Town of South Prairie

SHORELINE MASTER PROGRAM
(ORD. 549 – ATTACHMENT A)

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TABLE OF CONTENTS

Page #

Table of Content i

Reader's Guide 1

1 Authority and Purpose 3

- **1.1 The Shoreline Management Act** 3
- **1.2 Authority** 4
- **1.3 Applicability** 5
- **1.4 Purpose and Intent** 5
- **1.5 Relationship to Other Codes, Ordinances and Plans** 5
- **1.6 Liberal Construction** 6
- **1.7 Severability** 6
- **1.8 Effective Date** 6

2 Goals and Objectives 7

- **2.1 Economic Development Element** 7
- **2.2 Public Access Element** 7
- **2.3 Recreation Element** 8
- **2.4 Circulation Element** 8
- **2.5 Shoreline Use Element** 8
- **2.6 Conservation Element** 9
- **2.7 Historic, Cultural, Scientific, and Educational Element** 9
- **2.8 Flood Hazard Prevention Element** 10

3 Shoreline Jurisdiction and Environment Designations 11

- **3.1 Shoreline Jurisdiction** 11
- **3.2 Environment Designations** 11
  - 3.2.1 Aquatic 12
  - 3.2.2 Shoreline Residential 12
  - 3.2.3 Use Matrix and Development Standards 14
  - 3.2.4 Official Shoreline Map and Unmapped or Undesignated Shorelines 16
  - 3.2.5 Interpretation of Environment Designation Boundaries 17
- **3.3 Shoreline Use Preferences** 18

4 General Policies and Regulations 20

- **4.1 Archaeological and Historic Resources** 20
  - 4.1.1 Policies 20
  - 4.1.2 Regulations 20
- **4.2 Ecological Protection and Critical Areas** 21
  - 4.2.1 Policies 21
  - 4.2.2 Regulations 21
- **4.3 Flood Hazard Reduction** 23
  - 4.3.1 Policies. 23
  - 4.3.2 Regulations 24
- **4.4 Public Access** 25
- **4.5 Vegetation Conservation and Shoreline Buffers** 27
  - 4.5.1 Policies 27
  - 4.5.2 Regulations 28

4.6 Water Quality, Stormwater and Nonpoint Pollution 33
4.6.1 Policies 33
4.6.2 Regulations 34
5 Shoreline Modifications and Uses 36
5.1 General Upland Shoreline Modification and Use Regulations 36
5.1.1 Policies 36
5.1.2 Regulations 36
5.2 General Aquatic Shoreline Modification and Use Regulations 37
5.2.1 Policies 38
5.2.2 Regulations 38
5.3 Commercial Development 40
5.3.1 Policies 40
5.3.2 Regulations 40
5.4 Dredging and Dredge Material Disposal 41
5.4.1 Policies 41
5.4.2 Regulations 42
5.5 Fill and Excavation 45
5.5.1 Policies 45
5.5.2 Regulations 45
5.6 In-Stream Structures 46
5.6.1 Policies 46
5.6.2 Regulations 47
5.7 Recreational Development 48
5.7.1 Policies 48
5.7.2 Regulations 48
5.8 Residential Development 49
5.8.1 Policies 49
5.8.2 Regulations 49
5.9 Shoreline Habitat and Natural Systems Enhancement Projects 51
5.9.1 Policies 51
5.9.2 Regulations 52
5.10 Shoreline Stabilization 53
5.10.1 Policies 53
5.10.2 Regulations 54
5.11 Signage 64
5.11.1 Policies 64
5.11.2 Regulations 64
5.12 Transportation and Parking 65
5.12.1 Policies 65
5.12.2 Regulations 67
5.13 Utilities 68
5.13.1 Policies 68
5.13.2 Regulations 68
6 Nonconforming Uses and Development Standards 69
6.1 Nonconforming Structures, Uses, Lots: Policies 69
6.2 Nonconforming Structures, Uses, Lots: Standards 69
6.2.1 Nonconforming Structures, Uses, and Lots: General Provisions 69
6.2.2 Nonconforming Lots of Record 70
6.2.3 Discontinuance of Nonconforming Use 70

6.2.4 Destruction and Restoration 70
6.2.5 Maintenance....71
6.2.6 Expansion 71
6.2.7 Completion of a Building/Structure/Activity 71
7 Shoreline Permits, Procedures and Administration....72
7.1 Roles and Responsibilities....72
7.1.1 Shoreline Administrator 72
7.1.2 State Environmental Policy Act (SEPA) Responsible Official....73
7.1.3 South Prairie Town Council 73
7.2 Interpretation 73
7.3 Statutory Noticing Requirements....73
7.4 Application Requirements 73
7.5 Shoreline Substantial Development Permits 74
7.5.1 Permit Required 74
7.5.2 Permit Review Criteria....74
7.5.3 Conditions of Approval 75
7.6 Exemptions from Shoreline Substantial Development Permits 75
7.6.1 Compliance with Applicable Regulations Required....75
7.6.2 Interpretation of Exemptions....75
7.6.3 Exemptions 76
7.6.4 Letters of Exemption – Required 78
7.7 Shoreline Conditional Use Permits....78
7.7.1 Determinations of Conditional Use Permits 78
7.7.2 Review Criteria....79
7.7.3 Conditions of Approval 80
7.8 Shoreline Variance Permits 80
7.8.1 Purpose....80
7.8.2 Review Criteria....81
7.8.3 Conditions of Approval 82
7.9 Permit Conditions....82
7.10 Duration of Permits 82
7.11 Initiation of Development....84
7.12 Review Process 84
7.13 Appeals to Shorelines Hearings Board 84
7.14 Amendments to Permits 85
7.14.1 Revision – When Required....85
7.14.2 Determination of Scope and Intent 85
7.14.3 Timing of Revision Authorization 85
7.14.4 Filing of Revision....86
7.14.5 Effective Date of Revised Permit....86
7.14.6 Appeal of Revised Permit....86
8 Definitions....87

Appendix A: Maps: Environment Designation Maps and Shoreline Buffer Map
Appendix B: Critical Areas Regulations
Appendix C: Restoration Plan

LIST OF TABLES

Page #
Table 3.1 Shoreline Use and Modification Matrix. 15
Table 3.2 Shoreline Development Standards Matrix. 16

Shoreline Master Program
Town of South Prairie

READER'S GUIDE

Washington's Shoreline Management Act was passed by the legislature in 1971 and affirmed by voters in 1972. The Town of South Prairie (Town) has been utilizing the Pierce County Shoreline Master Program (SMP) since its adoption in 1975. The program was updated in 1981.

This document represents a comprehensive update to the Town's SMP. Changes have occurred along the Town's shorelines since the original SMP was developed. In addition, knowledge of best practices in the fields of development and conservation has evolved. There have also been changes in state laws and rules.

This SMP has been prepared to meet the requirements of the Shoreline Management Act of 1971 (RCW 90.58), the implementing state rules codified as Chapter 173-26 of the Washington Administrative Code (WAC) "State Master Program Approval/Amendment Procedures and Master Program Guidelines" that were revised in 2003, and other applicable local, state, and federal laws. While developed locally, this SMP must meet the Shoreline Management Act and implementing state rules, and is subject to approval by the Washington State Department of Ecology (Ecology) before it can be implemented.

The contents of this Shoreline Master Program are structured as follows:

- Chapter 1, Authority and Purpose
- Chapter 2, Goals and Objectives
- Chapter 3, Shoreline Jurisdiction
- Chapter 4, General Policies and Regulations
- Chapter 5, Shoreline Modifications and Uses
- Chapter 6, Nonconforming Uses and Development Standards
- Chapter 7, Shoreline Permits, Procedures and Administration
- Chapter 8, Definitions

To guide the reader, most sections or provisions show the source of the goal, policy, or regulation either in the body of the text or in parentheses, which may include citations to: the Shoreline Management Act (RCW 90.58), Washington State Shoreline Master

Program Guidelines (WAC 173-26), Shoreline Management Permit and Enforcement Procedures (WAC 173-27), current Town comprehensive plan elements, or other example SMPs recently adopted and approved by the state.

When reading the SMP, it is useful to consider the definitions of the following terms that are based on definitions in the State Shoreline Master Program Guidelines (WAC 173-26-020):

- "Shall" or "must" means a mandate; the action must be done.
- "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and shoreline master program, against taking the action
- "May" means the action is acceptable, provided it conforms to the provisions of this SMP.

In general, this SMP uses the word "should" in goals, objectives, and policies, and "shall" in the regulations. Additional definitions are located in Chapter 8.

The SMP is intended to be detailed for the following reasons:

- To allow for more shoreline applications to be approved administratively for an efficient and cost-effective process.
- To cross-reference applicable state and federal laws to help consolidate requirements and be a resource for property owners and local government staff.
- To provide some certainty of interpretation and application that benefits property owners and local government staff over time.

1 AUTHORITY AND PURPOSE

1.1 The Shoreline Management Act

Washington State's citizens voted to approve the Shoreline Management Act of 1971 in November 1972. The adoption of the Shoreline Management Act (Act) recognized "that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation" and that "coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest" (RCW 90.58.020). The Act seeks to provide environmental protection for shorelines, preserve and enhance shoreline public access, and encourage appropriate development that supports water-oriented uses as follows: (RCW 90.58.020)

> *The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.*
>
> *It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.*
>
> *In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of*

> *pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.*
>
> *Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.*

Under the Act, shoreline master programs are created and implemented based on a "cooperative program of shoreline management between local government and the state" (RCW 90.58.050). The roles of local governments and the state are:

> *Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter. The department [of Ecology] shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter. (RCW 90.58.050)*

In recognition of the Act and citizen ideas collected through a local shoreline planning process, the Town of South Prairie has developed this Shoreline Master Program (SMP) and will continually implement and administer it through shoreline permits and reviews. The Washington State Department of Ecology (Ecology) reviews and approves local SMPs and certain local permit decisions.

1.2 Authority

The Shoreline Management Act of 1971, Chapter 90.58 RCW, is the authority for the enactment and administration of this SMP.

1.3 Applicability

All proposed uses, activities, and development occurring within shoreline jurisdiction (See Chapter 3 for the definition of shoreline jurisdiction) must conform to the intent and requirements of Chapter 90.58 RCW, the Act, and this SMP, whether or not a permit or other form of authorization is required.

As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian Nations or tribes.

1.4 Purpose and Intent

The purposes of this SMP are:

A. To promote the public health, safety, and general welfare of the community by providing comprehensive policies and effective, reasonable regulations for development and use and protection of jurisdictional shorelines; and

B. To further assume and carry out the local government responsibilities established by the Act in RCW 90.58.050 including planning and administering the regulatory program consistent with the policy and provisions of the Act in RCW 90.58.020; and

C. Protect against adverse effects to the land, its vegetation and wildlife, and the waters and their aquatic life within jurisdictional shorelines; and

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

E. Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses; and

F. Assure no net loss of ecological functions associated with the shoreline.

1.5 Relationship to Other Codes, Ordinances and Plans

All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction.

Consistent with RCW 36.70A.480, the goals and policies of this SMP approved under chapter 90.58 RCW shall be considered an element of the Town of South Prairie Comprehensive Plan. All regulatory elements of this SMP, including, but not limited to, definitions and use regulations, shall be considered a part of the Town of South Prairie's development regulations.

The Town comprehensive plan, zoning regulations, subdivision regulations, health regulations, and other adopted regulatory provisions apply within shoreline jurisdiction. In the event provisions of this SMP conflict with provisions of federal, state, or other Town regulations, the provision that is most protective of shoreline resources shall prevail, when consistent with policies set out in the Act.

1.6 Liberal Construction

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

1.7 Severability

Should any section or provision of this SMP be declared invalid, such decision shall not affect the validity of this SMP as a whole.

1.8 Effective Date

This SMP and all amendments thereto shall become effective fourteen days from the final written approval and adoption by Ecology.

2 GOALS AND OBJECTIVES

Per WAC 173-26-186(3), all relevant policy goals must be addressed in the planning policies of a shoreline master program (SMP). This section contains shoreline goals and objectives. Goals express the ultimate aims of the Town and its citizens. An objective identifies a more specific step that moves toward achieving a long-term goal. Goals and objectives provide a framework upon which the more detailed SMP shoreline use environments, policies, regulations, and administrative procedures are based in subsequent chapters.

2.1 Economic Development Element

Goal ED-1: Promote a strong, diversified, and sustainable local and regional economy, while respecting the shoreline environment and preserving or enhancing public access to the shoreline.

***Objective ED-1*:** Promote new water-dependent, water-related, and water-enjoyment economic development.

2.2 Public Access Element

Goal PA-1: Ensure public access to shorelines:

- is safe, convenient, and diversified;
- makes provisions for public access to publicly owned shoreline jurisdiction areas;
- avoids adverse effects on fragile natural features; and
- minimizes conflicts between the public and private property

***Objective PA-1*:** Increase public access to shorelines by developing and implementing parks, recreation, and trails plans.

***Objective PA-2*:** Require public access as part of public shoreline development where appropriate.

***Objective PA-3*:** Require and/or encourage public access as part of private shoreline development in accordance with adopted jurisdiction shoreline public access plans, where appropriate.

***Objective PA-4*:** Protect and enhance visual and physical access to shorelines.

***Objective PA-5*:** Assure that public access improvements do not result in a net loss of shoreline ecological functions.

***Objective PA-6*:** Encourage development of public access by using tools such as acquisition of land, incentives, etc.

2.3 Recreation Element

Goal REC-1: Maintain and support existing and future recreational opportunities in the shoreline.

***Objective REC-1*:** Work with developers, landowners, and others from the private sector to develop and/or preserve parks, trails, and open space by encouraging donations, dedications, conservation easements, and other methods.

***Objective REC-2*:** Ensure shoreline recreation facilities are preserved and enlarged as necessary to serve projected Town growth in accordance with adopted levels of service.

***Objective REC-3*:** Encourage the provision of art, interpretive, and educational facilities in parks and locations along the shoreline.

2.4 Circulation Element

Goal CIRC-1: Plan, develop, and maintain a balanced transportation system for the efficient movement of people, goods, and services within the Town and between the Town and other communities in the region.

***Objective CIRC-1*:** Encourage multiple modes of transportation.

***Objective CIRC-2*:** Promote non-motorized travel and public access opportunities.

***Objective CIRC-3*:** Locate new or expanded road corridors for motorized vehicles outside of shoreline jurisdiction unless there is no reasonably feasible alternative or location.

2.5 Shoreline Use Element

Goal SU-1: Ensure that the character and location of shoreline land uses optimizes the combined potentials for economic benefit and the enjoyment and protection of natural resources while minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.

***Objective SU-1*:** Give preference along the shoreline to water-oriented and single-family residential uses, consistent with the control of pollution and prevention of damage to the natural environment.

***Objective SU-2*:** Encourage shoreline uses and development that enhance and/or increase public access to the shoreline or provide significant public benefit.

2.6 Conservation Element

Goal CONS-1: The Town should respect the natural environment in any future development.

***Objective CONS-1*:** Continue to amend and adopt land development regulations that ensure no net loss of shoreline ecological functions.

Objective CONS-2: Ensure compatibility of shoreline land uses with topography, geology, soil suitability, surface water, groundwater, wetlands, and wildlife.

Objective CONS-3: Preserve existing vegetation as much as possible to maintain vital shoreline ecological functions.

***Objective CONS-4*:** Development on slopes in excess of 30 percent, the South Prairie Creek shoreline, other wetlands, and critical areas should be discouraged.

2.7 Historic, Cultural, Scientific, and Educational Element

Goal HCSE-1: Protect and restore areas having significant historic, cultural, scientific, or educational value.

Goal HCSE-2: Protect shoreline features to prevent the destruction of, or damage to, any site having archaeological, historic, cultural, or scientific value through coordination and consultation with the appropriate local, state, tribal, and federal authorities.

***Objective HCSE-1*:** Protect sites in collaboration with appropriate tribal, state, federal, and local governments. Encourage cooperation among public and private parties in the identification, protection, and management of cultural resources.

***Objective HCSE-2*:** When and/or where appropriate, make access to such sites available to parties of interest. Design and manage access to such sites in a manner that gives maximum protection to the resource.

***Objective HCSE-3*:** Provide opportunities for education related to archaeological, historical and cultural features when and/or where appropriate and incorporate into public and private management efforts, programs and development.

2.8 Flood Hazard Prevention Element

Goal FHP-1: Prevent and minimize flood damages.

***Objective FHP-1*:** Regulate land use and development to protect the citizens from flood hazards.

3 SHORELINE JURISDICTION AND ENVIRONMENT DESIGNATIONS

3.1 Shoreline Jurisdiction

As defined by the Shoreline Management Act (SMA) of 1971, "shorelines of the state" include certain waters plus their associated "shorelands."

In the Town of South Prairie, shorelines of the state include rivers and streams whose mean annual flow is 20 cubic feet per second (cfs) or greater.

Shorelands are minimally defined by the SMA as:

> *"Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter…." (RCW 90.58.030)*

Shoreline jurisdiction for the Town of South Prairie consists of South Prairie Creek and its associated floodway, up to 200 feet of floodway-contiguous floodplain, and associated wetlands, and is shown on the map included in Appendix A. The map only approximately identifies or depicts the lateral extent of shoreline jurisdiction. The actual lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis based on the location of the ordinary high water mark (OHWM), floodway, floodplain, and presence of associated wetlands.

In circumstances where shoreline jurisdiction does not include an entire parcel, only that portion of the parcel and any use, activity, or development on that portion of the parcel is subject to this Shoreline Master Program. However, if a structure is situated on the border of shoreline jurisdiction, the entire structure is subject to this Shoreline Master Program. The other portions of the parcel are still subject to all Town planning and zoning ordinances. Town planning shall include concurrency planning with this SMP.

3.2 Environment Designations

This SMP is intended to meet the requirements in WAC 173-26-211. It states that:

> *Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system shall be consistent*

with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.

This SMP is consistent with these requirements. Each environment designation contains purpose statement, designation criteria, and management policies components.

3.2.1 Aquatic

A. Purpose: The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

B. Designation Criteria: An "Aquatic" environment designation will be assigned to shoreline areas waterward of the OHWM.

C. Management Policies: Development within the "Aquatic" environment shall be consistent with the following policies:

1. New over-water structures should be prohibited except 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 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 freshwater habitats should not be allowed. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts shall be mitigated according to the sequence described in WAC 173-26-201(2)(e).

6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

3.2.2 Shoreline Residential

A. Purpose: The purpose of the "Shoreline Residential" environment is to accommodate residential development and appurtenant structures that are consistent with this

chapter. An additional purpose is to provide appropriate public access and recreational uses, while also protecting and restoring ecological functions of open space, floodplain and other sensitive lands.

B. Designation Criteria: A "Shoreline Residential" environment designation will be assigned to all shorelands within the Town landward of the OHWM.

C. Management Policies: Development within the “Shoreline Residential” environment shall be consistent with the following policies:

1. Uses that preserve the natural character of the area or promote preservation of open space, floodplain, or sensitive land 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 should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

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

4. Water-oriented uses should be given priority over nonwater-oriented uses.

5. Commercial development should be limited to water-oriented uses and not conflict with the residential character of lands in the “Shoreline Residential” environment.

6. Land division and development should be permitted only:

    A. when adequate buffers are provided to protect ecological functions; and

    B. where there is adequate access, water, sewage disposal, and utilities systems, and public services available; and

    C. where the environment can support the proposed use in a manner which protects or restores the ecological functions

7. New residential development should be located and designed so that future shoreline stabilization is not required.

3.2.3 Use Matrix and Development Standards

A. Table 3-1 indicates which uses and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment. Accessory uses, such as parking and utilities, shall be subject to the same shoreline permit process as its primary use. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall apply.

B. Authorized uses and modifications are only allowed in shoreline jurisdiction where the underlying zoning allows for it and subject to the policies and regulations of this SMP.

C. Any use, development or modification not classified elsewhere in the SMP or listed below shall require a Shoreline Conditional Use Permit.

D. Uses and modifications identified as "Permitted" require either a Shoreline Substantial Development Permit or may be exempt from the requirement to obtain a Shoreline Substantial Development Permit, as outlined in the definition of Substantial Development included in Chapter 8, Definitions. Exempted uses and modifications, however, are not exempt from the Act or this SMP, and must be consistent with the applicable policies and provisions.

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

F. A development or use that is listed as a Conditional Use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Substantial Development Permit.

G. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, shoreline development standards regarding shoreline buffers, lot frontage, side setbacks, and height are provided in Table 3-2. In addition, shoreline developments shall comply with all density, lot area, setback and other dimensional requirements of the Town.

H. The permit process indicated below for each use or modification, apply to new, expanded, modified, or replacement uses and modifications. For those uses and modifications that meet one of the exemptions outlined Section 7.6.2, Exemptions, a shoreline substantial development permit is not required if Table 3-1 indicates "SD." However, if "CU" is listed for a use or modification that is exempt from the SDP requirement, that use or modification must obtain a Conditional Use Permit.

I. An accessory use shall not be established on a property independent of its primary use.

J. When a development or use is proposed that does not comply with the shoreline buffer, lot frontage and other dimensional performance standards of the SMP not otherwise allowed by administrative reduction, such as development or use can only be authorized by approval of a Shoreline variance. Departures from the maximum height limit shall also be subject to a view corridor analysis and demonstration that criteria are met consistent with Section 7.7. Shoreline Variances or Shoreline Conditional Use Permits are not required to modify development standards expressly allowed to be modified for visual access in Section 4.5.2.F or for vegetation conservation buffer reductions as allowed in Section 4.5.2.P, provided the modifications are consistent with the applicable zoning standards. Modifications to or greater reductions to standards established in Section 4.5.2.F and Section 4.5.2.P shall require a Shoreline Variance or a Shoreline Conditional Use Permit.

Table 3.1 Shoreline Use and Modification Matrix

Legend: SD = Permitted, may be subject to Shoreline Substantial Development Permit CU = Shoreline Conditional Use X = Prohibited or Not Applicable; the use is not eligible for a Shoreline Variance or Shoreline Conditional Use Permit	**Aquatic**	**Shoreline Residential**
Agriculture	X	X
Aquaculture	X	X
Boating Facilities and Private Moorage	X	X
Breakwaters, jetties, rock weirs, groins	X	X
Commercial uses		
Water-dependent uses	X	SD
Water-related	X	SD
Water-enjoyment uses	X	SD[1]
Nonwater-oriented uses	X	X
Dredging and Dredge Material Disposal	CU	CU
Fill[2] and Excavation	CU[3]	SD
Structural Flood Hazard Reduction (e.g., levees)	X	X
Forest Practices	X	X
Industrial Uses	X	X
Institutional	X	X
In-Stream Structures	CU	SD
Mining	X	X
Parking (primary)	X	X
Recreational Development		
Water-dependent	SD	SD
Water-enjoyment	X	SD
Nonwater-oriented	X	SD[4]
Residential Development	X	SD
Shoreline Habitat and Natural Systems Enhancement Projects	SD	SD

Legend: SD = Permitted, may be subject to Shoreline Substantial Development Permit CU = Shoreline Conditional Use X = Prohibited or Not Applicable; the use is not eligible for a Shoreline Variance or Shoreline Conditional Use Permit	**Aquatic**	**Shoreline Residential**
Shoreline Stabilization		
Modification of existing	SD	SD
New	CU	CU
Transportation	CU	SD
Utilities (primary)	CU	SD

[1] Park concessions, such as small food stands, cafes, and restaurants with views and seating oriented to the water, and uses that enhance the opportunity to enjoy publicly accessible shorelines are allowed.

[2] Fill in the floodplain must meet all federal, state, and local flood hazard reduction regulations.

[3] Fill in aquatic areas for the purposes of shoreline ecological restoration may be allowed as a permitted use if the Shoreline Administrator determines that there will be an increase in desired ecological functions.

[4] Nonwater-oriented uses may be allowed as a permitted use where the Town determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and waterbody or due to the underlying land use classification in the comprehensive plan.

Table 3.2 Shoreline Development Standards Matrix

Legend: -- = Not applicable	**Aquatic**	**Shoreline Residential**
HWY 162 ROW to North edge of Town Boundary	--	50-ft
South of HWY 162 ROW to South edge of Foothills Trail ROW	--	100-ft
Right Bank from Foothills Trail ROW South to Town Boundary	--	100-ft
Left Bank from Foothills Trail ROW South to Town Boundary	--	Top of Slope
Shoreline Lot Frontage Minimum - Residential	--	50-ft
Maximum Height	---	35-ft

* Left/right bank = left or right bank looking downstream

3.2.4 Official Shoreline Map and Unmapped or Undesignated Shorelines

A. Appendix A (Environment Designations Map) includes the Official Shoreline Map, which illustrate the delineation of shoreline jurisdiction environment designations in the Town of South Prairie.

B. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction from the

shoreline waterbody related to site-specific surveys of ordinary high water mark, floodway, and/or floodplain are automatically the Urban Conservancy designation. Where the mapping inaccuracy results in inclusion of an unmapped associated wetland, that wetland shall also be assigned an Urban Conservancy environment designation.

C. In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction (e.g., is more than 200 feet from the OHWM or floodway, is no longer in floodplain jurisdiction as documented by a Letter of Map Revision from FEMA, and does not contain associated wetlands) shall not be subject to the requirements of this SMP. Note that the actual location of the OHWM, floodplain, floodway, and wetland boundaries must be determined at the time a development is proposed. Floodplain and floodway boundaries should be assessed using the most recently revised FEMA maps.

3.2.5 Interpretation of Environment Designation Boundaries

A. If disagreement develops as to the exact location of an environment designation boundary line, the Official Shoreline Map shall prevail.

B. If disagreement develops as to the exact location of an environment designation boundary line, the following rules shall apply:

1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed. Where boundary line adjustments or other modifications are not indicated on the Official Shoreline Map and where the adjustments involve two or more parcels with different environment designations, a designation of Shoreline Residential shall be assigned to shoreline jurisdiction on the subject properties until the shoreline can be redesignated through an SMP amendment.

2. Boundaries indicated as approximately following roads or rail lines shall be respectively construed to follow the nearest right-of-way edge.

3. Boundaries indicated as approximately parallel to or extensions of features indicated in (1) or (2) above shall be so construed.

C. In the event of an environment designation mapping error, the Shoreline Administrator shall utilize the criteria contained in RCW 90.58.030(2), chapter 173-22 WAC, and the environment designation criteria contained in this SMP to establish the appropriate environment designation. Appeals of such interpretations may be filed pursuant to Section 7.13.

3.2.6 Interpretation of Shoreline Buffer Boundaries

A. The shoreline buffer is described in Table 3.2 and illustrated in Appendix A, Shoreline Buffer Map. The locations of the buffer boundaries identified on the Shoreline Buffer Map are approximate. The edge of the shoreline buffer shall be determined by the Town upon submittal of a completed application.

B. The dimensional shoreline buffers are measured on a horizontal plain starting at the OHWM moving landward in a perpendicular angel to South Prairie Creek.

C. The shoreline buffer that terminates at the top of the slope also begins at the OHWM, and extends to the point at which the grade level changes from angled to horizontal, or at the upper edge of the hill running down to the Creek.

D. If disagreement develops as to the exact location of the shoreline buffer boundary line, the following rules shall apply:

1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed. Where boundary line adjustments or other modifications are not indicated on the Shoreline Buffer Map and where the adjustments involve two different buffer widths, the most environmentally protective shall apply.

2. Boundaries indicated as approximately following roads or trails, shall be respectively construed to follow the nearest right-of-way edge.

E. Shoreline buffers are regulated by sections 4.5 Vegetative Conservation and Shoreline Buffers and B.4 of Appendix B, Critical Areas Regulations.

3.3 Shoreline Use Preferences

This SMP adopts the following policy provided in RCW 90.58.020, and fully implements it to the extent of its authority under this SMP:

> *It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...*
>
> *In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or*

dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state….

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

When determining allowable uses and resolving use conflicts on shorelines within jurisdiction consistent with the above policy, the following preferences and priorities as listed in WAC 173-26-201(2)(d) shall be applied in the order presented below:

(i) Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.

(ii) Reserve shoreline areas for water-dependent and associated water related uses … Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.

(iii) Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.

(iv) Locates single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.

(v) Limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

4 General Policies and Regulations

Chapter 4 presents general policies and regulations that apply to any developments, uses, or activities in any environment designation in order to protect environmental and cultural resources, reduce likelihood of harm to life or property from hazardous conditions, and promote access to shorelines.

Policies are statements of principles that guide and determine present and future decisions. Regulations are rules that govern developments, uses, or activities.

4.1 Archaeological and Historic Resources

4.1.1 Policies

A. **Impact Avoidance.** Due to the limited and irreplaceable nature of archaeological and historic resources, prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Washington State Department of Archaeology and Historic Preservation (DAHP). Any proposed site development should be planned and carried out so as to avoid impacts to the cultural resource.

B. **Adjacent Cultural Site.** If development or demolition is proposed adjacent to an identified historic, cultural or archaeological site, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural or archaeological site.

4.1.2 Regulations

A. **Known Archaeological Resources.** Permits issued in areas documented to contain archaeological resources shall require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

B. **Uncovered Archaeological Resources.** Developers and property owners shall immediately stop work and notify the Town, DAHP, and affected Indian tribes (including the Muckleshoot and Puyallup tribes) if archaeological resources are uncovered during excavation.

C. **Other Laws and Rules.** Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with chapter 25-48 WAC, as well as the provisions of this shoreline master program (SMP).

4.2 Ecological Protection and Critical Areas

4.2.1 Policies

A. **Impact Avoidance.** Shoreline use and development should be carried out in a manner that prevents or mitigates adverse impacts, both on site and to the extent that impacts may propagate up- or downstream.

B. **No Net Loss of Ecological Functions**. Development should assure there is no net loss of ecological functions and processes relative to the existing condition. This can be accomplished by protecting critical areas designated in Appendix B of this SMP, and protecting additional established shoreline buffers in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

   Shoreline ecological functions that should be protected include, but are not limited to: fish and wildlife habitat, wildlife migration corridors, food chain support, and water temperature maintenance. Shoreline processes that should be protected include, but are not limited to: water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

C. **Consider project and cumulative impacts.** In assessing the potential for net loss of ecological functions or processes, project-specific and cumulative impacts should be considered.

D. **Development standards should protect functions.** Development standards for density, frontage, buffers, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes.

4.2.2 Regulations

A. **Mitigation sequencing.** Applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts to ecological function resulting from new development and redevelopment in shorelines in the following prioritized order:

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

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

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

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

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

6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

7. Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

B. **Applicability.** The provisions of this section and Appendix B, Critical Areas Regulations, shall apply to any use, alteration, or development within shoreline jurisdiction, whether or not a Shoreline Permit or written statement of exemption is required.

C. **Protection of buffers.** Unless otherwise stated, critical area buffers and shoreline buffers shall be protected and/or enhanced pursuant to Appendix B and all other applicable provisions of this SMP.

D. **Mitigation required for impacts.** Mitigation shall be required for all projects within shoreline jurisdiction, including those waterward of the OHWM, having impacts on ecological functions. Mitigation ratios are specifically established in Appendix B, Critical Areas Regulations, for impacts to wetlands and wetland buffers. All other mitigation must be designed to result in no net loss of ecological functions to the extent feasible. In general, mitigation is required at a ratio greater than one unit of mitigation for one unit of impact by area. However, depending on the nature and extent of impacts and proposed mitigation, a reduction in the ratio may be allowed or an increase in the ratio may be required to meet the no net loss of ecological functions standard if justified in a plan submitted to the Town.

E. **Location of mitigation.** When mitigation is required, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative mitigation within the watershed sub-basin that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized.

F. **Hydrologic connections.** Protect hydrologic connections between waterbodies and associated wetlands.

G. **Cumulative effects.** The cumulative effects of individual development proposals shall be identified and evaluated to assure that no net loss standards are achieved.

4.3 Flood Hazard Reduction

The following provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that are proposed in flood hazard areas. Flood hazard reduction measures may consist of nonstructural measures, such as shoreline buffers, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Although some flood hazard reduction measures may serve a dual function as shoreline stabilization, their primary purpose is to control the location of flood waters directly. Alternatively, the primary purpose of shoreline stabilization measures is to prevent erosion of land from currents and waves originating in the shoreline waterbody (rather than upland sources of erosion), which is a more indirect control of the location of flood and non-flood water. Shoreline stabilization is addressed in Section 5.13.

The Town of South Prairie implements flood hazard reduction through the following means:

- Plans and Policies: Town of South Prairie Comprehensive Plan, Pierce County Rivers Flood Hazard Management Plan
- Regulations: Flood hazard area regulations

4.3.1 Policies.

A. A comprehensive approach to flood hazard management should be taken by incorporating other flood regulations and plans.

B. **Non-structural Methods Preferred.** Non-structural flood hazard reduction methods are preferred over structural methods. Examples of non-structural flood hazard methods are: building setbacks, wetlands restoration, dike removal, and relocation of structures to less flood-prone areas.

C. **New or Expanded Structures**. New or expanded structures should be located to avoid the need of need flood hazard reduction measures.

D. **Bioengineered Flood Control Works.** Flood control works should be bioengineered to enhance ecological functions, create a more natural appearance, and improve ecological processes unless proven to be infeasible.

4.3.2 Regulations

A. **Avoid Increase in Flood Hazards.** Development in floodplains shall avoid significantly or cumulatively increasing flood hazards.

B. **Uses and Activities Authorized in Floodway or CMZ.** The following uses and activities may be authorized where appropriate and/or necessary within the channel migration zone or floodway:

1. Projects that protect or restore ecological functions or development with a primary purpose of restoring ecological functions.

2. Bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists.

3. Repair and maintenance of an existing legally established use, provided that channel migration is not further limited, or flood hazards to other uses increased.

4. Development that prevents active channel movement and flooding and where necessary for protection of legally existing structures or public safety.

5. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.

6. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition that the measure does not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions.

C. **Structural Flood Hazard Reduction Measures.** New structural flood hazard reduction measures shall be allowed only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development and that nonstructural measures are not feasible.

D. **Placement of Structural Flood Hazard Reduction Measures.** New structural flood hazard reduction measures shall be placed landward of associated wetlands and designated shoreline buffers, except for actions that increase ecological functions, such as wetland restoration.

E. **Public Access.** See Section 4.4.2.

F. **Gravel Removal.** The removal of gravel for flood management purposes shall be consistent with Section 5.7 Dredging, and be allowed only after a biological and geo-

morphological study shows that extraction has a long-term benefit to flood hazard reduction and is part of a comprehensive flood management solution.

G. **New Development and Subdivisions.** Approve new development or subdivisions when it can be reasonably foreseeable that the development or use would not require structural flood hazard reduction measures within the channel migration zone or floodway during the life of the development.

H. **Roads and Railroads.** Roads or railroads shall be built outside of shoreline jurisdiction except for necessary crossings, and repair or maintenance of existing roads and railroads. New transportation facilities shall be designed so that no significant loss of floodway capacity or measurable increase in predictable flood levels will result based on studies submitted by applicants and approved by the Town.

4.4 Public Access

4.4.1. Policies

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

   1. Single-family dwelling units; or

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

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

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

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

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

F. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of

existing native vegetation that partially impairs views, as a healthy shoreline condition includes mature riparian forest.

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

H. Town parks, trails, and public access facilities adjacent to shorelines should be maintained and enhanced in accordance with Town plans.

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

4.4.2 Regulations

A. Shoreline development (including land division into more than four lots, water enjoyment, water-related, and non-water dependent uses) which fronts directly on the shoreline shall provide physical public access where any of the following conditions are present:

1. Where a development or use will interfere with an existing public physical or visual access way. Impacts to public access may include blocking access or views, or discouraging use of existing on-site or nearby accesses.

2. Where the development is proposed by a public entity or on public lands unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment or where more effective public access is identified in the Town planning documents.

B. For multi-family development and subdivisions of land into more than four parcels, public access need not be provided, however, community access for residents of that development shall be provided.

C. Shoreline development shall minimize impact to public views of shoreline waterbodies from public land or substantial numbers of residences.

D. Public access and views provided by shoreline street ends, public utilities, and rights-of-way shall not be diminished.

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

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

G. Public access easements and permit conditions shall be recorded as a covenant against the title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use. Said recording with the County Assessor's Office shall occur prior to permit approval.

H. Easement width shall be 20 feet unless the applicant can demonstrate undue hardship. If undue hardship can be demonstrated, the easement shall be no less than 10-feet-wide for emergency access purposes. Minimum width of public access easements shall be 20 feet or the maximum width determined to be feasible by the applicant (without resulting in undue hardship), whichever is greater.

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

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

K. Public access facilities may be developed over water provided that all ecological impacts are mitigated to achieve no net loss of ecological functions.

4.5 Vegetation Conservation and Shoreline Buffers

4.5.1 Policies

A. **Conserve native vegetation.** Where new developments and/or uses or redevelopments are proposed, native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes. Vegetation conservation and restoration should be used to mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. Important functions of shoreline vegetation include, but are not limited to:

1. Providing shade necessary to maintain water temperatures required by salmonids and other organisms that require cool water for all or a portion of their life cycles.

2. Regulating microclimate in riparian and nearshore areas.

3. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macroinvertebrates.

4. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides.

5. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.

6. Improving water quality through filtration and vegetative uptake of nutrients and pollutants (including the retention of forest duff to support the biological components of pollutant transformation).

7. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase structural diversity for salmonids and other species.

8. Providing habitat elements for riparian-associated species, including downed wood, snags, migratory corridors, food, and cover.

B. **Restoration native plant list.** A native plant list will be used that identifies the native species most suitable for shoreline restoration and enhancement projects. At a minimum, all plants utilized in shoreline buffers should be native as indicated by the Washington Native Plant Society.

C. **Noxious and invasive weeds.** Encourage management and control of noxious and invasive weeds. Control of such species should be done in a manner that retains onsite native vegetation, provides for erosion control, and protects water quality. Use of non-toxic or natural controls is preferred.

D. **Shoreline Buffer**. A shoreline buffer of the width established in Table 3.2 should be provided in each environment designation. The buffer should consist of native vegetation except as provided in this section.

4.5.2 Regulations

A. **Conserve vegetation.** Shoreline developments shall address the conservation and maintenance of vegetation and forest soils through compliance with this Section, the critical area standards in Appendix B, and any other regulations specific to vegetation management that may be contained in other chapters of this SMP.

B. **Shoreline Buffer**. A buffer shall apply to all properties within shoreline jurisdiction. For specific buffer widths see Table 3.2. The shoreline buffer shall apply along the full width of the shoreline. Within buffers, conservation of existing native vegetation shall be required. Buffers shall only be reduced as allowed by Section 4.5.2.P.

C. **Minimize clearing.** Vegetation clearing within shoreline jurisdiction shall be limited to the minimum necessary to accommodate approved shoreline development.

D. **Mitigation required.** Where impacts to shoreline or critical area buffers are permitted and after mitigation sequencing has been applied as outlined in Section

4.2.2(A), new developments or site alterations shall be required to develop and implement a mitigation plan.

E. **Tree Pruning and Removal.** Selective pruning of trees for safety or view protection is allowed if consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas; Appendix B, Critical Areas Regulations; and F, below. Where trees pose a significant safety hazard as indicated in a written report by a certified arborist or other qualified professional, they may be removed from shoreline and critical area buffers if the hazard cannot be removed by topping or other technique that maintains some habitat function. All other tree removal in shoreline jurisdiction shall be minimized through site design, and mitigated. In general, trees that are cut down should be retained in the protected area to provide continued biological or soil stabilization functions.

F. **View Corridors.** The development or maintenance of view corridors can provide opportunities for visual access to waterbodies associated with waterfront lots. One view corridor, limited to 25 percent of the width of the lot, or 25 feet, whichever distance is less, may be permitted per lot, when consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas; Appendix B, Critical Areas Regulations; and this Section. A mitigation plan as required by D above must be submitted for review and approval; either with the appropriate shoreline permit application or in association with a shoreline exemption proposal for a new development or associated with an existing development.

1. In addition to the submittal of a complete mitigation plan, an applicant must submit the following materials:

    a. A graphic and/or site photos for the entire shoreline frontage which demonstrates that the existing or proposed development does or will not when constructed have a view corridor of the waterbody, taking into account site topography and the location of existing shoreline vegetation on the parcel.

    b. Demonstration that where the applicant already has an accessible shoreline access corridor per the Vegetation Conservation section, the view corridor will include the existing shoreline access corridor to minimize alteration of the shoreline buffer.

2. Applications for view corridors must also be consistent with the following standards:

    a. Native vegetation removal shall be prohibited, unless the entire shoreline buffer consists of native vegetation. Under those circumstances, native vegetation removal may be allowed provided that the view corridor is located to minimize removal of native trees

(for example, by branch removal rather than complete tree removal) and shrubs.

b. Native shrubs shall not be pruned to a height less than 6 feet. No tree topping shall occur. Pruning of vegetation waterward of the OHWM is prohibited.

c. Non-native vegetation within a view corridor may be removed when the mitigation plan can demonstrate a net gain in site functions, and where any impacts are mitigated.

d. Whenever possible, view corridors shall be located in areas dominated with non-native vegetation and invasive species.

e. A view corridor may be issued once for a property. No additional vegetation pruning for the view corridor is authorized except as may be permitted to maintain the approved view corridor from regrowth. Limitations and guidelines for this maintenance shall be established in the mitigation plan.

G. **Unauthorized vegetation removal**. Vegetation removal conducted without the appropriate review and approvals requires the submittal and approval of a restoration plan prepared by a qualified professional, and must be consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas and appropriate requirements of Appendix B, Critical Areas Regulations. The mitigation plan must utilize only native vegetation, and should be designed to compensate for temporal loss of function and address the specific functions adversely impacted by the unauthorized vegetation removal.

H. **Non-native vegetation.** With the exception of hand removal or spot-spraying of invasive or noxious weeds, the determination of whether non-native vegetation removal may be allowed in a shoreline or critical area buffer must be evaluated in conformance with Section 4.2, Ecological Protection and Critical Areas and appropriate requirements of Appendix B, Critical Areas Regulations. Such removal of noxious weeds and/or invasive species shall be incorporated in mitigation plans, as necessary, to prevent erosion and facilitate establishment of a stable community of native plants. Non-native vegetation removal outside of shoreline or critical area buffers does not require mitigation, except as noted under Subsection D above.

I. **Water-dependent uses.** Water-dependent uses and activities may be located at the water's edge, or as prescribed by conditions added to a permit. Accessory uses, developments and activities should be located outside the standard or reduced shoreline buffer unless a location in the buffer is necessary for operation of the water-dependent use or activity or no other location is feasible (e.g., the water-

dependent use or activity is located on a parcel entirely or substantially encumbered by the required buffer). All other accessory uses, developments and activities located in a shoreline buffer must obtain a Shoreline Variance.

J. **Public facilities and other water-oriented uses.** Consistent with the use allowances for the Shoreline Residential environment designation, other essential water-oriented public facilities, water-oriented public access facilities, and their accessory uses and developments may be located in the shoreline buffer if the use or activity cannot be accommodated or accomplished outside of the standard or reduced shoreline buffer. These uses and modifications must be designed and located to minimize intrusion into the buffer and should also be consistent with Section 4.2, Ecological Protection and Critical Areas and Section 4.4, Public Access.

K. **Passive allowed activities.** Education, scientific research, and passive recreational activities, including, but not limited to: fishing, bird watching, hiking, boating, horseback riding, skiing, swimming, canoeing, and bicycling, are allowed within shoreline jurisdiction and within established shoreline buffers, provided the activity does not alter the buffers by introducing impervious surfaces; removing native vegetation; impacting seasonal migration or nesting of wildlife; or changing existing topography, water conditions, or water sources.

L. **Site investigation allowed.** Site investigative work necessary for land use application submittals such as surveys, soil logs, drainage tests and other related activities, may occur within shoreline jurisdiction and within shoreline and critical area buffers established in this SMP. In every case, buffer impacts should be avoided and/or minimized and disturbed areas shall be immediately restored.

M. **Utilities.** Where no other practical alternative exists to the excavation for and placement of municipal wells or utilities in a shoreline and critical area buffer, these uses may be permitted if also allowed under Section 5.1.16, Utilities. However, in no case shall utilities be allowed within the floodway. When allowed, a mitigation plan must be prepared by a qualified professional, and must be consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas, and appropriate requirements of Appendix B.

N. **Lighting.** Interior and exterior lighting shall be designed and operated to avoid illuminating nearby properties or public areas, prevent glare on adjacent properties, public areas, critical area buffers or roadways to avoid infringing on the use and enjoyment of such areas, adversely impacting wildlife (including breeding and migration) and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas and screening.

O. **Trails.** Trails and associated facilities may be permitted in the outer 25 percent of shoreline buffers if it is demonstrated by the applicant that the trail cannot be accommodated outside of the buffer. The trail should conform to design guidelines found in Public Access sections of this SMP. A mitigation plan must be prepared by a qualified professional, and must be consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas, and appropriate requirements of Appendix B, Critical Areas Regulations.

P. **Shoreline Buffer Width Reduction.**

1. **Roads.** Legally existing roads transecting a shoreline buffer may be improved and expanded when:

    A. no other feasible option exists; and

    B. the expansion not further degrade the shoreline buffer; and;

    C. the existing buffer provides minimal ecological function as existing and the mitigation for the new expansion activity will provide ecological lift.

2. Reductions of up to twenty-five (25) percent of the standard buffer may be approved if the applicant demonstrates that either:

    a. enhancing the buffer (by removing invasive plants, planting native vegetation, installing habitat features such as downed logs or snags, or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer; or

    B. conditions unique to the site, including existing uses, developments, or topographic barriers that may exist between the proposed development and the OHWM, which substantially prevent or impair delivery of most riparian functions from the subject upland property to the waterbody.

3. If the applicant can demonstrate that uses cannot be accommodated or accomplished outside of the standard or standard reduced buffer, a reduction in the buffer width not exceeding fifty (50) percent may be approved through a Shoreline Variance. Adequate space for a single-family residence and associated yard is available when the buildable lot depth is seventy (70) feet or greater under the standard buffer or standard reduced buffer. The approved reduction may be no more than that necessary to accommodate the allowed use. The Town may allow a decrease in property setback standards if those actions will reduce or eliminate the need for the buffer reduction.

4. The applicant must submit a mitigation plan that addresses the specific habitat components and/or ecological functions that may be lost as a result of either reduction mechanism.

5. Where opportunities to mitigate in kind and on site are not available or adequate, the mitigation plan may include off-site or out-of-kind mitigation, or contributions to a fee in lieu restoration program when established. When off-site mitigation is proposed, projects included in the Restoration Plan found in Appendix C of this SMP shall be considered first.

6. These provisions do not apply to those portions of water-dependent or public access development that require improvements or uses adjacent to the water's edge. Where space is available, the required native vegetation shall be planted in the shoreline buffer area that is not being used for water-dependent or public access uses.

4.6 Water Quality, Stormwater and Nonpoint Pollution

4.6.1 Policies

A. **Do not degrade waters.** The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and groundwater over the long term.

B. **Assess and mitigate stormwater impacts.** New developments or expansions or retrofits of existing development should assess the effects of additional stormwater runoff volumes and velocities, and mitigate potential adverse effects on shorelines through design and implementation of appropriate stormwater management facilities.

C. **Low impact development.** Low Impact Development (LID) techniques should be considered and implemented to the greatest extent practicable throughout the various stages of development including site assessment, planning and design, vegetation conservation, site preparation (including the avoidance of soil disturbance), and retrofitting and built-out management techniques.

D. **Minimize need for chemical applications.** Shoreline use and development, including invasive or noxious weed control, should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and ground water and/or soils and adverse effects on shoreline ecological functions and values.

E. **Existing development.** For existing development, implementation of management plans that minimize or avoid the need for chemical treatments of vegetation in shoreline buffers is encouraged.

4.6.2 Regulations

A. **Do not degrade waters.** Shoreline use and development shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws.

B. **Requirements for new development.**

1. New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the current stormwater management manual in effect at the time, including the use of best management practices. Deviations from these standards may be approved where it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.

2. Additionally, new development shall implement LID techniques where feasible and necessary to fully implement the core elements of the stormwater management manual.

C. **Maintenance of storm drainage facilities.** Maintenance of storm drainage facilities on private property shall be the responsibility of the property owner(s). This responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or binding site plan map, building permit, property conveyance documents, maintenance agreements and/or improvement plans.

D. **Use BMPs.** Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shoreline jurisdiction through an approved temporary erosion and sediment control (TESC) plan.

E. **Public stormwater systems.** Existing public stormwater management systems and facilities shall be retrofitted and improved to incorporate LID techniques whenever feasible.

F. **Sewage management.** To avoid water quality degradation by malfunctioning or failing septic systems located within shoreline jurisdiction, on-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards.

G. **Materials requirements.** 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. Wood treated with creosote, copper chromium arsenic, or pentachlorophenol is prohibited in shoreline waterbodies.

5 SHORELINE MODIFICATIONS AND USES

Chapter 5 presents specific policies and regulations that apply to particular developments, uses, or activities in any environment designation.

Each section includes policies and regulations. Policies are statements of principles that guide and determine present and future decisions. Regulations are rules that govern developments, uses, or activities. The Use Matrix and Development Standards found in Subsection 3.2.5 are considered part of the regulations.

5.1 General Upland Shoreline Modification and Use Regulations

This section provides policies and standards addressing preferred layouts of shoreline development and appropriate signage serving the intended use and recognizing shoreline locations.

5.1.1 Policies

A. **Designs Avoid Sensitive Areas.** Development and uses should be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values.

B. **Location of Accessory Uses**. Non-water oriented accessory development or use that does not require a shoreline location should be located landward of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments. When sited within shoreline jurisdiction, accessories should be located landward of shoreline, riparian and/or wetland buffers and landward of water-oriented developments and/or other approved uses.

C. **Minimize Impacts on Shoreline and Upland Uses**. Development should be located, designed, and managed to minimize impacts on shoreline or upland uses through bulk and scale restrictions, setbacks, buffers, light shielding, noise attenuation, and other measures.

D. **Vistas and Viewpoints.** Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs.

5.1.2 Regulations

A. **Design Features for Compatibility.** Shoreline use and development activities shall be designed to complement the character and setting of the property, minimize noise

and glare, and avoid impacts to view corridors. Shoreline applicants shall demonstrate efforts to minimize potential impacts to the extent feasible, including:

1. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.

2. Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent possible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.

3. Outdoor storage shall be screened from public view through techniques such as landscaping, fencing and/or other equivalent measures.

4. Property screening in the form of fences or landscaping shall not block visual access to the shoreline, and shall be subject to Section 5.1.2.D below.

B. **Preference for Water-Oriented Facility Location.** Shoreline developments shall locate the water-oriented portions of their developments along the shoreline and place all other facilities landward or outside shoreline jurisdiction.

C. **Minimize Changes to Topography.** To the extent feasible, design of structures shall conform to natural contours and minimize disturbance to soils and native vegetation. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading and alteration of topography and natural features, especially natural drainage patterns and springs. Roadway and driveway alignment shall follow the natural contours of the site and minimize width to the extent feasible while meeting applicable government standards.

D. **Soil Disturbance.** All disturbed areas shall be restored and protected from erosion using vegetation and other means.

E. **View Corridors.** Where developments are proposed, primary structures shall provide for view corridors between buildings through the use of building separation, setbacks, upper story setbacks, pitched roofs, and other mitigation. Per WAC 173-27-180, applicants shall provide a depiction of the impacts to views from existing residential uses and public areas.

5.2 General Aquatic Shoreline Modification and Use Regulations

These policies and regulations apply to all modifications and uses taking place waterward of the OHWM, whether or not a shoreline permit or written statement of exemption is required.

5.2.1 Policies

A. **Protect beneficial uses, including ecological functions and water-dependent uses.** Shoreline modifications and uses should be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.

B. **Minimize and mitigate unavoidable impacts.** All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and then mitigated.

C. **Protect water quality and hydrograph.** Shoreline modifications and uses should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions, including the disturbance of recharge and discharge points of groundwater.

5.2.2 Regulations

The following regulations shall apply to in-water work, including, but not limited to, installation of new structures, repair of existing structures, restoration projects, and aquatic vegetation removal:

A. **Siting and design requirements.** In-water structures and activities shall be sited and designed to avoid the need for future shoreline stabilization activities and dredging, giving due consideration to watershed functions and processes, with special emphasis on protecting and restoring priority habitat and species. Modifications and uses located in the Aquatic environment shall be the minimum size necessary.

B. **Buffers do not apply.** Water-dependent in-water structures, activities and uses are not subject to the shoreline buffers established in this SMP.

C. **Adhere to timing restrictions.** Projects involving in-water work shall comply with timing restrictions as set forth by state and federal project approvals.

D. **Structure removal.** Removal of existing structures shall be accomplished so the structure and associated material does not re-enter the waterbody.

E. **Disposal of waste material.** Waste material, such as construction debris, silt, excess dirt or overburden resulting from in-water structure installation, shall be deposited outside of shoreline jurisdiction in an approved upland disposal site. Proposals to temporarily store waste material or re-use waste materials within shoreline jurisdiction may be approved provided that use of best management practices is adequate to prevent erosion or water quality degradation and that stockpiling shall be limited to a maximum of 90 days.

F. **Hazardous materials.** Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the waterbody during in-water activities. Necessary refueling of motorized equipment, other than watercraft, shall be done as far from the adjacent waterbody as is possible. Appropriate spill clean-up materials must be on-site at all times, and any spills must be contained and cleaned immediately after discovery.

G. **Prevent siltation of adjacent areas.** In-water work shall be conducted in a manner that causes little or no siltation to adjacent areas. A sediment control curtain shall be deployed in those instances where siltation is expected. The curtain shall be maintained in a functional manner that contains suspended sediments during project installation.

H. **Treatment of below-OHWM excavations.** Any trenches, depressions, or holes created below the OHWM shall be backfilled prior to inundation by water.

I. **Concrete management.** Fresh concrete or concrete by-products shall not be allowed to enter the waterbody at any time during in-water installation. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the waterbody.

J. **Protection of bank and vegetation.** Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to perform the in-water work. All disturbed areas shall be restored and protected from erosion using vegetation or other means.

K. **Trash removal required**. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, and paper, found below the OHWM at the time of project implementation shall be removed if the project includes use of equipment suited for that purpose. Where the trash or fill is visibly providing some habitat function, consult with Washington Department of Fish and Wildlife and/or the U.S. Army Corps of Engineers before removing. Disposal should occur in an approved upland disposal location, landward of the OHWM and the channel migration zone. See Sections 5.4, Dredging and Dredge Material Disposal and 5.5, Fill and Excavation for additional policies and regulations regarding dredging, fill and disposal.

L. **Retain natural features.** Natural in-water features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are causing significant bank erosion or higher flood stages or pose a hazard to human safety.

M. **Mitigation.** All aquatic shoreline modifications and uses are subject to the mitigation sequencing requirements in Section 4.2, Ecological Protection and Critical Areas, with appropriate mitigation required for any unavoidable impacts to

ecological functions. If critical areas in shoreline jurisdiction are impacted, the project is also subject to relevant requirements of Appendix B, Critical Areas Regulations.

5.3 Commercial Development

5.3.1 Policies

A. **Commercial Use Preferences**. Preference should be given for water-dependent commercial uses above water-related uses. Water-related uses should have priority above water-enjoyment uses. All water-oriented commercial uses have preference over nonwater-oriented commercial uses.

5.3.2 Regulations

A. **Water Oriented Uses Allowed.** Water-dependent, water-related, and water-enjoyment uses are permitted where allowed by zoning and this SMP. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment uses. The applicant shall demonstrate to the satisfaction of the Town that proposed uses meet the definitions of water-dependent, water-related or water-enjoyment (water-oriented use) and the Town shall give preference, in order, to water-dependent uses, water-related uses, and water-enjoyment uses. Water-enjoyment uses shall provide a clear public benefit, be open to the public at regular hours, and be oriented towards the water.

B. **Mixed Use Development.** Nonwater-oriented uses, including but not limited to multi-family residential uses, may be located with water-oriented commercial uses provided:

1. The mixed-use project includes one or more water-dependent uses.

2. Water-dependent commercial uses have preferential locations along the shoreline.

3. The underlying zoning district permits residential uses together with commercial uses.

4. Public access is provided for significant number of persons in accordance with Section 4.4, and ecological restoration is provided as a public benefit.

5. Residential uses meet requirements of Section 5.11 of this SMP.

C. **Nonwater-Oriented Commercial Uses Limited.** In areas designated for commercial use, nonwater-oriented commercial uses are allowed if the site is physically separated from the shoreline by another property or public right of way. On properties fronting the shoreline, new nonwater-oriented commercial development

is prohibited in shoreline jurisdiction, except where such use provides a significant public benefit with respect to the Act's objectives, such as providing public access (including viewing, such as a restaurant with viewing deck where allowed) and ecological restoration and the use is part of a mixed-use project that includes water-dependent uses.

D. **Accessory Uses to Water-Oriented Commercial Activities**. Accessory commercial development that does not require a shoreline location shall be located landward of the water-oriented portions of the development and comply with the general shoreline environment buffers found in Table 3.2. Accessory uses may be allowed in existing structures or where necessary in support of water-oriented uses. Accessory development includes, but is not limited to, parking, storage and service areas, and circulation.

E. **Public Access.** See Section 4.4.

5.4 Dredging and Dredge Material Disposal

For the purposes of this section, dredging shall refer to the excavation or displacement of land waterward of the ordinary high water mark.

5.4.1 Policies

A. Dredging should be permitted for water-dependent uses of economic importance to the region and/or essential public facilities only when necessary and when alternatives are infeasible.

B. Dredging of bottom materials for the primary purpose of obtaining material for landfill, construction, or beach nourishment should not be permitted.

C. Minor dredging as part of ecological restoration or enhancement, public access or public recreation should be permitted if consistent with this SMP.

D. Spoil disposal on land outside of shoreline jurisdiction is generally preferred over disposal below the ordinary high water mark. Disposal of dredged material on shorelands or wetlands within the stream's channel migration zone should be discouraged.

E. Long-term cooperative management programs that rely primarily on natural processes, and involve land owners and applicable local, state and federal agencies and tribes should be pursued to prevent or minimize conditions which make dredging necessary.

F. New development should be sited and designed to avoid or, where avoidance is not possible, to minimize the need for new maintenance dredging.

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

5.4.2 Regulations

A. **Siting and design.** New development shall be sited and designed to avoid the need for new and maintenance dredging.

B. **Allowed dredging activities.** Dredging shall only be permitted for the following activities:

1. Development of new or expanded essential public facilities and only when there are no feasible alternatives or other alternatives that may have a lesser ecological impact.

2. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat. Dredged material shall be placed waterward of the ordinary high water mark. Dredging projects for the purpose of restoration must either be associated with a MTCA or CERCLA habitat restoration project or otherwise must obtain a Shoreline Conditional Use Permit.

3. Dredging of contaminated sediments associated with an approved hazardous waste remediation project. Contaminated spoils shall be disposed of in an upland facility authorized to accept hazardous materials.

4. Minor trenching to allow the installation or maintenance of necessary underground utilities if no alternative, including boring, is feasible, and:

    a. Impacts to fish and wildlife habitat are avoided to the maximum extent possible.

    b. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.

    c. Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.

5. Dredging for the purpose of obtaining fill material is prohibited

6. Dredging activity to drain wetlands shall not be allowed.

C. **Conditional Use Permit**. A conditional use permit shall be required for any project involving the disposal of dredge material in the stream of channel migration zone.

D. **Maintain ecological functions and processes.** The physical alignment and ecological functions and processes of shoreline waterbodies shall be maintained, except to improve hydraulic function, water quality, fish or wildlife habitat, or fish passage.

E. **Conditions may be applied.** Limitations on dredge or disposal operation may be imposed to reduce proximity impacts, protect the public safety and assure compatibility with the interests of other shoreline users. Conditions may include limits on periods and hours of operation, type of machinery, and may require provision of landscaped buffer strips and/or fencing to address noise and visual impacts at land disposal or transfer sites.

F. **Circumstances when disposal is allowed.** Dredge material disposal within shoreline jurisdiction is permitted under the following conditions:

1. Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater.

2. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property.

G. **Submittal requirements.** The following information shall be required for all dredging applications:

1. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this SMP.

2. A detailed description of the existing physical character, shoreline geomorphology and biological resources provided by the area proposed to be dredged, including:

    a. A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry and have data points at a minimum of 2-foot depth increments.

    b. A habitat survey, critical areas study, fish and wildlife management plan during dredging operations, and/or mitigation plans.

    c. Information on stability of bedlands adjacent to proposed dredging and spoils disposal areas.

3. If disposal of dredge materials is proposed below the ordinary high water mark, a detailed description of the physical, chemical and biological characteristics of the dredge materials to be removed.

a. Physical analysis of material to be dredged: material composition and amount, grain size, organic materials present, source of material, etc.

b. Chemical analysis of material to be dredged: volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.

c. Biological analysis of material to be dredged.

4. A description of the method of materials removal, including facilities for settlement and movement.

5. Dredging procedure: length of time it will take to complete dredging, method of dredging, and amount of materials removed.

6. Frequency (including an estimate of the effective life expectancy of the dredging) and quantity of project maintenance dredging.

7. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited to:

   A. Dredge material disposal area;

   B. Physical characteristics including location, topography, existing drainage patterns, surface and ground water;

   C. Size and capacity of disposal site;

   D. Means of transportation to the disposal site;

   E. Proposed dewatering and stabilization of dredged material;

   F. Methods of controlling erosion and sedimentation; and

   G. Future use of the site and conformance with land use policies and regulations.

8. Total initial dredge volume.

9. Plan for disposal of maintenance spoils for at least a fifty (50)-year period, if applicable.

10. Hydraulic modeling studies sufficient to identify existing geo-hydraulic patterns and probable effects of dredging.

5.5 Fill and Excavation

Fill regulations in this section apply to fills in aquatic and upland environments. "Fill" is 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. Excavation shall refer to the excavation or displacement of land landward of the OHWM.

5.5.1 Policies

A. Fill and excavation should only be permitted to the minimum extent necessary to accommodate an approved shoreline use or development and with assurance of no net loss of shoreline ecological functions and processes. Enhancement and voluntary restoration of landforms and habitat are encouraged.

B. Fills and excavation should be located and developed so that water quality, hydrologic and runoff patterns are not altered.

C. Fill should not be allowed where shoreline stabilization works would be required to maintain the materials placed.

D. Excavation and grading may be permitted landward of the OHWM for uses and development allowed by this SMP.

E. Fill in waterbodies, floodways, Channel Migration Zones, and/or wetlands should not be permitted for creation of new uplands, unless it is part of an approved ecological restoration activity.

F. Fill should not be placed over existing forest duff or native plant herb layer if not in the direct footprint of the approved project.

G. Fill should be permitted in the following circumstances only: water-dependent uses, public access, clean-up and disposal of contaminated sediments, expansion of existing transportation facilities of statewide significance, mitigation actions, environmental restoration, or a beach nourishment and enhancement project.

5.5.2 Regulations

A. All fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. Fill shall be minimized to the maximum extent practicable and necessary to accommodate approved shoreline uses and development activities that are consistent with this SMP.

B. Fill within floodways, channel migration zones, or waterward of the OHWM shall only be permitted for ecological restoration.

C. Excavations that occurs either waterward of the OHWM or within wetlands shall be considered dredging, for purposes of this SMP (see Section 5.4).

D. Fills or excavation shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately protected from erosion using weed-free straw, mulches, hydroseed, or similar methods and revegetated, as applicable.

E. Fills and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long term appropriate use including lawful access and enjoyment of scenery.

F. Cut and fill slopes shall generally be sloped no steeper than one foot vertical for every three feet horizontal (1:3) unless a specific engineering analysis has been provided, demonstrating that the fill will be stable without further structural methods and it can be determined that the fill blends physically and visually with existing topography.

G. A temporary erosion and sediment control (TESC) plan, including BMPs, consistent with the stormwater management manual shall be provided for all proposed fill and excavation activities, and approved by the Shoreline Administrator prior to commencement of activity.

H. Fill below the ordinary high water mark shall require a conditional use permit.

5.6 In-Stream Structures

In-water structures include those placed by humans within streams for irrigation, water supply, flood control, transportation, utilities, fish habitat enhancement, recreation, or other purpose. Structures placed waterward of the OHWM have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

5.6.1 Policies

A. In-water structures should be planned and designed to be compatible with appropriate multiple uses of resources over the long-term. Appropriate multiple uses include, but are not limited to, public access, recreation, and fish migration.

B. The location, design, construction and maintenance of in-water structures should give due consideration to the full range of public interests; watershed processes, including prevention of damage to other properties and other shoreline resources from alterations to geologic and hydrologic processes; and ecological functions, with special emphasis on protecting and restoring priority habitats and species.

C. In-water structures shall be sited and designed consistent with appropriate engineering principles, including, but not limited to, guidelines of the Washington Department of Fish and Wildlife, and the U.S. Army Corps of Engineers.

D. Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to in-water structures. Non-regulatory and non-structural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.

E. Planning and design of in-water structures should be consistent with and incorporate elements from applicable watershed management and restoration plans and/or surface water management plans.

F. New or expanding development or uses in the shoreline, including subdivision of land, that would likely require structural flood control works within a stream, channel migration zone, or floodway should not be allowed.

G. In-water structure proposals should incorporate native vegetation to enhance ecological functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management. Such features include vegetated berms; vegetative stabilization including brush matting and buffer strips; and retention of existing trees and shrubs on stream banks, if possible.

5.6.2 Regulations

A. Channelization projects that damage fish and wildlife resources degrade recreation and aesthetic resources, result in a net loss of ecological functions or result in high flood stages and velocities are prohibited.

B. Upland cut-and-fill slopes and back-filled areas resulting from installation of in-water structures shall be stabilized with brush matting and buffer strips and revegetated with native grasses, shrubs, or trees to prevent loss of shoreline ecological functions and processes.

C. In-water structures shall be designed by a qualified professional and be constructed and maintained in a manner that does not degrade the quality of affected waters or create a safety hazard. The Town shall require reasonable conditions to achieve this objective.

D. No motor vehicles, appliances, other similar structures or parts thereof; nor structure demolition debris; nor any other solid waste shall be used as in-water structures.

E. In-water structures shall allow for natural groundwater movement and surface runoff.

F. In-water structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided channels.

G. Design of in-water structures shall include access to public shorelines whenever possible, unless it is demonstrated that public access would cause unavoidable public health and safety hazards, security problems, unmitigatable ecological impacts, unavoidable conflicts with proposed uses, or unreasonable cost. At a minimum, in-water structures should not decrease public access or use potential of shorelines.

5.7 Recreational Development

5.7.1 Policies

A. **Promote Recreation and Public Access.** Developments and uses should be designed and operated to provide the public with recreational areas, facilities, and access to the shorelines.

B. **Pedestrian-Oriented.** Direct access to the water should be via paths, walkways, or other pedestrian-oriented features. Parking should be located upland from the shoreline recognizing the limited supply of shoreline areas.

C. **Prevent Impacts to Private Property.** The location, design, construction and operation of recreational facilities should prevent undue adverse impacts on adjacent or nearby private properties.

D. **Scenic Views and Vistas.** Preserve views for the public when siting park and recreation facilities.

5.7.2 Regulations

A. **Design.** Recreational uses and facilities shall be limited to water dependent and water enjoyment uses. Non-water oriented recreational development is prohibited.

B. **Accessory Uses.** Accessory and support facilities such as maintenance facilities and parking lots shall be consolidated and located in upland areas outside shoreline jurisdiction.

C. **Fertilizer and Chemical Management.** For recreation developments such as playfields that require the use of fertilizers, pesticides, or other chemicals, the applicant shall submit plans demonstrating the best management practices and methods to be used to prevent these fertilizer and chemical applications and resultant leachate from entering adjacent waterbodies. Non-chemical management methods are preferred over chemical management where feasible and practical.

D. **Compatibility with Adjacent Private Properties.** Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences, and signs, to prevent overflow onto adjacent private properties.

E. **Adequate Utilities and Services.** Proposals for recreational development shall include facilities for water supply, wastewater, and garbage disposal in conformance with Town standards.

5.8 Residential Development

5.8.1 Policies

A. **Compatibility with Shoreline.** All subdivisions and residential development should be designed at a level of site coverage and density compatible with the physical capabilities of the shoreline and water. Single-family residences are identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

B. **Encourage Restoration and Environmental Design.** Ecological restoration and measures to minimize environmental impacts, such as low impact development and vegetation conservation and enhancement, should be encouraged.

C. **Aesthetics and Views.** All subdivisions and residential development should be designed to adequately protect and/or improve the water and shoreline aesthetic qualities and to avoid impacts to scenic views and vistas.

D. **Provide Public Access.** Residential developments should be encouraged to provide public access to shorelines within the development and to minimize impacts of vehicular use and parking upon shoreline aesthetics.

5.8.2 Regulations

A. **Subdivisions and Plats.** Subdivisions and plats shall:

1. Comply with all applicable subdivision and zoning regulations.

2. Include facilities for water supply, wastewater, stormwater, solid waste, access, utilities and other support facilities in conformance with Town standards and which do not result in harmful effects on the shoreline or waters. See Section 4.6.2.D for specific wastewater requirements.

3. Be designed to prevent the need for new shoreline stabilization or flood hazard reduction measures per Section 4.3.

4. Be designed, configured and developed in a manner that assures that no net loss of ecological functions results from division of land at full build-out of all lots and throughout all phases of development.

5. Be required to cluster residential units and structures where necessary and when allowed by the Town to avoid critical areas and to preserve natural features and minimize physical impacts.

6. Identify locations for community access, or conservation and utility easements, where proposed.

7. Require demonstration of proof that there is adequate space available in the newly created lots to accommodate the future structure and all buffers and setbacks.

B. **Environmental Protection.** Residential development including accessory uses and appurtenant structures shall:

1. Meet all applicable critical area, vegetation conservation, and water quality standards of Chapter 4, Appendix B, and other Vegetation Conservation sections of this SMP.

2. Be sufficiently set back from steep slopes and South Prairie Creek so that structural improvements, including stabilization structures, are not required to protect such structures and uses. To accomplish this, the Town shall apply buffers established in Appendix B, and shall apply applicable Vegetation Conservation buffers in Section 4.5.

C. Public Access. See SMP Section 4.4.

D. Overwater Structures. New overwater residences are prohibited.

E. Underground Utilities. See Section 5.13.

F. **Single-Family Residential Development**. Single-family residential development shall be given priority over multi-family development.

1. **Buffer**. All single-family development shall comply with the shoreline buffer established in Section 4.5.2.B. Buffer reduction options outlined in Section 4.5.2.P may be applied to single-family developments.

2. **Density**. The minimum lot area for one single-family dwelling unit shall be 7,500 square feet.

3. **Appurtenant Structures.** Appurtenances to single-family development are those structures and improvements connected to the use and enjoyment of a single-family residence. Appurtenant structures shall include all structures greater than 18 inches above existing grade and may include, but are not limited to, a detached garage and/or shop, hot tubs, saunas, cabanas,

antennas, and decks. A maximum of 200 square feet of appurtenant structures are allowed within the shoreline buffer. Appurtenant structures shall be prohibited over the water.

4. **Sewage Disposal**. On-site sewage drain fields shall be located in the outer 50 percent of the shoreline buffer and designed to avoid water quality degradation and meet all applicable water quality, utility, and health standards.

G. **Multi-Family Residential Development**. Multi-family development shall only be allowed if it can be shown that single-family development is not compatible with the site.

1. **Buffer**. All multi-family development shall comply with the shoreline buffer established in Section 4.5.2.B. Buffer reduction options outlined in Section 4.5.2.P may be applied to multi-family developments.

2. **Density**. The minimum lot area for one duplex dwelling shall be 7,500 square feet.

3. **Accessory Structures.** Accessories to multi-family development are those structures and improvements connected to the use and enjoyment of a multi-family residence. Accessories structures shall include all detached structures greater than 18 inches above existing grade. A maximum of 200 square feet of appurtenant structures are allowed within the shoreline buffer. Accessory structures shall be prohibited over the water.

4. **Sewage Disposal**. On-site sewage drain fields shall be located in the outer 50 percent of the shoreline buffer and designed to avoid water quality degradation and meet all applicable water quality, utility, and health standards.

5.9 Shoreline Habitat and Natural Systems Enhancement Projects

Shoreline habitat and natural systems enhancement and restoration projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines. This does not include mitigation activities conducted as a means of compensating for ecological impacts.

5.9.1 Policies

A. Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.

B. Restoration and enhancement actions should improve shoreline ecological functions and processes and should target meeting the needs of sensitive plant, fish and wildlife species as identified by Washington Department of Fish and Wildlife, Washington Department of Natural Resources, National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.

C. The Town should, and private entities are encouraged to, seek funding from state, federal, private and other sources to implement restoration, enhancement, and acquisition projects, particularly those that are identified in the Restoration Plan of this SMP or the local watershed plan.

D. The Town should develop processing guidelines that will streamline the review of restoration-only projects.

E. Restoration and enhancement projects should be coordinated with local Tribes, volunteer groups and conservation districts.

F. Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife, and plants.

5.9.2 Regulations

A. Restoration and enhancement shall be carried out in accordance with an approved shoreline restoration or enhancement plan, as submitted by the applicant and consistent with Appendix B, Section B.1.6.

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

C. Long-term maintenance and monitoring shall be included in restoration or enhancement proposals.

D. Shoreline restoration and enhancement may be allowed if the project applicant demonstrates that no undesired change to sediment transport or river current will result and that the enhancement will not adversely affect ecological processes, properties, or habitat.

E. Shoreline restoration and enhancement projects shall be designed using the best available scientific and technical information, and implemented using best management practices.

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

G. Applicant's seeking to perform restoration projects are advised to work with the Town to assess whether and how the project site may be granted relief under RCW 90.58.580, in the event that the restoration project shifts the OHWM landward.

5.10 Shoreline Stabilization

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as flooding. These actions include structural and nonstructural methods. Nonstructural methods include shoreline buffers or setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization. Structural measures include the use bulkheads, riprap, concrete, or other rigid means to address erosion impacts.

5.10.1 Policies

A. Shoreline stabilization should be located, designed, and maintained to protect, restore and maintain shoreline ecological functions, ongoing shoreline processes, and the integrity of shoreline features. Ongoing stream processes and the probable effects of proposed shoreline stabilization on other properties and shoreline features should be considered.

B. Shoreline stabilization should not be developed for the purpose of filling shorelines.

C. When stabilization is necessary, mitigation for the loss of ecological function will be required.

D. Alternative methods (such as "log jams") that can provide stabilization as well as fish habitat should be included in project alternatives.

E. Structural shoreline stabilization measures should only be used when more natural, flexible, non-structural methods such as placing the development farther from the OHWM, planting vegetation, or installing on-site drainage improvements, and bioengineering have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:

1. No action (allow the shoreline to retreat naturally), increase buffers, and relocate structures.

2. Non-structural methods such as drainage control, vegetative plantings, or relocation of structures.

3. Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including protective berms, flood fencing or vegetative stabilization.

4. Rigid works constructed of artificial materials such as riprap or concrete.

F. Structures should be located and designed to avoid the need for future shoreline stabilization where feasible. Land subdivisions should be designed to assure that future development of the created lots will not require shore stabilization for reasonable development to occur.

G. New or expanded structural shoreline stabilization should only be permitted where demonstrated to be necessary to protect an existing primary structure, including residences, that is in danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes.

H. New or expanded structural shoreline stabilization for enhancement, restoration, or hazardous substance remediation projects should only be allowed when non-structural measures, vegetation planting, or on-site drainage improvements would be insufficient to achieve enhancement, restoration or remediation objectives.

I. Shoreline stabilization should not be permitted when it interferes with public access to shorelines of the state, nor with other appropriate shoreline uses including, but not limited to, private recreation.

J. Shoreline stabilization should be developed in a coordinated manner among affected property owners and public agencies, particularly those that cross jurisdictional boundaries, to address ecological and geo-hydraulic processes and sediment conveyance issues. Where erosion threatens existing development, a comprehensive program for shoreline management should be established by the multiple affected property owners.

K. Provisions for multiple use, restoration, and/or public shore access should be incorporated into the location, design and maintenance of shore stabilization for public or quasi-public developments whenever safely compatible with the primary purpose. Shore stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.

L. Materials used for construction of shoreline stabilization should be selected for long-term durability, ease of maintenance, compatibility with local shoreline features including aesthetic values, ability to provide fish and wildlife habitat, and flexibility for future uses.

M. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.

5.10.2 Regulations

A. **General.** The purpose of this section is to provide standards and guidelines for the location and design of non-structural, hard structural and soft structural shoreline

stabilization measures that have the potential to adversely impact the shoreline natural environment. New development, however, shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. In all cases, the feasibility of non-structural and soft structural shoreline stabilization shall be evaluated prior to hard structural stabilization. Shoreline stabilization shall be designed so that net loss of ecological functions does not occur.

B. **New or enlarged structural shoreline stabilization.** New structural shoreline stabilization measures, including both hard and soft structural shoreline stabilization measures, shall include measures installed to address erosion impacts. Enlargement of an existing structural shoreline stabilization shall include additions to or increases in size (such as height, width, length, or depth) to existing shoreline stabilization measures and these enlargements shall be considered new structures. New or enlarged structural stabilization measures shall not be allowed, except as follows:

1. To protect an existing primary structure, including residences, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from shoreline erosion. Normal sloughing or shoreline erosion itself, without a scientific or geotechnical analysis is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering hard or soft structural shoreline stabilization.

2. In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:

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

    b. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion impacts.

    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. Erosion must be caused by natural processes. OR

3. In support of water-dependent development when all of the conditions below apply:

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

b. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible over time or not sufficient to adequately address erosion causes or impacts.

c. The need to protect primary structures, including residences, from damage due to erosion is demonstrated through a geotechnical report. OR

4. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to Chapter 70.105D RCW when nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.

C. **Repair of existing shoreline stabilization measures.** This section allows repair and maintenance of existing shoreline stabilization measures, subject to all of the following standards. [Note: repair and replacement of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, but they are not exempt from the policies and regulations of this Section or the SMP.]

1. Maintenance and repair shall include modifications or improvements to an existing shoreline stabilization measure that are designed to ensure the continued function of the stabilization measure by preventing failure of any part of the stabilization measure.

2. Modifications or improvements that include additions to or increase in size of existing shoreline stabilization measures shall be considered new structures, and are not a repair.

3. Replacement of greater than 50 percent or 35 feet, whichever is smaller, of linear length of existing shoreline stabilization on a waterfront parcel is not considered a repair for purposes of these regulations, and must be designed and reviewed as a replacement subject to the provisions contained in Subsection 5.13.2.D.2 below. For shoreline stabilization projects, "replacement" occurs when the existing structure, including its footing or bottom course of rock, is removed prior to placement of new shoreline stabilization materials. Repairs that involve only removal of material above the footing or bottom course of rock are not considered replacements. Replacement of existing shoreline stabilization may still qualify for an exemption from a Shoreline Substantial Development Permit as listed in Section 7.6.3 of this SMP.

4. Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.

5. The placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure shall be considered a new structure, and is not maintenance or repair.

D. **Replacement.** The following standards apply to replacement of existing hard and soft structural shoreline stabilization measures:

1. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall also be considered new structures.

2. Replacement shall be treated as a new shoreline stabilization measure subject to the restrictions of Subsection 5.13.2.B. above, as well as the submittal requirements of Subsection 5.13.2.E. below, except for the requirement to prepare a geotechnical analysis. A geotechnical analysis is not required for replacements of existing hard or soft structural shoreline stabilization with a similar or softer measure if the applicant demonstrates need to protect principal uses or structures from erosion caused by natural processes operating at or waterward of the OHWM.

3. Replacement of hard structural shoreline stabilization measures shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless the residence was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. All other replacement hard structural shoreline stabilization measures shall be located at or landward of the existing shoreline stabilization structure.

4. Hard shoreline stabilization measures may allow some accessory fill (gravel, cobble or smaller material only) waterward of the OHWM to provide enhancement of shoreline ecological functions. In such cases, a study is required to ensure the flood storage and conveyance capacity shall not decrease.

5. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM.

E. **General Design Standards.** When a hard or soft structural shoreline stabilization measure is demonstrated to be necessary, the following design standards shall be incorporated into the stabilization design:

1. Soft structural shoreline stabilization measures shall be used to the maximum extent practicable for new, enlarged, or replacement shoreline stabilization measures, limiting hard structural shoreline stabilization measures to the portion or portions of the site where necessary to protect or support existing shoreline structures or trees, or where necessary to connect to existing shoreline stabilization measures on adjacent properties. Hard structural shoreline stabilization transition areas between the applicant's otherwise soft shoreline measure and the adjacent hardened shoreline, when needed on the subject property to prevent destabilization of adjacent hardened shorelines, should be minimized and extend into the subject property from the property line no more than 10 feet.

2. For enlarged or replacement soft and hard structural shoreline stabilization measures, the following location and design standards are preferred in descending order:

    a. Conduct excavation and fill activities associated with the soft or hard structural shoreline stabilization landward of the existing OHWM to the maximum extent practicable.

    b. Where a, above, is not practicable because of overriding safety or environmental concerns, conduct necessary excavation and fill activities waterward of the existing OHWM as needed to implement a soft structural shoreline stabilization technique or to mitigate the impacts of hard structural shoreline stabilization.

3. All approved new, enlarged, repair, or replacement shoreline stabilization measures must minimize and mitigate any adverse impacts to ecological functions resulting from short-term construction activities, consistent with Section 4.2, Ecological Protection and Critical Areas and Appendix B, Critical Areas Regulations. Impact minimization techniques may include compliance with appropriate timing restrictions, use of best management practices to prevent water quality impacts related to upland or in-water work, and stabilization of exposed soils following construction.

4. All new, enlarged, or replacement hard structural shoreline stabilization measures shall minimize any long-term adverse impacts to ecological functions by incorporating the following measures into the design:

a. Limiting the size of hard structural shoreline stabilization measures to the minimum necessary, including height, depth, and mass.

b. Shifting the hard structural shoreline stabilization landward and/or sloping the hard structural shoreline stabilization landward to provide some dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat.

c. Fish habitat components.

5. Approved new and enlarged shoreline stabilization measures shall mitigate any adverse impacts to ecological functions by incorporating the following measures at a minimum into the design if appropriate for local conditions:

   a. Restoration of appropriate substrate conditions waterward of the OHWM, to include substrate composition and gradient. The material should be sized and placed to remain stable during a 2-year flood event.

   b. Plant native riparian vegetation, a minimum 10 feet in width, along the shoreline frontage affected by the new or enlarged stabilization, along the water's edge. The vegetated portion of the shoreline buffer shall approved by the Shoreline Administrator.

   c. Additional mitigation measures may be required by the Town, depending on the level of impact.

6. The shoreline stabilization measure shall be designed to not significantly interfere with normal surface and/or subsurface drainage into the adjacent waterbody.

7. The shoreline stabilization measure shall be designed to ensure that it does not restrict appropriate public access to the shoreline. Access measures should not extend farther waterward than the face of the shoreline stabilization measure and the OHWM.

8. Shoreline stabilization measures shall not extend waterward more than the minimum amount necessary to achieve effective stabilization, except for those elements that enhance shoreline ecological functions and minimize impacts.

9. If repair or replacement of shoreline stabilization measures intended to improve ecological functions shift the OHWM landward of the pre-modification location and result in expansion of the shoreline jurisdiction on any property other than the subject property, the plan shall not be approved

until the applicant submits a copy of a statement signed by the property owners of all affected properties, in a form approved by the Town and recorded with Pierce County, consenting to the shoreline jurisdiction creation and/or increase on such property.

F. **Specific Hard Structural Shoreline Stabilization Design Standards**. In those limited instances when hard structural shoreline stabilization measures, such as concrete or riprap, are demonstrated to be necessary as outlined in H.1 below, the following standards shall be incorporated into the design:

1. In those limited cases when hard structural shoreline stabilization is approved on a site where hard structural shoreline stabilization is not located on adjacent properties, the construction of hard structural shoreline stabilization shall tie in with the existing contours of the adjoining properties, as feasible, such that the proposed stabilization would not cause erosion of the adjoining properties.

2. When hard structural shoreline stabilization measures are proved to be necessary, the stabilization structure shall:

   A. Tie into existing contours of the adjacent parcel; or

   B. Tie into the existing adjacent stabilization structures.

   At no time shall the above options permit the placement of fill below the ordinary high water mark, or create new uplands.

3. Fill behind hard structural shoreline stabilization shall be limited to one (1) cubic yard per running foot of stabilization. Any filling in excess of this amount shall be considered a regulated activity subject to the regulations in this Chapter pertaining to fill activities and the requirement for obtaining a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit.

4. All structures should include fish habitat elements.

G. Specific Soft Structural Shoreline Stabilization Design Standards. In addition to applicable general design standards and hard structural shoreline stabilization standards above, the following standards shall be incorporated into the design:

1. The soft shoreline stabilization design shall provide sufficient protection of adjacent properties by:

   A. Tying into the existing contours of the adjacent parcel; or

B. Tying into the existing adjacent stabilization structures.

At no time shall the above options permit the placement of fill below the ordinary high water mark, or create new uplands. A maximum of 10 feet of hard structural measures may be utilized to tie into adjacent structures. .

2. The soft shoreline stabilization design shall size and arrange any gravels, cobbles, logs, and boulders so that the project remains stable during a 2-year flood event.

H. Submittal Requirements. In addition to submitting an application for the appropriate shoreline permit, the applicant shall submit the following as part of a request to construct a new, enlarged, or replacement shoreline stabilization measure:

1. For a new or enlarged hard or soft structural shoreline stabilization measure, a geotechnical report prepared by a qualified professional with an engineering degree (see subsection 2 below for replacement structures). The report shall include the following:

a. An assessment of the necessity for structural shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation. New hard structural shoreline stabilization measures shall not be authorized, except when a report confirms that that there is a significant possibility that an existing structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

b. An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the OHWM.

c. An assessment of alternative measures to shoreline stabilization, including:

(1) Placing the development farther from the OHWM

(2) Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.

(3) Planting vegetation.

d. Where structural shoreline stabilization is determined to be necessary, the assessment must evaluate the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures. Soft shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.

e. Design recommendations for minimum sizing of hard structural or soft structural shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

2. For replacements of existing hard structural shoreline stabilization measures with a similar measure, the applicant shall submit a written narrative providing a demonstration of need. The narrative must be prepared by a qualified professional. The demonstration of need shall consist of the following:

a. An assessment of the necessity for continued structural shoreline stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch or flow velocities, and location of the nearest primary structure.

b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization.

c. An assessment of alternative measures to shoreline stabilization, including:

(1) Relocating the development farther from the OHWM.

(2) Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.

d. An assessment of the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures. Soft structural shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.

e. Design recommendations for minimizing impacts of any necessary hard structural shoreline stabilization.

3. A demonstration of need may be waived when an existing hard structural shoreline stabilization measure is proposed to be repaired or replaced using soft structural shoreline stabilization measures, resulting in significant restoration of shoreline ecological functions or processes.

4. For all structural shoreline stabilization measures, including soft structural shoreline stabilization, detailed construction plans, including, but not limited to, the following:

    A. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWMs.

    B. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation. The sizing and placement of all materials shall be selected to accomplish the following objectives:

        (1) Protect the primary structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from erosion;

        (2) Allow safe passage and migration of fish and wildlife; and

        (3) Minimize or eliminate juvenile salmon predator habitat.

    C. For projects that include native vegetation, a detailed five-year vegetation maintenance and monitoring program to include the following:

        (1) Goals and objectives of the shoreline stabilization plan;

        (2) Success criteria by which the implemented plan will be assessed;

        (3) A five (5) year maintenance and monitoring plan, consisting of at least one site visit per year by a qualified professional, with annual progress reports submitted to the Shoreline Administrator and all other agencies with jurisdiction; and

        (4) A contingency plan in case of failure.

5.11 Signage

5.11.1 Policies

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

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

5.11.2 Regulations

A. Sign Size, Location, and Lighting Standards:

1. Prohibited Signs: The following types of signs are prohibited:

    a. Off-premises detached outdoor advertising signs.

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

    c. Any signs or other devices which flash, blink, flutter, rotate, oscillate, or otherwise purposely fluctuate in lighting or position, in order to attract attention through their distractive character. Highway and railroad signs are exceptions, as are pennants, banners, and other devices of seasonal, holiday, or special event character which may be utilized on a temporary basis based on Town standards.

    d. Signs placed on trees or other natural features, unless the Town's Shoreline Administrator finds that these signs are necessary for public safety reasons.

2. Allowable Signs: The following types of signs may be allowed in all shoreline environments:

    a. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.

    b. Public information signs directly relating to a shoreline use or activity. Public information signs shall include public park signs, public access identification signs, critical area buffer signs, and warning signs.

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

    d. National, site, and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.

e. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.

3. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline. No signs shall be placed in a required view corridor.

4. Over-water signs or signs oriented at the water are prohibited.

5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.

6. Signs shall meet the applicable size standards adopted by the Town.

7. Temporary or obsolete signs shall be removed within 10 days of elections, closures of business, or termination of any other function. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.

8. Signs that do not meet the policies and regulations of this section shall be removed or shall conform within two years of the adoption of this SMP.

9. The maximum area of individual sign faces shall be consistent with Town standards.

10. Signs required by law shall not be subject to limitations with respect to the number, location, and/or size, provided that they are the minimum necessary to achieve the intended purpose. Signs required by law include, but are not limited to, official or legal notices issued and posted by any public agency or court, or traffic directional or warning signs.

11. Freestanding signs authorized by this SMP are subject to the shoreline and critical area buffers and vegetation conservation standards in Section 4.5 and Appendix B. Building mounted signs are subject to shoreline buffers and other setbacks applicable to buildings. Height of wall signs shall be measured in accordance with applicable Town standards.

5.12 Transportation and Parking

5.12.1 Policies

A. **Circulation:** Public agencies and developments should provide circulation facilities including roads, streets, alleys, pedestrian, bicycle, and public transportation facilities, consistent with federal, state, or local standards and sufficient to meet adopted levels of service.

B. **Essential Public Facilities:** Comprehensive plans, which include SMPs, may not preclude the siting of essential public facilities, which include state or regional transportation facilities as defined in RCW 47.06.140.

C. **Minimize Land Consumption:** When transportation facilities must be located along shorelines efforts should be made to minimize the amount of land consumed. Where feasible, such transportation facilities should be sufficiently set back so that a usable shoreline area remains. Where feasible, roads and trails should not run parallel to shorelines.

D. **Erosion and Groundwater:** Roads in shoreline areas should be designed and maintained to prevent erosion and to permit a natural movement of groundwater.

E. **Protect Shorelands:** All construction should be designed to protect the adjacent shorelands from erosion, uncontrolled drainage, slides, pollution, and other factors detrimental to the environment. Transportation facilities and parking facilities should be planned, located, and designed where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.

F. **General Maintenance and Reconstruction:** Road maintenance and reconstruction should be allowed in accordance with best management practices adopted by the Town and the State of Washington Department of Transportation.

G. **Trails:** Multi-purpose trails should be encouraged in shoreline jurisdiction consistent with public access policies and regulations in Section 4.4.

H. **Appropriate Bridges and Culverts:** Road design for stream crossings should consider appropriate bridge and culvert designs based on federal, state, or local standards, for example, Washington Department of Fish and Wildlife's 2003 Design of Road Culverts for Fish Passage.

I. **Coordinate Land Use and Transportation:** Since land use and transportation facilities are so highly interrelated, the plans for each should be closely coordinated and consider shoreline goals, objectives, policies, and standards.

J. **Parking:** Parking facilities in shorelines are not a preferred use and should be allowed only as necessary to support an authorized use. Parking facilities should be located as far inland as possible from the OHWM.

5.12.2 Regulations

A. **Roads and Railroads Limited in Shoreline Jurisdiction:** Where other options are available and feasible, new roads, road expansions or railroads shall not be built within shoreline jurisdiction.

B. **Criteria if Roads or Railroads are Unavoidable:** When roads or road expansions are unavoidable in the shoreline jurisdiction, proposed transportation facilities shall be planned, located, and designed to achieve the following:

1. Minimize possible adverse effects on unique or fragile shoreline features;

2. Maintain no-net-loss of shoreline ecological functions and implement mitigation standards of Section 4.2, Ecological Protection and Critical Areas and Section 4.5, Vegetation Conservation and Shoreline Buffers;

3. Avoid adverse impacts on existing or planned water-dependent uses; and

4. Set back from the OHWM to the maximum feasible to allow for a usable shoreline area for vegetation conservation and planned shoreline uses unless infeasible, standards for ADA accessibility and functionality cannot be met, or the cost is disproportionate to the cost of the proposal. For the purposes of this Section, disproportionate means the shoreline buffer requirement would add more than 20% to the total project cost.

C. **Shoreline Crossings:** Shoreline crossings and culverts shall be designed to minimize impact to riparian and aquatic habitat and shall allow for fish passage. Crossings shall occur as near to perpendicular with the waterbody as possible, unless an alternate path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands.

D. **Floodway:** See Section 4.3.

E. **Construction Standards:** Construction standards of the appropriate governmental agency, together with SMP standards, shall be conditions for granting shoreline permits. Seasonal work windows may be required based on federal or state requirements, or if the proposal involves crossing shorelines or altering the waterbody.

F. **Trails:** See public access standards in Section 4.4.

G. **Parking Facilities:** Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Parking that does not require a shoreline location in order to carry out its functions shall:

1. Be sited outside of shoreline jurisdiction unless no feasible alternative location exists outside of the shoreline;

2. Be planted or landscaped with native vegetation to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas and to provide some level of habitat function desired in shoreline areas;

3. Observe critical area and shoreline buffers; and

4. Be designed to incorporate low-impact development practices, such as pervious surfaces and rain gardens, to the extent feasible.

5.13 Utilities

5.13.1 Policies

A. Avoid placing utilities within shoreline jurisdiction unless absolutely necessary.

5.13.2 Regulations

A. **Design Considerations:** Utility systems are permitted provided such systems:

1. Avoid paralleling the shoreline or following a down-valley course near the channel, except where located in an existing road or easement footprint; and

2. Do not alter processes affecting the rate of channel migration, river hydrology or shoreline erosion.

B. **Preference to Existing Footprints:** Preference shall be given to utility systems contained within the footprint of an existing right-of-way or utility easement over new locations for utility systems.

C. **Underwater Utilities:** If an underwater location is necessary, the design, installation and operation shall minimize impacts to the waterway or the resident aquatic ecosystems. Seasonal work windows may be made a condition of approval. Standards of Section 5.4.2, Dredging and Dredge Material Disposal; Section 4.2, Ecological Protection and Critical Areas; Section 4.5, Vegetation Conservation and Shoreline Buffers (for any aquatic vegetation impacts); and Section 5.2, General Aquatic Shoreline Modification and Use Regulations must be met.

D. **Nonwater-Oriented Processing and Production Facilities**: Nonwater oriented utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are nonwater-oriented, shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.

6 Nonconforming Uses and Development Standards

A nonconforming use, structure or lot is defined as a shoreline use or development legally constructed or established prior to the effective date of the Act (June 1, 1971; RCW 90.58.920) or this SMP, but does not conform to present regulations or standards of the SMP with the exception of all legally existing residential uses and structures which shall be considered conforming.

Legally established residential structures and appurtenant structures used for a conforming use, but do not meet the bulk, dimensional, or performance standards in the current SMP, shall be considered legally conforming, and are not subject to the provisions of the nonconforming use chapter. Legally established residential structures and associated appurtenances that do not meet the bulk, dimensional or performance standards may be redeveloped, expanded or replaced in accordance to the permit procedures of this SMP as a conforming use and structure.

6.1 Nonconforming Structures, Uses, Lots: Policies

The following policies on nonconforming structures, uses, and lots apply to shoreline jurisdiction.

A. Nonconforming existing legal uses and structures may continue.

B. Transitions from nonconforming uses to conforming uses should be encouraged.

C. Owners of nonconforming structures that wish to expand the structure may be able to do so if they do not increase the nonconformity according to the shoreline administrator.

D. The SMP no-net-loss of ecological function objective should guide review of proposed expansions or other changes to nonconforming uses and new development on nonconforming vacant lots. This objective may be addressed in an area wide manner consistent with the SMP cumulative impacts analysis.

E. The Town should consider balancing historic character of the community with conformity to SMP rules when considering changes to nonconforming uses, structures, and lots.

6.2 Nonconforming Structures, Uses, Lots: Standards

6.2.1 Nonconforming Structures, Uses, and Lots: General Provisions

A. Section 6.2 is not intended to encourage the continuance of nonconforming structures, uses, and lots.

B. Structures, uses, and lots rendered nonconforming by the adoption of the SMP may be continued, maintained in reasonable repair, or remodeled subject to the conditions of Section 6.2.

C. For the purpose of Section 6.2, remodeling, or repairs to a nonconforming structure means work that does not exceed eighty percent (80%) of the latest County assessed or appraised value by a state certified/licensed real estate appraiser of the building or structure before the improvements are started.

6.2.2 Nonconforming Lots of Record

A. In any shoreline use environment, any stated permitted use or structure and accessory use may be erected on pre-existing legal lot of record which does not meet the minimum lot size or width requirements of the use environment or zoning district in which it is located.

B. Setback dimensions and all other applicable Town and state requirements not involving lot size or width shall conform to the regulations for the use environment and zoning district in which the lot is situated.

6.2.3 Discontinuance of Nonconforming Use

A. If a nonconforming use has been discontinued or vacated for a period of twelve consecutive months or greater, the nonconforming status is terminated, and any future use of the land or structures shall be in conformity with the provisions of the use environment and zoning district in which it is located.

6.2.4 Destruction and Restoration

A. If a nonconforming structure/use is damaged or destroyed by accident, act of nature, or public enemy, it may be permitted to be rebuilt equal to the square footage, and within the same footprint of the damaged or destroyed structures(s), and for the same use, provided that the proposal is in accordance with all other applicable Town standards.

B. The structure may be rebuilt in the same location or at a different location on the site if the new structure meets the current minimum shoreline buffer distance at that different location.

C. A building permit application must be submitted to the Town of South Prairie within one year after the structure(s) has been destroyed. If a building permit application is not submitted within one year, all future structures shall be required to be in conformity with this SMP and all current Town standards.

6.2.5 Maintenance

A. A nonconforming structure may be physically maintained and repaired as needed to ensure public safety. All maintenance shall conform to all current development standards and building codes.

6.2.6 Expansion

A. Any expansion shall not increase the existing nonconformity. No expansion shall encroach on shoreline buffers or critical areas, unless allowed by the SMP. All expansion shall conform to current Town development standards and building codes.

6.2.7 Completion of a Building/Structure/Activity

A. Nothing contained in Section 6.2 shall require any change in plans, construction, alterations, or designated uses of a building/structure specified in a complete application for a development permit submitted prior to the adoption of the SMP or its amendment. Improvements and uses authorized by a recorded motion or resolution of the Town, or any permit issued by the Town prior to the effective date of the SMP may be developed as set forth in the permit. If the permit becomes invalid prior to development of improvements or uses, the provisions of this SMP shall be in effect on the subject property.

7 SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

7.1 Roles and Responsibilities

The Town of South Prairie (Town) shall administer this Shoreline Master Program (SMP) according to the following roles and responsibilities.

7.1.1 Shoreline Administrator

The Shoreline Administrator for the Town is the Mayor, who shall have overall administrative responsibility of this SMP. The Shoreline Administrator, or his or her designee, shall make administrative decisions and interpretations of the policies and regulations of this SMP and the Shoreline Management Act (Act).

The Shoreline Administrator is hereby vested with the authority to:

A. Administrate this SMP.

B. Grant or deny exemptions from Shoreline Substantial Development Permit requirements of this SMP per Section 7.6.3.

C. Authorize, approve, or deny Shoreline Substantial Development Permits, except for those for which the hearing examiner or local government legislative authority is the designated decision maker. The Shoreline Administrator shall also have the authority to grant or deny Shoreline Substantial Development Permits, time extensions to shoreline permits, revisions, Shoreline Variances, and Shoreline Conditional Use Permits under this SMP.

D. Make field inspections as needed, and prepare or require reports on shoreline permit applications.

E. Make written recommendations to the South Prairie Town Council.

F. Advise interested persons and prospective applicants as to the administrative procedures and related components of this SMP.

G. Collect fees for all necessary permits as provided in Town ordinances or resolutions. The determination of which fees are required shall be made by the Town.

H. Make administrative decisions and interpretations of the policies and regulations of this SMP and the Shoreline Management Act (Act).

7.1.2 State Environmental Policy Act (SEPA) Responsible Official

The SEPA Responsible Official or his or her designee is authorized to conduct environmental review of all use and development activities subject to this SMP, pursuant to WAC 197-11 and RCW 43.21C.

7.1.3 South Prairie Town Council

The South Prairie Town Council (Town Council) is vested with authority to:

A. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173- 26-100.

B. Adopt all amendments to this SMP, after consideration of the recommendation of Town staff. Substantive amendments shall become effective fourteen days from the final written approval and adoption by Ecology.

7.2 Interpretation

The SMP Administrator shall provide administrative interpretations in accordance with the Act, the Shoreline Master Program Guidelines, and with the South Prairie Unified Development Ordinance.

The Town shall consult with the Washington State Department of Ecology (Ecology) to ensure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW, 173-22 WAC, 173-26 WAC, and 173-27 WAC.

7.3 Statutory Noticing Requirements

The Town shall provide notice in accordance with WAC 173-27-110, and may provide for additional noticing requirements. Per WAC 173-27-120 the Town shall comply with special procedures (public notice timelines; appeal periods; etc.) for limited utility extensions and bulkheads.

7.4 Application Requirements

A. A complete application for a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit shall contain, at a minimum, the information listed in WAC 173-27-180. In addition, the applicant shall provide the following materials:

    1. Each applicant shall provide an assessment of the existing ecological functions and/or processes provided by topographic, physical and vegetation characteristics of the site, to accompany development proposals, provided that proposals for single-family residences may be exempt from this requirement.

2. Each site plan or division of land shall depict to scale the location of buildable areas, existing and proposed impervious surfaces, and allowed landscaping and yards. Plans shall show area calculations of each feature.

3. The location of any mapped channel migration zone (see Section 4.3.2), floodplain, and/or floodway boundary on and in the vicinity of the project site. Local watershed plans shall be reviewed to identify if the parcel has been identified as a priority.

4. Where a view analysis is required per WAC 173-27-180 due to location of nearby residential or public properties or designated scenic highways, it shall address the following:

    a. The analysis shall include vacant existing parcels of record as well as existing structures. Vacant parcels of record shall be assumed to be developed with structures complying with the applicable regulations of the jurisdiction and the maximum height limitation allowed under the SMP.

    b. The view corridor analysis shall include residential buildings or public properties located outside of the shoreline jurisdiction if it can be clearly demonstrated that the subject property has significant water views.

C. The Shoreline Administrator may vary or waive these requirements according to administrative application requirements on a case by case basis. The Shoreline Administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other Town requirements, and the provisions of this SMP.

7.5 Shoreline Substantial Development Permits

7.5.1 Permit Required

A Shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposal is specifically exempt per Section 7.6.

7.5.2 Permit Review Criteria

In order for the permit to be approved, the decision maker must find that the proposal is consistent with the following criteria.

A. Is the proposal consistent with the policies and procedures of the Act (RCW 90.58)?

B. Is the proposal consistent with the provisions of Chapter 173-27 WAC, Shoreline Management Permit and Enforcement Procedures?

C. Is the proposal consistent with this SMP?

7.5.3 Conditions of Approval

The Town may attach conditions to the approval of permits as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the Town's ability to require compliance with all other applicable laws and plans.

7.6 Exemptions from Shoreline Substantial Development Permits

7.6.1 Compliance with Applicable Regulations Required

An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the Act or this SMP, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this SMP and the Act.

7.6.2 Interpretation of Exemptions

A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.

B. An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the Act or this SMP, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this SMP and the Act. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.

C. The burden of proof that a development or use is exempt from the permit process is on the applicant.

D. If any part of a proposed development is not eligible for exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project.

E. The Town may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the Town's ability to require compliance with all other applicable laws and plans.

7.6.3 Exemptions

Certain developments are exempt from the requirement to obtain a substantial development permit. Such developments still may require a variance or Conditional Use permit, and all development within the shoreline is subject to the requirements of this SMP, regardless of whether a substantial development permit is required. Developments which are exempt from requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended and listed below.

A. Any development of which the total cost or fair market value, whichever is higher, does not exceed $6,416.00, if such development 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, 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. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

B. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

C. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant

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

D. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

E. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That 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;

F. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their 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 chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

G. 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 from the irrigation of lands;

H. 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;

I. 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;

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

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

7.6.4 Letters of Exemption – Required

Letters of exemption shall be issued by the Town when an exemption per Section 7.6.2 applies or is required by the provisions of WAC 173-27-050.

7.7 Shoreline Conditional Use Permits

7.7.1 Determinations of Conditional Use Permits

A. Uses specifically classified or set forth in this Shoreline Master Program as conditional uses shall be subject to review and condition by the Town Council and by Department of Ecology.

B. Other uses which are not classified or listed or set forth in this SMP 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 this SMP.

C. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

7.7.2 Review Criteria

A. An applicant proposing a conditional use shall demonstrate compliance with review criteria below or as thereafter amended in WAC 173-27-160.

1. Is the proposed use consistent with the policies of RCW 90.58.020 and this SMP?

2. Will the proposed use interfere with the normal public use of public shorelines?

3. Will the proposed use of the site and design of the project be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP?

4. Will the proposed use cause no significant adverse effects to the shoreline environment in which it is to be located?

5. Will the public interest suffer no substantial detrimental effect?

B. 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.

C. The applicant shall prepare a cumulative impact analysis documenting other properties or uses on the same waterbody that are similarly situated and could request a similar conditional use permit. The Town shall determine whether the additional potential for conditional use permits will produce substantial adverse effects to the shoreline environment considering the characteristics of the proposed use, the ability to achieve no-net-loss of ecological function principles, and capability of accommodating preferred shoreline uses in the future if the conditional use and cumulative potential requests occur.

D. For requests to exceed maximum heights, the analysis shall address such considerations as cumulative view obstruction results of height adjustments (within a 1,000-foot radius) of the proposed development combined with those of other developments that exceed the 35-foot height limitation, environmental benefits

(enhancement or restoration), public access/open space benefits, and economic benefits. The cumulative impact analysis shall address overall views that are lost, compromised, and/or retained; available view corridors; and surface water views lost, compromised, and/or retained.

E. Applicants proposing to exceed maximum height limits shall also comply with the following criteria:

1. Does the building or structure impact a substantial number of residences? Are the residences involved on or in an area adjoining the project area? Does the building or structure exceed 35 feet in height? Is there an obstruction of view?

2. Has the applicant demonstrated through photographs, or computer-generated simulations that the proposed development will obstruct less than 30% of the view of the shoreline enjoyed by a substantial number of residences or from public properties on areas adjoining such shorelines?

3. Has the applicant located and oriented structures on the subject property in a manner that diminishes the potential view impact? For example, side yard setbacks may need to be increased. No side yard setbacks shall be reduced to accommodate the proposed structure.

4. Has the applicant demonstrated extraordinary circumstances?

5. To address "overriding considerations of the public interest," has the applicant documented the public benefits served by issuance of a Permit?

7.7.3 Conditions of Approval

In authorizing a conditional use, special conditions may be attached to the permit by the Town or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with each local government's ability to require compliance with all other applicable laws and plans. Mitigation for impacts to ecological function resulting from a variance will be required.

7.8 Shoreline Variance Permits

7.8.1 Purpose

The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Shoreline Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Shoreline Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited.

7.8.2 Review Criteria

Shoreline Variances may be authorized provided the applicant can demonstrate compliance with the following criteria or as thereafter amended in WAC 173-27-170.

A. Shoreline 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 exist and the public interest shall suffer no substantial detrimental effect.

B. Shoreline Variance permits for development and/or uses that will be located landward of the 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 demonstrates all of the following:

    1. Would the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude or significantly interfere with reasonable use of the property?

    2. Is the hardship described in B.1 of this subsection specifically related to the property, and is the hardship the result of unique conditions such as irregular lot shape, size, or natural features and the application of this SMP, and not, for example, from deed restrictions or the applicant's own actions?

    3. Is the design of the project compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will the project design not cause adverse impacts to the shoreline environment?

    4. Will the variance constitute a grant of special privilege not enjoyed by the other properties in the area?

    5. Is the variance requested the minimum necessary to afford relief?

    6. Will the public interest suffer no substantial detrimental effect?

C. Shoreline Variance permits for development and/or uses that will be located waterward of the 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 demonstrates all of the following:

    1. Would the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude all reasonable use of the property?

    2. Is the proposal consistent with the criteria established under subsection 7.8.2.B.2 through B.6 of this section?

3. Will the public rights of navigation and use of the shorelines not be adversely affected?

D. In the granting of all Shoreline 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. The applicant shall prepare a cumulative impact analysis documenting other properties or uses on the same waterbody that are similarly situated and could request a similar variance. The Town shall determine whether the additional potential for variances will produce substantial adverse effects to the shoreline environment considering the characteristics of the proposed variance request, the ability to achieve no-net-loss of ecological function principles, and capability of accommodating preferred shoreline uses in the future if the variance and cumulative potential requests occur.

E. Variances from the use regulations of this SMP are prohibited.

7.8.3 Conditions of Approval

In authorizing a variance, special conditions may be attached to the Variance permit by the Town or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the Town's ability to require compliance with all other applicable laws and plans.

7.9 Permit Conditions

In granting, revising, or extending a shoreline permit, the Town may attach such conditions, modifications, or restrictions thereto regarding the location, character, and other elements of the proposed development deemed necessary to assure that the development will be consistent with the policy and provisions of the Act and this SMP, as well as the supplemental authority provided in RCW 43.21C, as applicable. In cases involving unusual circumstances or uncertain effects, a condition may be imposed to require monitoring with future review or re-evaluation to assure conformance with the Act and this SMP. If the monitoring plan is not implemented, the permittee may be found to be noncompliant and the permit may be rescinded.

7.10 Duration of Permits

Time duration requirements for Shoreline Substantial Development, Shoreline Variance, and Shoreline Conditional Use Permits shall be consistent with the following provisions.

A. The time requirements of this section shall apply to all Shoreline Substantial Development Permits and to any development authorized pursuant to a Shoreline Variance or Shoreline Conditional Use Permit authorized by this Chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of this SMP and this chapter, the Town may adopt different time limits from those set forth in Subsections 7.10.B and C of this section as a part of action on a Shoreline Substantial Development Permit.

B. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a written request for extension has been filed with a complete extension application submittal before the expiration date and notice of the proposed extension is given to parties of record on the Shoreline Substantial Development Permit and to Ecology.

C. Authorization to conduct development activities shall terminate five years after the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a written request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance, and to Ecology.

D. The effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance shall be the date of filing with Ecology as provided in RCW 90.58.140(6). The permit time periods in subsections B and C of this section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. The applicant shall be responsible for informing the Town of the pendency of other permit applications filed with agencies other than the Town and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given by the applicant to the Town prior to the date of the last action by the Town to grant permits and approvals necessary to authorize the development to proceed, including administrative and legal actions of the Town, and actions under other Town development regulations, the date of the last action by the Town shall be the effective date.

E. Revisions to permits under Section 7.14 may be authorized after original permit authorization has expired, provided that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

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

7.11 Initiation of Development

A. Each permit for a Substantial Development, Shoreline Conditional Use or Shoreline Variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) from the date of receipt of the decision, except as provided in RCW 90.58.140 (5)(a) and (b). The date of receipt for a Substantial Development Permit means that date the applicant receives written notice from Ecology that it has received the decision. With regard to a permit for a Shoreline Variance or a Shoreline Conditional Use, date of receipt means the date a Town or applicant receives the written decision of Ecology.

B. Permits for Substantial Development, Shoreline Conditional use, or Shoreline Variance may be in any form prescribed and used by the Town including a combined permit application form. Such forms will be supplied by the Town.

C. A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.

7.12 Review Process

A. The application shall be reviewed by the Town.

B. After a Shoreline Conditional Use or Shoreline Variance application has been approved by the Town, Ecology shall review the permit and make its final decision, in accordance with WAC 173-27-200.

7.13 Appeals to Shorelines Hearings Board

Appeals to the Shoreline Hearings Board of a decision on a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance, or a decision on an appeal of an administrative action, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within twenty-one (21) days of filing the final decision by the Town with Ecology.

7.14 Amendments to Permits

7.14.1 Revision – When Required

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

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes. Proposed changes must be within the scope and intent of the original permit, otherwise a new permit may be required, pursuant to Section 7.14.2.

7.14.2 Determination of Scope and Intent

A. If the Town determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this SMP and the Act, the Town may approve a revision. "Within the scope and intent of the original permit" means all of the following:

    1. Ground area coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit;

    2. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a Shoreline Variance granted as the original permit or a part thereof;

    3. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this SMP;

    4. The use authorized pursuant to the original permit is not changed; and

    5. No adverse environmental impact, including disturbance of existing vegetation or natural drainages, will be caused by the project revision.

B. If the sum of the revision and any previously approved revisions are not within the scope and intent of the original permit, the Town shall require that the applicant apply for a new permit.

7.14.3 Timing of Revision Authorization

Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of

changes which are consistent with WAC 173-27-100 and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW and this SMP. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

7.14.4 Filing of Revision

A. The revision approval, including the revised site plans and text consistent with the provisions of Section 7.4 and 7.14 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. In addition, the Town shall notify parties of record of their action.

B. If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance, local government shall submit the revision to Ecology for Ecology's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Ecology shall render and transmit to the Town and the applicant its final decision within fifteen (15) days of the date of Ecology’s receipt of the submittal from local government. The Town shall notify parties of record of Ecology’s final decision.

7.14.5 Effective Date of Revised Permit

A. The revised permit is effective immediately upon final decision by local government or, when appropriate under Subsection 7.14.4 of this section, upon final action by Ecology.

7.14.6 Appeal of Revised Permit

A. Appeals of revised permit shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one (21) days from the date of receipt of the Town's action by Ecology or, when appropriate under Subsection 6.7.3.B, the date Ecology’s final decision is transmitted to the Town and the applicant.

B. Appeals shall be based only upon contentions of noncompliance with the provisions of Subsection 7.14.1.

C. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline.

D. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

8 DEFINITIONS

A

ACCESSORY: Any use or development incidental to and subordinate to a primary use of a shoreline or development.

ACT: The Washington State Shoreline Management Act, chapter 90.58 RCW.

ADEQUATE: Sufficient to satisfy an adopted requirement. If the Town does not have an adopted requirement, adequate means to meet a need or demand generated by the proposed shoreline development or use as determined by the authority responsible to determine compliance with the Shoreline Master Program per Chapter 7.

ADVERSE IMPACT: An impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions or processes or other elements of the shoreline environment.

AGRICULTURAL ACTIVITIES: Agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities; and maintaining agricultural lands under production or cultivation.

ALTERATION: Any human induced change in an existing condition of a shoreline, critical area and/or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of the area.

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

ANADROMOUS FISH: Fish species that spend most of their lifecycle in saltwater, but return to freshwater to reproduce.

APPLICABLE: The shoreline goal, objective, policy, or standard is relevant or appropriate, or the shoreline development meets the threshold upon which a

requirement is based as determined by the authority responsible to determine compliance with the Shoreline Master Program per Chapter 7.

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 this chapter; 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.

APPURTENANCE, RESIDENTIAL: Improvement necessarily connected to the use and enjoyment of a single-family residence when located landward of the OHWM, the perimeter of a wetland and outside their corresponding required buffers. Appurtenances may include, but are not limited to, a garage; driveway; utilities; hot tubs; sport courts; fences; yards; saunas; cabanas; antennas; decks; walkways; and installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM.

AQUATIC: Pertaining to those areas waterward of the OHWM.

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

ARCHAEOLOGICAL OBJECT means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, graves, skeletal remains and technological by-products.

ARCHAEOLOGICAL RESOURCE/SITE means a geographic locality in Washington, including, but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

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

ARCHAEOLOGIST, PROFESSIONAL: A person who meet qualification standards promulgated by DAHP and the National Park Service and published in 36 CFR Part 61 and which define minimum education and experience required to perform identification, evaluation, registration and treatment activities for archaeological sites. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the properties involved.

ASSOCIATED WETLANDS: Wetlands that are in proximity to tidal waters, lakes, rivers or streams that are subject to the Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline waterbody, formation by tidally influenced geo-hydraulic processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

AUTHORIZED USE means any use allowed in shoreline jurisdiction either by appropriate shoreline permit or exemption.

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."

B

BERM: A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the OHWM. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare. Also a raised planting area in wetland or stream buffers.

BEST MANAGEMENT PRACTICES: Conservation practices or systems of practices and management measures often promulgated by state and federal agencies or the Town, that:

A. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, stormwater, and sediment;

B. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of waters, wetlands, and other fish and wildlife habitats;

C. Control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material.

BIOENGINEERING: The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

BIOFILTRATION SYSTEM: A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize

sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

BOATING FACILITIES: Developments and uses that support access to shoreline waters for purposes of boating, including marinas, community piers, residential piers, public and private boat launches, and mooring buoys and piles.

BOG: A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

BUFFER OR SHORELINE BUFFER: The area adjacent to a shoreline that separates and protects the waterbody from adverse impacts associated with adjacent land uses. It is designed and designated to remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife, to afford limited public access, and to accommodate certain other specified uses that benefit from a shoreline location. The dimensions of the shoreline buffer are established in the Vegetation Conservation sections of this SMP.

BUILDING: Any combination of materials constructed, placed or erected permanently on the ground or attached to something having a permanent location on the ground, for the purpose of shelter, support or enclosure of persons, animals or property, or when supporting any use, occupancy or function. Excluded from this definition are structures waterward of the OHWM, all forms of vehicles even though immobilized, residential fences, retaining walls less than three feet in height, rockeries and similar improvements of a minor nature. The terms building and structure are synonymous.

BULKHEAD: A solid wall erected generally parallel to and at or near the OHWM for the purpose of protecting adjacent uplands from waves or current action.

C

CHANNEL MIGRATION ZONE (CMZ): The area along a river or stream within which the channel(s) can reasonably be expected to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. It encompasses that area of current and historic lateral stream channel movement that is subject to erosion, bank destabilization, rapid stream incision, and/or channel shifting, as well as adjacent areas that are susceptible to channel erosion. The definition utilized by FEMA references where the river has migrated over the past 100-years, and may be expected to migrate over the next 100-years.

CHANNELIZATION: The straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

CLEARING means the destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal, duff and/or topsoil removal.

COMMERCIAL DEVELOPMENT: Those developments whose primary use is for retail, service or other commercial business activities. Included in this definition are developments such as hotels, motels, bed and breakfast establishments, or other commercial accommodations, shops, restaurants, banks, professional offices, grocery stores, **laundromats**, recreational vehicle parks, and indoor or intensive outdoor commercial recreation facilities..

COMMERCIAL USES: Commercial uses are those activities engaged in commerce and trade and involving the exchange of money, including but not limited to, retail, services, wholesale, or business trade activities. Examples include, but are not limited to, hotels, river guide services, motels, or other commercial accommodations, grocery stores, restaurants, shops, commercial recreation facilities, and offices.

COMMUNITY ACCESS: The right of all property owners or members of a residential development to reach and use the waters of the State, the water/land interface, and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or community corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing platforms, and other community sites or facilities. Community access is not intended for the general public.

CONDITIONAL USE, SHORELINE: A use, development, or substantial development which is classified as a Conditional Use or is not classified within this SMP. Those activities identified as conditional uses or not classified in this SMP must be treated according to the review criteria established in WAC 173-27-160.

CONSERVATION: The prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the sustainable use of natural resources to prevent depletion or harm to the environment.

CONSERVATION EASEMENT: A legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property.

CONTAMINANT: Any chemical, physical, biological, or radiological substance that does not occur naturally in ground water, air, or soil or that occurs at concentrations greater than those in the natural levels.

COUNTY: Pierce County, Washington.

CRITICAL AQUIFER RECHARGE AREA: Areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers (i.e., maintain the quality and quantity of water) used for potable water as defined by WAC 365-190-030(2).

CRITICAL HABITAT: Habitat areas with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified in AMC 20.88.400, with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitat and Species (PHS) program of the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations. Local watershed plans also provide critical habitat information.

D

DAHP: The State of Washington Department of Archaeology and Historic Preservation.

DEPARTMENT OF ECOLOGY OR ECOLOGY: The Washington State Department of Ecology.

DEVELOPMENT: A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level.

DEVELOPMENT REGULATIONS: The controls placed on development or land uses by local government, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

DIKE: An artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

DOCUMENT OF RECORD: The most current shoreline master program officially approved or adopted by rule by the Department of Ecology for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

DREDGING means the excavation or displacement of the bottom or shoreline of a waterbody.

E

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.

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.

EMERGENCY: An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

ENHANCEMENT: Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions. Enhancements are to be distinguished from resource creation or restoration projects. See also BEACH ENHANCEMENT/RESTORATION.

EROSION: The wearing away of land by the action of natural forces.

EXCAVATION: The disturbance, displacement and/or disposal of unconsolidated earth material such as silt, sand, gravel, soil, rock or other material from all areas landward of OHWM.

EXEMPTION: Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments are therefore exempt from the Shoreline Substantial Development Permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and this SMP. Conditional use and/or

variance permits may also still be required even though the activity does not need a Shoreline Substantial Development Permit.

EXISTING AND ONGOING AGRICULTURAL ACTIVITIES: Those activities conducted on lands defined in RCW 36.70A.030 and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Activities that result in the filling of an area or bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted has been converted to a non-agricultural use, or has lain idle for more than five (5) years unless that idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

F

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

FEASIBLE: For the purpose of this master program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

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

B. The action provides a reasonable likelihood of achieving its intended purpose. Reasonable means acceptable and according to common sense or normal practice.

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

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

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

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.

FLOATS: A detached, anchored platform that is free to rise and fall with water levels, used for boat mooring, swimming or similar recreational activities that is not anchored or accessed directly from the shoreline.

FLOOD CONTROL WORKS: Flood control works means methods or facilities designed to reduce flooding of adjacent lands, to control or divert stream flow, to retard bank erosion, or to create a reservoir.

A. Nonstructural measures include, but are not limited to, shoreline buffers, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, storm water management programs, land or easement acquisition, voluntary protection and enhancement projects, or incentive programs.

B. Structural measures include, but are not limited to, dikes, levees, revetments, floodwalls, channel realignment.

FLOODPLAIN: Synonymous with one hundred-year floodplain 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.

FLOODWAY: The area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps, updated flood modeling, 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 groundcover condition. 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.

FREQUENTLY FLOODED AREA: Means an area subject to flooding, as defined by FIRM, once every one hundred years.

G

GEOTECHNICAL ANALYSIS: A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes.

GEOTECHNICAL REPORT: See GEOTECHNICAL ANALYSIS.

GRADE: See average grade level.

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

GRASSY SWALE: A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

GROINS: A barrier type of structure extending from the backshore or stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials.

GROUNDWATER: All water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of the state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves (Chapter 90.44 RCW).

GROWTH MANAGEMENT ACT: RCW 36.70A and 36.70B, as amended.

GUIDELINES: Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the Department of Ecology in developing and amending master programs.

H

HABITAT: The place, including physical and biotic conditions, where a plant or animal usually occurs or could occur and is fundamentally linked to the actual or potential

distribution and abundance of species. A species may use a habitat or a structural component of the habitat for all or part of its lifecycle, and may adapt to use various habitats. Habitat is scale-dependent and refers to a large geographic area, a species' home range, a local setting, or a site-specific feature. Habitat may perform a specific function for a species or multiple species, and may include those elements necessary for one or more species to escape extreme conditions, feed, migrate, breed, or travel.

HARD STRUCTURAL SHORELINE STABILIZATION: Shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkheads, rip-rap, groins, and similar structures.

HEIGHT: The vertical dimension measured from average grade to the highest point of a structure; provided that, antennas, chimneys, and similar appurtenances shall not be used in calculating height, unless such appurtenance obstructs the view of a substantial number of adjacent residences. Temporary construction equipment is excluded in this calculation.

HISTORIC PRESERVATION PROFESSIONAL: Individuals who meet standards promulgated by the DAHP as well as the National Park Service and published in 36 CFR Part 61. These standards address minimum education and experience required to perform identification, evaluation, registration and treatment activities for historic properties. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the properties involved. (Based on http://www.dahp.wa.gov/pages/EnvironmentalReview/Consultants.htm)

HISTORIC SITE: Sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the Town.

HYDROLOGICAL: Referring to the science related to the waters of the earth including surface and ground water movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

I

IMPERVIOUS SURFACE: Those hard surfaces that prevent or retard the entry of water into the soil. Such surfaces include, but are not limited to, rooftops, asphalt or concrete paving, gravel driveways, parking lots, walkways, patio areas or storage areas, which similarly affect the natural infiltration.

INFEASIBLE: To determine that an action, such as a development project, mitigation, or preservation requirement, is infeasible, the following conditions are found:

A. The action cannot be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently not available or unlikely to achieve the intended results.

B. The action provides is not likely to achieve its intended purpose.

C. The action precludes achieving the project's primary intended use.

D. The action's relative public costs and public benefits, considered in the short- and long-term time frames, show the costs far outweigh the benefits.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the Town may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

INDUSTRIAL DEVELOPMENT: Facilities for processing, manufacturing, and storage of finished or semi-finished goods, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors' offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining including onsite processing of raw materials, and off site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.

INDUSTRIAL USES: The production, processing, manufacturing, or fabrication of goods or materials, including warehousing and storage of materials or production.

INFILTRATION: The passage or movement of water into the soil surface.

INSTITUTIONAL: Those public and/or private facilities including, but not limited to, police and fire stations, libraries, activity centers, schools, educational centers, water-oriented research facilities, and similar uses. These may also be called public facilities.

IN-STREAM STRUCTURE: Structure placed by humans within a stream or river waterward of the OHWM that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood

control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

INVASIVE SPECIES: A species that is 1) non-native (or alien) to the Town of South Prairie and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

J

JURISDICTION: The shoreline jurisdiction as established in Chapter 1 of this SMP.

L

LANDSLIDE: A general term covering a wide variety of mass movement landforms and processes involving the down slope transport, under gravitational influence of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.

LARGE WOODY DEBRIS: Logs, limbs, or root wads 4 inches or larger in diameter, delivered to waterbodies from adjacent riparian or upslope areas or from upstream areas.

LAUNCH RAMP: An inclined slab, set of pads, planks, or graded slope which extends waterward of the OHWM, and is used for transferring watercraft between uplands and the water with trailers or occasionally by hand.

LEGALLY ESTABLISHED means a use or structure that is in compliance with the laws and rules in effect at the time of creation of the use or structure.

LEVEE: A natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

LOCAL GOVERNMENT: Any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW.

M

MAINTENANCE, NORMAL: Those usual acts to prevent a decline, lapse, or cessation from a legally established condition.

MAY: Refers to actions that are acceptable, provided they conform to the provisions of this master program and the Act.

MINERAL EXTRACTION: The removal of topsoil, gravel, rock, clay, sand or other earth material, including accessory activities such as washing, sorting, screening, crushing and stockpiling. Not included is the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) subject to the provisions of this SMP.

MITIGATION (or **MITIGATION SEQUENCING**): The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal.

MIXED USE means a combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design.

MIXED USE COMMERCIAL: Developments that include water-dependent commercial uses combined with water-related, water-enjoyment uses and/or non-water-oriented commercial uses. Mixed-use developments can be a tool for water-dependent activities, civic revitalization, and public access to the shoreline.

MIXED USE RESIDENTIAL: Mixed use developments that include water-dependent and water-oriented commercial uses together with single-family or multi-family uses while promoting public access for significant numbers of the public or providing an ecological restoration resulting in a public benefit. This mix of uses is intended to reduce transportation trips, use land efficiently, and provide for waterfront commerce and housing options.

MODIFICATION: A change or alteration in existing materials, including structures and plans.

MODIFICATION, SHORELINE: Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

MULTI-FAMILY DWELLING (or **RESIDENCE**): A building containing two or more dwelling units, including, but not limited to, duplexes, apartments and condominiums.

MUST: A mandate; the action is required.

N

NAVIGABLE WATERS: Navigable waters of the United States are those waters that are presently used, or have been used in the past, or may be susceptible for use to

transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.

NECESSARY: A word describing an element that is essential, indispensable or needed to achieve a certain result or effect.

NO NET LOSS: A public policy goal and requirement to maintain the aggregate total of the Town's shoreline ecological functions at its current level of environmental resource productivity. For purposes of reviewing and approving this SMP, "current" is equivalent to the date of the Final Shoreline Inventory and Analysis Report (June 2011). As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes relative to the legal condition just prior to the proposed development and/or use.

NONCONFORMING USE OR DEVELOPMENT: A non-residential shoreline use, structure, or lot which was lawfully constructed or established prior to the effective date of the Act (June 1, 1971; RCW 90.58.920) or this SMP, or amendments thereto, but which does not conform to present regulations or standards of the SMP.

NONPOINT POLLUTION: Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

NONWATER-ORIENTED USES: Those uses that are not water-dependent, water-related, or water-enjoyment.

NORMAL MAINTENANCE: See MAINTENANCE, NORMAL and REPAIR, NORMAL"

NORMAL PROTECTIVE BULKHEAD: Those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

NORMAL repair: See REPAIR, NORMAL and MAINTENANCE, NORMAL

NOXIOUS WEEDS: A special sub-class of invasive plant species listed as Class A or B by the Washington State Noxious Weed Control Board.

O

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

ORDINARY HIGH WATER MARK (**OHWM**): That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology.

OVERWATER STRUCTURES: Any structure located waterward of the OHWM. Common examples include, but are not limited to, residential docks, marinas, and bridges over waterways.

P

PARKING: A place where vehicles are temporarily stored while an activity is being conducted. Local parking is located onsite intended to serve and support a primary use(s) of a property. Regional parking is a parking area intended to support a district with multiple uses.

PARTY OF RECORD: All persons, agencies, or organizations who have submitted written or verbal comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

PERIODIC: Occurring at regular intervals.

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

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: comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or 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. A priority habitat may also be described by a successional stage. Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife. Priority habitats also include specific areas that have been identified in local watershed plans.

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 either, proposed, threatened, or endangered.

PROVISIONS: Policies, regulations, standards, guideline criteria or designations.

PUBLIC ACCESS: The public's right to reach and use the State's public waters, the water/land interface, and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and visual access facilitated by means such as scenic roads and overlooks, viewing platform, and other public sites or facilities. See also COMMUNITY ACCESS.

PUBLIC INTEREST: The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

Q

QUALIFIED PROFESSIONAL means a person with expertise and training appropriate for the relevant subject. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, soil science, engineering, environmental studies, fisheries, geology, hydrology, geomorphology or related field, and at least five years of related work experience. Specific qualified professionals must also meet the following criteria, or any other criteria included in Appendix B, Critical Areas Regulations:

A. A qualified professional providing a geotechnical analysis as required under Section 5.10 of this Master Program must be a licensed engineer in the State of Washington, with specific training in geology, hydrology and/or geomorphology.

B. A qualified professional providing a demonstration of need as required under Section 5.10 of this Master Program must have a M.S. or equivalent degree in geology, hydrology, or geomorphology.

C. A qualified professional for wetlands means a biologist who has a degree in biology, ecology, botany, or a closely related field and a minimum of five (5) years of professional experience in wetland identification and assessment in Western Washington.

D. A qualified professional for habitat conservation areas means a biologist who has a degree in wildlife biology, ecology, fisheries, or closely related field and a minimum of five (5) years professional experience related to the subject species/habitat type.

E. A qualified professional for geologically hazardous areas must be an engineer or geologist licensed in the state of Washington. An engineer must be licensed as a civil engineer pursuant to Chapter 18.43 RCW, to qualify. A geologist must be a practicing geologist licensed as a professional geologist pursuant to Chapter 18.22, RCW.

F. A qualified professional for critical aquifer recharge areas means a Washington State licensed hydro-geologist, geologist, or engineer.

R

RCW: Revised Code of Washington.

RECREATION: An experience or activity in which an individual engages for personal enjoyment and satisfaction. Most shore-based outdoor recreation such as: fishing, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as

photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.

RECREATIONAL USES: Uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body. Examples include, but are not limited to, parks, launch ramps, golf courses, viewpoints, trails, public access facilities, public parks and athletic fields, and other low-intensity use outdoor recreation areas. Recreational Uses that do not require a shoreline location, nor are related to the water, nor provide significant public access, are considered nonwater-oriented. For example, a recreation use solely offering indoor activities would be considered nonwater-oriented.

REPAIR, NORMAL: To restore a development or structure to a state comparable to its original, legally established condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment.

RESIDENTIAL USES: Buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, apartment/condominium buildings, manufactured homes, modular homes, and other structures that serve to house people. This definition includes accessory uses common to normal residential use, including but not limited to, residential appurtenances, accessory dwelling units, home occupations, and family day care homes.

RESTORE (**RESTORATION** or **ECOLOGICAL RESTORATION**): Reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to: the installation of vegetation or re-vegetation; removal of intrusive shoreline structures; the removal or treatment of toxic materials; the installation of large woody debris; and wetland projects. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

REVETMENT: Facing of stone, concrete, etc., built to protect a steep slope, cliff, embankment, or shore structure against erosion by waves or currents.

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

RIPARIAN VEGETATION: Vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish, avian and mammalian species. Riparian vegetation and their root systems stabilizes stream banks, attenuates high water flows, provides wildlife habitat and travel corridors, and provides a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilize stream beds.

RIVER BANKS, LEFT AND RIGHT: The sides of a stream that are determined by facing downstream or the direction the stream is flowing. For South Prairie Creek that generally flows west, the Right Bank is located generally to the North and the left Bank is located generally to the South.

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

S

SANITARY SEWER: A system designed to accept sewage to be deposited into and carried off by a system of lateral sewers, drains, and pipes to a common point, or points, for transfer to treatment or disposal.

SEDIMENT: The fine grained material deposited by water or wind.

SEPA (**STATE ENVIRONMENTAL POLICY ACT**): SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, environmental impact statements (EISs) may be required to be prepared and public comments solicited.

SETBACK: The distance between property line and the foundation wall of the primary structure or easement.

SETBACK, **SIDE**: The distance between side lot line and the foundation wall of the primary structure.

SEWAGE: Any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

SHALL means a mandate; the action must be done. See also MUST.

SHORELANDS or **SHORELAND AREAS**: 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.

SHORELINE AREAS: All "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

SHORELINE ENVIRONMENT DESIGNATIONS: The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

SHORELINE FUNCTIONS: See "ECOLOGICAL FUNCTIONS."

SHORELINE JURISDICTION: The term describing all of the geographic areas covered by the SMA, related rules and this SMP; also, such areas within a specified local government's authority under the SMA. See SHORELINES, SHORELINES OF THE STATE, SHORELINES OF STATEWIDE SIGNIFICANCE and WETLANDS. See also Section 3.1 of this SMP.

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

SHORELINE PERMIT: A shoreline substantial development, shoreline exemption, Conditional Use, revision, or variance permit or any combination thereof.

SHORELINE PROPERTY: An individual property wholly or partially within shoreline jurisdiction.

SHORELINE STABILIZATION: Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the OHWM. Other construction classified as shore defense works include groins, jetties, log jams and breakwaters, which are intended to influence wave action, currents and/or the natural transport of sediments along the shoreline.

SHORELINES HEARINGS BOARD (**SHB**): A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Department of Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA.

SHORELINES OF STATEWIDE SIGNIFICANCE: A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply.

SHORELINES OF THE STATE: The total of all "shorelines" and "shorelines of state-wide significance" within the state.

SHORELINES: All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas 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 areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

SHOULD: The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Act and this SMP, against taking the action.

SIGN: A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

SIGNIFICANT ECOLOGICAL IMPACT: An effect or consequence of an action if any of the following apply:

A. The action measurably or noticeably prevents, reduces or harms an ecological function or ecosystem-wide process.

B. Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.

C. Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

SIGNIFICANT VEGETATION REMOVAL: The removal or alteration of trees, shrubs, and/or groundcover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

SINGLE-FAMILY RESIDENCE (**SFR**): A single dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

SLOPE: The natural side of a hill, or a grade that is angled. The top of the slope is the point where the grade level transitions from angled to horizontal.

SMA: The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

SOFT STRUCTURAL SHORELINE STABILIZATION: Shoreline erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft structural shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a non-linear, generally sloping arrangement.

STATE MASTER PROGRAM: The cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

STORMWATER: That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, ponds, or pipes into a defined surface water channel or constructed infiltration facility.

STORMWATER FACILITY: A constructed component of a stormwater drainage system designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

STREAM: Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans. A shoreline stream is a naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels.

STRUCTURE: A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels.

SUBDIVISION: The division or redivision of land, including short subdivision, for the purpose of sale, lease or conveyance.

SUBSTANTIAL DEVELOPMENT, SHORELINE: Any development which meets the criteria of RCW 90.58.030(3)(e). See also definition of "DEVELOPMENT" and "EXEMPTION".

SUBSTANTIALLY DEGRADE: To cause significant ecological impact. An action is considered to substantially degrade the environment if:

A. The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or

B. The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or

C. Scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

SURFACE WATER means all water that exists on the land surface, including streams, lakes or reservoirs, or other bodies of surface water within the boundaries of the state.

SWAMP: A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

T

TERRESTRIAL: Of or relating to land as distinct from air or water.

TRANSPORTATION FACILITIES: Roads and railways, related bridges and culverts, trails, fills, embankments, causeways, truck terminals and rail switchyards, sidings, spurs, water trail landings, and air fields. Not included are highway rest areas. Local transportation refers to facilities provide direct access to abutting land and to higher order roads. Regional transportation refers to facilities serving more than one city or community or major destinations.

U

UNAVOIDABLE: Adverse impacts that remain after all appropriate avoidance and minimization measures have been implemented.

UPLAND: Generally described as the dry land area above and landward of the OHWM.

UTILITIES: Lines and facilities related to the provision, distribution, collection, transmission or disposal of water, stormwater, sanitary sewage, oil, gas, power, and telephone cable and include facilities for the generation of electricity.

A. "Large facilities" serve more than one community or major attractions; examples include, but are not limited to, two hundred thirty (230) kv power transmission lines, natural gas transmission lines, and regional water storage tanks and reservoirs, regional water transmission lines or regional sewer collectors and interceptors. Large facilities may also include facilities serving an entire community, such as subregional switching stations (one hundred fifteen (115) kv and smaller), and municipal sewer, water, and storm water facilities.

B. "Small facilities" serve adjacent properties and include, but are not limited to, underground power lines, water, sanitary sewer, and storm water facilities, fiber optic cable, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way. On-site utility features serving primary use such as a water, sewer, or gas line to a residence are accessory utilities and shall be considered part of the primary use.

V

VARIANCE, SHORELINE: A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this master program and not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the Administrator and the Department of Ecology.

VESSEL: A floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

W

WAC: Washington Administrative Code.

WASTE STORAGE AND TREATMENT: Facilities for collecting and treating, as an accessory use only, garbage, solid waste or sewage generated by the development and its users.

WATERBODY: A body of still or flowing water, fresh or marine, bounded by the OHWM.

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. Examples of water-dependent uses may include sewer outfalls and water diversion facilities, such as agricultural pumphouses.

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. Primary water-enjoyment uses may include, but are not limited to: parks and other improvements facilitating public access to the shorelines of the State, including public viewing or fishing platforms; and general water-enjoyment uses may include, but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts/hotels (as part of mixed use development or with significant public access or restoration components), and mixed-use commercial/office.

WATERFRONT: A parcel of property with upland characteristics which includes within its boundary a physical interface with the existing shoreline of a body of water.

WATER-ORIENTED USE: A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

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

WATER-RELATED USE: A use or portion of a use 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.

Examples of water-related uses may include warehousing of goods transported by water, hydroelectric generating plants, gravel storage when transported by barge, log storage, and agriculturally or people-related water transportation systems.

WATERSHED: A geographic region within which water drains into a particular river, stream or body of water.

WATERSHED RESTORATION PLAN: A plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act. Watershed restoration plans also include local sub-basin plans with actions that do not meet the level triggering SEPA requirements.

WATERSHED RESTORATION PROJECT: A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

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

B. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

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

WEIR: A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

WETLAND or **WETLANDS**: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support—and that under normal circumstances do support—a prevalence of vegetation typically adapted for life in

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 nonwetland areas to mitigate the conversion of wetlands.

Z

ZONING: The system of land use and development regulations and related provisions of the Town of South Prairie.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.