilization are not feasible or otherwise will not be successful.

E. Proposed shoreline protection structures may intrude into salmonid habitat only where the applicant can demonstrate that all of the following conditions are met:

   1. An alternative alignment, location, or technology is not feasible;

   2. The project is designed to minimize impacts on the environment;

   3. The project does not adversely affect salmonid spawning habitat;

   4. The facility is in the public interest; and

5. If the project will create significant unavoidable adverse impacts on habitat, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitation of degraded habitat may be required as a substitute.

F. Proposed bridges must be designed and constructed in a manner that minimizes impacts to the riparian habitat subject to the following conditions:

1. Bridge supports must be landward of the ordinary high water mark, and

2. Bridges over the Carbon or Puyallup Rivers must have open pile supports.

G. If a bridge is not feasible for a stream crossing, the City of Orting may allow the use of stream conveyance facilities beneath a crossing subject to City staff review. All stream conveyance facilities must have natural stream bed materials in the bottom to replicate habitat conditions in the natural stream channel. Due to this requirement, the descending order of priority for stream conveyance facilities is as follows:

1. Bottomless arch culverts are preferable because they preserve the natural bed of the stream channel;

2. If an artificial-bottomed culvert must be used, it is preferable to use an elliptical culvert because it provides a wider channel bottom than a circular culvert;

3. If neither a bottomless arch or elliptical culvert can be used, then it is acceptable to use a circular culvert;

4. Any culvert used as a crossing structure shall be as short in length as possible, and use vertical head walls instead of mitered ends.

The City of Orting may decide on a case-by-case basis what is acceptable for accomplishing a water crossing based on the review of site conditions. The City may also consider the use of new water crossing technologies as they emerge.

H. New in-water utility corridors may be located in salmonid habitat provided the applicant shows that all of the following conditions are met:

1. An alternative alignment is not feasible;

2. The project is located and designed to minimize its impacts on the environment;

3. Adverse impacts caused by the project are adequately mitigated; and

4. Any fill is located landward of the ordinary high water mark.

5. When installing in-water utilities, the installer should reestablish the preconstruction elevation and contour of the river or stream bed. Placement of fill materials shall be conducted in a manner that minimizes impacts on the environment, and

6. The facility must be in the public interest.

I. Dredging which will adversely affect salmonid habitat shall be allowed only when the applicant obtains a conditional use permit and demonstrates that all of the following conditions are met:

1. The dredging is for a water-dependent use;

2. An alternative to dredging or an alternative dredging location is not feasible;

3. The dredging activities are designed to minimize impacts on the environment;

4. The dredging project is in the public interest; and

5. If the project will create significant unavoidable adverse impacts on habitat, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind mitigation is not feasible, rehabilitation of degraded habitat may be required as a substitute.

J. Permanent river bed or stream channel modifications and realignments are prohibited within salmonid habitats, except when the proposed modifications or realignments are part of a fish habitat restoration project which has been reviewed and approved by the Washington State Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or the U.S. Army Corps of Engineers.

K. The removal of riparian vegetation within or adjacent to salmonid habitat shall be prohibited unless the activity is part of a City-approved restoration project. See section on *Vegetation Management* in this chapter.

L. Outfalls within or upstream of salmonid spawning areas shall be designed and constructed to prevent scouring or other disturbance of salmonid spawning beds.

5.08 PARKING

5.08.01 Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. The following provisions apply only to parking that is accessory to a permitted shoreline use.

5.08.02 Policies

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

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.

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

5.08.03 Regulations

A. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use.

B. Parking facilities shall provide adequate provisions to control surface water runoff from contaminating water bodies.

C. Parking facilities shall be in areas where they will have the least possible effect on the unique and fragile shoreline features. Development proposals for parking facilities shall be designed to have no net loss of ecological function of the shoreline area.

D. Parking facilities must be set back a minimum of one hundred and fifty (150) feet from the ordinary high water mark unless they are small accessory facilities of not more than 3,000 square feet

located on public rights-of-way or city-owned land are supporting public recreational uses, and are not impervious.

5.09 PUBLIC ACCESS

5.09.01 Applicability

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. Public access includes picnic areas, pathways, fishing areas, trails, promenades, bridges, street ends, view points and others.

There are about 80 parcels in the Orting shoreline jurisdiction area. Some are totally within and some are partially within the shoreline area. Of this total, about 7% are city-owned, 27% are owned by other public agencies, and the remaining 66% are privately-owned. While the number of publicly-owned parcels is only 1/3 of the total, the river frontage of those parcels is very significant. Except for the site of the Orting wastewater treatment plant, and rights-of-way, all of the city-owned parcels are city parks and are zoned "Open Space and Recreation". The rest of the publicly-owned parcels are under the control of the Orting School District and Pierce County. Pierce County owns and manages the levees that exist along both rivers through Orting's jurisdiction.

<u>Segment A - Puyallup River</u>
The City of Orting owns two major sites and controls nearly a mile of the Puyallup River frontage near the north city limits. Village Green Wetlands Park is aptly named and is planned to largely be an open space/riparian habitat with a nominal amount of passive recreation use in the limited upland portion adjacent to the Village Green neighborhood.

Three Orting School District parcels are within the Puyallup River shoreline area. These amount to about ¾ mile of river frontage and contain a significant amount of delineated wetlands. These portions of the shoreline will not be developed. The District and the City have secured a Conservation Futures grant funding for a "Central Park and Riverfront Habitat" project that will provide enhancements to the shoreline area in this vicinity.

Pierce County has ownership of most of the Puyallup River shoreline area on both sides of the River in the southern portion of the city (15 parcels). The County and U.S. Army Corps of Engineers have designed the Soldiers Home Setback Levee Project that will create more than a mile of restored riparian habitat. Except for this project, no development within the shoreline jurisdiction in this area is anticipated, given the ownership and environmental characteristics.

<u>Segment B - Carbon River</u>
More than a mile of Carbon River frontage north of the Orting Wastewater Treatment Plant has been dedicated as either private open space or city park land as part of a

2003 residential development permitting process. The wastewater treatment plant site within the shoreline jurisdiction is essentially developed. The Orting School District campus (high school and middle school) has Carbon River frontage that is used for sports activities. The District has no plans for development in this area. Pierce County owns four parcels on the Carbon.

Legal Framework for Public Access

An important goal of the Shoreline Management Act is to protect and enhance public access to the state's shorelines. Specifically, the SMA states:

> **RCW 90.58.020:**
>
> *"[T]he public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.*
>
> *"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for…development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."*

Public access and use of the shoreline is supported, in part, by the Public Trust Doctrine. The essence of the doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of shorelands to protect the public's right to use the waters of the state. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access the tidelands. It does, however, protect public use of navigable water bodies below the ordinary high water mark.

Requiring public access on privately owned property as a condition of development has been the subject of considerable legal review. The Constitution of Washington 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. While the SMA stresses the need for public access, the U.S. Constitution provides for protection of certain private property rights. Where public access is required as a permit condition, the courts have stated that there must be a rational connection between the project's impact on public access and the public access requirement.

5.09.02 Policies

1. Public access to the Orting shorelines does not include the right to enter upon or cross private property, except for dedicated public easements.

2. Public access provisions should be incorporated into all private and public developments, except for individual single family residences.

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

4. Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment and adjacent critical areas.

5. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment.

6. Shoreline areas that hold unique value for public enjoyment should be purchased for public use, and public access areas should be of sufficient size to allow appropriate access, passage and enjoyment of the water.

7. Public access should be designed to provide for public safety and to minimize potential conflicts with private property and individual privacy. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means.

8. Public views of the shoreline should be enhanced and preserved. Enhancement of views should not be construed to mean excess removal of vegetation.

9. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever financially feasible and possible.

10. Public access facilities should be maintained to provide a clean and safe experience and protect the environment.

5.09.03 Regulations

A. Public access required. Public access shall be required for all shoreline development and uses, except for a single family residence or residential projects containing three (3) or fewer dwelling units.

B. A shoreline development or use that does not provide public access may be authorized provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.

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

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

3. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.

4. Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or

5. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

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

a. Regulating access by such means as limiting hours of use to daylight hours.

b. Designing separation of uses and activities, with such means as fences, terracing, and providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.

Where the above conditions cannot be met, a payment in lieu of providing public access shall be required in accordance with RCW 82.02.020 (relating to fees associated with development).

C. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, the natural

vegetation shall not be excessively removed either by clearing or by tree topping.

D. Public access sites shall be connected directly to the nearest public street.

E. Public access sites shall be made barrier free for the physically disabled where feasible.

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

G. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land. Said recording with the Auditor's office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval or disapproval).

H. The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. In accordance with Public Access regulation #B in this section, signs controlling or restricting public access may be approved as a condition of permit approval.

I. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.

J. Physical public access shall be designed to prevent significant impacts to sensitive natural systems.

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

L. Where public access trails are to be provided the trail shall be no wider than 8, plus 1 foot gravel shoulders, for a maximum width of 10 feet. Trails shall be located to avoid and minimize environmental impacts. Trails shall be made of pervious surfaces to the extent reasonably feasible.

5.10 SIGNAGE

5.10.01 Applicability

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

5.10.02 Policies

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

2. Signs should not visually block views of the water or shorelines.

3. The design of signs should not reduce vehicle safety or visual aesthetics from adjacent property.

4. Signs should be of a permanent nature and physically attached to the building..

5. Outdoor advertising and billboards should not be considered an appropriate use within the shoreline jurisdiction.

5.10.03 Regulations

A. All signs shall be located and designed to minimize interference with views of the shoreline.

B. The following signs are allowed:

   1. Highway signs necessary for operation, safety and direction.

   2. Public information signs directly relating to a shoreline use or activity.

   3. Off-premise, free standing signs for community identification, information, or directional purposes.

C. The following signs are prohibited:

   1. Signage in view corridors which impair visual access.

2. Billboards.

3. Signs placed on trees or other natural features.

4. Commercial signs for products, services or facilities located off-site.

D. All signs shall comply with the City's sign ordinance.

5.11 VEGETATION CONSERVATION

5.11.01 Applicability

Vegetation within and adjacent to water bodies provides a valuable function for the health of riparian ecosystems. Vegetation conservation includes activities to protect and restore vegetation along or near shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Best available science indicates that the length, width, and species composition of a shoreline vegetation community contribute substantively to the aquatic ecological functions. Likewise, the biota within the aquatic environment is essential to ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When shoreline vegetation is removed, the narrower the area of remaining vegetation, the greater the risk that the functions will not be performed.

The technology of bioengineering uses live plant materials as a main structural component. As these plant materials grow, these systems work with the natural environment to create the permanent protection and preservation of land. The advantage of soil bioengineering is often found where conventional stabilization and erosion control methods are limited in benefits, uneconomical, unsuitable or ineffective. Vegetation also mitigates seasonal temperature swings of waters, provides habitat for wildlife, and contributes to the aesthetic quality of the area. This system should be considered when evaluating any shoreline modification activity.

5.11.02 Policies

1. Native plant communities within and bordering shorelines, wetlands, creeks, and side channels should be protected and maintained to protect the ecological functions of the shoreline environment.

2. Shoreline restoration projects should, wherever feasible, use soil bioengineering techniques to minimize the processes of erosion, sedimentation, and flooding.

3. Aquatic weed management should involve usage of native plant materials wherever possible in soil bioengineering applications and habitat restoration activities. Where removal of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal or modification of aquatic vegetation should prevent adverse impacts to native plant communities and salmonid habitat. Weed management and removal should include appropriate handling or disposal of weeds and weed seedlings.

4. The design and usage of native vegetation for prevention and control of shoreline erosion should be encouraged where:

    a. The length and configuration of the shoreline will accommodate the proposed design;

    b. Such protection is a reasonable solution to the needs of the specific site; and

    c. Shoreline restoration will accomplish the following objectives:

        i. Recreate natural shoreline conditions and habitat;

        ii. Reverse otherwise erosional conditions; and

        iii. Enhance access to the shore, especially to public shores.

5. The following best management practices should be incorporated into vegetation management activities:

    a. Avoid use of herbicides, fertilizers, insecticides, and fungicides near water bodies within the City.

    b. Limit the amount of lawn and garden watering to reduce surface runoff.

    c. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.

5.11.03 Regulations

A. Shorelines shall be protected from degradation caused by the modifications of the land surface within the shoreline area and/or the adjacent uplands.

B. Restoration of any shoreline or streambank that has been disturbed or degraded shall use noninvasive plant materials with a diversity and type similar to that which most recently occurred on-site.

C. Stabilization of exposed erosion-prone surfaces along shorelines of rivers, streams, side channels, and wetlands shall, wherever feasible, utilize soil bioengineering techniques.

D. Aquatic vegetation 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 vegetation control shall occur in compliance with applicable state and federal regulations.

E. A shoreline substantial development permit is required for the control of aquatic vegetation by any method that disturbs the river bottom sediment.

F. The application of herbicides or pesticides in rivers, streams, wetlands, or ditches requires a permit from the Washington State Department of Ecology and may require preparation of a SEPA checklist for review by the City and other state agencies.

G. Trimming of trees and vegetation is allowed within shoreline setback areas without a landscape plan, provided:
- This provision is not interpreted to allow clearing of vegetation,
- Trimming does not include topping, stripping or imbalances; a minimum of 60% of the original crown shall be retained to maintain tree health,
- Trimming does not impact the ecological functions and values of the shoreline area, including fish and wildlife habitat,
- Trimming is not located within a wetland or wetland buffer.

H. The removal of noxious weeds is allowed. Prior to any weed removal, the applicant must obtain authorization from the City for noxious weed removal activities within the shoreline jurisdiction.

I. The required shoreline setback shall be treated as a riparian buffer of undisturbed native vegetation for the protection of shoreline functions. The riparian buffer shall extend 150 feet landward from the OHWM, EXCEPT

J. Developments associated with a water-dependent uses and public access are not required to meet the 150 foot setback. However, where such development can be approved within the 150 foot setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking facilities be allowed within the 150 foot setback, unless they are small facilities of not more than 3,000 square feet in area, are not impervious surfaces, and are accessory to public recreational uses.

K. The limited clearing and grading allowed per Section 5.04.03, Regulation No. C.

5.12 WATER QUALITY, STORMWATER, AND NONPOINT POLLUTION

5.12.01 Applicability

The following section applies to all new development and uses within shorelines of the state, as defined in WAC 173-26-020, that affect water quality.

5.12. 02 Policies

1. The City should prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline functions, or a significant impact to aesthetic qualities, or recreational opportunities.

2. The City of Orting should ensure that there is mutual consistency between shoreline management provisions and other regulations that address water quality and storm water quantity, including public health, storm water, and water discharge standards. The regulations that are most protective of ecological functions should apply.

5.12.03 Regulations

A. All new development proposals shall comply with the *Stormwater Management Manual for Western Washington, Volumes I-V (Ecology Publication Nos. 05-10-029 through 033)* and other City regulations that address water quality and storm water quantity, including public health, storm water, and water discharge standards.

B. The City shall encourage restoration of natural floodplain functions that will have multiple benefits: reduction of flood damage to life and property and improvement to water quality and fish and wildlife habitat.

6. SHORELINE USE POLICIES & REGULATIONS

6.01 INTRODUCTION

Shoreline Use provisions are more detailed than the preceding General Shoreline Policies and Regulations. The Shoreline Use policies and regulations apply to *specific* shoreline use categories and provide a greater level of detail in addressing shoreline uses and their impacts. Use policies establish the shoreline management principles that apply to each use category and serve as a bridge between the various elements in the Shoreline Master Program goals (e.g., Circulation, Economic Development, Public Access, etc.) and the use regulations that follow. Use regulations set physical development and management standards for development of that type of use. Shoreline Use categories include:

- Commercial Development
- Forest Practices
- Industrial Development
- Mining
- Recreational Development
- Residential Development
- Transportation Facilities
- Utilities

Development standards, specifically minimum setback requirements, are identified under each specific shoreline use, as appropriate.

6.01.01 Regulations

The following activities are specifically prohibited uses within the shoreline jurisdiction in the City of Orting:

- Agriculture
- Aquaculture
- Boating facilities
- Commercial development
- Forest practices
- Industry
- Mining
- Piers and docks

6.02 COMMERCIAL DEVELOPMENT

6.02.01 Applicability

Commercial development means those uses that are involved in wholesale, retail, service and business trade. Examples include hotels, commercial horticultural nurseries, commercial kennels, shops, offices, and restaurants.

6.02.02 Regulations

A. Commercial development is a prohibited use activity within the City's shoreline jurisdiction.

6.03 FOREST PRACTICES

6.03.01 Applicability

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 6.07, *Industrial Development*). Timber cutting, alone, is not a development subject to a substantial development permit, however, this activity is subject to review under Chapter 222, Section 16 WAC, Forest Practices Act Exemptions. Road building or grading for landings or major fire trails associated with timber removal are defined as developments and may require substantial development permits (see section 6.11, *Transportation Facilities*).

The policies and regulations pertaining to these activities are not applicable to the City of Orting. There are no known timber-harvesting related operations within the shoreline jurisdiction. Any timber-removal activities occurring within the shoreline jurisdiction must comply with state regulations. If such activities are established in the future, regulations will be established by amendment to this program.

6.03.02 Regulations

A. Forest Practices are a prohibited use activity within the Orting shoreline jurisdiction.

6.04 INDUSTRIAL DEVELOPMENT

6.04.01 Applicability

Industrial developments are facilities for processing, manufacturing and storage of finished or semi-finished goods and food stuffs.

6.04.02 Regulations

A. Industrial development is a prohibited use activity within the Orting shoreline jurisdiction.

6.05 MINING

6.05.01 Applicability

Mining is the removal of naturally occurring materials from the earth for beneficial uses. Bar removal for flood hazard reduction is not defined as mining.

6.05.02 Regulations

A. Mining activities are a prohibited use within the Orting shoreline jurisdiction.

6.06 RECREATIONAL DEVELOPMENT

6.06.01 Applicability

Recreational development includes passive recreational activities, such as hiking, viewing and fishing. It also includes facilities for active uses, such as parks, campgrounds, and other outdoor recreation areas. This section applies to both public and private shoreline recreational facilities. Recreational development in the Urban Conservancy shoreline environment should be for water-dependent and water-related recreational uses.

6.06.02 Policies

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

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

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.

4. Shoreline areas with a potential for providing recreation or public access opportunities should be identified for this use and acquired by lease of purchase and incorporated into the City's parks, trails and open space plan.

5. The linkage of shoreline parks, recreation areas and public access points with nonmotorized linear systems, such as hiking paths, bicycle paths and easements should be encouraged through cooperative programs and policies. Planning of shoreline parks, public access points and linear systems should be coordinated with the City's nonmotorized transportation plan.

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

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

8. The use of off-road vehicles and other motorized recreational vehicles should be prohibited in all shoreline areas.

9. 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, through, but not limited to, landscaping, fencing and posting of property; and

e. Design of such development to avoid conflicts with adjacent private property or natural habitat areas.

6.06.03 Regulations

A. Recreational development that is water dependent, water-related, and water enjoyment are permitted in the Urban Conservancy environment.

B. Recreational development shall be designed to avoid conflict with private property rights, and to create the minimum objectionable impact to the adjoining property.

C. Public access to the water's edge shall be provided with all new recreational development proposals submitted to the City.

D. Accessory parking associated with public recreational uses shall be designed to have a minimum impact on the shoreline environment.

E. For recreation development that requires the use of fertilizers, pesticides or other toxic chemicals, the applicant shall submit plans demonstrating the methods to be used to prevent these applications and resultant leachate from entering adjacent water bodies. The developer shall be required to leave a chemical free swath at least two hundred (200) feet in width landward of the ordinary high water mark and associated wetlands to achieve no net loss of ecological functions.

F. 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, and should conform to the sign regulations in this Shoreline Master Program.

6.07 RESIDENTIAL DEVELOPMENT

6.07.01 Applicability

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 as allowed uses according to Title 15 of the Orting Municipal Code. Single family residences are a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the shoreline environment.

6.07.02 Permit Exemptions

Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or this Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the Orting SMP and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the Orting SMP or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the SMP, such development or use can only be authorized by approval of a variance.

The burden of proof that a development or use is exempt from the permit process is on the applicant. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project. The Orting Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

Developments that are exempt from obtaining approval for a substantial development permit are listed in Washington Administrative Code (WAC) 173-27-040.

6.07.03 Policies

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

2. Residential development should be prohibited in environmentally sensitive areas including, but not limited to wetlands, floodways, etc.

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

4. Recognizing the single purpose, irreversible, and space consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space among structures to provide space for outdoor recreation, protect natural features, preserve views, and minimize use conflicts.

5. Best available science should be used for protection of ground water supplies, erosion control, drainage systems, aquatic and wildlife habitat, preservation of geohydraulic processes, and open space.

6. Shoreline subdivisions and planned unit developments should be designed so as to preserve existing shoreline vegetation, control erosion, and protect water quality, shoreline aesthetic characteristics, views, and provide public access and use of the shoreline and water.

7. All short and long subdivision residential development should provide dedicated and improved public access to the shoreline in a manner which is appropriate to the site and the nature and size of the development.

8. To avoid takings issues, the City shall limit the creation of parcels lying solely within the shoreline jurisdiction.

9. New shoreline residential development and accessory uses shall be prohibited over water, in wetlands, in floodways and in geologic hazardous areas where they would cause foreseeable risk to people or improvements from geological conditions during the life of the development.

10. 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.

11. 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.

12. All residential buildings and associated structures shall be arranged and designed so as to preserve views and vistas to and from shorelines and water bodies.

6.07.04 Regulations

A. Residential development is a permitted use in the Urban Conservancy environment, subject to the regulations contained in this section.

B. New (subdivided) residential development shall not be approved for which flood hazard management, shoreline protection measures or bulkheading will be required to create residential lots or site area. New residential development shall be located and designed to avoid the need for structural shore defense and flood protection works in the future.

C. All residential development shall dedicate, improve, and provide maintenance provisions for pedestrian access to the shorelines for all residents of the development and the general public.

D. All lots created for buildable purposes shall be platted so that they contain a buildable area when all setbacks restrictions are considered.

E. Subdivisions of four (4) or more waterfront lots shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public. When required, public access easements shall be a minimum of fifteen (15) feet in width and shall comply with the public access standards contained in this Master Program (see *Chapter 5 section on Public Access).*

F. New shoreline residential development and accessory uses shall be prohibited over water, in wetlands, in floodways, and in geologically hazardous areas where they would cause foreseeable risk from geological conditions to people or improvements during the life of the development.

6.07.05 Bulk Regulations for Development

A. Lot Coverage - Not more than thirty percent (30%) of the gross lot area shall be covered by impervious material, including parking areas.

B. Setbacks - Within the Urban Conservancy Environment the required setback for residential homes and associated structures from property lines abutting the ordinary high water mark shall

be one hundred and fifty (150 feet). If the property line lies waterward of the ordinary high water mark, the residential building and associated structural setback shall be measured from the ordinary high water mark.

C. Height Limitations - The maximum height above average grade level of any residential home shall be thirty-five (35) feet unless a variance from the provisions of the Shoreline Master Program and underlying zoning is obtained.

6.08 Transfer of Development Rights

6.08.01 Applicability

If a parcel or portion of a parcel lies within the required setback for buildings and structures from the ordinary high water mark in the Urban Conservancy environment, a property owner may transfer residential development rights from the required setback to another site or sites within the City of Orting. The transfer of development rights shall meet the following criteria:

1. Transfer of Development Rights (TDR) Concept

   The idea of Transfer of Development Rights is based upon the legal concept of property law that the right to develop real estate is one of the "bundle of rights" included in fee simple ownership of land. Fee simple ownership of real estate allows the owner to sell, lease, or trade any one or all of the "bundle of rights" to his property which includes the right to use, lease, sell, or abandon the property or any of its components of ownership not retained by a previous owner such as mineral, oil, gas, air, and/or development rights. These rights of ownership are subject to the limitation and legislative powers of the local government.

2. Development Rights

   A development right is a simple extension of the rights normally associated with land ownership. When legally established a development right has value separate from the land itself. It can be subject to reasonable regulation by local government under the police power. The development right can be transferred by the owner, by means of gift or sale, to another property. The land owner may sell the development rights and still retain the title to the land and the right to use the surface of the land on a limited basis.

3. Planning Commission

The Planning Commission shall consider the request for TDR at the public hearing for the land use proposal for the receiving parcel.

4. Deed Restrictions

To ensure that the sending parcel is adequately protected, a restriction shall be placed on the deed which expressly prohibits all regulated activities within the required setback. This restriction shall be required regardless of the number of dwelling units for which the development rights are transferred. A memorandum of agreement (MOA) between the applicant and the City shall be recorded with the City Clerk. The MOA shall refer to all deed restrictions related to the property.

5. Calculation of Rights to be Transferred

TDR shall not exceed the number of dwelling units which would be allowed on the sending parcel according to the zoning designation of the sending parcel, if there were no development restrictions tied to the area contained within the required setback. The number of dwelling units from the sending parcel shall be calculated by the method established in the City's zoning ordinance under Transfer of Development Rights.

6. Incentive

The increased number of dwelling units on the receiving parcel shall not be more than twenty-five percent (25%) above the number of dwelling units allowed according to the zoning designation on the receiving parcel(s). This number of dwelling units allowed on the receiving parcel according to the zoning classification shall be calculated by the method established in the City's zoning ordinance under Transfer of Development Rights.

7. Multiple Receiving Sites

TDR may go to more than one receiving parcel; however, this shall not increase the total number of transferred dwelling units which are allowed.

8. Receiving Site Design

TDR shall be allowed only if the land use proposal on the receiving parcel(s) is designed in such a way that the increased density:

a. Is consistent with any land use plan associated with the receiving parcel and with goals, purposes, and intents of the zoning designation of the receiving parcel; and,

b. Is compatible with the existing and likely future developments in the vicinity; and,

c. Adequately addresses infrastructure, natural and other constraints, and does not result in significant environmental impacts, especially in the shoreline environment.

9. Minimum Lot Size

Minimum lot size on the receiving parcel must be adjusted based on the method established in the City's zoning ordinance under Transfer of Development Rights.

10. Final Approval

TDR shall not be approved until final plat approval or other final approval for the receiving parcel is granted by the City Council.

6.09 TRANSPORTATION FACILITIES

6.09.01 Applicability

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, bikeways, trails, and other related facilities.

6.09.02 Policies

1. New roads, railroads and bridges in the Urban Conservancy environment should be minimized, and allowed only when related to and necessary for the support of permitted shoreline activities. New roads and bridges in the Urban Conservancy environment are prohibited, except when related to and necessary for the support of permitted shoreline activities. Major new highways should be located out of shoreline jurisdiction.

2. New roads 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 minimum number possible.

3. Trail and bicycle paths should be encouraged along the Puyallup and Carbon River in places where they are compatible with the natural character resources and ecology of the shoreline, such as in areas where there is a potential for a nonmotorized transportation linkage to existing public access area.

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

5. 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.

6.09.03 Regulations

A. New roads and bridges in the Urban Conservancy environment are prohibited, except when related to and necessary for the support of permitted shoreline activities.

B. New 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.

C. New transportation and primary utility facilities shall make joint use of rights-of-way and should consolidate river crossings when technically, economically, and environmentally feasible.

D. Developers of roads must be able to demonstrate the following to the appropriate reviewing authority:

   1. The need for a shoreline location and that no reasonable upland alternative exists.

   2. The construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.

3. That the project will be planned to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.

4. That all debris and other waste materials from construction will be disposed of in such a way as to prevent their entry into any water body.

5. That proposed bridges will be built high enough to allow the passage of debris and anticipated high water flows.

6. That when new roads will afford scenic vistas, viewpoint areas will be provided. Scenic corridors shall have sufficient provision for safe pedestrian and nonmotorized vehicular travel.

7. That the proposal complies with the City's Comprehensive Plan.

E. New road designs must provide appropriate pedestrian and nonmotorized vehicular crossings where public access to shorelines is intended.

F. Where roads or non-motorized facilitiess cross streams or rivers, pedestrian and nonmotorized linear access along rivers will be provided except where precluded by safety factors.

G. New roads shall not be located so as to require large portions of streams to be routed into and through culverts.

H. Fills for transportation facility development are prohibited in water bodies and wetlands, except when all structural and upland alternatives have proven economically infeasible and the transportation facilities are necessary to support uses consistent with this Master Program. Pile or pier supports shall be the preferred choice whereas the placement of fill would be the last resort option. Land fills in wetlands for transportation purposes are subject to 7.03.03(1).

6.10 UTILITIES

6.10.01 Applicability

Utilities are services and facilities that produce, transmit, store, process, or dispose of electric power, gas, water, sewage, communications, and the like.

6.10.02 Policies

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.

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

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

4. Utility facilities and corridors should be located so as to protect scenic views. When possible, new utilities should be placed underground or alongside or under bridges.

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. New solid waste disposal activities and facilities should be prohibited in shoreline areas.

6.10.03 Regulations

A. New solid waste disposal sites and facilities are prohibited.

B. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other alternative exists. In those instances where no other alternative exists, the use can be permitted as a conditional use. Automatic shut-off valves shall be provided on both sides of the river or associated water body.

C. The following utility facilities, which are not essentially water-dependent, can be permitted as a conditional use if it can be shown that no reasonable alternative exists:
    1. Water system treatment plants;
    2. Sewage system line, interceptors, and pump stations;
    3. Electrical energy generating plants, substations, lines, and cables;
    4. Petroleum and gas pipelines

D. The design, construction, and operation of permitted utilities shall minimize, insofar as practical, interference with the public's use of the water.

E. Utility lines shall not be placed in such a way that they would cause obstruction to the public's views of the Puyallup and Carbon River shoreline.

F. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way.

G. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety and welfare, or create a significant and disproportionate liability for the owner.

H. Construction of utilities in water, underwater or in adjacent wetlands shall be designed to avoid habitat impacts to the maximum extent feasible, including being timed to avoid fish and wildlife migratory and spawning periods. Utilities shall not be located such that they would substantially interfere with critical species migration.

I. Repair and maintenance of an existing legal use shall be allowed, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.

J. New utility lines including electricity, communications, and fuel lines shall be located underground, and existing above ground lines shall be moved underground during normal replacement processes, except:

1. Where the presence of bedrock or other obstructions make such placement infeasible; or

2. Where the line or pipe is in a geologic hazard area, in which case it shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide.

K. When utilities are installed underground, installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the channel, where feasible.

L. 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.

M. Utility facilities requiring withdrawal of water from a river or stream shall be located only where minimum flows as

established by the Washington State Department of Fisheries can be maintained.

N. Utility developments shall be located and designed to avoid the usage of structural or artificial shoreline modifications.

O. Water lines shall be completely buried under the river bed in all river crossings except where such lines may be affixed to a bridge structure.

P. Applications for the installation of utility facilities shall include the following:

1. Description of the proposed facilities;
2. Reasons why the utility facility requires a shoreline location;
3. Alternative locations considered and reasons for their elimination;
4. Location of other utility facilities in the vicinity of the proposed project and any plans to include the other types of utilities in the project;
5. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the utility;
6. Plans for control of erosion and turbidity during construction and operation; and
7. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.

Q. Stormwater conveyance facilities.

Stormwater conveyance may only be permitted in shoreline setback areas or critical areas or their buffers subject to the following:

1. When no other feasible alternative with less impact exists;

2. Mitigation for impacts is provided; and

3. Vegetation is maintained and enhanced along open channels to retard erosion, filter sediments and pollution, and shade the water.

Point discharges from surface water facilities and roof drains shall be:

1. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge; or

2. Discharged at flow durations matching pre-development conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the pre-developed state;

R. Repair and maintenance of an existing legal use shall be allowed, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.

S. New utility developments shall be designed, constructed and installed to create no net loss to the ecological functions of the Orting shoreline areas.

7. SHORELINE MODIFICATION POLICIES & REGULATIONS

7.01 INTRODUCTION

Shoreline modification activities are those actions that modify the physical configuration or qualities of the shoreline area. 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.

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

7.02 DREDGING

7.02.01 Applicability

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 stream, river or lake and associated shorelines and wetlands. Dredging is normally done for specific purposes or uses such as for constructing and maintaining canals, installing pipelines or cable crossings, or for levee or drainage system repair and maintenance. Dredging may also be used for gravel bar removal for the purposes of flood hazard management, and to mine for aggregates such as sand and gravel.

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

7.02.02 Policies

1. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material should not be allowed, except when the material is necessary for the restoration of ecological functions.

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

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

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.

5. Dredging and dredge material disposal operations should be periodically reviewed for consistency with the Shoreline Master Program.

6. New development siting and design should avoid the need for new and maintenance dredging.

7.02.03 Regulations

A. Dredging for the primary purpose of obtaining fill or construction material is prohibited.

B. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

C. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of ecological functions.

D. Disposal of dredge material on shorelands or wetlands within a river's channel migration zones shall be discouraged.

E. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring water channels and basins should be allowed where necessary and then only when significant ecological impacts are minimized and when mitigation is provided.

F. Maintenance dredging should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

G. Removal of gravel from the high water flow channel bed for flood hazard management purposes shall be subject to a conditional use permit. Sand and gravel shall not be removed for the sole purpose of obtaining the materials.

H. Dredging material which will not cause violation of State Water Quality Standards may be used in permitted fill projects.

I. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts.

J. Upland disposal sites shall be selected by criteria which include the effect on wildlife habitat.

K. Dredging and dredge disposal shall be carefully scheduled to protect biological productivity and to minimize interference with fishing activities.

L. Dredging and dredge disposal shall not occur in wetlands, except as authorized by a conditional use permit, and provided the wetland does not serve any of the valuable functions of wetlands identified in Section 5.07 (*Critical Areas*) of this Master Program.

M. Dredging is a conditional use in the Urban Conservancy shoreline environment.

N. The City shall require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive management solution.

O. New development siting and design shall avoid the need for new and maintenance dredging.

7.03 FILL

7.03.01 Applicability

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material (excluding solid waste) to an area waterward of the ordinary high water mark in wetlands, or on shorelands in a manner that raises the elevation of the

area or creates dry land. Any fill activity conducted within shoreline jurisdiction must comply with the following provisions.

7.03.02 Policies

1. Fill (in a river or wetland) should be prohibited and only allowed when necessary to support the design and construction of a shoreline restoration or environmental enhancement project that is beneficial to the Puyallup and/or Carbon Rivers.

7.03.03 Regulations

1. Fill (in a river or wetland) shall be permitted as a conditional use <u>only</u> if the following would apply:

   a. In conjunction with the construction and installation of bridges or utilities for which there is a demonstrated public need and where no feasible upland sites, routes or design solutions exist;

   b. As part of an approved environmental restoration or enhancement project, such as a fisheries or habitat enhancement project; or

   c. In conjunction with an approved road development provided that pile supports are proven structurally infeasible; pile supports shall be utilized in preference to fills.

2. Speculative, sanitary and solid waste landfills are prohibited.

3. Mitigation for wetland impacts must be implemented pursuant to wetland policies and regulations contained in section 507.A of this Shoreline Master Program .

4. If the project proposal is permitted as a conditional use, then the land use application shall include the following information:

   a. Proposed use of the fill area;
   b. Physical, chemical and biological characteristics of the fill material
   c. Source of fill material
   d. Method of placement and compaction
   e. Location of fill relative to natural and/or existing drainage patterns
   f. Location of the fill perimeter relative to the floodway
   g. Perimeter erosion control or stabilization means
   h. Type of surfacing and runoff control devices, and
   i. Location of wetlands or other critical areas

5. Fill materials shall be clean sand, gravel, soil, rock or similar material. Use of polluted soils is prohibited. The developer shall provide evidence that the material has been obtained from a clean source prior to fill placement.

7.04 IN-STREAM STUCTURES

7.04.01 Applicability

In-stream structures are defined as a structure that is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

7.04.02 Policies

1. In-stream structures should provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

7.04.03 Regulations

A. New in-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

B. In reviewing new applications for in-stream structures, the Orting Shoreline Administrator shall give consideration to the following:

   1. Watershed functions and processes, and
   2. Environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

7.05 SHORELINE STABILIZATION

7.05.01 Applicability

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, levees, and bioengineering/vegetative management methods. "Hard" structural stabilization

measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on softer materials, such as biotechnical vegetation measures or beach enhancement. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Structural shoreline stabilization also often results in vegetation removal and damage to near-shore habitat and shoreline corridors. (Note: additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures. Normal repair and or maintenance of shoreline stabilization structures including patching, sealing, refinishing, replentishing of backfill materials, or replacement of no more than 20 percent of the structure shall not cause significant ecological impacts.)

7.05.02 Exemptions

The Shoreline Management Act exempts the operation and maintenance of any system of levees, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system from substantial development permits. Washington Administrative Code (WAC) 173-27-040 provides a list of all types of projects that are exempt from obtaining a shoreline substantial development permit.

7.05.03 Policies

1. 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.

2. 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.

3. Subdivision of land shall be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur.

4. Shoreline stabilization structures should be limited to the minimum size necessary.

5. Public access should be required as part of publicly financed shoreline erosion control measures.

7.05.05 Regulations

A. Shoreline stabilization and flood protection works are prohibited in wetlands. They are also prohibited in salmonid spawning areas.

B. If permitted, all new shoreline modification activity shall be located and designed to prevent or minimize environmental impacts and the need for bank stabilization and flood protection measures. Shoreline modifications and flood protection measures shall result in no net loss of ecological functions associated with the shorelines.

C. Use of car bodies, scrap building materials, scrap concrete and concrete block, asphalt from street work, or any discarded piles of equipment or appliances for the stabilization of shorelines shall be prohibited.

D. Flood control levees shall be landward of the floodway, including any wetlands directly interrelated and interdependent with the Puyallup and Carbon Rivers.

E. Shoreline modification shall to the greatest extent possible, be planned, designed, and constructed to allow for channel migration. These developments shall not reduce the volume and storage capacity of the rivers and adjacent wetlands and/or flood plains and shall not result in a cumulative increase of the flood hazard.

F. River and stream channel direction modification, and realignment are prohibited unless they are essential to uses that are consistent with this Master Program.

G. New structural flood hazard reduction measures may be allowed in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5).

H. Structural flood hazard reduction measures shall be consistent with the City's adopted flood hazard management plan approved by the Department of Ecology that evaluates cumulative impacts to the watershed system.

I. The removal of gravel for flood management purposes shall be consistent with the City's adopted flood hazard reduction plan and with this Master Program and allowed only after a biological and geomorphological study shows that extraction has a long-

term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

Bulkheads, Dikes, Levees and Revetments:

J. Bulkheads shall be prohibited in the Orting shoreline jurisdiction.

K. Dikes and levees and revetments shall only be authorized by conditional use permit and shall be consistent with all flood control management plans and regulations adopted by the City of Orting.

L. New levees shall be limited in size to the minimum height required to protect adjacent lands consistent with FEMA certification.

M. Dikes, levees and revetments shall be placed landward of the floodway, OHWM, or channel migration zone (whichever is further landward) except as current deflectors necessary for protection of bridges and roads, provided that flood hazard reduction projects may be authorized if it is determined that no other alternative to reduce flood hazards to existing development is feasible.

N. If an armored revetment is proposed, the siting and design of revetments shall be performed using appropriate engineering principles, including the usage of guidelines from both the Natural Resources Conservation Service and the U.S. Army Corps of Engineers and the following design criteria shall be met:

1. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;

2. Filter cloth must be used to aid drainage and help prevent settling;

3. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action; and

4. Fish habitat components, such as large boulders, logs, and stumps must be considered in the design subject to Hydraulic Project Approval by the Washington Department of Fish and Wildlife, NOAA Fisheries, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers.

O. All new projects shall include and provide improved access to public shorelines whenever possible.

P. Proposals for dikes, levees and revetments shall contain geotechnical report prepared by a qualified professional and a detailed evaluation of potential losses to floodplain values. These reports shall address the following:

1. Justification for the need for stabilization

2. Groundwater discharge

3. Associated wetlands

4. Water quality

5. Erosion/sedimentation including estimates of rate of erosion and urgency (damage within 3 years)
An evaluation of alternate solutions (including non-structural)

6. Additional information to be submitted with proposals for dikes, levees and revetments shall include:

- Purpose of the project;
- Hydraulic characteristics of the river within at least one-half mile on each side of the proposed project;
- Existing shoreline stabilization and flood protection devices within one-half mile on each side of the proposed project;
- Construction material and methods;
- Physical, geological, and/or soil characteristics of the area; and
- Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses.

Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with appropriate vegetation. All losses in riparian vegetation or wildlife habitat shall be mitigated at a ratio of at least 1:1.25 (habitat lost to habitat replaced).

7.06 SHORELINE HABITAT AND NATURAL SYSTEMS ENHANCEMENT PROJECTS

7.06.01 Applicability

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

7.06.02 Policies

1. Shoreline modification projects such as modification of vegetation, removal of non-native or invasive plants, shoreline stabilization, dredging, and filling, should be allowed, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

7.06.03 Regulations

A. Shoreline modification projects such as modification of vegetation, removal of non-native or invasive plants, shoreline stabilization, dredging, and filling, shall be allowed, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

B. The City of Orting shall allow for projects that address legitimate restoration needs and priorities and facilitate implementation of the attached City of Orting Shoreline Restoration and Public Access Chapter (refer to Chapter 9 of this SMP).

8. ADMINISTRATION

8.01 General

Any person wishing to undertake a development within the Orting shoreline jurisdiction shall apply to the Orting Shoreline Administrator for a shoreline permit. Based on the provisions of this Master Program, the Administrator shall determine if a substantial development permit, a shoreline conditional use permit, and/or a shoreline variance is required

All proposed uses and development occurring within the City's shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required.

1. Section 8.01.01 General Development Review Regulations:

2. No authorization to undertake use or development on shorelines shall be granted by the City unless upon review the use or development is determined to be consistent with the review criteria of WAC 173-27-140.

3. A substantial development permit shall be granted only when the development proposed is consistent with review criteria of WAC 173-27-150.

4. All exempt projects must obtain a letter of exemption for consistency with WAC 173-27-050.

5. Conditional use and variance permits, in addition to City approval, require review and approval by Ecology consistent with WAC 173-27-200.

8.02 Administrator

The City Administrator, or his/her official designee, is hereinafter known as the Administrator and is vested with:

1. Overall administrative responsibility for this Master Program;

2. Authority to approve, approve with conditions, or deny Shoreline Substantial Development Permits and permit revisions in accordance with the policies and provisions of this Master Program;

3. Authority to grant statements of exemption from Shoreline Substantial Development Permits; and,

4. Authority to determine compliance with RCW 43.21 C, State Environmental Policy Act.

8.03 Exemptions from Substantial Development Permit Requirements

Exempt developments, which are outlined below, shall not require a Substantial Development Permit. However, an exempt development may require a conditional use permit, and/or variance from the Orting Shoreline Master Program provisions. All exempt projects must obtain a "Statement of Exemption" from the City of Orting's Administrator.

An exemption from the Substantial Development Permit requirement does not constitute an exemption from the policies and use regulations of the Shoreline Management Act, the provisions of this Master Program, or other applicable city, state, or federal permit requirements. Please refer to WAC 173-27-040(2) as amended for the State of Washington, for a complete listing of exemptions from substantial development requirements. . When a proposal requires an exemption from the provisions of this SMP and is subject to federal permits such as U.S. Army Corps of Engineers' section 10 or section 404, the City shall provide letter of exemption to the state Department of Ecology.

Note: Exemptions are to be construed narrowly. Only those proposals that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the permit process. If any part of the project is not exempt, then a Substantial Development Permit is required for the entire proposal. It is the burden of the applicant to show that it applies.

The following list outlines exemptions that shall not be considered substantial developments for the purpose of this Master Program:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed $5,718.00(or as adjusted by the state OFM), if such development does not materially interfere with the normal public use of the water or shorelines of the state; For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

2. Normal maintenance or repair of existing structure or developments, including damage by accident, fire, or elements. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

3. Construction of the normal protective bulkhead common to single family residences. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife.

4. Emergency construction necessary to protect property from damage by the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

5. Construction by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet (35)

above average grade level and meets all requirements of the state agency or local government having jurisdiction thereof.

6. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface water;

7. Operation and maintenance of any system of levees, 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.

8. Any project with a certification from the governor pursuant to chapter 80.50 RCW.

9. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under Orting's Master Program, if:

    i. The activity does not interfere with the normal public use of the surface waters;

    ii. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

    iii. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

    iv. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

    v. The activity is not subject to the permit requirements of RCW 90.58.550;

10. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;

11. Watershed restoration projects as defined herein. The City of Orting shall review the projects for consistency with the shoreline

master program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) calendar days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

12. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

    i. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

    ii. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 75.20 RCW; and

    iii. The local government has determined that the project is consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

8.04 Fees

For projects that require a shoreline permit, filing fees in an amount established by the City Council shall be paid to the City of Orting at the time of the application.

8.05 Variance and Conditional Use Permit Criteria

The Shoreline Management Act states that Master Programs shall contain provisions covering conditional uses and variances that are consistent with WAC 173-27. These provisions should be applied in a manner, which while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

Variances

1. **Purpose.** The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program. A variance is also appropriate where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant.

i. Construction pursuant to this Permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. **Application.** An application for a shoreline variance shall be submitted on a form with accompanying material as required by the Administrator.

ii. An applicant for a Substantial Development Permit who wishes to request a variance shall submit the variance application and the Permit simultaneously.

3. **Criteria for Granting Variances.**

iii. Variance permits may be granted in circumstances where denial of the permit would result in a conflict with the Shoreline Management Act. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

iv. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), and/or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

(c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

(e) That the variance requested is the minimum necessary to afford relief; and

(f) That the public interest will suffer no substantial detrimental effect.

v. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), or within any wetland may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

(b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

(iv) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

(v) Variances from the use regulations of the master program are prohibited.

Conditional Use Permits

1. **Purpose.** 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 State policy enumerated in RCW 90.58.020. In authorizing a conditional use special conditions may be attached to the permit by the City of Orting or by the Department of Ecology to prevent undesirable effects of the proposed use. Uses that are specifically prohibited by the Master Program may not be authorized with the approval of a conditional use permit.

2. **Application.** An application for a conditional use permit shall be submitted on a form provided by the Administrator and accompanying material as required by the Orting Municipal Code.

   i. An applicant for a shoreline substantial development permit which requires a conditional use permit shall submit applications for both permits simultaneously**.**

3. **Criteria for Granting Shoreline Conditional Use Permits.** Uses classified as a conditional use may be authorized provided that the applicant can demonstrate consistency with all of the conditional use criteria listed in WAC 173-27-160:

i. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Master Program;

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

iii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Master Program;

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

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

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

5. Other uses that are not classified or set forth in the Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Master Program.

6. Uses that are specifically prohibited by this Master Program may not be authorized pursuant to this section.

8.06 Time Requirements

The City of Orting may issue shoreline permits with termination dates that area consistent with WAC 173-27-090. The following requirements apply for shoreline permits in Orting:

1. Application. The time requirements of this section shall apply to all substantial development permits and to any development authorized by a shoreline variance or conditional use permit authorized by this chapter.

2. Time Limits for Substantial Progress. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit.

3. Extension. Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. However, the City may authorize a single extension for a period not to exceed one year based on

reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.

4. Effective Date. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections (2) and (3) of this section do not include the time during which a use or activity was not actually pursued when administrative appeals or legal actions were pending or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

5. Revisions. Revisions to permits may be authorized after original permit authorization has expired, provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit have elapsed.

6. Notification. The City shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

8.07 Revision of Permits

1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program or the policies and provisions of chapter 90.58 RCW. Changes that are not substantive in effect do not require approval of a revision.

2. An application for a revision must included detailed plans and text describing the proposed changes.

3. Applications for revisions shall be reviewed and authorized in accordance with WAC 173-27-100.

8.08 Nonconforming Development, Development & Building Permits and Unclassified Uses

Nonconforming Development

Nonconforming development is a shoreline use or structure which was lawfully constructed or established prior to the effective date of the Act or the Master Program, or amendments thereto, but which does not conform to present

regulations or standards of the Master Program or policies of the act. In such cases, the following standards shall apply:

1. Nonconforming development may be continued provided that it is not enlarged or expanded and said enlargement does not increase the extent of nonconformity and by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses;

   A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;

2. If a nonconforming structure is damaged to an extent not exceeding seventy-five (75) percent replacement cost of the nonconforming structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage;

3. If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two-year period, any subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire;

4. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed.

5. An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the Act and the Master Program, but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the Master Program and the Act.

6. A use which is listed as a conditional use but which existed prior to adoption of the Master Program for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the Master Program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

7. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

Development and Building Permits

No building permit or other development permit shall be issued for any parcel of land developed or divided in violation of this Master Program. All purchasers or transferees of property shall comply with provisions of the Act and this Master Program and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Act or this Master Program including any amount reasonable spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Act or this Master Program as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to conforming their property to these requirements, may rescind the sale, transfer, or lease and recover cost of investigation, and reasonable attorney's fees occasioned thereby from the violator.

8.09 Enforcement and Penalties

Enforcement

1. The provisions of the Orting Municipal Code relating to zoning enforcement shall apply to this Master Program.

2. All provisions of the Master Program shall be enforced by the Shoreline Administrator and/or a designated representative.

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

Penalty

4. Any person found to have willfully engaged in activities on the City's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the City's Master Program, rules or regulations adopted pursuant thereto shall be subject to the penalty provisions of Orting Municipal Code (civil citation penalties and criminal penalties).

Public and Private Redress

5. Any person subject to the regulatory program of the Master Program who violates any provision of the Master Program or the provisions of a Permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The City's attorney may bring suit for damages under this section on behalf of the City. Private persons shall have the right to bring suit for damages under this section on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the court shall make provisions to assure that restoration will be accomplished within a

reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court, in its discretion, may award attorneys' fees and costs of the suit to the prevailing party.

Delinquent Permit Penalty

6. A person applying a Permit after commencement of the use or activity may, at the discretion of the City be required, in addition, to pay a delinquent Permit penalty not to exceed three (3) times the appropriate Permit fee: Provided, that a person who has caused, aided or abetted a violation within two (2) years after the issuance of a regulatory order, notice of violation or penalty by the department or the City against said person may be subject to a delinquent Permit penalty not to exceed ten (10) times the appropriate Permit fee. Delinquent Permit penalties shall be paid in full prior to resuming the use or activity.

8.10 Master Program – Review, Amendments and Adoption

Master Program Review

1. This Master Program shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

Amendments to Master Program

2. Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Washington State Department of Ecology.

   Proposals for shoreline environment re-designation (i.e., amendments to the shoreline maps and descriptions), must demonstrate consistency with the criteria set forth in WAC 173-26.

Severability

3. If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances, is held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

9. SHORELINE RESTORATION AND PUBLIC ACCESS

9.01 Introduction

This Shoreline Restoration and Public Access Action Plan was prepared for the City of Orting pursuant to direction and funding under the Washington State Department of Ecology SMP grant number G0400215 to update the City's Shoreline Master Program. The purpose of this plan is to guide and increase public access and recreational use of the shoreline areas within the City of Orting. Besides increasing public access to the shoreline, this plan is intended to improve the overall habitat conditions and shoreline resources. Orting is located in central Pierce County. The Puyallup and Carbon Rivers pass through and border the city.

This plan was drafted in accordance with the Washington State Department of Ecology shoreline management guidelines. A significant feature of the guidelines is the requirement that local governments include within their shoreline master program, a "real and meaningful" strategy to address restoration of shorelines WAC 173-26-186(8). The state guidelines emphasize that any development must achieve no net loss of ecological functions. The guidelines go on to require a goal of using restoration to improve the overall condition of habitat and resources and makes "planning for and fostering restoration" an obligation of local government. From WAC 173-26-201(2)(c):

> *Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2)(f), where such functions are found to have been impaired based on analysis described in WAC 173-26-201 (3)(d)(i). It is intended that local government, through the master program, along with other regulatory and nonregulatory programs, contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities through the shoreline inventory process and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects within their master programs. The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county.*

WAC 173-26-2012(f) states further that "…master programs provisions should be designed to achieve overall improvements in shoreline ecological functions over time when compared to the status upon adoption of the master program."

Restoration planning should be focused on tools such as economic incentives, broad funding sources such as Salmon Restoration Funding, volunteer programs, and other strategies. WAC 173-26-186(8)(c) and WAC 173-26-201(2)(f) explain the "basic concept" of restoration planning.

Furthermore, because restoration planning must reflect the individual conditions of a shoreline, restoration planning provisions contained in the guidelines expressly note that a restoration plan will vary based on:

- Size of jurisdiction
- Extent and condition of shorelines
- Availability of grants, volunteer programs, other tools
- The nature of the ecological functions to be addressed

In addition to restoration, the Shoreline Management Act (SMA) requires cities and counties to make provisions for public access to publicly owned areas along shorelines that preserve and increase recreational opportunities.

The overarching policy is that "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. "Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for…development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."

The SMA also implements the common law Public Trust Doctrine. The essence of this court doctrine is that the waters of the state are a public resource for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of shorelands to protect to public's right to use the waters of the state.

This shoreline restoration and public access plan is designed to meet the requirements for restoration planning outlined in the Ecology guidelines, in which restoration planning is an integrated component of shoreline master programs. The restoration and public access plan builds off of the City of Orting Shoreline Inventory and Characterization Report, which provides a comprehensive inventory and analysis of

shoreline conditions in Orting, including rating specific functions and process of each shoreline segment.

This restoration and public access plan provides a vision for ecological restoration and public access which includes goals and opportunities. It also establishes city strategies for implementation, including recognition of existing and ongoing programs, and it provides a framework for long-term monitoring of shoreline restoration and shoreline conditions. While this restoration and public access plan includes broad goals, specific implementation measures, budgets, schedules, and individual monitoring programs will be needed for individual restoration projects as they occur. There will be some limitations poised by the levees which are owned and maintained by Pierce County, the City's stormwater system and water quality management programs, and the recent upland development near the shoreline areas. Periodically, it is important for the City to evaluate the effectiveness of this plan and to adapt to changing conditions. At a minimum, this restoration and public access plan (as well as the entire Shoreline Master Program) will be reevaluated according to the schedule adopted by the state Legislature.

9.01.01 Vision Statement

The vision statement establishes the overarching idea of the future restored ecosystem and enhanced public access. This statement seeks to explain the intent of addressing ecological restoration and public access.

Orting Public Access and Restoration Vision:

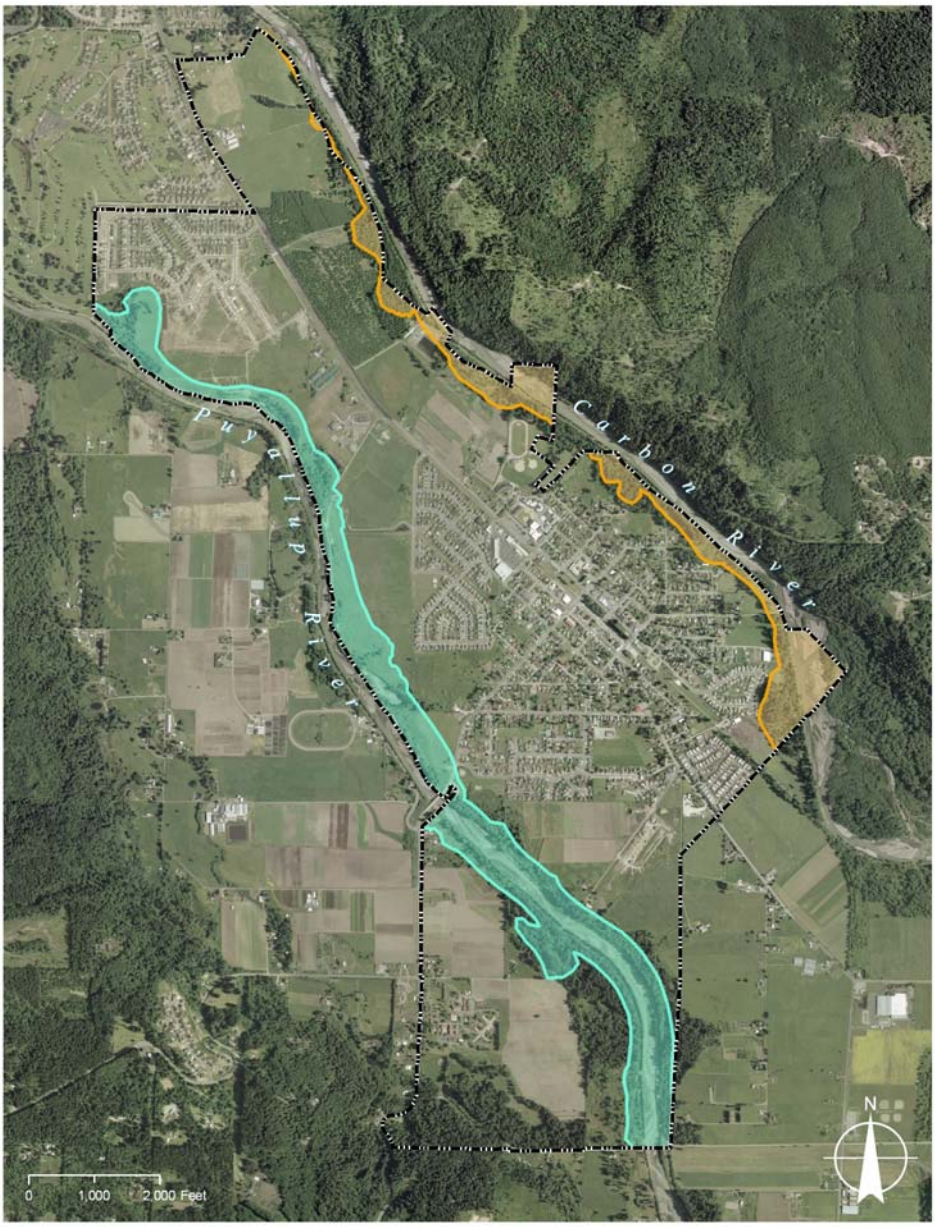
Degraded ecological processes and habitats of the Orting shoreline are restored so that, when combined with protection of existing resources, flood management, and enhanced public access along the levees, a net improvement to the shoreline ecosystem is obtained to benefit native fish and wildlife and the people of Orting.

Restoration occurs over time through a combination of public and private ventures and leverages opportunities presented by shoreline development in a way that enhances the environment and is compatible with planned shoreline uses.

9.01.02 Project Location and Shoreline Segments

Orting is located in central Pierce County. For this document, the City of Orting shoreline area is divided into two (2) segments: Segment A is the Puyallup River and Segment B is the Carbon River. Refer to Map 1 listed below.

Map 1: Geographical Area Location.



9.01.03 Context Description

The city is situated south of the confluence of the Carbon and Puyallup Rivers between River Mile (RM) 19.4 and 22.6 of the Puyallup River and RM 0.8 and 3.4 of the Carbon River.
According to the 2005 aerial photo and GIS analysis, the area and length calculations of the project site are as follows:

- Length of shoreline is 4.5 miles (within city limits measured at mean high water)

- Square footage of shoreline jurisdiction for the Puyallup River (Segment A) is approximately 9,021,700 square feet (207 acres)

- Square footage of shoreline jurisdiction for the Carbon River (Segment B) is approximately 3,733,600 square feet (86 acres)

There are about 80 parcels in the Orting shoreline jurisdiction area. Some are totally within and some are partially within the shoreline area. Of this total, about 7% are city-owned, 27% are owned by other public agencies, and the remaining 66% are privately-owned. While the number of publicly-owned parcels is only 1/3 of the total, the river frontage of those parcels is very significant. Except for the site of the Orting wastewater treatment plant, and rights-of-way, all of the city-owned parcels are city parks and are zoned "Open Space and Recreation". The rest of the publicly-owned parcels are under the control of the Orting School District and Pierce County. Pierce County owns and manages the levees that exist along both rivers through Orting's jurisdiction.

Segment A - Puyallup River

The City of Orting owns two major sites and controls nearly a mile of the Puyallup River frontage near the north city limits. Village Green Wetlands Park is aptly named and is planned to largely be an open space/riparian habitat with a nominal amount of passive recreation use in the limited upland portion adjacent to the Village Green neighborhood.

Three Orting School District parcels are within the Puyallup River shoreline area. These amount to about ¾ mile of river frontage and contain a significant amount of delineated wetlands. These portions of the shoreline will not be developed. The District and the City have secured a Conservation Futures grant funding for a "Central Park and Riverfront Habitat" project that will provide enhancements to the shoreline area in this vicinity.

Pierce County has ownership of most of the Puyallup River shoreline area on both sides of the River in the southern portion of the city (15 parcels). The County and U.S. Army Corps of Engineers have designed the Soldiers Home Setback Levee Project that will create more than a mile of restored riparian habitat. Except for this project, no development within the shoreline jurisdiction in this area is anticipated, given the ownership and environmental characteristics.

Segment B - Carbon River

More than a mile of Carbon River frontage north of the Orting Wastewater Treatment Plant has been dedicated as either private open space or city park land as part of a 2003 residential development permitting process. The wastewater treatment plant site within the

shoreline jurisdiction is essentially developed. The Orting School District campus (high school and middle school) has Carbon River frontage that is used for sports activities. The District has no plans for development in this area. Pierce County owns four parcels on the Carbon.

9.02 Public Access and Restoration Plan

This restoration and public access plan includes goals and policies listed in the following sections that are explicit to this plan. The City of Orting's overall shoreline goals and policies can be found in the City's adopted Shoreline Master Program (SMP). Specifically, shoreline goals and policies are addressed in Chapter 4 of the SMP.

The SMP also contains shoreline regulations that are more detailed and would apply to a particular type of land use, such as the construction of a wildlife viewing platform and associated recreational trail system.

9.02.01 Public Access Goals

The following are the City of Orting's public access goals for the Puyallup and Carbon River shorelines. These goals that were established for this Shoreline Restoration and Public Access Plan are the basis for SMP policies and regulations included under the general and specific use requirements of the city's Shoreline Master Program.

Goal #1: Opportunity
Future projects and related facilities should provide public access to the shoreline for educational restoration opportunities that benefit residents of the City of Orting and the surrounding communities.

Policy 1.1 Preference should be given to those uses or activities which enhance the natural amenities of the shorelines and which depend on a shorelines location or provide public access to the shoreline.

Policy 1.2 Increase and improve public access to shoreline areas provided that private rights, public safety, and the natural shoreline character are not adversely affected.

Goal #2: Education
Development of the Orting School District middle school site should include design features to portray the distinctive habitat improvements created by the Conservation Futures Restoration Project. All restoration projects should have a strong educational component to allow for increased public awareness and participation by the Orting community.

Goal #3: Ecology
All future development projects and restoration projects, such as the Soldiers Home Setback Levee Project should be developed and managed in a way that enhances water quality, open space, and natural resource values while minimizing conflicts between public access and habitat conditions.

Goal #4: Quality
Improvements to existing and future public access sites should be designed and constructed for: structural integrity, function, cost effectiveness, efficiency in long-term maintenance and operations.

Goal #5: Safety
Improvement and management of the levees should provide safe public use opportunities and should not preclude long-term construction access needs, emergency and maintenance access.

Policy 1.3 Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.

9.02.02 Restoration Goals

The city's shoreline restoration goals are listed below. Similar to the public access goals listed in the previous section above, these shoreline restoration goals are the basis for all of the restoration-related goals, policies, and regulations in the 2006 update to the Orting SMP.

Goal #1: Water Quality
Restore, protect, and enhance the shoreline function of water quality improvement, such as trapping sediment and filtering turbidity, nutrients and metals.

Goal #2: Flood Protection
Reduce impacts of flooding events by improving the storage of floodwaters and thereby reducing peak flows and erosion.

Goal #3: Vegetation
Restore, protect, and enhance natural vegetation. Encourage removal of invasive species and plant native species to enhance diversity of vegetative structure.

Goal #4: Habitat
Restore, protect and enhance habitat functions. Enhance the diversity of habitat and improve the connectivity of the restored shoreline areas with existing high quality habitat.

9.02.03 Shoreline Restoration and Public Access Priorities

The overarching goals for restoring the Orting shoreline are to: improve water quality, flood protection, vegetation and habitat functions of the shoreline. These goals identify the direction of needed improvement.

Priorities identify specific actions that are measurable and that can be taken to achieve the above stated goals. For example, to meet the goal of improving vegetation, a priority would be to remove invasive species and plant with native species that would provide diverse habitat, improved flood protection and have the capacity to filter and improve the water quality downstream.

By translating these goals into priorities, the top priorities for Orting shoreline restoration and public access are:

- Increase floodwater storage capacity
- Increase vegetation structure and diversity
- Increase habitat diversity and connectivity
- Improve the effectiveness of filtering floodwaters
- Reduce coverage of invasive species
- Improve the safety of the levee system

These priorities assist the City with defining actions or projects to restore the natural processes and ecological functions identified in the Orting Inventory and Characterization Report.

Opportunities and strategies are then identified as means of implementing the top priorities. At this level, no measurable performance standards are applied to goals. For example, the overall goal is to improve water quality to meet the vision of a restored ecosystem, not to improve it by a specific amount. Individual restoration projects that may be implemented as part of this plan are expected to include specific measurable goals.

Alteration of Key Processes

There are key ecological processes that have been altered in the Orting shoreline jurisdiction to some extent. These processes are being threatened by development outside of the city, as well as by changes within the city such as loss of vegetation and increased impervious surfaces. The shoreline restoration and public access opportunities for both rivers are described below.

9.02.04 Public Access and Restoration Sites

Priorities for public access and restoration for specific sites were assessed. From the list of 18 public access sites considered, nine of the sites were chosen for restoration opportunities.

Table 1 shows priority ranking of the 18 sites. The rankings were based somewhat subjectively on perceived environmental and public benefit, property/easement availability and existing conditions.

Table 1: Public Access and Restoration Opportunities Goals and Rankings

Public Access, Restoration Site	Public Access Goals	Restoration Goals	Ranking	Ownership (Public or Private)	Location (Puyallup or Carbon River)
Gratzer Park (Site A4)	Education, Ecology Opportunity, Quality	Water Quality, Vegetation, Habitat	Very High	Public	Puyallup
Soldiers Home Setback Levee (Site A8)	Safety, Quality, Ecology	Flood Protection, Water Quality, Habitat, Vegetation	Very High	Public	Puyallup
Calistoga Street Park (Site A5)	Quality	Habitat, Vegetation, Water Quality	Very High	Public	Puyallup
Ptarmigan Elementary (Site A3)	Education, Ecology Opportunity, Quality	Water Quality, Vegetation, Habitat	High	Public	Puyallup
Calistoga Lift Station (Site A6)	Opportunity	Vegetation	Moderate	Public	Puyallup
Beckett Lane (Site A7)	Opportunity		Moderate	Public	Puyallup
Albert Bell Road (Site A9)	Opportunity		Moderate	Public	Puyallup
Mellinger Ave NW (Site A1)	Opportunity		High	Private	Puyallup
Village Green Future (Site A2)	Education, Opportunity, Quality	Habitat, Vegetation, Water Quality	High	Private	Puyallup
200th Street (Site A10)	Safety, Quality, Ecology	Flood Protection, Water Quality	Moderate	Private	Puyallup
Orting Wastewater Treatment Plant (Site B5)	Opportunity, Parking		Very High	Public	Carbon
Orting High School (Site B7)	Education, Quality	Vegetation, Habitat	Moderate	Public	Carbon
River's Edge (Site B1)	Opportunity		Moderate	Private	Carbon

River's Edge (Site B2)	Opportunity		Moderate	Private	Carbon
Carbon River Landing (Site B3)	Opportunity		Moderate	Private	Carbon
Carbon River Landing (Site B4)	Opportunity		Moderate	Private	Carbon
River Avenue (Site B8)	Opportunity, Parking	Vegetation	Very High	Public*	Carbon
Bridge Street (Site B9)	Opportunity		High	Public*	Carbon
Engfer's Property (Site B6)	Opportunity		Moderate	Private	Carbon

*Denotes right-of-way as publicly-owned property.

Restoration and Public Access Priorities

Five of the sites shown in Table 1 have priorities ranked as very high priority. These sites were ranked highly because the sites are owned by a public agency (i.e. – the City of Orting, Pierce County, etc.) The sites selected as very high priority for public access and/or restoration are as follows:

- Gratzer Park (Site A4)
- Calistoga Street Park (Site A5)
- Soldiers Home Setback Levee (Site A8)
- Orting Wastewater Treatment Plant (Site B5)
- River Avenue (Site B8)

And four sites were ranked as high priority because they are in private ownership, but have opportunity for restoration and access to the shoreline. These sites are not for public use at this time:

- Mellinger Ave NW (Site A1)
- Village Green Future (Site A2)
- Ptarmigan Elementary (A3)
- Bridge Street (Site B9)

These very high priority and high priority sites are discussed below together with the remaining sites that received a moderate ranking.

9.02.05 List of all of the Restoration and Public Access Sites

The following is a discussion of the conditions, restoration and public access prescriptions, and potential restored functions for all of the 18 sites.

Mellinger Ave NW (Site A1)
Rank: High Priority
This location has high potential for public access to the river. Currently, access is gained through an unmarked easement between two private residences. The easement is not easily identified as a public right-of-way.

- *Restoration and Public Access Prescription*
  Create a public access opportunity by improving visibility of access point.

- *Implementation and Timing*
  The City of Orting may seek funding for an IAC grant to improve public access at this site.

Village Green Future (Site A2)
Rank: High Priority
This site has good potential for creating a public access opportunity. Future development of this site could include plans for public access.

- *Restoration and Public Access Prescription*
  Enhance the wetland complex adjacent to the development. Create an interpretative public access trail through the wetlands. Remove invasive vegetation. Plant native riparian species.

- *Implementation and Timing*
  The city will continue to look for funding that provides more opportunities for trail development and public access.

Ptarmigan Elementary (A3) and Gratzer Park (Site A4)
Rank: High Priority for both Sites A3 and A4
The location at 159th Avenue would be an excellent opportunity for protection and enhancement since it is owned by the Orting School District and the City has identified it as an area to be preserved for parks, open space, trails, and shoreline enhancement.

- *Restoration and Public Access Prescription*
  Create a public access opportunity with interpretative trails along the shoreline areas and remove invasive vegetation. Re-vegetate with native wetland plant species.

- *Implementation and Timing*
  Over the past year, the City has been actively searching for funding opportunities to restore and enhance the shoreline areas for this site. The creation of Gratzer Park has been discussed at length during public meetings as part of the adoption of the Orting Comprehensive Plan Updates and during the creation of the new Orting Parks, Recreation, and Open Space Plan. The parks plan was adopted by the City Council in 2004. In this parks plan, the creation of Gratzer Park was listed as the top priority by all of the citizens who participated in the development of that plan.

The Orting School District has sold a portion of the property to Pierce County as part of the Conservation Futures Program. In turn, the County has transferred ownership to the City for development of a community park, stormwater facilities, wetland enhancements and other public amenities. A preliminary master plan for the area has been prepared. The elements of Phase One are two ballfields (one baseball and one softball) with a gravel parking lot, landscaping next to the parking lot, ADA spaces, and an accessible pathway to the ballfields from the parking area.

The finalized master plan for the site will be to create a four-leaf clover ballfield layout with expanded parking to the north, tennis courts, a football-soccer field to the west, a children's play area, and a complete trail system with interpretative signage. Future trails would have access to the shoreline, possibly utilize the Puget Sound Energy easement, and eventually connect to the Orting Foot Hills trail and future Middle school site to the north. The City is currently seeking funding to begin Phase One of Gratzer Park.

Calistoga Street Park (Site A5)
Rank: Very High Priority

This site is one of the best existing public access sites. It is currently developed and has established access. Public access opportunities could be improved relatively easily with trail improvements and signage.

- *Restoration and Public Access Prescription*
  Improve plant diversity and habitat within existing wetland complex. Enhance riparian habitat to the unnamed (Class IV) stream running through the park. Provide stream restoration through the replacement of the pedestrian path and culvert with a bridge. Improve the path to the river by creating a more defined walking area. Replant denuded areas along this pedestrian path with native vegetation.

- *Implementation and Timing*
  The City is currently seeking grants for public access improvements and will continue to look for innovative ways to fund these types of projects.

Calistoga Lift Station (Site A6)
Rank: Moderate Priority

Though this location currently has marginal access to the river, this site could be easily improved by adding parking and improving the trail. The property easement rights would have to be acquired.

- *Restoration and Public Access Prescription*
  Remove the overgrown vegetation that limits pedestrian access along the levee to the south and prohibits access to the north.

- *Implementation and Timing*
  The City is looking for grant funding to acquire property easement rights and for trail improvements at this location.

Beckett Lane (Site A7)
Rank: Moderate Priority

There is an existing road that could be used for future public access opportunities. This location offers moderate access to the river over a section of privately owned property.

- *Restoration and Public Access Prescription*
  Improve the existing pedestrian path that leads to the levee, which can be accessed in either direction. This is privately owned property and an easement would have to be obtained.

- *Implementation and Timing*
  In 2006, the city continues to seek grant funding to acquire property easement rights within the shoreline areas to allow for public access to the river frontage.

Soldiers Home Setback Levee (Site A8)
Rank: Very High Priority

This is publicly-owned land that contains riparian wetlands and river floodplain next to the Puyallup River.

- *Restoration and Public Access Prescription*
  The Soldiers Home Setback Levee Project is designed to restore the Puyallup River to more historic naturally functioning conditions for fish and wildlife. The historic loss of floodplains, due to the levee construction and channelization of the Puyallup River, dramatically reduced the productivity of the river. Pierce County set back 6,376 linear feet of new levee behind the former levee on the Puyallup River.

  The setback area reconnects 67 acres of riparian-forested wetlands and floodplain to the river. This reconnection will substantially increase off channel spawning, rearing, refuge and forage habitat for chinook, coho, bull trout, chum salmon,

searun cutthroat trout, steelhead, and pink salmon in a highly channelized river.

Construction activities consisted of the removal of the existing levee on the left river bank, concurrent construction of a new levee away from the existing levee footprint, breaching of the existing levee in two places to facilitate the river reconnection, and the addition of riprap to both the left and right bank levees above, adjacent to and below the project site to strengthen the remaining levee segments against altered flow patterns.

Albert Bell Road (Site A9)
Rank: Moderate Priority

This site provides available access via a locked Pierce County gate. It is surrounded by private property to the south. Access to the river is approximately 400 yards. Areas to the south of this site are outside of the city limits.

- *Restoration and Public Access Prescription*
  The access to the levees could be redefined and formalized. A parking area is needed.
- *Implementation and Timing*
  The city may apply for grant funding for improvements to this site.

200th Street (Site A10)
Rank: Moderate Priority

The City identified this site as a frequently flooded reach of the river. Several recent revetment and stabilization projects have been completed by Pierce County here as a result of continued flooding.

- *Restoration and Public Access Prescription*
  Acquire significant amount of private property for levee setback. The river is approximately 0.5 miles from a locked gate.

- *Implementation and Timing*
  The City may collaborate with Pierce County to plan improvements.

River's Edge (Site B1)
Rank: Moderate Priority

This site has excellent potential for future public pedestrian access to the river within the north end of the development.

- *Restoration and Public Access Prescription*
  The restoration and public access prescription for this portion of River's Edge are to strengthen the pedestrian access through signage and native plant landscaping either directly to the levee or to the shoreline buffer area.

- *Implementation and Timing*
  The City may seek funding for this project in 2007-2010.

River's Edge (Site B2)
Rank: Moderate Priority

River's Edge offers excellent potential for public pedestrian access to the river within the north central portion of the development.

- *Restoration and Public Access Prescription*
  Create access to the river via the north central portion of River's Edge. Currently, the plan is to have access that will connect up with the sewer main access road behind the development that runs north to south intersecting with Rocky Road. Pierce County access to the levee may also be involved, but it is not known how this access road will connect up with the levee.

- *Implementation and Timing*
  Similar to Site B1, the city may seek funding for this project in 2007-2018.

Carbon River Landing (Site B3)
Rank: Moderate Priority

This site has the potential for future pedestrian and service vehicle access to the river.

- *Restoration and Public Access Prescription*
  Create access to the river via the south central portion of Carbon River Landing. Access may be adjacent to the stormwater pond and will intersect with the sewer main road. Pierce County vehicular access to the levee may also be allowed, but any roads will be gated and limited to pedestrians.

- *Implementation and Timing*
  The City may seek funding for this project in 2007-2010.

Carbon River Landing (Site B4)
Rank: Moderate Priority

This site has the potential for future pedestrian access to the river. There is currently river access from this location south to Rocky Road.

- *Restoration and Public Access Prescription*
  Create access to the river via the southern portion of Carbon River Landing.

- *Implementation and Timing*
  The City may seek funding for this project in 2007-2010.

Orting Wastewater Treatment Plant (Site B5)
Rank: Very High Priority

This site has public parking opportunities. The upgrade of the existing roadway and site design layout may allow for additional parking.

- *Restoration and Public Access Prescription*
  Upgrade Rocky Road by paving the access road to the levee and create a parking area adjacent to the trailhead.

  Implement improvements to the trailhead and pedestrian trail. Remove invasive vegetation and plant native plant species.

- *Implementation and Timing*
  The City will consider improvements in conjunction with work on the wastewater treatment plant.

Engfer's Property (Site B6)
Rank: Moderate Priority

An existing road ends at private property. Easement through private property will be necessary.

- *Restoration and Public Access Prescription*
  Obtain easement and make improvements to the pedestrian trail to the levee at the end of this road.

- *Implementation and Timing*
  The City may seek funding to purchase this easement and make improvements to the pedestrian trail in 2008-2009.

Orting High School (Site B7)
Rank: Moderate Priority

This site has the potential for future pedestrian access to a wooded area next to the levee.

- *Restoration and Public Access Prescription*
  Restore and preserve the shoreline buffer behind the high school. Remove invasive vegetation and re-plant with native

species. Protect the area from use by vehicular traffic and the dumping of yard waste.

- *Implementation and Timing*
  The City may seek funding for this project in 2007-2010.

River Avenue (Site B8)
Rank: Very High Priority
River Avenue dead ends a short distance from the levee. This site has the potential for future parking on publicly-owned property.

- *Restoration and Public Access Prescription*
  Plan for future parking areas along River Avenue. No public access is available. The distance from a vehicle to the shoreline is relatively short, however it is located on private property.

- *Implementation and Timing*
  The City may seek funding for this project in 2007-2018.

Bridge Street (Site B9)
Rank: High Priority
This location offers access to the river via Bridge Street and a gated Pierce County access road. The gate is approximately one-quarter mile from the levee. Private property borders the access road to the north and south.

- *Restoration and Public Access Prescription*
  Create parking area adjacent to the trailhead. Implement improvements to the trailhead and pedestrian trail. Remove invasive vegetation and re-plant with native species.

- *Implementation and Timing*
  The City may seek grants to fund this project in 2008-2009.

9.02.06 Existing and Ongoing Projects

Existing and ongoing outreach organizations have been identified for potential involvement with Orting shoreline projects. These groups are currently involved in shoreline issues and are stakeholders in the City of Orting's Shoreline Master Program (SMP). These organizations could be used as resources for shoreline restoration and for the creation of increased public access to the shoreline. Some of these groups have previously been involved in other related projects or may have resources to assist the City in furthering the goals and policies of the Orting SMP.

The City could also benefit from a community education program and incentives to identify and develop restoration opportunities on private property. This could be done through school education and class projects, and by informing residents affected by the Orting SMP.

9.02.07 Outreach Organizations

The following table outlines outreach organizations for the City of Orting.

Table 3: Outreach Organizations - 2006

Organization	Name	Phone Number	Email or Website
Puyallup Tribe of Indians	Vernetta Miller	253-593-0232	vmiller@ptgc.org
Pierce County SMP	Mike Erkkinen	253-798-2705	merkkin@co.pierce.wa.us
Puyallup River Watershed Council		253-891-3318	www.prwc.org/
Pierce County BioDiversity Planning	Katherine Brooks	253-798-3181	kbrooks@co.pierce.wa.us
Pierce Conservation District	Monty Mahan	253-845-9770	info@piercecountycd.org
Adopt-a-Stream	Tom Noland	425-316-8592	www.streamkeeper.org
NW Office in Everett			
Dept. of Fish and Wildlife, Regional Contact	Sue Patnude	360-249-4628	www.wdfw.wa.gov/reg/region6.htm
Habitat Bank	Steve Sego	206-321-0995	www.habitatbank.com
Pierce County Conservation District	Leslie Beck		lbeck@americanrivers.org
Orting High School Science Class	Science Teacher	360-893-2246	andersonJ@orting.wednet.edu
Trout Unlimited (Tacoma Chapter)	Nancy Nelson	800-834-2419	nnelson@tu.org
US Army Corps of Engineers	Andrea Takash	206-766-6447	Andrea.M.Takash@usace.army.mil
Cascade Land Conservancy		253-350-1560	info@cascadeland.org
Shared Strategy for Puget Sound		206-447-3336	www.sharedsalmonstrategy.org
WDFW – Region 6	Sue Patnude	360-249-4628	wdfw.wa.gov/reg/region6.htm
NOAA Restoration Center	Jennifer Steger		jennifer.steger@noaa.gov

9.02.08 Funding Groups

Below is a table identifying potential funding groups for Orting Shoreline restoration and public access. The second column identifies funding categories for each group and the last column identifies the opportunity type for each funding group. The groups in this table can be matched up with the opportunities listed in the table above.

Table 4: Funding Opportunities - 2006

Funding Group	Funding Category	Eligibility	Deadline	Contact	Opportunity Type
Pierce County Conservation Futures Fund	Land preservation program for protection of threatened areas of open space, timber lands, wetland, habitat areas, agricultural and farm lands	Local governments , WA State		Pierce County Parks & Recreation 9112 Lakewood Dr. SW Lakewood, WA 98499	
The Interagency for Outdoor Recreation (IAC)	Land acquisition, habitat conservation, parks and trail development	Local governments , WA State	May 1	Darrell Jennings (360) 902-3020 www.iac.wa.gov	Habitat, Wetlands, Vegetation
Statewide Transportation Enhancement (TE) grants	Pedestrian and Bicycle Facilities	Cities		Kelly McGourty www.psrc.org	Flooding Habitat
The Pioneers in Conservation grants program	Intended to help farmers protect and restore salmon habitat	All private agricultural lands in the Puget Sound Basin.	Sept 2	Don Stuart American Farmland Trust 104 W. Meeker St.,Suite A Puyallup, WA 98371 Phone: (253) 446-9384 E-mail: dstuart@farmland.org	Habitat
National Fish and Wildlife Foundation	Conserve fish, wildlife, plant habitats	Local governments , WA State	June 1/Oct 15	Suzanne Piluso 503-417-8700 Suzanne.piluso@nfwf.org	Habitat
Water Quality – DOE	Water quality, wastewater treatment source, wetland habitat preservation funding, public education	Local governments , recognized tribes	Feb 3	Jeff Nejedly 360-407-6566	Wetlands
Flood Control – DOE	Fish habitat protection, enhancement	Cities	Feb 1	Bev Huether bhue461@ecy.wa.gob	Flooding Habitat
National Fire Plan	Reduce fuels on lands at risk	Cities	Feb 11	Lauren Maloney 503--808-6587 lauren_maloney@	Vegetation

				or.blm.gov	
F&W Species of Concern	Land acquisition, habitat conservation, to conserve threatened and endangered species		Dec 17	Joanne Stellini Joanne_stellini@fws.gov	Habitat
Cooperative Endangered Species Fund	Conserve threatened or endangered species, protect lands for habitat conservation	Not for habitat restoration or enhancement	March 31	Elizabeth Rodrick 360-902-2696 Brad Pruitt 360-902-1102	Vegetation
National Resource Conservation Service	Wetlands easements and restoration	Landowners, tribes	No date listed	Leslie Deavers, USDA 202-720-1067	Wetlands
Assessment and Watershed Protection Grants - EPA	Erosion and sediment control management	Local governments, WA State	June 21	Katie Flahive 202-566-1206 flahive.katie@epa.gov	Floodplain Flooding
Aquatic Lands Enhancement Account - DNR				Leslie Ryan Phone: (360) 902-1064 Email: leslie.ryan@wadnr.gov	
Bring Back the Natives – National Fish and Wildlife Foundation				Pam McClelland Phone: (202) 857-0166 Email: mcclelland@nfwf.org	Habitat
Landowner incentive program - Washington State Department of Fish and Wildlife, Lands Division				Ginna Correa or Jeff Skriletz Phone: (360) 902-2478 or (360) 902-8313 http://wdfw.wa.gov/lands/lip	
Regional Fisheries Enhancement Groups - Washington State Department of Fish and Wildlife				Kristi Lynett Phone: (360) 902-2237 Email: lynetksl@dfw.wa.gov	Habitat
Salmon Recovery Funding Board - Interagency Committee for Outdoor Recreation				Rollie Geppert Phone: (360) 902-2636 Email: Salmon@iac.wa.gov	
Wetland Protection, Restoration, and Stewardship Discretionary Funding -				Christina Miller Phone: (206) 553-6512 Email: miller.christina@ep	

Environmental Protection Agency		a.gov	
NOAA Restoration Center	Local governments , WA State	Jennifer Steger Email: Jennifer.Steger@noaa.gov	Habitat

9.02.09 Strategies for Implementation

This section discusses programmatic measures for the City of Orting designed to foster enhanced public access, shoreline restoration and to achieve a net improvement in shoreline ecological processes, functions, and habitats. With projected budget and staff limitations, the City of Orting does not anticipate leading most restoration projects or public access programs. However, the city's SMP represents an important vehicle for facilitating and encouraging restoration projects and public access programs that could be led by local private and non-profit entities. The discussion of restoration and public access mechanisms and strategies below highlights programmatic measures that the city could implement, as well as parallel activities that would be led by other governmental and non-governmental organizations.

Substantial publicly-owned properties are located within the shorelines where development is prohibited or severely restricted. Most of the parcels located along the Puyallup and Carbon Rivers within the city limits are zoned for public facilities or single family development.

The city should continue to work with outside agencies, property owners, and developers to allow for public access to the shoreline areas and for the creation of shoreline restoration activities that further enhance these areas.

Volunteer Coordination

Another way the city could accomplish public access and restoration projects is by using community volunteers. Volunteers may be recruited for project implementation and monitoring and the city would provide equipment and expertise. The city would also need to fund a volunteer coordinator to organize projects, solicit various environmental groups and individual volunteers to complete the projects and partner or coordinate with other government entities on projects. This would be a good opportunity for the Orting High School science class listed in the outreach section.

Capital Facilities Program

The city could develop shoreline public access and restoration as a new section of the city's Capital Facilities Program, even if not

immediately funded, to ensure that they are considered during the city's budget process.

Resource Directory

Develop a resource list for property owners that want to be involved in shoreline public access and restoration. Two examples of grant programs that could be included are below, others are included in the funding groups table above.

> *Landowner Incentive Program (LIP)* – This is a competitive grant process to provide financial assistance to private individual landowners for the protection, enhancement, or restoration of habitat to benefit species-at-risk on privately owned lands. The LIP website should be checked after mid-August for information about the next application cycle that will be open September through November 2006. Questions should be directed to Ginna Correa at corregcc@dfw.wa.gov.
>
> *Salmon Recovery Funding Board (SRFB) Grant Programs* – SRFB administers two grant programs for protection and/or restoration of salmon habitat. Eligible applicants can include municipal subdivisions (cities, City s, and counties, or conservation districts, utility, park and recreation, and school districts), Tribal governments, state agencies, nonprofit organizations, and private landowners. All projects require lead entity approval. Applications for funding are due to the SRFB on September 30, 2006.

The Pierce County Biodiversity Alliance (PCBA)

The Pierce County Biodiversity Alliance (PCBA) is comprised of a stakeholders group that represents governmental, academic and non-profit agencies, who are interested in preserving the long-term biodiversity of Pierce County. Alliance members include Pierce County government; University of Washington - Cooperative Fish and Wildlife Unit and Nature Mapping Program; Washington Department of Fish and Wildlife; Metro Parks Tacoma; Tahoma Audubon Society; Friends of Pierce County; Pierce County Conservation District; Point Defiance Zoological Society; and USGS National GAP Program.

The main emphasis of the PCBA is non-regulatory in nature and instead focuses on public outreach to property owners within this network, providing education on how to maintain the habitats and biological diversity. The PCBA goal is to establish biological surveys and monitoring programs and facilitate the development of habitat conservation plans that will provide detailed information on habitat quality and species presence/viability, restoration opportunities, and priorities for

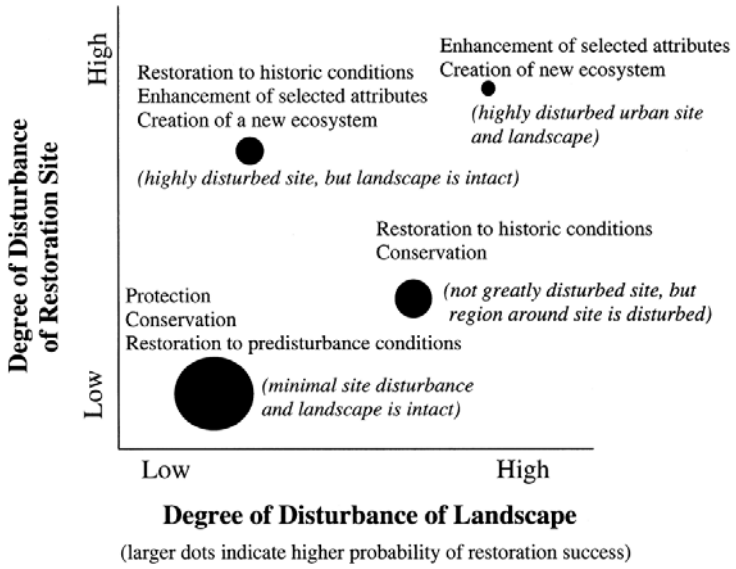
conservation and land acquisition for each BMA. The PCBA is now conducting the first pilot project for this process in the Gig Harbor BMA. This endeavor advocates responsible land use and success will be achieved when each BMA and connecting corridor retains ecological function given the community's land-use objectives.

Backyard Sanctuary Program

The Washington Department of Fish and Wildlife (WDFW) has created a backyard sanctuary program. This could be implemented as a Shoreline Tax Incentives when a property owner chooses to participate in the program. Since the city recognizes that there are important opportunities to improve shoreline ecological conditions and functions through non-regulatory, volunteer actions by shoreline residents and property owners it might examine the potential for property tax breaks for shoreline property owners who are actively manage their property for habitat protection or enhancement. To encourage volunteer actions that better shoreline ecological functions and values, shoreline property owners actively participating in the WDFW backyard sanctuary program or some similar program could receive a credit on their city property taxes.

Evaluation Criteria

When a project is proposed for implementation by the city, other agency or by a private party, the restoration potential should be evaluated to ensure that the project's objectives are consistent with this Orting Restoration and Public Access Plan and, if applicable, that the project warrants implementation above other candidate projects. (It is recognized that, due to funding sources or other constraints, the range of any individual project may be narrow.)



It is also expected that the list of potential projects may change over time, that new projects may be identified and existing opportunities may become less relevant as restoration occurs and as other environmental conditions, or our knowledge of them, change.

When evaluating potential projects, priority should be given to projects that meet the most of the following criteria:

- Restoration meets the goals for shoreline restoration.
- Restoration of processes is generally of greater importance than restoration of functions.
- Restoration avoids residual impacts to other functions or processes.
- Projects address a known degraded condition.
- Conditions that are progressively worsening are of greater priority.
- Restoration has a high benefit to cost ratio.
- Restoration is feasible, such as being located on and accessed by public property or private property that is cooperatively available for restoration. Restoration should avoid conflicts with adjacent property owners.
- There is public support for the project.
- Avoids property conflicts.

The city should consider developing a project "score card" as a tool to evaluate projects consistent with these criteria.

Project Monitoring

In addition to project monitoring required for individual restoration and mitigation projects, the city should conduct system-wide monitoring, to the degree practical, recognizing that individual project monitoring does not provide an assessment of overall shoreline ecological health. The following three-pronged approach is suggested:

1. Track information using the city's GIS system as activities occur (both restoration and mitigation), such as:
    - Removal of fill
    - Vegetation
    - Levee maintenance and construction

    The city may require project proponents to monitor as part of project mitigation, which may be incorporated into this process.

2. Periodically review the regional ongoing monitoring programs, such as:
    - Pierce County BioDiversity Planning

3. Re-review status of environmental processes and functions at the time of periodic SMP updates.

As monitoring occurs, the city should periodically reassess environmental conditions and restoration objectives. Those ecological process and functions that are found to be worsening may need to

become elevated in priority to prevent loss of critical resources. Alternatively, successful restoration may reduce the importance of some restoration objectives in the future.

Conclusions

The City of Orting has chosen to adopt the city's Critical Areas Ordinance (CAO) by reference in the Orting Shoreline Master Program. This will help to strengthen the city's continued efforts to protect the environment, including critical areas located within the shoreline jurisdiction.

This restoration plan looks at the baseline (the levees) minus development (any new development, such as single family residential and any uses that fall into the SMP's Urban Conservancy shoreline environment designation) plus restoration activities (both ongoing and future) to reach a conclusion. Given this information, it can be reasonably concluded that there will be much less or fewer impacts on the shoreline habitat than there were in the past prior to the implementation of these environmental restoration activities.

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APPENDIX A

State Agency Offices

Department of Agriculture
http://agr.wa.gov/

- **Consumer and Producer Protection Division**
  P.O. Box 42560
  Olympia, WA 98504-2560
  Ph: 360-902-1850
  Fx: 360-902-2086
- **Pesticide Management Division**
  P.O. Box 42589
  Olympia, WA 98504-2560
  Ph: 360-902-2010
- **Licensing of Applicators**
  360-902-2020
- **Pesticide Compliance**
  360-902-2040
- **Registration for Fertilizers**
  360-902-2025
- **Registration for Pesticides**
  360-902-2030
- **Plant Services Division: Noxious Weed Program**
  2015 S Fir Street
  Yakima, WA 98903
  Ph: 509-576-3039

Community Trade and Economic Development
http://www. cted.wa.gov

- **Office of Archaeology and Historical Preservation**
  111 West 21st Avenue
  P.O. Box 48343
  Olympia, WA 98504-8343
  Ph: 360-586-3065
  Fx: 360-586-3067

Department of Ecology
http://www.ecy.wa.gov

- **Headquarters Office**
  P.O. Box 47600
  Olympia, WA 98504-7600
  Ph: 360-407-6000
  Fx: 360-407-6007
- **Southwest Regional Office**
  (Includes Pierce County)

  P.O. Box 47775
  Olympia, WA 98504-7775
  Ph: 360/407-0242
  Fx: 360/407-6205

Department of Fish and Wildlife
http://wdfw.wa.gov/

- **Region No. 4 - Northwest**
  (Island, King, San Juan, Skagit, Snohomish counties and that portion of Pierce County east of a line from the mouth of the Nisqually River through Dratyon Passage, Pitt Passage)

  16018 Mill Creek Boulevard
  Mill Creek, WA 98012
  Ph: 425-775-1311
  Fx: 425-338-1066

Department of Health
http://www.doh.wa.gov

- **Drinking Water Operating Permit**
  1-800-521-0323
- **Waterworks Operator Certification**
  1-800-525-2536
- **Northwest Drinking Water Operations**
  (Island, King, Pierce, San Juan, Skagit, Snohomish, and Whatcom counties)

  1511 - 3rd Ave., Suite 719
  Seattle, WA 98101
  Ph: 206-464-7670
  Fx: 206-464-7059

Department of Natural Resources
http://www.wa.gov/dnr

- **General Information**
  Ph: 360-902-1000
- **South Puget Sound Region**
  (King, Kitsap, Mason, and Pierce counties)
  28329 Southeast 448th Street
  P.O. Box 68
  Enumclaw, WA 98022
  Ph: 360 825-1631
  Fx: 360-825-1672
- **Aquatic Resources Division**
  1111 Washington Street SE
  P.O. Box 47027
  Olympia, WA 98504-7027
  Ph: 360-902-1100
  Fx: 360-902-1786
- **Forest Practices Division**
  1111 Washington Street SE
  P.O. Box 47012
  Olympia, WA 98504-7012
  Ph: 360-902-1400
  Fx: 360-902-1784

Tribal Contacts

Muckleshoot Indian Tribe

39015 - 172nd Ave. SE
Auburn, WA 98002
Ph: 253-939-3311Fx: 253-939-5311

Puyallup Indian Tribe

3009 E. Portland Ave.
Tacoma, WA 98404
Ph: 253-573-7993 Fx: 253-573-7928

Puyallup Tribal Fisheries

6824 Pioneer Wy. W
Puyallup, WA 98424
Ph: 253-445-2430Fx: 253-848-7341

Air Quality Contacts

Western Washington

- **Puget Sound Clean Air Agency**
  http://www.pscleanair.org
  (King, Kitsap, Pierce, and Snohomish counties)

  110 Union Street, Suite 500
  Seattle. WA 98101-2038

- Air Pollution Control Officer
  Ph: Seattle - 206-343-8800
  1-800-552-3565

- **Department of Ecology**
  http://www.ecy.wa.gov
  Air Program
  P.O. Box 47600
  Olympia, WA 98504-7600
  Ph: 360-407-6800

- **Environmental Protection Agency**
  Region X
  http://www.epa.gov/region10
  1200 Sixth Avenue
  Seattle, WA 98101
  Ph: 206-442-1275