Draft

City of Lacey

Shoreline Master Program

Final Changes for Council Resolution and DOE Review

October 15, 2010
CITY OF LACEY MISSION

Our mission is to enrich the quality of life in Lacey for all our citizens. To build an attractive, inviting, and secure community; We pledge to work in partnership with our residents to foster community pride, to develop a vibrant, diversified economy, to plan for the future, and to preserve and enhance the natural beauty of our environment.

Picture of the open house held January 2010 at Lacey City Hall to review the draft Lacey Shoreline Master Program developed by the Lacey Planning Commission and to kick off an effort to update the City's Comprehensive Plan for Outdoor Recreation. Over 100 citizens participated in the event.

Picture by Lori Flemm
LACEY CITY COUNCIL

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   Raymond Payne
   Richard Sovde
   Gail Madden
   Lenny Greenstein

LACEY CITY MANAGER

Greg J. Cuioio

LACEY COMMUNITY DEVELOPMENT DEPARTMENT

Rick Walk, AICP, Community Development Director
David R. Burns, AICP, Principal Planner, lead staff on update
   Ryan Andrews, Associate Planner
   Sarah Schelling, Associate Planner
   Samra Seymour, Associate Planner
   Jolene Hempel, Permit Technician
   Leah Bender, Permit Technician
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Veena Tabbutt, Senior Planner
Andrew Deffobis, Assistant Planner
Sarah Morley, Administrative Assistant
Toni Tringolo, Office Specialist II

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Jan Weydemeyer, Senior Planner for Olympia
Cindy Wilson, Senior Planner for Thurston County
Molly Levitt, Associate Planner Thurston County

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Photographs taken by David R. Burns, AICP, Principal Planner, unless noted otherwise.
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PART ONE

GENERAL PROVISIONS, FRAMEWORK, DEFINITIONS, JURISDICTION AND ENVIRONMENTAL DESIGNATIONS, TABLES FOR USE, STANDARDS AND MODIFICATIONS, NONCONFORMING USES, PERMITS, RELATIONSHIP TO OTHER LAND USE REGULATIONS
View of wetland system south of Hicks Lake. This wetland was dedicated to the City of Lacey by Boston Harbor Land Company when the Southlake plat was developed. The dedication puts the wetland and its associated 200 foot buffer under City ownership for long term preservation. The dedication also provided the opportunity to establish a section of trail around the outside of the wetland buffer for limited public access to this resource.
17.10.000  General Provisions

1. All development and use of shorelines of the state shall be carried out in a manner that is consistent with this SMP and the policy of the Act as required by RCW 90.58.140(1), whether or not a shoreline permit or statement of exemption is required.

2. No use, land or water alteration, or development shall be undertaken within jurisdiction of the Shoreline Management Act by any person without first obtaining a permit, except the Administrator may issue a letter of exemption from a substantial development permit under Section 17.30.030.

3. Permit processes and fees related to implementation of this Shoreline Master Program (SMP) are contained within the City’s Development Guidelines and Public Works Standards (DGPWS). The processes outlined in the City DGPWS follow the requirements of state law and provide a local process for implementation of Lacey’s Shoreline Master Program.

17.10.005  Authority

Authority for enactment and administration of this Shoreline Master Program (SMP) is the Shoreline Management Act of 1971, Chapter 90.58, Revised Code of Washington (RCW), also referred to herein as the "SMA". All SMPs must satisfy the requirements of Chapter 173-26, Washington Administrative Code (WAC), State master program approval/amendment procedures and master program guidelines, and Chapter 173-27 WAC, Shoreline permitting and enforcement procedures.

17.10.010  Title

This document shall be known and may be cited as the “City of Lacey Shoreline Master Program.”

17.10.015  Short Title

This document may be referred to herein as the "SMP," or the “master program.”

17.10.017  Intent and Framework

1. Three pillars provide the framework:

   The state Shoreline Management Act was adopted by the voters in 1971. It demonstrated a broad public support for the wise management of the state’s shoreline resources. There are three pillars of the Act that provide the fundamental concepts implemented in this Shoreline Master Program (SMP). These are:

   A. Protection of environmental functions and values of our shoreline resources;

   B. Prioritizing the use of shorelines dependent upon the need to be located on shorelines (water dependant use);
C. Public access and public use and enjoyment of shoreline resources.

2. Fundamental Goals of the Shoreline Management Act:

The Shoreline Act’s policy of protecting ecological functions, fostering reasonable use and maintaining the public’s right of navigation, access and corollary uses encompasses the following general goals:

A. Goal: The use of shorelines for economically productive uses that are particularly dependant on shoreline location or use (RCW 90.58.020);

B. Goal: The use of shorelines and waters they encompass for public access and recreation (RCW 90.58.020);

C. Goal: Protection and restoration of the ecological functions of shoreline natural resources (RCW 90.58.020);

D. Goal: Protection of the public right of navigation and corollary uses of waters of the state (RCW 58.020);

E. Goal: The protection and restoration of buildings and sites having historic, cultural and educational value (RCW 90.58.100);

F. Goal: Planning for public facilities and utilities correlated with other shoreline uses (RCW 90.58.100);

G. Goal: Prevention and minimization of flood damage (RCW 90.58.100);

H. Goal: Recognizing and protecting private property rights (RCW 90.58.020);

I. Goal: Preferential accommodation of single family uses (RCW 90.58.020);

J. Goal: Coordination of shoreline management with other relevant local, state and federal programs (RCW 90.58.020).

3. Shorelines of Statewide Significance and Fundamental Policies:

A. Shorelines of Statewide Significance: The Shoreline Management Act identifies certain shorelines as “shorelines of statewide significance” and raises their status by setting use priorities and requiring “optimum implementation” of the Act’s policy.

B. Preference for Use: In accordance with RCW 90.58.020 Shorelines of the State which are defined as Shorelines of Statewide Significance shall be given preference to uses, in the following order of priority:

1) Recognize and protect the state-wide interest over local interest;

2) Preserve the natural character of the shoreline;

3) Result in long-term over short-term benefit;

4) Protect the resources and ecology of the shoreline;
5) Increase public access to publicly-owned areas of the shorelines;

6) Increase recreational opportunities for the public on the shoreline;

7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

4. Summary of Fundamental Goals and Policies for Lacey’s Shoreline Master Program:

These goals and policies provide the framework for development of Lacey’s Shoreline Program and compliance with state requirements.

A. Goal: Provide an opportunity for public participation in the update of the Shoreline Master Program to help identify key issues for Lacey, develop a program meeting state and local objectives and achieve community support for the wise management, protection, restoration and use of Lacey’s shoreline resources.

1) Policy: Ensure the public has opportunity to provide early, continuous and meaningful input into development of Lacey’s shoreline program and periodic updates and amendments.

2) Policy: Look for and utilize a full range of approaches for educating and informing the public about shoreline management concepts that promote healthy shorelines, water quality, more productive habitat and other public interests.

B. Goal: Identify functions and values specific to Lacey’s shoreline resources to develop a program tailored to Lacey’s needs that will provide protection, restoration and utilization of these resources.

1) Policy: Identify and designate each distinct shoreline reach with a classification based upon its function, values and public benefit.

2) Policy: Use the shoreline inventory to achieve the best utilization and management of Lacey’s shoreline resources:

3) Policy: Base land use decisions on the shoreline designation and what is necessary to maintain shoreline functions and values and provide priority shoreline use to the public.

4) Policy: Designate and preserve those shorelines of this region which are notable for their aesthetic, scenic, historic or ecological qualities.

5) Policy: Preserve large, intact ecological systems such as floodplains, wetlands or tidelands.

6) Policy: Designate an adequate supply of land for future water-dependent or water-related uses.

C. Goal: Develop a Shoreline Master Program that will achieve:

1) Integration with the state Growth Management Act (GMA) to provide a long range community vision for the wise management and use of Lacey’s shoreline resources over the long term;
2) Provide development standards designed to regulate and protect areas within shoreline jurisdiction as Lacey faces urbanization under GMA;

3) No net loss of ecological functions and restoration of impacted areas to protect and improve the public’s long term interest in shoreline resources.

   a) **Policy:** To provide consistent treatment of critical areas in shoreline jurisdiction, reference and apply critical area ordinance standards as part of the SMP.

   b) **Policy:** Provide opportunities for land use form that will achieve GMA goals for urbanization, while providing superior opportunities for protection of shoreline processes and public access opportunities.

   c) **Policy:** Design, locate and construct residential development in a manner that will:
      i. Maintain existing public access to the publicly-owned shorelines,
      ii. Not interfere with the public use of water areas fronting such shorelines, and
      iii. Not adversely affect aquatic habitat.

   d) **Policy:** Adopt a full range of development standards and incentive opportunities to protect and achieve no net loss of existing shoreline ecological functions and processes.

D. **Goal:** Achieve public access opportunities necessary to serve the needs of the Lacey community.

   1) **Policy:** Develop a public access plan that will use a full range of strategies and incentive program(s) approved by the Lacey Council to gain public access and acquire ownership of shoreline resources for the Lacey community.

17.10.020 **References to Plans, Regulations or Information Sources**

1. Where this Program makes reference to any RCW, or WAC, as amended and the current edition of other state, or federal regulations, shall apply.

2. Local Lacey plans and codes being referenced in this Shoreline Master Program include the following:

   A. Title 14 of the Lacey Municipal Code (LMC): The Lacey Title on Buildings and Construction that includes Lacey’s critical area ordinances and design review chapters, specific sections referenced include:
      - LMC Chapter 14.04, International Building and International Residential Code;
      - LMC Chapter 14.23, Design Review;
      - LMC Chapter 14.24, Environmental Policy;
      - LMC Chapter 14.28, Wetlands Protection*;
      - LMC Chapter 14.31, Zero Effect Drainage Discharge;
      - LMC Chapter 14.32, Tree and Vegetation Protection and Preservation;
      - LMC Chapter 14.33, Habitat Protection*;
      - LMC Chapter 14.34, Flood Hazard*;
      - LMC Chapter 14.37, Geologically Sensitive Areas*;
B. Title 15 of the LMC: The Lacey Land Division Ordinance;

C. Title 16 of the LMC: The Lacey Zoning Code and submitted SMP update related amendments;

D. Development Guidelines and Public Works Standards (DGPWS) and submitted SMP update related amendments*;

E. The Lacey Comprehensive Land Use Plan developed under the State Growth Management Act (GMA) and all of its elements. Elements specifically referenced include:

- City of Lacey and Thurston County Land Use Plan for the Urban Growth Area and submitted SMP update related amendments;
- City of Lacey and Thurston County Housing Element for Lacey and the Lacey Urban Growth Area;
- Environmental Protection and Resource Conservation Plan and its Urban Forest Management Plan;
- Lacey Comprehensive Plan for Outdoor Recreation;
- City of Lacey 2030 Transportation Plan;

NOTES REGARDING REFERENCED DOCUMENTS:

* denotes a reference considered by the Department of Ecology to be mandatory fulfilling an identified requirement of local SMPs and required to be identified by date of adoption and adopted version and attached as an appendix to the SMP.

References not identified by an * are considered “loose” reference by the Department of Ecology and are not required to be adopted in an appendix.

Portions of the LMC referenced as a requirement of the SMP and designated with an * will be the version in effect at the time of adoption of the Shoreline Master Program and will not include amendments made to those Plans or sections of the LMC after the date of adoption.

Pursuant to a determination made by the Department of Ecology, later amendment to ordinances designated with an * will not be considered applicable to and will not change content of the Shoreline Master Program and therefore will not require amendment of the Shoreline Master Program. If the City wants to update the Shoreline Master Program to include such amendments in those areas under Shoreline Jurisdiction, Lacey may file for amendment of the Shoreline Master Program to include the amendments. Otherwise, the Shoreline Master Program will continue to use the version of the * referenced document in effect at the time the Shoreline Master Program was adopted, as shown in the applicable appendix.

Pursuant to a determination made by the Department of Ecology those ordinances “loosely” referenced will apply to shoreline areas when updated, but will not require amendment of the SMP.
17.10.025 Liberal Construction

As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction; the SMA and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the SMA and this Program were enacted and adopted, respectively.

17.10.030 Severability

If any provision of this Program or its application to any person or legal entity or circumstances is held invalid, the remainder of the Program, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

The SMA and this SMP adopted pursuant thereto comprise the basic state and City regulations for the use of shorelines in the City. In the event provisions of this SMP conflict with other applicable City policies or regulations, the more restrictive shall prevail. Should any section or provision of this SMP be declared invalid, such decision shall not affect the validity of this SMP as a whole.

17.10.035 Amendments

Amendments to this SMP including changes to the mapped shoreline environment designations shall be processed per WAC 173-26.

17.10.040 Effective Date

This SMP and all amendments thereto shall become effective immediately upon final approval and adoption by the Washington State Department of Ecology (Department).
17.15.000 Definitions

17.15.005 Shoreline Definitions - General

The terms used throughout this Program shall be defined and interpreted as indicated below. When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular.

17.15.011 Act or SMA. The Shoreline Management Act of 1971 (Chapter 90.58 RCW, as amended).

17.15.012 Accessory Building, Structure or Use. A building, structure, part of a building or structure, or use which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same lot.

17.15.013 Administrator. That person as appointed by the City to administer the provisions of these regulations within the boundaries of the City of Lacey.

17.15.014 Adoption by Rule. An official action by the Washington Department of Ecology to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, Chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

17.15.015 Amendment. A revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

17.15.016 Applicable Master Program. The master program approved or adopted by the Department pursuant to RCW 90.58.090(6) or 90.58.190(4) prior to acceptance of a complete application by local government.

17.15.017 Approval. An official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to WAC 173-26; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

17.15.018 Aquacultural Practices. Include the hatching, cultivating, planting, feeding, raising, harvesting and processing of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings and growing areas. Methods of aquaculture include but are not limited to fish hatcheries, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purposes of this SMP, this term does not include associated peripheral activities such as staging areas, warehousing, processing, or packaging of products. These peripheral activities shall take place out of shoreline jurisdiction in appropriate commercial or light industrial zoning designation designed for these types of activities.

17.15.019 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. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. 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.

17.15.020 Backshore Marina. Refer to “Marina, Backshore”.

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17.15.021 **Beach.** The zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the permanent line of vegetation begins, or where the topography abruptly changes.

17.15.022 **Beach Enhancement.** The alteration of terrestrial and tidal shorelines along with submerged shorelines for the purpose of stabilization, recreational enhancement or aquatic habitat creation, or restoration using native or similar material.

17.15.023 **Beach Feeding.** The introduction of sand or gravel to beaches to enhance recreation, wildlife or to preserve natural physical character of the shoreline.

17.15.024 **Bedlands.** Those submerged lands below the line of extreme low tide in marine waters and below the line of navigability of navigable lakes and rivers.

17.15.025 **Berm.** One or several linear deposits of sand and gravel generally paralleling the shore at or landward of OHWM; berms are naturally stable because of material size or vegetation.

17.15.027 **Bioengineering.** The practice of using natural vegetative materials (and often structural components) to stabilize shorelines and prevent erosion.

17.15.028 **Boardwalk.** A structure made of planks parallel to the waterfront or beach for non-motorized public access. A promenade with construction similar to a dock.

17.15.029 **Boathouse.** A structure designed for storage of vessels located over water or in upland areas.

17.15.030 **Boat Ramp.** See “Launch ramp”.

17.15.031 **Boating Facilities.** Marinas located both landward and waterward of the OHWM (dry storage and wet-moorage types); launch ramps; covered moorage; and marine travel lifts.

17.15.032 **Bog.** A unique type of wetland dominated by mosses at the surface and that form peat soils. Bogs form in areas where the climate allows the accumulation of peat to exceed its decomposition. The water regime in bogs is dominated by precipitation rather than surface inflow. The plant community is specialized to survive in the nutrient-poor and highly acidic conditions typical of bog systems.

17.15.034 **Breakwater.** Protective structure usually built off-shore to protect harbor areas, moorage, navigation, beaches and bluffs from wave action. A breakwater may be fixed (e.g., a rubble mound or rigid wall), open-pile or floating.

17.15.035 **Buffer.** An area measured landward perpendicularly from the ordinary high water mark, or associated critical area, that is intended to reduce the adverse impacts of adjacent land uses on shoreline or critical area ecological functions and provide important habitat for wildlife. For the purposes of this Shoreline Master Program, the term buffer is often used in association with the term setback, as setbacks often have the same purpose and function as a buffer. One distinction between the two terms, is buffers generally restrict a range of activity and use in a designated area, while setbacks generally only apply to location of a structure within a designated area; see also definition of setback, 17.15.222.

17.15.036 **Building.** Any structure designed for or used for the support, shelter or enclosure of persons, animals or personal property, and which is used in a fixed location on land, shorelands or tidelands.

17.15.037 **Bulkhead.** Either public or private wall usually constructed parallel to the shore. Their primary purpose is to contain and prevent the loss of soil caused by erosion or wave action. A
bulkhead may also be termed as a “seawall” for more massive public works structures along the open coast. Under the jurisdiction of this SMP, bulkheads may only be utilized if other more naturalized approaches are determined to not be practical to accomplish the objectives. If utilized, bulkheads will be located landward of the OHWM. Because of the function bulkheads are designed for, bulkheads are not subject to the same setbacks as other structures.

17.15.040 Certified Local Government. Those Local governments that establish a historic preservation program meeting federal and state standards are eligible to apply to the State Historic Preservation Officer (SHPO) and the National Park Service for certification.

17.15.041 Channelization. The straightening, deepening or lining of stream channels, and/or prevention of natural meander progression of stream ways, through artificial means such as relocation of channels, dredging, and/or placement of continuous levees or bank revetments along significant portions of the stream. Dredging of sediment or debris alone is excluded from this definition.

17.15.042 Clearing. The direct and indirect removal of trees and/or ground cover from any public or private undeveloped, partially developed, or developed lot, public lands or public right-of-way. This shall also include any destructive or inappropriate activity applied to a tree that will result in its death or effectively destroy the trees appearance and/or functionality, such as topping.

17.15.043 Cluster Development. A residential development which reserves substantial portions of land as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing dwelling units to be placed on lots smaller than the legal minimum site for regular subdivisions, as long as the density does not exceed prescribed standards.

17.15.044 Commercial Development. Those uses involved in wholesale, retail, service and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices and private or public indoor recreation facilities.

17.15.045 Comprehensive Land Use Plan, Lacey. Means the Comprehensive Land Use Plan for Lacey and the Lacey urban growth area, including its many elements, as adopted under the State Growth Management Act, and as amended from time to time.

17.15.046 Conditional Use. A use, development, or substantial development which is classified as a conditional use or is not classified within this Master Program.

17.15.047 Covered Moorage. A roofed structure for the wet or dry storage of one or more boats. Boathouses are a type of covered moorage.

17.15.048 Critical Areas. Those areas with especially fragile biophysical characteristics and/or with significant environmental resources as identified in a scientifically documented inventory. RCW 36.70A.030 defines “critical areas” as: wetlands; areas with a critical recharging effect on aquifers used for potable waters; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas. In addition to standards within this SMP, critical areas are protected under ordinances Lacey has adopted in Chapter 14 of the Lacey Municipal Code (LMC). These ordinances are adopted by reference as part of the SMP. The ordinance referenced is the version in effect on the day of adoption of the SMP and shown in the applicable appendix attached to this SMP.

17.15.049 Critical Freshwater Habitats. Designated areas of streams, rivers, wetlands and lakes, their associated channel migration zones and flood plains.

17.15.050 Critical Salt Water Habitats. All kelp beds; eelgrass beds; spawning and holding areas for forage fish such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats; intertidal habitats with vascular plants; and areas with which priority species have a primary association.
A. Kelp beds are found in marine and estuarine intertidal and subtidal areas with a depth of up to 15 meters below mean lower low water (MLLW). The beds can be found on various bottom materials.

B. Eelgrass beds are found in marine and estuarine intertidal and subtidal areas.

C. Surf smelt spawning beds are located in the upper portions of sand or gravel beaches (intertidal areas) in salt water.

D. Pacific herring spawning beds include the lower portions of salt water beaches (intertidal areas), eelgrass beds, kelp beds, other types of salt water vegetation such as algae and other bed materials such as subtidal worm tubes.

E. Pacific sand lance spawning beds are located in the upper portions of sand or gravel beaches (intertidal areas) in salt water.

F. Rock sole spawning beds are located in the upper and middle portions of sand or gravel beaches (intertidal areas) on salt water.

G. Rockfish settlement and nursery areas are located in kelp beds, in eelgrass beds, on other types of salt water vegetation and on other bed materials.

H. Lingcod settlement and nursery areas are located on beaches (intertidal areas) and subtidal areas with beds of sand, eelgrass, subtidal worm tubes or other bed materials.

I. Shellfish beds. The following shellfish beds are included: the Pacific oyster (Crassostrea gigas), the Olympia oyster (Ostrea lurida), the razor clam (Silqua patula), the native little neck clam (Protothaca stomatina), the Manila clam (Venerupis japonica), the butter clam (Saxidomus giganteus), the Geoduck (Panope generosa), the horse clam (Schizothaerus nuttalli and Schizothaerus capax), the cockle (Clinocardium nuttalli), the macoma (Macoma spp.) and the eastern soft shell clam (Mya arenaria).

J. Salmon and steelhead habitats include gravel bottomed streams, creeks and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes and wetlands used for rearing, feeding and cover and refuge from predators and high water; streams, creeks, rivers, estuaries and shallow areas of salt water bodies used as migration corridors; and salt water bodies used for rearing, feeding and refuge from predators and currents.

17.15.055 Density. A ratio expressing the number of dwelling units which may be established on a specific land area. In Lacey's zoning code this is expressed as dwelling units per gross acre. Density calculation is based on the entire project area above the ordinary high water mark (i.e., Dry Land Area) minus any wetland area.

17.15.056 Department. The Washington State Department of Ecology.

17.15.057 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 this chapter at any state of water level.

17.15.058 Development Regulations. The controls placed on development or land uses by the City of Lacey, including, but not limited to, the zoning ordinances, critical areas ordinances, all portions of the Shoreline Master Program other than goals and policies approved or adopted under Chapter 90.58
RCW, the land division ordinances, the Development Guidelines and Public Works Standards, development standards contained in the Stormwater Manual, together with any amendments thereto.

17.15.059 Dike. An embankment to prevent flooding by a stream or other water body, often referred to as a levee.

17.15.060 Director. The Director of the Department of Ecology.

17.15.061 Dock. Refer to “Pier”.

17.15.062 Document of Record. The most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

17.15.064 Dredging. 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, lake or marine water body and associated shorelines and wetlands.

17.15.065 Drift Cell, Drift Sector, or Littoral Cell. A particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

17.15.066 Drilling. The process of cutting a hole into the earth for the purpose of obtaining natural resources.

17.15.067 Dry Land. All areas above the elevation of the Ordinary High-Water Mark (OHWM).

17.15.068 Dwelling. A building or portion thereof, designed or used for residential occupancy. The term dwelling shall not be construed to mean a motel, rooming house, hospital or other accommodation used for more or less transient occupancy.

17.15.070 Ecological Functions or Shoreline Functions. The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

17.15.071 Ecosystem-Wide Processes. The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

17.15.072 Education. Any use or development undertaken for the support of public or private research or education.

17.15.073 Emergency. An unanticipated and imminent threat to public health, safety or the environment which requires immediate action with a time too short to allow full compliance with this master program. 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 and any permits which would have been required by this SMP or the SMA, absent an emergency, must be obtained. Generally, flooding or other seasonal events that can be anticipated and may occur but are not imminent is not an emergency.

17.15.074 Environment. See “Shoreline Environment Designations”. 
17.15.075 Exempt. Developments set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

17.15.076 Extreme High Tide. The highest tide level line water will reach in any one year.

17.15.077 Extreme Low Tide. The lowest line on the land reached by a receding tide.

17.15.080 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.

17.15.081 Feasible. An action, such as a development project, mitigation, or preservation requirement, which meets all of the following conditions:

A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

B. The action provides a reasonable likelihood of achieving its intended purpose; and

C. The action does not physically preclude achieving the project's primary intended legal use.

D. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

E. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

17.15.082 Feeder Bluff. A reach of shoreline which contains both an eroding beach and a feeding upland as identified on the Coastal Drift maps of the Coastal Zone Atlas of Washington, Volume 8, or similar source from the Washington Department of Ecology.

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

17.15.084 Floats, Recreational. Those platform structures anchored in fresh or marine waters for water recreational purposes such as swimming, diving or water skiing to include jump ramps. They may serve as temporary moorage facilities but for the purposes of this SMP are not intended to be used as boat storage.

17.15.085 Flood Plain. Synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

17.15.086 Flood Plain Management. A long-term local government program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works and monitoring and warning systems.
17.15.087 **Floodway.** The area, as identified in a master program, that either: (i) has been established in Federal Emergency Management Agency (FEMA) 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 condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, 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 shall not include those 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.

17.15.088 **Foreshore Marina.** Refer to “Marina, Foreshore”.

17.15.089 **Forestry or Forest Practices.** The raising and harvesting of trees as a crop as defined by WAC 222-16, as amended. Within the City or its urban growth area all class 1, 2 or 3 forest practices shall be administered as class 4 conversions, and shall be subject to local land use regulations.

17.15.090 **Functions and Values.** When referred to in the text of the SMP, this term includes the full range of physical characteristics, processes and resources attributed to a shoreline reach if allowed to function in its natural capacity. Each reach of shoreline has identified processes and particular ecological components that make up the character of the reach and its potential as a resource with identified values. Generally, this might include such things as associated wetlands that would act as storm water storage and help water quality, habitat for a range of species that might include salmon, trout and other fish. It might also include significant natural physical processes like long shore drift and feeder bluffs that are important for the maintenance of stretches of beach that if modified could potentially change the character of an entire beach shoreline.

17.15.0891 **Gabions.** Cages, cylinders, or boxes filled with soil, sand, or rock that are used in civil engineering, for erosion control, dams or foundation construction. They may be used to stabilize shorelines or slopes against erosion. Other uses include retaining walls, temporary floodwalls, to filter silt from runoff, for small or temporary/permanent dams, river training, or channel lining. They may be used to direct the force of a flow of flood water around a vulnerable structure. Gabions have also been used as fish barriers on small streams.

17.15.092 **Geologically Hazardous Areas.** Areas susceptible to severe erosion or slide activity, such as unstable bluffs, and including areas with high potential for earthquake activity. They may be identified in critical areas inventories or the Coastal Zone Atlas. In general, they are not suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety.

17.15.093 **Geotechnical Report or Geotechnical Analysis.** A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional licensed engineer(s) or geologist(s) who have sufficient professional expertise about the regional and local shoreline geology and processes.
17.15.094 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.

17.15.095 Grandfathered Status. Is a status given to a nonconforming use that recognizes it as an existing use and provides the use with limited rights. Limited rights include the ability to continue the use and to accomplish normal repair and maintenance activities necessary for the use to continue operation. A grandfathered use is subject to all requirements of a nonconforming use.

17.15.096 Groin. Structure built seaward perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, a groin may be built in a series along the shore.

17.15.097 Guidelines or SMP Guidelines. Those standards adopted to implement the SMA policy for regulation of use of the shorelines of the state prior to adoption of master programs, and to provide criteria to local governments and Ecology for developing shoreline master programs (SMP). Chapter 173-26 WAC or as amended.

17.15.100 Hazard Tree. Any tree that is dead, dying, damaged, diseased, or structurally defective, recently exposed by adjacent clearing, or some other factor that will subject the tree to failure and the tree could reasonably reach a target, as determined by the City's tree protection professional. Pursuant to Chapter 14.32.050 B. of the Lacey Municipal Code, the City of Lacey "tree protection professional" makes the determination of what tree(s) are designated hazard tree(s).

17.15.101 Hearings Board. The State Shorelines Hearings Board established by the Act in RCW 90.58.170.

17.15.102 Height. Is measured from 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, or the applicable master program provides otherwise. Provided further that temporary construction equipment is excluded in this calculation.

17.15.103 Historic Building or Historic Site. A building, structure, or site on the local, State or National Register of Historic Places.

17.15.104 Houseboat. A vessel, principally used as an over-water residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion and steering equipment to operate as a vessel. A registered water-going vessel where the owner lives aboard shall not be construed as a "houseboat."

17.15.110 Impervious Surface. Those surfaces that either prevent or obstruct the downward passage of water.

17.15.111 Industrial Developments. Facilities for processing, manufacturing and storage of finished or semi-finished goods.

17.15.112 Instream Structure. Is a structure that is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or diversion, obstruction or modification of water flow.

17.15.115 Jetties. Structures generally built singly or in pairs perpendicular to the shore at harbor entrances or river mouths to prevent the shoaling or accretion of littoral sand drift. Jetties also protect channels and inlets from storm waves and cross-currents.

17.15.116 Junk. Old iron, steel, brass, cooper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass, bones; wastepaper, plastic and other
waste or discarded material which might be prepared to be used again in some form; any or all of the
foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts;
however, "junk" shall not include materials or objects accumulated by a person as by-products, waste
or scraps from the operation of his own business or materials or objects held and used by a
manufacturer as an integral part of his own manufacturing process.

17.15.120 Landfilling. Refer to “Fill”.

17.15.121 Land Division. Land division is a general term that refers to the division of land by
means described in Chapter 15 of the Lacey Municipal Code, including land divided through a plat,
short plat, binding site plan or condominium.

17.15.122 Launch Ramp. An inclined slab, set of pads, planks, or graded slope used for launching
boats with trailers. Parking and turn-around areas are usually accessory to such a site.

17.15.123 Legislative Body. The City Council of the City of Lacey.

17.15.124 Levee. A natural or man-made embankment on the bank of a stream for the purpose of
keeping flood waters from inundating adjacent land. Some levees have revetments on their sides.

17.15.125 Local Government. Any county, incorporated city or town which contains within its
boundaries shorelines of the state subject to Chapter 90.58 RCW.

17.15.126 Lot. “Lot” means a platted or unplatted parcel of land unoccupied, occupied or intended
to be occupied by a principal use or building and accessory buildings, together with all yards, open
spaces and setbacks required by the Lacey zoning code (LMC Chapter 16).

17.15.127 Lot Area. “Lot area” means the total land space or area contained within the boundary
lines of any lot, tract or parcel of land and may be expressed in square feet or acres.

17.15.128 Lot, Front. “Lot Front” means that portion of a lot which is located along an existing or
dedicated public street, or, where no public street exists, along a public right of way or private way.

17.15.129 Lot Length. The maximum lineal dimension of a lot, not including an access road(s) less
than twenty five (25) feet in width.

17.15.130 Lot Width. “Lot width” means the horizontal distance between side lot lines measured at
right angles to the lines comprising the depth of the lot at a point midway between the front lot line
and the rear lot line.

17.15.131 Low Intensity Recreation. See “Recreation, Low Intensity”.

17.15.132 Low-Intensity Water-Oriented Commercial. See “Commercial, Low-Intensity Water-
Oriented”.

17.15.140 Marina. A facility with water-dependent components that consists of boat launch
facilities and piers, buoys or floats to provide moorage for five (5) or more boats.

17.15.141 Marina, Backshore. Marina located landward of the OHWM. There are two types of
backshore marinas, one with wet-moorage that is dredged out of the land to artificially create a basin;
and the other, dry moorage with upland storage that uses a hoist, marine travel lift or ramp for water
access.

17.15.142 Marina, Foreshore. Marina located in the intertidal or offshore zone waterward of the
ordinary high water mark and may require breakwaters of open type construction (floating breakwater
and/or open pile work) and/or solid type construction (bulkhead and landfill), depending on the location.

17.15.143 Marine. Pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

17.15.144 Marsh. A low, flat area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, and other aquatic or semi-aquatic plant. Shallow water usually stands on a marsh, at least during a considerable part of the year. The surface is commonly soft mud or muck.

17.15.145 Master Program. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

17.15.146 Maximum Density. The largest number of dwelling units per acre allowed by the SMP or local development regulations.

17.15.147 Maximum Impervious Surface. The largest amount of hard surfaces allowed with a parcel, which could include roof area, pavement, patios, walkways, driveways and gravel parking areas. Provided hard surfaces designed to be pervious may be exempt from impervious surface calculations pursuant to guidance in the City of Lacey Drainage Manual.

17.15.148 May. "May" implies discretionary authority exercised by the City, based upon complexity of issues that are not necessarily routine or predictable and need to be considered in the bigger picture of the public's best interest and community vision. This term will often apply to a situation, use or action that might be acceptable, provided it conforms to the provisions of this chapter, meets the intent of provisions of the Lacey Comprehensive Land Use Plan and is approved by the administrator after consideration of issues that could adversely impact the public’s best interest or compromise the long range vision of the community.

17.15.149 Mixed Use Development. A single structure with two (2) or more different land uses, or a group of physically integrated and easily accessible structures with two (2) or more different land uses. Combinations of land uses might include residential, office, retail, public, or entertainment. The uses need not be mixed within the same structure, but can include separate uses within different buildings.

17.15.150 Mooring Buoy. Floating object anchored to the bottom of a water body to provide tie-up capabilities for vessels.

17.15.151 Multi-Use Path. Refer to “Shared Use Path”.

17.15.152 Must. Denotes a mandate; the action is required.

17.15.160 Native Vegetation. Refer to “Vegetation, Native”.

17.15.161 Natural or Existing Topography. The topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

17.15.162 Nonconforming Building or Structure. A building or structure or portion thereof which was lawfully erected, altered or maintained, but no longer conforms to the present regulations or standards of the Master Program.
17.15.163 **Nonconforming Lot.** A parcel of land legally established prior to May 21, 1976 (the effective date of the City’s first Shoreline Master Program) which does not conform to the lot size or area requirements of this Master Program.

17.15.164 **Nonconforming Use.** “Nonconforming use” means an activity in a structure or on a tract of land that was legally in existence prior to the effective date of the ordinance codified in this title, which does not conform to the use regulations of the use district in which it is located.

17.15.165 **Nonwater-Oriented Uses.** Those uses that are not water-dependent, water-related, or water-enjoyment.

17.15.166 **Normal Maintenance.** This includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

17.15.167 **Normal Repair.** To restore a development to a state "comparable" to its original condition within a "reasonable period" after decay or partial destruction, except where repair involves "significant replacement" which is not common practice or causes substantial adverse effects to the shoreline resource or environment. For the purposes of this definition "comparable" shall include but not be limited to its size, shape, configuration, location and external appearance; "significant replacement" shall be defined as repair or replacement valued at 50% or more of the value of the structure being replaced; and "reasonable period" shall be less than 2 years.

17.15.170 **On-Premise Sign.** Refer to “Sign, On Premise”.

17.15.171 **Off-Premise Sign.** Refer to “Sign, Off Premise”.

17.15.172 **Open Space.** Land and natural wetlands which retain their natural or semi-natural character because they have not been developed with structures, paving or other development or modification and, for the purposes of this program, are normally required of residential and/or recreation developments. In the context of urban land divisions, open space refers to land within specific tracts required for recreational purposes and for tree tract requirements under Lacey's Land Division regulations, Urban Forest Management Plan and tree protection ordinance. Open Space does not refer to submerged lands or tidelands waterward of the OHWM that are sometimes shown platted in waterfront parcels.

17.15.173 **Ordinary High Water Mark (OHWM).** The mark on all lakes, streams and tidal water which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high-water mark adjoining fresh water shall be the line of mean high water.

17.15.174 **Over Water.** Location of a structure or development above the surface of the water, or waterward of the OHWM including placement of buildings on pilings, floats, or perimeter rock foundations.

17.15.180 **Parcel.** A lot or contiguous lots owned by an individual, related individuals, an organization or organizations having similar membership.

17.15.181 **Parking.** Any space or area specifically allotted for the purpose of temporary, daily or overnight off-street storage of motor vehicles as an accessory use.
17.15.182 **Party of Record.** Includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

17.15.183 **Pedestrian Path or Trail.** A path or trail designed and intended to serve only pedestrians. A pedestrian path will typically be less than seven feet wide and may be either soft or hard surfaced. Surface may use wood chips, a boardwalk, or other surface type if appropriate to the setting and use. Pedestrian paths and trails are environmentally friendly and material and width will consider location, use and design for protection of shoreline functions and values.

17.15.184 **Permit.** Any substantial development, variance, conditional use permit, or revision authorized under Chapter 90.58 RCW.

17.15.185 **Person.** An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

17.15.186 **Pier and Dock.** Structure generally built from the shore extending out over the water to provide moorage for commercial or private recreation. “Piers” are those structures built on fixed platforms above the water, whereas “docks” are those structures which float upon the water. When a pier or dock is to serve five (5) or more boats, it is considered a marina.

17.15.187 **Planned Residential Development.** A residential development which permits departures from the conventional siting, setback and density requirements of other sections of the Lacey zoning code in the interest of achieving superior site development, creating open space, and encouraging imaginative design by permitting design flexibility.

17.15.188 **Planning Department.** A part of the City of Lacey's Community Development Department responsible for land use planning and authorized to administer the provisions of the Act, WACs and this master program.

17.15.189 **Ports.** Centers for waterborne traffic that have become gravitational points for industrial/manufacturing firms.

17.15.190 **Pre-Existing Approved Use.** A status only given to a specific use at a specific site called out in the policy of the Shoreline Master Program that is based upon unique land use and environmental circumstances of a particular site and use. The designation provides the one specific site and use with all rights and privileges normally granted of a permitted use but with special requirements that must be satisfied for expansion.

17.15.191 **Priority Habitat.** A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

A. Comparatively high fish or wildlife density;
B. Comparatively high fish or wildlife species diversity;
C. Fish spawning habitat;
D. Important wildlife habitat;
E. Important fish or wildlife seasonal range;
F. Important fish or wildlife movement corridor;
G. Rearing and foraging habitat;
H. Important marine mammal haul-out;
I. Refugia habitat;
J. Limited availability;
K. High vulnerability to habitat alteration;
L. Unique or dependent species; or
M. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

17.15.192 Priority Species. Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below:

A. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

B. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

C. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

D. Species listed under the federal Endangered Species Act as proposed, threatened or endangered.

17.15.193 Property Lines. The exterior boundaries of a lot or parcel.

17.15.194 Provisions. Policies, regulations, standards, guideline criteria or environment designations.

17.15.195 Public Access. A trail, path, road, easement, park, parcel of land, launching ramp, view corridor, or other mechanism/feature by which the general public is provided an opportunity to reach, public waters. This term can also be applied to an opportunity to view public water, such as a designated view corridor where no physical access is available.

17.15.196 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 including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

17.15.201 Recreation, High Intensity. Involves uses and activities that provide for increased public enjoyment of the shorelines and adjacent areas. Examples of such uses may include parks, playgrounds, athletic fields, campgrounds, and boat ramps. High intensity uses may require earth modification and construction of a variety of structures.

17.15.202 Recreation, Low Intensity. Involves activities such as hiking, canoeing, viewing, nature study, photography and fishing. Low intensity uses do not typically require extensive preparation of facilities.
17.15.203 Recreational Development. Provides opportunities for the refreshment of body and mind through forms of play, sports, relaxation, amusement or contemplation. It includes facilities for passive recreational activities such as hiking, photography, viewing and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds, golf courses and their support buildings, and other outdoor recreation areas.

17.15.204 Recreational Floats. See “Floats, Recreational”.

17.15.205 Residence, Multifamily “Multifamily” means two or more living units under the same ownership where land has not been divided, i.e., duplex, triplex, quadruplex and apartment units.

17.15.206 Residence, Single-Family Detached. A building designed for occupancy by one (1) family and containing one (1) dwelling unit and may include an accessory dwelling. With the exception of an accessory dwelling, the residence will be detached from other dwelling units and will normally be the only dwelling unit on the lot that it occupies.

17.15.207 Residence, Single-Family Attached. A building containing a number of dwelling units for individual families under individual ownership. This housing form can include condominiums, townhomes and other concepts that have multiple attached dwelling units in individual ownership.

17.15.208 Residential Development. One or more buildings, structures, lots, parcels or portions thereof that are designed for and used or intended to be used to provide a place of abode for human beings. Residential development includes single-family dwellings; duplexes; other detached dwellings; floating homes; multi-family development (apartments, townhouses, mobile home parks, other similar group housing); condominiums; subdivisions; and short subdivisions, together with accessory and appurtenant uses and structures normally applicable to residential uses including but not limited to garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages.

17.15.209 Restore, Restoration or Ecological Restoration. The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, 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.

17.15.210 Revetment. A sloped shoreline structure (constructed of riprap or other substantial material) built to protect an existing eroding shoreline or newly placed fill against waves, wakes, currents, or weather.

17.15.211 Riprap. Broken stone placed on shoulders, slopes or other such places to protect them from erosion.

17.15.212 Roads and Railroads. Those passageways, and associated facilities and activities used by or associated with pedestrians, vehicles and trains, including but not limited to: all public and private roads; major highways; freeways; railways; the corridors in which they are placed; bridges; culverts; riprapping; landfills; cuts; turnouts; rest stations; viewpoints; picnic areas; landscaping; and soil erosion safeguards.

17.15.220 Scientific Education. Any activity undertaken for the support of public or private science education, such as scientific studies, classroom field trips and observation, interpretive trails and similar generally low impact activities. For the purposes of this SMP this term does not include development of structures for habitation or institutional education such as schools or museums.
**17.15.221 Seawalls.** Structures normally more massive than bulkheads and revetments, built for the purpose of protecting the shore and uplands from heavy wave action and incidentally, retaining uplands and fills. Seawalls are not common to the Puget Sound region.

**17.15.222 Setback.** An area in which development of structures is restricted. Setbacks apply to structures and in general are intended to maintain a certain distance from some designated point to accomplish certain objectives. Objectives include such things as:

- A. To maintain a minimum distance on a side yard to provide adequate light, circulation and air between adjacent structures (side yard setback);
- B. To maintain a minimum distance in a front yard between a structure and the right of way to maintain a desired streetscape, provide area for future right of way expansion, to provide area for utility (front yard area setback);
- C. To keep a structure located a safe distance from an unstable bluff (critical area setback from unstable slopes with a buffer function);
- D. To keep enough space between a structure and natural shoreline processes (e.g. wave action and erosion) to avoid the need for bulkheading or other shoreline stabilization measures (shoreline setback from ordinary high water mark with a buffer function);
- E. To maintain distance from critical/sensitive areas to protect the critical/sensitive area from disturbance (critical area setback with a buffer function);
- F. To leave area for retention of natural vegetation or establishing naturalized landscaping to provide buffering and protective functions for designated areas (Shoreline setback from ordinary high water mark with buffering function);
- G. To improve shoreline aesthetics and protect shoreline views by the restriction of structures (shoreline setback from ordinary high water mark).

For the purposes of this Shoreline Master Program, the term setback will often be used in association with the term buffer, as the purpose(s) and function(s) of the setback will often overlap with the purpose(s) and functions of a buffer as described above. One distinction between the two terms, is buffers generally restrict a range of activity and use in a designated area, while setbacks generally only apply to location of a structure within a designated area or more specifically location of the structure a certain distance from a particular point. See also definition of buffer, 17.15.035.

**17.15.223 Shall.** Denotes a mandate; the action must be done.

**17.15.224 Shared Use Path.** A facility physically separated from motorized vehicular traffic within the highway right-of-way or on an exclusive right-of-way with minimal crossflow by motor vehicles. It is designed and built primarily for use by bicycles, but is also used by pedestrians, joggers, skaters, wheelchair users (both non-motorized and motorized), equestrians, and other non-motorized users.

**17.15.225 Shorelands or Shoreland Areas.** Means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred 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 Department of Ecology.

**17.15.226 Shoreline Access Incentive Dedication Agreement Program.** The Shoreline Access Incentive Dedication Agreement Program is a program designed to achieve dedication of public access objectives of shoreline areas for public use and protection. In return for dedication of shoreline areas to the public, density bonuses and transfers are provided for development to upland
areas on the subject site, outside of shoreline jurisdiction, or other areas throughout the city that are determined to be consistent with the intent of the Comprehensive Land Use Plan.

To promote innovative developments with superior quality and functionality, the program combines economic incentives for the development community (through significant density credit) goals of the Comprehensive Land Use Plan (for quality urban neighborhoods) and flexible application of normal zoning code standards (to permit flexibility and encourage innovation).

**17.15.227 Shoreline Areas and Shoreline Jurisdiction.** Means all shorelines of the state and shorelands as defined in RCW 90.58.030.

**17.15.228 Shoreline Environment Designation.** Means the categories of shorelines of the state established by the master program to differentiate between areas whose features imply differing objectives regarding their use and future development.

**17.15.229 Shoreline Jurisdiction.** All "shorelands" as defined in RCW 90.58.030. Refer to "Shorelands or Shoreland Areas". For the purposes of this SMP, this term refers to all lands and aquatic area falling under the jurisdiction of this SMP; generally including all land within 200 feet landward of the OHWM, all designated associated wetland areas, and area waterward of the OHWM under the jurisdiction of the City of Lacey.

**17.15.230 Shoreline Management Act.** The Shoreline Management Act of 1971 (Chapter 90.58 RCW, as amended).

**17.15.231 Shoreline Master Program or Master Program.** Means the comprehensive use plan element for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, policies and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a city approved under Chapter 90.58 RCW shall be considered an element of the city's comprehensive land use 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 city's development regulations.

**17.15.232 Shoreline Modifications.** Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

**17.15.233 Shoreline Permit.** Refer to “Permit”.

**17.15.234 Shoreline Stabilization/Protection.** Action taken to reduce adverse impacts caused by current, flood, wave or wave action. This action includes all structural and nonstructural means to reduce these impacts due to flooding, erosion and accretion. Specific structural and nonstructural means included in this use activity are bulkheads, dikes, levees, riprap, sea walls, shoreline berms, beach feeding and breakwaters.

**17.15.235 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 cubic feet per second or less and the wetlands associated with such upstream segments; and
C. Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.
17.15.236 **Shoreline Access Segment.** Is a part of the shoreline parcel which is fifteen (15) linear feet wide parallel to the shoreline or twenty percent (20%) of the parcel width, whichever is smaller, and extends upland to the existing or proposed structure.

17.15.237 **Shorelines of Statewide Significance.** The following shorelines of the state are so designated:

A. The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

B. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:
   1) Nisqually Delta -- from DeWolf Bight to Tatsolo Point,
   2) Birch Bay -- from Point Whitehorn to Birch Point,
   3) Hood Canal -- from Tala Point to Foulweather Bluff,
   4) Skagit Bay and adjacent area -- from Brown Point to Yokeko Point, and
   5) Padilla Bay -- from March Point to William Point.

C. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

D. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

E. Those natural rivers or segments thereof as follows:
   1) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,
   2) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer.

F. Those shorelands associated with A, B, D, and E.

17.15.238 **Shorelines of the State.** The total of all shorelines and shorelines of statewide significance within the State of Washington.

17.15.239 **Should.** Denotes that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act, WAC 173-26 (2), against taking the action.

17.15.240 **Sign.** Means any commercial communication device, structure or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity or interest. For the purpose of this chapter, a sign shall not be considered to be building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way.

17.15.241 **Sign, Off-Premise.** Means a permanent sign not located on the premises of use or activity to which the sign pertains.

17.15.242 **Sign, On-Premise.** Any sign identifying the premises on which located or the occupant(s) thereof, or relating to goods or services manufactured, produced or available on the premise.
17.15.243 Sign, Off-Premise Directional. Means an off-premise sign designed to guide the public to an area, place, business or service.

17.15.244 Sign, Real Estate or Property for Sale, Rental or Lease Sign. Means any sign pertaining to the sale, lease or rental of land or buildings.

17.15.245 Sign, Wayfinding. A type of street sign which provides directions to local attractions and sites.

17.15.246 Significant Vegetation Removal. Means the direct and indirect removal of trees and/or ground cover from any public or private undeveloped, partially developed, or developed lot, public lands or public right-of-way. This shall also include any destructive or inappropriate activity applied to a tree that will result in its death or effectively destroy the trees appearance and/or functionality, such as topping. The removal of invasive or noxious weeds does not constitute significant vegetation removal.

17.15.247 Single Family Residence. See Residence, Single Family.

17.15.248 Solid Waste. All solid, semi-solid, and liquid wastes including garbage, rubbish, ashes, plastics, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities.

17.15.249 Stairs. A series of steps or flights of steps for passing from one level to another.

17.15.250 Stair Tower. A structure twelve (12) feet or taller in height typically consisting of one (1) or more flights of stairs, usually with landings to pass from one level to another.

17.15.251 Stairway. One or more flights of stairs, usually with landings to pass from one level to another.

17.15.252 State Master Program. The cumulative total of all master programs approved or adopted by the Department of Ecology.

17.15.253 Streambank. The area running along the course of a stream and rising from the ordinary high water mark (OHWM) up to the first significant break in slope. The first significant break in slope is a bench at least fifteen (15) feet wide. The streambank ends at the top of the bank where that break in slope occurs. NOTE: This definition is not intended to include the concept of a buffer for streams. It is only a definition of a physical feature associated with streams.

17.15.254 Streamway. That corridor of a single or multiple channel or channels within which the usual seasonal or stormwater runoff peaks are contained. The flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating currents.

17.15.255 Street. See Road.

17.15.256 Street, Flanking. A street, alley or right of way other than the one on which a corner lot has its main frontage.

17.15.257 Street, Public. A street in public ownership.

17.15.258 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.
17.15.259 **Submerged Lands.** Those areas below the ordinary high-water mark of marine waters, lakes and rivers.

17.15.260 **Substantially Degrade.** Means to cause significant ecological impact.

17.15.261 **Substantial Development.** Any development of which the total cost or fair market value exceeds five thousand dollars ($5,718), 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 must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

The following shall not be considered substantial developments for the purpose of this master program:

A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

B. Construction of the normal protective bulkhead common to single family residences;

C. Emergency construction necessary to protect property from damage by the elements;

D. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

E. Construction or modification of navigational aids such as channel markers and anchor buoys;

F. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to WAC 173-26;

G. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of WAC 173-26 or this Master Program;
H. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;

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

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

K. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
   1) The activity does not interfere with the normal public use of the surface waters;
   2) 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;
   3) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
   4) 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
   5) The activity is not subject to the permit requirements of RCW 90.58.550.

L. The process of removing or controlling an aquatic noxious weed, 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 jointly with other state agencies under RCW 43.21C.

17.15.262 Surface Water Body. Any water area which is within the shorelines of the state.

17.15.270 Tideland. The land on the shore of marine water bodies between OHWM or MHHW and the line of extreme low tide which is submerged daily by tides.

17.15.271 Transmit. To send from one person or place to another by means of mail, email, or hand delivery. The date of transmittal for mailed items is the date that the document is postmarked for emailed items the date emailed and for hand-delivered items the date of receipt at the destination.

17.15.272 Transportation Facilities. Those structures and developments that aid in land and water surface movement of people, goods and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, float plane terminals, heliports and other related facilities.

17.15.273 Utilities. Services and facilities that produce, convey, store, process or dispose of electric power, gas, water, sewage, stormwater, communications (including cellular towers), oil, waste and the like.

17.15.274 Utilities, Accessory. Those small-scale distribution services connected directly to the uses along the shoreline.
17.15.275 **Variance.** Is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

17.15.276 **Vegetation, Native.** Native plants commonly found in Thurston County. Generally comprised of three vegetative levels including an overstory of trees, an understory of shrubs, and a floor of herbs.

17.15.277 **Vegetation Management, Active.** Involves aquatic weed control as well as the restoration of altered or threatened shorelines using a technology called soil bioengineering. Soil bioengineering reestablishes native plant communities as a dynamic system that stabilizes the land from the effects of erosion.

17.15.278 **Vegetation Management, Passive.** Deals with protection and enhancement of existing diverse native plant communities along all shorelines including rivers, wetlands, lakes and steep bluffs.

17.15.279 **Vessel.** This includes ships, boats, barges or any other floating craft that is designed and used for navigation and does not interfere with the normal public use of the water.

17.15.280 **Water-Dependent Use.** A use or 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.

Water-dependent uses include, but are not limited to:

- A. Aquaculture,
- B. Boat launch facilities,
- C. Ferry terminals,
- D. Hydroelectric power plants,
- E. Marinas,
- F. Marine construction, dismantling and repair,
- G. Marine and limnological research and education,
- H. Private and public docks for moorage,
- I. Terminal and transfer facilities for marine commerce and industry,
- J. Water intakes and outfalls,
- K. Log booming, and
- L. Tug and barge facilities.

17.15.281 **Water-Enjoyment Use.** A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-enjoyment uses include but are not limited to:

- A. Aquarium, with direct water intake,
- B. Restaurants,
- C. Public golf courses,
- D. Museums,
- E. Shared use paths,
- F. Boardwalks, and
- G. Viewing towers.
17.15.282 **Water-Oriented Use.** A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

17.15.283 **Water Quality.** The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this master program, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

17.15.284 **Water-Related Use.** A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

B. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Water-related uses include, but are not limited to:

A. Warehousing or storage facilities,

B. Support services for fish hatcheries,

C. Seafood processing plants,

D. Wood products manufacturing,

E. Log storage,

F. Watercraft sales, and

G. Boating supplies.

17.15.285 **Weir.** A device placed in a stream or river to raise or divert the water.

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

17.20.005  Shoreline Jurisdiction, Designations and Map - Conflicts Between Designation and Criteria

In the event that any of the boundaries shown on the maps conflict with the criteria outlined in Sections 17.20.010 to 17.20.035, the criteria shall control.

It is anticipated that all areas within Lacey’s shorelines are properly mapped and designated. However, if for any reason an area within shoreline jurisdiction is not mapped and/or designated, it shall automatically be assigned an urban conservancy designation until the shoreline can be re-designated through a master program amendment.

17.20.010  Shorelines of the State

The jurisdiction of this master program is “shorelines of the state”, which includes all "shorelines" and "shorelines of statewide significance", as defined in RCW 90.58.030.

17.20.015  Shoreline Jurisdiction for Marine Waters

Shoreline jurisdiction for tidal or marine waters shall include the shorelines of Puget Sound and:

1. Those lands which extend landward two hundred (200) feet as measured on a horizontal plane from the ordinary high water mark; and

2. Those wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: periodic tidal inundation, hydraulic continuity, formation by tidally influenced geohydraulic processes, or a surface connection through a culvert or tide gate.

17.20.020  Shoreline Jurisdiction for Lakes

Shoreline jurisdiction for lakes larger than twenty (20) acres in size shall include:

1. Those lands which extend landward two (200) hundred feet as measured on a horizontal plane from the ordinary high water mark; and

2. Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: periodic inundation or hydraulic continuity.
17.20.025 Shoreline Jurisdiction for Streams and Flood Plains

Shoreline jurisdiction for streams where the mean annual flow is twenty (20) cubic feet per second or greater shall include the greater of the following:

1. Those lands which extend landward two (200) hundred feet as measured on a horizontal plane from the ordinary high water mark;

2. All of the one hundred (100) year flood plain within the associated shorelands;

3. Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: periodic inundation; location within a flood plain, or hydraulic continuity; and

4. Those lands within a river delta flood plain except for those 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.

17.20.027 Shoreline Jurisdiction and Relationship to Associated Wetland Buffers

For the purposes of this SMP, the shoreline jurisdiction shall not include the buffer of an associated wetland, unless the buffer is within 200 feet of the OHWM.

17.20.030 Shorelines within the City of Lacey and its Urban Growth Area

The City of Lacey shall have authority over those shorelines within its municipal boundaries. Those shorelines within the City of Lacey and its Urban Growth Area which have been inventoried and found to meet the criteria of the Sections 17.20.015, 17.20.020, and 17.20.025 are as follows:

1. Marine Waters:
   A. Nisqually Reach

2. Lakes:
   A. Chambers Lake
   B. Hicks Lake
   C. Long Lake
   D. Pattison Lake
   E. Southwick Lake

3. Streams and Floodplains:
   A. Woodland Creek
17.20.035 Shoreline Jurisdiction for Shorelines of Statewide Significance

Shoreline jurisdiction for "shorelines of statewide significance" shall include:

Those areas of Puget Sound between the ordinary high water mark and the line of extreme low tide as follows: Nisqually Delta from Dewolf Bight to Tatsolo Point.

17.20.040 Purpose and Intent

The Shoreline Master Program Guidelines (Chapter 173-26 WAC) recommends a classification system for designating shorelines. The purpose and designation criteria, for each of these “Shoreline Environment Designations” or “SEDs” are described in Sections 17.20.045 to 17.20.075.

17.20.045 Aquatic - Purpose

The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

17.20.046 Aquatic - Designation Criteria

Assign an aquatic environment designation to lands waterward of the ordinary high-water mark (OHWM).

17.20.050 Aquatic – Management Policies

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

2. The size of new over-water structures should be limited to the minimum necessary to support the structure’s intended use.

3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.

4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

5. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

17.20.055 Natural - Purpose

The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment.

17.20.060 Natural Designation - Criteria

The Department of Ecology guidelines state the natural environment designation should be applied to shoreline areas if any of the following characteristics apply:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest;

3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

Lacey’s shoreline areas that meet this criteria include largely undisturbed portions of shoreline areas with wetlands, the Woodland Creek stream corridor system and the ecologically intact shoreline habitat by Butterball Cove in the Hawks Prairie Planned Community.

Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Lacey’s ecologically intact shorelines around Hicks Lake and the Woodland Creek corridor are generally free of structural shoreline modifications, structures, and intensive human uses. These areas have been designated as OSI under Lacey’s zoning code for over a decade to protect wetland areas. Prior to that time they were not developed because other properties that were easier to develop were available.

The Woodland Creek area and the marine area in the Hawks Prairie Planned Community are also considered “ecologically intact”. These areas are generally forested and include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. These areas have also been protected by critical area regulations and ownerships that have been good land stewards. Much of the Woodland Creek corridor is under the ownership of Saint Martin’s University that has placed a high priority on preservation of the creeks natural functions and values and has protected the creek from development. The Hawks Prairie Planned Community also included protection of the marine area by designating it as open space and protecting its natural character.
The term “ecologically intact shorelines” applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

17.20.061 Natural Designation – Management Policies

1. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

2. The following new uses shall not be allowed in the natural environment:
   A. Commercial uses,
   B. Industrial uses,
   C. Nonwater-oriented recreation,
   D. Roads, utility corridors, and parking areas that can be located outside of natural designated shorelines.

3. Single family residential development may be allowed but limited to a density and intensity of such use as necessary to protect ecological functions and be consistent with the purpose of the environment designation. Incentive programs are also planned to make transfer of densities off site to upland areas outside of shoreline jurisdiction more valuable than development of the property within shoreline jurisdiction.

4. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.

5. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is prohibited. Development of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions will be prohibited. To provide development opportunity incentives will be developed to encourage development outside shoreline jurisdiction to receive significant density transfer bonus.

17.20.065 Urban Conservancy - Purpose

The purpose of the “urban conservancy” environment is to protect and 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.

17.20.066 Urban Conservancy - Designation Criteria

The urban conservancy environment designation has been applied to shoreline areas for development that is compatible with maintaining or restoring the ecological functions of the area. These areas are
generally not suitable for water-dependent uses. Areas designated urban conservancy generally have the following characteristics:

1. Shoreline areas that are suitable for water-related or water-enjoyment uses;
2. Shoreline areas that are open space, flood plain or other sensitive areas that should not be more intensively developed;
3. Shoreline areas that have potential for ecological restoration;
4. Shoreline areas that retain important ecological functions, even though partially developed; or
5. Shoreline areas that have the potential for development that is compatible with ecological restoration.

17.20.067 Urban Conservancy - Management Policies

1. 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. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

2. Standards have been established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the urban conservancy designation. These standards are designed to promote no net loss of shoreline ecological functions or values.

3. Public access and public recreation objectives shall be implemented according to priorities of Lacey’s Public Access Plan whenever feasible and significant ecological impacts can be mitigated.

4. Water-oriented uses will be given priority over non-water oriented uses.

17.20.070 Shoreline Residential - Purpose

The purpose of the "shoreline residential" environment is to accommodate residential development and appurtenant structures that are consistent with the SMP, state guidelines and this chapter. An additional purpose is to provide appropriate public access and recreational uses.

17.20.072 Shoreline Residential Designation - Criteria

The shoreline residential environment designation is designed for shoreline areas inside urban growth areas, as defined in RCW 36.70A.110, and incorporated municipalities and areas that are predominantly developed with single-family or multifamily residential development or are planned
and platted for residential development. Areas meeting this criterion within Lacey have been designated shoreline residential.

**17.20.075 Shoreline Residential - Management Policies**

1. Standards for density, setbacks, buffers within the setback area, lot coverage limitations, shoreline stabilization policies and standards, vegetation conservation and restoration requirements, critical area protection, and water quality have been set based upon the inventory and characterization report and existing use to promote no net loss of shoreline ecological functions.

2. Shoreline environment designations take into account the environmental limitations and sensitivity of specific shoreline area (reaches). Designations also consider the level of infrastructure and services available, recommendations from state agencies with expertise and other comprehensive planning considerations.

3. Areas that have been designated shoreline residential are generally already urbanized to some extent and are planned for residential use under Lacey’s GMA based Comprehensive Land Use Plan.

4. Multifamily and multi-lot residential and recreational developments shall be required to provide public access according to Lacey’s Public Access Plan. Flexibility in land form (type of residential development planned: SFC, attached, detached, multi-family, etc.) will be allowed to encourage residential forms that can be clustered to minimize environmental impacts and accomplish public access objectives.

5. Access, utilities, and public services are required to be provided to be available and adequate to serve proposed and future development.

**17.20.100 Official Map**

1. Shoreline Jurisdiction and the Shoreline Environment Designations are delineated on a map, hereby incorporated as a part of this SMP that shall be known as the “City of Lacey Shoreline Master Program Map”; see Map 1, Appendix 6.

2. For the purposes of coordination of shoreline requirements with general land use regulations and the City Comprehensive Land Use Plan, the shoreline designations are also shown as an overlay on the Comprehensive Land Use Plan Map and Zoning map.

3. The boundaries of shoreline jurisdiction on the map are approximate. The extent of shoreline jurisdiction shall be based upon an on-site inspection and the criteria found in Sections 17.20.015 to 17.20.035.

4. The official copy of this map shall reside with the Washington State Department of Ecology.
   
   Copies of this map are available for public use from the City of Lacey, Community Development Department.
A marker delineates a wetland associated with the major wetlands system south of Hicks Lake. The delineation will mark off the area that is wetland and a required buffer that is dedicated to the City for preservation of the system and its functions and values over the long term.
Picture showing the view residents enjoy from the north side of Chambers Lake.
17.24.000 Tables for Permitted Uses, Development Standards and Modifications

1. Uses and Activities:

A. Guidelines (baseline expectations) for vegetative restoration are provided in Section 17.41.021 Table 1.

B. Uses and activities may be allowed by shoreline environment designation as listed in Table 3.

C. Uses and activities shall be subject to the development standards for the specific use(s) or activity and as provided in Table 4.

D. When there are no development standards for a specific use or activity, the design of the proposed use shall satisfy the goals and policies sections 17.45.000, 17.45.010, 17.45.015 and promote no net loss of shoreline ecological functions and values.

E. The tables are considered summary information for quick review. If there is a conflict between the standards provided in the tables and text of sections dealing with specific uses, modifications or activities, the text shall prevail. Individual text sections provide detailed consideration of the topic with the intent behind the standards.

2. Shoreline Modifications, Table of Shoreline Modifications by Shoreline Environment Designation:

A. Shoreline modifications may be allowed by shoreline environment designation as listed in Table 5.

B. Shoreline modifications shall be subject to the development standards for the specific type of shoreline alteration as described in separate sections dealing with each type of modification and as listed in Table 4.

C. When there are no development standards for a specific shoreline modification, the shoreline modification shall follow the intent described in general goals and policies provided throughout this SMP, as well as applicable discussion and any goals and policies provided that are applicable to the specific modification. The fundamental requirement to promote no net loss of shoreline ecological functions expressed throughout this SMP shall be used as a benchmark for consideration.
### 17.24.010 Table 3 - Uses and Activities

**Table 3 - Uses and Activities by Shoreline Environment Designation**

<table>
<thead>
<tr>
<th>USES &amp; ACTIVITIES</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquaculture</td>
<td>S</td>
<td>S</td>
<td>X**</td>
<td>S*</td>
</tr>
<tr>
<td>Boating Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Launch Ramps</td>
<td>S</td>
<td>S</td>
<td>C</td>
<td>S*</td>
</tr>
<tr>
<td>• Marinas</td>
<td>X</td>
<td>S</td>
<td>X</td>
<td>S*</td>
</tr>
<tr>
<td>• Covered Moorage</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

*Refer to Table 5 for Piers and Docks*

| Forestry          | X                     | X                 | X       | X       |
| Historical or Archeological Protection, Rehabilitation and Restoration | S | S | S | S |
| Reconstruction of Replica | C | C | C | C |

| Mining | X | X | X | X |

For description of permit types see Section 17.30.

- **S** = Requires a Shoreline Substantial Development Permit
- **E** = Requires a Shoreline Exemption; and must comply with applicable Master Program sections
- **C** = Requires a Shoreline Conditional Use Permit
- **X** = Prohibited; not eligible for a Substantial Development or Conditional Use Permit
- **NA** = Not applicable, refer to the appropriate Master Program section for additional standards

1 = Within one hundred (100) feet from the ordinary high water mark
2 = From one hundred (100) feet to the edge of the shoreline jurisdiction

* = In the Aquatic environment the use or shoreline modification may be allowed if it is allowed in the adjacent upland shoreline environment designation

**Existing uses shall be given a status of “pre-existing approved use” and treated as a permitted use. Provided the use meets requirements of Section 17.47 and any expansion is processed as a conditional use permit.
# Table 3 - Uses and Activities by Shoreline Environment Designation

<table>
<thead>
<tr>
<th>USES &amp; ACTIVITIES</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serving an approved use</td>
<td>S</td>
<td>S</td>
<td>S**</td>
<td>X</td>
</tr>
<tr>
<td>Serving any other use including paid</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Recreation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water-dependent</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Water-related</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Water-enjoyment</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>C</td>
</tr>
<tr>
<td>Non-water oriented</td>
<td>C¹ / S²</td>
<td>C¹ / S²</td>
<td>X¹ / C²</td>
<td>X</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>E</td>
<td>E</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Land Division***</td>
<td>S</td>
<td>S</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Attached Single Family &amp; Multi-Family</td>
<td>S</td>
<td>S</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Scientific or Educational</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scientific or Educational</td>
<td>S***</td>
<td>S***</td>
<td>C</td>
<td>S***</td>
</tr>
<tr>
<td><strong>Signage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>On Premise and Way Finding</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Off Premise</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Solid Waste Disposal</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roads and Railroads</td>
<td>C¹ / S²</td>
<td>C¹ / S²</td>
<td>C¹ / S²</td>
<td>C*</td>
</tr>
<tr>
<td>Shared Use Path</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S*</td>
</tr>
<tr>
<td>Pedestrian trail, surfaced with wood chips or other natural permeable material. Designed to minimize impact to shoreline functions and values.</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>N/A</td>
</tr>
<tr>
<td>Pedestrian trail in a boardwalk design in sensitive area or buffer for public access. Designed to minimize impacts to shoreline functions and values.</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Utilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary</td>
<td>C¹ / S²</td>
<td>C¹ / S²</td>
<td>C¹ / S²</td>
<td>C*</td>
</tr>
<tr>
<td>Accessory to primary use</td>
<td>Refer to primary use</td>
<td>Refer to primary use</td>
<td>Refer to primary use</td>
<td>Refer to primary use</td>
</tr>
</tbody>
</table>

S = Requires a Shoreline Substantial Development Permit  
E = Requires a Shoreline Exemption; and must comply with applicable Master Program sections  
C = Requires a Shoreline Conditional Use Permit  
X = Prohibited; not eligible for a Substantial Development or Conditional Use Permit  
NA = Not applicable, refer to the appropriate Master Program section for additional standards  

1 = Within one hundred (100) feet from the ordinary high water mark  
2 = From one hundred (100) feet to the edge of the shoreline jurisdiction  

* = In the Aquatic environment the use or shoreline modification may be allowed if it is allowed in the adjacent upland shoreline environment designation  
** Parking in the natural designation is limited to a single family garage attached to the house provided public access sites may have limited surface parking meeting development standards appropriate to the use. If possible public access sites should provide necessary parking outside the shoreline jurisdiction.
Provided a Conditional Use Permit may be required according to the provisions of Section 17.66 I.G. of this SMP.

The City has historically required a substantial development permit for subdivisions. Platting of property is considered in the context of the project as a whole and these activities need to be looked at during the initial planning phase. If the state determines a substantial development permit cannot be required for this activity a conditional use permit shall be required instead.
17.24.015 Development Standards Table 4 – Development Standards by Shoreline Environment Designation

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquaculture</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OHWM setback @</td>
<td>15’</td>
<td>25’</td>
<td>50’</td>
<td>NA</td>
</tr>
<tr>
<td>Building height</td>
<td>35’</td>
<td>35’</td>
<td>35’</td>
<td>10’</td>
</tr>
<tr>
<td>Boating Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Boat Launches, Piers and Docks)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water-dependent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OHWM setback @</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>NA</td>
</tr>
<tr>
<td>Building height</td>
<td>30’</td>
<td>30’</td>
<td>25’</td>
<td>20’</td>
</tr>
<tr>
<td>Water-related</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OHWM setback @</td>
<td>15’</td>
<td>15’</td>
<td>25’</td>
<td>NA</td>
</tr>
<tr>
<td>Building height</td>
<td>30’</td>
<td>30’</td>
<td>25’</td>
<td>NA</td>
</tr>
<tr>
<td>Parking facilities (surface)</td>
<td></td>
<td></td>
<td>150’ minimum</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>50’</td>
<td>75’</td>
<td>and outside</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>shoreline</td>
<td></td>
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<td>jurisdiction</td>
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<td></td>
<td>if possible</td>
<td></td>
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<td></td>
<td>as determined</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>by the</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Administrator,</td>
<td></td>
</tr>
<tr>
<td>Recreation Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water-dependent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OHWM Setback @</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
<td>NA</td>
</tr>
<tr>
<td>Building Height</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
<td>10’</td>
</tr>
<tr>
<td>Water-related &amp; enjoyment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OHWM Setback @</td>
<td>50’</td>
<td>50’</td>
<td>50’</td>
<td>NA</td>
</tr>
<tr>
<td>Building Height</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
<td>10’</td>
</tr>
<tr>
<td>Nonwater-oriented</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OHWM Setback @</td>
<td>100’</td>
<td>100’</td>
<td>100’</td>
<td>NA</td>
</tr>
<tr>
<td>Building Height</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
<td>10’</td>
</tr>
<tr>
<td>Residential Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>4* du/ac</td>
<td>1 du*/ac</td>
<td>1 du*/10 ac</td>
<td>NA</td>
</tr>
<tr>
<td>OHWM Setback @</td>
<td>50’</td>
<td>100’</td>
<td>150’</td>
<td>NA</td>
</tr>
<tr>
<td>Building Height</td>
<td>35’</td>
<td>35’</td>
<td>35’</td>
<td>NA</td>
</tr>
<tr>
<td>Maximum Impervious Surfaces</td>
<td></td>
<td></td>
<td>30%</td>
<td>NA</td>
</tr>
<tr>
<td>Attached Single Family &amp; Multi-Family Dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>4* du/ac</td>
<td>1* du/ac</td>
<td>1* du/ac****</td>
<td>NA</td>
</tr>
<tr>
<td>OHWM Setback @</td>
<td>50’</td>
<td>100’</td>
<td>150’</td>
<td>NA</td>
</tr>
<tr>
<td>Building Height</td>
<td>35’</td>
<td>35’</td>
<td>35’</td>
<td>NA</td>
</tr>
<tr>
<td>Maximum Impervious Surfaces</td>
<td></td>
<td></td>
<td>30%</td>
<td>NA</td>
</tr>
<tr>
<td>Accessory structures</td>
<td>50’</td>
<td>100</td>
<td>150</td>
<td>N/A</td>
</tr>
<tr>
<td>Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roads and Railroads</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OHWM setback @</td>
<td>50’</td>
<td>75’</td>
<td>150’</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>and outside shoreline jurisdiction if possible as determined by the Administrator,</td>
<td></td>
</tr>
</tbody>
</table>
**Shared Use Path**  
**Pedestrian trails and Shoreline Access Segment**  

<table>
<thead>
<tr>
<th></th>
<th>25'***</th>
<th>50'***</th>
<th>75'***</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>OHWM setback@</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td></td>
</tr>
</tbody>
</table>

**Utilities**  

<table>
<thead>
<tr>
<th></th>
<th>50', 0'**</th>
<th>75', 0**</th>
<th>150', 0**</th>
<th>NA, 0'**</th>
</tr>
</thead>
<tbody>
<tr>
<td>OHWM setback@</td>
<td>251 / 352</td>
<td>251 / 352</td>
<td>201 / 302</td>
<td>NA</td>
</tr>
<tr>
<td>Building height</td>
<td>Refer to Primary Use</td>
<td>Refer to Primary Use</td>
<td>Refer to Primary Use</td>
<td>Refer to Primary Use</td>
</tr>
<tr>
<td>Accessory to primary use</td>
<td>Refer to Primary Use</td>
<td>Refer to Primary Use</td>
<td>Refer to Primary Use</td>
<td>Refer to Primary Use</td>
</tr>
</tbody>
</table>

**OHWM** = Ordinary high water mark  
**NA** = Not applicable, refer to the appropriate Master Program section for additional standards  

1 = Within one hundred (100) feet from the ordinary high water mark  
2 = From one hundred (100) feet to the edge of the shoreline jurisdiction  
@ = Refer to shoreline vegetation conservation provisions in Sections 17.40.030 to 17.40.040  
* Provided additional density credit may be available through an incentive dedication agreement  
** Water dependant utilities (such as a desalination plant) may extend into the water and will not be subject to a setback  
*** Lesser setbacks may be allowed based upon a site specific analysis considering purpose, need, environmental criteria and design or where no other alignment is practical or feasible. If a lesser setback is permitted, objectives of no net loss shall be satisfied.  
**** Housing must be clustered and have a design to have the least impact to shoreline resources, including low impact development techniques. Emphasis is to encourage use of incentive programs, providing higher value and density opportunities when shoreline area is dedicated to the public. Under incentive programs all development and associated density is transferred out of shoreline jurisdiction to a designated receiving area.
# 17.24.020 Table 5 - Shoreline Modification by Shoreline Environment Designation

<table>
<thead>
<tr>
<th>SHORELINE MODIFICATIONS</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dredging</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>C</td>
</tr>
<tr>
<td>Fill</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ecological Restoration Project</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>All Other Activities</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Buoy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pier and Dock</td>
<td>C^1 / S^2 / C^3</td>
<td>C^1 / S^2</td>
<td>C**</td>
<td>C**</td>
</tr>
<tr>
<td>Recreational Float</td>
<td>S</td>
<td>S</td>
<td>C</td>
<td>*</td>
</tr>
<tr>
<td>Shoreline Stabilization</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beach Restoration and Enhancement</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Bioengineering</td>
<td>S</td>
<td>S</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Revetment and Gabion</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Bulkhead</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Breakwater, Jetty, Groin and Weirs</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Dike, Levee and Instream Structure</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C*</td>
</tr>
<tr>
<td>Stair Tower</td>
<td>C***</td>
<td>C***</td>
<td>X</td>
<td>X</td>
</tr>
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S = Requires a Shoreline Substantial Development Permit  
E = Requires a Shoreline Exemption; and must comply with applicable Master Program sections  
C = Requires a Shoreline Conditional Use Permit  
X = Prohibited; not eligible for a Substantial Development or Conditional Use Permit  
NA = Not applicable, refer to the appropriate Master Program section for additional standards  

1 = Serving one (1) property  
2 = Serving two (2) or more properties  
3 = Serving more than one property but under the exempt threshold for a Substantial Development Permit pursuant to Section 17.30.035 (7).  

*The use or shoreline modification may be allowed in the Aquatic Environment if it is allowed in the adjacent upland environment.  
** Use is prohibited in Natural designation and Aquatic designation except as provided in Section 17.61.020 (4), (8) and (9).  
*** Allowed by conditional use provided there is a demonstrated need, it is the most ecologically friendly way of beach access, the scope of the project is the least amount of modification necessary to accomplish the objectives and all impacts have been mitigated.  
**** The repair and value will be calculated from the International Building Code Tables used to calculate the value of improvements for determining the cost of permits. If no value can be assigned from the IBC, other means for determining the “fair market value” will be utilized. The value assigned will be for a new structure and the cost of repair will be the value assigned the work required for full repair.
17.25.000 Nonconforming Use, Lots and Structures

This section of the SMP has been written in a more narrative and informal discussion style than is typical of most legislation. This was considered necessary to bring the complexity of the topic to the reader in a way that will provide an understanding of what “nonconforming” means, what its implications are and the unique ways Lacey has chosen to implement the concept. Lacey’s treatment of this topic reflects its sensitivity to the needs of landowners that may find themselves in the uncomfortable position of owning homes that do not meet new setbacks.

Lacey’s SMP has been written to soften and avoid the concerns with having a home being designated nonconforming. Lacey’s strategy simply excludes existing residences from a nonconforming status while protecting shoreline resources through mitigation and restoration as new development occurs. This and other issues with this topic are discussed and resolved in this section, as it takes the reader step by step through a discussion of the need and purpose and policy guidance for implementation of shoreline regulations.

This section is designed for the customer and the staff to read together as consideration is given to why the regulations exist, what important public interests need to be protected and how the needs of the landowner for the wise management, enjoyment and use of property can be accomplished.

17.25.005 Nonconforming – Fundamental Aspects of the Concept of a Nonconforming Structure or Use and Lacey’s Use of this Concept for the Purpose of this SMP

1. **Traditional application of the term nonconforming:**

   **Discussion:** The term nonconforming use or nonconforming structure is a standard concept used in zoning ordinances. Generally, a legal nonconforming status indicates a structure or use does not meet an important standard that is considered necessary for a valid public interest.

   Because of the public interest at stake, the nonconforming structure or use may be strictly regulated. Dependent upon a jurisdiction’s emphasis on gaining compliance over time, restrictions on a nonconforming structure can vary from one jurisdiction to another from being permissive to very restrictive.

   Restrictive treatment might include preventing replacement of a structure after such structure is lost to a fire, or restrictions on any expansion. However, generally a balanced approach is taken weighing the public interest with the fair treatment of structures legally established prior to the code requirement.

2. **Concern with implications of labeling residential homes as nonconforming:**

   **Discussion:** Because of the adverse implications designation as nonconforming can have on a home, the City of Lacey has chosen not to create a situation where single family homes are labeled as nonconforming as a result of new setbacks from the OHWM.

   At the same time, the City has determined the new setbacks and associated buffer widths and vegetation standards are necessary to achieve protection of shoreline resources and values such as water quality.
3. **Lacey’s approach for drawing new setbacks and related buffer areas in association with existing residential homes:**

   **A. Policy:** For the purposes of setbacks of an existing home from the OHWM, the City will draw the setback and the associated buffer around the footprint of any single family residential structure that is too close to the OHWM to meet the new setback and buffer requirements. In such cases, the setback and buffer shall wrap around existing residences in a configuration keeping the footprint of the residence out of the setback and buffer area. This will provide for a setback and buffer surrounding the residence, but will exclude the existing residence from classification as nonconforming because of its location.

   **B. Policy:** A home that has a setback wrap around all, or a portion of its perimeter, will be conforming to the setback standards of the code. Because of its location in relationship to the setback from the OHWM which is conforming yet limits expansion by location of the setback around the parameter of the footprint, it shall be referred to as “conforming, expansion limited”.

4. **Maintaining conforming status with an approved expansion:**

   **A. Policy:** A proposal for future enlargement or expansion of a residence that is designated “conforming, expansion limited” will be considered in the same way as a structure that is nonconforming. Both must meet applicable requirements of this SMP for mitigation of impacts and no net loss of shoreline function and value.

   **B. Policy:** If expansion can be accommodated pursuant to the requirements of Sections 17.25.015 and 17.25.020, upon approval of the expansion the setback line and the buffer area shall be redrawn around the new footprint of the expanded structure to maintain the residence’s status as “conforming, expansion limited”.

5. **Nonconforming term used when appropriate for all structures:**

   **A. Policy:** The term nonconforming will be used and applied to appropriate situations where it is a standard zoning practice in the public interest.

   **B. Policy:** Application of the term nonconforming will be applied to accessory residential structures such as garages, storage sheds and similar structures not used as a home where such structures are located within the setback and buffer area.

6. **General provisions:**

   **Policy:** Uses, lots or structures within shoreline jurisdiction established prior to Lacey’s updates of the SMP on (INSERT DATE OF ADOPTION), that do not meet the specific standards of this Master Program are subject to the nonconforming provisions of Section 17.25.

7. **Rights of a nonconforming structure, lot or use:**

   **Policy:** Subject to the provisions of this program, a nonconforming use, lot or structure lawfully existing prior to the effective date of this program, (INSERT DATE OF ADOPTION) or any amendment thereto, which is rendered nonconforming by adoption of the Program or an amendment, may continue as is and in the manner and to the extent that it existed upon the effective date of the Program or amendment, respectively.
17.25.010 Continuance - Contiguous Lots

Policy: When a nonconforming lot is contiguous to another lot and both lots have the same owner, the contiguous lots are deemed a single, undivided lot for purposes of this Program unless:

A. Each lot has a dwelling;
B. The purchase of an adjacent lot is subsequent to the adoption of this Program (i.e., May 21, 1976); or
C. Pursuant to RCW 58.17.170, one or more of the lots is a platted lot, and less than five (5) years has lapsed since the final plat in which either of the lots is located was filed for record.

17.25.015 Alterations and Expansions of Nonconforming or Conforming Residential Structures

1. General policies and requirements:
   A. Policy: Expansion of all residential structures must meet requirements and standards of the environment designation, including setbacks from the OHWM.
   B. Policy: Proposals for expansion of a nonconforming structure, or a structure designated conforming, expansion limited, shall require review and consideration of existing and potential increased loss of ecological function.

2. Option for mitigation and restoration to demonstrate public benefit:
   A. Policy: Requests for expansion of a nonconforming structure or conforming, expansion limited, residential structure, may utilize optional mitigation and restoration strategies of this SMP to satisfy no net loss requirements and demonstrate improved ecological function and value for the site.
   B. Policy: If expansion of a nonconforming structure or conforming, expansion limited, residential structure will result in better management of shoreline resources and public benefit can be realized through mitigation and restoration options, expansion may be approved.
   C. Policy: If the option to implement mitigation and restoration strategies is not utilized or fails to demonstrate improved protection and function of the shoreline resources, expansion shall be denied.

3. Expansion for nonconforming use prohibited:

   Policy: Expansion of a structure is prohibited when the expansion is to accommodate a nonconforming use. Provided, when expansion of a structure involves setbacks other than the setbacks to the OHWM and it does not impact the public interest, said expansion might be permitted pursuant to requirements of this SMP.
4. Permit requirements for expansion of a nonconforming structure or a structure designated as conforming, expansion limited:

   A. **Policy:** Expansion of a nonconforming structure or a structure designated conforming, expansion limited, requires special consideration of environmental impacts. To facilitate this review, expansion of a nonconforming structure or a structure designated as conforming, expansion limited, will require a conditional use permit under Section 17.30.015.

   B. **Policy:** Expansion of a nonconforming structure or a structure designated conforming, expansion limited, that does not encroach upon the setback or buffer area will follow regular permit process requirements.

### 17.25.020 Determining Public Interest, Public Benefit and Options for Expansion of a Nonconforming Use

1. General discussion, policy and requirements:

   A. **Discussion:** Generally expansion of a nonconforming use must meet the test of no increase in nonconformance. No increase in nonconformance means an action will not increase an aspect of the structure or use that resulted in it being designated nonconforming and that it does not materially interfere or jeopardize further the identified public interest.

   B. **Discussion:** Dependent upon impacts identified and possibility of mitigation and/or restoration, a proposal for a nonconforming use or a structure designated conforming, expansion limited, might be able to expand without increasing overall impact to shoreline resources or no net loss of function or value.

   C. **Policy:** Expansion of a structure within the setback area will require a successful plan for mitigation and/or restoration activity to ensure all impacts are mitigated and no net loss of function or value occurs.

2. **Purpose of setback:**

   **Discussion:** The purpose of the setback requirement is to establish area for a buffer between the structure and the shoreline. The primary function is to provide physical space, distance and opportunity for native vegetation in this area. Setbacks are important to the public to provide some degree of minimal protection of shoreline area from disruption and modification of the natural ecological system functions and values and natural shoreline processes.

3. **Expansion may be permitted if public interest not compromised:**

   A. **Policy:** If the expansion does not increase the footprint towards the water, to further encroach upon the required setback with further impact upon the buffer and buffering functions, it may be permitted provided no public interest is compromised.

   B. **Policy:** This could include vertical height (within permissible height restrictions), or expansion to the side (within permissible side yard restrictions), or expansion away from the shoreline area if a review demonstrates there will be no impact to the public interest.
4. Mitigation and restoration may be used to allow expansion of a nonconforming structure or conforming limited expansion home:

A. Discussion of considerations: An expansion to the side or a vertical expansion can increase the impact of the structure to public interest simply by being bigger. Vertical expansion will occupy additional air space that is within the setback area. A side yard expansion will occupy additional space that is within the setback area and increase impervious surface.

B. Policy: When expansion of a structure would impact the public interest, as in the case of a nonconforming structure, or structure that would become nonconforming, the applicant has the option of pursuing a plan of mitigation and restoration to gain approval. Such expansion may be approved under the impact evaluation, mitigation and restoration provisions of Section 17.40, 17.41, 17.42 and 17.41.021 Table 1.

5. Determination of impact to the public:

A. Policy: For expansion of a nonconforming structure or a structure designated conforming, expansion limited, Lacey will consider the intent behind the setback restriction when considering the impact to the public.

B. Policy: Review will require consideration of what the setback is designed to protect and the actual extent of impacts to the public interest that would be expected. This will include an evaluation of the proposed expansion and specific site circumstances considering what is on the ground.

C. Policy: Consideration of public impacts may include potential future impacts, given expected development and view corridor issues. This evaluation will include, but will not necessarily be limited to, the following considerations:

1) Vertical expansion:
   a) Vertical expansion can have impacts by utilization of airspace above a developed home that is part of a view corridor. In some jurisdictions this may be a concern. However, lakes in Lacey are surrounded by relatively flat property.
   b) Undeveloped sites are generally heavily timbered and developed sites have landscaping including trees that provide a canopy consistent with Lacey’s tree protection regulations and Urban Forest Management Plan.
   c) Given topography and natural vegetation surrounding Lacey’s lakes, there are generally only limited lake views from non shoreline property. These views are usually from lots immediately behind lake front properties.

2) Views generally:
   a) Generally views associated with Lacey’s lakes are from the shoreline looking across the lake. Vertical expansion of a nonconforming structure or residence designated conforming, expansion limited, along Lacey’s lake fronts would generally not impact the ability to view the water from properties surrounding the lakes or from outlying property.
   b) One exception would be homes adjacent to the expansion that may have their view partially impacted when looking towards the expanded home or homes immediately adjacent and behind the waterfront home. Consideration of this concern will generally include use of the following development requirements:
      i) Utilize design requirements of LMC Section 16.12.050 D, as illustrated in Table 16T-72, to step back the second story to reduce the impact of the expansion to properties both to the side and behind the home;
      ii) Meet requirements of Lacey’s Public Access Plan for upland views by staggering homes in consideration of view corridors between homes. Where placement of
homes has provided views to adjacent upland homes, these should be maintained in design of expansions.

3) Side yard expansions:
   a) Typically side yards will be between 5 and 15 feet wide, have been modified during construction of the home, planted with grass and delineated with a fence to define property boundaries.
   b) An expansion to the side yard could impact the public’s interest in a couple of ways. It might eliminate additional natural vegetation protecting the shoreline, or it could increase the volume of runoff and have increased drainage impacts to the shoreline, particularly if natural vegetation has been removed.

4) Side yard impact present: Some impact from a side yard expansion will normally be present. However, depending upon the scope and design, these impacts would usually be minimal and could be mitigated by design requirements to consider views or planting native vegetation and restoration for drainage concerns.

5) Consideration of future impacts:
   a) Even if there are no current views a vertical expansion would impact and no native vegetation on the side yard or drainage concerns that would further impact the shoreline, there may still be future opportunities that could be lost by allowing the expansion to occur.
   b) If an expansion takes place there may be future costs associated with the expansion including views from future homes not yet built or the opportunity to re-vegetate the side yard.
   c) These costs need to be considered when developing mitigation and restoration plans.

6. Benefits of landscaping associated with new construction and expansion of nonconforming structure or a structure designated conforming, expansion limited:

   A. Discussion of purpose: As discussed in Lacey’s Urban Forest Management Plan and Part Two of this SMP, native vegetation, particularly trees, have significant benefit to the community. In addition to benefits of vegetation discussed in Part Two of this SMP, the landscaping standards of this SMP will help implement the community’s expectations for protection of Lacey’s natural aesthetic qualities and capitalize on the benefits trees and native vegetation provide.

   Many proposed expansions will hold the potential for additional improvement by vegetative restoration and mitigation requirements. With either of the vertical or side yard expansions discussed above, a proportionate share of natural indigenous vegetation, or approved equivalent, will be required.

   Through these landscaping requirements, reintroducing native landscaping along Lacey’s shoreline will act as an incremental restoration strategy. This strategy is expected to improve the urbanized lake shoreline environment over the long term.

   B. Policy: Where a shoreline buffer area is not fully landscaped with natural indigenous vegetation or species accomplishing the same objectives, landscaping is required for shoreline frontage with all new permits that establish a new use or structure or increase an existing structure’s square footage.

   C. Policy: When landscaping standards are applied to expansion of a nonconforming structure or a structure designated as conforming, expansion limited, standards shall include a
mitigation and restoration component in addition to standard requirements as provided in Table 1, Section 17.41.021.

7. **Case by case review for expansion of nonconforming structures or a structure designated conforming, expansion limited:**

   **A. Discussion:** There are many benefits of native vegetation to the Lacey community. These benefits are discussed in Lacey’s Urban Forest Management Plan, Lacey’s tree protection ordinance (LMC Chapter 14.32), Part Two of this SMP and the landscaping section of Lacey’s zoning code (LMC Chapter 16.80).

   In addition, there is an expected added benefit of improving the health of shoreline resources when landscaping requirements are applied to lake-side or creek-side properties that will result in incremental restoration of shoreline buffers over the long term.

   These benefits can be realized by both property owners and the general public when applied to expansion or redevelopment of nonconforming structures or a structure designated conforming, expansion limited.

   **B. Policy:** The City will review expansions of a nonconforming structure or a structure designated conforming, expansion limited, on a case by case basis to determine actual impacts to public value and potential restoration opportunities with public benefits.

   **C. Policy:** The City will have the option to approve an expansion of a nonconforming structure or a structure designated conforming, expansion limited, provided:

   1) No expansion will be permitted towards the water;

   2) The City determines there is no loss to the public interest and no net loss of value or function given mitigation opportunities (satisfies no net loss policy);

   3) Re-vegetation or restoration benefits would be expected to have a positive impact to the shoreline involved for an overall gain in function and value.

8. **No expansion where public interest is adversely impacted:**

   **Policy:** The applicant shall not be allowed to expand, regardless of re-vegetation or restoration opportunities if the City determines there is a significant identifiable public interest that is adversely impacted or loss of ecological function that cannot be mitigated.

9. **Assumed future costs:**

   **A. Discussion:** There may be future costs and risks of unidentified impacts from an expanding nonconforming structure or a structure designated conforming, expansion limited. Because of potential costs and impacts to the public interest these expansions represent, requirements for expansion of a structure in this situation may involve more mitigation and restoration than conforming and permitted structures that do not require building over a setback line or within the designated buffer area.

   **B. Policy:** Mitigation of public interest issues associated with the specific expansion will be required as well as normal landscaping required of all projects to fill out the designated buffer. Requirements for landscaping of nonconforming structures or a structure designated conforming, expansion limited, and other conforming structures are shown in Table 1 in Section 17.41.021.
17.25.025  Expansions of Nonconforming Uses

Policy: The expansion of a nonconforming use is prohibited. An intensification of use is permitted when the intensified use is contained within the existing structure, or area which has been in use, and is not different in kind from the existing nonconforming use.

17.25.030  Relocation of Nonconforming or Pre-Existing Structure

1. Policy: Generally a nonconforming structure must be brought into compliance with the Shoreline Master Program when it is moved. However, in circumstances where compliance with the existing setback is not possible or would result in extraordinary difficulty, the Administrator may allow the structure to be moved to a new location still within the setback area.

2. Policy: When a nonconforming structure or a structure designated conforming, expansion limited, is moved, the new location should decrease the nonconformance or increase the setback from the OHWM and result in a positive impact on the shorelines functions and values.

3. Policy: The decision to allow a nonconforming structure or a structure designated conforming, expansion limited, to be relocated into another area that is not out of the designated setback area will be at the sole discretion of the Administrator, based upon a review of the situation and applicable facts and may be conditioned on mitigation and/or restoration needs of the site.

4. Policy: The process of review of moving structures within the setback area to another area that is not out of the setback area shall be a conditional use permit.

17.25.035  Resumption of Discontinued or Abandoned Nonconforming Use or Structure

1. Policy: A nonconforming use or structure, when abandoned or discontinued, shall not be resumed. Discontinuance or abandonment is presumed to occur when the land or structure is not used for a particular use for eighteen (18) consecutive months pursuant to Lacey's nonconforming use provisions in LMC 16.93.030.

2. Policy: Any person may appeal a staff determination that discontinuance or abandonment has occurred by filing an appeal with the City pursuant to the requirements of LMC 2.30 and Chapter One of the Development Guidelines and Public Works Standards.

17.25.040  Development of a Nonconforming Lot

Policy: When lot size would prevent development of a nonconforming lot consistent with the applicable setback requirements the Administrator may authorize development under the following conditions:
A. A written request is received from the project proponent;

B. The development will be located as far landward as possible from the ordinary high-water mark;

C. The decision of the Administrator is based upon the shoreline variance criteria found in Section 17.30.020.

17.25.045 Notification for the Development of a Nonconforming Lot

1. **Policy:** Upon receiving a written request, the Administrator shall mail notice of the request to all property owners within three hundred (300) feet. At a minimum, the notice shall state the following:

   A. The decision on the request will be made within ten days from the date that the notice was mailed; and

   B. Interested citizens may contact the Shoreline Administrator for further information and to learn the Administrator's decision.

2. **Policy:** Appeal of the Administrator's decision shall be made in accordance with the procedures of appeal established in LMC 2.30 and Chapter One of the Development Guidelines and Public Works Standards.

17.25.050 Reconstruction of a Nonconforming Structure

1. **Policy:** In the event that a nonconforming structure is destroyed by fire, explosion, natural catastrophe, or act of public enemy, nothing in this Program shall prevent the reconstruction of that or a more conforming structure provided a building permit must be obtained for reconstruction within one (1) year after the destruction and timely progress towards completion of the reconstruction must be demonstrated.

2. **Policy:** If progress towards completion is not demonstrated the building permit shall expire without an opportunity for renewal.

17.25.055 Conversion of a Nonconforming Use

**Policy:** A nonconforming use may not be converted to a prohibited use.
A swing set and deck adjacent to Pattison Lake off Rumac will provide fond memories for residents, but the structures are considered nonconforming and would not meet new standards.
17.30.000 Shoreline Permits

Shoreline permits and exemptions shall be processed according to the procedures described in Section I of the City Development Guidelines and Public Works Standards.

17.30.010 Substantial Development Permit Criteria

1. A shoreline substantial development permit shall be required for all proposed uses and developments of shorelines unless the proposal is specifically exempted by Section 17.30.030.

2. In order to be approved, the City of Lacey shall find that the proposal is consistent with the following criteria:

   A. All regulations of this program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance under Section 17.30.020;

   B. All general goals and policies of this program and goals, policies and standards specific to the appropriate shoreline environment designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated.

3. Consideration shall be given to the cumulative environmental impact of additional requests for like actions in the shoreline vicinity. For example, if shoreline substantial development permits were granted for other developments in the area where similar circumstances exist, the sum of the permitted actions should also remain consistent with the policy of RCW 90.58.020 and should not produce significant adverse effects to the shoreline ecological functions and processes or other users.

4. The City of Lacey is the final authority for a Shoreline Substantial Development Permit, unless there is an appeal filed with the State Shoreline Hearing Board.

17.30.015 Shoreline Conditional Use Permit

The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, the City or Department may attach special conditions to the permit to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the local master program.

1. Uses which are classified or set forth in the City of Lacey's Shoreline Master Program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

   A. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

   B. That the proposed use will not interfere with the normal public use of public shorelines;
C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Land Use Plan and Shoreline Master Program;

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

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

2. 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.

3. Other uses which are not classified or set forth in Lacey's 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 Shoreline Master Program, and the intent of provisions of the Comprehensive Land Use Plan.

4. Uses which are specifically prohibited by the Shoreline Master Program may not be authorized.

17.30.020 Shoreline Variance Permit

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

1. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM) as defined in RCW 90.58.030 (2)(b) and/or landward of any wetland as defined in RCW 90.58.030 (2)(h) 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 Lacey's 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 Land Use 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.

3. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM) as defined in RCW 90.58.030 (2)(b) or within any wetland as defined in RCW 90.58.030 (2)(h) 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 Lacey's Master Program precludes all reasonable use of the property;

B. That the proposal is consistent with the criteria established under Section 17.20.030 2 A-F; and

C. That the public rights of navigation and use of the shorelines will not be adversely affected.

4. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area, for example, if variances were granted to other developments and/or uses in the area where similar circumstances exist. The total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

5. Variances from the use regulations of the Shoreline Master Program are prohibited.

6. Water-oriented and water-related uses may be located within the required shoreline buffer without a shoreline variance, provided other required permits are obtained and the size of the variation has been minimized to the extent needed. Uses that may locate within the buffer without a variance include the following:

A. Boating facilities accessory to a single-family residential development including piers, docks and floats;

B. Pedestrian beach access structures including stairs, with the exception of stair towers;

C. Public access trails and paths and structures for public access including but not limited to stairways, piers, docks, or floats.

17.30.030 Shoreline Exemption Criteria

1. An exemption from the substantial development permit process is not an exemption from compliance with the Act or this Program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and regulatory
provisions of this Program and the Act. A statement of exemption shall be obtained for exempt activities.

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

3. The burden of proof that a development or use is exempt is on the applicant or proponent.

4. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire project.

5. A development or use that is listed as a conditional use pursuant to this Program or is an unlisted use must obtain a shoreline conditional use permit even if the development or use does not require a shoreline substantial development permit.

6. When a development or use is proposed that does not comply with the bulk, dimensional and/or performance standards of the Program, such development or use shall only be authorized by approval of a shoreline variance even if the development or use does not require a substantial development permit.

7. All permits or statements of exemption issued for development or use within the shoreline jurisdiction shall include written findings prepared by the Administrator, including compliance with bulk, dimensional standards and policies and regulations of this Master Program. The Administrator may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the Act and the Program.

17.30.035 Shoreline Exemptions Listed

The following shall be considered exempt from the requirement to obtain a shoreline substantial development permit.

1. Any development of which the total cost or fair market value is less than five thousand seven hundred and eighteen dollars ($5,718), and does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means for any calendar year that year's annual average consumer price index of all items in the Seattle, Washington area for urban and clerical workers, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements; see also section defining “normal” maintenance and repair and permit requirements for maintenance that does not qualify under this exemption.

3. Construction of the normal protective bulkhead common to single family residences.

4. Emergency construction necessary to protect property from damage by the elements.
5. Construction or modification of navigational aids such as channel markers and anchor buoys.

6. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family. The residence must not exceed a height of thirty-five feet above average grade level, and meet all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.

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

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

11. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

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

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

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

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

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

12. The process of removing or controlling an aquatic noxious weed, 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 jointly with other state agencies under RCW 43.21C.
17.30.040 Letter of Exemption from Substantial Development Permit Process

All uses, land and water alterations, and development that are not defined as substantial developments are exempted from the requirement to obtain a Shoreline Substantial Development Permit. However, these developments must still comply with the standards of the Shoreline Master Program. In addition, these developments may still need a Shoreline Conditional Use Permit or a Shoreline Variance.

A project proponent must obtain confirmation that it conforms to the Shoreline Master Program and to state law. If it conforms, a letter of exemption will be issued stating that there are no further shoreline permits to obtain, and may contain conditions which the proponent must meet.

17.30.045 Unclassified Uses

This program does not attempt to identify or foresee all conceivable shoreline uses or types of development. When a use or development is proposed which is not readily classified within an existing use or development category, it shall require a conditional use permit. During process of the permit the Administrator and Hearing Examiner shall identify and apply those program policies and regulations which will best promote the policies of the Shoreline Management Act and the Shoreline Master Program, with special reference to the policies of the environmental designation in which the use will be located. In addition, general goals, policies and standards shall also apply.

17.30.047 Maintenance Activities Exemption

Threshold and Activity Not Exempted; Policy for Maintenance of Structures and Modifications

1. Normal maintenance and repairs to an existing structure or shoreline modification (see description of modification in Section 17.45.000), shall be exempt from permits if such repair and maintenance has a value less than 50% of the replacement value of the structure or modification.

2. Where the value of repair of an existing structure or modification, is equal to or exceeds 50% of the replacement value, it shall be considered a replacement and a new permit or approval shall be required. The approval or permit process for replacement of a structure shall be the process identified for if it was a new structure which may include a letter of exemption, substantial development permit, conditional use permit or variance. Replacement of a modification shall always be processed as a conditional use permit.

3. When a new approval or permit is required for replacement and the existing structure or modification does not meet existing shoreline standards and may be having an adverse impact on shoreline functions and values, review shall include consideration of, and preference for, other more ecologically sound practices that can achieve the same function.

4. If the structure or modification is not associated with the protection of a residence and is not a permitted use, consideration shall be given to not approving replacement and the planned abandonment or removal of the structure or modification.
5. Placement of a modification or replacement of an existing modification designed for stabilization must be designed for protection or stabilization of a residence(s) that is in danger from active erosion. Such modification may be permitted through a conditional use permit, if it is demonstrated by a qualified geotechnical engineer, that it is the only feasible way to protect the residence(s), and such modification will not result in a net loss of ecological function or otherwise conflict with the public’s interest.

6. Where it is demonstrated that replacement of a modification is necessary for the maintenance of shoreline ecological functions and is in the public interest, such activity shall be exempt from permit requirements as determined by the administrator.

17.30.050 Inspections

Pursuant to RCW 90.58.200, the Administrator or his authorized representative(s) of that local government may enter land or structures to enforce the provisions of this program. Entry shall be at reasonable times. If the land or structures are occupied, the Administrator shall first present proper credentials and request entry; and if the land or structures are unoccupied, the Administrator shall first make a reasonable effort to locate the owner, or other person having control of the property, and request entry.

17.30.055 Penalties and Enforcement

The Shoreline Management Act imposes significant penalties for violation of the act, regulations and master programs. A violation constitutes a gross misdemeanor, which is punishable by fine or imprisonment (RCW 90.58.220). In addition to the criminal penalty, the Act imposes liability on any person violating the act or conditions of a permit for all damage to public or private property arising from the violation. Furthermore, the violator may have to restore an area affected by a violation, and pay the entire cost of restoration, including attorney’s fees and court costs (RCW 90.58.230). There may also be civil penalties that apply (RCW 90.25.210).
17.35.000 Relationship to Other Land Use Regulations

17.35.005 Local Permits, Approvals and Shoreline Exemptions

1. **Building permits and other activities requiring City review** - In the case of development subject to the shoreline permit requirement of this program, the Administrator shall not issue a building permit for such development until a shoreline permit has been granted. Also, any permit issued by the Administrator for such development shall be subject to the same terms and conditions that apply to the shoreline permit.

2. **Activities exempt from shoreline permit requirements** - In the case of development subject to regulations of this program, but exempt from the shoreline substantial development permit requirement, any required statement of exemption shall be obtained prior to issuance of the building permit or applicable approval. For single family residences, a building permit reviewed and signed off by the Administrator may substitute for a written statement of exemption.

3. **All land use planning permits** - The City shall use a “shoreline zoning overlay” designation to integrate the Shoreline Master Program map and all standards of the Shoreline Master Program with the Lacey zoning code. This overlay zoning will provide the basis for review and application of standards and conditions for all of the City's land use planning processes and permits. This will include all planning permits and approvals such as zoning conditional use permits, variances, site plan review, environmental permits and land divisions, including short subdivisions, long subdivisions, binding site plans and condominium conversions.

4. **Planning permits and conditions** - For all planning permits and approvals the Administrator shall attach conditions and mitigation measures as necessary to ensure that the design, development, functionality and use is consistent with the goals, policies, standards and intent of this program.

17.35.010 Compliance with Existing Development Regulations

Developments within shoreline jurisdiction shall comply with City development standards, and applicable state and federal regulations, provided they do not conflict with the shoreline goals, shoreline policies, and development regulations of this program. In the case of conflicts between specific standards and regulations the most restrictive shall usually apply and shoreline goals and policies shall always guide interpretation of the most appropriate standard to apply.
17.35.015 Critical Areas Ordinance Categories

The City of Lacey Critical Area Ordinances, contained in Title 14 of the Lacey Municipal Code, shall be adopted as a part of this master program, with the exception of the critical area category of areas with a critical recharging effect on aquifers used for potable waters; see list of Sections in 17.10.020.

17.35.020 Critical Areas Regulations within Shoreline Jurisdiction

1. Adoption of Critical Area Ordinances of LMC Chapter 14, with exceptions:

The City of Lacey Critical Area Ordinances, in Title 14 of the Lacey Municipal Code, shall be adopted as a part of this SMP, with a few exceptions. The intent of referencing and use of critical area legislation is to provide the best protection for these resources. It is also the intent of this SMP to apply a consistent and efficient consolidated process for review and action on proposals involving these resources. To these purposes, the critical area ordinances are adopted as part of the SMP with the following few exceptions:

A. Exceptions of certain provisions in conflict with the intent of the SMP:

Where there are provisions in Chapter 14 that are less restrictive than the SMP, those provisions will not be applied. However, where there are provisions that are more restrictive than the SMP, they will generally be applied, except as provided for in this section (17.35). The intent is to ensure the provision providing the most protection is always applied. To this purpose, the following provisions within Chapter 14 shall not apply to proposals involving critical areas that are within shoreline jurisdiction:

1) “Exempt uses and activities” or “exceptions” or “exemptions” - The only “exemptions” allowed within shoreline jurisdiction are those listed as being exempt from a shoreline substantial development permit. See Section 17.30.035.
2) “Administratively authorized uses and activities” or “allowed activities” - Any activity which is not exempt within shoreline jurisdiction will require a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance.
3) “Reduction of standard buffer zone width” - Reduction of the standard Critical Area Ordinance buffer width within shoreline jurisdiction shall be prohibited.
4) “Administrative variances” - Administrative variances, being variances authorized by the administrator without the use of a shoreline variance, are prohibited within shoreline jurisdiction.
5) “Standard buffer width averaging” - Critical Area Ordinance buffer averaging within shoreline jurisdiction will require a shoreline variance. In the case of an associated wetland, the edge of the wetland is the edge of the shoreline jurisdiction.
6) “Reduction to wetland replacement ratios” - A reduction of the wetland replacement ratio within shoreline jurisdiction will require a shoreline variance.
7) “Reasonable use exception” - Within a shoreline jurisdiction, a shoreline conditional use permit and/or shoreline variance will serve as a reasonable use exception review.

B. Exception of certain provisions related to permit process and timing:

1) Permit processes: Where processes identified in the SMP conflict with critical area ordinance permit processes the requirements of the SMP shall apply. Specific permits used to review and condition proposals within Chapter 14 of the LMC shall be dovetailed with the underlying SMP permit or approval. The underlying permit and process used in
the SMP shall be utilized. The SMP has specific permit process requirements and provisions that apply to the review and approval process for all activities, uses and modifications. All necessary review requirements, standards and mitigation shall be accomplished under the umbrella of the defined Shoreline Master Program review process(es) and permit(s).

2) Example process: As an example of B. 1) above, an activity, use or structure requiring a conditional use permit under shorelines jurisdiction will always require a CUP under the SMP, with associated DOE review, regardless of what it might be called and processed as under a critical area ordinance. Likewise, timing requirements, extensions (if permitted) for permits or approvals shall also follow the format and timing of the SMP, instead of critical area ordinance timing which is specific to its critical area permit requirements.

C. Exception related to buffer widths for freshwater critical areas in the shoreline residential zone: Within the shoreline residential zone, buffers for freshwater critical habitat areas along lake front platted lots will dovetail setbacks from the OHWM as identified for the most intensive use expected for the property; see Section 17.35.037.

2. Standards of critical area ordinances and principals and requirements of the SMP:

A. All standards and provisions of critical area ordinances relative to performance of a proposal and protection of critical areas and resources are considered a fundamental requirement and the purpose of review. All specific standards and regulatory provisions of the critical area ordinances shall apply provided they are consistent with Section 17.35.020 1. A. above.

B. In addition to the exacting standards for the protection of critical area resources contained within the adopted critical area ordinances, the underlying principals and requirements of the SMP, for no net loss of function and value and mitigation sequencing, shall be the baseline criteria for evaluation, conditioning and permit action.

3. Critical area principles:

A. Principles: The following principles are embodied within Lacey’s Critical Area Ordinances, but are not so stated in relationship to shoreline management areas. These principals are stated here for clarity of purpose in application of Lacey’s Critical Area Ordinances in shoreline jurisdiction under this SMP:

1) Planning objectives: The planning objectives of shoreline management provisions for critical areas shall be the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes.

2) Regulatory provisions: The regulatory provisions for critical areas shall protect existing ecological functions and ecosystem-wide processes.

3) Protection, use and enjoyment: An underlying intent is to promote human uses and values that are compatible with the other objectives of the Shoreline Management Act and this Shoreline Master Program, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions.

17.35.030 Critical Saltwater Habitat and Marine Riparian Habitat

1. Location and critical area type: The marine habitat in Lacey runs from the Butterball Cove area to Mallard Cove. Much of this area is designated as critical saltwater habitat. This includes
pocket estuaries, eel grass beds, fish spawning habitat and feeder bluffs; see Map L14 habitat area identified in the inventory.

2. **Shoreline designation:** With the exception of the area where the existing marina is located in Mallard Cove, area landward of the OHWM and associated wetlands and pocket estuaries have been designated as natural. The site immediately surrounding the marina is designated conservancy. Area water ward of the OHWM is designated aquatic; see map designations in Appendix 6.

3. **Land use and use of beach area:** The majority of this area is in the Hawks Prairie Planned Community. Conditions for the planned community restrict development and preserve the area for enjoyment as open space for passive activity. The Hawks Prairie Planned Community has a trail that provides visual access to this beach. At the end of the trail there is a viewing platform that provides visual access to this stretch of beach. This provides access opportunity without requiring access to the beach. However, pedestrian access to the beach is currently available and utilized extensively by Hawks Prairie Planned Community residents.

   At the time of this writing, the trail is under the ownership of the Community Homeowners Association and it is responsible for the maintenance of this trail. Access to this trail is currently not restricted. Historically, this access has been available for the general public. However, it is not in public ownership at this time. This access is very valuable to the public as it is the only marine access in the City of Lacey. Work with the HOA to secure this access for use by the general public may be an option for future consideration.

   There is an old pier on the beach that had been used during the war for transport of dynamite from Dupont. Maps refer to this pier as the Atlas Powder Dock. It is currently abandoned and unusable. Whether this pier might be able to provide some future public use (like a public fishing pier) is unknown. Significant work to restore the pier would be necessary.

   A portion of the area east of the planned community has a private marina that is part of the Beachcrest community. The Beachcrest community also has access to the beach and marina by roads constructed as part of the original development in the 1950s; see land use map L-7 in inventory.

   It is interesting to note that a portion of the marina is actually on property within the Hawks Prairie Planned Community and within the City of Lacey. This portion of property has an easement giving Beachcrest the right to operate the marina. This was a result of early surveying issues when the marina was established in the 1950s and later agreements between the owners of the land where the marina is situated and the Beachcrest Community Association.

### 17.35.031 Specific Management Goals and Policies for Protection of Marine Riparian Habitat

1. **Goal:** Achieve protection of Lacey’s marine riparian habitat areas and no net loss of function or value over the long term.

   a. **Policy:** Utilize the best available science recommendations provided in literature from state resource agencies when developing standards and reviewing habitat management plans for marine riparian habitat.
B. **Policy:** Utilize requirements of Lacey’s habitat, wetland, tree and vegetation and geologically sensitive area protection legislation as appropriate, to protect marine riparian habitat resources and achieve no net loss objectives of this SMP; LMC Chapter 14.28, 14.32, 14.33 and 14.37.

C. **Policy:** Adopt recommendations and “general conclusions” of the report “Protection of Marine Riparian Functions in Puget Sound, Washington,” prepared by the State’s Aquatic Habitat Guidelines Program including:
   1) “General conclusions” identified in Section VI of the report;
   2) “Overarching” recommendations identified in Section VI of the report;
   3) “Impact specific” recommendations identified in Section VI of the report.

**17.35.032 Specific Standards for Protection of Lacey’s Marine Riparian Habitat**

1. **Standard:** The following general principles and conclusions shall be incorporated into the design and management strategies for any projects proposed within marine riparian habitat area. Management strategies developed based upon these principles and conclusions shall be detailed within a habitat management plan and incorporated as conditions of the project:

   A. Riparian areas perform important hydrologic, geomorphic, and biological functions. These areas encompass complex above- and below-ground habitats created by the convergence of biophysical processes in the transition zone between aquatic and terrestrial ecosystems.

   B. Riparian areas cannot be thought of in isolation from associated water bodies. The characteristic geomorphology, plant communities, and associated aquatic and wildlife species of riparian and marine systems are intrinsically linked.

   C. Natural riparian systems have adapted to specific disturbance regimes. Managing riparian areas without regard to their dynamic patterns and influences of adjacent water bodies ignores a fundamental aspect of how these systems function.

   D. Riparian areas, in proportion to their area within a watershed, perform more biologically productive functions than do uplands. Riparian areas provide a wide range of functions, such as microclimate modification and shade, bank stabilization and modification of sediment processes, contributions of organic matter and large wood to aquatic systems, nutrient retention and cycling, wildlife habitat, and general food web support for a wide range of aquatic and terrestrial organisms.

   E. Riparian areas are effective in filtering and transforming materials (such as dissolved and particulate nonpoint source pollutants) from hill slope runoff.

   F. Because riparian areas are located at the convergence of terrestrial and aquatic ecosystems, they are regional hot spots of biodiversity and often exhibit high rates of biological productivity in marked contrast to the larger landscape.

   G. During the last decade, a patchwork of federal, state, and local laws and programs has come to acknowledge the importance of riparian areas and to require or encourage special management to restore or protect their essential functions, although the degree of protection, the focus, and the spatial coverage of these laws and programs are highly variable among federal, state, and local levels.
2. **Standard:** The following “Overarching Recommendations” shall be incorporated into project requirements and detailed within a habitat management plan for any proposal, use or activity planned within Lacey’s marine riparian habitat areas.

A. Protect marine riparian soils and vegetation – prevent damage to native riparian soils and vegetation, including clearing and grading, compaction, covering (paving) and removal.

B. Restore damaged marine riparian habitat – restore vegetation, soil characteristics.

C. Account for scale issues (temporal and spatial) when evaluating riparian condition, current functions and potential for future functions, and cumulative effects of alterations. The dynamic nature and connectivity of riparian areas and linkages between riparian and aquatic systems operate at multiple scales.

D. Exclude all major sources of contamination from the riparian buffer, including construction, impervious surfaces, mining, septic system drain fields, agricultural activity, clear cutting and application of pesticides and herbicides.

E. Manage riparian areas for the long-term. For many sites, substantial time, on the order of years to decades, will be required for vegetation to become fully functional (NRC 2002).

F. Requiring additional structural setbacks (10-30 ft) landward of buffers will allow routine maintenance of structures without compromising buffer function integrity.

3. **Standard:** The following “Standards to Avoid or Minimize Specific Impacts” shall be incorporated into project conditions and detailed within a habitat management plan for any proposal, use or activity within Lacey’s marine riparian habitat area. Provided if a provision contained herein is less restrictive than another provision within Lacey’s critical area ordinances, the most restrictive and protective shall apply:

A. Avoid any vegetation removal on shorelines and bluffs. If vegetation must be removed, minimize the area and amount removed and locate the disturbed area of the required buffer width away from the ordinary high water mark. Minimize ground disturbance, removal of mature trees, and introduction of nonnative vegetation, especially invasive species such as English Ivy.

B. Prohibit location of impervious surfaces in riparian buffers. If impervious surfaces are located close to riparian areas, minimize footprint and mitigate impacts through techniques including pervious surfaces such as pervious pavers and concrete, bioretention facilities such as rain gardens, green roofs, cisterns, etc. Promote infiltration and implement approved methods/designs for controlling grates of surface runoff and pollutant loading. Caution should be taken when designing and installing bioretention and other facilities that infiltrate water along slopes and bluffs so as to not increase the likelihood of mass failures or erosion. Note: This provision has been modified to be consistent with Lacey’s sensitive area ordinances relating to prohibition on impervious surfaces within a designated buffer.

C. Avoid shoreline modification. Maintain existing native vegetation, particularly at and near the land-water interface. If shoreline alterations must occur they shall be done in a way that minimizes potential negative impacts to natural functions and shall use the least intrusive methods including bioengineering or relocating structures where feasible and practical. All adverse impacts shall receive full compensatory mitigation to promote no net loss of ecological functions.
D. Remove invasive plant species from marine riparian areas. Purple Loosestrife, Himalayan blackberry, English Ivy and other invasive plants compete with native species, particularly in disturbed sites along marine bluffs and shorelines.

E. Restore and replant marine riparian areas with native vegetation according to a habitat management plan to improve the connectivity of upland and marine riparian habitat and to restore functions that benefit the nearshore and beach ecosystems. Ensure that replanted marine riparian areas are properly maintained to improve plant survival.

F. Prohibit building in the riparian buffers. Minimize footprint, site disturbance and locate structures far enough back from the water’s edge to ensure maintenance of functional riparian areas. Note: This provision has been modified to be consistent with Lacey’s sensitive area ordinances relating to prohibition on building within a designated buffer.

G. Prohibit locating septic and new waste water systems in the riparian area. If an existing system is located in the riparian area, restoration activity should be designed to minimize impact and improve the existing situation. Existing systems within the drainage basin that could impact the riparian area should be maintained, and operated in such a way that human waste and nutrients are prevents are prevented from leaching into local water bodies. Note: This provision has been modified to be consistent with Lacey’s sensitive area ordinances relating to prohibition on septic and drainage systems within a designated buffer.

H. Avoid disturbance to native vegetation in the riparian area, especially near the water’s edge, with the goal of maintaining vegetation communities that are resilient to disturbance from surrounding land uses and able to regenerate with minimal human intervention and to help ensure that nutrients, pathogens, toxics, and fine sediments associated with land-use practices are prevented from entering water bodies.

I. According to mitigation sequencing of Section 17.40.015, avoid land use practices in riparian areas that involve the use or generation of nutrients, pathogens, and toxics. Avoid salvage or removal of downed trees, LWD or snags in riparian areas and on beaches. Maintain complex, multi-aged riparian forest cover and wide buffers to allow natural recruitment of LWD over long time frames. Impacts that cannot be avoided shall be fully mitigated.

4. **Standard:** Requirements of 17.35.032 of this SMP are supplemental to the core critical area requirements of Lacey’s critical area ordinances. All applicable requirements and standards of Lacey’s habitat, wetland, tree and vegetation and geologically sensitive area protection legislation shall be satisfied; LMC Chapter 14.28, 14.32, 14.33 and 14.37.

**17.35.033 Specific Management Goal and Policies for Protection of Critical Saltwater Habitat**

1. **Goal:** Achieve protection of Lacey’s critical saltwater habitat areas and no net loss of function or value over the long term.

   A. **Policy:** Utilize the best available science recommendations provided in literature from state resource agencies when developing standards and reviewing habitat management plans for critical saltwater habitat areas.
B. **Policy:** Where applicable to critical saltwater habitats, adopt recommendations and “general conclusions” of the report “Protection of Marine Riparian Functions in Puget Sound, Washington” prepared by the State’s Aquatic Habitat Guidelines Program including:
1) “General conclusions” identified in Section VI of the report;
2) “Overarching” recommendations identified in Section VI of the report;
3) “Impact specific” recommendations identified in Section VI of the report.

C. **Policy:** Much of Lacey’s critical saltwater habitat overlaps with the marine riparian areas. Where there is overlap, goals, policies and standards for marine riparian areas identified in Sections 17.35.031 and 17.35.032 will be applied to Lacey’s saltwater critical habitat.

D. **Policy:** In addition to applicable requirements of Section 17.35 and LMC Chapter 14.33, management planning for saltwater critical areas shall always include an evaluation of current data and trends and appropriate planning elements as identified in DOE’s guidelines, including the following:
1) Available inventory and collection of necessary data regarding physical characteristics of the habitat, including upland conditions, and any information on species population trends;
2) Terrestrial and aquatic vegetation;
3) The level of human activity in such areas, including the presence of roads and level of recreational types (passive or active recreation may be appropriate for certain areas and habitats);
4) Restoration potential;
5) Tributaries and small streams flowing into marine waters;
6) Dock and bulkhead construction, including an inventory of bulkheads serving no protective purpose;
7) Conditions and ecological functions in the near-shore area;
8) Uses surrounding the critical saltwater habitat areas that may negatively impact those areas, including permanent or occasional upland, beach, or over-water uses; and
9) An analysis of what data gaps exist and a strategy for gaining this information.

E. **Policy:** Management plans for saltwater habitat should include the following minimum considerations:
1) Protecting a system of fish and wildlife habitats with connections between larger habitat blocks and open spaces and restoring such habitats and connections where they are degraded;
2) Protecting existing and restoring degraded riparian and estuarine ecosystems, especially salt marsh habitats;
3) Establishing adequate buffer zones around these areas to separate incompatible uses from the habitat areas;
4) Protecting existing and restoring degraded near-shore habitat;
5) Protecting existing and restoring degraded or lost salmonid habitat;
6) Protecting existing and restoring degraded upland ecological functions important to critical saltwater habitats, including riparian vegetation;
7) Improving water quality;
8) Protecting existing and restoring degraded sediment inflow and transport regimes; and
9) Correcting activities that cause excessive sediment input where human activity has led to mass wasting.
17.35.034 Buffer Requirements for Protection of Lacey’s Marine Riparian Areas and Saltwater Habitat as Appropriate

1. Buffer requirements for marine riparian areas and for critical saltwater habitat where appropriate as identified in a habitat management plan:

A. Policy: Buffers will be designed to protect critical area and achieve no net loss of function and value. Buffers shall be based upon the best available science and, when available, site specific recommendations of the Department of Fish and Wildlife and other state agencies with expertise in relevant areas.

B. Policy: Buffers for all critical saltwater habitats with riparian areas will be identified in the management plan, will be designated around the critical area and will have a depth adequate to protect the identified functions and values of the critical area. This may overlay the setback from the OHWM or be independent and in addition to, depending upon the needs for protection and intent of the buffer.

C. Policy: Buffers are expected to be variable, designed in consideration of the unique site features of the critical area and the specific values and functions being protected. However, a minimum baseline for a critical area buffer associated with marine riparian habitat shall not be less than the distance applied to Lacey’s fresh water riparian area of Woodland Creek, which is 200 feet.

D. Policy: The buffer applied to a marine riparian area or critical saltwater habitat area designation may accommodate appropriate public access opportunities. Provided, the planned public access is consistent with the intent and applicable provisions of Lacey’s Public Access Plan and it is approved and maintained by the City of Lacey.

17.35.035 Fundamental Standard Applying to all Critical Saltwater Habitat and Marine Riparian Habitat

1. Standard: Docks, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human-made structures shall not intrude into or over critical saltwater habitats or marine riparian habitat or associated buffers except when all of the conditions below are met or it is designed for public access and meets the requirements of Section 17.35.034 1. D. regarding public access and consistency with the City Public Access Plan:

A. The public’s need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

B. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
C. The project including any required mitigation will result in no net loss of ecological functions associated with critical saltwater habitat;

D. The project is consistent with the state’s interest in resource protection and species recovery; and,

E. Private, non-commercial docks for individual residential or community use may be authorized provided that:
   1) Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and
   2) The project including any required mitigation will result in no net loss of ecological functions associated with critical saltwater habitat.

17.35.036 Critical Area Fresh Water Riparian Habitat

1. Location:
   The fresh water critical area habitat in Lacey includes Woodland Creek and an almost continuous stretch of wetland complex that connects and extends around portions of area lakes including Hicks Lake, Pattison Lake, and Long Lake; see Map L-1 within the inventory.

2. Land use:
   Land use along Woodland Creek and lakes within Lacey and Lacey’s UGA is somewhat variable ranging from undeveloped to low density residential. However, most of this area is undeveloped and has maintained critical area values and functions, particularly in regard to flood storage capacity and habitat associated with wetland areas. This is a result of Lacey’s emphasis on environmental protection and adoption and enforcement of environmental legislation dating back to the early 1980s.

3. Local environmental legislation and protection:
   A. Longstanding protection: Generally, areas designated as critical area have had long standing protection under various ordinances and most recently under GMA environmental protection legislation. The one exception is platted lots around lakes where wetlands are limited to a thin beachfront (sometimes only a few feet wide) and lots have developed in a residential capacity.

   However, most areas with any significant amount of area designated as critical and most all of the large wetland complex in Lacey adjacent to the lakes have been protected and remain undeveloped. In addition, Lacey’s wetland ordinance requires dedication of wetland areas and buffers to the City for protection and preservation when adjacent property is developed.

   B. Requirement for dedication of wetlands and buffers associated with development: The requirement for dedication of wetlands and buffers has led to a significant amount of wetland area and buffers in Lacey’s stewardship. This is expected to facilitate stated goals in the access management plan for eventual ownership and protection of the majority of designated critical area associated with the major wetland complex to the east and south of Hicks Lake.

   C. Plans and ordinances providing protection for critical areas: Plans and ordinances with direct influence over the protection of these areas have included the Environmental Protection and Resource Conservation Plan, Lacey Tree and Vegetation Protection and Preservation
Ordinance (LMC 14.32), Habitat Protection Ordinance (LMC 14.33), Wetland Protection Ordinance (LMC 14.28) and Environmental Policy Ordinance (LMC 14.24), as well as other planning legislation including the Comprehensive Land Use Plan and Zoning Code (LMC Chapter 16) adopted under GMA.

D. General success in protection of critical area functions and values: Buffers and standards in these regulations have been very successful in providing protection for the values and functions of these critical areas. A 200 foot buffer for Woodland Creek was put in place as early as 1992, as part of the Environmental Protection and Resource Conservation Plan developed under GMA.

17.35.037 Discussion, Protection of Critical Fresh Water Riparian Habitat

1. Discussion and intent:

A. Protection outside shorelines jurisdiction, generally: Standards for specific uses proposed relative to critical areas is addressed under sections of this SMP that deal with the specific use, activity or modification. Normally, in areas outside of shoreline jurisdiction all uses that adversely impact the value and natural functions of wetland areas are simply prohibited from locating within the critical area and its associated buffer. The same is true for designated habitat protection area that is generally dovetailed with requirements for wetland protection as these areas often overlap.

B. Protection generally easy when property not associated with lakes and developable upland property: In Lacey, protection of the vast complex of wetland resource area came naturally as it was difficult to develop and in most cases was considered unusable. While this is not necessarily the case for Woodland Creek, the majority of Woodland Creek within incorporated Lacey has the advantage of being under the ownership of Saint Martin’s University. Saint Martin’s corporate culture has historically had an emphasis on environmental protection with a deep respect for nature and its value.

C. Protection more complex when associated with lakes where residential use has been a preferred use: Protection of critical areas is more complex for areas along lakes falling under shoreline jurisdiction. Lakes often have shoreline with a shallow area qualifying for wetland status that is associated with a lot stretching to an upland area. Where there is dry upland area adjacent to a lake it has been considered a desirable area for residential development with upper end land values. This has had adverse impact upon opportunities to preserve or protect the resource in its natural state.

D. Competition between protection and residential use: Regulation of critical areas has been relatively easy where the property is basically unusable for the owner. However, lakefront property has been particularly popular for residential use based upon the natural recreation opportunities available and the desirable living experience it naturally provides. Where there has been the opportunity to plat developable property that has lakefront, there is competition between use of the resource for residential use and protection of its natural values.

E. Balance needed: Such property in Lacey has generally been platted for residential development and developed with a residence. In these cases, the shoreline has generally been subjected to active use and modification that has impacted the normal shoreline processes and likely had an adverse impact on its functions and values. While use of lakefront property is
an expectation under the SMA and this SMP, a balance needs to be struck that can provide opportunities for use of shoreline resources while protecting the functions and values that make them so precious.

F. **Shoreline residential designation:** As discussed in Section 17.20.075, the shoreline residential designation has been applied to properties where residential development has occurred. These areas are predominately built out. It is the intent of this SMP to stabilize these areas by application of reasonable standards designed to protect environmental functions and values and to accomplish restoration of these areas over the long term.

G. **Strategy:** As part of a strategy of balancing these competing interests, the shoreline residential designation, including those shoreline residential designated properties with small edge lake critical areas, has been designed to allow continuation of residential use and reasonable expansion subject to mitigation, restoration and no net loss of function and value.

H. **Example challenge and restoration scenario:** While the presence of a wetland a few feet in width along a typical residential lot is classified as a critical area, development of a residence on the lot and years of human habitation, modification and use have probably left the shoreline impacted. Lacey’s existing critical area ordinances were not designed to protect lakeside wetlands on residential lots where the wetlands and ecology have already been impacted. The ordinances were designed to protect critical areas from new development. As such, they typically prohibit all development or activity in critical areas.

The merging of shorelines regulations with GMA critical area protection requirements presents new challenges for us, but it also presents greater opportunities for improving the ecology in these areas. There is a demonstrated need to restore critical areas where development has already occurred along our lakes. The update to the SMP provides the opportunity to implement new strategies to accomplish these objectives.

Restoration activities as described in Appendix 2 could have significant positive impacts to both the ecology of a developed site and use of the property by the landowner. Concepts and strategies tying further development of the site to mitigation and restoration would be expected to have benefits to both the community and public interests associated with shoreline resources and the property owner.

On the other hand, simply prohibiting development outright on these already developed and impacted lots would accomplish little other than continuing the existing use with current associated impacts. This scenario would accomplish little in the way of restoration.

To accomplish the objectives of restoration, new flexibility and ways of approaching critical area protection is needed for these areas. This SMP presents a number of strategies to accomplish these objectives.

### 17.35.038 Specific Management Goal and Policies for Protection of Critical Fresh Water Riparian Habitat

1. **Goal:** Achieve protection of Lacey’s fresh water riparian habitats, no net loss of function or value and incremental restoration of impacted buffers over the long term.
A. Policy: Utilize the best available science recommendations provided in literature from state resource agencies when developing standards and reviewing habitat management plans for freshwater riparian habitat areas.

B. Policy: Areas of shoreline along Lacey’s lakes that have upland area that was developable have generally been developed with homes and this use is expected to continue over the long term. Emphasis shall be placed on ways of accommodating existing uses while achieving no net loss of functions and values and implementing restoration strategies designed to mitigate existing impacts to critical areas and improve the existing situation for all shoreline resources over the long term. This is considered a major emphasis and priority in implementation of this SMP.

C. Policy: Emphasis shall be for protection and no net loss of value and function of fresh water critical areas and riparian habitat as we move forward under GMA and future land use of shoreline areas. This shall be a fundamental baseline consideration when planning the use of land and associated activities and development within shoreline jurisdiction.

D. Policy: Where critical areas occur along a conservancy or natural shoreline designation, buffer requirements will be based upon critical area buffer requirements identified in Lacey’s critical area ordinances. Because of special needs, values and functions, critical areas will generally require a buffer larger than the general setback from the OHWM. However, this will depend upon the type and quality of the wetland and habitat, the values and functions that need protection and the particular shoreline designation in which it occurs.

E. Policy: Where critical areas occur within a shoreline residential designation, buffers will be applied consistent with setbacks from the OHWM for the primary and most intensive use of the property, which will generally be a residential structure and use. Setbacks will be as identified in Section 17.24.015, Table 4, provided requirements of 17.35.038 F., G., and H. are satisfied for water dependent uses that typically have setbacks less than a residential home.

F. Policy: A use, structure or modification developed and maintained by the City of Lacey for public access or use may be approved within a critical area or buffer within any shoreline designation, provided it meets the standards of Section 17.35.039.

G. Policy: Within the shoreline residential designation, a non-commercial water dependent use, structure or modification may be approved within a critical area or critical area buffer, provided it meets the standards of Section 17.35.039.

H. Policy: Provisions of this section (17.35.038) are supplemental to Lacey’s critical area ordinance standards and requirements. The City will utilize requirements of Lacey’s habitat, wetland, tree and vegetation and geologically sensitive area protection legislation (LMC Chapter 14.28, 14.32, 14.33 and 14.37), except as modified in this section, to protect fresh water riparian habitat resources and achieve no net loss objectives of this SMP.

17.35.039 Standards Specific to Critical Fresh Water Riparian Habitat

1. Uses, structures or modifications that are not water dependant shall not be permitted within a critical area or its buffer under any shoreline designation except as may be provided in this SMP
for structures and uses owned and operated by the City of Lacey serving a necessary public interest.

2. A water dependant use, structure or modification may be approved within a critical area or critical area buffer provided it meets all of the following requirements:

A. It is within the shoreline residential designation and is associated with a residential use on the same property, or it is within any shoreline designation and it is associated with public access or other public use and it is owned and maintained by the City of Lacey;

B. All requirements of this SMP applicable to the use, structure or modification are met including provisions in Part 2 and 3 of the SMP and use and standards (including setbacks) identified in Section 17.24.015, Tables 3, 4 and 5;

C. The proposal is subject to mitigation sequencing;

D. The proposal can demonstrate no net loss of function and value;

E. The proposal meets the requirements of Section 17.41.021, Table 1, for vegetation and restoration of buffers; and

F. The proposal includes development of a Habitat Management Plan pursuant to the requirements of LMC Chapter 14.33.

Note: Items E. and F. may be used to mitigate and restore the site in order to demonstrate no net loss in item D.
A picnic table stands as the last remnant of open space improvements in an area north of Long Lake that once was the site of a recreation vehicle park.
Picture of Chamber's Lake from Lakeview Drive. Unfortunately, most views surrounding Lacey's lakes are obscured from public view by homes and fences designed for privacy of residents. In this case "Lakeview Drive" does not really provide visual access to the general public. To take this picture the photographer had to climb on top of his car to get a peek-a-boo view for the camera. One issue considered in this Master Program is visual access for the public to designated "shorelines of the state". New standards require consideration of views when designing plats. While this plat has an area of open space that could be enjoyed by residents and the public, fences obscure everyone's view except for the few who enjoy lakeside access. New standards require consideration of both resident's privacy and public view opportunities. Well planned developments can achieve both.
A reach of shoreline just east of Nisqually, viewed from a kayak.
PART TWO

ENVIRONMENTAL CONCEPTS, SHORELINE VALUES AND FUNCTIONS,
VEGETATION AND RESTORATION
Elected officials, City staff and citizens working together at the January 19, 2010 open house.

Picture of Cynthia Pratt, Lacey Council, in blue coat, and Sandra Romero, Thurston County Commissioner, discussing shoreline issues at the Lacey Open House for the Shoreline Master Program update. Also shown in the background on the left side of the photo, working with several citizens to answer questions, is David R. Burns, AICP, Lacey's Principal Planner. In the background, on the right hand side of the photo, Lacey Council member Andy Ryder is seen discussing shoreline issues with Rick Walk, AICP, Lacey's Community Development Director.

Picture by Lori Flemm
17.40.000 Shoreline Ecological Functions

17.40.005 General Provisions

1. The SMA and the Guidelines for the SMP place an emphasis on the protection of ecosystem-wide processes and ecological functions. This SMP must contain policies, regulations and standards sufficient to assure that shoreline uses and modification activities will promote “no net loss” of these processes and functions. To accomplish this objective, Lacey has developed this SMP with the necessary goals, policies and development regulations to assure development within the shoreline jurisdiction will promote no let loss of ecological functions necessary to sustain the natural shoreline.

17.40.007 General Goals and Policies for Protection of Ecological Functions

1. Goal: Use the comprehensive unique inventory and characterization report provided in Appendix 4 to recognize, appreciate and respect the individual nature of Lacey's shoreline reaches and the natural ecological processes important to the health and vitality of these shorelines.

   A. Policy: Designate shorelines based upon findings of the shoreline inventory and what designation is best suited to each individual reach considering its identified functions and values.

   B. Policy: Require design that is sensitive to shoreline processes and the requirements necessary for protection of identified functions and values. Design and density shall promote no net loss of ecological functions. To further this intent, the City will consider incentive programs to encourage dedication of shoreline property to the City for management and protection over the long term.

2. Goal: Plan land use around shoreline resources considering the characterization report and cumulative impacts analysis, and responsibly balance impacts from urbanization required under GMA with the necessary protection of these limited and valuable resources over the long term.

   A. Policy: Require a buffer of vegetation, appropriate to each designation and expected use, to promote the natural functions of stormwater absorption and treatment and promote water quality and natural habitat functions and values.

   B. Policy: Allow alternatives for vegetation improvements as long as the landscaping buffer will achieve similar results in mitigating upland development and impacts of urbanization on the shorelines natural functions and values.

3. Goal: Achieve goals of the Shoreline Management Act for state interests; and achieve local interests for the protection of identified functions and values. This shall include enjoyment of these resources for both passive and active recreation opportunities as appropriate given characteristics, functions and values of individual shoreline areas.
A. **Policy:** Ensure that uses and activities address the goals and policies in Sections 17.40 through 17.70.

B. **Policy:** Public use of shoreline will be a priority pursuant to the City Public Access Plan. However, public access must be balanced with the needs of each individual reach for maintaining a healthy shoreline and its ecological functions and values.

C. **Policy:** Public access with active or intensive uses should not be planned where critical areas are present or the shoreline would be particularly sensitive to the planned use.

D. **Policy:** Access should be integrated into shoreline areas with the least amount of impact possible and impacts should be mitigated to promote no net loss of ecological function.

E. **Policy:** To balance public access and use of shoreline resources with ecological function, Lacey will consider offsite mitigation and restoration consistent with priorities in the City’s Restoration Plan. Offsite restoration will be used to achieve no net loss on a community wide basis if this cannot be achieved onsite.

4. **Goal:** Achieve restoration goals appropriate to the shorelines designation in developed areas. Promote new development only where appropriate for the shoreline designation and ensure all development is sensitive to and protects ecological processes and functions.

A. **Policy:** Design and locate all development and structures, including residential development, to make beach stabilization measures and other shoreline modifications unnecessary including, but not limited to, protective measures as filling, beach feeding, bulkheading, shoreline berms, construction groins or jetties, or substantial grading of the site.

B. **Policy:** Ensure that permits for shoreline modifications address the goals and policies in Sections 17.40 through 17.70.

C. **Policy:** Ensure that exemptions and permits for uses and activities or shoreline modifications use mitigation sequencing in Section 17.40.015.

D. **Policy:** Programs that enhance opportunities for the development community as well as meet City and state goals for shoreline protection should be given priority. An example is a program that would allow significant increased density credit that can be transferred to upland areas outside shoreline jurisdiction or off site in exchange for dedication of the shoreline area to the public. This can enhance development opportunities and achieve GMA goals and environmental protection of shoreline resources over the long term.

E. **Policy:** Locate and design structures along the shoreline to ensure future shoreline stabilization will be unnecessary.

**17.40.015 Mitigation Sequencing**

A shoreline permit applicant or project proponent shall demonstrate that all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not have significant adverse impacts. Mitigation shall occur in the following prioritized order:

1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.
2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.

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

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

5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures.

17.40.020 General Development Standards for Ecological Functions

1. Standards applicable to ecological functions, generally: The entire Shoreline Master Program has an emphasis on protection of ecological functions and promoting no net loss of ecological functions and values. Standards achieving this are found throughout the document under sections dealing with specific uses and modifications. All goals, policies and standards in this section of the SMP (17.40) are applicable to protection of ecological functions and are considered fundamental to management of shoreline resources. All goals, policies and standards in Section 17.40 shall be satisfied with any use, activity, structure or modification under shoreline jurisdiction:

   A. General goals and policies applicable to all uses, activities and modifications in Sections 17.44 and 17.45.

   B. General use and modifications in Sections 17.46 through 17.70.

   C. All vegetation management policies and standards of Section 17.41.

   D. All restoration policies and standards of Section 17.42.

2. Buffers when critical areas are not present: Where no designated critical area exists, a general buffer shall be required to overlay the setback from the OHWM for the primary and most intensive use planned for the site.

   Along lakes in Lacey, the most intensive use will generally be residential homes. Matching the buffer with the generally applied setback for the most intensive use permitted on the property is intended to correspond to the general needs and character of each specific shoreline designation and uses permitted within the designation.

3. Buffers when critical area is present: Where critical areas occur, the intent and requirements of Sections 17.35.037, 17.35.038 and 17.35.039 shall be satisfied.

4. Vegetation requirements for buffers: Buffers required in items 17.40.020 2. and 3. above shall be vegetated with native species typical to riparian areas. There are several intents to this provision which include:
A. To promote no net loss of ecological functions as further urbanization or more intensive use of individual sites occur.

B. To improve the health and value of the shoreline, as well as individual properties, when new development takes place by restoring buffer areas that can help mitigate existing impacts and result in incremental restoration of riparian areas over the long term.

C. To implement requirements that is flexible for individual needs (provide a toolbox of options accomplishing the intended objectives) and is proportionate to planned improvements.

See Section 17.41.021, Table 1, for vegetation guidelines for buffer areas.

5. **Ecological functions:** All projects shall satisfy the intent of goals applicable to ecological functions in Section 17.44 and 17.45.

6. **Uses designated for location within a buffer must promote shoreline goals:** Generally, structures and activities that do not promote shoreline goals are prohibited within the designated buffer and setback area. Examples of uses that have damaging impacts and are prohibited within this buffer and setback, except as provided within this SMP include:

   A. Lawns and gardens (that are typically heavily fertilized, contaminate the water body through nutrient loading, are generally not efficient in filtering runoff or allowing water to infiltrate and provide little habitat value);

   B. Parking and stormwater facilities (that contribute significant contaminants);

   C. Fences (that degrade the natural look and aesthetics of shorelines and restrict movement of wildlife and people); and

   D. Accessory structures (which can have a range of adverse impacts).

   E. Uses, structures, activities and modifications that can adversely impact shoreline functions and values not otherwise permitted in this SMP.
17.41.000 Vegetation Management

17.41.010 Importance of Vegetation

1. Importance of vegetation - Native vegetation along the shoreline provides and supports many ecological functions or processes which are critical to the health, vitality, function and value of Lacey's shorelines. These functions and values include but are not limited to:

   A. Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota.
   
   B. Regulating microclimate in riparian and nearshore areas.
   
   C. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates.
   
   D. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides.
   
   E. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.
   
   F. Improving water quality through filtration and vegetative uptake of nutrients and pollutants;
   
   G. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonids and other species.
   
   H. Providing habitat for wildlife, including connectivity for travel and migration corridors.

2. Action - Based upon identified functions and values and the role vegetation plays in maintenance of these functions and values, Lacey will promote proper restoration, landscaping and maintenance of its shoreline areas. The goals and polices in Sections 17.41.015, and the general development standards in Section 17.41.20 will form the vision and general framework for this effort.

17.41.015 Vegetation Management - Goals and Policies

1. Goal: Over the long term, achieve vegetated shorelines with plants supportive of natural shoreline functions and values that will help maintain and improve water quality and habitat.

   A. Policy: Limit the removal of vegetation along the shoreline to the minimum necessary to accommodate the approved shoreline development and establish a buffer area of vegetation corresponding to each designation’s setback area for the most intensive use expected of the property, generally a residential use.
B. **Policy:** Native/approved vegetation along the shoreline will be required to further goals of restoration and promote no net loss of ecological function and value. A Vegetation Management Plan and landscaping will be required. The plan should provide a balance considering legitimate competing interests. This will include habitat and view corridor opportunities as well as compatibility and integration with the full range of land use activities permitted and expected in the applicable shoreline classification; see example Vegetation Management Plan in Appendix 2.

C. **Policy:** The Administrator may allow limited selective pruning of native vegetation for view corridors and some limited clearing for access provided ecological functions are not compromised. The activity shall be reviewed by the City Forester/Arborist and a recommendation provided to the Administrator. See Section 17.41.020 (7).

D. **Policy:** Preserve existing native vegetation along the shoreline and require planting when it does not exist.

E. **Policy:** Provide flexibility when balancing overlapping shoreline policies and priorities regarding vegetation conservation, a preference for water-dependant uses, and requirements to provide public access.

F. **Policy:** When remodeled structures are located too close to the ordinary high water mark and do not have room to install the normal vegetative improvements in the designated buffer area, the City will require planting with vegetation the site can reasonably accommodate within the buffer area. In addition, to offset and mitigate impacts that occur for lack of adequate vegetative buffering, the city may require a commensurate amount of vegetation on other offsite priority restoration areas.

G. **Policy:** Vegetation Management Plan development standards for the buffer shall apply to a new structure, to remodeled structures which add square footage, to the addition of an accessory structure, and any permit for a shoreline parcel(s) with waterfront access.

H. **Policy:** Intact native shoreline vegetation should be comprised of three vegetative levels including an overstory of trees, an understory of shrubs, and a floor of herbs of native plants commonly found in riparian areas of Thurston County; see example Vegetation Management Plan in Appendix 2.

I. **Policy:** When intact native shoreline vegetation is lacking, required areas shall be planted to resemble native riparian vegetation or equivalent from the standpoint of function and value. To satisfy vegetation and restoration goals, trees are considered a high priority; see Table 1. In addition to a tree canopy, vegetation should also have an understory component of native plants commonly found in riparian areas of Thurston County or of benefit to lake shoreline in Lacey; see example Vegetation Management Plan in Appendix 2.

J. **Policy:** A Shoreline Vegetation Management Plan shall address shoreline function and values. Where this involves critical areas, the Vegetation Management Plan may be consolidated with a required Habitat Management Plan.

K. **Policy:** Vegetation conservation development standards shall not apply to the removal of aquatic weeds and fresh water algae undertaken pursuant to WAC 173-201.

L. **Policy:** Additional tree regulations and policy can be found in Chapter 14.32 of the Lacey Municipal Code and Lacey’s Urban Forest Management Plan. Per Section 17.35.010, the more restrictive development standard applies.
**M. Policy:** The City of Lacey Critical Area Ordinances, including the ordinances for the protection of habitat and wetland areas, requires vegetation along a shoreline or wetland. These requirements will overlay those found within this section. Per Section 17.35.010, the more restrictive development standard applies.

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**Cyanobacteria algae bloom in another community in Spanaway Lake caused by surrounding urbanization and its related drainage impacts and use of septic tank drainfields.** This contamination is becoming a major problem in nearby Pierce County communities. This particular species is highly toxic to wildlife and humans producing a very potent liver toxin that will kill dogs and wildlife after just a couple of drinks. It is also toxic to humans and is a danger just from contact with your skin. Health departments post warning signs where these blooms occur to keep humans away from the water. The pollutants that head the list leading to Cyanobacteria blooms are nitrogen and phosphorous.

To avoid the situation pictured above, it is critical to maintain existing native vegetation and restore natural vegetation in designated buffer areas along our shorelines. Positive drainage features like rain gardens can filter and clean runoff before entering the adjacent water body.

Lacey lakes have not yet faced this problem, and Lacey is working very hard to maintain our healthy water resources. Landscaping requirements are part of this effort and are designed to prevent the type of situation displayed in this picture for the benefit of shoreline property owners as well as the larger community.

*Picture taken by Don Russell.*
2. **Goal:** Develop landscaping guidelines that will achieve goals for restoration and that are useful for property owners and will encourage and promote ecological friendly property management.

   A. **Policy:** Utilize the stated goals and policies for each of the different shoreline use and activities sections to explain to citizens the reasons for the regulations.

   B. **Policy:** Develop and provide examples of landscaping strategies and plans citizens can use to implement important concepts on their own property.

3. **Goal:** Implement a public informational effort that will put shoreline vegetation restoration and management guidelines, in the hands of shoreline property owners.

   A. **Policy:** Because of the importance of native vegetation in managing water quality, the City shall promote public education on this topic and help inform citizens of the purpose and need for retention/replanting/restoration of shoreline area to perform natural drainage mitigation.

   B. **Policy:** Develop a full range of techniques for informing the public of shoreline vegetation requirements as well as basic information regarding shoreline functions and values and how vegetation management is an ecologically friendly way of maintaining shoreline property.

   C. **Policy:** The City will support efforts of realtors and work in partnership with the local Board of Realtors in informing new and existing lot owners of requirements of protective covenants and proper vegetation management. This may include a range of strategies such as educational presentations at realtor membership meetings, presentations to home owner associations, scheduling informational meetings with lot owners or perspective buyers and helping to develop brochures for general circulation to interested groups.

17.41.020 **General Development Standards for Vegetation Management**

1. **Vegetation Management Plan required when:** A Shoreline Vegetation Management Plan shall be developed and implemented for any shoreline parcel as a requirement of a shoreline substantial development permit, shoreline conditional use permit, shoreline variance and any action requiring an exemption letter.

2. **Vegetation Management Plan not required when:** If there is no permit or exemption letter required for an activity or structure, a Shoreline Vegetation Management Plan is not required to be developed and the thresholds and requirements of Table 1 shall not apply. However, any new landscaping of the site must adhere to the goals, policies and standards of the SMP and the intent to promote natural functions and values of shoreline property. New landscaping of shoreline property shall follow guidelines in Appendix 2 for green shorelines.

3. **Vegetation Management Plan generally:** The Shoreline Vegetation Management Plan will provide detail to address the following components:

   A. The plan shall cover that area from the ordinary high water mark to the edge of the required setback based upon the most intensive use expected for the property; see example Vegetation Management Plan in Appendix 2.
B. The plan shall provide for the retention or replanting of native shoreline vegetation, or its equivalent, within the required buffer to support natural functions. Vegetative improvements shall be provided according to the schedule and tier threshold provisions in Section 17.41.021, Table 1.

C. Thresholds described in Table 1 for development thresholds triggering improvements are considered a mandatory baseline for plan development. However, specific improvements and strategies employed to meet objectives may differ from those of the table provided they are proportionate to and accomplish the same objectives as those listed in the table.

D. The Administrator may waive provisions of said plan when the permit or action seeks to improve ecological functions of the shoreline, such as the removal of a bulkhead. If provisions are waived they should be proportionate to the ecological value gained as determined by the Administrator.

4. Example Vegetation Management Plan provided: To aid applicants in preparation of a Shoreline Vegetation Management Plan, the City has provided a couple of example Vegetation Management Plans and a general list of preferred species for Lacey’s shoreline areas; see Appendix 2. Species listed in Appendix 2 have been selected based upon characteristics that contribute and support the natural functions and values of the shorelines. The example plan is designed to help guide applicants in mitigation and restorative efforts that will promote superior shoreline health by improving water quality and habitat function.

5. Example plans are guidelines: The example plan(s) in Appendix 2 should be considered options and will not prohibit an applicant from development of a Shoreline Vegetation Management Plan that is different provided the plan meets applicable City and state standards and functionality. Plans must be designed with intent for achieving restoration and mitigation goals related to drainage, habitat and other identified concerns applicable to the subject site.

6. Review of Vegetation Management Plan: The Shoreline Vegetation Management Plan shall be reviewed by the City Arborist and Tree Protection Professional who shall utilize guidance from the Department of Fish and Wildlife to determine preferred species and needs based upon characteristics and criteria of the individual shoreline and subject reach. Based upon the review, he/she shall provide recommendations to the Administrator for action on the plan. Only plans that support the shoreline functions and values and can be expected to obtain results comparable to concepts illustrated and provided in Appendix 2 can be approved.

7. Maintenance component: Each Shoreline Vegetation Management Plan shall contain a maintenance component that details water quality maintenance requirements. This should include proper use of fertilization to reduce impacts to water quality. The intent is to prevent serious water quality problems as illustrated in the photograph in Section 17.41.015.

8. Maintained through easement: Each Shoreline Vegetation Management Plan shall be maintained over the life of the use and/or development by means of a conservation easement or similar legal instrument recorded with the Thurston County Auditor.

9. Limitations on use of lawn as landscaping: Lawn or turf is generally not permitted within the buffer area because it compromises the effectiveness of the buffer area and buffer functions and values. Turf also generally encourages fertilization which increases nutrient load to the water body compromising water quality. Turf is only acceptable in the following situations and must be approved by the Administrator:
A. In the portion of the yard within a 10 foot distance to a structure as allowed pursuant to Section 17.41.020 10.

B. In a limited portion of area to accommodate residential activity for such things as children’s play, provided the overall landscaping plan concept utilizes landscaping techniques and species types that provide significant environmental benefits to offset the lawn’s limited use.

C. Wherever lawn is used it must meet requirements of Section 17.41.020 7. concerning fertilization.

10. Clear zone permitted around permitted structures: Permitted structures may have non-buffer related vegetative improvements adjacent to and within a 10 foot radius of the structure to prevent conflicts between native vegetation and the structure. Compensation must be provided to offset impacts from the area of non-native vegetative improvements. This may include a range of toolbox alternatives including such things as:

A. Additional vegetative improvements in other areas of the buffer;

B. Strategies designed to provide a more effective buffer such as installation of a rain garden that is particularly effective in mitigating runoff impacts;

C. Restoration activity that improves the existing function and value of the site;

D. Other strategies or techniques designed to provide a proportionate value to compensate for area of the buffer lost.

11. Conforming limited expansion homes: For existing homes that do not meet the setback distance from the OHWM, the following guidelines apply when permits or a letter of exemption is required:

A. A landscaped area meeting the requirements of Section 17.41 shall be established from the ordinary high water mark to within 10 feet of the existing structure. Mitigation and restoration efforts should apply enhanced vegetative concepts necessary to compensate for the reduced buffer area with the intent of achieving similar results expected of a site with a full buffer area of native vegetation.

B. In situations where the reduced buffer area and site circumstances and constraints would prevent enhanced landscaping options necessary to achieve restoration goals similar to a site with a full buffer, the applicant may utilize other toolbox mitigation techniques approved by the City, including:
   1) Compliance of buildings and accessory structures such as bank stabilization structures with current standards;
   2) Off-site mitigation after exhausting onsite opportunities pursuant to items C. through F. below.

C. Once reasonable effective opportunities for vegetative restoration have been exhausted onsite, off-site mitigation may be applied at priority restoration sites as determined by the City of Lacey. This may be accomplished by paying a fee in lieu of additional onsite mitigation.

D. Said fee will be placed in a fund specifically established for restoration activities at sites designated a priority by the City.

E. Use of said fee in lieu of option shall be at the sole discretion of the City.
F. Sites that do not meet on site landscaping mitigation/restoration area requirements may be denied permit requests.

12. **Covenants for new plats to detail management objectives:** Protective covenants and articles of incorporation for new plats shall include discussion of required native vegetation and approved drainage concepts to protect the shoreline. The discussion shall include responsibilities of the homeowners association to inform its residents of good water quality and landscaping practices and issues. It shall also detail the responsibility of individual lot owner to follow prescribed rules in regard to maintenance of vegetation and appropriate vegetation maintenance practices for water quality.

13. **Responsibilities for parcels not adjacent to shoreline:** Parcels within shoreline jurisdiction which do not front onto a lake or stream and have property within a required shoreline buffer shall still be required to develop and implement a Shoreline Vegetation Management Plan pursuant to requirements of this section. Said plan will have a different focus than lots with shoreline frontage. Focus for these parcels will be runoff and drainage treatment, overstory vegetation to promote tree canopy and proper maintenance, involving use and minimizing fertilizers and other contaminants that could impact water quality.

14. **Hazard trees:** Hazard trees within a required area of native shoreline vegetation or a critical area buffer may be converted to habitat tree, thinned or pushed over toward the aquatic area to be retained as large woody debris if this is reviewed and recommended by the City Tree Protection Professional and approved by the Administrator.

15. **Limbing of trees may be approved:** The limbing or crown thinning of trees larger than three (3) inches in caliper shall comply with National Arborist Association pruning standards, unless the tree is a hazard tree as defined by the program. No more than twenty-five percent (25%) of the limbs on any single tree may be removed and no more than twenty-five percent (25%) of the canopy cover in any single stand of trees may be removed for a single view corridor. All limbing shall comply with Lacey's Tree Protection and Preservation Ordinance (LMC 14.32) and applicable policies and adopted criteria of the Lacey Urban Forest Management Plan.
View of a backyard along the north side of Chambers Lake. Notice the storm drain located in the foreground. While the situation provides a serene environment for residents, drainage into the lake and cultivation of lawn is a real threat to the quality of our water and the health and productivity of shoreline resources. Lawns also encourage geese by providing an area free of predators and has led to many complaints because of the mess visiting geese can create. Proper landscaping can provide an attractive setting for residents, a healthier shoreline and will also discourage geese. New standards require healthier and productive landscaping designs with indigenous species and limit the utilization of grass.
17.41.021 Table 1: Landscaping, Re-vegetation and Restoration Improvement Guidelines

1. Table 1 is considered a guideline for improvements with specific standards for threshold of development and performance:

The following table is referred to as a guideline, because mitigation and restoration may involve a myriad of activities and landscaping designs that can meet public objectives. This table is intended to provide a basic framework for meeting objectives. The table shall be used as a benchmark for performance expectations and thresholds provided in the table shall be considered standards. These thresholds shall be utilized in all Vegetation Management Plans.

Improvements specified in the table, and example plans provided in appendix two, can be used by applicants that prefer a standardized approach. Applicants may also develop their own plan utilizing other strategies and “tool box” approaches, provided it incorporates thresholds provided in the table and meets the same objectives for no net loss and restoration.

2. Expectations for focus of Vegetation Management Plan:

While a Vegetation Management Plan may not be the only requirement to meet objectives of no net loss, it will typically be a major component when dealing with improvements on individual lots. As such, it should have an emphasis on use and management of vegetation to achieve mitigation/restoration objectives of this SMP. This will include the following:

A. No net loss of function and value related to the proposed expansion;

B. Mitigation/restoration to address impacts currently present from existing use of the property.

3. Expectations for mitigation and restoration:

A. To meet no net loss requirements, mitigation is required for all new impacts attributed to expansion activities. This may also include restoration activity, where mitigation options fall short of achieving objectives of no net loss.

B. Restoration is intended to address existing impacts occurring at a site that can be attributed to existing land use. The table is designed to provide restoration that is proportionate to the level of expansion. This is intended to provide a fair and equitable way of improving the health of the shoreline incrementally over the long term as properties develop and redevelop. This strategy also allows choice of toolbox strategies that meet the landowner’s/applicant’s needs and personal objectives.

4. When both a Vegetation and Habitat Management Plan are required:

If the property involves a critical area with a requirement for a Habitat Management Plan, the Vegetation Management Plan and its necessary components can typically be consolidated as part of the Habitat Management Plan.

<table>
<thead>
<tr>
<th>Level of Expansion/Action</th>
<th>Type of Requirement Applied *</th>
<th>Description of Improvement Requirements* **</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minor permit</strong> – Permit associated with residential structure and no expansion; Electrical, plumbing, roofing permit, etc.</td>
<td>No landscaping requirement.</td>
<td>No landscaping, mitigation or restoration requirement.</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td><strong>Low Impact Expansion</strong> – Expansion with no increase in impervious surface (vertical)</td>
<td>Comply with Tree and Tier One (Basic landscaping) requirements</td>
<td></td>
</tr>
</tbody>
</table>
| **Minor Expansion** - Expansion of building footprint by up to 500 square feet or up to 10% of structure (whichever is less)  
Or  
Expansion of impervious surface by up to 1,000 square feet or up to 10% (whichever is less) | • Comply with Tier Two mitigation/restoration vegetative requirements  
• Structure and Use Requirements:  
  • Remove over water structures that do not provide public access, or do not serve a water dependant use | Tier Two Requirements- Vegetation of a native community or species with equivalent value and function, of at least 50% of the area within the buffer between the shoreline and structure (generally 25’ of a 50 foot buffer). Priority given to overstory vegetation along the shoreline. |
| **Moderate Expansion**: Expansion of the building footprint by more than 500 square feet or between 10.1 to 25% (whichever is less)  
Or  
Expansion of impervious surface by more than 1,000 square feet, or between 10.1 to 25% (whichever is less) | • Comply with Tier Three mitigation/restoration vegetative improvements  
• Structure and Use Requirements:  
  • Piers and docks are required to replace any solid surfaces with light penetrating surfacing materials.  
  • If applicable do one of the following:  
    • Remove over water structures that do not provide public access, or do not serve a water dependant use.  
    • Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of the code shall be removed or replaced with conforming shoreline stabilization structures. | Tier Three Requirements - Vegetation of a native community of at least 80% of the area within the buffer between the shoreline and structure. Priority given to overstory vegetation along the shoreline. |
| **Major Expansion of a conforming use and structure or all new construction** – Expansion of the building footprint by more than 25%, or redevelopment (replacement/teardown) of existing structures involving more than 25% of the square footage of the existing structure, or all new construction on an undeveloped lot.  
Or  
Expansion of impervious surface by more | Full compliance required with development standards. Applies to all structures including, but not limited to, the residence, accessory buildings, docks, covered moorage and shoreline stabilization structures if such structures are not otherwise permitted by the provisions of LMC 17. Shoreline Master Program. | Tier Four Requirements - Vegetation of a native community for full 100% of the area within the buffer between the shoreline and structure. |
Expansion of a nonconforming structure or residence designated conforming limited expansion—

Nonconforming structures and a residence designated conforming limited expansion will only be permitted to expand if the expansion will not adversely impact the public interest in shorelines and the expansion comes with some aspect to provide a better ecological or community benefit.

In some cases this may be accomplished through mitigation of identified impacts and provision of additional vegetation, removal of accessory nonconforming structures or providing special value to the public, such as provision of a shoreline public access.

- Compliance with vegetation requirements and structure and use requirements for the applicable category of expansion identified in this chart related to level of expansion.
- Additional mitigation and restoration based upon the review of specific issues related to identify public interest impacts described in section 17.25.015 and 17.25.020 and policies and standards of Section 17.40, 17.41 and 17.42.

Criteria:
- The administrator must be able to make the following findings that:
  - The expansion does not result in a net loss of ecological function or value, and
  - That the expansion will result in some increased public benefit compared to the existing situation.

Compliance with Tier One, Two or Three requirements as applicable, with additional specialized mitigation and restoration based upon reduction of buffer area.

* Requirements may vary according to the following considerations:
  - A nonconforming structure, or a residence designated conforming limited expansion, will follow the same basic guidelines shown in the table, but will be required to have a threshold for improvements at 10% of the project value and will include special mitigation conditions related to specific public interests impacted.
  - Where a property has been fully landscaped with qualifying vegetation and meets all other requirements of the SMP, no additional landscaping will be required.
  - Credit will be given for participation in weed control provided the property also practices landscaping strategies that do not contribute to weed growth. Credit will be proportionate to the investment made in weed control and the relative priority that should be given to weed control considering the existing condition of property being developed; restoration funding must follow the adopted priorities.

** Material should be from approved landscaping varieties or approved alternatives. For trees, select from the Lacey General Tree List in Lacey’s Urban Forest Management Plan or a comparable tree listed in Appendix 2. For shrub and ground cover types, select from Appendix 2. Alternative varieties may be approved by the City Arborist.
17.42.000 Restoration - Goals and Policies

1. Goal: Identify and take advantage of restoration opportunities where restoration goals can be integrated into the design and planning of public or private shoreline development projects.

   A. Policy: Recognize that restoration and enhancement may result from:
      1) Mitigation of impacts from new development.
      2) Adoption of shoreline setbacks with a buffering function, which are based upon shoreline ecological functions and processes.

   B. Policy: Reestablish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with this master program and other approved restoration plans.

   C. Policy: Restore and enhance shoreline ecological functions and processes as well as shoreline features through voluntary and incentive-based public and private programs.

2. Goal: Where opportunities are present, work with other state and local jurisdictions in planning and implementation of restoration projects that cross jurisdictional boundaries.

   A. Policy: Encourage and facilitate cooperative restoration and enhancement programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.


   A. Policy: Integrate restoration and enhancement with other parallel natural resource management efforts such as the WRIA 13 Salmonid Recovery Plan, Puget Sound Salmon Recovery Plan, and the City of Lacey Comprehensive Land Use Plan and its Environmental Protection and Resource Conservation element.

   B. Policy: Ensure restoration and enhancement is consistent with and, where practicable, prioritized based on the biological recovery goals for early Chinook, bull trout populations and other species and/or populations for which a recovery plan is available.

   C. Policy: Target restoration and enhancement towards improving habitat requirements of priority and/or locally important wildlife species.

   D. Policy: Restoration shall be carried out in accordance with an approved shoreline restoration plan and in accordance with the policies and regulations of this SMP.

   E. Policy: Prioritize restoration actions and stand-alone projects in the following order:
      1) Create dynamic and sustainable ecosystems.
      2) Restore connectivity between stream channels, floodplains and hyporheic zones.
      3) Restore natural channel-forming geomorphologic processes.
      4) Mitigate peak flows and associated impacts caused by high stormwater runoff volume.
      5) Reduce sediment input to streams and associated impacts.
      6) Improve water quality.
7) Restore native vegetation and natural hydrologic functions of degraded and former wetlands.
8) Replant native vegetation in riparian areas to restore functions.
9) Restore nearshore ecosystem processes, such as sediment transport and delivery and tidal currents that create and sustain habitat.
10) Restore pocket estuaries that support salmon life histories, including feeding and growth, refuge, osmoregulation, and migration.
11) Remove obsolete and no longer needed shoreline modifications.

4. Goal: Achieve natural beach areas by restoration that meets needs of the land owner without hard armoring.

1. **Policy:** Ensure that permits for beach restoration and enhancement projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.

2. **Policy:** Give preference in permitting beach restoration and enhancement projects which use naturally regenerating systems, rather than bulkheads and other structures to prevent and control beach erosion where:

   A. The length and configuration of the beach will accommodate such systems.

   B. Such protection is a reasonable solution to the needs of the specific site.

   C. Beach restoration/enhancement will accomplish one or more of the following objectives:
       1) Recreate or enhance natural shoreline conditions.
       2) Create or enhance natural habitat.
       3) Reverse otherwise erosion-prone conditions.
       4) Enhance access to the shoreline, especially to public shorelines.

3. **Policy:** Design and construct beach enhancement projects so that they will not degrade aquatic habitats, water quality and flood holding capacity.

4. **Policy:** Prefer self-maintaining designs over those which depend upon regular maintenance.

5. **Policy:** Require supplementary beach nourishment where structural stabilization works are likely to increase impoverishment of existing beach materials at or downdrift from the project site.

6. **Policy:** Limit the waterward extent of beach enhancement to that which is necessary to achieve the intended results.

7. **Policy:** Encourage the use of dredged materials for beach restoration and enhancement projects when it has suitable organic and physical properties.
17.42.020 General Development Standards for Restoration

1. All restoration activities utilizing landscaping materials shall meet the vegetation management standards of Section 17.41.020 according to the tier threshold schedule in Table 1 (17.41.021).

2. Projects proposed on shoreline property shall meet applicable standards for restoration identified for specific uses, activities and modifications in Sections 17.44 through 17.70.

3. If off site mitigation is used, it shall be consistent with Lacey’s Restoration Plan and the plan’s goals, policies and priorities. Restoration priority will generally be for no net loss of function and value on site where a proposal is planned and implemented. However, when comprehensive on site restoration is not possible, Lacey may use off site mitigation to achieve no net loss of function and value from a community perspective. Such determination to use off site mitigation, in association with a public or private proposal, will be at the City’s option and sole discretion.

4. Beach restoration and enhancement:
   
   A. Beach restoration and enhancement shall be the preferred way to protect an existing single-family residence or to maintain access to an authorized shoreline use, as opposed to hard shoreline stabilization structures such as bulkheads, landfills, levees, dikes, groins, or jetties.
   
   B. Beach restoration and enhancement is encouraged to restore or enhance degraded shoreline functions.
   
   C. The location and design of beach restoration and enhancement projects shall utilize the best available technology, such as the use of gravel berms, large woody debris, and sediment mixtures designed to either move within the drift cell or to resist the normal wave action of the site.
   
   D. Beach restoration and enhancement projects shall demonstrate that they will not:
      1) Cause significant change in littoral drift,
      2) Adversely affect adjacent properties,
      3) Adversely affect adjacent spawning grounds or other areas of biological significance, and
      4) Interfere with the normal public use of the navigable waters of the state.
PART THREE:

GENERAL SECTIONS IDENTIFYING GOALS, POLICIES AND DEVELOPMENT STANDARDS FOR USES, ACTIVITIES AND MODIFICATIONS
17.43.000 Organization of this Document Relating to Uses, Activities and Modifications

For the reader’s convenience, this document has been organized with all of the uses, activities and modifications in alphabetical order. Each use, activity or modification has its own separate section. These sections are all alphabetized.

Modifications are listed separately in Table 5. In addition, a separate modifications section has been developed that provides general goal statements applying to all modifications. Policy and development standards for various modifications are provided under separate sections that deal with each particular modification. These sections are integrated and organized into the alphabetized sections of uses and activities. The modification section has a listing of the separate sections dealing with various modifications for easy referral between the two.
17.44.000 Goals and Policies Applicable to all Uses and Activities

1. Goal: Achieve appropriate use, protection and restoration of shoreline resources, by identification of their values and functions and application of criteria and standards to shoreline uses, activities and modifications.

A. Policy: As part of development approvals, apply standards for proper maintenance and restoration of degraded shorelines. Where there are no regulatory opportunities, use incentives to encourage developers, property owners, community groups and others to enhance degraded shorelines and return them to an ecologically functioning condition.

B. Policy: Design, locate and construct residential development in a manner that will:
   1) Maintain existing public access to the publicly-owned shorelines,
   2) Not interfere with the public use of water areas fronting such shorelines, and
   3) Not adversely affect aquatic habitat.

C. Policy: Evaluate all shoreline development applications for their effect on the aquatic environment to ensure every proposal that is approved achieves no net loss of ecological functions and values.

D. Policy: Evaluate new shoreline development or use to ensure they do not adversely impact public health.

E. Policy: Adopt a full range of development standards and incentive opportunities to protect and achieve no net loss of existing shoreline ecological functions and processes. Development standards may include regulations on use, density, frontage, setbacks, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas and water quality and other elements in the public’s interest for management and use of shoreline resources.

F. Policy: Assess project-specific impacts and a project’s potential to result in a net loss of ecological functions during permit review. Require mitigation as necessary to mitigate identified impacts. If impacts cannot be mitigated, the application for use, activity or modification may be denied.

G. Policy: Require shoreline permits to be consistent with the Shoreline Management Act (RCW 90.58), the Washington Administrative Code (WAC 173-26), and this Master Program.

H. Policy: Require mitigation of site specific development impacts to maintain existing ecological functions, also including cumulative impacts that cannot be anticipated, avoided or fully mitigated at the time of development.

I. Policy: Generally prohibit development which would degrade existing levels of ecological function. Development shall always provide mitigation of impacts on site or provide enhancements to other priority shoreline sites that offset on site impacts. Development shall always be consistent with state long term goals and requirements for protection and restoration of shoreline areas.
J. **Policy:** Eliminate inappropriate shoreline uses and poor quality shoreline conditions when authorizing a new shoreline development or activity on the same property and under the same ownership.

2. **Goal:** Develop a Shoreline Master Program with an efficient customer service process, enforcement of program requirements and periodic evaluation of key objectives.

   A. **Policy:** Continue Lacey’s cultural customer service orientation. Listen to each customer’s unique issues to understand the specific situation and needs of the owner, explain the need, purpose and intent of the SMP as it applies to the subject property and try to identify a way to help the owner meet their objectives for use of property while meeting Lacey’s objectives for use, protection and restoration of shoreline resources. Approach work with the owner as a partnership in use and management of shoreline resources. The partnership should benefit the individual owner and be consistent with the overall intent, vision and public interest of the community.

   B. **Policy:** Monitor and track developments approved within shoreline jurisdiction, to provide a baseline of data to evaluate key shoreline program elements.

   C. **Policy:** Provide appropriate enforcement measures for projects approved under Lacey’s shoreline program to ensure that all conditions of projects are met, and that required improvements or mitigation is accomplished.
17.45.000 Shoreline Modifications – Goals and Policies

The Department of Ecology guidelines make the following statement to clarify the distinction between uses, activities and modifications: “Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use).”

This SMP classifies the following items or activities as modifications:

- Dredging; see Section 17.53
- Fill; see Section 17.54
- Buoy; see Section 17.52
- Pier and Dock; see Section 17.61
- Recreational Float; see Section 17.55
- Shoreline Stabilization; see general standards in this section and:
  - Beach Restoration and Enhancement; see Section 17.42
  - Bioengineering; see Section 17.48
  - Revetment and Gabion; see Section 17.65
  - Bulkhead; see Section 17.51
  - Breakwater, Jetty, Groin and Weirs; see Section 17.50
  - Dike, Levee and Instream Structure; see Section 17.58
- Stair Tower; not applicable, not permitted on only shoreline having a bluff.

These modifications each have a section dealing with policies and standards for the modification. The goals and policies that apply to all modifications are provided below to avoid the need for duplication in each of the individual sections. The policies for shoreline stabilization are presented here as well, as many activities will fall within this category.

1. Goal: Achieve protection of shoreline functions and values by implementation of Shoreline Master Program policies that foster design with nature. Use naturalized concepts and strategies that promote natural functions and processes over concepts that require structural modification.

   A. Policy: Preserve shorelines which exist in their natural state free of shoreline modifications.
B. **Policy:** Where possible remove existing shoreline modifications and instream structures to improve ecosystem-wide processes and shoreline ecological functions.

C. **Policy:** Design and locate new development to prevent the need for shoreline stabilization measures and flood protection works.

D. **Policy:** Prohibit new residential development which requires shoreline stabilization.

E. **Policy:** Prohibit structural shoreline modifications so that they do not individually or cumulatively result in a net loss of ecological functions.

F. **Policy:** Allow structural shoreline modifications only when it is desirable for reconfiguration of the shoreline for mitigation or enhancement purposes.

G. **Policy:** Require structural shoreline modifications to:
   1) Be based on a comprehensive analysis of drift cells for marine water or reach conditions for stream systems and lakes; and
   2) Incorporate all feasible measures to protect ecosystem-wide processes and shoreline ecological functions.

H. **Policy:** Design, locate, and construct bank stabilization measures to prevent damage to existing development.

I. **Policy:** Use mitigation sequencing to support the use of nonstructural stabilization techniques over bio-engineering with structural components. If bio-engineering is necessary use mitigation sequencing to support its use over structural shoreline stabilization such as rip rap revetments or bulkheads.

J. **Policy:** Prohibit the use of car bodies, demolition debris, concrete rubble, scrap building equipment or appliances for shoreline stabilization.

K. **Policy:** Generally prohibit the use of substantial stream channel direction modifications, realignment and/or straightening as a means of shoreline stabilization and flood protection. Work within the natural shoreline processes and do not build within flood plains, floodways or other areas that require stabilization of the natural processes with infrastructure.

L. **Policy:** Design stabilization or protection works for multiple uses with public access to public shorelines.

M. **Policy:** Retain natural features such as snags, stumps or uprooted trees that support fish and wildlife and other aquatic systems that are not a significant navigation hazard.

N. **Policy:** Locate flood protection measures landward of the natural floodway boundary, including wetlands that are associated with the water body.

O. **Policy:** Require the use of beach restoration/enhancement using naturally regenerating systems for the prevention and control of beach erosion rather than bulkheads and other structures where:
   1) The length and configuration of the beach will accommodate such systems.
2) Such protection is a reasonable solution to the needs of the specific site.

3) Beach restoration/enhancement will accomplish one or more of the following objectives:
   a) Recreate or enhance natural shoreline conditions;
   b) Create or enhance natural habitat;
   c) Reverse otherwise erosion-prone conditions; and
   d) Enhance access to the shoreline, especially to public shorelines.

17.45.010 Shoreline Modifications – Policies Applying to all Shoreline Stabilization

1. Policies applying to all shoreline stabilization activities:

   A. Policy: Locate and design shore stabilization to:

      1) Protect and maintain shoreline ecological functions, ongoing shore processes and the integrity of shore features;

      2) Not unnecessarily interfere with public access to public shorelines or with other appropriate shoreline uses including, but not limited to, navigation, seafood harvest or private recreation; and

      3) Not intrude into or over critical saltwater habitats.

   B. Policy: Locate and design shoreline stabilization on streams to fit the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.

   C. Policy: Locate and design public or quasi-public development shoreline stabilization projects for multiple use, restoration, and/or public access, where feasible.

   D. Policy: Design land divisions to assure that future development on the created lots will not require structural shore stabilization.

   E. Policy: Limit new or expanded structural shore stabilization to when:

      1) It is conclusively demonstrated by a geotechnical analysis to be necessary to protect an existing primary structure that is in danger of loss or substantial damage caused by tidal action, currents or waves;

      2) The erosion is not being caused by upland conditions such as vegetation loss and drainage problems;

      3) Non-structural solutions will not be feasible or sufficient; and

      4) Impacts can be mitigated so that they will not result in a net loss of ecosystem-wide processes and shoreline ecological functions.
F. **Policy:** Prohibit larger shoreline stabilization projects (such as jetties, breakwaters, weirs or groin systems).

G. **Policy:** Prohibit shore stabilization projects on publicly owned shorelines which result in a long-term decrease in public use of the shoreline.

H. **Policy:** Prohibit shore stabilization for the purpose of filling shorelines.

I. **Policy:** Prohibit structural shoreline stabilization to be located on or at the base of eroding bluffs, except where existing structures are threatened or non-structural methods have been determined to be infeasible.

J. **Policy:** Give preference in permitting to shore stabilization efforts which coordinate affected property owners and public agencies for a whole drift sector (net shore-drift cell) to address ecological and geo-hydraulic processes, sediment conveyance and beach management issues. Encourage the creation of a comprehensive management program where beach erosion threatens existing development.

K. **Policy:** Remove failing, harmful, unnecessary, or ineffective structures and restore shoreline processes and ecological functions by using less harmful long-term stabilization measures.

L. **Policy:** Prioritize shoreline stabilization projects based upon the following order of preference, applications that propose less preferred methods must demonstrate why preferred methods will not work:

1) No action (allow the shoreline to retreat naturally), increased building setbacks, and structure relocation.

2) Upland vegetation enhancement and drainage controls.

3) Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach nourishment, protective berms or vegetative stabilization.

4) Rigid works constructed such as bulkheads, seawalls and bluff walls of artificial materials such as riprap or concrete. Materials used for construction of shoreline stabilization is to be selected for long-term durability, ease of maintenance, compatibility with local shore features, including aesthetic values and flexibility for future uses.

17.45.015 **Shoreline Stabilization Standards**

1. **New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.**

   Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties
and shoreline areas shall not be allowed.

2. **New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:**

   A. To protect existing primary structures:

   1) New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.

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

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

   4) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

   5) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.

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

   B. To protect restoration projects or hazardous substance remediation projects pursuant to Chapter 70.105D RCW when all of the conditions below apply:

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

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

3. **An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves and provided there is no other more ecologically sound practice that can obtain the same function. For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.**

   A. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.

   B. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and
there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

C. Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.

D. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark. State and federal permits may be required.

4. Geotechnical reports pursuant to this section shall include in their analysis the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.

As a general matter, hard armoring solutions shall not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure but the need is not as immediate as the three years that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

5. When any structural shoreline stabilization measures are demonstrated to be necessary:

A. Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

B. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Ecological restoration and public access improvements shall be incorporated into the project where feasible.

C. Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance functions. Where sediment conveyance systems cross jurisdictional boundaries, local governments shall coordinate shoreline management efforts. If beach erosion is threatening existing development, the City may adopt master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

6. For erosion or mass wasting due to upland conditions, see WAC 173-26-221(2)(c)(ii) Geologically Hazardous Areas. Development in designated geologically hazardous areas shall be regulated in accordance with the following:

A. Minimum guidelines for geologically hazardous areas, stated in WAC 365-190-080(4) shall be satisfied.

B. New development or the creation of new lots shall not be permitted that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.
C. New development shall not be permitted that will require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. The stabilization measures shall conform to WAC 173-26-231.

D. Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 requirements and then only if no net loss of ecological functions will result.

7. Other Modifications: See also policies and standards for the individual type of modification proposed as listed in 17.45.000.
Forested Path at Wanschers Community Park on Hicks Lake. This park was a gift to the City of Lacey from Lettie Wanscher. The dedication of the park provided the public access to this portion of Hicks Lake and preservation of this beautiful canopy of trees adjacent to the lake's shoreline for perpetuity.
17.46.000 Access (Public) - Goals and Policies

1. **Goal:** Provide a full range of shoreline access and use for the Lacey community.

2. **Goal:** Require public access to and along the shorelines pursuant to the requirements of state law, guidance provided in the City Public Access Plan (see Appendix 1) and the goals and policies of this SMP.

3. **Goal:** Increase the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and/or to view the water and the shoreline from adjacent locations, provided that private rights, the public safety, and shoreline ecological functions and processes are protected consistent with the U.S. and state constitutions, and state statutes.

   A. **Policy:** Consider the type of public shoreline access that is needed for the Lacey community; passive, active, view points, beach recreation etc. Determine what access opportunities exist and what additional opportunities should be pursued based upon value to the public.

   B. **Policy:** Develop an inventory of existing public access to shorelines and potential opportunities for public access that Lacey could pursue in achieving its public access goals.

   C. **Policy:** To support implementing efforts, particularly regulatory actions of conditioning permits, include a discussion of SMP identified public access needs and opportunities in planning documents (The Comprehensive Land Use Plan, The Comprehensive Plan for Outdoor Recreation, and The Capital Facilities Element) with justification and expectations for acquisition and development.

   D. **Policy:** Consider a range of strategies and programs to acquire valued public access sites.

   E. **Policy:** Actively pursue public access opportunities with a variety of special programs;

   F. **Policy:** Where appropriate, acquire access to publicly owned tidelands and shorelands. Encourage cooperation among the City and Thurston County, adjacent cities, landowners, developers, other agencies and organizations to enhance and increase public access to shorelines as specific opportunities arise.

   G. **Policy:** Provide and protect visual access to shorelines and tidelands.

   H. **Policy:** Shoreline development by public entities such as local governments, state agencies, and public utility districts should provide public access measures as part of each development project unless such access is shown to be incompatible due to reasons of safety or impacts to the shoreline.

   I. **Policy:** Physical or visual access to shorelines should be incorporated in all new development when the development would either generate a demand for one or more forms of such access, and/or would impair existing legal access opportunities or rights. Public health and safety concerns should also be adequately addressed and maintenance of shoreline ecological functions and/or processes should be assured.

4. **Goal:** Develop special innovative program(s) to achieve Lacey’s public access goals with incentives attractive to the development community.
A. **Policy:** Craft incentive programs to gain needed public access opportunities that provide a development option that is superior for the shorelines considering environmental protection and public use/interest that meet all requirements of the Shoreline Management Act and furthers its spirit and intent;

B. **Policy:** Develop program strategies that offer opportunity for the developer that is superior from a market and business standpoint and will result in a developer’s independent decision to pursue the program opportunity;

C. **Policy:** Any development resulting from an incentive program needs to be compatible with and further the intent of GMA plans, the concepts the City is emphasizing in implementation of GMA, and its community vision;

D. **Policy:** Any development that results from an incentive program needs to be compatible and complementary to the existing neighborhood in which it is located;

E. **Policy:** Innovative approaches and unique ideas should be encouraged to find ways to make preferred concepts work. Flexibility in general code standards should be permitted with an emphasis on design for compatibility with surrounding developments and functionality considering livability and improvements to a resident’s quality of life.

5. **Goal:** Design and construct public access so that it preserves or enhances the characteristics and natural functions and values of the shoreline.

6. **Goal:** Establish a shoreline access program that compliments the need for shorelines protection and recovery and restorative planning.

   A. **Policy:** Lacey will manage shoreline access opportunities consistent with the emphasis to protect and improve the identified functions and values of our shorelines.

   B. **Policy:** Locate, design, manage and maintain public access in a manner that protects shoreline ecological processes and functions as well as the public health and safety.

   C. **Policy:** When applying conditions for public access, Lacey will select public access sites appropriate to the shoreline designation, the requirements for its environmental protection, and the maintenance of its natural functions and values.

   D. **Policy:** Site evaluation should include a site's potential to accommodate the improvement requirements necessary for various public access activities.

   E. **Policy:** Public access facilities such as fishing piers may be developed over water if ecological impacts are mitigated, it is consistent with the intent of this SMP, and demonstrates no net loss of function and value.

   F. **Policy:** Design of development within shorelines jurisdiction shall consider view corridors. Emphasis shall be placed on consideration of neighboring views and existing views from surrounding properties.

7. **Goal:** Implement a shoreline access strategy that meets City of Lacey needs through permit administration to achieve its shoreline access goals while being sensitive to needs of landowners.
A. Policy: Lacey will demonstrate need for an access to provide the applicant a reason, purpose, and justification for public access as discussed in Appendix 1.

B. Policy: Lacey will provide the applicant with the use and intended design of the public access and assure successful integration of the access with the applicant’s goals and objectives.

C. Policy: Lacey will increase public access to publically owned shorelines.

D. Policy: Lacey will consider objectives of private projects and landowners as it develops plans for public access and as much as possible, without compromising Lacey's public access goals and goals of the state, will design the access and long term management in a way that accomplishes the objectives of both parties.

E. Policy: Public access developed as part of a shoreline permit requirement should be designed to enhance the proposed project by adding value to the property for current and future residents of the site/ownership/development. Ideally, the relationship should be considered a partnership between the developer and the city, where the establishment of public access tied into other public amenities (regional trail, lake trail, parks etc.) will improve a project’s marketability and attractiveness, adding value to the proposed development by establishing an amenity residents of the site/ownership/development will see as added value to their home.

F. Policy: Require physical or visual access to shorelines as a condition of approval for shoreline development activities commensurate with the anticipated needs of future residents or users of the development, impacts of such development, and the corresponding benefit to the public, and consistent with constitutional limitations. Use an incentive dedication program, such as Section 17.46.025, to provide economic incentives for a developer to design projects that have provision for dedication of shoreline areas and access to the public.

G. Policy: Public access area and/or facility requirements should be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the land owner and the public.

8. Goal: Achieve public access opportunities that are sensitive to the needs of water dependant uses and reflect priorities of the state for use of shorelines.

A. Policy: Design and manage public access in a manner that ensures compatibility with water-dependent uses.

B. Policy: Public access should be provided for water oriented and nonwater-dependent uses and for developments that increase public use of the shorelines and public aquatic lands or that would impair existing legal access opportunities.

C. Policy: Use and development that provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state are a preferred use.

D. Policy: Nonwater-oriented uses or activities located on the shoreline should provide public access as a public benefit.

9. Goal: Achieve public access opportunities that are compatible and complimentary to existing and planned development and that provide value to shoreline land owners, surrounding neighborhood residents and the general public.
A. **Policy:** Develop and manage public access to prevent adverse impacts to adjacent shoreline properties and developments.

B. **Policy:** Apply design review standards to all projects taking place within shorelines jurisdiction. Through review of design, ensure all projects meet community expectations detailed in the Comprehensive Land Use Plan for neighborhood form and functionality. In the context of a shoreline environment, this requires protection and preservation of sensitive shoreline resources and provision of appropriate public access integrated into the surrounding neighborhood area. Successful integration requires context sensitive design providing value to shoreline land owners, surrounding residents and the general public.

C. **Policy:** Public access design should provide for public safety, minimize potential impacts to private property, individual privacy, and protect shoreline ecological functions and processes.

10. **Goal:** Achieve Lacey's identified public access goals using strategies, methodology and targets established in the Lacey Public Access Plan; see Appendix 1.

11. **Goal:** Achieve safe and respectful use of lake resources by partnering with lake residents and Thurston County and monitoring public access sites and lake use.

   A. **Policy:** Review opportunities for, and enable local lake residents to establish, a "Lake Watch Program" based upon the same principals as a Neighborhood Watch Program. Provide support as necessary to empower lake residents to help maintain a safe lake and respectful use of these resources for the benefit of all Lacey citizens.

   B. **Policy:** Coordinate responsibility with Thurston County for monitoring activity on lakes within Lacey's UGA. As much as possible, within existing resources, provide support for calls reporting dangerous or abusive behavior on lakes in Lacey and Lacey's growth area.

   C. **Policy:** Coordinate with the Lacey Police Department in the planning and design of public access facilities to lakes and incorporate Crime Prevention through Environmental Design (CPTED) considerations.

### 17.46.020 Access (Public) Development Standards

1. Public access shall consist of a dedication of land, recorded easement or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.

2. Public access shall be evaluated for all shoreline permits. Public access will generally not be required for the uses listed below, except as determined on a case-by-case basis where the public access plan supports circumstances surrounding the site as a site the public needs or should promote for such use. The incentive agreement program may offer incentives to a developer or land owner to acquire public access for any activity, including:

   A. Agriculture

   B. Dredging

   C. Ecological restoration enhancement activities not associated with development

   D. Instream structures
E. Landfill and excavation

F. Private docks serving four (4) or fewer dwelling units

G. Shoreline stabilization

H. Single-family residential development of four (4) or fewer lots

3. In addition to the list of uses in Section 17.46.020 #2 above, the Administrator may waive public access requirements when one or more of the following provisions apply:

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

   B. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of development of the public access is unreasonably disproportionate to the total long term cost of the proposed development;

   C. Significant environmental impacts will result from the public access that cannot be mitigated; or

   D. Provision of public access would not be consistent with the provisions of the City Public Access Plan; or the site would not be a benefit to the public based upon the Plan's criteria for need, identified value, priority or site requirements.

4. Before public access is waived per Section 17.46.020 #3 above, the City must determine that all reasonable alternatives have been exhausted, including:

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

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

   C. Providing for access at a site geographically separated from the proposal such as a street end, vista, tideland or trail system.

5. When provisions for public access are waived, this decision shall be made in writing listing the rationale per Section 17.46.020 #3 above, and shall be archived so that this decision can be reviewed by the Washington Department of Ecology during the next master program update cycle.

6. Parcels within shoreline jurisdiction, which do not front onto a lake, marine, stream, or wetland shoreline will not be required to provide shoreline public access. They may be required to provide public access to other parcels along the shoreline (e.g. water’s edge), where this is needed.

7. If public access on shoreline parcels is demonstrated to be infeasible or inappropriate on site due to significant interference to operations or hazards to life and property, alternative visual access opportunities may be provided at a location not directly adjacent to the water such as a viewpoint, observation tower, or other areas serving as a means to view public waters.

8. This master program shall seek opportunities to increase public access to existing publicly owned shorelines, such as street ends, and unopened rights-of-ways. Public access to the shoreline shall
be balanced with the preservation of shoreline habitat and ecological functions on a case-by-case basis. The City shall review the identified functions and values of a site, the impacts to those functions and values, the potential for mitigation and the benefit to the public of the proposed access. The Administrator shall give consideration to the public access plan and the priority that should be assigned to the site and the opportunity it presents. Priority is based upon the value to the public considering:

A. The functions and value of the specific reach and rarity of the opportunity the access would provide;

B. Location, ease of access and proximity to other public improvements;

C. The type of access the site can provide based on location, size and site limitations;

D. Public need as identified in Lacey’s Comprehensive Plan for Outdoor Recreation; and

E. Other relevant factors as determined by the Administrator upon consultation with the Director of Parks and Recreation.

Based upon this review, the Administrator shall determine if a site should be considered for public access and the City will consider if mitigation or offsite restoration can be applied for protection of the shoreline area and no net loss of function or value.

9. Public access shall incorporate the following location and design criteria:

A. Where open space is provided along the shoreline and public access can be provided in a manner that will not adversely impact shoreline ecological functions and/or processes, a public pedestrian access walkway parallel to the ordinary high water mark of the property is preferred. It shall generally include the following features:

1) The walkway shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water’s edge where appropriate.

2) Fencing may be provided to control damage to plants and other sensitive ecological features, where appropriate.

3) Trails shall be constructed of permeable materials and limited in width to reduce impacts to ecologically sensitive resources, except for a shared use trail or public access which is part of a boardwalk.

B. Public access shall be located adjacent to other public areas, accesses and connecting trails, and connected to the nearest public street; and, if required according to the classification of the trail as stated in the Public Access Plan, shall include provisions for handicapped and physically impaired persons where feasible.

C. Where views of the water or shoreline are available and physical access to the water’s edge is not present or appropriate, a public viewing area shall be provided.

D. Design shall minimize intrusions on privacy incorporating design review concepts such as avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or other separation techniques. Design techniques of Lacey’s Design Review Ordinance (LMC 14.23) supplement standards of this chapter.
E. Design shall provide for the safety of users, including the control of offensive conduct through public visibility of the public access area, or through provisions for oversight. The Administrator may authorize a public access to be temporarily closed in order to develop a program to address offensive conduct. If offensive conduct cannot be reasonably controlled, alternative facilities may be approved through a permit revision.

F. Public amenities appropriate to the use of the public access area such as benches, picnic tables and sufficient public parking shall be provided to serve the users.

10. Unless the particular classification of access has standards specifically called out in the Public Access Plan or the City Comprehensive Plan for Outdoor Recreation, the minimum width of public access easements or dedications shall be ten (10) feet in width, with twenty (20) feet being the preferred width where significant public use is expected. The Administrator may reduce the width of public access easements if undue hardship would result or increase the width if necessary to serve the intended function. However, the reduction or enlargement shall only be what is necessary to achieve the intended purpose.

11. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.

12. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

13. Public access provisions shall run with the land and be recorded via a legal instrument such as an easement or dedication. Such legal instruments shall be recorded with the Thurston County Auditor's Office at the time the land division is recorded and/or prior to the time of building permit approval or occupancy whichever comes first.

14. Management of public access areas including protection and preservation of sensitive areas, provision of appropriate infrastructure and facilities, security, and long term maintenance shall normally be the responsibility of the City of Lacey. However, at its option, the City may approve another public or non-profit agency to assume this responsibility if appropriate given the use. This responsibility may also be required of the owner, future home owners association, or other entity approved by the City. If the City approves another entity to assume this responsibility, it shall be through a formal agreement recorded with the Thurston County Auditor's Office.

15. Public access facilities shall be available to the public twenty four (24) hours per day unless other hours apply according to standards of the Comprehensive Plan for Outdoor Recreation or Parks Department Administrative criteria. For clarity to project applicants, hours of operation should be specified in a shoreline permit.

16. Appropriate signage shall be posted to inform facility users of necessary information including rules and responsible use of the resource. The City’s phone number and contact information shall be included. The City's approved access sign(s) shall be installed in conspicuous locations at public access sites by the owner/developer. Once the signing of the property has been accepted by the City, it shall be maintained by the City or entity approved by the City that has the long term responsibility for maintenance and management of the access.

17. Development of new uses and expansion of existing uses shall consider existing view corridors from both designated public view areas and existing private development. These areas are considered a form of access to shorelines by ability to view the water. Design review will have
an emphasis on techniques that minimize impact to existing views and help maintain views existing neighbors enjoy. Example toolbox techniques include and are not limited to the following examples:

A. Utilize design requirements of Section 16.12.050 D, as illustrated in Table 16T-72, to step back the second story to reduce the impact of the expansion to properties both to the side and behind the home;

B. Staggering of homes and flexibility on setbacks to have minimum impact to view corridors, provided the underlying function of setbacks is satisfied related to privacy, light, air and circulation;

C. Placement of landscaping and pruning of over-story vegetation to maintain existing view corridors;

D. Placement of structures to minimize impact to existing view corridors; and

E. Other techniques that consider accommodating existing views enjoyed by neighbors.

18. Public fishing piers and docks shall mitigate environmental impacts to the ecology of the water body. Standards suggested by the Department of Fish and Wildlife or other resource agencies shall be incorporated in site design. Generally recommendations for “Building Better Docks” in the “Green Shorelines” publication shown in Appendix 2 shall be utilized unless it is demonstrated that a different design will have less environmental impact given specific site conditions.

19. Where views of water exist along public right of way, new subdivisions shall not locate separate lots or site obscuring improvements like fences in such a way that could eliminate all viewing opportunities. Land division shall be designed to provide open space between existing view corridors and the water to maintain the public’s visual connection with the shoreline.

17.46.025 Access (Public) Incentive Dedication Agreement

1. As part of the package of strategies in this SMP to manage shorelines in the public’s interest over the long term, Lacey has developed an incentive density bonus opportunity for the development community and shoreline land owners. The concept is designed to further public objectives for access and management of shoreline resources.

2. A Shoreline Access Incentive Dedication Agreement alternative is designed to achieve dedication objectives of shoreline areas for public use and protection as provided in the City's Public Access Plan.

3. The basis of the concept is to achieve dedication of shoreline areas to the public in return for density bonuses and transfers to upland areas under the same ownership or other areas throughout the city. Receiving areas for the density bonus or transfers would be designated based upon a determination such sites are able to support increased density. In addition, development planned for receiving areas needs to be consistent with GMA objectives of the Comprehensive Land Use Plan.
4. To promote innovative developments with superior quality and functionality, the strategy combines economic incentives for the development community through significant density credit, goals of the Comprehensive Land Use Plan for quality urban neighborhoods and flexible application of normal zoning code standards at receiving sites to be able to focus on form and design permitting flexibility and encouraging innovation.

5. Project planning and developing under a shoreline incentive program dedication agreement needs to be reviewed to ensure that the objectives of the dedication program and the intent to provide superior quality and functional developments are satisfied. Under this alternative the administrator may waive or modify zoning restrictions for setbacks, lot size, height limits, dimensional requirements and other standards in the zoning district used as density receiving areas, provided all of the following provisions can be satisfied:

A. The design of the development results in a concept of superior quality and functionality as discussed in the Comprehensive Land Use Plan;

B. The development under the incentive program is designed in a way that results in a land use configuration that is superior to or compatible and complementary to adjacent surrounding land use and the overall character of the neighborhood in which it is located; and

C. All standards of the master program and its intent are satisfied for any development taking place within the shorelines designation.
17.47.000 Discussion and General Policy for Aquaculture Use in Lacey

**Review and Discussion:** Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity.

Opportunity in the Lacey area for these uses is extremely limited based upon environmental protection concerns and natural factors. The marine area in the Hawks Prairie Planned Community is listed as having a number of important habitats, including saltwater habitat, which are sensitive. Designated habitat includes salmon bearing streams, pocket estuaries, feeder bluffs and eelgrass beds; see Critical Area Habitat Map L-14 in the inventory.

The offshore area is also shown with a commercial shellfish designation. However, there are no commercial shellfish operations along this stretch of shoreline and natural conditions and functions and values would discourage its use given priorities of protection and preservation of this area.

The pocket estuaries that are mapped in this area are very valuable habitat and have been impacted by adjacent development. Priority is to restore the area and clean up land use activities that do not conform to the recommendations for riparian corridors in Section 17.35.

The Woodland Creek riparian area has an existing upland trout fish hatchery. The Nisqually Trout Farms, Inc. has been a successful, family owned business since 1948. This area was previously out of shoreline jurisdiction. Due to adjustments in mapping it will be within shorelines jurisdiction under the new update. The carrying capacity for this type of use in Woodland Creek is limited based upon its size, sensitivity and the scope of the existing hatchery. This area has been designated as natural and should not be expected to support new aquaculture activity.

Lacey’s lakes do not have the physical requirements for salmon runs. They are also not suited for other marketable aquaculture activity. Areas designated natural were designated based upon wetland resources. These areas are too sensitive to be subjected to commercial aquaculture activity and do not have the characteristics that would attract commercial activity. Areas of the lake designated as shoreline residential do not have uses that would be compatible with commercial activity typical of a commercial aquaculture. These areas also do not have the characteristics that would make them attractive for commercial operations.

Based upon limitations for use and potential impacts from new aquaculture activity, opportunity for this use is limited. On Woodland Creek, aquaculture activity should be limited to the existing fish hatchery operation with opportunity for limited expansion if no net loss can be achieved with the expansion.

Aquaculture staging activities should be prohibited in Lacey’s marine shorelines that are designated natural. On lake properties designated shoreline residential, aquaculture should be limited to activities that can meet standards in Section 17.47.020 and address compatibility issues with existing residential uses.
17.47.010 Aquaculture - Goals and Policies

1. Goal: Provide opportunities for aquaculture and harvest of natural resources in a way that is compatible with the natural shoreline resource, complements specific reach designations and associated functions and values and meets requirements of the SMA.

   A. Policy: Allow aquaculture consistent with the shoreline environment designation and the SMA and this SMP.

   B. Policy: Design, locate and operate aquaculture activities in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.

   C. Policy: Prohibit aquaculture where it would result in a net loss of shoreline ecological functions, would have a significant adverse impact on natural dynamic shoreline processes, or interfere with other water-dependent uses.

   D. Policy: Accommodate the existing upland fish hatchery as a “pre existing approved use” as long as it is operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.

   E. Policy: Allow operation of aquaculture enterprises in a manner that allows navigational access of shoreline owners and commercial traffic.

   F. Policy: Aquaculture structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located outside shoreline jurisdiction to minimize the detrimental impact to the shoreline and other shoreline uses.

2. Goal: Ensure long term health and viability of the marine resource through wise management of the resource and sound aquaculture practices.

   A. Policy: Design, locate and operate aquaculture activities in a manner that supports long-term use of the resource.

   B. Policy: Give preference to an aquaculture use or activity that involves little or no substrate modification over those that involve substantial modification. The applicant shall demonstrate that the degree of proposed substrate modification is the minimum necessary for feasible aquaculture operations at the site.

3. Goal: Achieve compatible integration of aquaculture activities with other permitted uses in areas appropriate for this use.

   A. Policy: Minimize the detrimental impact aquaculture development might have on views from upland property.

   B. Policy: Review proposed surface installations for conflicts with other uses in areas that are utilized for moorage, recreational boating, sport fishing, commercial fishing or commercial navigation. Incorporate features to reduce use conflicts. Unlimited recreational boating shall not be construed as normal public use.
C. **Policy:** Aquaculture processing plants that are not water dependent shall be located outside of shoreline areas in an appropriate light industrial zone designed for manufacturing and processing activities.

**17.47.020 Standards:**

1. Aquaculture shall not be permitted in areas where it would:
   
   A. Result in net loss ecological functions, particularly areas that currently support native salmon runs;
   
   B. Adversely impact eelgrass and macroalgae; and
   
   C. Significantly conflict with navigation and other water-dependent uses.

2. Aquaculture facilities shall be designed and located according to the following:
   
   A. To not spread disease to native aquatic life;
   
   B. To prevent establishing new nonnative species which cause significant ecological impacts;
   
   C. To prevent significant impact to the aesthetic qualities of the shoreline; and
   
   D. Impacts to ecological functions shall be mitigated according to the mitigation sequencing.

3. The existing fish hatchery on Woodland Creek shall be given a status of “pre-existing approved use” with opportunities for limited expansion if the following standards can be satisfied:
   
   A. All standards of Section 17.47.020 can be satisfied; and
   
   B. Expansion will be the least physical expansion that can accommodate the objective.
   
   C. Expansion shall be reviewed through a conditional use permit (CUP).

4. Commercial shellfish activity shall meet requirements of Section 17.35.031 through 17.35.035 and shall demonstrate no net loss of function and value with emphasis on impacts to the adjacent natural designation with other critical and sensitive habitat.
View of Long Lake looking north from Holmes Island Road. Note the two covered boat storage structures along the docks. New covered storage is not permitted under the new standards because it is considered unnecessary and distracts from the natural beauty of the shorelines.
17.48.000 Bioengineering - Goals

See General Goals and Policies under Modifications.

17.48.010 Bioengineering - Policies

1. **Policy:** Ensure that permits for bioengineering projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.

2. **Policy:** Give preference in permitting to bioengineering projects which incorporate self-maintaining vegetation and materials over those which require routine maintenance.

3. **Policy:** Design and construct bioengineering projects to:
   A. Ensure that water quality, fish and wildlife habitats and flood holding capacity are not degraded, and projects are timed so that the survival of new plantings is optimized;
   B. Maximize the use of native vegetation;
   C. Minimize the structural soil stabilization components, including riprap, to last only until vegetation is well established; and
   D. Include vegetative buffers, fencing and/or other measures to avoid disturbance of the project site by livestock and vehicles.

4. **Policy:** Limit the waterward extent of bioengineering projects to that which is necessary to achieve the intended results.

17.48.020 Bioengineering - Development Standards

1. Bioengineering shall be used to protect an existing single-family residence or to maintain access to an authorized shoreline use, as opposed to hard shoreline stabilization structures such as bulkheads, landfills, levees, dikes, groins, or jetties.

2. Bioengineering shall be used when a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three (3) years.

3. Bioengineering projects shall incorporate the following:
   A. All bioengineering projects shall use a diverse variety of native plant materials, including trees, shrubs and grasses, unless demonstrated infeasible for the particular site.
   B. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that all vegetation is fully re-established within three years. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.
   C. An undisturbed buffer shall be incorporated into the site design to allow bank protection plantings to become established for a minimum of three years. The buffer shall exclude livestock, vehicles and activities that could further disturb the site.
   D. All bioengineering projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired.
   E. All construction and planting activities shall be scheduled to minimize impacts to water quality, fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.
A majestic evergreen tree is a prominent feature in this view of Pattison Lake. Lacey's tree protection ordinance requires the preservation of trees like the one shown. The new shoreline regulations adopt the standards of Lacey's environmental ordinances, including the Urban Forestry Management Plan and its related tree protection ordinance. This will continue to ensure protection of the valuable habitat, drainage and aesthetic benefits (values and functions) provided by our tree resources within the shoreline area.
17.49.000 Boating Facilities - Goals

1. Goal: Provide opportunity to meet demonstrated public need and demand for boat launch facilities for shoreline areas consistent with the City Comprehensive Plan for Outdoor Recreation, City Public Access Plan, shoreline designations and the overall emphasis on protection of shoreline natural functions and values.

2. Goal: Integrate planning for boating services with the City's Comprehensive Plan for Outdoor Recreation and the Shoreline Public Access Plan.

17.49.010 Marinas and Boat Launching Ramps – Discussion and Policies

Discussion: An existing small private marina for Beachcrest exists just east of the Butterball Cove area along the shoreline of Dewolfe Blight. It is the only marina on shoreline under Lacey jurisdiction. It was developed as part of the Beachcrest development in the late 1940s. Approximately half of the marina is within the City of Lacey and the rest is within Lacey’s UGA and unincorporated Thurston County.

Development of the Beachcrest marina in the late 1940s was typical of development at the time and did not place a high priority on consideration of environmental impacts. This included modification of the estuary area that is salmon habitat.

The existing private Beachcrest marina has been established for over half a century and serves a demonstrated need for the Beachcrest community. It should be considered a viable use and expected to continue over the long term. At the same time, considering environmental impacts of the Beachcrest community on the shoreline environment, restoration should be considered for this area.

Looking at the need for public marinas, there is little justification for location of a public marina in the Lacey area. The marine shoreline of Lacey is extremely limited and its sensitivity and designation as Natural does not lend it to establishment of another marina use. The lakes under Lacey’s jurisdiction are too small to have a need for or to support a marina.

Because of the lack of acceptable shorelines for this use or demonstrated public need, new marinas should not be expected or planned for under the jurisdiction of Lacey’s Shoreline Master Program or within Lacey’s urban growth area.

Policies for marinas:

1. Policy: There are no shoreline areas within the City of Lacey suitable for this activity and there is no demonstrated public need. Lacey’s lakes are too small to justify a marina and the majority of marine shoreline under Lacey’s jurisdiction is designated Natural and is not suitable for marina activity. New marinas should be prohibited within this SMP unless a public need is identified and demonstrated within Lacey’s Comprehensive Plan for Outdoor Recreation.

2. Policy: The existing Beachcrest marina is an established permitted use in the Aquatic environment and this use is intended to continue over the long term as a private marina. It is the intent of this SMP to provide the Beachcrest community the ability to make repairs and perform maintenance necessary to retain full use of the marina. At the same time, given the
environmental sensitivity and importance of this area, it is also the intent to utilize new best available science with environmentally friendly methods to accomplish maintenance objectives.

Implementation of these regulations shall provide for both maintaining a functional marina and achieving a healthy ecologically productive shoreline over the long term. To achieve these intents, maintenance and repair should be reviewed under the provisions of Section 17.37.047 with the expectation that exemptions will be provided for projects, both maintenance and replacement of modifications, that demonstrate a commitment to no net loss and restoration objectives.

3. **Policy:** The continued designation of Conservancy for that portion of shoreline surrounding the Beachcrest marina where it has been modified for marina activity is appropriate. It does not fit the criteria for Natural. However, the estuary to the south of the marina fits the environment designation criteria of Natural and should be designated as such.

4. **Policy:** The Beachcrest Community Association is encouraged to look for environmental restoration opportunities when performing marina maintenance or repairs. Incentives should be provided to the Beachcrest Community Association for activities that meet restoration objectives. Priority should be for restoration of degraded areas on this reach, as discussed in Lacey’s Restoration Plan (Appendix 3).

5. **Policy:** Having the Beachcrest marina under the jurisdiction of both Thurston County and the City of Lacey could make permitting activities complex for the Beachcrest HOA. To make permitting easier, the City of Lacey will support an interlocal agreement with Thurston County to have one jurisdiction be the lead local jurisdiction for permitting activities. Because the SMPs may have different definitions, process and standards for the same activity, the SMP from the lead jurisdiction should be the SMP used to determine permitting process and requirements.

**Policies for boat launch facilities:**

1. **Policy:** Additional boat launch facilities may be needed in the future. The City's Comprehensive Plan for Outdoor Recreation and Public Access Plan should be used as a guide to determine public need for this type of facility. Require evidence of substantial demand for new boat launching facilities before considering approval of new facilities for this use.

2. **Policy:** Locate boat launch ramps on stable shorelines where water depths are adequate to avoid the net loss of shoreline ecological functions or processes, and eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement and other river, lake, harbor and channel maintenance activities.

3. **Policy:** Where provided, require fuel handling and storage procedures that minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

4. **Policy:** Locate launch ramps to minimize the adverse effects upon fish and shellfish.

5. **Policy:** Locate boat launching facilities in areas where parking and access to the facility can be accommodated without causing adverse impacts upon the adjacent properties.

6. **Policy:** Design and construct the site so as to minimize off-site light and glare by using fully shielded and appropriately aimed fixtures to provide appropriate lighting levels.

7. **Policy:** Design boat launch facilities to provide for as many compatible shoreline dependent recreational uses as possible, according to the size and extent of the facilities.
8. **Policy:** All boating facilities shall utilize effective environmentally friendly measures to prevent the release of oil, chemicals, or other hazardous materials onto or into the water.

9. **Policy:** All facilities should address parking needs and landscaping.

10. **Policy:** Boat launch facilities shall be designed and conditioned to mitigate identified impacts to adjacent properties. This shall include, but is not limited to, wave action and eroding of shoreline, privacy issues and enforcement of responsible behavior.

### 17.49.015 Covered Moorage - Policies

**Policy:** Covered moorage in Lacey's lakes or in the natural designated marine shoreline is unnecessary and would distract from the shoreline’s aesthetic and functional values. This use should be prohibited.

### 17.49.020 Boating Facilities Development Standards

**Covered Moorage:**

New covered moorage is not permitted. Existing covered moorage may be maintained and is considered grandfathered but may not be expanded.

**Launching Ramps:**

1. Launch ramps shall be located in areas where there is adequate water mixing and flushing and shall be designed not to retard or negatively influence flushing characteristics.

2. Launch ramps shall be located on stable shorelines where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other lake or channel maintenance activities.

3. All boating facilities shall utilize effective, environmentally friendly measures to prevent the release of oil, chemicals, or other hazardous materials onto or into the water.

4. Restroom facilities shall be provided at boat launching facilities if determined necessary and appropriate and can be accommodated given site classification and conditions.

5. Launch facilities shall meet parking and landscaping requirements of the Lacey zoning code and the parking section (Section 17.60) of this SMP.

6. A sign(s) shall be posted at boating facilities advising users of responsible conduct and care of the lake and will include the specific rules adopted by the proper authority over the lake and will generally have language similar in intent to the following: This lake provides recreation opportunities for all persons. Please respect its use and character, be kind and respectful and observe the rules adopted for this public resource: 1. Speed limited to ...; 2. Please don't litter; 3. Limit excessive noise; 4. Boating during daylight hours only; For help and assistance please phone (insert current Lacey Police phone number).
17.49.021 Standards for Marinas

1. Lacey has no area to accommodate a new marina and new marinas shall be prohibited until such time as there is a demonstrated need shown and the activity is planned for according to goals, policies and priorities of Lacey’s Comprehensive Plan for Outdoor Recreation.

2. The existing Beachcrest marina and its accessory facilities are considered an established use serving a demonstrated need and expectations of the Beachcrest community. The area it is situated in is sensitive and maintenance and improvement activities need to meet requirements of no net loss of ecological function and value.

3. If Lacey is the lead for permitting marina activity, maintenance and repair activities at the marina shall comply with the provisions of Section 17.30.047. Provided, to facilitate and encourage objectives discussed in Lacey’s Restoration Plan (Appendix 3), repair and maintenance activities exceeding the 50% threshold for normal repair and maintenance and considered replacement may qualify for exemption. To qualify for exemption, such activity must:
   A. Promote Lacey’s restoration objectives as discussed in Appendix 3;
   B. Be expected to result in a net gain of ecological value and function for this reach, as determined by the Administrator in consultation with applicable state resource agencies; and
   C. Provide adequate documentation and analysis to make an informed decision on the environmental benefits of the proposed activity, as determined by the Administrator.
17.50.000 Breakwaters, Jetties, Groins and Weirs - Goals and Policies

See General Goals and Policies under Modifications.

17.50.020 Breakwaters, Jetties, Groins and Weirs - Development Standards

There are no identified areas under Lacey’s shoreline jurisdiction where these uses and structures would be needed or appropriate. Because of no demonstrated need they are listed as prohibited in all of Lacey’s environmental designations.
17.51.000 Bulkheads - Goals

See General Goals and Policies under Modifications.

17.51.010 Bulkheads - Policies

1. **Policy:** Ensure that permits for bulkhead projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.

2. **Policy:** Locate and design residential development along shorelines to make shoreline stabilization projects such as filling, bulkheading, or substantial grading of the site unnecessary.

3. **Policy:** Require that applications for new single family residence bulkheads be processed as a shoreline conditional use permit. Approval of new bulkheads should be rare because new residential development and structures need to be designed so they do not need protection from shoreline processes (Section 17.63., Residential Development Goal 1, Policy D, and Section 17.51.010 Bulkheads, Goal 1, Policy 2, above). In addition, stabilization of beach area can generally be accomplished with naturalized alternatives to bulkheads that are much more ecologically friendly, more attractive, provide more usable beach front and have advantages considering natural shoreline functions, habitat, drainage treatment and water quality.

4. **Policy:** Generally, where replacement of an existing bulkhead is necessary, emphasis should be placed on developing alternative naturalized concepts for meeting objectives and bulkheads should be removed or abandoned in favor of more naturalized strategies, “bioengineering”; see Section 17.30.047.

17.51.020 Bulkheads - Development Standards

1. Normal maintenance and repairs to an existing bulkhead that is designed and located for the protection of an existing single family home or accessory structure shall be exempt from permits if such repair and maintenance has a value less than 50% of the replacement value of the bulkhead.

2. Where the value of repair of an existing bulkhead designed and located for the protection of an existing single family home or accessory structure is equal to or exceeds 50% of the value of the bulkhead it shall be considered a replacement and processed as a conditional use permit pursuant to requirements of Section 17.30.047.

3. Bulkheads shall be subject to mitigation sequencing outlined in Section 17.40.015. When allowed, mitigation shall be required for all adverse impacts to assure no net loss of shoreline ecological functions.

4. A bulkhead may be allowed to protect an existing single-family residence or to maintain access to an authorized shoreline use after the Administrator has determined that other techniques such as beach restoration and enhancement or bioengineering are not feasible.

5. A bulkhead is prohibited on estuarine shores, in wetlands, on point and channel bars, and in salmon and trout spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration.
6. A bulkhead shall not be located waterward of the ordinary high-water mark except for shoreline stabilization as provided in Section 17.45.015 #3B.

7. Installation of a bulkhead to protect a platted lot where no structure presently exists is prohibited.

8. The construction of a bulkhead for the primary purpose of retaining or creating dry land is prohibited, except as allowed by the fill development standards in Section 17.54.

9. Bulkheads are prohibited on shores where valuable geohydraulic-hydraulic or biological processes are sensitive to interference and critical to shoreline conservation, such as feeder bluffs, marshes and other wetlands or accretion shoreforms such as spits, hooks, bars or barrier beaches.

10. Bulkheads are prohibited for any purpose if they will cause significant erosion or beach starvation.

11. The design of a bulkhead shall incorporate proper consideration of:
   A. Data on local geophysical conditions;
   B. Data on stream flow, velocity, and flood capacity; and
   C. Effects on adjacent properties.

12. The design and construction of bulkheads shall conform to all other applicable state agency policies and regulations including the Washington Department of Fish & Wildlife criteria governing the design of bulkheads.

13. Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of its face.
17.52.000 Buoy - Goals

See General Goals and Policies under Modifications.

17.52.010 Buoy - Policies

1. **Policy:** Ensure that permits for buoy projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.

2. **Policy:** Give preference in permitting to moorage buoys over piers, docks, and float structures, especially in tidal waters.

3. **Policy:** Locate moorage buoys so as to:
   A. Cause minimal interference with navigable waters and the public’s use of the shoreline, and
   B. Avoid locations where they will adversely impact shoreline ecological functions or processes, including currents and littoral drift, water circulation and quality, and fish and wildlife habitat.

17.52.020 Buoy Development Standards

1. A private mooring buoy for an individual waterfront lot is allowed only if shared moorage was not developed as a part of that subdivision or development.

2. To prevent the proliferation of moorage facilities, only one mooring buoy or recreational float will be allowed per waterfront lot unless there is a demonstration of need. Such demonstration may include a community park or residential development where lot owners both on and away from the shoreline share a shoreline open space area. Such requests will be reviewed as a shoreline variance.

3. New mooring buoys shall not be located farther waterward than existing mooring buoys or established swimming areas, and shall not significantly interfere with use of waters for navigation.

4. Moorage buoys must be discernible under normal daylight conditions at a minimum of one hundred (100) yards and must have reflectors for nighttime visibility.

5. Moorage buoys shall comply with standards of the Washington Departments of Fish and Wildlife and the aquatic lease requirements of the Washington Department of Natural Resources.
Planning Commission work-session on the Shoreline Master Program. The Lacey Planning Commission spent over nine months reviewing, discussing and refining the generic draft provided by Regional to craft a Master Program that would meet Lacey's specific needs.
17.53.000 Dredging - Goals

See General Goals and Policies under Modifications.

17.53.010 Dredging - Policies

1. **Policy:** Allow dredging only where it is necessary for assuring safe and efficient accommodation of existing navigational uses and when significant ecological impacts are minimized and mitigation is provided.

2. **Policy:** Limit maintenance dredging of established navigation channels and basins to maintaining previously dredged and/or existing authorized location, depth, and width.

3. **Policy:** Allow dredging in locations where a comprehensive management plan has been evaluated and authorized by local and state governmental entities.

4. **Policy:** Design and locate new development to avoid, or if that is not possible, to minimize the need for new and maintenance dredging.

5. **Policy:** Conduct dredging in such a manner as to minimize damage to natural systems in both the area to be dredged and the area for deposit of dredged materials.

6. **Policy:** Dispose of the dredged material at an approved disposal site when chemicals are present in concentrations high enough to cause significant harm to resident biota.

7. **Policy:** Plan and conduct dredging to minimize interference with navigation and adverse impacts to other shoreline uses, properties and values.

8. **Policy:** Allow dredging of less than five hundred (500) cubic yards as part of ecological restoration or enhancement, beach nourishment, public access or public recreation as an exemption, provided such dredging is otherwise consistent with the policies and provisions of this master program.

9. **Policy:** Allow dredging for the following activities through a conditional use permit:
   
   A. In conjunction with a water-dependent use of water bodies or adjacent shorelands.
   
   B. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.
   
   C. Maintenance of irrigation reservoirs, drains, canals or ditches for agricultural and stormwater purposes.
   
   D. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width.
   
   E. Expanding, relocating or reconfiguring navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses.
   
   F. Removal of gravel for flood management purposes consistent with an adopted flood hazard reduction plan and only after a biological and geomorphological study demonstrates that
extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of shoreline ecological processes and functions and is part of a comprehensive flood management solution.

G. Restoration or enhancement of shoreline ecological processes and functions benefiting water quality and/or fish and wildlife habitat.

H. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:
   1) Impacts to fish and wildlife habitat are avoided to the maximum extent possible.
   2) The utility installation does not increase or decrease the natural rate, extent or opportunity of channel migration.
   3) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.

17.53.020 Dredging Development Standards

1. All permits which include dredging shall supply a dredging plan which includes the following information:

   A. A description of the applicable purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this master program.

   B. A detailed description of the existing physical character, shoreline geomorphology and biological resources (including migratory, seasonal and spawning use) provided by the area proposed to be dredged, including:
      1) A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry depths based on Mean Lower Low Water (MLLW) and have data points at a minimum of 2-foot depth increments.
      2) A habitat survey must be conducted and WDFW must be contacted to ensure the survey is conducted according to the most recent WDFW eelgrass/macroalgae survey guidelines.
      3) Information on stability of bedlands adjacent to proposed dredging and spoils disposal areas.

   C. A detailed description of the physical, chemical and biological characteristics of the dredge spoils to be removed.
      1) Physical analysis of material to be dredged: material composition and amount, grain size, organic materials present, source of material, etc.
      2) Chemical analysis of material to be dredged: volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.
      3) Biological analysis of material to be dredged.

   D. A description of the method of materials removal, including facilities for settlement and movement.
      1) Dredging procedure: length of time it will take to complete dredging, method of dredging and amount of materials removed.
      2) Frequency and quantity of project maintenance dredging.

   E. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including but not limited to:
      1) Spoils disposal area, including:
a) Physical characteristics including location, topography, existing drainage patterns, surface and ground water;
b) Size and capacity of disposal site;
c) Means of transportation to the disposal site;
d) Proposed dewatering and stabilization of spoils;
e) Methods of controlling erosion and sedimentation; and
f) Future use of the site and conformance with land use policies and regulations.

2) Total initial spoils volume.
3) Plan for disposal of maintenance spoils for at least a fifty (50) year period.

F. Hydraulic modeling studies sufficient to identify existing geo-hydraulic patterns and probable effects of dredging.

2. Toxic dredge spoil deposits on land shall not be placed on sites from which toxic leachates could reach shorelines and/or associated wetlands.

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

4. No permit shall be issued for dredging unless it has been shown that the material to be dredged will not exceed the Environmental Protection Agency and/or Department of Ecology criteria for toxic sediments.

5. Dredging for the sole purpose of obtaining landfill material is prohibited.

6. The disposal of dredged material at a Puget Sound Dredged Disposal Analysis (PSDDA) open-water disposal site may be allowed when it is found:
   A. To comply with Department of Natural Resources leasing practices, Ecology Water Quality Certification process, and the U.S. Army Corp of Engineers permit requirements;
   B. To have been reviewed based upon the criteria and guidelines established in the Puget Sound Dredged Disposal Analysis (PSDDA) report;
   C. That the disposal within the nearshore environment for the restoration or enhancement of shoreline ecological functions and processes, such as beach nourishment, feeding or beach enhancement is not feasible; and
   D. That it protects or mitigates shoreline ecological functions and processes, such as:
      1) Offshore habitat will be protected, restored or enhanced;
      2) Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
      3) Shifting and dispersal of spoil will be minimal; and
      4) Water quality will not be adversely affected.

7. Dredging to construct canals or small basins for water ski landings or swimming holes is prohibited.

8. In-water dredge spoil disposal sites shall be prohibited in critical salt water habitats or in locations where the disposal of dredge spoil materials is likely to result in the deposition of sediments on critical salt water habitats.
9. Limit dredging to support water dependent uses, navigation, public access, and restoration. Prohibit dredging which will damage shallow water habitat used by salmon and steelhead for migration corridors, rearing, feeding and refuge, unless the proponent demonstrates all of the following conditions are met:

A. An alternative alignment or location is not feasible.

B. The project is designed to minimize its impacts on the environment.

C. The facility is in the public interest.

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

E. Dredging for flood control is performed as a temporary action and needed in the course of implementing a long-term solution for a sediment transport problem identified in a comprehensive flood hazard management plan.

10. Proposals for dredging shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as: turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.
17.54.000 Fill - Goals

See General Goals and Policies under Modifications.

17.54.010 Fill - Policies

1. **Policy:** Design and locate shoreline developments to avoid or, if that is not possible, to minimize the need for fill.

2. **Policy:** Use mitigation sequencing to limit the size and location of fills. Limit the size of fills and, when allowed, minimize its potential adverse impacts.

3. **Policy:** Design and locate shoreline fills to avoid loss of ecological values or natural resources, or create a risk of significant injury to life, or adjacent property.

4. **Policy:** Design the perimeter of a fill to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time. Natural appearing and self sustaining control methods are preferred over structural methods.

5. **Policy:** Prioritize fills for water-dependent uses.

6. **Policy:** Fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

7. **Policy:** Fills waterward of the ordinary high water mark shall be allowed only when necessary to support:
   
   A. A water-dependent use;

   B. A public access;

   C. Cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan;

   D. Disposal of dredged material considered suitable under and conducted in accordance with the dredged material management program of the Department of Natural Resources;

   E. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible;

   F. Mitigation action;

   G. Environmental restoration;

   H. Beach nourishment;

   I. Enhancement project.

8. **Policy:** Require a shoreline conditional use permit for any fill placed waterward of the OHWM for any use except ecological restoration.
9. **Policy:** Prohibit the placement of fill in floodways or wetlands, unless part of an approved ecological restoration activity.

### 17.54.020 Fill Development Standards

1. The use of solid wastes and organic debris in a fill, such as wood and other vegetative materials, is prohibited.

2. Fills shall consist of clean materials including such earth materials as clay, sand, and gravel, and also may include oyster or clam shells. In addition, concrete may be included in fill material if it is not liable to pollute ground water and is approved by the Administrator.

3. Fills, except for beach feeding, shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.

4. Fill areas shall be covered with sufficient earth material to support indigenous vegetative ground cover and replanted with vegetation to blend with the surrounding environment. To facilitate this purpose, fills shall comply with the requirements of Section 17.41 regarding provisions for development and implementation of a Vegetation Management Plan.

5. Fills may be allowed only when it can be demonstrated that the proposed action will not:

   A. Result in significant damage to water quality, fish, shellfish and/or wildlife habitat; and
   
   B. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities.

6. Artificial beach maintenance (beach feeding) may be allowed as a type of shoreline stabilization.

7. Fill which will interfere with public rights of navigation and rights corollary thereto shall not be permitted unless there is an overriding public interest.

8. Fill for the purpose of providing land to ensure the required distance for a septic tank drainfield is prohibited.

9. Fill for the sole purpose of creating new dry land is prohibited.

10. Fill within 100-year floodplains is prohibited.

11. Fill within a floodway is prohibited.

12. Fill located waterward of the ordinary high water mark for the purpose of ecological restoration may be allowed subject to a shoreline substantial development permit, rather than a shoreline conditional use permit.

13. Use of beach material for backfill with any shoreline stabilization project is prohibited. Fill is prohibited where structural shoreline stabilization is necessary to maintain the fill.

14. Fill disposal sites shall adhere to the following conditions:
A. Containment dikes and adequate settling basins shall be built and maintained so that the site's discharge water carries a minimum of suspended sediment. Required basins shall be designed to maintain at least 1 foot of standing water at all times to encourage proper settling.

B. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands and drainages.

C. Shoreline ecological functions and processes will be preserved, including protection of surface and ground water; erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property.

D. Runoff water shall be controlled so as to enter a waterway through grassy swales or other treatment features that assures protection of water quality and other environmental resources.

E. Underground springs and aquifers shall be identified and protected.

F. The outside face of dikes shall be sloped at 1-1/2 to 1 (horizontal to vertical) or flatter and seeded with grass and/or native vegetation. Landscaping and buffer areas may be required.

G. Sites shall be adequately screened from view. Dredge disposal in shoreline areas shall not impair scenic views.

H. Dredge materials deposited upland and not part of a permitted dike or levee shall constitute fill, and when deposited within the jurisdiction of this master program, shall comply with the fill regulations of this master program.
A public informational sign posted by the Department of Fish and Wildlife for public fishing on Hicks Lake.
View of Long Lake looking south from Holmes Island Road.
An old Big Leaf Maple's canopy preserved at Wanschers Community Park. Hicks Lake can be seen in the background.
17.55.000 Floats (Recreational) - Goals

See General Goals and Policies under Modifications.

17.55.010 Floats (Recreational) - Policies

1. **Policy:** Ensure that permits for recreational float projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.

2. **Policy:** Individual shoreline residents shall consider joint-use or community recreational floats.

3. **Policy:** Give preference in permitting to community recreational floats in new subdivisions or planned residential developments over those for individual properties.

4. **Policy:** Apply the pier and dock policies of Section 17.61 to recreational floats.

17.55.020 Floats (Recreational) - Development Standards

1. To prevent the proliferation of moorage facilities, only one mooring buoy or recreational float will be allowed per waterfront lot unless there is a demonstration of need. Such demonstration may include a community park or residential development where lot owners both on and away from the shoreline share a shoreline open space area. The request will be reviewed as a shoreline variance.

2. A recreational float shall not be located farther waterward than existing floats or established swimming areas.

3. Single property owner recreational floats shall not exceed sixty-four (64) square feet. Multiple property owner recreational floats shall not exceed ninety-six (96) square feet.

4. The standards for recreational floats are as follows:

   A. Recreational floats anchored offshore and used for residential recreational uses shall comply with the following standards:
      1) Applicants shall contact the Washington Department of Natural Resources to inquire on the need for a aquatic lease for locating recreational floats within state aquatic areas; and
      2) When feasible, floats shall be removed seasonally and placed in an appropriate un-vegetated upland location.

   B. Recreational floats shall be located as close to shore as possible without interfering with natural beach processes or negatively affecting aquatic vegetation.

   C. Recreational floats shall not rest on the tidal substrate at any time. Floats shall be located (anchored) at sufficient depth to maintain a minimum of one (1) foot of draft between the float and the beach substrate at low tide.

   D. Recreational floats shall not exceed thirty (30) feet in length.
E. Recreational float width shall comply with the following standards:

1) Floats with a width of six (6) feet or less shall incorporate a minimum of thirty percent (30%) functional grating into dock surface area.

2) Floats with a width greater than six (6) feet that does not exceed eight (8) feet in width shall incorporate a minimum of fifty percent (50%) functional grating into the dock surface area.

3) Recreational floats shall be anchored utilizing either helical screw or “duckbill” anchor; anchor lines shall not rest or disturb the substrate.

5. Recreation floats must be discernible under normal daylight conditions at a minimum of one hundred (100) yards and must have reflectors for nighttime visibility.
17.56.000 Forestry/Mining - Goals and Policies

1. Goal: Achieve protection of forest resources from harvesting within shoreline jurisdiction areas.
   
   A. Policy: There are many benefits of urban forest tree resources as discussed in Lacey’s Urban Forest Management Plan. These benefits include habitat, helping stabilize surface water runoff and drainage and promoting other natural functions and values. Tree resources should be protected from harvesting in these areas.

2. Goal: Protect shoreline resources from destructive mining activities.
   
   A. Policy: Mining activity would have significant disruptive impacts upon shoreline functions and should not be permitted in areas of Lacey’s shoreline jurisdiction.

Resource areas for forestry and mining activities are designated in appropriate areas outside the UGA and outside critical areas and shoreline areas. Forestry and mining activities are incompatible with goals for Lacey’s shoreline areas. Prohibit forestry and mining activities within any shoreline environment designation.

17.56.010 Uses and Activities - Forestry/Mining Permitted Where

Policy/Standard: Forestry harvesting and mining uses and activities are prohibited in any shoreline environment designation.
In a cove at the north end of Long Lake, an empty boat floats amidst a speckling of water fowl going about their daily foraging.
17.57.000 Historical and Archeological Goals and Policies

1. Goal: Preserve cultural artifacts as they are discovered and identified during the development process.
   
   A. Policy: Coordinate development review within the shoreline with the Washington Department of Archaeology and Historic Preservation, Certified Local Governments, and affected Indian tribes regarding historic or archaeological interest.

   B. Policy: Report the discovery of a historic or prehistoric site during excavation or development to the Washington Department of Archaeology and Historic Preservation and to the affected Indian tribes.

2. Goal: Preserve examples of structures from Lacey's history for the education and enjoyment of future citizens.
   
   A. Policy: Encourage the enrollment of historic structures or sites on the federal, state or local historic registers.

17.57.020 Historical and Archeological Development Standards

1. The protection, rehabilitation, restoration, and reconstruction of historic structures shall be governed by The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Applying the Standards (1992), as amended.

2. The discovery of a historic or pre-historic site during excavation or development shall be reported to the Administrator, the Washington State Department of Archaeology and Historic Preservation, and the affected Indian tribes.

3. The construction of historical replica buildings may be allowed within the boundaries of a national historic district with a shoreline conditional use permit.

4. The City shall consult with the Washington State Department of Archaeology and Historic Preservation and the affected Indian tribes when known sites are proposed for development. Their comments and recommendations shall be given substantial weight, which may result in denying a development permit where the historic or archaeological value of the site outweighs the development value.

5. Where the protection of a historic or archaeological site is a concern to the administrator of the City’s Certificate Local Government Program, a shoreline conditional use permit shall be required for development of single-family residences.

6. Developers and property owners shall immediately stop work and notify the local government, the Office of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.
7. Permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.
17.58.000  Instream Structures, Dikes and Levees - Goals and Policies

1.  **Goal:** See General Goals and Policies under Modifications.

2.  **Goal:** Achieve urbanized areas where land use is planned so the layout and design of development respects natural systems and processes and artificial facilities like instream structures, dikes and levees are not necessary.
   
   **A. Policy:** Dikes, levees and instream structures shall be subject to mitigation sequencing outlined in Section 17.40.015.
   
   **B. Policy:** Generally dikes, levees and instream structures have an adverse impact on natural shoreline functions and will not be permitted. Such facilities shall only be permitted where there is a demonstrated public need and benefit as determined by the Administrator.

3.  **Goal:** Protect and preserve natural systems and values while providing some limited flexibility to intervene with improvements to natural systems where necessary to protect the public's health and safety.
   
   **A. Policy:** When instream structures are allowed, mitigation shall be required for all adverse impacts to assure no net loss of shoreline ecological functions. The facility shall be designed to respect and have a beneficial impact to the processes, function, and values of the natural environment.
   
   **B. Policy:** When dikes, levees and instream structures are allowed, mitigation shall be required to ensure there will be no loss of fish and wildlife resources, natural systems including wetlands, or other critical areas. In this case, dikes, levees and instream structures shall be subject to the following:

   1) The mitigation required shall be commensurate to the value and type of resource or system lost. No net loss in ecological function, value or acreage shall occur from such development.
   
   2) Where mitigation for loss of ecological functions is required, a mitigation plan shall be prepared by the applicant/proponent that details the objectives of the mitigation activities.
   
   3) Mitigation activities shall be monitored to determine the effectiveness of the mitigation plan. Monitoring shall be accomplished by a third party subject to the approval of the City/County and the Department of Ecology. Results of monitoring shall be publicly available.
   
   4) If mitigation is found to be ineffective, corrective action that satisfies the mitigation objectives shall be required of the proponent.
   
   5) If the mitigation is found to be inadequate or if adequate mitigation is determined to be impossible, the application shall be denied.
17.58.020  Instream Structures, Dikes and Levees - Development Standards

1. New dikes and levees may be constructed upon obtaining a conditional use permit as part of a shoreline environmental restoration project, a state-approved comprehensive flood control management plan, an approved watershed plan, or an approved stormwater drainage basin plan.

2. Dikes and levees shall not be constructed with material dredged from the adjacent wetland or stream area unless part of a comprehensive flood and habitat plan.

3. Dikes and levees shall not be placed in the floodway except for current deflectors necessary for protection of bridges and roads.

4. Dikes and levees shall be subject to following:
   A. Such works shall be located and designed to promote no net loss of shoreline ecological processes and functions.
   B. Such works shall be limited in size to the minimum height required to protect adjacent lands from the protected flood stage.
   C. Such works shall be set back to the greatest extent feasible landward of the floodway and ordinary high water mark.
   D. Such works are to be located near the tangent to outside meander bends so that the stream can maintain normal meander progression and utilize most of its natural flood water storage capacity.
   E. Such works shall not interfere with channel migration except to protect existing structures.
   F. Such works shall be designed and constructed to meet Natural Resources Conservation Service technical manual standards.
   G. Such works shall be constructed in coordination with the Washington Department of Fish and Wildlife.

17.58.025  Instream Structures - Development Standards

1. Instream structures shall be planned and constructed based on a state-approved comprehensive flood control management plan, when available, and in accordance with the local National Flood Insurance Program.

2. Instream structures shall be permitted only when it is demonstrated by engineering and scientific evaluations that:
   A. They are necessary to protect health/safety and/or existing development.
   B. Non-structural flood hazard reduction measures are infeasible.
   C. Measures are consistent with an adopted comprehensive flood hazard management plan that evaluates cumulative impacts to the watershed system.

3. Instream structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, side channels, islands and braided channels.

4. A new instream structure (such as, but not limited to, high flow bypass, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams and weirs) shall be allowed only as part of an approved mitigation or restoration project, or approved watershed basin plan.
5. Instream structures shall be designed to avoid modifying flows and water quality in ways that may adversely affect critical fish species.

6. Instream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters.

There are only a few areas where Long Lake can be seen from public right of way. This picture captures one of them. The horses in the foreground are actually only modeled cut outs for the entertainment of viewers; a northwest version of pink flamingos.
Public property posted for no trespassing at the south end of Southwick Lake. Can we utilize our public land for better use?
17.60.000 Parking - Goals and Policies

1. **Goal:** Achieve a proper balance in providing parking for public shoreline access points while deemphasizing use of the automobile and reducing associated impacts on shoreline areas and adjacent residential neighborhoods.

   A. **Policy:** Management of public access sites should have an emphasis on reduction of drive alone vehicles and associated impacts. Design must mitigate impacts from automobile use and infrastructure on sensitive areas and adjacent neighborhoods.

   B. **Policy:** Emphasize reduction in automobile parking pursuant to Chapter 16.72, Table 16T-13, of the Lacey zoning code.

   C. **Policy:** Parking should be the least amount necessary to serve the intended use.

   D. **Policy:** Encourage alternative forms of transportation for uses located within shorelines jurisdiction to reduce impacts from automobile infrastructure and use. Encourage design emphasis in walking and biking consistent with the Comprehensive Land Use Plan’s emphasis on pedestrian friendly design for the City's residential neighborhood areas.

2. **Goal:** Accommodate automobile use necessary to provide for allowed activities located in the shoreline jurisdiction and mitigate all identified impact to the shoreline area and adjacent neighborhoods associated with its use.

   A. **Policy:** If parking is needed to serve public access points, design parking to have the least amount of impact to the shoreline and adjacent neighborhoods.

   B. **Policy:** Where public access points have limited parking facilities, measures should be taken to discourage use of adjacent residential streets for parking where traffic and parking could adversely impact the character, privacy or pedestrian orientation of the neighborhood area.

   C. **Policy:** Allow parking within the shoreline jurisdiction only for an approved use.

   D. **Policy:** Design and construct parking facilities to minimize off-site light and glare by using fully shielded and properly aimed fixtures to provide appropriate lighting levels. If night time use of access points is anticipated, design access to prevent headlights from impacting adjacent homes and orient pedestrian security lighting to pedestrian corridors and shield it away from adjacent properties.

   E. **Policy:** Locate parking facilities landward from the ordinary high water mark and recreational beaches, and out of required setback/buffer areas. Where possible, parking and road infrastructure should be located outside shoreline jurisdiction in an upland area and well buffered from adjacent residential neighborhoods.

   F. **Policy:** Link parking facilities with the shoreline and to the uses they serve by walkways.

17.60.020 Parking Development Standards

1. Parking facilities within the shoreline jurisdiction shall only be allowed as necessary to support an authorized use. Any other type of parking is prohibited.
2. Parking facilities shall be located landward of the principal building and out of the shoreline setback/buffer area, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.

3. Over water parking facilities are prohibited.

4. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties.

5. Parking facilities shall provide safe and convenient pedestrian circulation within the parking area and to the shoreline.

6. Parking associated with launch ramps and other shoreline access shall satisfy requirements of Table 4; section 17.24.015.

7. Refer to Section 17.70.010 for the water quality development standards which includes on-site stormwater control measures.

8. Additional parking regulations can be found in Chapter 16.72 (zoning chapter) of the Lacey Municipal Code.

9. Parking facilities are subject to mitigation sequencing.

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No trespassing. This is unfortunate because this property at the north end of Long Lake has been undeveloped for over a decade and could provide an area for people to access the lake. Development plans approved a number of years ago that were never implemented established the shoreline area shown in the background as open space. At one time this area had a dock and served as a beach area for a recreational vehicle park.
17.61.000 Piers and Docks - Goals

See General Goals and Policies for Modifications

17.61.010 Piers and Docks - Policies

1. **Policy:** Recognize that there will be few opportunities, if any, for marine piers/docks in Lacey, unless developed, owned and managed by the City of Lacey.

2. **Policy:** Ensure that permits for pier and dock projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.

3. **Policy:** Give preference in permitting to moorage buoys and to community piers, docks and floats in new subdivisions or planned residential developments over those for individual properties.

4. **Policy:** Require applications for piers and docks on individual properties to provide the following:
   
   A. Document why a moorage buoy or recreational float would not provide suitable access to the water;
   
   B. Describe the mitigation to be provided so that the project will not cause a net loss in shoreline ecological functions; and
   
   C. Consideration of shared moorage.

5. **Policy:** Design and locate piers and docks to minimize obstructions to scenic views and conflicts with recreational boaters and fishermen.

6. **Policy:** Locate piers and docks so as to:
   
   A. Cause minimum interference with navigable waters and the public's use of the shoreline; and
   
   B. Avoid locations where they will adversely impact shoreline ecological functions or processes, including currents and littoral drift, water circulation and quality, and fish and wildlife habitat.

7. **Policy:** Construct piers and docks of materials that will not adversely affect water quality or aquatic plants and animals over the long-term.

8. **Policy:** Minimize the length and size of any dock, pier or float.

9. **Policy:** Use materials that will allow light to pass through the deck for walkways or gangplanks in nearshore areas.

10. **Policy:** Encourage the development of public fishing piers, underwater fishing reefs, and access to public waters and tidelands as part of an overall recreation plan or development.
17.61.020 Piers and Docks - Development Standards

1. New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.

2. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

3. New pier or dock construction, excluding docks accessory to single-family residences, shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.

4. If the City has performed a needs analysis associated with its Comprehensive Plan for Outdoor Recreation or Public Access Plan, and it determines a pier or dock is necessary and consistent with applicable state guidelines, it shall serve as the necessary justification for pier design, size, and construction. The intent of this provision is to allow the City the flexibility necessary to provide for existing and future public recreational opportunities associated with the use of piers and docks.

5. New residential development of two or more dwellings must provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.

6. Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift. For application in Lacey’s critical salt water habitat and marine riparian habitat areas see discussion, goals, policies and standards in Section 17.35.030 through 17.35.035.

7. Piers and docks shall follow Green Shoreline Guidelines in Appendix 2 and construct such structures of materials that have been approved by applicable state agencies.

8. Because of the potential impact to the environment, new piers and docks in the marine environment shall only be permitted when it is identified as a public need in Lacey’s Comprehensive Plan for Outdoor Recreation, they will be owned and maintained by the City of Lacey and no net loss of function and value of shoreline resources can be demonstrated.

9. An existing pier/dock in the natural environment designation may be maintained provided it has an identified value to the general public, as identified in Lacey’s Comprehensive Plan for Outdoor Recreation, and is owned and maintained by the City for public benefit.

10. Residential moorage shall include no more than one moorage type (i.e. buoy or pier/dock) per waterfront lot.

11. Prior to approval of a residential pier or dock, the applicant shall document why the use of a mooring buoy or shared moorage are not feasible.

12. Shared moorage proposed for lease to upland property owners shall be reviewed as a marina and shall be subject to requirements for marinas as identified in this SMP.
13. Docks and piers are prohibited on lakes where the distance to the opposite shore is one hundred fifty (150) feet or less. This is to ensure the maintenance of navigation.

14. Prior to final project approval of a residential development, a usable area shall be set aside for a community pier or dock unless there is no suitable area.

15. All pier and dock development shall be painted, marked with reflectors or otherwise identified so as to prevent unnecessarily hazardous conditions for water surface users during day or night.

16. The standards for new or repaired piers or docks in fresh water are as follows:
   A. Pier and dock surface coverage shall not exceed: four hundred and eighty (480) square feet for single user structures, seven hundred (700) square feet for two (2) party joint use, and one thousand (1,000) square feet for residential pier/docks serving three (3) or more residences.
   B. Piers shall not exceed four (4) feet in width and must be fully grated with at least sixty percent (60%) open area.
   C. Ramps shall not exceed three (3) feet in width and must be one hundred percent (100%) grated.
   D. Docks shall not rest on the fresh water substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the docks floatation is a minimum of one (1) foot above the level of the beach substrate.
   E. Except for docks with floats the bottom of all structures shall be a minimum of one and one half (1.5) feet above the ordinary high water elevation.
   F. The first in-water (nearest shore) set of pilings shall be steel, a maximum of four (4) inches in diameter and at least eighteen (18) feet from the ordinary high water mark. Additional piling shall be spaced a minimum of eighteen (18) feet apart and shall not exceed twelve (12) inches in diameter.
   G. Docks with floats or ells shall be limited to one of the following size options:
      1) Up to six (6) feet wide by twenty (20) feet long with a two (2) foot strip of grating down the center;
      2) Up to six (6) feet wide by twenty six (26) feet long with grating, providing that there is a sixty percent (60%) open area over the entire ell or float; or
      3) A single two (2) feet wide by twenty (20) feet long, with one hundred percent (100%) grated finger ell.

17. Docks and piers shall be setback from the side property line ten (10) feet on fresh water.

18. The required side yard setbacks may be waived with a shared use moorage facility for two (2) or more property owners. The applicant or proponents shall file with the Thurston County Auditor a legally enforceable joint use agreement or other legal instrument which addresses the following as a condition of permit approval:
   A. Apportionment of construction and maintenance expenses;
   B. Maintenance responsibilities for the facility and associated upland area in perpetuity by identified responsible parties;
   C. Easements and liability agreements;
   D. Use restrictions; and
   E. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family moorage.
A view of Southwick Lake looking north from Ruddell Road. The south end of Southwick Lake has an extensive wetland associated with it. Wetland regulations have prevented development within the shorelines area and have preserved a 200 foot buffer adjacent to this sensitive area. Over the last two decades, two projects have been approved along this side of the Lake and both have dedicated the shoreline/wetland area and associated buffers to the City for long term protection.
17.62.000 Recreation - Goals and Policies

1. Goal: Integrate planning for public recreation needs and access to shoreline areas with the City's Comprehensive Plan for Outdoor Recreation and Public Access Plan and the Comprehensive Land Use Plan.

   A. Policy: Acknowledge a priority for recreational development along shorelines.

   B. Policy: Link shoreline parks and public access points through open spaces, public land, designated sensitive and resource areas and other areas that are pedestrian and neighborhood focus points that can promote pedestrian linkage. Such areas can include hiking paths, public parks, designated tree tracts, open space in plats, sensitive areas and buffers, bicycle paths, and scenic drives/walks located close to the water's edge.

   C. Policy: Encourage the development of public fishing piers, underwater fishing reefs, and access to public waters and tidelands as part of a city recreation plan.

   D. Policy: Comply with all applicable city, county, state, and federal regulations.

   E. Policy: Acquisition priority should consider need and special opportunities as well as access by public and other modes of transit.

2. Goal: Provide public access and recreation opportunities within shoreline areas appropriate for the use as identified within the City Comprehensive Plan for Outdoor Recreation and Shorelines Public Access Plan.

   A. Policy: Consider all recreational development projects on the basis of their compatibility with the environment.

   B. Policy: Plan public access to recreational locations such as fishing streams and hunting areas to prevent concentration of use pressures.

   C. Policy: Design recreational developments to preserve, enhance, or create scenic views and vistas. Ensure that the design of recreational projects complement their environment.

   D. Policy: Locate parking areas for recreation inland, away from the immediate edge of the water and recreational beaches. Link the parking to the shoreline by walkways. See Section 17.60.020.

   E. Policy: Allow facilities for intensive recreational activities only where sewage disposal and pest control can be accomplished to meet public health standards without having an adverse impact upon the environment.

   F. Policy: Allow passive recreational uses in floodplains as long as ecological processes and functions are maintained and the use does not require structures or public infrastructure.

   G. Policy: Assure that recreational development is given priority and is primarily related to access to, enjoyment of and use of the water and shorelines of the state.

   H. Policy: Design of public access points should consider the context of the neighborhood in which it is located and the expected parking demand. During this consideration, the context of the area and the impact of parking and promoting more automobile trips to the site should
be weighed with alternative public transportation opportunities including walking and bikes. Large public recreation sites for active use should have upland parking to accommodate the recreation use. However, smaller access or observation points associated with a walking trail may not require any parking.

I. Policy: Given the desired pedestrian emphasis for most neighborhood areas, reduced or limited parking may be a strategy to limit automobile use and maintain existing neighborhood character. This may be a viable alternative for access points expected to be of more local use for the surrounding neighborhood area. If limiting parking is incorporated in the design, as a tool to contain automobile and parking impacts, the site will need close monitoring to assess impact of visitor parking on adjacent residential streets.

17.62.030 Recreation Development Standards

1. Public recreational development and public access associated with recreation facilities shall be located, designed and operated in a manner consistent with the purpose of the shoreline environment designation and that minimizes the impact on shoreline ecological functions.

2. Recreation development shall promote no net loss of functions and values. No net loss shall be measured from a community perspective over the long term and may involve offsite mitigation and/or restoration to achieve objectives.

3. Non-water oriented facilities or structures associated with recreation uses are to be setback one hundred (100) feet from the ordinary high water mark as described in Table 4.

4. Recreational events and temporary uses in the public interest may be approved by the Administrator when those uses will not damage the shoreline area.

5. Public or private recreation areas which cater to the use of all-terrain or off-road vehicles as the primary recreational activity are prohibited within the shoreline.

6. Recreational developments shall be designed with consideration of public access and public view corridors.

7. Recreational developments shall provide facilities for nonmotorized access, such as pedestrian, bicycle and/or equestrian path links to the shoreline.

8. All public access shall be marked with signs approved by the Administrator.

9. Pedestrian trails to and along the water’s edge are allowed per Sections 17.46.000 and 17.46.020, Public Access Goals and Policies and Development Standards.

10. Refer to Section 17.70.010 for the water quality development standards which includes on-site stormwater control measures.
17.63.000 Residential Development Goals and Policies

1. Goal: Achieve development of residential areas in a way that does not interfere with natural shoreline processes. Ensure residential development, infill and redevelopment within shorelines jurisdiction is sensitive to the ecology of the reach and complements identified functions and value of the resource.

A. Policy: Use the inventory and characterization report to designate property for the shoreline residential designation. Ensure shoreline area designated for this use has the capacity to sustain planned development.

B. Policy: Plan, design and construct residential development to minimize adverse environmental and visual impacts, to be complementary to the shoreline environment and its natural processes and to promote no net loss of ecological functions.

C. Policy: Residential development will be located to ensure it does not interfere with natural shoreline processes.

D. Policy: Residential development will be located so that no shoreline stabilization or armoring will be required to protect development.

E. Policy: Residential development will be designed to minimize impact to views from surrounding homes and viewpoints.

F. Policy: To achieve no net loss of ecological functions along Woodland Creek and other stream corridors, generally prohibit the removal of riparian non-invasive vegetation. In cases where removal of any riparian vegetation is unavoidable, require full mitigation of impacts by re-vegetation of disturbed areas with native riparian vegetation.

G. Policy: Required open space will satisfy goals and policies identified in the Urban Forest Management Plan to protect Lacey’s urban forest canopy and promote shoreline goals for habitat protection and restoration.

H. Policy: Removal of native riparian understory vegetation necessary to allow an approved pedestrian access corridor may be permitted.

I. Policy: Along lakefront shoreline within the OHWM setback and buffer area, require retention of degraded areas is encouraged. In cases where removal of any riparian vegetation is unavoidable, replanting of native riparian vegetation or an approved equivalent is required to achieve no net loss of ecological functions.

J. Policy: Where non-native invasive species are present along lakefront property, restoration of degraded areas is encouraged. As part of replanting requirements and restoration, areas may be planted with an alternative to native species. If an alternative is used, landscaping must provide the same functions as native vegetation for habitat value, erosion control, drainage retention and water quality and must not require fortification.

K. Policy: Lacey will promote education of citizens about the need and benefits of shorelines protection, restoration and the role of vegetation management in water quality and a healthy shoreline.
L. Policy: Build restoration for healthy shorelines into the expectations for new development and redevelopment.

2. Goal: Provide the opportunity for residential development in appropriate shoreline areas and in a variety of forms that are best suited to accomplish objectives of this SMP. Land use form should promote no net loss of function or value with design complementary to and integrated with the natural processes and functions of the shoreline.

   A. Policy: Require form, density, design, layout and functionality of a development to be compatible and sensitive to the shoreline designation, natural processes and to environmental limitations. Requirements for design, placement and intensity shall promote no net loss of ecological functions and values.

   B. Policy: Encourage the clustering of residential development over lot by lot development to minimize the loss of shoreline ecological functions and to increase open spaces.

   C. Policy: Encourage clustering whenever it will result in less impact to the shoreline. This can involve the transfer of shoreline density to an upland portion of the site within or outside shoreline jurisdiction, or as part of an incentive program for transfer of density outside the shoreline jurisdiction to the same or different ownership.

   D. Policy: Proposals to cluster development should provide superior protection, preservation, and public use opportunity for shorelines. Clustering techniques should be used for placement of homes to take advantage of site conditions to minimize environmental impact and to utilize innovative designs that provide more open space, undisturbed buffer area, opportunity for public access or other environmental and community benefits.

   E. Policy: Prevent the segmentation of critical areas among many owners by requiring subdivisions to place critical areas within separate tracts that are deeded to the City.

   F. Policy: Prohibit new over water residential development.

3. Goal: Integrate the shoreline residential designation with growth management planning and provide opportunities for the development community that promote GMA strategies, quality residential neighborhoods, shoreline protection and restoration of shoreline resources.

   A. Policy: Allow residential development only when there are adequate provisions for utilities, circulation and access as provided for in the Comprehensive Land Use Plan.

   B. Policy: Integrate findings of the shoreline inventory and characterization report in GMA planning and buildable lands work. Ensure fragile components of shoreline resources are given priority in development expectations for infill and utilization of remaining undeveloped property in the shoreline residential designation.

4. Goal: Integrate functional and environmentally friendly access into the shoreline residential designation to provide for Lacey’s shoreline access needs through careful planning, design, layout and location of new residential development and residential land divisions.

   A. Policy: Residential development will provide for the access needs of residents of the development as well as opportunities for public access identified in Lacey's Public Access Plan. Access will depend on the nexus identified for each project. This will include
consideration of connectivity and access to existing and planned public trails and other public amenities to serve the needs of new residents.

**B. Policy:** Look for design opportunity to integrate dedicated shoreline access and open space into new residential development to provide for the needs of residents and the general public and in a way that both will mutually benefit.

**C. Policy:** Open space will be designed to accommodate the intended use(s) and intended uses should be appropriate to the capacity of the shoreline resource to provide.

**D. Policy:** Preserve shoreline open space tracts in a relatively undeveloped state, balancing competing interests for open space consistent with Lacey’s Urban Forest Management Plan, Public Access Plan, land division open space policies and the goals of this Shoreline Master Program.

**E. Policy:** Use a full range of tools discussed in the Public Access Plan to provide public access opportunities that will enhance value and opportunities for future residents of the subdivision as well as the general public.

**F. Policy:** Provide public access as a part of the residential development when there has been significant historical usage by the public. Historic use is regular use by the public over a period of years rather than incidental or occasional use by one or only a few members of the public. This policy is not intended to apply to construction of an individual dwelling on a single lot.

**G. Policy:** Utilize clustering options, incentives and flexibility towards innovative and responsible design to meet public access objectives.

### 17.63.022 Permitted Uses/Activities/Development

1. **Consistent with Shoreline Designation:**

   Only those residential uses/activity/development as identified in Table 3 shall be permitted according to the specific shoreline designation.

2. **Consistent with Functions and Values:**

   In addition, the activity, use, or development must be compatible with the physical characteristics and identified functions and values of the subject reach in which it is proposed and shall be designed and located accordingly.

### 17.63.024 Prohibited Uses

1. **Table 3:**

   Uses other than those identified in Table 3 of the Shoreline Master Program are prohibited.

2. **Over Water Prohibited:**
Residential development over water is prohibited.

17.63.026 Density

1. Density for Shoreline Designations:

The overall density permitted for land within shoreline jurisdiction shall be no greater than that density identified for the specific designation in Table 4 in addition to potential density bonuses as provided in Chapter 16.58. Density permitted is as follows:

A. Shoreline Residential - 4 units per gross acre;

B. Urban Conservancy - 1 unit per gross acre;

C. Natural - 1 unit per 10 gross acres;

D. Aquatic - Not applicable, residential development is not permitted;

E. Provided that density within the Shoreline Residential, Urban Conservancy and Natural designations may be granted a density bonus increase to exceed the underlying density cap pursuant to adoption of an incentive dedication development agreement as provided in Chapter 16.58. This agreement grants density credit for the property if the density is transferred to ownership outside shoreline jurisdiction and the shoreline property (property under jurisdiction of this SMP) is dedicated to the public.

17.63.028 Housing Form within Shoreline Jurisdiction

1. Residential Form Generally:

A. Within the 200 foot shoreline jurisdiction, the form of urban residential development shall be designed to be compatible with the shoreline environment.

B. Concepts that use unique or innovative designs to achieve the goals of this Shoreline Master Program are encouraged and will be allowed flexibility in meeting design standards.

C. A range of housing options will be permitted for projects that are compatible with shoreline resources, meet GMA goals for density and provide a quality residential environment. This will include attached and compact housing forms to achieve urban density and environmental compatibility.

2. Design with Nature:

Design shall incorporate natural physical topographic profiles to work with the site's natural components, without impact to functions and values identified in the inventory, analysis and classification of the subject reach.
3. **Design with Least Impact:**

For projects that include more than one residential unit, or a land division of property, design with least impact to the environment may require a clustering concept to minimize site disturbance and impervious area. This will include common facilities that provide use of shoreline resources for residents and also minimize impact and physical alteration of shoreline area.

4. **Clustering and Housing Form:**

A. Compact housing forms that consolidate large areas of open space by reducing individual lot size and clustering units is encouraged. This provides the opportunity for a design that can achieve a higher level of compatibility with the shoreline environment.

B. Clustering of residential units will require an attached development concept or a compact detached concept. Housing forms that utilize compact low impact design to achieve the goals of this Master Program for integration, compatibility with natural shoreline processes and environmental sensitivity are preferred. This can include condominium, townhome, courtyard, cottage designs and other innovative housing forms that accomplish the same objectives.

17.63.029  **Lot Area Standards**

1. **Ordinary High Water Mark Setback and Buffer:**

   All development within the 200 foot shoreline jurisdiction shall meet the setback and buffer requirements from the ordinary high water mark (OHWM). This will be dependent upon the particular shoreline designation as described in Table 4 (Development Standards), the most intensive use expected on the property the buffer is designed to protect against and vegetative buffer standards in Section 17.41.

2. **Setbacks for Porches/Decks/Steps:**

   Uncovered porches, decks or steps for residential structures may project into the required setback between the OHWM and the structure provided all of the following requirements are met:

   A. Uncovered porches and decks are limited to an 8 foot encroachment and the structure may be no higher than thirty (30) inches above the average grade;

   B. Material used for porches shall be pervious and approved as a low impact development material by the City;

   C. Uncovered porches and decks that encroach on the setback will mitigate impacts to the buffer by providing additional vegetative restoration and/or mitigation proportionate to the surface area covered and buffer area reduced;

   D. Steps located within the shoreline access segment; and

   E. The structure does not compromise any goals, policies or standards of the Shoreline Master Program.
3. **Front Yard and Side Yard Setback:**

Yard area setbacks are designed to provide light, air and circulation for a development and also have practical applications considering private open space, drainage treatment and intended use. Depending upon the urban form and open space opportunities provided by the development setback needs will vary to achieve the intended function.

To accommodate a range of needs, an applicant may ask for a unique setback standard that is based upon a particular development concept and design and justified based upon a unique urban form and demonstrated functionality. The burden of demonstration will be on the applicant. Approval of any modification other than the standards described below is at the discretion of the City.

For projects that have standard urban form, the following is the basic requirement for front and side yard setbacks:

Front yard setback – 20 feet from the fronting right of way provided it may be within 10 feet if the garage is recessed behind the front façade of the house. This applies to all urban housing forms;

Side yard setback – detached structures 5 feet or maintain a 10 foot separation. Attached or 0 lot line per applicable development chapter.

4. **Size and Shape of Single Family Detached Lots:**

Shall be as follows, provided they adhere to the density requirements:

A. Minimum lot area, seven thousand five hundred (7,500) square feet or as permitted under another development concept as provided in Section 17.63.029 4 C., below.

B. Minimum lot width, fifty (50) feet.

C. Alternative lot sizes and configurations for single family detached lots is encouraged to provide the most compatible design for the protection of the shorelines unique characteristics provided the alternative configuration complies with all of the following:
   1) Other applicable standards in this chapter.
   2) Design criteria in LMC Section 14.23.072, particularly LMC Section 14.23.072 (L).
   3) The design results in a superior land division layout considering its functionality and character with particular consideration given to privacy for individual lots, pedestrian access and convenience, and the design of public and/or private open space opportunities, natural features and protection of shoreline natural functions and values.

5. **Lots Intended for Attached Single Family Development:**

These lots shall be reviewed and approved through a subdivision, townhouse, or PRD process where the concept is identified and the project is reviewed and approved subject to design requirements of LMC Section 14.23.080.

6. **Maximum Building Area Coverage:**

Fifty (50) percent except as limited by the environment designation; see Table 4.
7. **Maximum Development Coverage:**

Will depend on environmental classification; see Table 4 in Section 17.24.015. Side and rear yard patios are exempt from development coverage restrictions provided the paving material used is considered a pervious pavement by the City of Lacey’s Public Works Department.

8. **Maximum Height:** As described in Table 4.

Accessory building, sixteen (16) feet.

An additional two (2) feet in height is permitted for any structure(s) with green roofs occupying at least fifty percent of the area of the roof.

9. **Accessory buildings:**

A. All accessory buildings must comply with the setback and buffer provisions and other standards as stated in this chapter; provided, however, if the accessory building is less than two hundred square feet, the following setbacks are permitted provided the setback from the OHWM shall not be reduced:
   1) Front yard, fifteen (15) feet.
   2) Side yard, five (5) feet.

B. The construction of accessory buildings shall be done in such a manner as to make them complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use. Such uses shall generally meet the same design requirements of the primary structures and shall result in no net loss to shoreline ecological functions.

17.63.032  **Design Review**

1. **Design Review Required:**

Design review is an integral part of Lacey’s planning program. It is a planning tool Lacey uses to promote development of housing and neighborhoods that will provide a functional, attractive and memorable living experience for residents. Design review applies to all residential, commercial and industrial development in the City, including development in shoreline jurisdiction.

2. **Macro Neighborhood Design and Layout:**

   A. **Neighborhood Considerations Generally:**

   Design of residential developments, including land divisions, condominiums, binding site plans and other forms of land division, shall meet applicable neighborhood design requirements identified in Chapter 14.23.

   B. **Neighborhood Intent:**

   The focus here is on how the development will be:
   1) Integrated into the neighborhood with existing uses,
   2) The role it is expected to serve in a neighborhood context,
   3) Special design necessary to achieve SMP objectives,
4) How the development may impact neighborhood character, and
5) What design is necessary to maximize functionality for everyday living including connectivity to important neighborhood areas, transportation options, and social interaction.

C. Unique Shoreline Qualities:

In shoreline areas, emphasis will be placed upon protection and long term management of shoreline resources and public use of the unique opportunities specific sites may provide.

D. Neighborhood Look and Feel:

1) Development plans shall be consistent with the intent expressed in Section VI E. 1.d of the City Comprehensive Land Use Plan and applicable design requirements of Chapter 14.23.
2) Design must address the overall look and feel of the development and its ability to create or maintain a sense of place for residents.

3. Micro Design: Siting of Individual Uses:

A. Generally:

The siting and placement of all forms of residential development shall meet applicable design standards of Chapter 14.23.

B. Integration and Functionality:

Focus at the individual site level is how the individual structure and use will be integrated into the subdivision and shoreline environment.

4. General Considerations:

General design considerations for all forms of development are detailed in Chapter 14.23. Concepts that have particular applicability to development within shoreline jurisdiction and should be emphasized include:

A. Integration of new development with neighboring units;
B. Providing area with outdoor privacy for each individual ownership;
C. Design that emphasizes use and importance of neighborhood focus points when designing land divisions and the location and orientation of individual units;
D. Taking advantage of unique site features;
E. Creation of common open space that can be used for passive or active recreation opportunities, provide opportunity for community activity and be used as a focus point in a development;
F. Creating attractive qualities and visual interest that will provide comfort and a feeling of place for residents;
G. Shoreline developments should utilize natural amenities and unique features of the site to meet these design objectives.

5. Emphasis for Shoreline Areas:

A. Specific shoreline emphasis will be for integration of the development with a site’s specific unique shoreline features and preservation and respect for the site’s natural processes and functions.

B. Emphasis will include design for a sustainable development that will have minimal impact upon the environment and provide an opportunity for residents to enjoy the shoreline resources.

6. Views:

A. Development in shorelines jurisdiction should maximize views for new residents and, as much as possible, maintain views enjoyed by surrounding residents and the traveling public.

B. To the extent reasonable objectives of the builder can be achieved, residential development shall be arranged and designed to:
   1) Protect views, vistas and aesthetic values of the shoreline;
   2) Minimize impacts to the character of the shoreline environment;
   3) Minimize impacts to the views neighboring property owners enjoy.

7. Public Access:

A. Public access to shorelines is an emphasis in both state and local legislation and planning. New residential developments shall provide public access according to priorities discussed in the City Public Access Plan; see Appendix 1.

B. Need for access will consider connectivity new residents will require to existing and planned public trails, pedestrian ways and other public amenities.

C. Design of shoreline projects shall incorporate concepts to achieve priorities identified in Lacey's Public Access Plan and applicable goals identified in the Comprehensive Plan for Outdoor Recreation.

D. Concepts that tie new development into existing public outdoor recreation opportunities and expand the amenity for both the benefit of new residents and the general public are a top priority.

E. Design of new developments should improve opportunities for both new residents and the general public and link neighborhood areas and the greater community.

F. An example of a preferred concept is a new development that creates a new pedestrian access to the water that ties into an existing public trail. This will give new residents access to a trail that may provide access throughout a neighborhood area, around a lake, or along a stream corridor. It will also benefit the general public, by addition of another leg or piece of the larger trail system that extends the amenity into an area not previously available.
17.63.034 Incentive Density Credit

1. Density Bonus Generally:

   A. With an incentive density credit project implemented under the development agreement process of RCW 36.70B and provisions of LMC 16.58, density credit can be granted for up to 20 units per gross acre in the Shoreline Residential, Urban Conservancy and Natural designations.

   B. To qualify for the density credit, the project shall include dedication of the 200 foot shoreline jurisdiction area to the public and transfer of the development and density credit outside of the 200 foot shoreline designation to a receiving area approved by the City.

2. Receiving Sites:

   Transfer of density will be to a designated "receiving" site(s) outside the 200 foot shoreline jurisdiction. Receiving site(s) and may include the following:

   A. The same ownership;

   B. A contiguous ownership;

   C. Any approved contiguous or non contiguous receiving site throughout the City.

3. Receiving Sites Location and Criteria for Development:

   Receiving site(s) will be allowed across the full range of residential and commercial zones and in every planning area. Receiving sites must meet criteria established in Chapter 16.58 and will include components for:

   A. Consistency with GMA planning strategies;

   B. Consistency with Lacey's GMA Comprehensive Land Use Plan goals and policies for quality neighborhood development;

   C. Design review emphasis for creation of compact urban development providing the high quality of life and living experience that Lacey's GMA plan seeks to achieve;

   D. If neighborhood specific plans have been developed, guidance will be used from these plans for designation of potential receiving sites to allow the intensive infill and re-development opportunities this program is expected to support.

4. Wetlands Excluded from Calculations:

   Wetlands and lands below the ordinary high water mark shall not be used to compute required lot area, lot dimensions, densities and/or required yards.

5. Housing Form of Transferred Density:

   A. The form of transferred density outside the shoreline jurisdiction may be any combination of urban residential form approved in the development agreement.
17.63.038 Basic Environmental Performance Standards

1. Nuisance Characteristics:
   Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other uses in the area, or which are of a quality or quantity not normally associated with the permitted use.

2. Dedication of Sensitive Areas:
   Design of land divisions and location of land uses shall protect streams, wetlands, wetland buffers, floodways, channel migration zones, and geologic hazards by locating these features within a separate tract or parcels. Such areas shall be dedicated to the City of Lacey or held in common by the subdivision landowners as determined by the City pursuant to LMC Section 14.28.030.

17.63.039 Off-Street Parking

Off-street parking shall be provided in accordance with Section 17.60 of the Shoreline Master Program. Additional guidance is provided in Chapter 16.72 of the Lacey Municipal Code.

17.63.040 Landscaping

Landscaping Required Generally:

Landscaping is required in every zoning designation in Lacey's zoning ordinance and it is also required in each shoreline designation. The purpose is to minimize surface water runoff and diversion, prevent soil erosion, and promote the aesthetic character of the community. All applicable standards of Section 17.41 shall be required for shoreline projects requiring a permit or exemption.

17.63.045 Stormwater Runoff

1. General Requirement:
   All requirements of the Lacey Drainage Manual shall be satisfied.

2. Special Drainage Considerations in a Shoreline Designation:
   A. An emphasis shall be placed on low impact development techniques.
B. Infrastructure handling community systems should be kept out of the designated 200 foot shoreline jurisdiction where feasible. In no case shall community drainage improvements, other than natural landscaping, be placed within a designated setback area and its associated buffer.

C. For all uses within shoreline jurisdiction, native naturalized landscaping or its equivalent is required. Naturalized concepts shall incorporate rain garden concepts where possible to properly treat runoff before it gets to the water body. Protection of water quality in this sensitive environment is a priority.

D. Applicable requirements of Section 17.70 shall be satisfied.
Eagle Creek Head Waters

This picture shows the head waters of one branch of Eagle Creek that flows west through the Hawks Prairie planning area. Eagle Creek is a tributary to Woodland Creek, which is a Salmon bearing stream under shorelines jurisdiction. In this picture, Eagle Creek meanders through property just west of the end of 32nd Avenue, about an eighth of a mile east of Carpenter Road. The property in this area is designated Moderate Density Residential, allowing up to 12 units per acre (MD 6 to 12) and High Density Residential, allowing up to 20 units per acre (HD 6 to 20).

In this area, Eagle Creek will disappear below ground periodically only to resurface a few dozen yards later downhill. This is an example of an area that will be problematic for development. Development of this area will need to take into consideration potential impacts to the area’s unique hydrology to ensure no runoff impacts occur to Woodland Creek. The critical areas ordinance will require a buffer from the stream, but it will be small because of the streams low volume in this area (considered a seepage area).

During development review, even mapping of the channel for a setback will be problematic and most likely there will be pressure to channel the stream into culverts. Leaving the stream to meander along its natural course, would be the preferred method from an environmental standpoint, but would also encumber most of the property and prevent development at the urban density anticipated under GMA.

This situation is typical of urbanization in cities and their urban growth areas, where expectation of urban density can run contrary to natural drainage patterns and natural systems. Urbanization and traditional ways of handling storm drainage has caused significant impact to the function and value of the drainage basins and shoreline resources throughout the Puget Sound area. While smart growth principals and containment of population growth is necessary, the expectations for accommodation of density within the UGA, the cultural shift in thinking necessary to make it happen and the potential impacts to our quality of life present very difficult challenges for the City.
View from the north end of Long Lake looking southeast.
17.65.000 Revetments and Gabions - Goals

See General Goals and Policies under Modifications.

17.65.010 Revetments and Gabions - Policies

1. Policy: Ensure that permits for revetment and gabion projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.

2. Policy: Apply the bulkhead policies listed in Section 17.51 to revetments and gabions.

17.65.020 Revetments and Gabions - Development Standards

Revetments or gabions shall meet all development standards applied to bulkheads; see Section 17.51.020.

Sensitive wetland area at the south end of Southwick Lake.
View of Long Lake from Holmes Island Road looking northeast.
17.66.000 Scientific or Education - Goals and Policies

1. **Goal**: Provide opportunities for the scientific community to study shoreline processes and functions without long term impact to these resources.

   A. **Policy**: Conduct scientific studies and educational uses of the shoreline in a way to minimize impacts in accordance with the applicable environmental designations.

   B. **Policy**: Require a shoreline permit for scientific and educational activities which may significantly affect water quality or natural systems.

   C. **Policy**: Scientific or educational uses and activities are limited to those which will not:
      1) Jeopardize existing wildlife populations or organisms;
      2) Permanently alter the character of biological habitats; and
      3) Degrade the character of the shoreline environment in which they are located.

   D. **Policy**: Temporary disruptions of biological systems may be permitted when a scientific activity will result in their restoration or improvement and sustain requirements for no net loss of ecological function.

   E. **Policy**: Permits encompassing a variety of scientific or educational activities over an extended period of time may be granted provided that limits on the duration of approval are established.

   F. **Policy**: Temporary facilities necessary for the conduct of a scientific project shall be removed at the conclusion of the prescribed research activity period.

   G. **Policy**: Proposals for shoreline development or use in or on known sites of scientific value that would adversely affect, damage, or diminish such resources should be prohibited unless all identified impacts can be mitigated. Such proposals shall be reviewed through a conditional use permit.
Discussion at the January 19, 2010 open house, hosted to review the proposed update to the Shoreline Master Program and to kick off update of the Comprehensive Plan for Outdoor Recreation.

Ron Lawson, Lacey Council member, and John Grausam, Parks Board member, discuss shoreline and recreation issues at the Open House. Issues like how Lacey handles public access to shorelines of the state and priorities for water related recreation opportunities are typically addressed in both SMA regulation and Outdoor/recreation and park planning. For this reason, the Open House included both the Shoreline Master Program Update and the kickoff for updating the Comprehensive Plan for Outdoor Recreation. Both pieces of legislation will be closely integrated.
17.67.000  Signage - Goals and Policies

1. **Goal:** Provide aesthetically attractive shorelines free from clutter of signage.

   **A. Policy:** Prohibit all commercial signing within the shoreline jurisdiction, with the exception of home occupation identification signs as provided in LMC Section 16.75.120.

   **B. Policy:** Prohibit billboards within all shoreline environment designations.

   **C. Policy:** Only permit signs consistent with the residential and public use of shorelines. Signs will generally be limited to municipal traffic, municipal pedestrian circulation, and small private signage providing circulation, location and use information to the public necessary for the use and enjoyment of shoreline facilities/area.

   **D. Policy:** Design and locate signs to ensure compatibility with the shoreline environment designation, and adjacent land and water uses.

17.66.020  Signage - Development Standards

1. Off-premise signs are prohibited within any shoreline environment designation. Traffic and “wayfinding” signs are not to be considered off-premise signs.

2. All public access shall be marked with signs approved by the Administrator.

3. Signs for a public or community marina or launch ramp facility shall be limited to one sign oriented to the water, not exceeding fifteen (15) feet in total height from average grade.

4. Additional sign regulations can be found in LMC Chapter 16.75.
17.68.000 Transportation - Goals and Policies

1. **Goal:** Integrate the Lacey Transportation Plan into transportation planning for the land resources under shorelines jurisdiction.
   
   **Policy:** Rely upon the transportation map within the Transportation Element of the City of Lacey Comprehensive Land Use Plan to identify new transportation crossings or corridors within shoreline areas.

2. **Goal:** Achieve more naturalized shoreline areas by keeping road infrastructure out of shoreline areas whenever possible.
   
   **Policy:** Locate arterials, freeways, and railways outside of shoreline jurisdiction unless there are no feasible alternatives.

   **Policy:** If necessary to locate in shoreline jurisdiction, design road, shared use paths, and railroads to be located as far landward as possible and to fit the topography and utilize existing corridors so that minimum alterations of natural conditions will be necessary.

3. **Goal:** When there is no feasible alternative to locate needed road infrastructure in shoreline areas mitigate impacts to the maximum extent practical.
   
   **Policy:** Use mitigation sequencing per Section 17.40.015 to locate new transportation corridors within shoreline areas.

   **Policy:** Design, construct and maintain roads, shared use paths, and railroads to minimize erosion and to permit natural movement of ground water and flood waters.

   **Policy:** Piers and bridges are preferred to the placement of fill within the shoreline jurisdiction for the roads, shared use paths, and railroad crossings.

   **Policy:** Dispose of construction debris, overburden, and other waste materials in such a way as to prevent their entry by erosion from drainage, high water, or other means into any surface water body.

17.68.020 Transportation - Development Standards

1. Roads, shared use paths, and railroads shall be designed to cross shoreline jurisdiction areas by the shortest, most direct route feasible.

2. Future community transportation corridors within shoreline areas shall be prohibited unless shown/included on the City’s Comprehensive Land Use Plan - Transportation Map.

3. The placement of fill for roads, shared use paths, or railroads within shoreline jurisdiction shall be restricted to the smallest possible footprint for the intended purpose.

4. Bridges for roads, shared use paths, and railroads may be located within salmon and steelhead habitat provided that the following conditions are met:
   
   **A.** An alternative alignment is not feasible,
B. The project is located and designed to minimize its impacts on the environment,
C. Any adverse impacts are mitigated, and
D. Open-piling and piers required to construct the bridge may be placed waterward of the ordinary high water mark, if no alternative method is feasible.

5. The placement of fill for roads, shared use paths, and railroads may be allowed in water bodies, wetlands, side channels and on accretion beaches if:

A. All structural and upland alternatives have been proven to be infeasible,
B. The transportation facilities are necessary to support uses consistent with this master program, and
C. Such review is undertaken as a shoreline conditional use.

6. Appropriate design and erosion control techniques shall be used to construct or repair roads, shared use paths, and railroads so they assure no net loss of shoreline ecological functions and processes.

7. A shared use path may be allowed within the required setback from the ordinary high water mark when on an abandoned railroad corridor or boardwalk and mitigation sequencing is followed.

8. Refer to Section 17.70.020 for the water quality development standards which includes on-site stormwater control measures.
17.69.000 Utilities - Goals and Policies

1. **Goal:** Provide opportunity for power to shoreline areas while respecting the special needs of these resource areas and maintaining their natural beauty.

   A. **Policy:** Locate utilities outside of shoreline jurisdiction unless there are no feasible alternatives. When necessary, locate them as far landward as possible and preserve the natural landscape, shoreline ecology, and minimize conflicts with present and planned land uses. Choose locations that do not obstruct or destroy scenic views whenever utilities must be placed in a shoreline area.

   B. **Policy:** Place utilities underground and design them to do minimal damage to the aesthetic qualities of the shoreline area. Where compelling reasons exist to place utilities above ground based upon impacts to ecological functions or values, this may be permitted with full mitigation of aesthetic impacts.

2. **Goal:** Provide for the utility needs of permitted uses within the shoreline jurisdiction while minimizing impacts to the environment and to the values and functions of the shoreline resource.

   A. **Policy:** When utility placement occurs within shorelines, restore banks to their pre-project configuration, replant with native species, and maintain the site until the new vegetation is established.

   B. **Policy:** Design and locate sewage treatment, water reclamation, desalinization and power plants and associated infrastructure so as to be compatible with and not to interfere with recreational, residential or other public uses of the water and shorelands.

   C. **Policy:** Recycling or land disposal of sewage wastes is preferred to new sewage outfalls to shoreline waterbodies. Where no alternative to outfalls into water exist, the location is to be part of a management plan.

   D. **Policy:** Use utility rights-of-way for public access to and along shoreline waterbodies where feasible.

   E. **Policy:** Design and construct bridge-like structures for above water crossing of utilities rather than using trenching with fill.

   F. **Policy:** Use best available science and mitigation sequencing per Section 17.40.015 to locate new utility corridors within shoreline areas. Co-locate new major transmission facilities along existing utility corridors where possible.

17.69.020 Utilities - Development Standards

1. Utility facilities and lines shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

2. Utility lines shall be located outside of the shoreline area where feasible. When the utility needs to be located within shoreline jurisdiction, mitigation sequencing pursuant to Section 17.40.015
shall be used to justify the location, and existing rights of way. Utility corridors shall be used, to the extent feasible.

3. In-water utility corridors may be located within salmon and steelhead habitat provided that the following conditions are met:

   A. An alternative alignment is not feasible;
   
   B. The project is located and designed to minimize its impacts on the environment;
   
   C. Any adverse impacts are mitigated;
   
   D. Any fill, other than required for refilling the trench where the utility is placed, is located landward of the ordinary high water mark; and
   
   E. Open-piling and piers required to construct a bridge necessary for a utility crossing may be placed waterward of the ordinary high water mark if no alternative method is feasible.

4. Utility facilities and lines shall document how the size of the facility or line has been minimized within the shoreline area.

5. Utility facilities and lines shall identify the methods of re-vegetation of the affected area to pre-development elevation, replant with native or pre-existing species, and make provisions for the maintenance and care for the newly planted vegetation.

6. Installation of utility service to a development within shoreline jurisdiction shall not require a separate shoreline substantial development permit, but shall be regulated by the specific use regulations for the activity and the standards of this section.

7. Utilities shall be placed underground unless such undergrounding would be significantly detrimental to the environment.

8. Utility facilities shall be designed for minimal environmental and aesthetic impact.

9. Underwater utilities shall be located at a depth sufficient to prevent interference between the utility and other shoreline use activities.

10. Utility facilities and lines shall identify safeguards to ensure that no long-term damage will be caused to the adjacent or downstream environment should an accident occur involving that facility or line.

11. Refer to Section 17.70.010 for the water quality development standards which includes on-site stormwater control measures.
17.70.000 Water Quality - Goals and Policies

1. **Goal:** Protect water quality and aquatic habitat with all new shoreline development.

2. **Goal:** Achieve a high level of protection and wise management of surface and ground water resources with a variety of strategies that consider larger drainage basin issues as well as site specific techniques designed to treat runoff on site.
   
   A. **Policy:** Utilize a drainage manual that meets all state requirements and provides a range of low impact development options and techniques that will help achieve water quality goals.
   
   B. **Policy:** Locate, design, construct, and maintain shoreline uses and activities to avoid ecological impacts from altering water quality, quantity, or hydrology.
   
   C. **Policy:** Require reasonable setbacks and buffers, and storm water storage basins and require low-impact development techniques and materials where practical to achieve the objective of lessening impacts on water quality.
   
   D. **Policy:** Plan land use and put in place development standards that work with and respect natural drainage features and functions. Generally have an emphasis on utilization of development techniques for sites that do not alter natural drainage patterns or disrupt the natural recharge processes of the drainage basin. Where intervention is necessary to restore drainage function, locate, design, construct, and maintain measures for controlling erosion, stream flow rates, or flood waters that will maintain and improve existing water quality.
   
   E. **Policy:** The City will seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. This will be implemented through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs.
   
   F. **Policy:** Prohibit uses and activities in shoreline or other sensitive areas where it would pose a risk of contamination of ground or surface waters, such as:
   
   1. Storage, disposal, or land application of waste (excluding secondary/tertiary treated effluent from municipal sewer systems), including solid waste landfills;
   
   2. Operations for confinement feeding of animals;
   
   3. Junk yards and auto wrecking yards;
   
   4. Storage of hazardous or dangerous substances within a floodplain; and
   
   5. Alterations to structures and uses served by septic systems that do not meet state septic requirements.

3. **Goal:** Support establishment of lake management districts for our lakes to improve water quality and natural function and values of these resource areas.

   A. **Policy:** Encourage and provide support to land owners surrounding our lakes to establish lake management districts.
   
   B. **Policy:** Provide technical support to lake management districts to help in technical issues once lake management districts are formed.
17.70.010 Water Quality - Development Standards

Related to sewage disposal:

1. The City will plan for sewer service to all development within shoreline jurisdiction.

2. New development within shoreline jurisdiction shall not be allowed on septic systems. Property with an approved septic tank drainfield permit for a use otherwise authorized under the zoning designation and master program designation shall be allowed to develop such use subject to limitations and conditions as required under the approved septic tank drainfield permit; provided, once the original approval expires, it shall not be renewed.

3. When projects are proposed for existing development operating on septic systems, they shall be required to connect to municipal sewer. If municipal sewer is not available, use of the septic system may be allowed if the development installs stub-outs and any needed agreements to ensure future connection to the sewer service when it is available in the area.

Related to stormwater management and drainage:

4. New development shall provide storm water management facilities designed, constructed, and maintained in accordance with the current storm water management standards of Lacey’s Stormwater Drainage Manual. Low impact development concepts are preferred.

5. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control (TESC) plan, or through administrative conditions.

Related to potential contaminants:

6. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in or above shoreline water bodies.

7. All materials that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff.

Related to vegetation management:

8. Proper management of vegetation shall be required as a condition of all new development and permit approvals associated with existing development. At a minimum this shall include:

   A. Shoreline use and development shall minimize, through effective education, site planning and maintenance, the need for chemical fertilizers, pesticides, herbicides or other similar chemical treatments that could contaminate surface or ground water or cause adverse effects on shoreline ecological functions and values;

   B. Planting of approved vegetation as described in Appendix 2 to promote green shorelines concepts;

   C. Compliance with the requirements of Section 17.41.020, regarding vegetation management;
D. In protective covenants and Home Owner Association documents, new plats shall describe acceptable use of organic fertilizers and other green shoreline principals that will not add to the nutrient load in adjacent water bodies.

**Related to buffer requirements:**

9. Buffers of vegetation as required in Section 17.41.020 are required matching the designated setback for the most intense use planned for the site to promote water quality and habitat value as recommended by the Department of Fish and Wildlife.
In early 2008, David Burns, Steve Morrison and Hugh Shipman from WDOE, visited Lacey's only marine shoreline to consider the most appropriate shoreline designation. The photo is on the spit at Butterball Cove. Because of its unaltered state and rich value with pocket estuaries, it was designated Natural: the most restrictive designation in the program with a priority for preservation.

This stretch of shoreline was reserved as open space to serve the Hawks Prairie Planned Community. It has a trail with an observation deck to allow viewing of this predominantly unaltered reach of shoreline.

Steve, on the right, a Senior Planner for Thurston Regional Planning Council, was a lead Project Coordinator in development of the original 1983 Shoreline Master Program for the Thurston Region, and the lead staff for development of the first draft of the 2010 Shoreline Master Program update. Dave, Lacey's Principal Planner, was Lacey's lead in completing the 2010 update for the City. Coincidentally, both Dave and Steve are graduates from Huxley College of Environmental Studies with program emphasis in Environmental Planning, Marine Resources and Ecological Systems Analysis.

*Photograph taken by Hugh Shipman*