

Exhibit A
Amended Ordinance No. 12-025

Snohomish County

Shoreline Management Program:

Shoreline Environment Designations, Policies and Regulations



Snohomish County
Planning and Development Services

Approved by Washington State Department of Ecology

July 13, 2012

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1. Introduction

1.1 Shoreline Management Act

Washington's Shoreline Management Act (Chapter 90.58 RCW) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the Shoreline Management Act (SMA) is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." (RCW 90.58.020). The state conceived the concept of preferred uses in an effort to protect shoreline functions and values and foster reasonable use and economic development of shoreline areas. Towards this end, the SMA establishes a broad policy directive giving preference to shoreline uses that:

1. Protect the quality of water and the natural environment;
2. Depend on proximity to the shoreline ("water dependent uses"); and
3. Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

1.2 Snohomish County's Shoreline Management Program

The Snohomish County Shoreline Management Program is an element of Snohomish County's Growth Management Act (GMA) Comprehensive Plan. The comprehensive plan designations and implementing zoning for the unincorporated county shoreline areas form the primary basis for assigning shoreline environment designations. Shoreline conditions are also considered in this designation process. Regulations and development standards are then used to evaluate and permit appropriate proposed shoreline uses and modifications. Consistent with the SMA, counties and cities are the primary regulators within shoreline jurisdiction, but the Washington State Department of Ecology has the authority and responsibility to review and approve local programs and certain types of shoreline permits.

1.2.1 Snohomish County Shoreline Jurisdiction

In general, shoreline areas in Snohomish County that are subject to the SMA include:

1. All marine waters below the ordinary high water mark;
2. Rivers or streams with a mean annual flow greater than 20 cubic feet per second;
3. Lakes or reservoirs larger than 20 acres;
4. Shorelands that are 200 feet landward from the ordinary high water mark of these waters;
5. Floodways, the 100-year floodplain associated with shorelines of the state and the 200 feet of shorelands adjacent to such floodways and floodplain areas; and
6. Wetlands and river deltas associated with shorelines of the state.

The county may determine the portion of the 100-year floodplain to be included within shoreline jurisdiction as long as the area includes, at a minimum, the floodway and the adjacent land extending landward two hundred feet from the floodway. The county's original shoreline program established a shoreline jurisdiction along rivers and streams that generally followed the 100-year floodplains. The updated shoreline management program maintains a similar approach of containing all of the 100-year floodplains in shoreline jurisdiction and also the floodway and the adjacent 200 feet of shorelands, whichever

encompasses a greater area. The shoreline environment designation maps that are included in this document generally depict the location of the county shoreline jurisdiction; however, the determination of whether a specific site is within shoreline jurisdiction is determined on a site specific basis that considers the property's location, physical characteristics and features.

1.2.1.1 List of Shorelines in Snohomish County

The following list contains the water bodies that meet the criteria for shorelines of the state in RCW 90.58.030(2)(d), (e), (f) and (g). Shoreline jurisdiction also includes the shorelands, 100-year floodplains and wetlands associated with these water bodies.

Marine Shorelines: Water areas of the state on Puget Sound, Skagit Bay, Possession Sound, Port Gardner and Port Susan, and the estuaries of the Stillaguamish and Snohomish rivers.

Lakes (54):

Armstrong	East Boardman	Little	Stevens
Big Greider	Echo	Little Greider	Stickney
Blanca (federal)	Flowing	Loma	Storm
Bosworth	Frontal	Martha (North)	Sunday
Boulder	Getchell	Martha (South)	Sunset (federal)
Bryant	Goodwin	Mud	Swartz
Cassidy	Hannan	Panther	Tomtitt
Chain	Hooven Bog	Purdy	Twin (North)
Cochran	Howard	Riley	Twin (South)
Connor	Hughes	Roesiger	Wagner
Copper	John Sam	Serene	Wallace
Crabapple	Kellog	Shoecraft	Woods
Crystal	Ketchum	Spada	
Dagger	Ki	Spring	

Rivers / Streams (205):

Stream or River	USGS 7.5 minute series map where 20cfs point is located	Stream or River	USGS 7.5 minute series map where 20cfs point is located
All Creek	Prairie Mountain	Black Creek	Mallardy Ridge
Anderson Creek	Index	Black Creek	White Chuck Mountain
Armstrong Creek	Arlington West	Blackjack Creek	Silverton
Ashton Creek	Fortson	Boardman Creek	Mallardy Ridge
Baekos Creek	Glacier Peak West	Boardman Creek, U T	Mallardy Ridge
Baldy Creek	Whitehorse Mountain	Boulder Creek	Evergreen Mountain
Bath Creek	Dome Peak	Boulder Creek	Mount Stickney
Bear Creek	Bothell	Boulder Creek	Verlot
Bear Creek	Evergreen Mountain	Boulder River	Whitehorse Mountain
Bear Creek	Wallace Lake	Boulder River, U T	Whitehorse Mountain
Beaver Creek	Silverton	Brooks Creek	Oso
Beckler River	Evergreen Mountain	Buck Creek	Bedal
Bedal Creek	Sloan Peak	Buck Creek	Huckleberry Mountain
Bender Creek	Silverton	Cadet Creek	Blanca Lake

Stream or River	USGS 7.5 minute series map where 20cfs point is located	Stream or River	USGS 7.5 minute series map where 20cfs point is located
Cadet Creek, U T	Sloan Peak	Clear Creek	Helena Ridge
Camp Creek	Pugh Mountain	Coal Creek	Silverton
Canyon Creek	Gamma Peak	Copper Creek	Whitehorse Mountain
Canyon Creek	Mallardy Ridge	Cranberry Creek	Verlot
Canyon Creek, N F, U T	Riley Lake	Crystal Creek	Pugh Mountain
Canyon Creek, U T	Riley Lake	Cub Creek	Riley Lake
Canyon Creek, U T	Riley Lake	Dan Creek	White Chuck Mountain
Canyon Creek, U T	Riley Lake	Decline Creek	White Chuck Mountain
Canyon Creek, U T	Suiattle Pass	Deer Creek	Index
Carpenter Creek	Lake Roesiger	Deer Creek	Silverton
Catherine Creek	Lake Stevens	Deer Creek	Oso
Cherry Creek	Sultan	Dick Creek	Wallace Lake
Chocolate Creek	Glacier Peak East	Dicks Creek	Mount Higgins
Church Creek	Conway	Dolly Creek	Gamma Peak
Circle Creek	Pugh Mountain	Dome Creek	Dome Peak
Downey Creek	Downey Mountain	French Creek	Meadow Mountain
Dubuque Creek	Snohomish	French Creek	Snohomish
Duffey Creek	Gold Bar	French Creek, U T	Maltby
Dusty Creek	Gamma Peak	Gamma Creek	Gamma Peak
Eagle Creek	Baring	Gerkman Creek	Whitehorse Mountain
Elk Basin Creek	Monte Cristo	Glacier Creek	Blanca Lake
Elliott Creek	Sloan Peak	Goblin Creek	Blanca Lake
Everett Creek	Silverton	Goblin Creek, UT	Blanca Lake
Evergreen Creek	Captain Point	Goodman Creek	Helena Ridge
Excelsior Creek	Mount Stickney	Gordon Creek	Mallardy Ridge
Falls Creek, N F	Bedal	Grant Creek *	Stimson Hill
Fern Creek	Pugh Mountain	Helena Creek	Helena Ridge
Five Creek	Lime Mountain	Howard Creek	Baring
Fourth Of July Creek	Evergreen Mountain	Jim Creek	Meadow Mountain
Fourth Of July Creek, U T	Evergreen Mountain	Johnson Creek	Captain Point
Kelly Creek	Mount Stickney	May Creek	Index
Kennedy Creek	Lime Mountain	Mccoey Creek	Sultan
Lime Creek	Lime Mountain	Meadow Creek	Captain Point
Little Jim Creek	Riley Lake	Meadow Creek	Meadow Mountain
Little Pilchuck Creek	Lake Stevens	Meadow Creek	Pugh Mountain
Lost Creek	Glacier Peak West	Milk Creek	Lime Mountain
Mallardy Creek	Mallardy Ridge	Milk Creek, E F	Lime Mountain
Marsh Creek	Lake Chaplain	Miners Creek	Suiattle Pass
Marten Creek	Silverton	Montague Creek	Mount Higgins

Stream or River	USGS 7.5 minute series map where 20cfs point is located	Stream or River	USGS 7.5 minute series map where 20cfs point is located
Murphy Creek	Helena Ridge	Pearsall Creek	Bedal
North Creek	Bothell	Perry Creek	Bedal
Olney Creek	Wallace Lake	Pilchuck Creek	McMurray
Owl Creek	Pugh Mountain	Pilchuck River	Wallace Lake
Palmer Creek	Bedal	Portage Creek	Arlington West
Pass Creek	Bench Mark Mountain	Proctor Creek	Gold Bar
Proctor Creek, U T	Gold Bar	Salmon Creek	Monte Cristo
Pugh Creek	Pugh Mountain	Salmon Creek, S F	Monte Cristo
Pumice Creek	Lime Mountain	San Juan Creek	Evergreen Mountain
Quartz Creek	Blanca Lake	Sauk River	Bedal
Quilceda Creek, M F	Marysville	Sauk River, N F	Glacier Peak West
Quilceda Creek, W F	Marysville	Sauk River, S F	Monte Cristo
Rapid River	Labyrinth Mountain	Segelsen Creek	Fortson
Rapid River, N F	Captain Point	Seventysix Gulch	Monte Cristo
Rapid River, U T	Captain Point	Silver Creek	Monte Cristo
Rapid River, U T	Captain Point	Silver Creek, U T	Monte Cristo
Rapid River, U T	Captain Point	Skykomish River, N F	Bench Mark Mountain
Rapid River, U T	Captain Point	Skykomish River, N F	Monte Cristo
Red Creek	Glacier Peak West	Skykomish River, N F, U T	Bench Mark Mountain
Rollins Creek	Mount Higgins	Skykomish River, N F, U T	Bench Mark Mountain
Saddle Creek	Meadow Mountain	Skykomish River, N F, U T	Bench Mark Mountain
Skykomish River, N F, U T	Bench Mark Mountain	Stillaguamish River, U T	Silverton
Sloan Creek	Bench Mark Mountain	Stony Creek	Silverton
Sloan Creek	Sloan Peak	Straight Creek	White Chuck Mountain
Sloan Creek, U T	Bench Mark Mountain	Suiattle River	Glacier Peak East
Small Creek	Suiattle Pass	Suiattle River	Downey Mountain
Snohomish River	(entire length in county)	Suiattle River, U T	Glacier Peak East
Snoqualmie River	(entire length in county)	Suiattle River, U T	Glacier Peak East
Spire Creek	Dome Peak	Sulpher Creek	Dome Peak
Squire Creek	Whitehorse Mountain	Sulpher Creek, U T	Dome Peak
Stillaguamish River	(entire length in county)	Sultan River	Monte Cristo
Stillaguamish River, N F	Fortson	Sultan River, S F, M F	Mount Stickney
Stillaguamish River, N F	Mount Higgins	Sultan River, S F, N F	Mount Stickney
Stillaguamish River, S F	Bedal	Swamp Creek	Edmonds East
Stillaguamish River, S F	Verlot	Triad Creek	Suiattle Pass
Stillaguamish River, S F, U T	Bedal	Troublesome Creek	Blanca Lake
Troublesome Creek, U T	Blanca Lake	Troublesome Creek, W F	Monte Cristo
Troublesome Creek, U T	Blanca Lake	Trout Creek	Baring

Stream or River	USGS 7.5 minute series map where 20cfs point is located	Stream or River	USGS 7.5 minute series map where 20cfs point is located
Trout Creek, S F	Baring	West Cady Creek, U T	Captain Point
Trout Creek, U T	Baring	White Chuck River	Glacier Peak West
Tulalip Creek	Tulalip	White Chuck River, U T	Glacier Peak West
Vesper Creek	Mount Stickney	White Chuck River, U T	Glacier Peak West
Vista Creek	Gamma Peak	Wiley Creek	Mallardy Ridge
Wallace River	Mount Stickney	Williamson Creek	Silverton
Wallace River, N F	Wallace Lake	Williamson Creek, U T	Silverton
Weden Creek	Monte Cristo	Wilson Creek	Mallardy Ridge
West Cady Creek	Bench Mark Mountain	Woods Creek	Lake Roesiger
West Cady Creek, U T	Bench Mark Mountain	Worthy Creek	Verlot
West Cady Creek, U T	Blanca Lake	Youngs Creek	Gold Bar
West Cady Creek, U T	Blanca Lake		

NF = North Fork WF = West Fork
SF = South Fork EF = East Fork
MF = Middle Fork UT = unnamed tributary

NOTE: Rivers included as shorelines of the state have been identified by USGS and Washington State Department of Ecology flow modeling. Statewide stream lists and the stream flow model used to locate the 20 cfs point are described on DOE's web site. Stream list can be found here (near the bottom of the web page):

http://www.ecy.wa.gov/programs/sea/sma/st_guide/jurisdiction/rivers.html

Methodology for identifying shoreline streams in Western Washington (also near the bottom of the page):

http://www.ecy.wa.gov/programs/sea/sma/st_guide/jurisdiction/USGS_studies.html

1.2.2 Shorelines of Statewide Significance

Certain shoreline areas have been given a special status because these shorelines are major resources from which all people in the state derive benefit. These areas are called shorelines of statewide significance. In Snohomish County, shorelines of statewide significance include:

- All salt water areas of Puget Sound including bays, harbors, inlets and estuaries are the associated shorelands, including Puget Sound, Possession Sound, Port Gardner, Port Susan, Skagit Bay, Stillaguamish River Estuary and the Snohomish River Estuary;
- Lakes with surface area of 1,000 acres or larger; and
- Rivers downstream from the point where the mean annual flow rate is 1,000 cubic feet per second.

Shorelines of Statewide Significance

Marine Shorelines:

Skagit Bay*
Stillaguamish River Estuary
Snohomish River Estuary
Puget Sound*
Possession Sound*
Port Gardner*
Port Susan*

Lakes:

Lake Stevens
Spada Lake

Rivers:

Sauk
Skykomish
Snohomish
Snoqualmie
Stillaguamish

* Waterward from the line of extreme low tide.

1.2.2.1 Management Principles and Development Guidelines

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, Snohomish County's Master Program must give preference to uses which favor public and long-range goals.

Accordingly, the Act has established that Snohomish County's Master Program shall give preference to uses which meet the principles outlined below in order of preference. Guidelines for ensuring that these principles are incorporated into the Master Program and adhered to in implementing the Act follow each principle.

1. Recognize and Protect the State-Wide Interest Over Local Interest Development Guidelines:

Development Guidelines:

- a) Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the Master Program, Master Program amendments and requests for substantial development permits on shorelines of state-wide significance to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials, and state-wide interest groups.
- b) Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations.
- c) Solicit comments, opinions and advice from individuals with expertise in ecology, oceanography, geology, limnology, aquaculture and other scientific fields pertinent to shoreline management.

2. Preserve the Natural Character of the Shoreline

Development Guidelines:

- a) Designate and administer shoreline planning environments and use regulations to minimize man-made intrusions on shorelines.
- b) Upgrade and redevelop those areas where intensive development already exists, in order to reduce their adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.

c) Ensure that where commercial timber cutting is allowed, as provided in RCW 90.58.150, reforestation will be possible and accomplished as soon as practicable.

3. Result in Long-Term Over Short-Term Benefit

Development Guidelines:

- a) Preserve the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of state-wide significance, should be severely limited.
- b) Evaluate the short-term economic gain or convenience of developments in relationship to long-term and potentially costly impairments to the natural environment.
- c) Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or for the general enhancement of shoreline areas.

4. Protect the Resources and Ecology of the Shorelines

Development Guidelines:

- a) Leave undeveloped those areas which contain a unique or fragile resource. b) Prevent erosion and sedimentation that would alter the natural function of the water system. In areas where erosion and sediment control practices will not be effective, excavations or other activities which increase erosion are to be severely limited.
- c) Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.

5. Increase Public Access to Publicly Owned Areas of the Shorelines

Development Guidelines:

- a) Give priority to developing paths and trails to shoreline areas, linear access along the shorelines and to developing upland parking.
- b) Locate development inland from the ordinary high water mark so that access is enhanced.

6. Increase Recreational Opportunities for the Public on the Shorelines

Development Guidelines:

- a) Plan for and encourage development of facilities for recreational use of the shorelines.
- b) Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for non-motorized access to the shorelines.

1.2.3 Components of Snohomish County's SMP

The Snohomish County Shoreline Management Program (SMP) consists of three major components and several related supporting documents. The official SMP consists of the following documents:

- 1) a document titled Shoreline Management Program: Environment Designations, Policies and Regulations;
- 2) a series of 44 maps indexed by township and range and originally compiled at a scale of 1:24,000 that comprise the official delineation of the county's shoreline jurisdiction and assignment of shoreline environment designations; and

3) shoreline administrative provisions contained in the Snohomish County Code chapter 30.44 SCC and substantive regulations contained in chapter 30.67 SCC.

The Snohomish County Shoreline Management Program (SMP) updates the original Snohomish County Shoreline Management Master Program that was adopted in 1974 and has been revised several times with the most recent revision in 1993. The updated Shoreline Management Program contains shoreline environment designation criteria, management policies, and reference maps; shoreline general goals, policies and regulations; specific shoreline use and modification policies and regulations consistent with the intent and ecological conditions in each shoreline environment (chapter 30.67 SCC); and a glossary of terms. The Shoreline Management Program also includes a series of 44 detailed maps indexed by township and range. And finally, the processes and procedures for application and review of shoreline permits are contained in chapter 30.44 SCC. Together these three components meet the goals, intent and requirements of the Shoreline Management Act and the state Department of Ecology guidelines for preparing shoreline master programs.

This document contains references to chapters 30.44 and 30.67 SCC, which comprise a component of the SMP. This document also includes the complete text of chapters 30.44 and 30.67 SCC as Appendices E and F. However, the reader always should ensure that he or she is relying on the most current version of chapters 30.44 and 30.67 SCC by contacting the Snohomish County Department of Planning and Development Services (PDS) or the Office of the Code Reviser, or by reviewing the on-line version of the SCC at www.snoco.org. In the event inconsistencies exist between the summary of the SCC provisions contained in this document and the actual SCC provisions, the actual provisions control.

Table 1 shows where each of the SMA-required components can be found in the county's SMP.

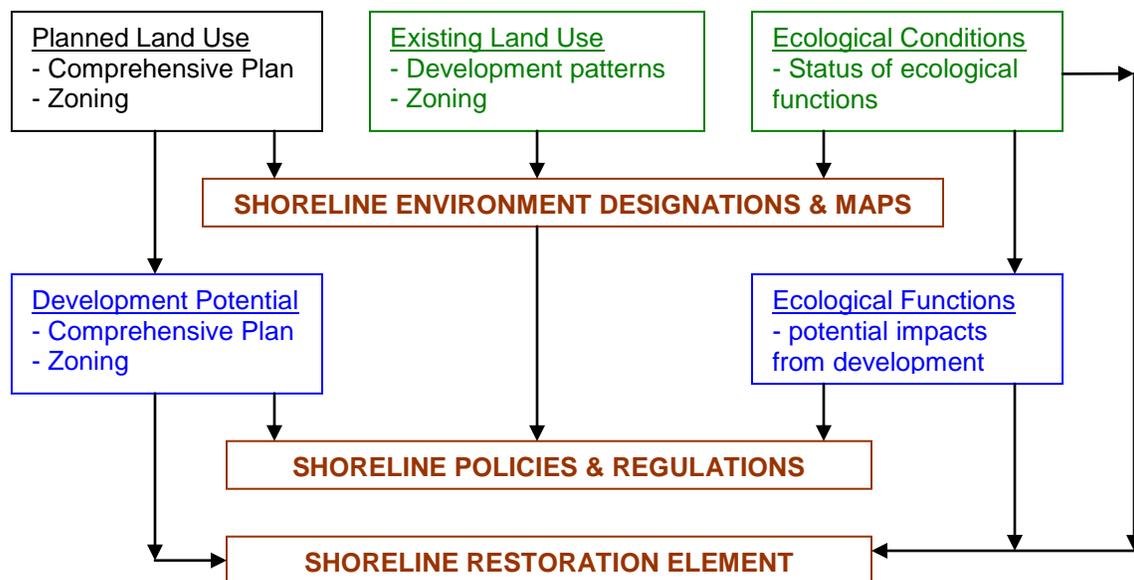
In addition to the SMP documents there are several supporting documents:

- *Summary of Shoreline Ecological Functions and Conditions in Snohomish County*
- *Cumulative Impact Analysis*
- *Draft Environmental Impact Statement of the Proposed Shoreline Management Program*
- *Lake Designation Project: Shoreline Environment Designation Recommendations*
- *Shoreline Restoration Element*
- *Revised Summary of Best Available Science for Critical Areas, March, 2006.*
- *Critical Area Monitoring and Adaptive Management Program*

Figure 1 illustrates how the components of these supporting documents have contributed to the required elements of the county's SMP. The *Summary of Shoreline Ecological Functions and Conditions in Snohomish County* looks at the existing characteristics of the county's shorelines. These existing characteristics are a function of the existing land use and development patterns and the present ecological conditions (shown in green in Figure 1). The *Cumulative Impact Analysis* examines the development potential within shoreline jurisdiction and the possible impacts this development may have on ecological functions (shown in blue in Figure 1). These two documents provide supporting data for the designation of shoreline environments, the shoreline policies and regulations and the required restoration element as illustrated in Figure 1 below.

Table 1. The Components of the SMP

SMP Components
<p><u>Shoreline Management Program: Environment Designations, Policies and Regulations</u></p> <ul style="list-style-type: none"> - Shoreline environment designation criteria and management policies - Policies guiding shoreline uses and modifications <p><u>Series of Shoreline Designation Maps</u></p> <ul style="list-style-type: none"> - Approximation of shoreline jurisdiction and shoreline environment designations <p><u>Shoreline Regulations:</u></p> <ul style="list-style-type: none"> - Chapter 30.44 SCC Shoreline Permits (Appendix E) <ul style="list-style-type: none"> Permit requirements, processes and review criteria - Chapter 30.67 SCC Shoreline Management Program (Appendix F) <ul style="list-style-type: none"> Development standards: <ul style="list-style-type: none"> - Types of shoreline uses permitted, conditionally permitted, and prohibited by shoreline environment - Bulk regulations - Development standards for specific uses and modifications within each shoreline environment designation



KEY:

- Land use planning components
- Shoreline inventory and characterization components
- Cumulative impact analysis components
- Shoreline Management Program components

Figure 1. Contribution of Supporting Documents to the SMP

1.2.4 **SMP Elements**

The elements of the SMP are those required by RCW 90.58.100(2). The county's SMP is required to address several elements either as discrete sections within the plan or by integrating them throughout the master program provisions. The following elements identified in RCW 90.58.100(2) have been integrated into the SMP pursuant to WAC 173-26-191(1)(b) as follows:

- Economic element (See 3.2.3 – Shoreline Use Element; 3.2.5.1 - Agriculture; 3.2.5.2 – Aquaculture; 3.2.5.5 – Commercial; 3.2.5.9 – Forestry; 3.2.5.10 – Industry and Ports; 3.5.2.12 – Mining; and 3.2.5.13 – Recreation)
- Public access element (See 3.2.4 – Public Access Element; 3.2.5.5 – Commercial; 3.2.5.10 – Industry and Ports; and 3.2.5.13 – Recreation; 3.2.5.14 - Residential)
- Recreation element (See 3.2.5.13 – Recreation)
- Circulation element (See 3.2.5.17 – Transportation, Circulation and Parking; 3.2.5.18 – Utilities)
- Land use element (See 3.2.3 – Shoreline Use Element; 3.2.5 – Specific Uses and Modifications including subsections 1 through 19)
- Restoration element (See 3.2.5.16 – Shoreline Habitat Restoration and Enhancement; see also the supporting document, *Shoreline Restoration Element*)
- Flood damage prevention element (See 3.2.5.9 – Flood Protection Measures)
- Conservation element (See 1.2.4.1 – Conservation and Monitoring Element)
- Cultural resources element (See 1.2.4.2 – Cultural, Archaeological and Historic Element)

1.2.4.1 **Conservation and Monitoring Element**

The conservation element provides an overarching framework to implement the county's multifaceted approach to environmental protection as adopted in the comprehensive plan. The multifaceted approach includes interjurisdictional cooperation and planning; regulatory and non-regulatory programs including education and incentives; restoration and enhancement programs; and ecological monitoring.

The conservation element considers the preservation of natural resources and ecological functions, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.

Goals:

1. Preserve and protect shoreline natural resources.
2. Preserve and protect ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.
3. Preserve and protect the ecological functions and values of the county's shoreline areas to ensure no net loss.
4. Preserve and protect water quality.

5. Preserve and protect priority habitat and species in shoreline areas.

Policies:

1. Protect priority habitat and species in shoreline areas.
2. Minimize the destruction of native vegetation and preserve tree cover in riparian areas by establishing vegetation conservation standards.
3. New development should be located and designed to avoid impacts to shoreline natural resources and the functions provided by these resources. Where avoidance is not a feasible alternative, require that adverse impacts be mitigated to achieve no net loss of shoreline ecological functions.
4. Shoreline development projects should follow best management practices that protect water quality.
5. Protect natural floodplain processes where feasible.
6. Protect wild salmon run viability by managing stormwater to maintain or reduce peak flows and effectively filter out contaminants before flowing into streams, rivers and the Puget Sound.
7. Protect the scenic and aesthetic qualities of shorelines and vistas where feasible.
8. Shoreline uses, development patterns, and the shoreline restoration element should be consistent with and support the county's commitments to conservation and restoration efforts conducted pursuant to salmon recovery plans and programs.
9. Regularly inventory and monitor shoreline conditions and habitat improvements to provide information which can be used to evaluate the cumulative effects of shoreline development. Where feasible, coordinate with other agencies' monitoring and data gathering activities.
10. Control invasive or noxious plants and animals as defined by the Snohomish County Noxious Weed Control Board and the Washington Department of Fish and Wildlife.
11. Monitor the effectiveness of shoreline plans and regulations in protecting, preserving, and restoring the shoreline environment.
12. Encourage continuing biological, geological, ecological, and economic studies of shoreline systems, which will provide a regularly updated database.
13. To the extent feasible, protect the ecological functions of riparian, aquatic and terrestrial wildlife habitats.
14. To the extent feasible, protect areas with valuable geological, biological and/or historic significance.
15. Support and develop programs to educate private property owners about the importance of maintaining a natural shoreline environment.
16. Promote the use of soft shore stabilization and discourage hard shore solutions when shoreline stabilization is necessary to address erosion problems.
17. The county shall, where possible, provide incentives for protection of critical areas such as designating lands, permanent open space, conservation easements, donations to land trusts or similar organizations, and open space tax incentives.

18. The county should develop acquisition and conservation easement programs directed at lands that have unique ecological values or cannot be protected by any other method.
19. The county shall promote innovative land use techniques, where appropriate, such as transfer and purchase of development rights and other incentives or voluntary practices.
20. Some areas with low flow conditions have been worsened from increasing development by affecting ground and surface water. The county should use incentive programs, such as selling, leasing, or transferring ground and surface water rights.

1.2.4.2 Cultural, Archaeological and Historic Element

The cultural resources element includes historic, cultural, archaeological, scientific, and educational elements for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values.

Goals

1. Identify, protect and preserve areas within the shorelines of Snohomish County which have significant historical, cultural, education or scientific values.
2. Encourage restoration and enhancement of cultural resources in shoreline areas.

Policies

1. Preserve and protect to the maximum extent all shoreline area sites, buildings, structures and objects which have been placed on the national or state historical register.
2. Prevent the destruction of or damage to any site having historic, cultural, scientific or educational value as identified by Snohomish County's historic resource inventory and/or the list of registered archaeological sites maintained by the Washington State Office of Archaeology and Historic Preservation, and tribally identified sites.
3. Follow an established procedure of notification and consultation of the applicable Native American tribe when an archeological site or burial ground is discovered, regardless of whether the site has been previously recorded.
4. Ensure conservation of significant archeological and historical amenities in shoreline areas for the education of future generations.
5. Coordinate with affected tribes to protect Native American artifacts and sites of significance, and other archeological and cultural resources.

Regulations

SCC 30.67.340

1.2.5 SMP Updates and Amendments

The SMP may be amended when new information is obtained, local circumstances change, or shoreline management approaches are improved. How to process a proposed amendment will depend on the particular aspect of the program that is to be amended. For example, if the proposed change would modify the shoreline development regulations in the Snohomish County Code, the county must follow the procedures in chapter 30.73 SCC for Type 3 Decisions - Legislative. Amendments to other components of the SMP will be processed in accordance with the annual docketing procedures outlined in chapter 30.74 SCC. Updates to the overall program will occur periodically as specified in state law.

Compliance with these amendment processes will allow for public notice and hearing, review and recommendation by county staff and the Planning Commission with formal adoption by the county council. After local adoption, all amendments to the SMP must be approved by the Washington State Department of Ecology before they become effective.

The process requirements for amending the SMP are contained in SCC 30.67.110.

2. Designation of Shoreline Environments

2.1 Shoreline Environment Designation Process

The shoreline guidelines, WAC 173-26-211(4)(a), require that the general environment designation provisions include: 1) a purpose statement describing the shoreline management objectives of the designation in a manner that distinguishes it from other designations; 2) clearly stated criteria providing the basis for classifying or reclassifying a specific shoreline area with an environment designation; and 3) management policies in sufficient detail to assist in the interpretation of the environment designation regulations and, for jurisdictions planning under chapter 36.70A RCW, to evaluate consistency with the local comprehensive plan.

The proposed Shoreline Management Program contains seven shoreline environment designation categories, each based on the existing land use pattern, the biological and physical character of the shorelines and the aspirations of the community as expressed through the county's comprehensive plan. The county conducted an extensive analysis of the ecological functions and conditions of the county's shorelines. Criteria addressing ecological conditions, land use patterns and comprehensive plan designations were applied to define and map the following seven shoreline environment designations: *Aquatic, Natural, Resource, Municipal Watershed Utility, Rural Conservancy, Urban Conservancy, and Urban*.

The ecological functions and conditions were assessed in the *Summary of Shoreline Ecological Functions and Conditions in Snohomish County, February 2006*. Current ecological functions and conditions are directly influenced by existing land uses which are in turn determined by comprehensive plan designation and zoning. The land use portion of the analysis is based on comprehensive plan designation, zoning and actual development patterns.

Figure 2 illustrates how the ecological conditions and land use factors interact. The comprehensive plan, including the shoreline goals and policies, influences the zoning which in turn drives the existing land use patterns and intensity. The land use types and densities affect the existing ecological functions and conditions which in turn influence the shoreline designations. The shoreline designations then become part of the SMP and as such are incorporated into the comprehensive plan.



Figure 2. Interaction Between Ecological Conditions and Land Use Factors

2.1.1 Inventory of Ecological Functions and Conditions

The environment designations were assigned to shoreline areas in accordance with the County's inventory of current shoreline ecological functions and conditions. The inventory assessed a wide range of data representing ecological indicators to determine the health, or natural functions, present in shoreline areas. Thresholds were established to assign a functional level for each segment of shoreline: healthy versus impaired or missing. This inventory is key to assigning the appropriate shoreline designation and to designing a shoreline restoration element. Areas where ecological functions are "healthy" were considered for a *natural* or *urban conservancy* designation with the focus on protection rather than restoration. Areas where functions were impaired or missing were considered for a more intensive designation assignment with a focus on restoration in addition to protection.

Table 2 below provides a summary of the indicators and thresholds used to assess shoreline ecological function. The full results of the inventory can be reviewed in the *Summary of Shoreline Ecological Functions and Conditions in Snohomish County, February 2006*.

Table 2. Indicators and Thresholds of Shoreline Ecological Functions

Indicators and Thresholds of Shoreline Ecological Functions			
Function Indicator	Data Indicator and Threshold Levels		
	Healthy	Impaired	Missing
Basin aquatic health, hydrologic regimes	TIA ¹ < 7%; road density < 2 mi./sq.mi.; total forest cover > 65%; OR rated as "healthy" or "intact" in other published research	TIA 7-12%; road density 2-3 mi./sq.mi.; total forest cover 25-65%; OR rated as "fair" or "moderately impaired" in other published research	TIA > 12%; road density > 3 mi./sq.mi.; total forest cover < 25%; OR rated as "poor" or "degraded" in other published research
Sedimentation processes	River bank armoring < 10%; OR rated "good" or "intact" in other published research	River bank armoring 10-20%; OR rated as "fair" or "moderately degraded" in other published research	River bank armoring > 20%; OR rated as "poor" or "degraded" in other published research
	Marine shoreline armoring < 20%; feeder bluff armoring < 25%	Marine shoreline armoring 20-50%; feeder bluff armoring 25-50%	Marine shoreline armoring > 50%; feeder bluff armoring > 50%
Water quality	No CWA ² 303(d) listing	One CWA 303(d) listing	Two or more CWA 303(d) listing
	State of the Lakes report rates as "healthy"	State of the Lakes report rates as "at risk"	State of the Lakes report rates as "impaired"
Flood storage	Control structures do not affect channel migration and river is connected to floodplain; OR rated as "good" or "intact" in other published research	Control structures along one bank limit channel migration and river is disconnected from floodplain; OR rated as "fair" or "moderately degraded" in other published research	Control structures or non-erodible geology along both banks limit channel migration and river is disconnected from floodplain; OR rated as "poor" or "degraded" in other published research

Hydrologic connectivity	Land use or modifications (culverts, bridges, armoring) have not affected hydrologic connectivity or sediment processes	Land use or modifications (culverts, bridges, armoring) have altered hydrologic connectivity or sediment processes	Land use or modifications (culverts, bridges, armoring) have severely altered hydrologic or disrupted connectivity or sediment processes
Presence/quality of adjacent wetlands	Exist and appear to have intact native vegetation	Exist but cleared of native vegetation	Filled or drained, disconnected from waterbody by armoring, otherwise modified from natural conditions
Shoreline vegetation	Continuous corridor of vegetation; OR rated as "good" or "intact" in other published research	Patchy vegetation; OR rated as "fair" or "moderately degraded" in other published research	Cleared of vegetation; OR rated as "poor" or "degraded" in other published research
	Tree and shrub cover > 70%	Tree and shrub cover 30-70%	Tree and shrub cover < 30%
Large woody debris (LWD)	> 50 pieces/km; OR rated as "good" or "intact" in other published research	Rated as "fair", "moderately degraded", or "at risk" in other published research	< 50 pieces/km; OR rated as "poor" or "degraded" in other published research
	On Lakes: LWD present and provides good habitat	On Lakes: some LWD present	On Lakes: little or no LWD present
Pools	Rated as "good", "intact" or "properly functioning" in other published research	Rated as "fair", "moderately degraded", or "at risk" in other published research	Rated as "poor" or "degraded" in other published research
Dock density	< 3 docks / 1,000 ft.	3-8 docks / 1,000 ft.	> 8 docks / 1,000 ft.
¹ TIA = Total impervious area ² CWA = Clean Water Act			

2.1.1.1 **Restoration of Shoreline Ecological Functions**

The shoreline inventory identifies shoreline segments where the ecological functions are either "healthy", "impaired" or "missing". Locations where ecological functions are "impaired" or "missing" have been identified for potential restoration projects. The county has prepared a separate document, "*Shoreline Restoration Element*", which provides a nexus between the inventory, capital improvement projects and programs and restoration planning. The *Shoreline Restoration Element*:

- implements the SMP restoration policies (see section 3.2.5.16);
- establishes local restoration goals and priorities;
- identifies existing restoration projects and programs along shorelines with impaired or missing ecological functions as identified in the shoreline inventory; and
- suggests additional projects and programs needed to achieve local restoration goals.

2.1.2 **Land Use Patterns**

In addition to the health of the ecological functions, current and planned land use and development density/intensity were also considered in the assignment of shoreline designation. Because of the relationship between existing ecological functions and land use patterns, it is clear that each shoreline environment has a unique character in terms of land

use. Table 3 illustrates the land use character of each shoreline environment designation by looking at the various zoning classifications that make up each designated environment.

The *Urban* environment is predominantly made up of resource (agriculture only in this case), urban industrial, and high-density residential (89.59%). The *Urban Conservancy* environment is predominantly rural commercial, resource (agriculture only), and high-density residential (94.27%). *Rural Conservancy* is made up of rural commercial, low-density residential and resource (agriculture and forestry) (99.46%). The *Resource* environment is made up of resource zoning (99.78%), predominantly agricultural lands (90%). *Municipal Watershed Utility* includes Spada Lake and the surrounding shoreline area which is zoned entirely as forest. The *Natural* environment consists entirely of rural commercial (an obsolete zoning class, RD, out in the Darrington area along the Sauk River), low-density residential and resource (agriculture and forest). The *Aquatic* environment contains the full range of zoning classifications as this designation is coincident with each of the others.

Table 3. Land Use Type and Intensity in each Shoreline Environment Designation

Land Use Type and Intensity in each Shoreline Environment Designation As illustrated by Environment-Specific Zoning Classifications							
Zone	Urban	Urban Conservancy	Rural Conservancy	Resource	Municipal Watershed Utility	Natural	Aquatic
Rural Industrial (RI, RU)	4.28 ac. (0.41%)	2.79 ac. (0.68%)	44.07 ac. (0.32%)	10.28 ac. (0.02%)	0 (0.00%)	0 (0.00%)	32.16 ac. (0.23%)
Rural Commercial (RB, RD, RFS)	19.23 ac. (1.84%)	57.55 ac. (14.11%)	1945.29 ac (14.26%)	18.75 ac. (0.04%)	0 (0.00%)	588.85 ac. (13.4%)	521.85 ac. (3.81%)
Residential Low-density (SA-1, RC, R-5)	30.21 ac. (2.89%)	14.97 ac. (3.67%)	8459.34 ac. (62.02%)	74.82 ac. (0.16%)	0 (0.00%)	352.44 ac. (8.02%)	3436.61 ac. (25.09%)
Resource (A-10, F, F&R, MC, RRT)	138.69 ac. (13.26%)	194.59 ac. (47.72%)	3162.36 ac (23.18%)	48035.47 (99.78%)	2251.73 ac (100.0%)	3451.87 ac. (78.57%)	9475.7 ac. (69.17%)
Urban Industrial (BP, HI, IP, LI)	344.84 ac. (32.97%)	5.62 ac. (1.38%)	0.05 ac. (0.00%)	2.26 ac. (0.00%)	0 (0.00%)	0 (0.00%)	151.38 ac. (1.11%)
Urban Commercial (CB, GC, PCB)	6.45 ac. (0.62%)	0 (0.00%)	21.13 ac. (0.15%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	2.3 ac. (0.02%)
Residential High-density (LDMR, MR, T, WFB, PRD-8.4, PRD-9.6, R-12.5, R-9.6, R-8.4, R-7.2)	453.54 ac. (43.36%)	132.28 ac. (32.44%)	8.15 ac. (0.06%)	1.74 ac. (0.00%)	0 (0.00%)	0 (0.00%)	77.31 ac. (0.56%)
Residential Mod-density (PRD-20.0, R-20.0)	48.82 ac. (4.67%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	1.21 ac. (0.01%)
Total	1046.06 ac. (100.0%)	407.8 ac (100.0%)	13640.39 (100.0%)	48143.32 ac. (100.0%)	2251.73 ac. (100.0%)	4393.16 ac. (100.0%)	13698.52 ac. (100.0%)

2.2 Environment-Specific Policies & Designation Criteria

The county used a Geographic Information System (GIS) to assign the designations and create shoreline maps. The initial GIS assignments to the shoreline environments were followed by a case-by-case assessment of the ecological conditions of each shoreline segment. The criteria used to assign the shoreline designations are consistent with the provisions in WAC 173-26-211. The following steps were used in the analysis.

1. Areas waterward of the ordinary high water mark (OHWM), or between the OHWM on each bank of the rivers were assigned *Aquatic*.
2. Areas with a resource designation on the county's comprehensive plan were assigned *Resource*.
3. All areas within the Urban Growth Area (UGA) were assigned *Urban*.
4. All non-*Resource* areas outside of the UGA were assigned *Rural Conservancy*.
5. Case-by-case assessment of *Urban* areas resulted in a change to *Urban Conservancy* for those areas which met the criteria in section 2.2.6.
6. Case-by-case assessment of all areas resulted in a change to *Natural* for those areas which met the criteria in section 2.2.2.

Steps 5 and 6 rely heavily on the inventory of existing ecological functions and conditions to determine if the criteria are met for *Urban Conservancy* or *Natural*. Each stream reach or shoreline segment was evaluated individually relative to the designation criteria. The ecological and land use criteria for assigning each designation are summarized below. The criteria which resulted in a designation of *Urban Conservancy* or *Natural* for each reach or shoreline segment are presented in Appendix B at the end of this SMP.

The Shoreline Advisory Committee developed the purpose and policy statements for each unique shoreline environment designation. The SMA requires that all approved development activities be conducted in accordance with the purpose and management policies for the applicable shoreline environment.

The shoreline environment designations and maps are codified in chapter 30.67 SCC, Part 200.

2.2.1 Aquatic

Purpose:

The *Aquatic* environment designation is intended to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

Management Policies:

1. Allow new overwater structures only for water dependent uses, public access, or ecological restoration if it can be clearly shown that the cumulative environmental impacts of such structures will not cause significant adverse impacts to protected species.
2. The size of new overwater structures should be limited to the minimum necessary to support the structure's intended use.

3. Multiple use of overwater structures should be encouraged to reduce impacts of shoreline development and increase effective use of water resources.
4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated to assure no net loss of ecological functions.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

Designation Criteria

Assign an *Aquatic* environment designation to lands waterward of the ordinary high water mark. Areas designated *Municipal Watershed Utility* (e.g., Spada Lake) are an exception. Submerged and intertidal lands with other shoreline designations should be designated *Aquatic* if the management policies and objectives for *Aquatic* areas are met. In addition, regulations for managing submerged and intertidal lands should be consistent with the *Aquatic* shoreline environment management policies. Associated wetlands located waterward of the ordinary high water mark are also designated *Aquatic*.

2.2.2 Natural

Purpose:

The *Natural* shoreline environment designation is intended to protect or restore shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that are intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem wide processes. Future uses should be compatible with the natural characteristics that make these areas unique and valuable.

Management Policies:

1. The county's comprehensive plan is the primary guide for the location, type, density and distribution of uses in the *Natural* shoreline environment designation. Regulations for the *Natural* environment may limit uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.
2. Land uses that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed. Specifically, the following new uses shall not be allowed in areas designated *Natural* environment: commercial or industrial uses, nonwater oriented recreation, or roads, utility corridors, and parking areas that can be located outside of *Natural* designated shorelines.
3. Single family residential development may be allowed as a conditional use within the *Natural* environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

4. Commercial forestry may be allowed in the *Natural* environment provided it meets the conditions of the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this environment designation.
5. Agricultural uses of a very low intensity nature may be consistent with the *Natural* environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.
6. Scientific, historical, cultural, educational research uses, and low intensity water oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.
7. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions.
8. All land and water use activities which are proposed to be located in the *Natural* environment should be required to provide detailed information on: density and intensity of such uses, environmental, social, fish and wildlife, and general geologic data for the protection of existing natural systems.

Designation Criteria:

A *Natural* environment designation is assigned to shoreline areas if any of the following three characteristics apply:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity. The term "ecologically intact shorelines" applies to all shoreline areas ranging from larger reaches that may include multiple properties to small areas located within a single property. Whether or not a shoreline is ecologically intact, is determined on a case-by-case basis based on the definition and all of the following criteria:
 - a) Platted densities of 1 dwelling unit/5 acres or less.
 - b) Less than 10% of the shoreline has been modified with dikes, revetments, bulkheads, riprap or other manmade structures as indicated by a "healthy" rating for related functional indicators in the inventory of current shoreline ecological functions and conditions (i.e., sedimentation processes and hydrologic connectivity).
 - c) The area adjacent to the OHWM and any adjacent riparian wetlands or stream corridors is in a substantially natural state or can be easily restored to a natural state as indicated by the rating assigned for such functional indicators as "presence/quality of adjacent wetlands" or "shoreline vegetation".
2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest. These areas include the following:
 - a) Areas considered to represent the basic ecosystem or geologic types;
 - b) Areas with rare, unusual or unique biological, geological, historical or cultural features.

- c) Established natural science research areas or areas having a long history of such use.
 - d) Areas representing deviation from the basic ecological and geological norms, but which are of particular scientific interest.
 - e) Areas having a high scenic value and a high value for low intensity recreational use in their natural state.
3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety. These areas would include largely undisturbed portions of shoreline areas such as:
- a) Shoreline erosional bluffs and landslide hazard areas whose eroded earth, sand or gravel material is naturally transported (littoral drift) to an accretion shore form.
 - b) The portions of undeveloped accretion shore forms located upland of the OHWM.
 - c) Estuaries and Category I wetlands.
 - d) Category II wetlands that also contain significant fish and wildlife habitat for critical species or are utilized by critical species for forage, water, cover and/or protection.
 - e) A major seasonal haven or constricted migration route for animals or birds.

2.2.3 Resource

Purpose:

The *Resource* environment shoreline designation is intended for areas within shoreline jurisdiction that are currently utilized or planned for agriculture or commercial forest practices. The intent is to conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use.

Management Policies:

1. The county's comprehensive plan is the primary guide for the location, type, density and distribution of uses in the *Resource* shoreline environment designation. Regulations for the *Resource* environment may limit uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.
2. Uses that are appropriate in a *Resource* environment include, but are not limited to, low impact outdoor recreation uses, timber harvesting on a sustained yield basis, agricultural uses, aquaculture, low intensity residential development and other natural resource based low intensity uses.
3. Agricultural, forestry and aquaculture are preferred uses in the *Resource* environment provided they are conducted consistent with the management policies for this environment and in a manner to ensure no net loss of ecological functions.
4. Permit limited non-commercial mining activities that are consistent with the county's GMA comprehensive plan policies and which are located in areas designated for such use by the county's mineral resources overlay. Excavation of gravel beds within the streamway is not an allowed use within the mineral resource overlay designated on the county's comprehensive plan. Commercial mining is not allowed within the shoreline area because of the potential to substantially degrade the ecological functions.

5. Uses in the *Resource* environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
6. Water dependent and water enjoyment recreation facilities, with the exception of golf courses and most playing fields, are preferred uses and should be encouraged.
7. Recreational facilities should be located and designed to minimize conflicts with the preferred uses in the *Resource* environment.
8. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.
9. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or protect ecological functions and where mitigation is applied. New development should be designed and located to preclude the need for such work.
10. Residential development standards shall protect shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of the *Resource* environment. Generally, this will require density and lot coverage limitations, setbacks, vegetation conservation and similar provisions.
11. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that the natural shoreline functions are protected.

Designation Criteria:

Assign a *Resource* shoreline environment designation to a shoreline area if it is within designated agriculture or forest lands in the county's comprehensive plan.

2.2.4 *Municipal Watershed Utility*

Purpose:

The *Municipal Watershed Utility* environment designation is intended to protect public water supply, power generation and/or flood control reservoirs (e.g., Spada Lake) in order to preserve and protect water quality for public health and safety.

Goal:

Protect Spada Lake as a reservoir for public water supply, power generation and flood control.

Management Policies:

The project license for Spada Lake that is issued by the Federal Energy Regulatory Commission governs land uses and activities for this municipal watershed utility. In addition, the following policies apply:

1. Maintain water quality by restricting uses on, in and adjacent to Spada Lake to those that are consistent with Snohomish County regulations and the project license issued by the Federal Energy Regulatory Commission.

2. Permit uses and development necessary to operate and maintain Spada Lake for the purpose of public water supply, power generation, and flood control, including operations that result in changing water levels, such as draw-downs.
3. Permit uses and activities necessary to operate and maintain reservoirs for the purpose of public water supply, power generation, and/or flood control, including operations that result in changing water levels, such as draw-downs.
4. Permitted uses and public access should be limited to areas that will not interfere with the operation of the reservoir and associated structures, including access roads, and the enforcement of ordinances and federal, state and local regulations that protect water quality and fish and wildlife habitats.
5. New shoreline modifications should be designed, constructed and managed to ensure protection of fish and wildlife resources and water quality.

Designation Criteria:

Assign a *Municipal Watershed Utility* environment designation to shoreline areas associated with public water supply, power generation and/or flood control reservoirs, such as Spada Lake.

2.2.5 Rural Conservancy

Purpose:

The purpose of the *Rural Conservancy* shoreline environment is to allow low intensity development, while at the same time protecting ecological functions and providing public access and recreational opportunities in shoreline areas. The preferred uses are low intensity development, including but not limited to low density residential, water dependent commercial and recreation.

Management Policies:

1. The county's comprehensive plan is the primary guide for the location, type, density and distribution of uses in the *Rural Conservancy* shoreline environment designation. Regulations for the *Rural Conservancy* environment may limit uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.
2. Uses in the *Rural Conservancy* environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
3. Low intensity, water oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past (as evidenced by existing rural business, rural industrial or rural freeway service zoning) or at unique sites in rural communities that possess shoreline conditions and services to support the development.
4. Water dependent and water enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, wildlife viewing trails, and swimming beaches, are preferred uses, provided any significant adverse impacts to the shoreline are mitigated.

5. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.
6. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. Meeting this policy will require density and lot coverage limitations, vegetation conservation and other provisions.
7. New development should be designed and located to preclude the need of shoreline armoring, flood control structures, vegetation removal, and other shoreline modifications. Any shoreline modifications shall be integrated with stormwater management, grading, clearing and other beach policies in order to minimize adverse impacts. Armoring should be prohibited in areas planned for shoreline restoration.
8. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.
9. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied consistent with the applicable shoreline modification requirements. New development should be designed and located to preclude the need for such work.
10. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

Designation Criteria:

Assign a *Rural Conservancy* environment designation to shoreline areas that meet the following criteria:

1. The area is located outside incorporated municipalities and outside urban growth areas;
2. The area does not meet the *Aquatic, Natural, Resource or Municipal Watershed Utility* shoreline environment designation criteria.
3. The shoreline is currently accommodating residential uses outside urban growth areas and incorporated cities or towns.
4. The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas.

2.2.6 *Urban Conservancy*

Purpose:

The purpose of the *Urban Conservancy* environment is to protect and restore ecological functions of open space, the floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Management Policies:

1. The county's comprehensive plan is the primary guide for the location, type, density and distribution of uses in the *Urban Conservancy* environment designation. Regulations for the *Urban Conservancy* environment may limit uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.
2. Primarily allow uses that preserve the natural character of the area. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the *Urban Conservancy* environment and the setting.
3. New development should be designed and located to preclude the need of shoreline armoring, flood control structures, vegetation removal, and other shoreline modifications.
4. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications that ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
5. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
6. Water oriented uses should be given priority over non water oriented uses. For shoreline areas adjacent to commercially navigable waters, water dependent uses should be given highest priority.

Designation Criteria:

Assign an *Urban Conservancy* environment designation to shoreline areas that lie in designated urban growth areas, or designated "limited areas of more intensive rural development" (LAMIRD) that are planned for development based on any of the following criteria:

1. Compatible with maintaining or restoring ecological functions of the shorelines;
2. Suitable for water related or water enjoyment uses;
3. Majority of the site consists of open space, critical areas, native growth protection areas or other sensitive areas that should not be more intensively developed.

2.2.7 Urban

Purpose:

The *Urban* shoreline environment designation is for unincorporated shoreline areas within urban growth areas that are intended to absorb higher density uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. An additional purpose is to provide appropriate public access and recreational uses.

Management Policies:

1. The county's comprehensive plan shall guide the location, distribution, density and type of uses within the *Urban* environment. Use regulations for the *Urban* environment may limit shoreline uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.
2. In the *Urban* environment first priority should be given to water dependent uses. Second priority should be given to water related and water enjoyment uses. Non water oriented

uses should not be allowed except as part of mixed use developments. Non water oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning.

3. Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long range projections of regional economic need should guide the amount of shoreline designated *Urban*. Consideration should be given to the potential for displacement of non water oriented uses with water oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.
4. New development should be designed and located to preclude the need of shoreline armoring, flood control structures, vegetation removal, and other shoreline modifications.
5. Shoreline use and modification policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with applicable state and federal laws.
6. Non residential developments should be required to provide visual and physical public access to the shoreline where feasible.
7. Aesthetic objectives should be implemented for non residential developments by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
8. Residential standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions. This shall take into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
9. Multi-family, multiple lot residential and recreational developments should provide public access and joint use for community recreational facilities.
10. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
11. Commercial development should be limited to water oriented uses.

Designation Criteria:

Assign an *Urban* environment designation to shoreline areas that are generally suitable for water dependent uses and that lie in designated urban growth areas (UGAs), or designated "limited areas of more intensive rural development" (LAMIRD) and they meet any of the following criteria:

1. They currently support higher intensity uses related to commerce, transportation or navigation;
2. They are within an urban commercial or industrial land use designation in the county's comprehensive plan, or are suitable and planned for high intensity, water oriented uses;

3. They are predominantly single family or multi-family residential development or are within a residential designation in the county's comprehensive plan and located outside of critical areas.

2.3 Alternative Environment Designation System

The shoreline environment designation system described above represents a slightly modified version of the environment designation system described in WAC 173-26-211. Alterations to the recommended approach are allowed per WAC 173-26-211(2)(a) and (4)(c) provided that the alternative approach provides equal or better implementation of the SMA. The county's proposed system was developed to better reflect local conditions and consistency with the county's comprehensive plan as required per WAC 173-26-211(3). Local comprehensive plans constitute the underlying framework within which master program provisions should fit. Land use issues and comprehensive planning are factors influencing shoreline environment designation.

The county has included a unique category, *Municipal Watershed Utility*, to accommodate the special circumstances at Spada Lake. This area is limited only to resource and recreation uses in accordance with the federal permit requirements for the hydroelectric project. These unique requirements for this shoreline area warrant a special designation class.

Instead of designating areas using the *Shoreline Residential* category recommended by the SMA guidelines, the county has woven the residential component into each of the other designations to reflect actual land use patterns. Existing land use patterns, zoning and comprehensive plan designations do not support a unique *Shoreline Residential* category because residential uses are distributed throughout the county as shown in Table 4. Residential uses are often combined with other uses (i.e. home-based businesses, agriculture, etc.) on a single site, particularly in the rural areas. By folding the residential uses into each of the other shoreline environments, shoreline residential policies and development standards can be established that are compatible with the purpose of each shoreline designation and with the ecological character and conditions. For example, allowed residential densities reflect the ecologic character of the shoreline environments. Table 4 shows how residential uses are woven throughout each of the environment categories (except Municipal Watershed) but comprise the largest segments of the *Urban*, *Urban Conservancy* and *Rural Conservancy* categories.

The county has chosen to divide the recommended *Rural Conservancy* into two separate designations: *Rural Conservancy* and *Resource*. The *Resource* designation reflects the significant land area designated for forestry and agricultural uses in the county's comprehensive plan and is zoned primarily for low density development on lots larger than 10 acres, whereas *Rural Conservancy* is largely comprised of 5-acre zoning and dominated by residential uses (see Table 3). *Resource* uses represent the largest land use component within the county's shoreline jurisdiction, accounting for nearly 80% of the total acreage as shown in Table 4 below. Some resource-related activities are not compatible with residential uses – the predominant use in the *Rural Conservancy* – thus, a separate environment designation is warranted to accommodate resource uses at the lower densities prescribed by the underlying zoning. To improve compatibility between resource uses and residential uses, setbacks from resource lands are required for residential structures.

The management policies and designation criteria for the recommended *High Intensity* category have been folded into the county's proposed *Urban* designation. Within the *Urban*

shoreline areas, the locations of the three predominant uses - high intensity industrial and commercial and high density residential – are determined by comprehensive plan designation and zoning. These high intensity uses represent only a small segment of the uses found in the county’s shoreline jurisdiction.

While the county’s proposed environment designation system represents an alternative approach, all of the recommended management policies and designation criteria in WAC 173-26-211(5) have been utilized and incorporated into the proposed system. This alternative approach, relative to the approach recommended in WAC 173-26-211, improves implementation of GMA goals and intent and ensures consistency with the county’s comprehensive plan without compromising implementation of the SMA.

The *Summary of Shoreline Ecological Functions and Conditions in Snohomish County* provided the necessary ecological information to determine which shoreline segments met the criteria in WAC 173-26-211(5). Each shoreline segment was evaluated relative to the designation criteria to determine which shoreline environment should be assigned.

Table 4. Main Zoning Categories by Shoreline Environment Designation

Main Zoning Categories by Shoreline Environment Designation (acres)							
Shoreline Environment Designation	Industrial Use/Zone	Commercial Use/Zone ¹		Resource Use/Zone	Residential Use/Zone	Residential w/ RD Zone ¹	Total
		Total Commercial	RD Zone ¹				
<i>Urban</i>	349.12 (33.4%)	25.65 (2.5%)	19.23	138.69 (13.3%)	532.57 (50.9%)	551.8 (52.8%)	1046.06 (100%)
<i>Urban Conservancy</i>	8.41 (2.1%)	57.55 (14.1%)	57.55	194.59 (47.7%)	147.25 (36.1%)	204.8 (50.2%)	407.8 (100%)
<i>Rural Conservancy</i>	44.12 (0.32%)	1966.42 (14.4%)	1874.84	3162.36 (23.2%)	8467.49 (62.1%)	10342.3 (75.8%)	13640.39 (100%)
<i>Resource</i>	12.54 (<0.01%)	18.75 (<0.01%)	7.41	48,035.47 (99.8%)	76.56 (0.16%)	83.97 (0.17%)	48143.32 (100%)
<i>Municipal Watershed Utility</i>	0	0	0	2251.73 (100%)	0	0	2251.73 (100%)
<i>Natural</i>	0	588.85 (13.4%)	588.85	3451.87 (78.6%)	352.44 (8.0%)	941.29 (21.4%)	4393.16 (100%)
<i>Aquatic</i>	183.54 (1.3%)	524.15 (3.8%)	520.67	9475.70 (69.2%)	3515.13 (25.7%)	4035.8 (29.5)	13698.52 (100%)
<i>Total</i>	597.73 (0.7%)	3181.40 (3.8%)	3068.55	66710.41 (79.8%)	13091.44 (15.7%)	16159.99 (19.3%)	83580.98 (100%)

¹ A significant portion of the commercial uses are zoned Rural Diversification (RD) which has a residential component. RD is a mixed use zone accommodating rural home-based businesses and industries.

2.4 Shoreline Environment Designation Maps

The shoreline environment designations are depicted on a series of 44 maps, indexed by township and range and originally compiled at a scale of 1:24,000. The official shoreline environment designation maps are adopted as Exhibit B of Ordinance No. 10-___ and are available for public review at the customer service counter of Snohomish County Planning and Development Services Department. Smaller scale versions of the shoreline environment designation maps are included as general reference maps in Appendix D. The designation maps identify shoreline areas within Snohomish County that fall under the jurisdiction of the Shoreline Management Act and graphically depict the specific shoreline environment designation assigned to each section of shoreline.

Regulations related to map use, interpretation and amendments are contained in SCC 30.67.210 and .220.

2.5 Tulalip Indian Reservation

It has been brought to the attention of Snohomish County that a complex set of jurisdictional questions has developed which pertains to the legal applicability of the Shoreline Management Act within the boundaries of the Tulalip Indian Reservation. A number of specific boundary location questions exist which pertain to tidelands claimed by the Tulalip Tribes as portions of the Reservation established in 1873.

The following information is intended to assist in explaining the current status of lands in and adjacent to the Tulalip Reservation which either do or could potentially fall under the jurisdiction of the Shoreline Management Act.

Land Ownership Patterns

There are basically three types of land ownership on the Reservation - allotted lands, owned by individual Indians; alienated lands, owned by non-Indians; and tribal lands, owned by the Indian Tribes.

Allotted Lands - Shortly after the Reservation was established in 1855, the Federal Government assigned individual parcels of land to the Indian families on the tribal rolls and in some cases forcibly relocated the families from the small settlements on the shores of Puget Sound to their designated parcels. These lands are held in trust and managed by the Bureau of Indian Affairs on behalf of each Indian owner.

Snohomish County does not attempt to apply its land use control authority to those lands which are mutually agreed upon as being allotted.

Tribal Lands - Over the years since 1935, certain parcels of un-allotted lands have reverted to tribal ownership. In 1939, the Tribes also began acquiring allotted lands throughout the Reservation. Tribal lands are generally held in trust status with joint management responsibility being shared between the Tulalip Tribes and the Bureau of Indian Affairs.

Snohomish County does not apply its land use control authority to those lands which are mutually agreed upon as being Tribal.

Alienated Lands – Some allotted lands have been sold in fee to both Indian and non-Indians and removed from tribal trust status. The alienated fee lands owned by non-Indians are subject to county and state land use authority and property taxation. Alienated lands are mapped by the county according to officially recorded legal descriptions identifying property boundaries. In some cases, the legal descriptions show property boundaries extending into the tidelands. The Tulalip Tribes disputes the accuracy of these legal descriptions and the corresponding maps with respect to tideland ownership on the Reservation.

Disputed Lands - There are several areas on the periphery of the Tulalip Reservation which for the purposes of this Shoreline Management Program have been unofficially declared as disputed lands. This disputed lands label has been applied to these areas based on the uncertainty surrounding their jurisdictional status. The Tulalip Tribes have made jurisdictional claims on tidelands which have not been acknowledged or agreed upon by Snohomish County or the State of Washington.

Shoreline environment designations have been applied to these disputed lands by Snohomish County.

3. Shoreline Goals, Policies and Regulations

3.1 *Introduction: State Requirements*

3.1.1 *Shoreline Management Act and Guidelines*

The Shoreline Management Act (chapter 90.58 RCW) and the implementing guidelines (WAC 173-26) require that local shoreline programs be consistent with the guiding principles and standards and address specific elements. This SMP contains goals and policies that establish broad shoreline management directives. The goals and policies are the basis for regulations that govern use and development along the shoreline. Some SMP goals and policies may not be fully attainable by regulatory means and may be pursued by non-regulatory measures such as education, incentive, restoration and acquisition programs.

The SMP provides clear, consistent goals and policies that translate broad statewide policy goals set forth in WAC 173-26-176 and 173-26-181 into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria for regulatory and non-regulatory actions. The policies provide a comprehensive foundation for the SMP regulations, which are more specific standards used to evaluate shoreline development.

The SMP is also required to contain shoreline environment designation-specific regulations accounting for different shoreline conditions. Such regulations shall address the following:

- Types of shoreline uses permitted, conditionally permitted, and prohibited;
- Building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards; and
- Other topics not covered in general use regulations that are necessary to assure implementation of the purpose of the shoreline environment designation.

WAC 173-26-231 and -241 require that local jurisdictions implement principles regulating specific shoreline uses and modifications. These principles address the location and conditions under which shoreline uses and modifications may be allowed and require that shoreline uses and modifications individually and cumulatively do not result in a net loss of shoreline ecological functions. Uses and modifications in shoreline jurisdiction must be compatible with the purpose and management criteria for the shoreline environment in which they are allowed.

3.1.2 *Relationship Between the SMA and the GMA*

Shoreline management is most effective and efficient when accomplished within the context of comprehensive planning. Local comprehensive plans constitute the underlying framework within which master program provisions should fit. For cities and counties planning under the Growth Management Act (GMA), chapter **36.70A** RCW requires mutual and internal consistency between the comprehensive plan elements and implementing development regulations. The GMA designates shoreline master program policies as an element of the comprehensive plan and requires that all elements be internally consistent, including master programs.

RCW **90.58.340** requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the applicable master program. In order for shoreline designation provisions, local comprehensive plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

- The comprehensive plan provisions and shoreline environment designation provisions should not preclude one another.
- Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses.
- Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them.

3.1.2.1 Requirements for Critical Area Protection

RCW 36.70A.480 establishes the relationship between the Growth Management Act and the Shoreline Management Act with respect to critical areas.

- Shorelines of the state are not critical areas except to the extent that specific areas within shorelines of the state meet the definition of critical areas in 36.70A.030(5) and have been designated as such by the county. [36.70A.480(5)]
- In Snohomish County's shoreline jurisdiction critical area protection is achieved by this SMP. Critical areas meeting the definition in 36.70A.030(5) within shorelines of the state are not subject to the procedural and substantive requirements in the GMA, *unless* the SMP does not include land necessary for buffers for critical areas that occur within shorelines of the state. In such instances, the county shall continue to regulate those critical areas and their required buffers pursuant to the GMA [RCW 36.70A.480(3)(b) and 36.70A.480(6)].
- The SMP provides a level of protection for critical areas located within shorelines of the state that is at least equal to the protection provided by the county's critical area regulations [RCW 36.70A.480(4)].

While not all shorelands within the county's shoreline jurisdiction are considered critical areas, many areas within the shorelines of the state meet the GMA definition for "critical areas" and have been designated as such by the county. These areas include, but are not limited to, marine waters and critical saltwater habitat, streams and rivers, lakes, wetlands, habitat for critical wildlife species, geologically hazardous areas and channel migration zones, flood hazard areas and critical aquifer recharge areas. Since RCW 36.70A.480(4) requires a level of protection for critical areas in the shoreline master plan at least equivalent to the protection provided under the GMA, the county relies on the locally adopted critical area regulations to protect critical areas both inside and outside of shoreline jurisdiction, ensuring that the level of protection is exactly equal.

Similar requirements for the protection of critical areas within shorelines of the state are included in the shoreline guidelines in WAC 173-26-221(2).

- The shoreline master program shall provide for the management of critical areas within the shorelines of the state that is at least equal to that provided by the locally adopted critical areas regulations. [WAC 173-26-221(2)(a)(ii)]

- A local government's SMP regulates critical areas in the shorelines of the state except in the case that the SMP does not include land necessary for buffers for critical areas that occur within shorelines of the state, then the local jurisdiction shall continue to regulate those critical areas and their buffers pursuant to adopted GMA critical area regulations. [WAC 173-26-221(2)(a)(ii) and 36.70A.480(6)]
- In addition, WAC 173-26-221(2) establishes standards for critical area protection for those critical areas located within shoreline jurisdiction.

The GMA and the SMA have similar standards for the protection of ecological functions and values of critical areas. The GMA requires no net loss of critical area functions and values and the SMA [WAC 173-26-201(2)(c)] requires at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and a plan for restoration of ecological functions where they have been impaired. While both statutes require reliance on the most current, accurate and complete scientific or technical information available, the SMA goal is to achieve a balance between shoreline use and ecological protection. [RCW 90.58.100(1), WAC 173-26-201(2)(a), RCW 36.70A.172, and WAC 365-195, Part Nine].

To summarize the relationship between the two state statutes: 1) shorelines of the state are not critical areas except where they meet the definition of "critical area" and have been designated as such; 2) regulations must be based on a scientific foundation, although the GMA's standard of "best available science" arguably is a more rigorous scientific standard¹; 3) in the SMP, land must be set aside for buffers for the protection of critical areas within shorelines of the state, otherwise protection will be subject to the locally adopted critical area regulations; and 4) critical area protection inside shorelines of the state must be at least equivalent to protection of critical areas outside of shorelines, otherwise the most protective standards must be applied.

Unique provisions in the SMA promote water-dependent and water-related uses and public access to shoreline areas. Local jurisdictions must be careful to reconcile these SMA provisions with the "no net loss" standard for ecological functions and values given that: 1) critical area protection in the SMP must be at least equal to that in the critical area regulations; and 2) protection standards and regulations are required, by both the SMA and the GMA, to be based on scientific research and evidence.

3.1.2.2 Application of the Shoreline Science

WAC 173-26-201(3)(d)(i)(C) identifies shoreline ecological functions including but not limited to: transport and storage of water and sediment, maintaining base flows, flow or wave energy attenuation, pollutant and nutrient removal, temperature control, habitat formation (pools, riffles, etc.), provision of large woody debris and organic matter, and habitat for aquatic and shoreline dependent species. These ecological functions are attributed to streams, rivers, lakes, marine waters, wetlands and their adjacent uplands which are also identified as "critical areas" and their buffers under the GMA guidelines in WAC 365-190-080. These are the same functions identified in the county's critical area regulations at SCC 30.62A.220. These critical area functions were identified based on significant scientific research and presented in the *Revised Summary of Best Available Science for Critical Areas, March 2006*. Table 5 compares the "functions and values" addressed in the county's critical area regulations with the ecological functions identified in WAC 173-26-201(3).

¹ Futurewise v. Western Washington Growth Management Hearings Board, Washington State Supreme Court, No. 80396-0, Filed July 31, 2008, page 3.

Table 5. Comparison of Ecological Functions Under GMA and SMA

Critical Area	GMA Critical Area Functions & Values [SCC 30.62A.220]	SMA Shoreline Ecological Functions [WAC 173-26-201(3)(d)(i)(C)]
Streams	Fish and wildlife habitat; transport of water, sediment and organic material; floodwater storage and attenuation.	<p>Hydrologic: Transport of water and sediment across the natural range of flow variability; attenuating flow energy; developing pools, riffles, gravel bars, recruitment and transport of large woody debris and other organic material.</p> <p>Habitat for native aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish.</p>
Wetlands	Fish and wildlife habitat, pollution assimilation, sediment retention, shoreline stabilization, floodwater storage, attenuation and conveyance, wave energy attenuation, stream base-flow maintenance, and ground-water discharge/recharge.	<p>Hydrologic: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruiting woody debris and other organic material.</p> <p>Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish.</p>
Lakes	Fish and wildlife habitat, sediment retention, pollution assimilation, and floodwater attenuation, storage and conveyance.	<p>Hydrologic: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruitment of large woody debris and other organic material.</p> <p>Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish.</p>
Marine waters	Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation;	<p>Hydrologic: Transporting and stabilizing sediment, attenuating wave and tidal energy, removing excessive nutrients and toxic compounds; recruitment, redistribution and reduction of woody debris and other organic material.</p> <p>Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish.</p>
Primary association areas of critical species.	Fish and wildlife habitat	Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.
Buffers	Habitat for water associated and riparian associated wildlife, wildlife movement corridors, noise and visual screening, large woody debris and other natural organic matter recruitment, floodwater attenuation and storage, temperature maintenance, pollution assimilation, streambank stabilization and supply of sediments and nutrients.	<p>Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, sediment removal and stabilization; attenuation of flow, wave or flood energy; and provision of large woody debris and other organic matter.</p> <p>Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, sediment storage, maintenance of base flows and support of vegetation.</p>

Because shoreline ecological functions are equivalent to critical area functions, the management recommendations for the protection of these functions can be based on the same scientific research – in other words, the critical area science *is* the shoreline science. The body of science has developed conclusions regarding measures which can reduce adverse impacts and prevent loss of ecological functions.

The SMA requires no net loss of ecological functions [WAC 173-26-186(8)(b)]. The Growth Management Act holds a similar standard of no net loss of critical area functions and values. The key conclusions to be drawn are:

(1) Those portions of shoreline jurisdiction designated as *Aquatic* or which contain associated wetlands meet the definition of “fish and wildlife habitat conservation areas” under the county’s adopted code, therefore these areas constitute “critical areas” under the GMA; and

(2) The “ecological functions” of these *Aquatic* shorelines and wetlands pursuant to the SMA are equivalent to the “functions and values” of these critical areas under GMA, therefore the scientific recommendations to protect these critical areas will also protect the ecological functions of the shorelines – in other words, the science compiled to support the GMA requirements is also applicable to the SMA requirements.

A primary ecological function of all *Aquatic* shorelines is to provide habitat for fish. Fish habitat, particularly habitat for anadromous fish, is specifically called out in the GMA for protection and conservation [RCW 36.70A.172]. The GMA requires the county to give special consideration for fish habitat. While fish habitat protection is not specifically required under the SMA, healthy fish habitat depends on all the shoreline ecological functions listed in the SMA.

To preserve the ecological functions necessary to support fish habitat, the science recommends buffers of at least 1 site potential tree height (SPTH) [*Revised Summary of Best Available Science for Critical Areas, March, 2006*]. In Snohomish County the expected SPTH for the dominant tree species over a 100 year period is approximately 150 feet. Therefore, the county’s critical area regulations require 150-foot buffers on all anadromous and resident salmonid bearing streams and lakes and on all marine waters. RCW 36.70A.480 also says that a local government’s SMP shall include land necessary for buffers for critical areas that occur within shorelines of the state otherwise local jurisdictions shall continue to regulate those critical areas and their buffers pursuant to adopted GMA critical area regulations. [WAC 173-26-221(2)(a)(ii) and 36.70A.480(6)].

The science also recommends limitations on effective impervious surface and consideration of land use intensity. These scientific recommendations have been incorporated into the county’s critical area regulations to meet the GMA standard of no net loss of functions and values and by default, also meet the SMA standard of no net loss of ecological functions.

The proposed regulations in the SMP relate directly to the shoreline ecological functions. The *Cumulative Impact Analysis* looks at the ecological functions, potential development activities which may result in adverse impacts to these functions, and the regulatory and non-regulatory provisions established to avoid, minimize and mitigate such impacts. A summary of this detailed analysis from the *Cumulative Impact Analysis* is provided as Appendix C in this SMP.

3.1.2.3 **No Net Loss of Ecological Functions**

The shoreline ecological functions as defined at WAC 173-26-201(3)(d)(i)(C) are the same as the functions and values for critical areas as identified in the *Revised Summary of Best Available Science for Critical Areas, March 2006* and SCC 30.62A.220. Both the GMA and the SMA require no net loss of these functions. This is particularly important for achieving a balance under the SMA to meet this no net loss standard while also supporting water dependent, water related and water enjoyment uses.

The SMA acknowledges this potential conflict inherent in the policy goals. RCW 90.58.020 states:

... 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. ...

and RCW 90.58.020 further states:

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. (*Emphasis added*).

This final statement acknowledges the limitations of relying on regulations alone to achieve no net loss [WAC 173-26-186(5)]. The regulations require that development proposals be designed to avoid impacts but when impacts are unavoidable, they should be minimized and mitigated. Any development regulation, short of an outright prohibition, has the potential for ecological impacts. The Shoreline Management Guidelines recognize that other means, in addition to regulation, may be used to achieve shoreline policy objectives. [WAC 173-26-186(4) and (8)(c)].

To achieve the “no net loss” standard required under both the GMA and the SMA the county has adopted a multifaceted approach in the comprehensive plan which includes both regulatory and non-regulatory programs. [Snohomish County, *General Policy Plan*, Natural Environment Policies, pg. NE-1-17]. The county’s multifaceted approach includes planning and intergovernmental coordination; regulations and enforcement; enhancement and restoration programs; public education and stewardship opportunities; incentive and acquisition programs; and monitoring and adaptive management. As a whole, this approach is designed to achieve the outcome of no net loss of ecological functions to the extent mandated by state law.

At the project level, permitted activities are subject to use restrictions and development standards tailored for the shoreline environment designation and the ecological characteristics and conditions. These permitted activities are also subject to the critical area regulations which require that every effort be made to avoid impacts to ecological functions and when impacts are unavoidable they must be minimized and mitigated. The county’s critical area regulations also require that development activities meet a “no net loss” standard by employing the recommendations from the best available science. [WAC 173-26-186(8)(b)(i)].

Development projects that are exempt from the shoreline substantial permit requirements are still required to comply with the goals and policies of the Shoreline Management Act and the county’s SMP. They are also subject to the critical area regulations and the “no net loss” standard. [WAC 173-26-186(8)(b)(ii)].

Since all development projects are subject to the “no net loss” standard, the cumulative impacts over all development projects on ecological functions should be zero. However, it may not be realistic to expect that all development projects will be able to meet the standard or that all mitigation measures will work as intended. To offset the potential shortfalls the county can rely on non-regulatory programs and enhancement and restoration efforts to ensure that the “no net loss” standard is achieved on a watershed scale. Monitoring is a key element in the county’s approach to help determine if regulatory and non-regulatory programs need to be adapted or revised over time to satisfy the state requirements.

The shoreline regulations require no net loss of shoreline ecological functions pursuant to SCC 30.67.320.

3.1.2.4 Snohomish County’s Critical Area Regulations

The county’s critical area regulations (CAR) were developed in coordination with the updates to the SMP. The CAR incorporates many of the basic shoreline principles in WAC 173-26-201(2)(a-f):

(a) Use of scientific and technical information. The CAR and the SMP seek to protect the same ecological functions. The regulatory provisions are based on the same body of science.

(b) Adaptation of policies and regulations. A monitoring and adaptive management strategy is built into the CAR regulatory requirements to adjust policies and regulations as necessary to achieve the required standards for protection.

(c) Protection of ecological functions of the shorelines. The shoreline areas below the ordinary high water mark are designated as critical areas – streams, lakes, marine waters and wetlands. The ecological functions performed in the adjacent uplands are also protected. Both critical area and buffer functions are subject to the “no net loss” standard.

(d) Preferred uses. Uses given preference under the SMA are not specifically regulated under the CAR. Such water dependent, related or enjoyment uses would be subject to the use regulations in the SMP and the standards in CAR for buffers, mitigation sequencing (see “e” below) and the “no net loss” standard.

(e) Environmental impact mitigation. Allowed uses are subject to the standard mitigation sequencing to first avoid, then minimize and mitigate impacts. Compensatory mitigation for unavoidable impacts must achieve the “no net loss” standard.

(f) Shoreline restoration planning. Critical area protection under the GMA does not address restoration – the “no net loss” standard is determined from a baseline threshold consistent with the conditions existing at the time the regulations are adopted. The GMA does not require restoration of ecological conditions beyond this baseline. Restoration of ecological functions is addressed in the SMP.

3.2 Shoreline Goals, Policies and Regulations

The SMP addresses compliance with the goals and policies of the SMA, permit procedures and requirements, critical area protection, public access and allowed land use activities and shoreline modifications, development standards and shoreline environment-specific regulations. The regulations vary for each shoreline environment depending on the ecological conditions, existing land use patterns and compatibility issues, and the environment-specific management policies. In general, the more sensitive a particular site's ecological conditions are to disruption from land use activities, the more protective or restrictive the regulations must be to meet the "no net loss" standard.

This document contains the SMP goals and policies and an overview of the regulations. The SMP development regulations are contained chapters 30.44 and 30.67 SCC are included as Appendix E and F of this document. The reader always should ensure that he or she is relying on the most current version of chapters 30.44 and 30.67 SCC by contacting the Snohomish County Department of Planning and Development Services (PDS) or the Office of the Code Reviser, or by reviewing the on-line version of the SCC at www1.co.snohomish.wa.us. In the event inconsistencies exist between the summary of the SCC provisions contained in this document and the actual SCC provisions, the actual provisions control.

3.2.1 Permit Procedures and Requirements

Chapter 30.44 SCC addresses processes and procedures for the review and approval of development permits in shoreline jurisdiction. This chapter establishes criteria for determining thresholds for uses and/or modifications that are subject to a shoreline substantial use permit, a shoreline conditional use permit or are exempt from permits under the shoreline program. Chapter 30.44 SCC also establishes procedures and criteria for variances from the shoreline regulations and enforcement.

WAC 173-26-191(2)(a)(iii)(C) allows the county to adopt administrative, enforcement and permit review procedures separate from the SMP. Adopting review and enforcement procedures separate from the SMP allows the county to more expeditiously revise shoreline permit review procedures and integrate them into other permit review processing.

3.2.1.1 Comply with SMA/SMP standards even when no permit required

All proposed uses and development occurring within shoreline jurisdiction, including any development exempt from obtaining a shoreline substantial development permit must conform to the SMA and the SMP's goals and policies. [SCC 30.44.010(3) and 30.67.310].

3.2.2 Relationship to other regulatory requirements

3.2.2.1 Comply with Critical Area Regulations

Regulations for the protection of critical areas within shoreline jurisdiction are contained in chapters 30.62A SCC -- Wetlands and Fish & Wildlife Habitat Conservation Areas, 30.62B SCC -- Geologically Hazardous Areas, and 30.62C SCC -- Critical Aquifer Recharge Areas and 30.65 SCC -- Special Flood Hazard Areas as effective on October 1, 2007. Where there are conflicts between this chapter and the critical areas regulations, the more restrictive provision or regulation shall apply.

The relationship between the SMP and the critical areas regulations is codified in SCC 30.67.060.

3.2.2.2 Comply with other applicable regulations

The project proponent is responsible for complying with all applicable federal, state, local and tribal regulations. Compliance with the SMP does not necessarily constitute compliance with other regulations and permit requirements that may apply within shoreline jurisdiction. Where other agencies or entities also have jurisdiction over the proposed development and the county determines that the permit conditions imposed by such agencies or entities satisfy the requirements of the SMP, those permit conditions may be substituted for the conditions of approval for the requirements of the SMP.

The relationship between the SMP and other regulatory requirements is codified in SCC 30.67.070.

3.2.3 Shoreline Use Element

3.2.3.1 Goals and Policies

The shoreline use element considers the proposed general distribution and location and extent of uses on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land. These general provisions establish the framework for approval of land use projects within shoreline jurisdiction that is consistent with the overall principals in the SMA and guidelines and with the county's comprehensive plan.

Goals:

1. Snohomish County shoreline areas should be consistent with the county GMA comprehensive plan, shoreline environment designations, and policies and regulations for shoreline uses and modifications.
2. Give preference to allowing shoreline uses that maintain or restore shoreline ecological functions, protect water quality and the natural environment, depend on proximity to the water, and provide or enhance public access and recreational use of the shoreline.
3. Preserve, protect and restore Snohomish County's unique, valuable and nonrenewable natural resources while encouraging the best management practices for the continued sustained yield of renewable resources of the shorelines.
4. Allow only those industrial, commercial and recreational developments particularly dependent upon their location on and use of Snohomish County's shorelines, as well as other developments that will provide substantial numbers of the public an opportunity to enjoy the shorelines.

Policies:

1. All uses should be located and designed to avoid impacts to shoreline natural resources and the functions provided by these resources. Where there is no feasible alternative, require that adverse impacts be mitigated to achieve no net loss of shoreline ecological functions.

2. Land uses allowed on upland areas adjacent to the shorelines should be consistent with shoreline uses and should avoid adversely impacting shoreline resources.
3. Encourage multiple uses of shorelines where location and integration of compatible uses or activities is feasible.
4. Allow all reasonable and appropriate use of the shorelines based on the following criteria and order of preferred uses:
 - a) Protection and enhancement of unique critical areas;
 - b) Water-dependent uses – All uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations;
 - c) Water-enjoyment uses – Recreational and all other uses facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design and operation assure the public's ability to enjoy the physical and aesthetic qualities of the shoreline;
 - d) Water-oriented uses – All uses that combine water dependent, water related, and/or water enjoyment uses. The term serves as an all encompassing definition for priority uses under the SMP and the SMA;
 - e) Water-related uses – Those uses which do not depend on a waterfront location to continue their operation, but whose operation is facilitated economically by a shoreline location;
 - f) Nonwater-related uses – Those uses which do not need a waterfront location to operate though they may need easements or utility corridors for access to the water; and
 - g) Prohibited uses – Those uses which have no relation to the water and whose operation is intrinsically harmful to the shoreline.
5. Give preference to water-oriented uses in shoreline areas adjacent to commercially navigable waters.
6. All uses and modifications on navigable waters or their beds should minimize interference with surface navigation, consider the impacts to public views, and allow for safe, unobstructed passage of fish and wildlife.
7. Nonwater-oriented uses should be discouraged except when they do not conflict with or limit opportunities for water oriented uses or are located on sites where there is no direct access to the shoreline and they will have no adverse impact to shoreline natural resources and functions.
8. Require mitigation of impacts to maintain no net loss of ecological functions.
9. Uses and modifications that cause significant adverse impacts to the functions of critical saltwater and freshwater habitats should not be allowed except as required to provide for reasonable new uses of private property and protection of existing uses.
10. New high intensity uses within shoreline jurisdiction should be located in areas that are not susceptible to erosion and flooding and where impacts to ecological functions can be avoided.
11. Require new developments and redevelopments to plan for and control stormwater runoff and when required treat it before discharging from the site.

12. Avoid locating sewer or septic lines, when possible, along rivers or streams and minimize crossings of water bodies.
13. Minimize impervious surfaces in shoreline areas and encourage low impact development techniques.
14. Encourage development toward a multi-use concept to provide public access to the shoreline while maintaining the economic viability of the principal use.

3.2.3.2 Use Regulations

The shoreline use regulations address the standards for uses and modifications allowed (or prohibited) within the county’s shoreline jurisdiction. These regulations take into account the goals and intent of the SMA and the ecological conditions and management policies within each of the shoreline environment designations. Figure 3 illustrates the decision process used to determine which uses and modifications will be permitted, conditionally allowed or prohibited based on the ecological conditions and the requirements of the Act.

The shoreline use regulations reflect the ecological conditions within each of the environment designations. The ecologic conditions have been considered in the assignment of shoreline designation and the determination of which uses are planned, permitted, conditional or prohibited in any given designation. Except for an outright prohibition of a specific set of uses incompatible with shoreline goals and policies, the types of land uses permitted, conditionally permitted, and prohibited in shoreline areas is generally determined by the purpose and management policies for each shoreline environment designation. A series of questions must be answered for each type of proposed land use or shoreline modification:

- Is the use or modification consistent with the goals and policies of the SMA?
- Is the use or modification compatible with each of the specific shoreline environments?
- If not, can it be made compatible by requiring certain conditions related to scale, scope, design or impact mitigation?

Each use or modification is then more specifically regulated in accordance with the use-specific and shoreline environment-specific regulations in this SMP [chapter 30.67 SCC, Part 500] and then further subject to underlying zoning regulations and standards in Title 30 SCC. Each shoreline designation has its own set of underlying zoning categories and thus its own set of allowed uses as shown earlier in Tables 3 and 4.

The regulations for the Shoreline Use Element are contained in chapter 30.67 SCC, Part 400:

PART 400	Shoreline uses and modifications – General regulations.
30.67.410	Use preference within shorelines.
30.67.420	Prohibited uses.
30.67.430	Allowed and conditional uses and modifications.
30.67.440	Reference notes for shoreline use and modification matrix.
30.67.450	Non-conforming uses or structures.
30.67.460	Bulk standards.
30.67.470	Temporary emergency use, modification or structure.

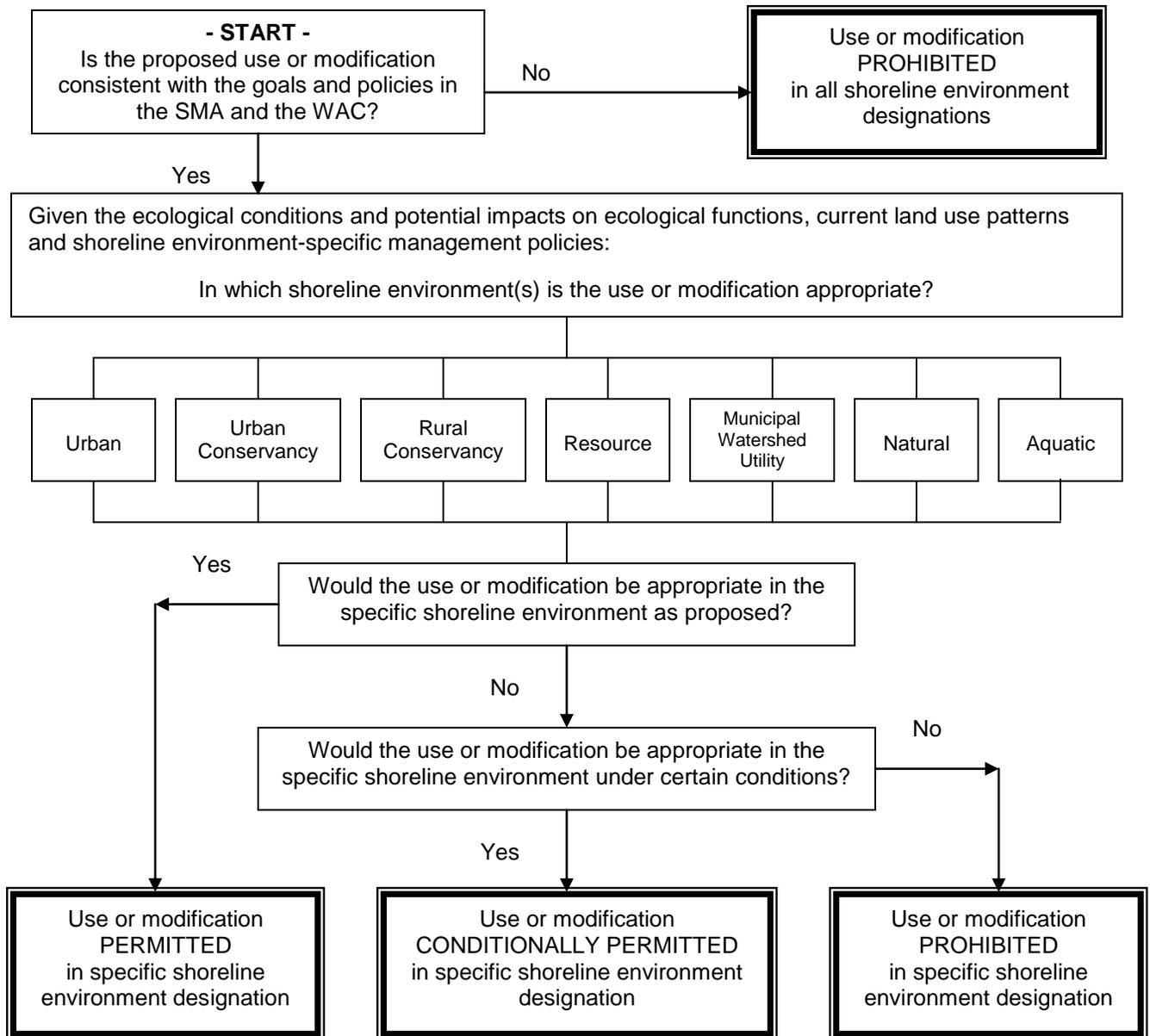


Figure 3. Decision tree for developing regulations based on environment designation

3.2.3.3 Bulk Regulations

Bulk regulations determine building or structure height, setbacks, maximum density, minimum frontage requirements and lot coverage limitations. Table 6 summarizes the bulk requirements for each shoreline environment based on the underlying zoning found within each environment designation. Table 6 is meant as a summary only, the regulatory standards are found in SCC 30.67.460. If there is any inconsistency between Table 6 and the SCC, the SCC are controlling. The county's bulk regulations vary by zone and since each shoreline environment contains unique zoning characteristics, Table 6 shows how the county's bulk regulations vary by shoreline environment designation.

Table 6. Summary of Bulk Regulations by Use and Shoreline Environment Designation

Bulk Standards ¹	Shoreline Environment						
	Urban	Urban Conservancy	Rural Conservancy	Resource	Municipal Watershed Utility ⁷	Natural	Aquatic ²
Agriculture, Forestry, Resource Management							
Density: Minimum lot size	10 acres	10 acres	10 acres	10 acres	20 acres	10 acres	n/a
Maximum lot size ³	10 acres	10 acres	20 acres	80 acres	80 acres	80 acres	n/a
Buffer/setback ⁴	150'	150'	100-150' ⁹	100-150' ⁹	150' ¹⁰	100-150' ⁹	n/a
Max. Lot coverage	none	none	35%	35%	35%	35%	n/a
Min. Lot width	none	none	100-300'	100-300'	300'	100-300'	n/a
Max. Bldg. Height ¹¹	45'	35'	25-35'	25-45'	25-45'	25-35'	n/a
Utilities & Transportation Facilities (linear development)							
Density: Minimum lot size	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum lot size ³	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Buffer/setback ⁴	150'	150'	150'	150'	150'	150'	n/a
Max. Lot coverage	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Min. Lot width	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. Bldg. Height	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Utility Facilities⁹ (non-linear development)							
Density: Minimum lot size	none	none	none	none	none	n/a	n/a
Maximum lot size ³	none	none	none	none	none	n/a	n/a
Buffer/setback ⁴	200'	200'	200'	200'	200'	n/a	n/a
Max. Lot coverage	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Min. Lot width	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. Bldg. Height	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Industrial							
Density: Minimum lot size	none	n/a	none	none	n/a	n/a	n/a
Maximum lot size ³	none	n/a	none	none	n/a	n/a	n/a
Buffer/setback ⁴	150' / 50'	n/a	150' / 50'	150' / 50'	n/a	n/a	n/a
Max. Lot coverage ¹⁴	35-100%	n/a	35%	35-100%	n/a	n/a	n/a
Min. Lot width	none	n/a	none	none ⁶	n/a	n/a	n/a
Max. Bldg. Height ¹¹	50-65'	n/a	35-50'	25-50'	n/a	n/a	n/a
Commercial							
Density: Minimum lot size	none	n/a	none	none	n/a	n/a	n/a
Maximum lot size ³	none	n/a	200,000 sqft	200,000 sqft	n/a	n/a	n/a
Buffer/setback ⁴	150' / 50'	n/a	150' / 50'	150' / 50'	n/a	n/a	n/a
Max. Lot coverage ¹⁴	50%	n/a	35%	35%	n/a	n/a	n/a
Min. Lot width	none	n/a	60-165'	60-165'	n/a	n/a	n/a
Max. Bldg. Height ¹¹	35-45'	n/a	35-45'	35-45'	n/a	n/a	n/a
Recreational^{5, 7}							
Density: Minimum lot size					20 acres		n/a
Maximum lot size ³					80 acres		n/a
Buffer/setback ⁴	150' / 50'	150' / 50'	150' / 50'	150' / 50'	150' / 50'	150' / 50'	n/a
Max. Lot coverage ¹⁴	n/a	n/a	n/a	n/a	35%	n/a	n/a
Min. Lot width	n/a	n/a	n/a	n/a	300'	n/a	n/a
Max. Bldg. Height ¹¹	n/a	n/a	n/a	n/a	25-45'	n/a	n/a

Bulk Standards ¹	Shoreline Environment (cont.)						
	Urban	Urban Conservancy	Rural Conservancy	Resource	Municipal Watershed Utility ⁷	Natural	Aquatic ²
Residential ⁸							
Moderate to Low density							
Density:							
Minimum lot size	20,000 sqft	20,000 sqft	100,000 sqft	5 acres	n/a	100,000 sqft	n/a
Maximum lot size ³	5 acres	5 acres	5 acres	80 acres ¹³		5 acres	
Buffer/setback ⁴	150'	150'	150'	150', ¹²	n/a	150'	n/a
Max. Lot coverage ¹⁴	35%	35%	35%	35%	n/a	35%	n/a
Min. Lot width	85-165	85-165	150-165'	150-165'	n/a	150-165'	n/a
Max. Bldg. Height ¹¹	25-45	25-35'	35'	35-45'	n/a	35'	n/a
High density							
Density:							
Minimum lot size	7,200 sqft	7,200 sqft	n/a	n/a	n/a	n/a	n/a
Maximum lot size ³	12,500 sqft	12,500 sqft					
Buffer/setback ⁴	150'	150'	n/a	n/a	n/a	n/a	n/a
Max. Lot coverage ¹⁴	35%	35%	n/a	n/a	n/a	n/a	n/a
Min. Lot width	60-75'	60-75'	n/a	n/a	n/a	n/a	n/a
Max. Bldg. Height	25'	25'	n/a	n/a	n/a	n/a	n/a
Institutional and Governmental ⁵							
Density:							
Minimum lot size					n/a	n/a	n/a
Maximum lot size ³							
Buffer/setback ⁴	150'	150'	150'	150'	n/a	n/a	n/a
Max. Lot coverage ¹⁴	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Min. Lot width	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. Bldg. Height	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Footnotes for Table 6:

¹ Bulk standards are regulated pursuant to the underlying zoning. The standards in this table represent the range of standards in each shoreline environment depending on the underlying zoning. Each shoreline environment encompasses a unique set of zoning classifications as shown in Table 3 of this SMP.

² The only uses allowed in the Aquatic environment are the water related portions of other uses allowed in the adjacent upland environment. Bulk regulations for specific over-water uses and modifications below the ordinary high water mark are found in the development regulations in chapter 30.67 SCC, Part 500.

³ "Maximum lot size" as used in this table means the largest **minimum** lot size allowed by the underlying zoning.

⁴ Buffers are areas of undisturbed native vegetation and effectively act as structural setbacks unless the buffer is smaller than the setback requirement as would be the case when the buffer is reduced to accommodate water-dependent development. The setback requirement would then regulate the distance for placement of structures. Buffers and setbacks are regulated under the critical areas regulations in SCC 30.62A and 30.62B and the bulk regulations in chapter 30.23 SCC. When water dependent, water related and water enjoyment uses are proposed, buffers may be modified through the "innovative development design" provisions in SCC 30.62A.350 provided that the SMA standard of no net loss of ecological functions can be satisfied and a minimum structural setback of 50 feet is applied where noted in Table 6. Public access through buffers is allowed subject to the provisions in SCC 30.62A.320. Utilities and transportation facilities are allowed in buffers subject to the provisions in chapters 30.62A, 30.62B and 30.67 SCC.

- ⁵ Use is allowed as permitted or as conditioned in nearly every zone. Bulk regulations are implemented in accordance with the underlying zoning. Utility and government facilities are not subject to minimum lot size requirements [SCC 30.23.200]. Recreational uses are subject to development standards in SCC 30.67.565.
- ⁶ Bulk standards for industrial uses in the Resource environment are zone specific. Generally, if the industrial use is related to resource management, refer to the bulk standards for Agriculture, Forestry and Resource Management.
- ⁷ Uses in Municipal Watershed Utility are limited to utility uses associated with the hydroelectric project, reservoir water storage, forest practices and recreation as limited by the utility purveyor's FERC license. This area is zoned exclusively as forestry (F).
- ⁸ Residential is a conditional use in the Natural environment. Bulk regulations in rural areas may be subject to the provisions for rural cluster subdivisions where lot sizes may be substantially reduced and lot yield increased in exchange for up to 65% of the area in the development proposal being devoted to open space (chapter 30.41C SCC). To protect shoreline ecological functions, cluster development is encouraged such that development is located away from water and the riparian areas are preserved as open space. [See the standards for Residential in SCC 30.67.570].
- ⁹ Buffer requirements will vary only for agricultural activities depending on underlying comprehensive plan designation. The lower buffer will only be applied to agricultural activities within designated agricultural or rural lands on the Future Land Use Map (FLUM). The higher buffer will be applied to all other resource activities under the county's jurisdiction regardless of location and to agricultural activities outside of the aforementioned FLUM designations where applicable.
- ¹⁰ Agricultural activities are not allowed in Municipal Watershed Utility. Other resource management and forestry is allowed in this shoreline designation.
- ¹¹ See SCC 30.67.460. Any building or structure within 200 feet of the ordinary high water mark in excess of 35 feet in height above average grade level shall provide data showing that it will not obstruct the view of a substantial number of residences in the areas adjoining such shorelines. This regulation does not apply to cranes, utility poles or other devices required to conduct water dependent operations.
- ¹² Residential structures on properties adjacent to resource lands are required to be setback 50 feet from agricultural lands (SCC 30.32B.130), 100-500 feet from forest lands (SCC 30.32A.110 and .120) and 100 feet from mineral sites (SCC 30.23.110(26)).
- ¹³ Most of the land in the Resource designation (99%) is zoned for resource uses (see Table 3) and subject to minimum lot sizes of 10 -20 acres with additional restrictions on forest lands limiting residential subdivision to 80-acre minimum lot sizes (GPP, Policy 8.B.1).
- ¹⁴ Maximum lot coverage within 150 feet of any waters with salmonids is limited to 0% effective impervious area (EIA) and no more than 10% within 300 feet (SCC 30.62A.320(1)(c)). Total developed area may be greater than 10% up to the lot coverage allowed under the zoning, typically 35%, however, the impacts must be mitigated to the extent that the net effect of the impervious surface is 0% within 150 feet and 10% within 300 feet.

3.2.3.4 Non-conforming Uses

See SCC 30.67.450.

3.2.3.5 Signs

See SCC 30.67.585.

3.2.4 Public Access Element

This public access element addresses provisions for public access to publicly owned areas.

Goals:

1. Provide safe, convenient and diversified access for the public to the publicly owned shorelines of Snohomish County and assure that the intrusions created by public access will recognize the rights of private property owners, will not endanger life, and will not adversely affect fragile natural areas.
2. Provide the public opportunities to enjoy the physical and aesthetic qualities, including views, of shorelines of the state consistent with the other goals and policies of this Program.

Policies:

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
2. Encourage the acquisition of suitable upland shoreline properties to provide public access to publicly owned shorelands.
3. Provide for a variety of types of access to the shoreline environment as described in the adopted county's comprehensive parks plan.
4. Assure that public access improvements do not result in a net loss of shoreline ecological functions.
5. Include public access as a component of publicly owned restoration, utility and transportation projects, where appropriate.
6. Encourage the development of additional public access to the shoreline on lands owned by county, state and federal governments and through public easements.
7. Encourage commercial and industrial waterfront development to provide a means for visual and pedestrian access to the shoreline area.
8. Require public access as the water dependent portion of nonwater oriented uses, multi-family and multi-lot developments, and new structural flood hazard reduction measures (such as dikes and levees) where feasible.
9. Provide assistance to private property owners willing to provide public access to shorelines.
10. Provide for the public health and safety when developing public access.
11. Encourage the establishment of scenic view points.
12. Public access should be required for all new shoreline developments with the exception of the following:
 - a. Single family residences in developments planned for one to four parcels;
 - b. Agricultural activities, not including dikes; or
 - c. Where deemed inappropriate due to health, safety, water quality security and other environmental concerns.
13. Public access at Spada Lake shall be limited to uses and locations that will not result in adverse impacts to water quality.

14. When restrictions on access are deemed necessary for the health, safety or welfare of the public or for the protection and maintenance of the particular site, the type and extent of public access should be defined through precedent established by Shorelines Hearings Board decisions and the courts. Restrictions on access may delineate times of access or allow access only to residents of a certain community or development.
15. Development, uses and activities on or near the shoreline should not impair or detract from the public's present, historical or potential access to the shoreline.
16. Public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment and should be designed with provisions for physically disabled persons.
17. Nonresidential water enjoyment and nonwater oriented uses and developments that front on the shoreline should provide continuous public access along the entire site's shoreline. Residential developments of more than four lots that front on the shoreline should provide for physical public access at a minimum of one point along the shoreline.
18. Publicly owned shorelines should be used only for water dependent or public recreational uses, or should remain protected open space.
19. Public access to shoreline areas provided by street ends, utility easements and rights-of-way should be preserved, maintained and enhanced.
20. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
21. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.
22. Public views from the shoreline upland areas should be preserved and enhanced. Enhancement of views should not be construed to allow excessive removal of vegetation that partially limits views.
23. Shoreline development should be designed and constructed to preserve public views of the water to the greatest extent feasible.

Regulations

See SCC 30.67.330.

3.2.5 Specific Shoreline Uses & Modifications

The provisions in this section apply to specific common uses and modifications to the extent they occur within shoreline jurisdiction. Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other land disturbing activities such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of, or in preparation for, a shoreline use; for example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use). The use and modification regulations are based on the following principals from WAC 173-26-231 and -241:

- Establish a system of use regulations and environment designation provisions consistent with WAC 173-26-201(2)(d) and 173-26-211 that gives 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.
- Ensure that all SMP provisions concerning proposed development of property are established, as necessary, to protect the public's health, safety, and welfare, as well as the land and its vegetation and wildlife, and to protect property rights while implementing the policies of the SMA.
- 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.
- Establish use regulations designed to assure no net loss of ecological functions associated with the shoreline.
- Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
- Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
- Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
- Where applicable, base provisions on scientific and technical information and a comprehensive analysis of drift cells for marine waters or reach conditions for river and stream systems. Contact the state Department of Ecology for available drift cell characterizations.
- Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur,

incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

- Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).
- Define the types of uses and development that require shoreline conditional use permits pursuant to RCW 90.58.100(5) to provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within the SMP or with the SMA policies.

3.2.5.1 Agriculture

The SMA states that, "... master programs developed or amended by local governments according to RCW 90.58.080 shall not require modification of or limit agricultural activities occurring on agricultural land." [RCW 90.58.065(1)]. However, master programs shall include provisions for new agricultural activities on land not meeting the definition of agricultural land. RCW 90.58.065 defines agricultural land as, "... those specific land areas on which agriculture activities are conducted."

The provisions in this section of the county's SMP apply to new agricultural activities including all uses that are allowed as permitted or conditional uses in the A-10 zone [SCC 30.22.110] which also meet the definition of "agricultural activities" [RCW 90.58.065(2), WAC 173-26-020(3) and SCC 30.91A.090] and which are proposed on land not currently used for agricultural activities

Conversion of agricultural lands to other uses is regulated in accordance with the standards for the new use (chapter 30.67 SCC, Part 500). Agricultural land in shoreline jurisdiction may be converted only to a use that is allowed in this SMP (chapter 30.67 SCC, Part 400) and which is allowed pursuant to county zoning regulations (chapter 30.22 SCC).

Goals

1. Promote the development and growth of the county's agricultural industry and preserve prime agricultural soils.
2. Reduce pollution resulting from agricultural practices, such as animal wastes, pesticides, sediments and nutrients.

Policies

1. Agricultural use of designated farmlands should be retained wherever possible and protected from incompatible and preemptive patterns of development.
2. Permit only those developments on designated agricultural land that are required to maintain, develop or enhance agricultural enterprises including all uses allowed in the A-10 zone which meet the definition of "agricultural activities".
3. Allow uses which are not shoreline related on a specified interim basis (e.g., seasonal farm produce stands), if such uses are not permanent and do not require permanent modifications of natural shorelines.
4. Implement farm management plans that are consistent with conservation practices recommended by the USDA Natural Resource Conservation Service and the Snohomish Conservation District.
5. Prohibit channel modifications that cause river or stream hydraulic pressures to adversely affect agricultural areas.
6. Restrict new shoreline armoring and the construction of new agricultural levees in floodplains and estuarine wetlands. Encourage the use of softer methods of shoreline stabilization to protect natural processes.
7. Encourage voluntary projects that will restore impaired shoreline ecological functions on designated agricultural land.
8. Do not require modification of or limit agricultural activities occurring on agricultural lands.

9. Appropriate vegetation and Natural Resources Conservation Service conservation practices should be used to minimize water quality impacts from agricultural activities.
10. Encourage the maintenance of a buffer or permanent vegetation or other soil erosion control measures between tilled areas and associated water bodies which will retard surface runoff, protect water quality, improve habitat, and reduce siltation.
11. Comply with control guidelines prepared by the U.S. Environmental Protection Agency and state and local agencies for regulating the location of confined animal feeding operations, retention and storage ponds for feed lot wastes, and stockpiles of manure solids along the county's shorelines to avoid water pollution.
12. Adjacent farms should construct manure lagoons and livestock flood sanctuaries for joint use whenever feasible. Where not feasible, these types of projects should be located and designed to minimize potential impacts to neighboring properties and shoreline ecological functions.

Regulations

See SCC 30.67.505.

3.2.5.2 Aquaculture

Aquaculture includes the farming of shellfish, fish, aquatic plants or other aquatic organisms.

Goals

1. Allow the establishment of aquaculture involving the farming of shellfish, or other aquatic plants and animals, provided that water quality, habitat quality, native species and nearshore processes are not adversely affected and invasive or exotic species are not introduced into shoreline habitats.
2. Aquaculture or fisheries enhancement should be located where biophysical conditions (such as water temperature, water quality, depth, and dissolved oxygen) are suitable for the use.
3. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

Policies

1. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water dependent uses.
2. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.
3. Aquaculture or fisheries enhancement should be located where biophysical conditions (such as water temperature, water quality, depth, dissolved oxygen) are suitable for the use.
4. Aquaculture or fisheries enhancement facilities and operations should be consistent with the standards and requirements of the applicable state and/or federal agency responsible for regulating the organism being cultivated.
5. Aquaculture or fisheries enhancement requiring extensive structures or shoreline alterations should not be allowed in areas sensitive to development or which are scarce and valuable in the region such as critical saltwater habitats, marshes, estuaries and accretion shorelines unless it can be demonstrated that there will be no net loss of shoreline ecological functions.
6. Aquaculture should be designed and located:
 - a. To avoid or minimize impacts to natural dynamic processes of shoreline formation, processes, and shoreline ecological functions;
 - b. So as not to spread disease to native aquatic life or establish new non-native species which will damage native flora and fauna or impact shoreline ecological functions;
 - c. To not interfere with the migration of aquatic organisms except where specifically intended by the design or operation of the facility;

- d. To maintain navigational access of upland owners, recreational boaters and commercial waterborne traffic; and
 - e. To minimize potential conflicts with adjacent uses such as commercial fishing, recreation and navigation. Potential use conflicts should be considered during review of proposed aquaculture developments.
7. Aquaculture operations should be consistent with the county's goal of maintaining water quality. Aquaculture operations should minimize the use of approved pesticides, herbicides, antibiotics, vaccines, growth stimulants, or other chemicals.
 8. Consider and mitigate insofar as practical the possible detrimental impact aquacultural development might have on views from upland property of the general aesthetic quality of the shoreline area.
 9. Define aquaculture zones as a one-mile radius around identified aquaculture areas. Evaluate proposed developments and activities within the zone for impact on identified productive or potentially productive aquaculture areas. Identify impacts and mitigate impacts through permit conditions and performance standards. Consider alternate locations and designs for such proposals if potential adverse impacts are significant.
 10. Commercial and industrial aquaculture processing facilities should locate in the Urban shoreline designation to protect the scenic and aesthetic quality of rural shorelines.
 11. Ensure that aquaculture does not result in a net loss of shoreline ecological functions.
 12. Established aquaculture should be protected from incompatible uses which may seek to locate nearby.
 13. Encourage physical or visual public access to shorelines when physical and operational characteristics allow.

Regulations

See SCC 30.67.510.

3.2.5.3 Boating Facilities

Boating facilities include marinas, yacht and boat clubs, boat launches and ramps, covered moorage, boathouses, mooring buoys, piers, docks and floats. Depending upon the type of construction, boating facilities can affect fish and shellfish habitats, wildlife habitat and natural shore processes. .

Policies

1. The location, design, construction and operation of boating facilities should endeavor to minimize adverse effects on priority habitats, fish and shellfish resources, and the adjacent areas.
2. Boating facilities shall be designed at an appropriate scale and character and constructed to blend visually with all surrounding land uses.
3. Boating facilities should be located and designed so that their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views.
4. Boating facilities shall make use of the natural site configuration to the greatest extent possible.
5. Encourage multiple uses in boating facility design.
6. New marina facilities should be designed and constructed to accommodate public access and enjoyment of the shoreline including provisions for walkways, view points, rest rooms and other recreational uses according to the scale of the facility.
7. Carefully consider the capacity of shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage, when identifying suitable sites for boat facilities.
8. Treated wood products should be avoided on structures or portions of structures that contact the water.
9. Grating must be incorporated into all overwater structures that will shade nearshore areas.
10. A mitigation plan will be required for all unavoidable impacts to nearshore marine areas.
11. No marina or boat launching facility shall be built on or over eelgrass beds or forage fish spawning areas.
12. Marinas shall not be sited in areas containing mudflats, sandflats, pocket estuaries or other nearshore sediment accretion areas.
13. Marinas shall not be located in areas that would detrimentally alter littoral drift. An evaluation of nearshore drift cell movement must be conducted during the siting process.
14. Marinas should be sited in deepwater areas to avoid the need for dredging.
15. Marinas shall be designed to incorporate uninhibited tidal bypass in such a manner that will minimize the need for maintenance dredging.
16. Marinas shall be designed in such a manner to allow adequate flushing and water circulation within the facility in order to avoid water quality degradation.

17. Prior to designing in-water marinas, an alternatives analysis must be conducted in order to determine if it is feasible to have upland boat storage areas in the vicinity of the project site.
18. No marina shall be built within a 1/2 mile of any outfall of primary treated domestic or industrial sewage or waste.
19. Floats, piers, docks, and other structures associated with marinas must be placed in deep water to avoid prop scour and shading impacts.
20. New docks and piers should only be allowed when necessary to facilitate water dependent uses or public access. A dock associated with a single family residence is considered a water dependent use provided it is designed and intended for access to watercraft.
21. Docks and piers should be limited to the minimum size necessary to support the proposed water dependant use.
22. Docks, piers, floats and other overwater structures should be designed and located to avoid, or minimize and mitigate impacts to critical areas and functions. Limits to size, configuration, length, materials, scheduling and location should be required when necessary to protect shoreline ecological functions.
23. Docks, piers, floats and other overwater structures should be designed and located so as to maintain navigability and public use of the waters of the state.
24. Encourage the use of open-pile piers where there is significant littoral drift and where scenic values will not be impaired.
25. Designate areas where pile piers will have priority over floating docks.
26. New docks, piers and floats serving residential development should be developed as community or joint use docks serving two or more dwellings rather than individual docks, whenever feasible.

Regulations

See SCC 30.67.515.

3.2.5.4 Breakwaters, jetties, groins & other in-water structures

Breakwaters are used to protect a harbor or shore from wave impacts. Jetties and groins are structures designed to modify or control sand movement. Jetties typically prevent sand from being transported and deposited in inlets where sandbar development may otherwise impair navigation. Groins are constructed perpendicular to the beach trapping sand behind them and preventing sand transport down the beach.

Policies

1. Breakwaters, jetties and groins should only be allowed waterward of the ordinary high water mark when necessary to support a water dependent use.
2. Mitigation sequencing shall be followed when evaluating proposals for new breakwaters (i.e., avoid, minimize, mitigate). Project proponents must first demonstrate the need for a breakwater.
3. Floating breakwaters parallel to the shoreline will be the only acceptable design unless it can be demonstrated by a qualified hydrogeologist with experience evaluating marine shoreline breakwaters that the design will not be feasible at the project site.
4. If it is determined that a floating breakwater is not feasible, solid breakwaters may be considered but only in instances where design modifications can eliminate potentially significant detrimental effects on the movement of sand and circulation of water.
5. Give preference to floating seasonal breakwaters that can be removed during the winter.
6. Breakwaters, jetties or groins should be designed and located:
 - a. To avoid or minimize and mitigate impacts to natural dynamic processes of shoreline formation, processes, and ecological functions; especially littoral drift and fish and wildlife habitat; and
 - b. To have no adverse impacts on downdrift, downstream and adjacent properties, such as beach starvation; and
 - c. To avoid or minimize restrictions on the public use of the water surface, especially navigational access of upland owners, recreational boaters and commercial waterborne traffic.
7. Breakwaters, jetties and groins should not be located in or over critical saltwater habitats.
8. Design breakwaters, jetties and groins so they will not detract from the aesthetic quality of the shoreline.

Regulations

See SCC 30.67.520.

3.2.5.5 Commercial

Commercial developments are those uses which are involved in wholesale or retail trade, business activities or services not typically associated with single-family residential uses. Restaurants, retail stores, business parks, craft shops, art galleries and other similar uses are typical commercial uses in shoreline jurisdiction.

Policies

1. Preference should be given to commercial developments which include water dependent and water related uses and activities as primary uses within shoreline areas.
2. Strongly encourage new commercial developments on shorelines to locate in those areas where current commercial uses already exist.
3. Encourage the development of commercial activities which can make use of existing public services.
4. New commercial development along shorelines must incorporate innovative designs, including low impact development approaches, so that the footprint of the facility is negligible along the shoreline.
5. Parking, storage, loading and service areas and facilities serving commercial uses should minimize their visual impact on the shorelines, utilize low impact development techniques and be placed a minimum of 200 feet away from the immediate water's edge.
6. Commercial developments that abut the water's edge should provide physical and/or visual access to the shoreline where appropriate.
7. Commercial development shall be designed in such a manner as to avoid the need for shoreline stabilization structures.
8. Commercial development should be designed and located so as to avoid or minimize impacts to shoreline ecological functions.
9. New commercial development and related accessory uses must minimize overwater coverage and all runoff should be contained and treated prior to discharge.
10. Allow restoration or public access to the shoreline as the water dependent portion of a nonwater-oriented commercial use.
11. Commercial projects should be designed to minimize impacts to both views of the shoreline and views from the water. Building orientation, height and the creation of view corridors should be considered in design.
12. Commercial uses should be compatible in use, scope and scale with the purpose of the shoreline environment in which they are located.

Regulations

See SCC 30.67.525.

3.2.5.6 Dredging and dredge spoil disposal

Dredging is the removal of earth material from the bottom of a stream, river, lake, bay or other water body for the purpose of deepening a navigation channel or to obtain use of the bottom materials for landfill or economic purposes. By definition, dredging only occurs below the ordinary high water mark and is therefore limited to the *Aquatic* or *Municipal Watershed Utility* environments. Dredging and dredge spoil disposal activities may also be related to “fill”, “flood hazard management” or “mining”. Dredging related to these other activities is addressed in sections 3.2.5.7 – Fill, 3.2.5.8 – Flood Protection Measures, and 3.2.5.12 – Mining in this SMP.

A significant portion of dredged materials are deposited either in the water or immediately adjacent to it, often resulting in water quality problems.

Policies

1. Regulate and control dredging to ensure no net loss of shoreline ecological functions within both the area to be dredged and the area for deposit of dredged materials.
2. Identify, in consultation with the State Department of Natural Resources and Washington State Department of Fish and Wildlife, spoil deposit sites.
3. Dredging of bottom materials for the single purpose of obtaining fill material shall not be allowed except as necessary for restoration of shoreline ecological functions.
4. New development should be sited and designed to avoid or if that is not possible, to minimize the need for new and maintenance dredging.
5. Approve dredging projects only when accompanied by an acceptable plan for the long-range disposal of dredge spoils created by the project and its continued maintenance.
6. Allow dredging activities necessary to maintain and operate public water supply, power generation, and flood control reservoirs, including, but not limited to, sediment removal at pipe inlets or outlets.

Regulations

See SCC 30.67.530.

3.2.5.7 Fill

Fill is any material, such as earth, clay, sand, concrete, rubble, wood chips, bark or waste of any kind which is placed, stored or dumped upon the surface of the ground or water-ward of the ordinary high water mark resulting in an increase in the natural surface elevation [SCC 30.91F.220]. Neither organic materials nor fill materials identified as solid waste per SCC 7.25.020(32) shall be deposited waterward of the ordinary high water mark.

Policies

1. Allow fills only when necessary to support a use allowed by the county's Shoreline Management Program and where adverse impacts on ecological functions will be mitigated.
2. The area of fill should be the minimum necessary to facilitate the use, and projects should be designed and located to minimize the need for fill. For example, projects should be designed with pile supported piers, rather than piers constructed with fill.
3. Prohibit sanitary landfills or the location of solid waste disposal sites in any shoreline area.
4. Fills waterward of the ordinary high water mark should only be allowed where necessary to facilitate a water dependent use, restoration project, or public access.
5. When allowed, fills in water bodies should minimize or eliminate impacts to navigability and public access, and ensure no net loss of shoreline ecological functions including channel migration.

Regulations

See SCC 30.67.535.

3.2.5.8 Flood Protection Measures

This flood damage prevention element gives consideration to the statewide interest in the prevention and minimization of flood damages. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water 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

Flood hazard reduction measures are most effective when integrated into comprehensive strategies that recognize the natural hydrogeological and biological processes of water bodies. Over the long term, the most effective means of flood hazard reduction are to prevent or remove development in flood-prone areas, to manage storm water within the flood plain, and to maintain or restore river and stream system's natural hydrological and geomorphological processes.

Goals

1. Prevent and minimize flood damage without decreasing fish and wildlife habitat.
2. Manage floodplains in a manner that supports agricultural uses wherever possible.

Policies

1. Encourage the removal of artificial restrictions to natural channel migration if feasible and recognize that seasonal flooding is a natural process.
2. Give preference to nonstructural flood hazard reduction measures over structural measures.
3. When evaluating alternate flood control measures, consider the removal or relocation of structures in flood prone areas.
4. Assure that flood hazard reduction measures do not result in a net loss of ecological functions associated with rivers and streams.
5. New development or uses should be discouraged if they would require structural flood hazard reduction measures within the channel migration zone or floodway.
6. Avoid development and shoreline modifications that would result in interference with the process of channel migration.
7. The county shall meet the requirements of the National Flood Insurance Program.
8. Prevent alteration of river or stream channels in order to obtain increased conveyance of stream flow except where the activity is part of a comprehensive flood management solution consistent with an adopted flood hazard management plan. Where there is no adopted flood hazard management plan, the activity should be consistent with the most recent version of the "Integrated Streambank Protection Guidelines" developed by the Aquatic Habitat Guidelines Steering Committee (Washington State Department of Fish and Wildlife, April 2003).
9. When shoreline stabilization and flood protection structures are rebuilt, construct structures that protect or enhance wildlife habitats and are vegetated with native shrubs and trees.
10. Encourage bio-stabilization methods for erosion damage repair whenever possible.

11. New and replacement water control structures should incorporate a design that uses best available fish passage technology.
12. Allow for maintenance of flood conveyance facilities that does not result in a net loss of shoreline ecological functions.
13. Encourage the use of low impact development techniques in all development.
14. Encourage uses, such as parks, greenbelts and agriculture, which are most compatible with flood-prone areas.
15. New flood protection measures should be allowed only when necessary to protect existing development or designated agricultural land, or to facilitate restoration of shoreline ecological functions.
16. Locate, design and construct permitted flood protection measures so as to avoid channelization, protect adjacent or downstream property from adverse effects and to ensure no net loss of shoreline ecological functions associated with rivers and streams.
17. Place all flood protection measures such as dikes and levees landward of any associated wetlands, and where feasible, landward of the channel migration zone.
18. Recognize and protect the integrity of a water body's hydraulic system, including associated wetlands, when planning for and designing flood protection measures.
19. All flood protection measures, including repair and maintenance, should conform to standards set forth in county and/or state approved floodplain management plans, when applicable.
20. When emergency repair of flood protection structures is necessary, permits for the work, including mitigation, shall be obtained in a reasonable timeframe or the structure shall be removed.

Regulations

See SCC 30.67.540.

3.2.5.9 Forestry

Snohomish County will rely on the Forest Practices Act (chapter 76.09 RCW) and its implementing rules and on the *Forest and Fish Report*² (USFWS et. al, 1999) as adequate management of commercial forest uses within shoreline jurisdiction. Logging for the purpose of converting the land to another use is subject to the requirements for vegetation management (SCC 30.67.599) for the specific shoreline environment designation and to the standards and requirements for the new use (chapter 30.67 SCC, Part 500).

Trees along a body of water provide shade which insulates the waters from detrimental temperature change and dissolved oxygen release. A stable water temperature and dissolved oxygen level provide a healthy environment for fish and other more delicate forms of aquatic life. Poor logging practices on shorelines alter this balance as well as result in slash and debris accumulation and may increase the suspended sediment load and the turbidity of the water.

Goals

1. Conserve productive forest land and discourage incompatible uses.
2. Allow logging that is consistent with the State Forest Practices Act (chapter 76.09 RCW), the *Forest and Fish Report* (USFWS et. al, 1999) and effective forest management practices.

Policies

1. Protect or restore forest cover throughout the shoreline areas.
2. Discourage logging on steep slopes near shoreline areas.
3. Replant logged steep sloped areas as soon as possible to minimize erosion and sedimentation impacts.
4. Encourage enrollment in incentive conservation programs that provide an alternative to logging.
5. Conversion of forest lands to non-forestry uses shall be consistent with management policies and development standards for the specific shoreline environment.
6. New log storage and rafting areas should be located out of the water.
7. Expansion of existing log storage and/or rafting areas should not be allowed if grounding will occur.
8. Minimize the amount of log debris, bark and wood leachates resulting from log handling in shorelines of the state.
9. The county should work with affected parties and local salmon conservation efforts with the goal of phasing out existing in-water log storage areas in critical habitat utilized by threatened or endangered species.

Regulations

See SCC 30.67.545

² USFWS, NMFS, EPA, Office of the Governor of the State of Washington, DNR, WDFW, DOE, Colville Confederated Tribes, Washington State Association of Counties, WFPA, WFFA. 1999. *Forests and Fish Report*. Dated 29 April 1999.

3.2.5.10 Industry and Ports

Industrial uses are those which are involved in manufacture, assembly, processing, warehouse/storage, or distribution of commodities or resources as a primary use that are not typically associated with or incidental to residential, commercial or agricultural uses. Airports, ultralight airparks, log storage, sawmills, shake and shingle mills and log scaling stations are industrial uses.

Ports are centers for water-borne traffic and as such have become gravitational points for industrial and manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available.

Policies

1. Industries wishing to locate on the shoreline should be water-dependent unless navigability is limited or the site is separated from the water by an intervening use, right-of-way corridor or physical barrier.
2. Encourage the development of industrial activities which can make use of existing public services.
3. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.
4. New port development structures (e.g., wharfs, piers, floats) shall be designed in such a manner that minimizes overwater coverage to the greatest extent possible. Features such as "T" wharfs and grating should be incorporated into the design of new overwater structures.
5. Treated wood products should be avoided on structures or portions of structures that contact the water.
6. Parking, storage, waste treatment, loading and service areas and facilities serving industrial uses should minimize their visual impact on the shorelines, and be placed inland away from the immediate water's edge or screened. Joint use of such facilities should be encouraged.
7. Encourage the cooperative use of docking, cargo handling and storage facilities in waterfront industrial areas.
8. Land transportation and utility corridors serving ports and water related industry should follow the policies provided under the sections of the SMP dealing with Utilities and Transportation Facilities.
9. Give consideration to statewide port needs, and coordinate planning with other jurisdictions in the state to avoid duplication of port services.
10. Undertake careful planning to reduce any potential adverse impact of industrial piers and docks on other water dependent uses and shoreline resources.
11. Require that all port development be consistent with an adopted comprehensive port improvement plan, county or city comprehensive plans and shoreline management programs.
12. Industrial projects should be designed to minimize impacts to both views of the shoreline and views from the water. Building orientation, screening, height and the creation of view corridors should be considered in the design of such facilities.

13. Industrial development should be designed and located so as to avoid or minimize impacts to shoreline ecological functions. Where avoidance is not feasible, development should ensure no net loss of shoreline ecological functions.
14. Allow restoration or public access to the shoreline as the water dependent portion of a non-water oriented industrial use.
15. Industrial uses should be compatible in use, scope and scale with the purpose of the shoreline environment in which they are located.

Regulations

See SCC 30.67.550.

3.2.5.11 Institutional Uses

Institutional uses include those nonresidential uses that typically are found in all zones, including residential zones, such as health and social service facilities, community facilities for juveniles or seniors, schools, libraries, museums, government structures and facilities, and churches. In-home institutional uses conducted in a single-family residential structure and which are secondary to the residential use of the structure such as a day care, elder care, home school or foster home are not considered institutional uses for the purposes of this SMP.

Policies

1. Preference should be given to institutional developments which include water-dependent and water-related uses and activities as primary uses within shoreline areas.
2. Strongly encourage new institutional developments on shorelines to locate in those areas where current commercial or institutional uses already exist.
3. Encourage the development of institutional activities which can make use of existing public services.
4. New institutional development along shorelines must incorporate innovative designs, including low impact development approaches, so that the footprint of the facility is negligible along the shoreline.
5. Parking, storage, loading and service areas and facilities serving institutional uses should minimize their visual impact on the shorelines, utilize low impact development techniques and be placed a minimum of 200 feet away from the ordinary high water mark.
6. Institutional developments that abut the water's edge should provide physical and/or visual access to the shoreline where appropriate.
7. Institutional developments shall be designed in such a manner as to avoid the need for shoreline stabilization structures.
8. Institutional development should be designed and located so as to avoid or minimize impacts to shoreline ecological functions.
9. New institutional development and related accessory uses must minimize overwater coverage and all runoff should be contained and treated prior to discharge.
10. Allow restoration or public access to the shoreline as the water dependent portion of a nonwater-oriented institutional use.
11. Institutional developments should be designed to minimize impacts to both views of the shoreline and views from the water. Building orientation, height and the creation of view corridors should be considered in the design of such developments.

Regulations

See SCC 30.67.555.

3.2.5.12 Mining

Mining is the removal and primary processing of naturally occurring materials including sand, gravel, rock, soil, peat or precious metals for economic use. Mining activities also include in-water dredging activities related to mineral extraction.

Mining in the shoreline generally alters the natural character, resources, and ecology of shorelines of the state and may impact critical shoreline resources and ecological functions of the shoreline. The removal of sand and gravel from shoreline areas usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals. The removal of sand and sediments from marine beaches and feeder bluffs can deplete limited resources not easily restored through natural processes. However, in some circumstances, mining may be designed to have benefits for shoreline resources, such as creation of off channel habitat for fish or habitat for wildlife

Activities associated with shoreline mining, such as processing and transportation, also generally have the potential to impact shoreline resources unless the impacts of those associated activities are evaluated and properly managed in accordance with applicable provisions of the SMP. For purposes of this definition, "primary processing" includes screening, crushing, and stockpiling, all of which utilize materials removed from the site where the processing activity is located. Processing does not include general manufacturing, such as the manufacturing of cast concrete or asphalt products, asphalt mixing operations or concrete batching operations.

Mining and processing of sand, gravel, rock and precious metals is allowed in Snohomish County only within mineral resource designated areas in the comprehensive plan as shown on the county's Future Land Use Map (FLUM) and in areas zoned Mineral Conservation (MC). With a few minor exceptions, the mineral resource designation does not coincide with shoreline jurisdiction. This means there is very little opportunity for the mining or processing of these resources within shorelines.

In the isolated instances where new mining and associated activities may be allowed, the operations shall be designed and conducted to comply with the regulations of the environment designation and the provisions applicable to critical areas where relevant. Accordingly, meeting the no net loss of ecological functions standard shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate, however, to determine whether there will be no net loss of shoreline ecological functions based on evaluation of final reclamation required for the site.

Goals

1. The economically extractable resources of rock, sand, gravel, top soil and peat should be carefully managed and conserved in order to encourage a long term benefit over a short term gain.

Policies

1. Permit mining that is consistent with the county's GMA comprehensive plan and is located in areas designated for such use by the county's mineral resources overlay.
2. Require that mining of sand, gravel and other minerals is done in conformance with the Washington State Surface Mine Reclamation Act (chapter 78.44 RCW) and the provisions of the Snohomish County Code, and county's GMA comprehensive plan.
3. Reclamation plans should include provisions for the following:

- a. Creation, restoration or enhancement of habitat for critical species; and
- b. Public access.

Regulations

See SCC 30.67.560.

3.2.5.13 Recreation

Recreation uses are those that provide facilities for athletic activities, hobbies or other entertainment that provide relaxation or enjoyment of leisure time as a primary use. Recreation uses include both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual. Commercial uses that are clearly incidental to the recreation use such as concession stands or boat rental shall be considered part of the recreational use.

This recreation element addresses preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas.

Goals

1. Provide additional opportunities and space for diverse forms of recreation for the public.

Policies

1. Identify, preserve, protect, and where feasible acquire shoreline areas for public access and recreation through the countywide comprehensive parks planning process.
2. Give priority to water-oriented shoreline recreational development that is primarily related to access to, enjoyment and use of the water and shorelines of the state.
3. Allow the development of recreation uses in such a manner as to ensure no net loss of shoreline ecological functions. Recreational uses and developments should be designed and located to ensure no net loss of shoreline ecological functions.
4. Require location, design and operation of recreational development for maximum compatibility with other uses and activities and avoid negative impacts on the shoreline environment.
5. Encourage the growth and development of low impact or passive recreational, cultural tourism and general tourism uses that provide opportunities for large numbers of the public to enjoy the physical and aesthetic qualities of the shoreline.
6. Encourage the development of recreational activities which can make use of existing public services.
7. Encourage the establishment of scenic view points.
8. Promote private investment in water oriented recreational facilities that are open to the public.
9. Encourage compatible recreational uses in transportation and utility corridors.
10. Strongly encourage the linkage of shoreline parks and public access points through the use of linear access. Many types of connections can be used such as hiking paths, bicycle trails and scenic drives.
11. Recreational uses and development should provide for the preservation and enhancement of scenic views and vistas and for the buffering of recreation development from adjacent private property.
12. Prohibit the use of motorized vehicles on beaches, dunes and fragile shoreline resources.
13. Encourage a variety of recreational facilities which will satisfy the diversity of demands from groups in nearby population centers.

14. Allow intensive recreational developments only where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational use.
15. Allow recreational use of the Spada Lake shoreline consistent with the Federal Energy Regulatory Commission Project license and regulations in county code based on a cooperative agreement with the Snohomish County Public Utility District, City of Everett and the Department of Natural Resources.

Regulations

See SCC 30.67.565.

3.2.5.14 Residential

Residential use includes single and multifamily dwellings and uses and other structures that are typically appurtenant or incidental to a residence. Residential uses also include those limited commercial and institutional uses that occur within or incidental to a residence, such as bed and breakfast inns, guest houses, home occupations, family daycare, retirement apartments, retirement housing and boarding houses.

Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development and the creation of new residential lots through land division.

Policies

1. Require the use of the rural cluster subdivision code consistent with the underlying zoning in all shoreline subdivisions to reserve substantial portions of land as open space and to provide passive recreation areas.
2. Require that lots created through subdivision and/or short platting shall contain sufficient area, width and depth to ensure that development of the lots can occur without risk to structures from landslide or erosion.
3. Provide a geotechnical analysis of the site and an evaluation of shoreline characteristics prior to subdivision of land to assure that lots created will not require shoreline stabilization or the need for flood protection structures.
4. New buildings within shoreline jurisdiction shall be set back sufficiently to ensure that shoreline stabilization will not be needed.
5. Provide public pedestrian access to shorelines within the subdivision.
6. Provide all residents within the subdivision with adequate easily accessible and usable access to the water when feasible.
7. Prohibit residential development over water.
8. Residential development on shorelines which would be dependent on future bulkheading or other shoreline modifications for protection from flooding, erosion or channel migration should not be allowed.
9. Houseboats (vessels capable of being mobile but are used for living aboard) are to be located at approved moorage slips with adequate waste disposal practices that meet local and state health regulations.
10. Removal of vegetation which can potentially contribute to destabilization of slopes or bluffs should be avoided with the exception of removal of hazardous trees.
11. Access, utilities and public services should be available and adequate to serve existing needs and planned future residential development.
12. Residential development and on-site septic systems shall be designed and located to prevent adverse impacts to water quality of fresh water or marine shorelines.

Regulations

See SCC 30.67.570.

3.2.5.15 Shoreline and Bank Stabilization

Shoreline stabilization measures are used to reduce sedimentation and erosion. Stabilization measures can be either non-structural or structural:

Non-structural. Shoreline and bank stabilization accomplished by preventing or removing development in flood, landslide or erosion prone areas or by preserving or enhancing natural hydrological and biological processes. Such measures may include, but are not limited to, setbacks, buffers, bank or riparian re-vegetation, wetland restoration, dike removal or relocation, biotechnical stabilization measures or elevation of structures.

Structural. Shoreline and bank stabilization accomplished by the physical manipulation of the bank or channel, other than through enhancement of natural hydrological or biological processes. Such measures may include, but are not limited to, floodwalls, dikes, bulkheads, revetments, levees, jetties, channel realignment, and groins. Structural methods range from “soft” structures that are less rigid and incorporate biotechnical or beach enhancement to “hard” structures that are solid, hard surfaces such as bulkheads, retaining walls, bluff walls and rock revetments.

To protect ecological functions non-structural measures are preferred.

Policies

1. Permit the construction of structural shoreline stabilization only when non-structural methods of shoreline protection are not feasible to protect a primary structure and/or pre-existing, legally established access from erosion caused by tidal action, currents, or waves.
2. Locate and construct shoreline stabilization structures in a manner which will not result in adverse effects on downdrift, downstream and adjacent properties and will result in no net loss of shoreline ecological functions.
3. Locate, design and construct shoreline stabilization structures in such a way as to avoid intruding into or over critical saltwater habitats.
4. Minimize the effect of shoreline stabilization structures on public access to publicly owned shorelines.
5. When possible, design structural shoreline stabilization to blend in with the surroundings and to not detract from the aesthetic qualities of the shoreline.
6. Permit the construction of shoreline stabilization structures only where they are necessary to protect primary structures, designated agricultural land and pre-existing, legally established access from natural processes, not for the indirect purpose of creating land by filling behind the bulkhead.
7. Structural shoreline stabilization should not be located on or at the base of eroding bluffs except where danger to existing development exists, and non-structural measures are not feasible.
8. Allow new bank stabilization of shorelines only after a geotechnical or hydrologic analysis demonstrates an imminent threat to an existing primary structure or essential public facility.

9. Bioengineering techniques utilizing vegetation, logs or rootwads shall be the preferred method of permitted structural shoreline stabilization except in those cases where a geotechnical or hydrologic analysis determines that such methods are not feasible.

Regulations

See SCC 30.67.575.

3.2.5.16 Shoreline Restoration and Enhancement

Shoreline restoration and enhancement should improve ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.

The term “restoration” means to manipulate the physical, chemical, or biological characteristics of the shoreline environment with the goal of returning natural or historic function to a former or degraded area. The term “enhancement” means to manipulate the physical, chemical, or biological characteristics of a site to heighten, intensify, or improve specific functions.³

Restoration is further divided into the categories “re-establishment” and “rehabilitation.” “Re-establishment” means to manipulate the physical, chemical, or biological characteristics of the shoreline environment with the goal of returning natural or historic functions to the former natural condition. Whereas, “rehabilitation” means to manipulate the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded site.

This section addresses the goals, policies and regulations for projects designed to restore or enhance shoreline natural resources and ecological functions.

Goals

1. Restore and enhance shoreline natural resources.
2. Restore and enhance ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.
3. Strive for a net gain in ecological productivity in the nearshore, intertidal and estuarine habitat areas.
4. Restore and enhance water quality.

Policies

1. Restore and enhance priority habitat and species in shoreline areas.
2. Restore and enhance ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.
3. All shoreline restoration and enhancement projects should ensure that shoreline ecological functions, such as aquatic habitat, water quality, littoral drift, sediment processes, flood conveyance, and flood storage capacity are not degraded by the action.
4. Identify those areas which have a potential for restoration or enhancement of damaged ecological functions and develop standards for improvement of the conditions in those areas and provide incentives for achieving such standards.
5. Establish incentives that will provide opportunities for new development to restore or enhance impaired shoreline ecological functions.

³ The terms “restoration” and “enhancement” were adapted from *Wetlands in Washington State Vol. 2: Guidelines for Protecting and Managing Wetlands* (Publication #05-06-008 app. A ppg. 17-18, WDOE 2005).

6. Facilitate restoration and enhancement by expediting and simplifying the shoreline permit process for projects that are conducted solely for restoration and enhancement purposes, especially those that benefit critical saltwater and freshwater habitats.
7. 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.
8. The county should develop acquisition and conservation easement programs directed at lands that have unique ecological values or cannot be protected by any other method.
9. Provide incentives for new development and for public and private shoreline owners to restore and enhance shoreline ecological functions and protect habitat for fish, wildlife and plants.
10. The county shall aggressively seek funding from state, federal, private and other sources to implement restoration, enhancement, and acquisition projects.
11. The county should incorporate the recommendations contained in the watershed management plans and salmon conservation plans as the basis for prioritizing restoration and enhancement projects.
12. The county shall promote innovative land use techniques, where appropriate, such as transfer and purchase of development rights and other incentives for voluntary practices.
13. Encourage public and private shoreline owners to promote the proliferation of native, noninvasive wildlife, fish and plants.
14. Non-structural approaches for shoreline restoration and enhancement should be used for shoreline stabilization instead of bulkheads or other structural stabilization measures, where feasible.
15. Shoreline enhancement or restoration should be allowed in all shoreline environments provided it accomplishes one or more of the following objectives:
 - a. Recreate or enhance shoreline conditions;
 - b. Create or enhance natural habitat; or
 - c. Implement a recommended project in the Restoration Element of the Snohomish County Shoreline Management Program.
16. Shoreline restoration and/or enhancement should use maintenance-free or low-maintenance designs, where feasible.
17. Shoreline restoration and/or enhancement should be designed to result in a natural shoreline with functions, vegetative communities and structure similar to what would historically have been found on the site or in the vicinity.
18. Projects should address habitat degradation causes rather than symptoms. Habitat enhancement activities should emphasize rehabilitation of ecological processes and functions.
19. Existing artificial structures that appear to be impeding natural recovery should be removed.
20. Beneficial long term effects of natural disturbances, such as flooding, should be preserved or restored whenever possible.

21. Isolated sloughs, side channels and wetlands should be reconnected to fish accessible waters where feasible.
22. Require habitat improvement on redevelopment projects through a combination of public and private programs and actions through regulatory and/or non-regulatory means.
23. Encourage participation in volunteer programs that protect and improve shoreline ecological functions, such as Shore Stewards, Snohomish County WSU Beach Watchers, Sound Stewards, the WDFW backyard sanctuary program, and other citizen-oriented conservation programs.

Regulations

See SCC 30.67.580.

3.2.5.17 Transportation, Circulation and Parking Facilities

The transportation and circulation element addresses the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public facilities, all correlated with the shoreline use element. The transportation system provides access to shoreline areas and scenic viewpoints but at the same time can damage shoreline ecological functions. The transportation goals and policies must balance the requirements needed to support shoreline uses with the protection of the shoreline ecology.

Goals

1. Permit safe and convenient circulation systems appropriate to the shoreline environment which cause minimum disruption to shoreline access, shoreline environment, and minimum conflict between the different users.

Policies

1. New nonwater oriented transportation facilities should be located outside of shoreline jurisdiction unless there is no reasonably feasible alternative alignment or location.
2. To the extent feasible, encourage joint use transportation corridors by consolidating transportation and utility facilities in shared rights-of-way when they must cross shoreline areas.
3. New and expanded transportation facilities should be designed and located away from shoreline areas so as to ensure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with existing and planned uses.
4. Locate and design new and expanded transportation facilities so as to avoid the need for structural shoreline stabilization within a channel migration zone or floodway.
5. Permit the repair and maintenance of transportation structures within a channel migration zone or floodway so as to minimize significant ecological impacts.
6. Encourage the use of waterborne transportation and commuter ferry service.
7. Require development and redevelopment with shoreline areas to manage stormwater impacts consistent with the county's surface water management program or current stormwater management manual.
8. Encourage low impact development techniques.
9. Locate and design new circulation systems consistent with the Snohomish County GMA comprehensive plan to provide for alternative modes of transportation in the shoreline jurisdiction.
10. New transportation facilities should be located outside of shoreline areas wherever feasible.
11. Encourage provision of view points, rest areas and picnic facilities in public shoreline areas along transportation corridors.
12. Retain portions of old highways having high aesthetic quality as alternative scenic routes, unless this conflicts with agriculture or fish and wildlife habitat.
13. Promote the use of abandoned railroad rights-of-way for trail systems, especially where they would provide public access to or enjoyment of the shorelines.
14. Encourage creation of trail systems adjacent to new roads and railroads where feasible and safe.

15. Transportation facilities should be located and designed to avoid, or if that is not feasible, minimize impacts to shoreline ecological functions, especially channel migration and conveyance of flood waters and large woody debris.
16. When necessary in shoreline areas, transportation facilities should be located where routes will have the least impact to shoreline ecological functions and will not adversely impact existing or planned water dependent uses.
17. Road and railroad bridges should be designed to accommodate the existing floodways of streams and rivers.
18. Design and maintain roads to minimize erosion and preserve natural drainage ways.
19. Construction debris, overburden and other waste materials should not be allowed to enter into any water body by disposal or erosion from drainage, high water or other means.
20. Provide safe pedestrian and other non-motorized travel facilities in public shoreline areas.
21. Parking is not a preferred shoreline use and should be allowed only to support a use authorized under the SMP.
22. Parking facilities should be located outside of shoreline jurisdiction or as far landward from the ordinary high water mark as feasible. When located within shoreline jurisdiction, the location and design of parking facilities should:
 - a. Minimize visual and environmental impacts to adjacent shoreline and critical areas.
 - b. Provide for pedestrian access through the facility to the shoreline; and
 - c. Facilitate public access to and enjoyment of the shoreline.
23. Parking, storage, loading and service areas and facilities serving commercial uses should minimize their visual impact on the shorelines, utilize low impact development techniques and be placed a minimum of 200 feet away from the ordinary high water mark.
24. Provide public transportation services that support and are supported by the land use element, natural environment element, and economic development element of the county comprehensive plan.
25. Plan, design, program, construct, and promote use of non-motorized transportation facilities in Snohomish County and in cooperation with WSDOT and the cities.
26. A safe system of bicycle and pedestrian facilities shall be planned for, tying together residential areas, schools, recreation areas, business areas, transit stops and transfer points, and centers.
27. Ensure that new development accommodates non-motorized transportation facilities in its site planning.

Regulations

See SCC 30.67.590.

3.2.5.18 Utility Facilities

Utilities are services which produce and carry electric power, gas, sewage, water, oil and communications. At this time, the most feasible methods of transmission are linear pipes and wires. The installation of these apparatus necessarily disturbs the landscape but can usually be planned to have minimal visual and physical effect on the shoreline environment.

Policies

1. Utility production and processing facilities, such as power plants and sewage treatment plants or parts of such facilities that are non water oriented should not be located in shoreline areas unless there is no feasible alternative location.
2. Utility transmission facilities should be located outside of shoreline areas, to the maximum extent feasible.
3. Utilities should not be located along feeder bluffs or landslide hazard areas.
4. Utility lines and facilities, when they must be placed in a shoreline area, should not obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.
5. Location of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions, should not be allowed unless there is no feasible alternative.
6. Design and location of utility facilities should provide for no net loss of shoreline ecological functions.
7. Utility installation or maintenance projects on shorelines should restore areas to pre-project configuration, replant with native species and provide maintenance care until the newly planted vegetation is established.
8. To the maximum extent feasible, local governments should incorporate major transmission line rights-of-way on shorelines into their program for public access to and along water bodies.
9. Utility facilities should be located within existing transportation rights-of-way in shoreline areas whenever feasible. Major utility facilities should be allowed in shoreline areas when necessary to implement the adopted county GMA comprehensive plan, capital facilities plan, or water or sewer district plan.
10. Major utility facilities should be located and designed to be compatible with other uses of the water and shorelines and in a manner that preserves the natural landscape and shoreline ecology.
11. Allow dredging activities necessary to maintain and operate public water supply, power generation, and flood control reservoirs, including, but not limited to, sediment removal at pipe inlets or outlets.

Regulations

See SCC 30.67.595.

3.2.5.19 Vegetation Management

The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

Master programs are required to include: planning provisions that address vegetation conservation and restoration, and regulatory provisions that address conservation of vegetation; as necessary to assure no net loss of shoreline ecological functions and ecosystem-wide processes, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion (WAC 173-26-221(5)). The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

- Providing shade necessary to maintain the cool temperatures required by salmonids, spawning forage fish, and other aquatic biota.
- Providing organic inputs critical for aquatic life.
- Providing food in the form of various insects and other benthic macro-invertebrates.
- Stabilizing banks, minimizing erosion, and reducing the occurrence of landslides. The roots of trees and other riparian vegetation provide the bulk of this function.
- Reducing fine sediment input into the aquatic environment through storm water retention and vegetative filtering.
- Filtering and vegetative uptake of nutrients and pollutants from ground water and surface runoff.
- Providing a source of large woody debris into the aquatic system. Large woody debris is the primary structural element that functions as a hydraulic roughness element to moderate flows. Large woody debris also serves a pool-forming function, providing critical salmonid rearing and refuge habitat. Abundant large woody debris increases aquatic diversity and stabilization.
- Regulation of microclimate in the stream-riparian and intertidal corridors.
- Providing critical wildlife habitat, including migration corridors and feeding, watering, rearing, and refugia areas.

These functions and standards for their protection are addressed in the *Revised Summary of Best Available Science for Critical Areas, March 2006*, and in the adopted critical area regulations in chapter 30.62A SCC.

Policies

1. Native plant communities bordering state shorelines should be protected and maintained to minimize damage to the environment of the shoreline area.
2. Disturbance of native plant communities should only occur in support of a use or development in conformance with the SMP. Disturbed areas should be revegetated with native plant species appropriate to the soil and hydrologic conditions.
3. Restoration of shorelines which have been impacted by human activities should use soil bioengineering techniques, except where proven ineffective, to arrest the process of erosion, sedimentation and flooding.

4. Rehabilitation of degraded shorelines for the purpose of habitat enhancement should utilize soil bioengineering techniques where possible.
5. Vegetated buffers should be utilized to minimize groundwater and surface water quality impacts from land use activities.
6. Discourage the use of fertilizers and pesticides in lawn and garden maintenance.
7. Restoration and revegetation of shoreline areas should be encouraged and integrated into shoreline project designs.
8. Encourage management and control of noxious and invasive weeds.

Regulations

See SCC 30.67.599.

Appendix A – Glossary

Acronyms

CAR	Critical Areas Regulations
DNR	Washington State Department of Natural Resources
DOE	Washington State Department of Ecology
FERC	Federal Energy Regulatory Commission
F&WHCA	Fish and Wildlife Habitat Conservation Area
GIS	Geographic Information System
GMA	Growth Management Act
LAMIRD	Limited Area of More Intensive Rural Development
NPDES	National Pollutant Discharge Elimination System
OHWM	Ordinary High Water Mark
PSDDA	Puget Sound Dredge Disposal Analysis
PUD	Public Utility District No. 1 of Snohomish County
RCW	Revised Code of Washington
SAC	Shoreline Advisory Committee
SCC	Snohomish County Code
SMA	Shoreline Management Act
SMP	Shoreline Management Program
UGA	Urban Growth Area
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
WAC	Washington Administrative Code
WDFW	Washington State Department of Fish and Wildlife

Definitions

The definitions are included here for quick reference. The regulatory definitions are contained in chapter 30.91 SCC and where any inconsistency exists between these definitions and the definitions in chapter 30.91 SCC, the definitions in chapter 30.91 SCC shall prevail.

30.91A.005 “Accretion” means the gradual extension of land by natural forces, as in the addition of sand to a beach by ocean currents, or the extension of a floodplain through the deposition of sediments by repeated flooding. Included are such shore forms as barrier beaches, points, spits, and hooks.

30.91A.092 “Agricultural activities” means 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, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

30.91A.107 “Agricultural products” include but are not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products.

30.91A.097 “Agricultural equipment and facilities” includes, but is not limited to: (i) The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables.

30.91A.102 “Agricultural land” means those specific land areas on which agriculture activities are conducted as of the date of adoption of the Shoreline Management Program (SMP) June 6, 2012) as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements of the SMP.

30.91A.250 "Appurtenance" means development necessarily connected to the use and enjoyment of a single family residence and located landward of the perimeter of a wetland and landward of the ordinary high water mark. Normal appurtenances include a garage;

deck; driveway; utilities solely servicing the subject single family residence; fences; and grading which does not exceed 250 cubic yards (except to construct a conventional drainfield).

30.91A.255 "Aquaculture" means the culture, harvesting or farming of food fish, shellfish, or other aquatic plants and animals. Commercial activities include the hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas. Non-commercial activities include harvesting for subsistence, recreational and personal consumption, and research and restoration activities. Aquaculture does not include the harvest of wild geoduck associated with the state managed wild stock geoduck fishery.

30.91A.300 "Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

30.91B.037 "Beach" means the zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

30.91B.039 "Beach restoration" means the process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills, and other non-intrusive means as applicable.

30.91B.038 "Beach feeding" means the process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

30.91B.150 "Boat launch facility" means any basic site improvement, such as paving, buildings, structures, docks, wharfs, ramps, rafts, piling or moles installed for the servicing, maintenance, storing and moving of boats into bodies of water; PROVIDED That such facilities are not restricted to the private use of a residence to which such facility is an accessory use.

30.91B.160 "Boathouse" means a structure specifically designed or used for storage of boats.

30.91B.165 "Boat ramp" means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

30.91B.185 "Breakwater" means an offshore structure parallel to shore, sometimes shore-connected, that provides protection from waves.

30.91B.260 "Bulkhead" means a solid or open pile wall erected generally parallel to and near the ordinary high water mark along for the purposes of protecting adjacent uplands from waves or current action. [See SCC 30.91N.097 for the definition of "normal protective bulkhead."]

30.91C.067 "Channel migration zones (CMZ)" means the land adjacent to the current river channel that is at high risk of occupation by the channel within the next 100 years. All

areas separated from the active channel by a legally existing artificial structure(s) that is publicly maintained and likely to restrain channel migration, including transportation facilities, built above or constructed to remain intact through the one hundred-year flood, shall not be considered to be in the channel migration zone. Areas behind natural or manmade features which limit channel migration that allow fish passage shall not be included in the channel migration zone.

30.91C.112 "Clearing" means the surface removal of vegetation by cutting, pruning, limbing, topping, relocating, application of herbicides or pesticides, or any application of hazardous or toxic substance that has the effect of destroying or removing the vegetation.

30.91C.132 "Commercial development" means structures or sites whose primary function is to support the exchange of money for goods or services. Excluded from this definition are home occupations, industrial development and utilities.

30.91C.340 "Critical area" means the following areas:

- (1) Wetlands;
- (2) Areas with a critical recharging effect on aquifers used for potable water, including:
 - (a) Sole source aquifers,
 - (b) Group A well head protection areas, and
 - (c) Critical aquifer recharge areas;
- (3) Fish and wildlife habitat conservation areas, including:
 - (a) Streams,
 - (b) Lakes,
 - (c) Marine waters, and
 - (d) Primary association areas for critical species;
- (4) Frequently flooded areas; and
- (5) Geologically hazardous areas, including:
 - (a) Erosion hazard areas,
 - (b) Landslide hazard areas,
 - (c) Seismic hazard areas,
 - (d) Mine hazard areas,
 - (e) Volcanic hazard areas, and
 - (f) Tsunami hazard areas.

30.91C.362 "Critical saltwater habitats" include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats and intertidal habitats with vascular plants, and areas with which priority species have a primary association.

30.91C.370 "Critical species" means all species listed by the state or federal government as endangered or threatened and species of local importance, and also includes: Larch Mountain salamander, Common loon, Peregrine falcon, Olympic mudminnow, Pygmy whitefish, and Gray whale.

30.91D.230 "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of soil, sand, gravel, or minerals or organic materials; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act.

30.91D.310 "Dock" means any facility for the moorage of boats, including but not limited to piers, wharves, and quays.

30.91D.445 "Dredging" means the removal of earth, sand, sludge or other materials from below the ordinary high water mark of a stream, river, lake, bay or other waterbody. However, the creation of temporary depressions or contour alterations on tidelands or bedlands through the use of aquaculture harvesting equipment approved by the Washington State Department of Fish and Wildlife shall not be construed to be dredging.

30.91D.448 "Drift cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

30.91D.449 "Drift sills" means small groins which hold sediments in place without blocking longshore drift.

30.91D.325 "Downdrift" means the direction of movement of beach materials.

30.91E.100 "Emergency" means a situation of a serious nature which has developed suddenly, constitutes an imminent threat, and demands immediate action to protect property from damage by the elements or to protect members of the public from a serious and imminent threat to health or safety.

30.91E.125 "Enhancement" means alteration of an existing shoreline habitat to improve or increase its ecological characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

30.91E.150 "Erosion" means the removal and loss of soil by the action of water, ice, or wind.

30.91F.065 "Fair market value" means the open market bid price for conducting work, using equipment and facilities, and purchase of goods, services and materials necessary for development. This normally is the cost of hiring a contractor to undertake the development from start to finish, including pre-development costs, the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of a development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

30.91F.195 "Feasible" means actions that meet all of the following conditions:

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

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

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

30.91F.196 "Feeder bluff" means any bluff or cliff experiencing periodic erosion from waves, sliding or slumping, whose eroded earth, sand or gravel material is naturally

transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long term stability of driftways and accretion shoreforms.

30.91F.222 "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation, alters topography or creates dry land.

30.91F.355 "Floating home" means a structure designed primarily as a permanent structure and not as a vessel and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and the lack of adequate self-propulsion to operate as a vessel.

30.91F.415 "Floodplain" means the one hundred-year flood plain based upon flood ordinance regulation maps.

30.91F.435 "Floodway" means the area, as identified in the Snohomish County Shoreline Management Program, that either: (i) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. The floodway does 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.

30.91F.440 "Floodway fringe" means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage areas for floodwaters. (See figure 30.91F.410 for illustration)

30.91G.076 "Grading" means the movement or redistribution of the soil, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

30.91G.085 "Groin" means a barrier type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water or deposition of materials.

30.91H.175 "Houseboat" means a vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities or facilities, anchoring, and the presence of self-propulsion to operate as a vessel.

30.91I.030 "Incidental use" means a use which occurs as a result of, or in connection with, a permitted use, conditional use, or administrative conditional use. The incidental use must be secondary or minor in nature, but associated with, the permitted use, conditional use, or administrative conditional use.

30.91I.035 "Industrial development" means structures or sites used for the primary purpose of supporting or containing non-agricultural activities which are permitted or

conditionally permitted, including administrative conditional use permits, in the following zones or combination of zones as defined in SCC 30.21.025:

- (1) Uses allowed only in one or more of the Urban industrial zones;
- (2) Uses allowed only in one or more of the Urban industrial zones and in General Commercial;
- (3) Uses allowed exclusively in Rural Industrial (RI), or in RI and any other rural or resource zone except R-5, except that the following uses which are allowed in RI and in R-5 shall be included as industrial uses:
 - (a) Uses related to the processing or storage of forest, woodwaste or mineral products or equipment; and
 - (b) Explosives storage.

30.91I.085 “**In-water structure**” means a structure located waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

30.91J.005 “**Jetty**” means a structure projecting out into the sea at the mouth of a river for the purpose of protecting a navigation channel or a harbor, or to influence water currents.

30.91L.010 “**Lake**” means a body of freshwater that:

- (1) Occurs in a depression of land or expanded part of a stream, including reservoirs;
- (2) Is greater than 6.6 feet (2 meters) in depth at the deepest point at ordinary low water;
- (3) Has less than 30% coverage by trees, shrubs, or persistent emergent vegetation; and
- (4) Has an ocean-derived salinity of less than 0.5 parts per thousand (ppt).

A lake is bounded by the ordinary high water mark, or, where a stream enters the lake, the extension of the elevation of the lake's ordinary high water mark within the stream. Lakes formed by a dam on a stream or river are bounded by a contour approximating the normal spillway elevation or normal pool elevation.

Lakes do not include artificial water bodies including, but not limited to, lakes constructed for irrigation or detention, wastewater treatment facilities, farm ponds, recreational or fishing ponds or other landscape ponds, unless they contain naturally occurring salmonids. Naturally occurring means that the salmonids have migrated into the lake via a connection to another water body containing salmonids and are not artificially introduced into the lake.

30.91L.055 “**Levee**” means a large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

30.91L.085 “**Littoral drift**” means the transport of mud, sand, or gravel materials parallel to the shoreline in the nearshore zone by waves and currents.

30.91M.028B “**Marina**” means a water dependent use that consists of a system of piers, buoys or floats to provide moorage for ten or more boats.

30.91M.029 “**Marine waters**” means non-wetland salt water bodies of the state regulated under chapter 90.58 RCW where average surface water salinity is equal to or greater than 0.5 parts per thousand (ppt).

30.91M.XXX “Mean higher high tide (MHHT)”: The arithmetic mean of the higher of two daily high tides calculated from the most recent 19 year tidal cycle.

30.91M.120 "Mitigation" means:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impact by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (3) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
- (6) Monitoring the impact and taking appropriate corrective measures.

30.91M.195 “Mooring buoy” means a floating object anchored to the bottom of a water body to which vessels may be tied.

30.91N.011 “Native vegetation” means plants which are indigenous to the Puget Sound region, not including noxious weeds or exotic (i.e., introduced species) plants.

30.91N.095 “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 the 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.

30.91N.097 “Normal protective bulkhead” means a bulkhead, of a scope or scale common to single family residences, constructed at or near the ordinary high water mark, the sole purpose of which is to protect an existing single family residence from damage due to erosion caused by waves or current action, and not for the purpose of creating new land.

30.91O.030 “Ordinary high water mark (OHWM)” on all lakes, streams and tidal waters is the mark that will be found by examining the beds 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, with respect to vegetation. The following criteria clarify this mark on tidal waters, lakes, and streams:

(1) Tidal waters.

(a) In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred feet parallel to the shoreline, the ordinary high water mark is the average tidal

elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide.

(b) In low energy saltwater environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, use the mean higher high tide elevation or the ordinary high water mark is coincident with the landward limit of hydrophytic salt tolerant vegetation, whichever is further landward. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand (ppt);

(c) In low energy freshwater environments where the action of the water is not sufficient to prevent vegetation establishment below the mean higher high tide, use the mean higher high tide elevation or one or more the following indicators; landward limits of drift logs or other drift deposits; presence of hydrophytic plants; presence of hydric soils; soil surface changes from algae or sediment deposition areas to areas where the soils show no sign of depositional processes from water;

(2) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

(3) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

30.91P.291 "Primary shoreline use" means the predominant use of a site that is both an allowed use within the shoreline environment designation and allowed pursuant to the zoning regulations.

30.91P.292 "Primary structure" means any permanent building, road, bridge or utility requiring a permit or approval which is necessary to support the primary use of a site. Primary use means the predominate use of any lot or development as determined by county zoning regulations.

30.91R.124 "Restore," "restoration" and "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

30.91R.195 "Revetment" means a facing of stone or concrete built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

30.91R. 197 "Riprap" means 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.

30.91S.075 "Seawall" means a structure separating land and water areas primarily to prevent erosion and other damage caused by wave action. Seawalls are more massive and capable of resisting greater wave forces than a bulkhead.

30.91S.181 "Shorelands" means those upland areas associated with shorelines of the state including:

(1) Uplands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark;

(2) Floodways and 100-year floodplains; and

(3) All associated wetlands and river deltas.

30.91S.182 "Shoreline and bank stabilization and flood protection measures" means measures taken to address erosion impacts and reduce flood damage or hazards to property and buildings and structures, caused by natural processes such as current, flood, tides, wind or wave actions. Stabilization and flood protection measures can be either non-structural or structural.

(1) Non-structural. Shoreline and bank stabilization and flood protection accomplished by preventing or removing development in flood, landslide or erosion prone areas or by preserving or enhancing natural hydrological and biological processes. Such measures may include, but are not limited to, setbacks, buffers, bank or riparian revegetation, wetland restoration, dike removal or relocation, biotechnical stabilization measures or elevation of structures.

(2) Structural. Shoreline and bank stabilization and flood protection accomplished by the physical manipulation of the bank or channel, other than through enhancement of natural hydrological or biological processes. Such measures may include, but are not limited to, floodwalls, dikes, bulkheads, revetments, levees, jetties, channel realignment, and groins. Structural methods range from soft structures that are less rigid and incorporate biotechnical or beach enhancement to hard structures that are solid, hard surfaces such as bulkheads, retaining walls, bluff walls and rock revetments.

30.91S.190 "Shoreline conditional use" means a use or modification classified by the Snohomish County Shoreline Management Program (SMP) as a conditional use or modification for certain shoreline environments or is an unlisted use/modification but is not prohibited by the SMP.

30.91S.191 "Shoreline ecological functions" means 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. Shoreline ecological functions include but are not limited to:

- (1) *Streams*. Fish and wildlife habitat; transport of water, sediment and organic material; floodwater storage and attenuation;
- (2) *Wetlands*. Fish and wildlife habitat, pollution assimilation, sediment retention, shoreline stabilization, floodwater storage, attenuation and conveyance, wave energy attenuation, *stream* base-flow maintenance, and groundwater discharge/recharge;
- (3) *Lakes*. Fish and wildlife habitat, sediment retention, pollution assimilation, and floodwater attenuation, storage and conveyance;
- (4) *Riparian Habitat Areas (shoreline vegetation)*. Habitat for water dependent and riparian dependent fish and wildlife, noise and visual screening, large woody debris and other natural organic matter recruitment, floodwater attenuation and storage, temperature maintenance, pollution assimilation, streambank stabilization and supply of sediments and nutrients; and
- (5) *Marine waters*. Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation.

30.91S.192 "Shoreline environment designations" means the categories of shorelines established by the Snohomish County Shoreline Management Program (SMP) in order to provide a uniform basis for applying policies and use regulations within physically distinct shoreline areas. The SMP classifies shorelines into seven shoreline environment designations: Urban, Urban Conservancy, Rural Conservancy, Resource, Municipal Watershed Utility, Natural and Aquatic.

30.91S.193 “Shoreline jurisdiction” means all of the geographic areas regulated by the Snohomish County Shoreline Management Program including all “shorelines,” “shorelines of the state,” “shorelines of statewide significance,” and “shorelands.”

30.91S.194 “Shoreline management program (SMP)” means the Snohomish County Shoreline Management Program as adopted on June 6, 2012 and as periodically updated, consisting of the following components:

- (1) A document titled, *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*;
- (2) Shoreline environment designation maps; and
- (3) Shoreline regulations contained in chapter 30.67 SCC.

30.91S.195 “Shoreline modification” means an action that modifies the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as: shoreline stabilization; piers and docks; fill; breakwaters, jetties, groins and weirs; beach and dune management; dredging and dredge material disposal; and shoreline habitat and natural systems enhancement or restoration projects.

30.91S.200 “Shoreline permit” means any substantial development, variance, conditional use, or revision thereto authorized under the provisions of the Snohomish County Shoreline Management Program subject to review by the Washington State Department of Ecology.

30.91S.210 “Shoreline substantial development” means any development of which the total cost, or fair market value, whichever is higher, exceeds the dollar threshold established or as hereafter adjusted for inflation by the state office of financial management pursuant to WAC 173-27-040(2)(a), or any development which materially interferes with the normal public use of the water or shorelines of the state.

30.91S.230 “Shoreline variance” means a permit for the limited purposes of granting relief to specific bulk, dimensional, or performance standards set forth in the Snohomish County Shoreline Management Program (SMP).

30.91S.240 “Shorelines” means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (1) shorelines of statewide significance, (2) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments, and (3) shorelines on lakes less than 20 acres in size, and wetlands associated with such small lakes.

30.91S.262 “Shorelines of statewide significance” means shorelines designated by the State of Washington that are major resources from which all people in the state derive benefit. Shoreline areas in Snohomish County that are designated as shorelines of statewide significance include: Lake Stevens, Spada Lake, Sauk River, Stillaguamish River (including North and South Forks), Snohomish River, Skykomish River (including North Fork), Snoqualmie River, Skagit Bay, Stillaguamish River Estuary, Snohomish River Estuary, Puget Sound (excluding tidelands), Possession Sound (excluding tidelands), Port Gardner (excluding tidelands), and Port Susan (excluding tidelands).

30.91S.252 "Shorelines of the state" means the total of all "shorelines" and "shorelines of statewide significance" within the state.

30.91S.465 "Soil bioengineering" means an applied science that combines structural, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

SCC 7.35.020(32) "Solid waste" means all putrescible and non-putrescible wastes, whether in solid or in liquid form, except liquid-carried industrial wastes and sewage, and including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, digested sludge, vegetable or animal solid and semi-solid wastes, dead animals, and other discarded solid and semi-solid materials.

30.91S.640 "Stream" means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates evidence of the passage of water including, but not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. A defined channel or bed means a water course that is scoured by water or contains deposits of mineral alluvium. The channel or bed need not contain water during the entire year.

Streams do not include water courses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches or storm or surface water run-off features, unless the artificially created water course contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created water course.

30.91S.685 "Structure" means 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.

30.91T.054.1 "Tidal waters" means marine and estuarine waters bounded by the ordinary high mark. Where a stream enters the tidal waters, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream.

30.91T.054.1B "Tidelands" means the land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

30.91T.068 "Tram" means a conveyance that transports passengers or freight in carriers on rails or suspended from cables supported by a series of towers.

30.91U.075 "Upland" means generally the area above and landward of the ordinary high water mark.

30.91V.017 "Vessel" means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water. (WAC 173-14-030(18)).

30.91W.009 "Water-dependent" means a use or a portion of a use which requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. Examples of water-dependent uses include ship cargo terminal loading

areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

30.91W.009.1 “Water-enjoyment” means a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design and operation assures 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 space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples include parks, piers, museums, restaurants, educational/scientific reserves, resorts, and mixed use projects.

30.91W.011 “Water-oriented” means any combination of water-dependent, water-related, and water-enjoyment uses. Nonwater-oriented serves to describe those uses which have little or no relationship to the shoreline. Examples of nonwater-oriented uses include professional office, automobile sales or repair shops, mini storage facilities, multifamily residential development, department stores, and gas stations.

30.91W.012 “Water-related” means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples of water-related uses include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

30.91W.008 “Watercourse” means any portion of a channel, bed, bank, or bottom within the ordinary high water mark of waters of the state. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans.

30.91W.060 “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to swamps, marshes, bogs, and similar areas, as well as artificial wetlands intentionally created from non-wetland areas to mitigate for conversion of wetlands, as permitted by the county. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined biofiltration swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping 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. *The detailed methodology for wetland delineation is contained in Washington State Wetlands Identification and Delineation Manual (Washington State Department of Ecology, Publication #96-94, March 1997)**

Appendix B - Rationale for Natural and Urban Conservancy Shoreline Environment Designations

**Rationale for Natural and Urban Conservancy
Shoreline Environment Designations**

Reach or Segment	Proposed Designation	Criteria	Rationale
Blanca1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Boardman east1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Boulder1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Bryant1	Natural	Natural designation criteria 1) a., b. and c.	Lake is an undeveloped bog lake surrounded by extensive wetlands. The surrounding vegetation and wetlands have been modified by agricultural practices and control of the outlet.
Chain1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Copper1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Crystal1	Natural	Natural designation criteria 1) a., b. and c. And 2) a.and b., and 3) c.	This undeveloped portion of Crystal Lake contains a large rare sphagnum bog with rare plant communities.
Echo1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Hannan1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Kellogg1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Little1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Mud1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Purdy1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Riley2	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Sauk-1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Portions of SF Skykomish-3	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Sunset1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Swartz1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Tomtit1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Wallace1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Woods1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.

Reach or Segment	Proposed Designation	Criteria	Rationale
County owned portion of Pilchuck 12 & 13	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored. Unusual undeveloped forested area on Pilchuck River in public ownership. Not platted for residential development, shoreline not armored.
Portion of Sauk-2 that is within the FEMA floodway	Urban Conservancy	Urban conservancy designation criteria b. and d.	Undeveloped area within the FEMA floodway in the City of Darrington's UGA. Urban conservancy is the appropriate designation for the area since the floodway and riparian corridor are performing important ecological functions, and the floodway should not be more intensively developed.
SouthFork-1A	Urban Conservancy	Urban conservancy designation criteria b. and c.	Undeveloped area within the floodplain, adjacent to the South Fork of the Stillaguamish River and within the City of Arlington's UGA. Area is used for playing fields and designated Urban Horticulture on the Comprehensive Plan Future Land Use Map. Urban Conservancy designation is consistent with the location of the site
SouthFork-1B	Urban Conservancy	Urban conservancy designation criteria b.	Area is within the floodplain at the edge of the UGA, adjacent to resource (agriculture) lands. National Wetland Inventory maps indicate that there may be wetlands on the site. Urban Conservancy is the appropriate designation for the area based on the its location in the floodplain, potential wetlands and location at the edge of the UGA.
Quilceda-3	Urban Conservancy	Urban conservancy designation criteria b. and c.	Undeveloped area adjacent to Quilceda Creek with steep slopes and wetlands, flowing into the Snohomish estuary. Urban Conservancy designation is consistent with environmental constraints and the proposed City of Marysville designations for the creek to the north and south.
Otter Island (Portions of Steamboat-1 and Snohomish Estuary)	Natural	Natural designation criteria 2) a. and b.	This site is an isolated undeveloped island in the Snohomish Estuary. It is in the floodplain of the river, and contains extensive wetlands. The Snohomish Estuary is a unique and valuable biological and cultural resource and an example of a basic geologic feature. Restoration and preservation of the estuary is critical to protect threatened or endangered salmonids in the Snohomish River.
Portions of Snohomish Estuary	Natural	Natural designation criteria 2) a. and b.	The site contains a large old forested wetland that is the last remaining example of the natural conditions that once prevailed in the estuary. The site also contains floodplain wetlands across the channel that were purchased by the county for restoration. Snohomish estuary is a unique and valuable biological and cultural resource. Restoration and preservation of the estuary is critical to protect threatened or endangered salmonids in the Snohomish River.
Stickney1	Urban Conservancy	Urban conservancy designation b. and d.	Large undeveloped forested wetland interrelated with Lake Stickney. The wetland moderates high flows resulting from the highly developed subbasin within which it is located and provides important fish and wildlife habitat for terrestrial as well as aquatic species.
Portion of Sultan-1 within the FEMA floodway	Urban Conservancy	Urban conservancy designation criteria b. and d.	Undeveloped area within the FEMA floodway in the City of Sultan's UGA. Urban Conservancy is the appropriate designation for the area since the floodway and riparian corridor are performing important ecological functions, and the floodway should not be more intensively developed.

Reach or Segment	Proposed Designation	Criteria	Rationale
Portion of Squire-3	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	Undeveloped forested area. Squire Creek is listed as a priority preservation subbasin by the WRIA 5 salmon recovery plan. Subbasin forest cover is more than 65%.
Squire-2	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	Undeveloped forested area. Squire Creek is listed as a priority preservation subbasin by the WRIA 5 salmon recovery plan. Subbasin forest cover is more than 65%.
Boulder-2	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	Undeveloped forested area. Boulder Creek is listed as a priority preservation subbasin by the WRIA 5 salmon recovery plan. Subbasin forest cover is more than 65%.
Portion of NorthFork-2 (Trafton Farm within FEMA floodway)	Natural	Natural designation criteria 2) a. and e. and 3)	The portion of the publicly owned Trafton Farm within the floodway should not be intensively developed and has high scenic value and high value for low intensity recreational use in its natural state.
Portions of SouthFork-4 and SouthFork-5 (Robe Canyon Park)	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored. Also criteria 2) a. b. and e.	The undeveloped shoreline is forested and unarmored, and in a substantially natural state. It has high scenic value and high value for low-intensity recreation use in its natural state. It is an example of a naturally functioning river canyon, and contains cultural and historical features.
Portion of Canyon-2b (County Owned)	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	The portion of the publicly owned site is forested and located partially within the FEMA floodway. It should not be intensively developed.
Portion of Pilchuck-16 (County Owned)	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	The undeveloped shoreline is forested and unarmored, and in a substantially natural state. It has high scenic value and high value for low-intensity recreation use in its natural state.
Portion of Lake Cassidy	Natural	Natural designation criteria 1) a., b. and c, 2) b., and 3) d. Shoreline is ecologically intact or can be easily restored.	Large undeveloped forested wetland and bog adjacent to the lake that provides important fish and wildlife functions, as well as filtering and storage of surface water. Intact large bogs are rare within the county. It has high scenic value and high value for low-intensity recreation use in its natural state.
Portions of Snohomish-1 and 2 (County owned Bob Heirman Wildlife Reserve)	Natural within floodway and wetlands	Natural designation criteria 2) a. and e. and 3)	Undeveloped former farmland, unarmored and containing many habitat features such as off-channel habitat and wetlands. Most of the area is within the FEMA floodway and shouldn't be more intensively developed.
Portions of Snoqualmie-1A and Skykomish-1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored. Mature forest at confluence of Snoqualmie and Skykomish rivers is intact and should not be more intensively developed.

Reach or Segment	Proposed Designation	Criteria	Rationale
Sultan-5	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Elk-1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
None-1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
None2	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Portion of NFSkykomish-1C	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.

Appendix C – Summary of Potential Development Impacts and Proposed Regulatory and Non-Regulatory Offsets

Source: Supplemental Draft Environmental Impact Statement (SEIS), Appendix C – Cumulative Impact Analysis, 2009, Tables 14A, 14B and 14C.

Table 14A. Summary of Potential Cumulative Impacts Associated with Proposed SMP – Lake Shoreline Reaches

Shoreline Function	Major Type(s) of Foreseeable Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Proposed SMP and Other Regulatory Offsets (Regulatory Citation)	Non-Regulatory Offsets
Vegetation	<ul style="list-style-type: none"> • Continued residential infill • Dock, pier, or ramp construction associated with residential use • Continued and expanded light agricultural use 	<ul style="list-style-type: none"> • Continued decrease in mature shoreline vegetation as clearing for new construction and other uses continues 	<p>Proposed Program:</p> <ul style="list-style-type: none"> • Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.570 and 30.67.599) • Recommendation that vegetated buffers with low-impact management techniques be used (Shoreline Policies – Vegetation Management, section 3.2.5.19) • Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a)) <p>Other Regulatory:</p> <ul style="list-style-type: none"> • Critical area regulations limits vegetation removal by requiring buffers adjacent to lakes (SCC 30.62A.320) and mitigation of impacts on critical area functions and values (SCC 30.62A.310(3)); encourages LID with innovative development option (SCC 30.62A.350) • Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17) 	<ul style="list-style-type: none"> • Public education programs to encourage riparian re-planting (e.g., Snohomish County Surface Water Management Division's Watershed Education Program) • Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program • Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards • Locally based watershed restoration projects (as identified in Shared Strategy, SEWIP, other planning documents)
Water Movement	<ul style="list-style-type: none"> • Dock, pier, or ramp construction associated with residential use • Bulkhead development associated with single family 	<ul style="list-style-type: none"> • Further impairment of water movement and hydrologic function 	<p>Proposed Program:</p> <ul style="list-style-type: none"> • New location, design, and construction standards on docks, in-water, and shoreline stabilization structures that seek to minimize impacts to water movement and hydrologic function – e.g., limiting size of structures (SCC 30.67.515, .520 and .575) • Requires mitigation for impacts to critical shoreline functions (30.67.320(2)(b)) • Prohibition on bulkheads (hard-bank structures) unless they are the only feasible shoreline stabilization method (SCC 30.67.575(1)(a)) • New location and design standards on shoreline stabilization structures (e.g., bulkheads) that require impacts to immediate and adjacent shoreline areas be minimized (SCC 30.67.575). • Requirement that new boating facilities must be designed to minimize need for stabilization structures (SCC 30.67.515(1)(j)(i)) <p>Other Regulatory:</p> <ul style="list-style-type: none"> • Critical area regulations limit the uses which may disrupt the shoreline and interfere with the hyporheic zone (SCC 30.62A.330, 30.62B.320(2)) • Federal dredge/fill permitting requirements that require avoidance 	<ul style="list-style-type: none"> • Public education programs to encourage understanding of drainage processes (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)

			<p>of/mitigation for impacts (CWA Section 404)</p> <ul style="list-style-type: none"> State HPA requirements that require in-water projects to minimize adverse impacts to fish and shellfish in marine or other shoreline areas (Chapter 220-110 WAC); 	
Water Quality	<ul style="list-style-type: none"> Dock, pier, or ramp construction associated with residential use Continued residential infill Continued and expanded light agricultural use 	<ul style="list-style-type: none"> Water quality impacts associated with construction of docks and other in-water structures (e.g., spills, harmful materials use) Increase in runoff and associated water quality impacts with the creation of new impervious surfaces for residential use Increase in pesticide and fertilizer inputs into lake reaches resulting from agricultural uses 	<p>Proposed Program:</p> <ul style="list-style-type: none"> New location, design, and construction standards for docks, piers, and other in-water structures that minimize water quality impacts – e.g., that prohibit use of toxic materials and require spill prevention plans (SCC 30.67.515 and 520) SMP requirement that projects not adversely impact water quality (SCC 30.67.320) Requirement that shoreline agricultural uses must comply with provisions to protect water quality (SCC 30.67.505) <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations require protective buffers and limit the effective impervious surface allowed within 300 feet of the shoreline OHWM (30.62A.320(1)(c)) State water quality requirements – e.g., point source and stormwater requirements (173-201A WAC) 	<ul style="list-style-type: none"> Low-impact development projects (e.g., those designed/implemented by Sustainable Snohomish County) Public education/ assistance campaigns designed to minimize pollution inputs (e.g., Snohomish County Surface Water management stewards) Education/assistance programs for agricultural landowners (through Snohomish Conservation District)
Habitat	<ul style="list-style-type: none"> Continued residential infill Dock, pier, or ramp construction associated with residential use Bulkhead development associated with single family Continued and expanded light agricultural use 	<ul style="list-style-type: none"> Loss of or disturbance to riparian habitat during residential construction and use Increased shading in nearshore lake habitat areas resulting from dock and pier construction Increase in pesticide and fertilizer inputs into lake reaches resulting from agricultural uses 	<p>Proposed Program:</p> <ul style="list-style-type: none"> Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.599) New location, design, and construction standards for docks, piers, and other in-water structures that serve to minimize habitat impacts – e.g., size restrictions to minimize shading impacts (SCC 30.67.515 and .520) Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a)) Habitat restoration and enhancement widely allowed and facilitated (SCC 30.67.580 and 30.44.120(p)). <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations protect habitat by requiring buffers adjacent to lakes and requiring habitat management plans for critical species (SCC 30.62A.320 and 30.62A.460) Limits on bulkhead development – non-structural preferred (30.62B.320(2)) Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17) 	<ul style="list-style-type: none"> Restoration projects (e.g., those identified through Shared Strategy, Stillaguamish Clean Water District Board, etc.) Public education programs to encourage protection and restoration of shoreline habitat (e.g., Snohomish County Surface Water Management Division's Watershed Education Program) Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards

Table 14B. Summary of Potential Cumulative Impacts Associated with Proposed SMP – River/Stream Shoreline Reaches

Shoreline Function	Major Type(s) of Foreseeable Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Proposed SMP and Other Regulatory Offsets	Non-Regulatory Offsets
Vegetation	<ul style="list-style-type: none"> Continued expansion of agricultural and other resource-based uses Additional residential development within existing pockets of residential uses Creation of more parks/public access sites 	<ul style="list-style-type: none"> Decrease in shoreline/riparian vegetation as clearing for agricultural and residential uses continue. 	<p>Proposed Program:</p> <ul style="list-style-type: none"> Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.570 and 30.67.599) Recommendation that vegetated buffers with low-impact management techniques be used (Shoreline Policies – Vegetation Management, section 3.2.5.19) Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a)) <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations limits vegetation removal by requiring buffers adjacent to streams and rivers (SCC 30.62A.320) and mitigation of impacts on critical area functions and values (SCC 30.62A.310(3)); encourages LID with innovative development (SCC 30.62A.350) Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17) 	<ul style="list-style-type: none"> Public education programs for individual landowners (e.g., Snohomish County's Landowner Guide to Streamside Living) Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards Locally based watershed restoration projects (as identified in Shared Strategy, SEWIP, other planning documents)
Water Movement	<ul style="list-style-type: none"> Additional residential development within existing pockets of residential uses and potential associated shoreline modification such as bulkheads Creation of more parks/public access sites – construction of shoreline modifications associated with access and water recreation 	<ul style="list-style-type: none"> Reduction in LWD recruitment and other organic material as shoreline habitats are altered for residential and recreational use Modification of flow regimes and channel migration with construction of buildings, roads, docks, ramps, or other recreational-use structures 	<p>Proposed Program:</p> <ul style="list-style-type: none"> New location, design, and construction standards on docks, in-water, and shoreline stabilization structures that seek to minimize impacts to water movement and hydrologic function – e.g., limiting size of structures (SCC 30.67.515, .520 and .575) Requires mitigation for impacts to critical shoreline functions (30.67.320(2)(b)) Prohibition on bulkheads (hard-bank structures) unless they are the only feasible shoreline stabilization method (SCC 30.67.575(1)(a)) New location and design standards on shoreline stabilization structures (e.g., bulkheads) that require impacts to immediate and adjacent shoreline areas be minimized (SCC 30.67.575). Requirement that new boating facilities must be designed to minimize need for stabilization structures (SCC 30.67.515(1)(j)(i)) Standards for dredging and spoil disposal which require no net loss of ecological functions (SCC 30.67.530) <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations limit the uses which may disrupt the shoreline and interfere with the hyporheic zone (SCC 30.62A.330, 30.62B.320(2)) 	<ul style="list-style-type: none"> Public education programs to encourage understanding of drainage processes (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)

			<ul style="list-style-type: none"> Federal dredge/fill permitting requirements that require avoidance of/mitigation for impacts (CWA Section 404) State HPA requirements that require in-water projects to minimize adverse impacts to fish and shellfish in marine or other shoreline areas (Chapter 220-110 WAC).; 	
Water Quality	<ul style="list-style-type: none"> Continued expansion of agricultural and other resource-based uses Additional residential development within existing pockets of residential uses Creation of more parks/public access sites 	<ul style="list-style-type: none"> Increase in runoff and associated water quality impacts due to increased agricultural, logging, or other resource-related uses Water quality impacts associated with construction of docks and other in-water structures (e.g., spills, harmful materials use) Increase in runoff and associated water quality impacts with the creation of new impervious surfaces for residential use 	<p>Proposed Program:</p> <ul style="list-style-type: none"> New location, design, and construction standards for docks, piers, and other in-water structures that minimize water quality impacts – e.g., that prohibit use of toxic materials and require spill prevention plans (SCC 30.67.515 and 520) SMP requirement that projects not adversely impact water quality (SCC 30.67.320) Requirement that shoreline agricultural uses must comply with provisions to protect water quality (SCC 30.67.505) <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations require protective buffers and limit the effective impervious surface allowed within 300 feet of the shoreline OHWM (30.62A.320(1)(c)) State water quality requirements – e.g., point source and stormwater requirements (173-201A WAC) 	<ul style="list-style-type: none"> Low-impact development projects (e.g., those designed/implemented by Sustainable Snohomish County) Public education/ assistance campaigns designed to minimize pollution inputs (e.g., Snohomish County Surface Water management stewards) Education/assistance programs for agricultural landowners (through Snohomish Conservation District)
Habitat	<ul style="list-style-type: none"> Continued expansion of agricultural and other resource-based uses Additional residential development within existing pockets of residential uses and associated shoreline modifications such as bulkheads Creation of more parks/public access sites 	<ul style="list-style-type: none"> Potential loss of or disturbance to riparian habitat during clearing for agriculture or logging Potential damage to aquatic habitat via runoff from agricultural use Loss of or disturbance to riparian habitat during residential construction and use 	<p>Proposed Program:</p> <ul style="list-style-type: none"> Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.599) New location, design, and construction standards for docks, piers, and other in-water structures that serve to minimize habitat impacts – e.g., size restrictions to minimize shading impacts (SCC 30.67.515 and .520) Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a)) Requirement that new boating facilities be designed to protect ecologically sensitive areas (e.g., eelgrass beds, forage fish spawning areas, etc.) (SCC 30.67.515(1)(b)) Habitat restoration and enhancement widely allowed and facilitated (SCC 30.67.580 and 30.44.120(p)). <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations protect habitat by requiring buffers adjacent to rivers and streams and requiring habitat management plans for critical species (SCC 30.62A.320 and 30.62A.460) Limits on bank stabilization – non-structural preferred, use of 	<ul style="list-style-type: none"> Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program Restoration projects (e.g., those identified through Shared Strategy, Stillaguamish Clean Water District Board, etc.) Public education programs to encourage protection and restoration of shoreline habitat (e.g., Snohomish County Surface Water Management Division’s Watershed Education Program) Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards

			<p>vegetation to stabilize banks may improve habitat functions, water temperatures, etc. (30.62B.320(2))</p> <ul style="list-style-type: none"> Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17) 	
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Table 14C. Summary of Potential Cumulative Impacts Associated with Proposed SMP – Marine Shoreline Reaches

Shoreline Function	Major Type(s) of Foreseeable Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Proposed SMP and Other Regulatory Offsets	Non-Regulatory Offsets
Vegetation	<ul style="list-style-type: none"> Infill in developed marine shoreline residential areas New or expanded shoreline armoring associated with residential marine use Continued and expanded agricultural use More parks/public access sites 	<ul style="list-style-type: none"> Continued decrease in mature shoreline vegetation as clearing for new construction and other uses continues 	<p>Proposed Program:</p> <ul style="list-style-type: none"> Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.570 and 30.67.599) Recommendation that vegetated buffers with low-impact management techniques be used (Shoreline Policies – Vegetation Management, section 3.2.5.19) Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a)) <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations limits vegetation removal by requiring buffers adjacent to marine waters (SCC 30.62A.320) and mitigation of impacts on critical area functions and values (SCC 30.62A.310(3)); encourages LID with innovative development (SCC 30.62A.350) Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17) 	<ul style="list-style-type: none"> Public education programs to encourage riparian re-planting (e.g., Snohomish County Surface Water Management Division's Watershed Education Program) Locally based watershed restoration projects (as identified in Shared Strategy, SEWIP, other planning documents) Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program Riparian habitat mapping/restoration projects by Snohomish County Surface Water Management Division's Marine Resources Program (e.g., vegetation monitoring survey) Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards
Water Movement	<ul style="list-style-type: none"> New or expanded shoreline armoring associated with residential marine use Creation of more 	<ul style="list-style-type: none"> Further restriction in sediment flows and water movement as armoring continues Reduction in LWD recruitment and 	<p>Proposed Program:</p> <ul style="list-style-type: none"> New location, design, and construction standards on docks, in-water, and shoreline stabilization structures that seek to minimize impacts to water movement and hydrologic function – e.g., limiting size of structures (SCC 30.67.515, .520 and .575) 	<ul style="list-style-type: none"> Public education programs to encourage understanding of drainage processes (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)

	<p>parks/public access sites – construction of shoreline modifications associated with access and water recreation</p>	<p>other organic material as shoreline habitats are altered for residential and recreational use</p> <ul style="list-style-type: none"> Modification of flow regimes with construction of docks, ramps, or other recreational-use structures 	<ul style="list-style-type: none"> Requires mitigation for impacts to critical shoreline functions (30.67.320(2)(b)) Prohibition on bulkheads (hard-bank structures) unless they are the only feasible shoreline stabilization method (SCC 30.67.575(1)(a)) New location and design standards on shoreline stabilization structures (e.g., bulkheads) that require impacts to immediate and adjacent shoreline areas be minimized (SCC 30.67.575). Requirement that new boating facilities must be designed to minimize need for stabilization structures (SCC 30.67.515(1)(j)(i)) Standards for dredging and spoil disposal which require no net loss of ecological functions (SCC 30.67.530) <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations limit the uses which may disrupt the shoreline and interfere with the hyporheic zone (SCC 30.62A.330) Federal dredge/fill permitting requirements that require avoidance of/mitigation for impacts (CWA Section 404) State HPA requirements that require in-water projects to minimize adverse impacts to fish and shellfish in marine or other shoreline areas (Chapter 220-110 WAC).; 	
Water Quality	<ul style="list-style-type: none"> Infill in developed marine shoreline residential areas Continued and expanded agricultural use 	<ul style="list-style-type: none"> Increase in runoff and associated water quality impacts due to increased residential use and impervious surface area Increase in runoff and associated water quality impacts due to increased agricultural uses Water quality impacts associated with construction of docks and other in-water structures (e.g., spills, harmful materials use) 	<p>Proposed Program:</p> <ul style="list-style-type: none"> New location, design, and construction standards for docks, piers, and other in-water structures that minimize water quality impacts – e.g., that prohibit use of toxic materials and require spill prevention plans (SCC 30.67.515 and 520) SMP requirement that projects not adversely impact water quality (SCC 30.67.320) Requirement that shoreline agricultural uses must comply with provisions to protect water quality (SCC 30.67.505) <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations require protective buffers and limit the effective impervious surface allowed within 300 feet of the shoreline OHWM (30.62A.320(1)(c)) State water quality requirements – e.g., point source and stormwater requirements (173-201A WAC) 	<ul style="list-style-type: none"> Low-impact development projects (e.g., those designed/implemented by Sustainable Snohomish County) Public education/ assistance campaigns designed to minimize pollution inputs (e.g., Snohomish County Surface Water management stewards) Education/assistance programs for agricultural landowners (through Snohomish Conservation District)
Habitat	<ul style="list-style-type: none"> Infill in developed marine shoreline residential areas New or expanded shoreline armoring associated with residential marine 	<ul style="list-style-type: none"> Loss of or disturbance to riparian habitat during residential construction and use Potential loss of or disturbance to 	<p>Proposed Program:</p> <ul style="list-style-type: none"> Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.599) New location, design, and construction standards for docks, piers, and other in-water structures that serve to minimize habitat impacts – e.g., size restrictions to minimize shading impacts (SCC 30.67.515 and 	<ul style="list-style-type: none"> Restoration projects (e.g., Shared Strategy, Stillaguamish Clean Water District Board, etc.) Public education programs to encourage protection and restoration of shoreline habitat (e.g., Snohomish County Surface Water Management

	<p>use</p> <ul style="list-style-type: none"> Continued and expanded agricultural use <p>More parks/public access sites</p>	<p>riparian habitat during clearing for agricultural use</p> <ul style="list-style-type: none"> Potential damage to aquatic habitat via runoff from agricultural use 	<p>.520)</p> <ul style="list-style-type: none"> Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a)) Requirement that new boating facilities be designed to protect ecologically sensitive areas (e.g., eelgrass beds, forage fish spawning areas, etc.) (SCC 30.67.515(1)(b)) Habitat restoration and enhancement widely allowed and facilitated (SCC 30.67.580 and 30.44.120(p)). <p>Other Regulatory:</p> <ul style="list-style-type: none"> Critical area regulations protect habitat by requiring buffers adjacent to marine waters and requiring habitat management plans for critical species (SCC 30.62A.320 and 30.62A.460) <p>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</p>	<p>Division's Watershed Education Program)</p> <ul style="list-style-type: none"> Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards Nearshore and riparian habitat mapping/restoration projects by Snohomish County Surface Water Management Division's Marine Resources Program (e.g., eelgrass mapping, creosote log survey & removal) Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program
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Appendix D – Shoreline Environment Designation Maps

Appendix E – Chapter 30.44 SCC – Shoreline Permits

The SMP development regulations are contained chapters 30.44 and 30.67 SCC are included as Appendix E and F of this document. The reader always should ensure that he or she is relying on the most current version of chapters 30.44 and 30.67 SCC by contacting the Snohomish County Department of Planning and Development Services (PDS) or the Office of the Code Reviser, or by reviewing the on-line version of the SCC at www.snoco.org. In the event inconsistencies exist between the summary of the SCC provisions contained in this document and the actual SCC provisions, the actual provisions control.

Amended Ord. No. 12-025 adopted June 6, 2012, Approved by Ecology July 13, 2012, Effective date July 27, 2012.

Chapter 30.44 Shoreline Permits

PART 000 – GENERAL PURPOSE AND APPLICABILITY

- 30.44.010 Purpose and applicability.
- 30.44.020 Development not subject to the Shoreline Management Act.
- 30.44.030 Compliance with other laws.
- 30.44.040 Letter of exemption from the shoreline substantial development permit requirements.
- 30.44.050 Relationship to shoreline management program.

PART 100 – PERMIT REQUIREMENTS AND REVIEW STANDARDS

- 30.44.110 Shoreline substantial development, conditional use, and variance permits.
- 30.44.120 Exemptions from shoreline substantial development permits.
- 30.44.125 Application of the permit system to shoreline substantial developments undertaken prior to the act.
- 30.44.130 Review criteria for all development.
- 30.44.140 Additional review criteria for shoreline conditional use permits.
- 30.44.150 Additional review criteria for a shoreline variance permit.
- 30.44.160 Non-conforming shoreline uses or structures.

PART 200 – PROCESS REQUIREMENTS

- 30.44.205 Submittal requirements for shoreline permits.
- 30.44.210 Procedures for shoreline permits.
- 30.44.220 Time requirements for shoreline permits.
- 30.44.225 Special procedures for limited utility extensions and bulkheads.
- 30.44.226 Special procedures for watershed restoration projects.
- 30.44.230 Filing with the state Department of Ecology.
- 30.44.240 Shoreline conditional use and variance permits – review required by state.
- 30.44.250 Appeals.
- 30.44.260 Reapplication.
- 30.44.270 Revisions to shoreline permits.
- 30.44.280 Emergency activities.
- 30.44.290 Fees.
- 30.44.295 Rescission of shoreline permits.

PART 000 – GENERAL PURPOSE AND APPLICABILITY

30.44.010 Purpose and applicability.

(1) The purpose of this chapter is to establish a program for the administration and enforcement of the permit system for shoreline management provided by the Shoreline Management Act of 1971 (chapter 90.58 RCW).

(2) This chapter applies to all shorelines of the state within Snohomish County.

(3) All development in shoreline jurisdiction shall comply with the policy, provisions, and intent of the Snohomish County Shoreline Management Program (SMP) even when no permit is required unless exempt pursuant to SCC 30.44.020.

(4) Where there are conflicts with this chapter and other provisions of this title, the provisions of this chapter shall apply.

(5) Definitions contained in the Shoreline Management Act of 1971 (chapter 90.58 RCW) and the Shoreline Master Program Guidelines (chapter 173-26 WAC) shall apply to all terms used in this chapter, provided that definitions contained in this title shall be applicable where not in conflict with the Shoreline Management Act and the Shoreline Master Program Guidelines.

(6) Applicability of this chapter to federal lands will be determined as follows:

(a) Applicability of this chapter to federal agency activities will be determined pursuant to WAC 173-27-060;

(b) This chapter shall apply to all nonfederal developments, uses and modifications undertaken on federal lands and on lands subject to nonfederal ownership, mining claim, lease or easement even though such lands may fall within the external boundaries of a federal ownership; and

(c) Shorelines of the state within the external boundaries of federal ownership are designated in accordance with SCC 30.67.220.

30.44.020 Development not subject to the Shoreline Management Act.

The following developments are not required to meet the requirements of the Shoreline Management Act, chapter 90.58 RCW, as described below:

(1) Notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter [43.21K](#) RCW.

(2) The procedural requirements of the Shoreline Management Act shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter [70.105D](#) RCW, or to the department of ecology when it conducts a remedial action under chapter [70.105D](#) RCW. The department of ecology shall ensure compliance with the substantive requirements of chapter [90.58](#) RCW through the consent decree, order, or agreed order issued pursuant to chapter [70.105D](#) RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW [70.105D.090](#).

(3) The holder of a certification under chapter [80.50](#) RCW shall not be required to obtain a permit under chapter [90.58](#) RCW or the Snohomish County Shoreline Management Program.

30.44.030 Compliance with other laws.

Nothing in this chapter shall be construed as excusing a person from compliance with any other local, state, or federal statute, ordinance, or regulation applicable to a proposed development.

30.44.040 Letter of exemption from the shoreline substantial development permit requirements

When a development falls within the exemptions stated in SCC [30.44.020](#) or [30.44.120](#), the department shall prepare a letter addressed to the applicant and the regional office of the department of ecology, exempting the development from the shoreline substantial development permit requirements of chapter 90.58 RCW when either of the following applies:

- (1) The development is subject to a U.S. Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, or a Section 404 permit under the federal Water Pollution Control Act of 1972; or
- (2) The property owner requests an official letter of exemption.
- (3) All shoreline exemptions shall be tracked within the county AMANDA data base tracking system.

30.44.050 Relationship to shoreline management program.

This chapter implements chapter 173-27 WAC but is not adopted as part of the SMP.

PART 100 – PERMIT REQUIREMENTS AND REVIEW STANDARDS

30.44.110 Shoreline substantial development, conditional use, and variance permits.

Except as provided under SCC 30.44.020, a shoreline substantial development, conditional use or variance permit is required prior to development within the county's shoreline jurisdiction as follows:

- (1) A shoreline substantial development permit is required for shoreline development in conjunction with allowed uses and modifications pursuant to the SMP unless exempt pursuant to SCC 30.44.120;
- (2) A development or use that is listed as a conditional use or is an unlisted use in the SMP pursuant to SCC 30.67.430(1), unless otherwise prohibited pursuant to SCC 30.67.420, must obtain a shoreline conditional use permit even though the development or use may not require a substantial development permit; and
- (3) A shoreline variance permit is required when requesting relief from specific bulk, dimensional or performance standards in the SMP.

30.44.120 Exemptions from shoreline substantial development permits.

(1) The following types of development must be consistent with the policies and provisions of the Shoreline Management Act and the SMP, but are not considered shoreline substantial developments for purposes of this chapter and are not required to obtain a shoreline substantial development permit:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed the dollar threshold established or as hereafter adjusted by the state office of financial management pursuant to WAC 173-27-040(2)(a), provided such development does not materially interfere with the normal public use of the water or shorelines of the state;

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(c) Construction of the normal protective bulkhead common to single family residences;

(d) Emergency temporary construction necessary to protect property from damage by the elements consistent with the provisions in SCC 30.44.280;

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

(f) Construction or modification of navigational aids, such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee, or contract purchaser, of a single family residence for owner or owner's family use, which residence does not exceed a height of 35 feet above average grade level, and which meets all requirements of the state and local governments having jurisdiction thereof, other than requirements imposed pursuant to this title. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. For the purpose of this section, a "dock" is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies to docks for which the cost or fair market value, whichever is higher, does not exceed:

(i) \$2,500 in salt waters; or

(ii) \$10,000 in fresh waters, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(i) 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;

(j) 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;

(k) 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;

- (l) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
- (i) the activity does not interfere with the normal public use of the surface waters;
 - (ii) the activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - (iii) the activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - (iv) a private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the county to ensure that the site is restored to preexisting conditions; and
 - (v) the activity is not subject to the permit requirements of RCW 90.58.550 for oil or natural gas exploration in marine waters;
- (m) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the state department of agriculture or the department or ecology jointly with other state or local agencies under chapter 43.21C RCW;
- (n) A public or private project that is designed to improve fish or wildlife habitat or fish passage when the criteria in RCW 90.58.147 are met; and
- (o) Watershed restoration projects as defined in RCW 89.08.460.

(2) Whenever a development falls within the exemptions enumerated in this section, and the development is subject to a U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899 or a section 404 permit under the Federal Water Pollution Control Act of 1972, Snohomish County shall prepare a letter addressed to the applicant and the regional office of the Department of Ecology, indicating the specific exemption provision that is being applied to the development and providing a summary of the county's analysis of the consistency of the development with the Shoreline Management Act and the SMP.

30.44.125 Application of the permit system to shoreline substantial developments undertaken prior to the act.

- (1) Shoreline substantial development, as determined by actual construction or development begun upon the shoreline, as opposed to preliminary engineering or planning, undertaken on shorelines of the state prior to the effective date of the Shoreline Management Act (SMA), and continuing thereafter, shall not require a permit, except under the following circumstances:
- (a) Where the activity was unlawful prior to the effective date of the act;
 - (b) Where there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act;
 - (c) Where the development is not completed within two years of the effective date of the act;
 - (d) Where shoreline substantial development occurred prior to the effective date of the act, and continued on to a different shoreline of the state after the effective date of the act; or
 - (e) Where shoreline substantial development occurred prior to the effective date of the act, and continued into other phases that were not part of the plan being followed at the time construction commenced.

(2) The effective date of the SMA is the most recent of the following dates applicable to the shoreline jurisdiction where the substantial development is occurring:

(a) June 1, 1971;

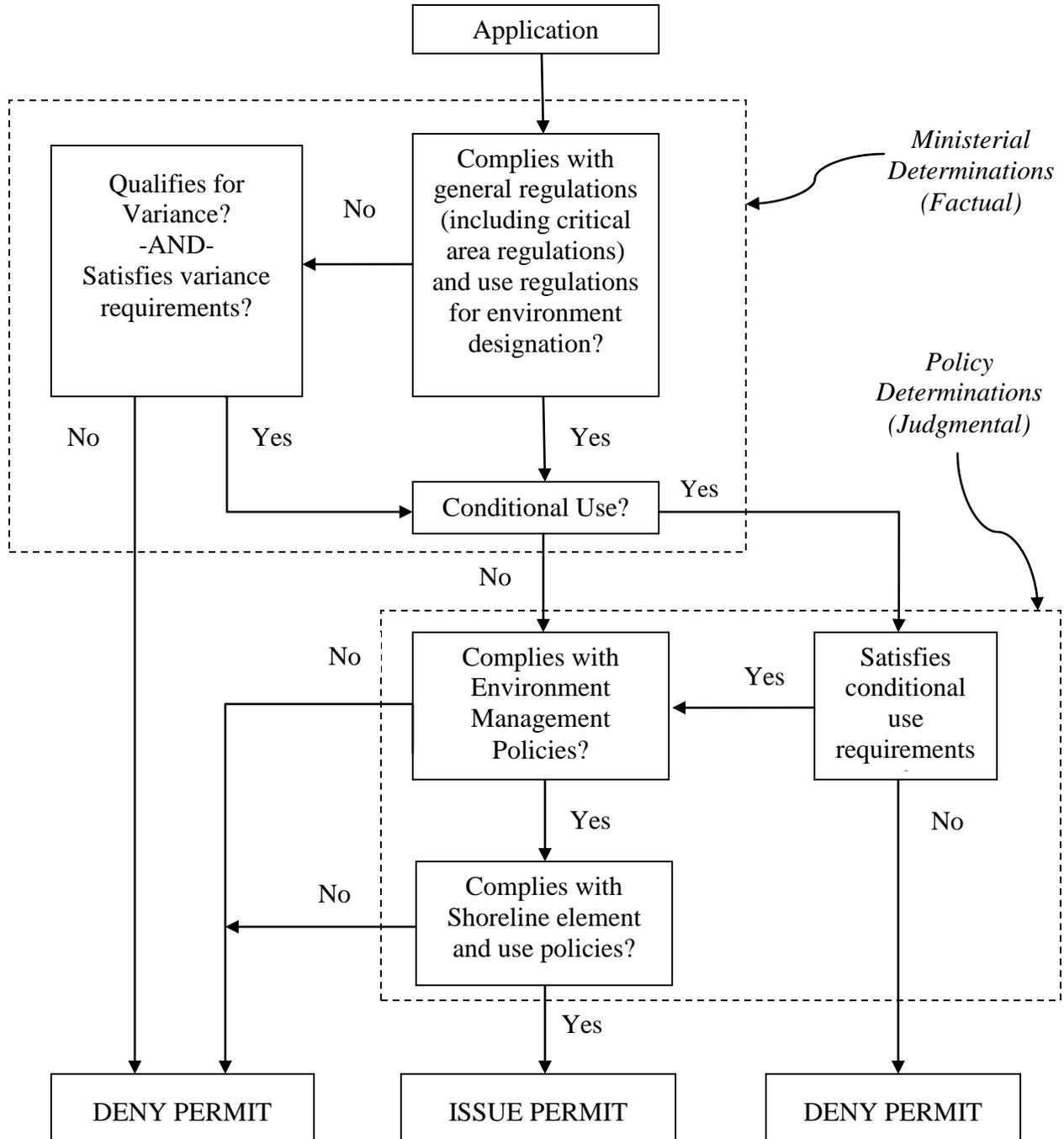
(b) When a change in the area subject to the jurisdiction of the SMA occurs as a result of a determination of jurisdiction by the state Department of Ecology based on the provisions of RCW [90.58.030](#) (2)(d) or (e), the effective date of the act shall be the date the state Department of Ecology provides written notice of the change to the county; or

(c) When a change in the area subject to the jurisdiction of the SMA occurs as a result of an updated shoreline master program that supersedes the jurisdiction lists in chapter [173-18](#), [173-20](#) and [173-22](#) WAC, the effective date of the SMA shall be the date the state Department of Ecology approves the updated master program.

30.44.130 Review criteria for all shoreline development permits.

(1)(a) No authorization to use or develop shorelines of the state shall be granted by the county unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act, the SMP and other applicable statutes, plans, regulations and policies. The county shall review all shoreline permit applications for compliance with the SMP in accordance with the decision flow chart shown in figure 30.44.130(1)(b).

Figure 30.44.130(1)(b)
Decision Flow Chart for Shoreline Permit Review



(2) All proposed uses and development shall be consistent with the policies, procedures and provisions of the Shoreline Management Act and the SMP, even when no permit is required.

(3) Decisions on shoreline substantial development, shoreline conditional use, and shoreline variance permits shall comply with the following provisions and procedures as applicable:

(a) The county's decision shall be based on information from the complete application, written comments from interested persons and observations from a site inspection. The county's decision shall contain findings based upon the record and conclusions which support the decision. Such findings and conclusions shall demonstrate how the decision is consistent with the SMP.

(b) In approving a shoreline substantial development, shoreline conditional use, or shoreline variance permit, the county may impose any conditions necessary to carry out the intent of and assure compliance with the SMP and the Shoreline Management Act. Such conditions shall be part of the permit, and shall be binding upon the applicant and the applicant's successors or assigns. The permit and conditions shall be appealable under SCC 30.44.250, and enforceable under chapter 30.85 SCC.

(4) Development undertaken pursuant to the issuance of a permit shall be limited to that specifically delineated on the official site plan submitted by the applicant and approved by the department. The development shall comply with any and all conditions imposed upon such permit at its issuance, including any impact mitigation measures identified in documents submitted in support of the application.

30.44.140 Additional review criteria for shoreline conditional use permits.

(1) Uses or modifications requiring a conditional use permit pursuant to SCC 30.44.110 may be allowed only when the applicant can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of RCW 90.58.020 and the SMP;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use and development of the site and design of the project will be compatible with other permitted and planned uses within the area;

(d) That the shoreline development proposal will not result in significant adverse impacts on the shoreline environment and that the cumulative impact of additional requests for like actions in the area will remain consistent with the policies of the Shoreline Management Act and the SMP; and

(e) That the proposed use will not cause a substantial detrimental effect on the public interest.

(2) Conditions may be attached to a shoreline conditional use permit to prevent loss of ecological functions, to ensure consistency with the Shoreline Management Act and the SMP, and to address cumulative impacts of the use or modification to the extent reasonably related to the proposed development and limited to the development's proportionate share of such cumulative impacts.

(3) A shoreline conditional use permit shall not become final until approved by the state Department of Ecology pursuant to SCC 30.44.240.

30.44.150 Additional review criteria for a shoreline variance permit.

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

(1) Shoreline variance permits should be granted in circumstances where denial of the variance permit would result in a thwarting of the policy enumerated in RCW 90.58.020.

(2) Shoreline variance permits for development or allowed uses pursuant to SCC 30.67.430 located landward of the ordinary high water mark and landward of a wetland may be authorized provided the applicant can demonstrate all of the following:

(a) That extraordinary circumstances exist on the project site;

(b) That the strict application of the bulk, dimensional or performance standards set forth in the SMP creates a hardship by precluding, or significantly interfering with, reasonable use of the property;

(c) That the hardship described in SCC 30.44.150(2)(b) is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;

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

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

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

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

(3) A shoreline variance permit for development or uses located waterward of the ordinary high water mark or within a wetland, may be authorized provided the applicant can demonstrate all of the following:

(a) That the proposal is consistent with the criteria established under SCC 30.44.150(2)(a) through (g); and

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

(4) In granting a shoreline variance permit, consideration shall be given to the cumulative impact of additional requests for like actions in the area. The cumulative impacts of similar variance requests in the area shall be consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use and modification regulations in SCC 30.67.420, 30.67.430 and 30.67.440 are prohibited.

(6) A shoreline variance permit shall not become final until approved by the state Department of Ecology pursuant to SCC 30.44.240.

30.44.160 Non-conforming shoreline uses or structures.

Non-conforming shoreline uses or structures are regulated pursuant to SCC 30.67.450.

PART 200 – PROCESS REQUIREMENTS

30.44.205 Submittal requirements for shoreline permits.

A complete application for a shoreline permit shall contain, at a minimum, the following information:

- (1) The name, address, email and phone number of the property owner.
- (2) The name, address, email and phone number of the applicant and the applicant's representative if other than the property owner.
- (3) The location of the property including the property address and parcel identification number for all parcels included in the application. When address and parcel identification numbers have not been assigned, location may be identified by section, township, range to the nearest quarter, quarter section or by latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
- (4) The name of the associated water body. This should be the water body from which shoreline jurisdiction over the project is derived.
- (5) A description of the proposal including the proposed use or uses and the activities necessary to accomplish the project.
- (6) A description of the property as it now exists including physical characteristics and any improvements and structures.
- (7) A description of the vicinity of the proposed project including identification of adjacent uses, structures and improvements, the intensity of adjacent development and physical characteristics of adjacent properties.
- (8) A site development plan consisting of photographs, text, maps and elevation drawings, drawn to an appropriate scale clearly depicting the following information:
 - (a) The boundary of the parcel(s) of land upon which the development is proposed.
 - (b) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
 - (c) Existing and proposed land contours shall be shown at intervals sufficient to accurately determine the existing character of the property and the extent of proposed changes to the land as a result of the development. Areas within the boundary of the proposal that will not be altered by the development may be indicated as such and contours may be approximated for that area.
 - (d) A delineation of all wetlands that are located within the boundary of the proposal and all wetland areas that will be altered or used as a part of the development.
 - (e) A description of the character of vegetation found on the site.
 - (f) The dimensions and locations of all existing and proposed buildings, structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
 - (g) When applicable, a landscaping plan for the project.

(h) When applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

(i) The quantity in cubic yards, source and composition of any fill material that will be placed on the site whether temporary or permanent.

(j) The quantity in cubic yards, composition and destination of any excavated or dredged material that will be removed from the site or transferred on the site.

(k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

(l) Where applicable, the applicant shall provide a three-dimensional visual simulation, or other appropriate graphics, demonstrating the visual impact on the view of the county's shorelines or other scenic resources from existing residential uses and public areas.

(m) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of structures and uses on adjacent properties.

30.44.210 Procedures for shoreline permits.

(1) Shoreline substantial development, shoreline conditional use, and shoreline variance permits are subject to all provisions of chapter 30.70 SCC, except as specifically modified by this chapter. Except for the additional requirement for Department of Ecology review of shoreline conditional use and shoreline variance permits pursuant to SCC 30.44.240, all applications shall be processed either as a Type 1 or Type 2 decision in accordance with chapters 30.71 or 30.72 SCC depending on the applicable circumstances set forth in SCC 30.44.210(2). Appeals of all shoreline permits shall be processed in accordance with SCC 30.44.250.

(2) A shoreline permit application shall be processed as a Type 2 permit if:

(a) The department recommends that a shoreline permit be denied; or

(b) The director determines that a shoreline permit application should be processed as a Type 2 decision based on the following factors:

(i) The presence of significant economic, health, safety, environmental and land use issues; or

(ii) The proposal conflicts with the SMP;

(3) The department shall notify the applicant, in writing, of the requirement for an open record hearing as soon as possible following the receipt of a complete application for a shoreline substantial development, shoreline conditional use, or shoreline variance permit and no later than 30 days following the publication of the notice of application pursuant to SCC 30.70.050, unless a longer period is agreed to in writing by the applicant.

(4) When processed as a Type 2 decision, an open record public hearing will be conducted after the environmental review required pursuant to chapter 30.61 SCC has been conducted and the applicable fees according to chapter 30.86 SCC have been paid.

(5) The county's decision to approve or deny the shoreline permit shall be mailed within ten calendar days to the applicant and to all parties of record. In the case of shoreline conditional use and shoreline variance permits, the county's decision shall contain a qualifying statement that the county's decision is not final until the Department of Ecology's approval and that review of the final decision will be in accordance with the appeal procedure in SCC 30.44.250.

30.44.220 Time requirements for shoreline permits.

The following time requirements shall apply to all shoreline substantial development, shoreline conditional use, and shoreline variance permits:

(1) Each permit for a shoreline substantial development, conditional use or variance issued by the county shall contain a provision that construction shall not begin and is not authorized until 21 days from the date of receipt as defined in SCC 30.44.230(2), or until all review proceedings initiated within 21 days from the date of receipt have been terminated; except as provided in RCW [90.58.140](#)(5)(a) and (b) or SCC 30.44.280.

(2) The effective date of an approved shoreline substantial development permit shall be the date of receipt as provided in SCC 30.44.230(2)(a). The effective date of an approved shoreline conditional use or variance permit shall be the date of receipt as provided in SCC 30.44.230(2)(b).

(3) Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or initiation of uses which are inconsistent with the policies and regulations of the Shoreline Management Act and the SMP. The department may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the state Department of Ecology.

(4) Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. The county may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the state Department of Ecology.

(5) Determination of the time periods described in 30.44.220(3) and (4) shall not include the time during which construction or the 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.

(6) Shoreline permits for mitigation banks and in-lieu fee programs addressing shoreline ecological functions shall expire five years after the effective date of an approved permit pursuant to SCC 30.44.220(2). The county may authorize extensions upon a finding of good cause, based on requirements and circumstances of the project proposed and consistent with the policy and provisions of the SMP and chapter 173-27 WAC, if a request for extension has been filed before the expiration date and provided that the Memorandum of Agreement, Mitigation Bank Instrument or other documentation authorizing the mitigation bank or in-lieu fee program remains valid. Notice of the proposed extension shall be given to all parties signatory to the authorizing documents, the state Department of Ecology and to all parties of record. Extensions may be granted as needed to fulfill the project phases outlined in the authorizing documentation provided that each granted extension is valid for a period not to exceed five years. In reviewing requests for extensions, if environmental conditions or life, health and safety issues arise that were not adequately addressed by the currently valid shoreline permit, shoreline permit

conditions may be added or revised. If additions or revisions are necessary, a fee will be assessed as provided in SCC 30.86.310. Extensions of shoreline conditional use permits or shoreline variances must be approved by the state Department of Ecology.

(7) Nothing in chapter 30.44 SCC shall preclude the county from issuing permits with a fixed termination date of less than five years.

30.44.225 Special procedures for limited utility extensions and bulkheads.

(1) An application for a substantial development permit for a limited utility extension, or the construction of a bulkhead, or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter, except that the following time periods and procedures apply:

(a) The public comment period shall be 21 days. The notice of the application shall state the manner in which the public may obtain a copy of the county's decision on the application no later than two days following its issuance; and

(b) The county shall issue its decision to grant or deny the permit within 21 days of the last day of the comment period specified in SCC 30.44.225(1)(a).

(2) For purposes of this section, a limited utility extension means the extension of a utility service that:

(a) Is categorically exempt under chapter [43.21C](#) RCW for one or more of the following: natural gas, electricity, telephone, water, or sewer;

(b) Will serve an existing use in compliance with this chapter; and

(c) Will not extend more than 2,500 linear feet within the shorelines of the state.

30.44.226 Special procedures for watershed restoration projects.

The county will review proposed watershed restoration projects, as defined in RCW 89.08.460, for consistency with the Shoreline Management Program (SMP) and the restoration element and issue its decision with any conditions within forty-five days of receiving a complete application form from the applicant. No fee will be charged to review proposed watershed restoration projects for compliance with the SMP.

30.44.230 Filing with the state Department of Ecology.

(1) Any final decision by the county on an application for a shoreline permit or a shoreline permit revision shall be filed with the state Department of Ecology within ten calendar days of the county's final decision, as defined pursuant to WAC 173-27-130(1). Documents to be submitted to the regional office of the state Department of Ecology shall include:

(a) A copy of the complete application;

(b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);

(c) The final decision of the local government;

(d) The permit data sheet; and

(e) Where applicable, documents required by chapter 30.61 SCC and chapter [43.21C](#)

RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter [43.21C RCW](#).

(2) For the purposes of this chapter, "date of receipt" refers to:

(a) The date on which the applicant receives written notice from the state Department of Ecology acknowledging receipt of the county's final decision to approve or deny a shoreline substantial development permit; or

(b) The date on which the county or the applicant receives the written decision of the state Department of Ecology on a variance or conditional use permit to the county and to the applicant.

30.44.240 Shoreline conditional use and variance permits – review required by state.

(1) All approvals of shoreline conditional use and variance permits require review from the state Department of Ecology pursuant to WAC 173-27-200. The permit approval shall be submitted to the state Department of Ecology pursuant to SCC 30.44.230(1).

(2) Within 30 days of the date of submittal to the state Department of Ecology by the county, the state Department of Ecology will transmit to the county and the applicant its final decision approving, approving with conditions, or denying the shoreline conditional use or variance permit.

30.44.250 Appeals.

Any person aggrieved by the granting, denying or rescinding of a shoreline permit may seek review from the state shorelines hearings board by filing a petition for review within 21 days of the date of receipt as defined in SCC 30.44.230(2).

30.44.260 Reapplication.

After the final action regarding the denial of a shoreline permit, an application for a permit involving substantially the same development on the property shall not be accepted by the county for six months from the date of the denial.

30.44.270 Revisions to shoreline permits.

(1) A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from those that were approved in the shoreline permit. Changes are considered substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP 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, the applicant must submit to the department detailed plans and text describing the proposed changes.

(2) If the department determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the SMP and chapter 90.58 RCW, a revision may be approved. "Within the scope and intent of the original permit" as used in this section means all of the following:

(a) No additional over-water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the SMP except as authorized under a variance granted as the original permit or part thereof;

(d) Additional or revised landscaping is consistent with any of the conditions of the original permit and with the SMP;

(e) The use authorized in the original permit is not changed; and

(f) No adverse environmental impact will be caused by the project revision.

(3) Revisions to permits may be authorized after the original permit authorization has expired under SCC 30.44.220. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under chapter 90.58 RCW, the SMP and this section. 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 of the original permit or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the proposed revision and any previously approved revisions violate the provisions in SCC 30.44.270(3), the department shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of SCC 30.44.205 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the state Department of Ecology. In addition, the county shall notify parties of record of the action.

(6) If the revision to the original permit involves a conditional use or variance, the department shall submit the revision to the state Department of Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27-100(6). The state Department of Ecology shall render and transmit to the county and the applicant its final decision within 15 days of the date of its receipt of the submittal from the county. The department shall notify parties of record of the state Department of Ecology's final decision.

(7) The revised permit is effective immediately upon final decision by the county or, when appropriate under SCC 30.44.270(6), upon final action by the state Department of Ecology.

(8) Appeals shall be to the state shorelines hearings board in accordance with RCW 90.58.180 and shall be filed within 21 days from the date of receipt of the county's action by the state Department of Ecology or, when appropriate under SCC 30.44.270(6) of this section, the date the state Department of Ecology's final decision is transmitted to the county and to the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of SCC 30.44.270(2). 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 appeal deadline. 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.

30.44.280 Emergency activities.

The department may approve construction of temporary structures, uses or modifications in an emergency as defined in SCC 30.91E.100 without first requiring any required shoreline permits, as established in this section.

(1) Request for emergency construction shall be made in writing to the department. Emergency approvals shall be granted in writing by the department only when action must be taken immediately, or within a time too short to allow for processing of a permit. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the requirements of the SMP. Upon abatement of the emergency situation, any new use, modification or structure shall be removed or applications for any required project permits necessary to satisfy compliance with this chapter shall be submitted to the department within 120 days of the start of the action taken. For actions not requiring permits, compliance with this chapter shall occur within a reasonable time period not to exceed twelve months.

(2) A declaration of emergency for shoreline stabilization measures shall only be used to protect existing development or farmland, as defined in SCC 30.91F.140, or to prevent impairment of channel function, and only when one of the following exists:

(a) Imminent danger exists as a result of high water, and damage is expected due to flooding conditions for which appropriate flood warnings have been issued;

(b) Damage is occurring as a result of floodwaters at or exceeding flood stage as defined by the appropriate authority; or

(c) Property has been damaged and rendered unstable by previous flooding and is in such condition that future flooding will cause additional damage if protective measures are not taken; provided the county engineer has issued written approval of the emergency protective measures sought, such approval being based upon the following findings:

(i) Any protective measures do not exceed \$5,000 in value as measured by the total cost or fair market value of the improvements, whichever is greater;

(ii) Insufficient time exists to obtain a shoreline permit prior to the likelihood of future flooding and/or seasonal deadlines for construction in streamway channels; and

(iii) The person seeking to undertake emergency protective measures has applied to the county engineer for approval of such emergency protective measures within 120 days of the occurrence of damage by previous flooding.

30.44.290 Fees.

Except as provided in SCC 30.44.226, filing fees required for permits obtained pursuant to this chapter shall be paid to the department at the time an application is submitted. Applicable fees are set forth in SCC 30.86.310.

30.44.295 Rescission of shoreline permits.

Whenever any development occurs in violation of a permit issued pursuant to this chapter, the county may, concurrent with or as an alternative to any other remedy provided by this title or other law or ordinance, initiate permit rescission proceedings by scheduling a public hearing before the hearing examiner and serving the applicant with written notice thereof. Notice shall be provided in accordance with SCC 30.70.045 and 30.70.050 and contain a general description of the alleged noncompliance and date, time and place of public hearing. It shall be served on the applicant by registered mail at least 15 calendar days prior to such hearing. The permit rescission request shall be processed as a Type 2 decision in accordance with the procedures established in chapter 30.72 SCC.

Appendix F – Chapter 30.67 SCC – Shoreline Management Program

The SMP development regulations are contained chapters 30.44 and 30.67 SCC are included as Appendix E and F of this document. The reader always should ensure that he or she is relying on the most current version of chapters 30.44 and 30.67 SCC by contacting the Snohomish County Department of Planning and Development Services (PDS) or the Office of the Code Reviser, or by reviewing the on-line version of the SCC at www.snoco.org. In the event inconsistencies exist between the summary of the SCC provisions contained in this document and the actual SCC provisions, the actual provisions control.

Amended Ord. No. 12-025 adopted June 6, 2012, Approved by Ecology July 13, 2012, Effective date July 27, 2012.

Chapter 30.67 SCC Shoreline Management Program

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PART 000 General.

30.67.010 Purpose.

The purpose of this chapter is:

- (1) To implement the goals of the Shoreline Management Act (SMA) (chapter 90.58 RCW) and the state Department of Ecology’s implementing guidelines (chapter 173-26 WAC); and
- (2) To provide a uniform basis for applying Snohomish County Shoreline Management Program (SMP) policies and development regulations within distinctive shoreline areas.

30.67.020 Applicability.

This chapter applies to all land uses, modifications, development activities, actions requiring project permits or approvals, clearing and agricultural activities as per RCW 90.58.065 within the county’s shorelines of statewide significance, shorelines and shorelands.

30.67.030 Shoreline Management Program (SMP) – components and relationship to comprehensive plan.

- (1) The SMP consists of the following three components:
 - (a) A document titled *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*;
 - (b) A series of 44 maps indexed by township and range and originally compiled at a scale of 1:24,000 that comprise the official delineation of the county's shoreline jurisdiction and assignment of shoreline environment designations;
 - (c) Shoreline regulations contained in this chapter; and
 - (d) Critical area regulations in chapters 30.62A, 30.62B and 30.62C SCC as adopted in Amended Ordinance 06-061 on August 1, 2007, and chapter 30.65 SCC as adopted in Amended Ordinance 07-005 on February 21, 2007.
- (2) The goals and policies of the SMP are considered an element of the comprehensive plan pursuant to SCC 30.10.065.

30.67.040 Relationship to chapter 30.61 SCC – environmental impacts.

Shoreline protective measures required by this chapter shall constitute adequate mitigation of adverse or significant impacts on shoreline ecological functions pursuant to chapter 30.61 SCC when such a determination is made under RCW 43.21C.240.

30.67.060 Relationship to Critical Area Regulations, chapters 30.62A, 30.62B, 30.62C and 30.65 SCC.

(1) Critical areas located within shoreline jurisdiction are subject to the regulations contained in chapters 30.62A, 30.62B, 30.62C, as adopted by Amended Ordinance No. 06-061 August 1, 2007, and 30.65 SCC as adopted by Amended Ordinance No. 07-005 on February 21, 2007, except as modified by SCC 30.67.060(2).

(2) The following provisions in chapter 30.62A SCC are modified as described for critical areas located within shoreline jurisdiction:

- (a) SCC 30.62A.540 relating to reasonable use does not apply;
- (b) When public access is required pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et.seq., access design requirements necessary to meet the ADA shall supersede the requirements of SCC 30.62A.320(2)(d);
- (c) Notwithstanding the provisions in SCC 30.62A.610 and SCC 30.62B.510, agricultural activities within shoreline jurisdiction and which are subject to the provisions in the Shoreline Management Act per RCW 90.58.065 shall protect critical areas pursuant to the requirements in SCC 30.62A, Part 600 and 30.62B, Part 500;
- (d) When the setback deviation provisions of SCC 30.62B.340(2)(b) are utilized for a project proposal, a shoreline variance permit is required;
- (e) When the single family residential development exception in buffers provisions in SCC 30.62A.520 are utilized for a project proposal, the following additional conditions apply:
 - (i) A shoreline variance permit is required when over 2,500 square feet of buffer is disturbed; and
 - (ii) A shoreline variance permit is required for expansion of an existing single family residence or accessory structure;
- (f) In addition to the provisions in SCC 30.62B.330(3), the following activities are allowed within channel migration zones: restoration or enhancement of shoreline ecological functions; and mitigation for impacts to shoreline ecological functions, including but not limited to mitigation banks;
- (g) New single family residential development, expansions of existing single family residences and ordinary residential improvements on existing lots allowed in buffers under SCC 30.62A.520 shall require enhancement of existing buffers based on the criteria in SCC 30.62A.520(11) and shall meet these additional requirements:
 - (i) Vegetation enhancement efforts shall ensure that the final vegetation condition is capable of mitigating impacts and maintaining existing ecological functions.
 - (ii) If the shoreline is unmodified and/or the vegetation is relatively intact, the mitigation plan shall provide alternatives, such as out-of-kind mitigation by restoring other degraded ecological functions, or by using off-site mitigation.
 - (iii) Where modifications such as fill, armoring, patios, etc., have been placed in the buffer, these modifications shall be removed or reduced to the extent necessary to mitigate impacts on the buffer. As guidance, non-water-dependent facilities such as patios should be

removed, accesses should be reduced to the minimum needed to provide access, and armoring should be replaced with natural vegetation or non-structural measures;

(h) When buffer reduction provisions of SCC 30.62A.320(1)(f) or (g) are utilized for a project proposal, the maximum allowed reduction is 25percent of the standard buffer width contained in SCC 30.62A.320(1)(a). Buffer reduction in excess of 25% of the standard buffer width require a shoreline variance permit; and

(i) The provisions in SCC 30.62A.630(1)(c)(i) and 30.62B.530(1)(c)(i) do not apply within shoreline jurisdiction.

(3) Except as specifically modified by SCC 30.67.060(2), where there are conflicts between the provisions of this chapter and the provisions of chapters 30.62A, 30.62B, 30.62C and 30.65 SCC, the more ecologically protective provision shall apply.

(4) When the innovative development design provisions of SCC 30.62A.350 are utilized for a project proposal, a shoreline variance permit is required, except that projects solely for ecological restoration or enhancement using the provisions of SCC 30.62A.350 are not required to obtain a shoreline variance permit.

30.67.070 Relationship to other regulatory requirements.

The project proponent is responsible for complying with all applicable federal, state, and local regulations. Compliance with the SMP does not necessarily constitute compliance with other regulations and permit requirements that may apply within shoreline jurisdiction. Where other agencies or entities have concurrent jurisdiction over the proposed development and the department determines that the permit conditions imposed by such agencies or entities satisfy the requirements of this chapter, those permit conditions may be relied upon for the purpose of determining compliance with the requirements of this chapter.

PART 100 Procedures.

30.67.110 Amendments to the SMP.

(1) Amendments to the SMP will be processed as Type 3 legislative decisions pursuant to chapter 30.73 SCC.

(2) Amendments to the SMP may be proposed under the provisions of SCC 30.74.

(3) Any locally approved amendments to the SMP will not become effective until approved by the state Department of Ecology.

30.67.120 Administration and enforcement.

(1) Shoreline permit requirements and processes are regulated pursuant to chapter 30.44 SCC.

(2) Shoreline permit and review fees are established in chapter 30.86 SCC.

(3) The provisions of the SMP will be enforced under the provisions of chapter 30.85 SCC.

(4) The provisions listed in SCC 30.67.120(1) through (3) are not components of the SMP.

PART 200 Shoreline designations and maps.

30.67.210 Shoreline environment designations.

(1) The county has designated shorelines pursuant to chapter 90.58 RCW by defining them, providing criteria for their identification and establishing the shoreline ecological functions to be protected. Project proponents are responsible for determining whether a shoreline exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of shorelines identified in shoreline applications. Specific criteria for the designation of shoreline areas are contained in section 2.2 of the *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*, and in SCC 30.67.220.

(2) The SMP classifies shorelines into one of seven shoreline environment designations consistent with the purpose and designation criteria in section 2.2 of the *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*. The seven shoreline environment designations include: Aquatic, Natural, Resource, Municipal Watershed Utility, Rural Conservancy, Urban Conservancy and Urban.

30.67.220 Shoreline environment designation maps.

(1) The shoreline environment designation maps generally depict the location of shoreline jurisdiction, however, the determination of whether a specific site is within shoreline jurisdiction is determined case-by-case based on the property's location and physical characteristics and features. For property determined to be located within shoreline jurisdiction and not designated on the official maps and not subject to SCC 30.67.220(2), the shoreline environment designation shall be based on the shoreline environment designation criteria and the following additional criteria as applicable:

(a) Property or portions of property, including associated wetlands, located waterward of the ordinary high water mark (OHWM), shall be considered Aquatic;

(b) Property or portions of property located landward of the OHWM on bars and islands on rivers and streams shall be considered Natural;

(c) Property or portions of property located landward of the OHWM and within an urban growth area shall be considered Urban and subject to further review for designation as Urban Conservancy based on the criteria in section 2.2.6 of *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*;

(d) Property or portions of a property located landward of the OHWM and outside of an urban growth area, and not zoned A-10, F, F&R, or MC, shall be considered Rural Conservancy and subject to further review for designation as Natural based on the criteria in section 2.2.2 of *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*;

(e) Property or portions of a property located landward of the OHWM and outside of an urban growth area and zoned A-10, F, F&R, or MC, shall be considered Resource and subject to further review for designation as Natural based on the criteria in section 2.2.2 of *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*; and

(f) Associated wetlands located landward of the ordinary high water mark (OHWM) shall be designated consistent with the adjacent designation of the associated shoreland.

(2) Non-federal lands lying within the exterior boundaries of federal lands and those federal lands leased by the federal government to other persons, which fall within the definition of

shorelines of the state or shorelands and are subject to the county's SMP, shall be designated as follows:

- (a) The Aquatic shoreline environment shall be applied below the ordinary high water mark;
 - (b) The Natural shoreline environment shall be applied to all shoreline jurisdiction above the ordinary high water mark when federal lands are within a designated wilderness area; and
 - (c) The Resource shoreline environment designation shall be applied to all shoreline jurisdiction not meeting the criteria in 30.67.220(2)(a) or (b).
- (3) Unless otherwise specified by the shoreline environment designation criteria or other established points, lines, or features, the designation boundary lines are the ordinary high water mark of water bodies, and the centerlines of rights-of-way, public alleys, parkways, or railroad rights-of-way.
- (4) Shoreline environment designations shall not change as a result of the vacation of a right-of-way, a road or an alley.
- (5) All shoreline boundary determinations shall be consistent with the designation criteria for the shoreline environment designations.

30.67.230 Shorelines of statewide significance.

In Snohomish County, shorelines of statewide significance include: Lake Stevens, Spada Lake, Sauk River, North and South Forks of the Stillaguamish River, Snohomish River, Skykomish River (including North Fork), Snoqualmie River, Skagit Bay, Stillaguamish River Estuary and the Snohomish River Estuary. Also included as shorelines of statewide significance are the non-tideland areas of the unincorporated portions of the Puget Sound, Possession Sound, Port Gardner, and Port Susan.

PART 300 General regulations to comply with Shoreline Management Act goals.

30.67.310 Compliance required even when shoreline permit not required.

All proposed land uses, modifications, development, clearing or new agricultural activities occurring within shoreline jurisdiction, including any development exempt from obtaining a shoreline substantial development permit pursuant to SCC 30.44.120, must conform to the Shoreline Management Act and the SMP goals and policies unless not subject to the Shoreline Management Act pursuant to SCC 30.44.020.

30.67.320 No net loss of shoreline ecological functions.

(1) All proposed land uses, modifications, development or new agricultural activities shall be designed and conducted to achieve no net loss of shoreline ecological functions as defined in WAC 173-26-201(3)(d)(i)(C).

(2) Project proponents shall make all reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas, and their buffers as required under SCC 30.62A.310(3)(a).

30.67.330 Public access.

(1) Unless the conditions in 30.67.330(2) apply, provision of public access to the water is required for all new private and public developments, including land division, with the exception of the following:

(a) Single family dwellings; duplexes; single family detached units, townhouses, and condominiums creating four or few parcels or dwelling units; and multi-family developments of four or fewer lots or dwelling units; and

(b) Agricultural/ranching activities other than dikes.

(2) Provision of public access will not be required when at least one of the following conditions apply:

(a) Hazards to public health, safety or site security exist which cannot be alleviated by site planning and design or by restricting hours of public access;

(b) Provision of public access would result in significant adverse impacts to shoreline ecological functions that cannot be mitigated on-site; or

(c) The requirement of providing public access for a particular project violates constitutional standards related to nexus and rough proportionality.

(3) Provisions for public access are subject to the following standards:

(a) Except as restricted pursuant to SCC 30.67.330(3)(e), public access shall be a physical improvement in the form of any one or combination of the following: walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage, or other areas serving as a means of view or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining historical events or shoreline ecology;

(b) The minimum public access shall consist of an improved walkway at least five feet wide on an easement ten feet wide, leading from the street or from a public walkway directly to a waterfront use area or to an area on the property from which the water and water activities can be observed. There shall be no significant obstruction of the view from this viewpoint;

(c) Maintenance of the public access shall be the responsibility of the owner or developer;

(d) Public access sites shall be available for public use at the time of first occupancy or use of the development or activity;

(e) While docks, piers and other permanent moorages are not allowed in the Urban Conservancy or Natural shoreline environment designations, or the Aquatic shoreline environment designation adjacent to the Urban Conservancy or Natural shoreline environment designations, floating walkways or other similar over-water pedestrian structures facilitating access to observation points or viewing areas are permitted provided they are constructed to minimize alteration of natural conditions; and

(f) All subdivisions required to provide public access pursuant to SCC 30.67.570(1)(e) that border publicly-owned or controlled shorelines shall provide at least one dedicated public access to the publically-owned or controlled shoreline.

30.67.340 Cultural, archaeological and historical resources.

(1) Developers and property owners shall immediately stop work and notify the county, the state office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

(2) 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.

30.67.350 Water quality, storm water, and nonpoint pollution.

Where chapters 30.63A or 30.63B SCC allow alternative measures or facilities to protect water quality, manage stormwater or prevent nonpoint pollution, the county will evaluate the alternatives based on the following criteria:

(1) The alternatives must be consistent with the shoreline management policies for the appropriate shoreline environment designation in section 2.2 of *Snohomish County Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*; and

(2) The alternative that provides the greatest level of protection of shoreline ecological functions shall apply.

PART 400 Shoreline uses and modifications – General regulations.

30.67.410 Use preference within shoreline jurisdiction - location.

(1) All shoreline uses, development or modifications located entirely or in part 200 feet or less from the ordinary high water mark or floodway, whichever is closer, unless separated from the shoreline of the state by another property or a public right-of-way, are subject to the following requirements:

(a) They must be or support an allowable primary shoreline use in conformance with the provisions of the SMP. Development that is not related or incidental to a conforming shoreline use is prohibited, except as provided in SCC 30.67.410(1)(c);

(b) Commercial or industrial primary shoreline uses or development must be water-oriented uses or development subject to the provisions of SCC 30.67.525 or SCC 30.67.550 as applicable; and

(c) Shoreline modifications are allowed when necessary to protect existing legally established non-conforming uses or primary structures provided the modification is consistent with the provisions of this chapter.

(2) Uses, development or modifications in portions of shoreline jurisdiction entirely located more than 200 feet from the ordinary high water mark or floodway, whichever is closer, or separated from the shoreline of the state by another property or a public right-of-way, shall be deemed to have no use connection with the water body. These developments shall be subject to all other policies and regulations of this chapter except the policies and regulations of this SMP which require:

(a) The use or development to be water-oriented; and

(b) Provision of public access.

30.67.420 Prohibited uses.

The following uses are prohibited in shoreline jurisdiction:

- (1) Asphalt batch plant and continuous mix asphalt plant;
- (2) Major auto repair;
- (3) Auto wrecking yard or junk yard;
- (4) Billboards and animated signs;
- (5) Commercial vehicle storage facility;
- (6) Distillation of wood, coal or bones or manufacturing of their by-products;
- (7) Explosive manufacturing or storage;
- (8) Floating homes;
- (9) Forestry industry storage and forestry equipment maintenance facility, except log storage;
- (10) Forge, foundry, blast furnace or melting of ore;
- (11) Fuel or coal yard;
- (12) Hazardous waste storage or treatment facilities;
- (13) Storage or refining of petroleum products or gas;
- (14) Rolling or blooming mills;
- (15) Sanitary landfill;
- (16) Sludge utilization;
- (17) Stockyard or slaughter house;
- (18) Tannery;
- (19) Tar distillation or manufacturing;
- (20) Transit center; and
- (21) Woodwaste recycling or storage, including temporary activities except when in conjunction with an approved shoreline ecological restoration or soil bioengineering project.

30.67.430 Allowed and conditional uses and modifications.

(1) The shoreline uses and shoreline modifications identified in Table 1 are either permitted, conditionally allowed or prohibited within the specific shoreline environment designation as indicated by the following:

- (a) "P" indicates that the use or modification is permitted;
- (b) "C" indicates that the use is allowed subject to a shoreline conditional use permit;
- (c) "P or C" indicates that the overwater portion of the use or modification is permitted in the Aquatic shoreline environment designation where permitted in the adjacent upland environment, subject to a shoreline conditional use permit in the Aquatic shoreline environment designation where conditional in the adjacent upland environment and prohibited in the Aquatic shoreline environment designation where prohibited in the adjacent upland environment; and
- (d) A blank cell in the table indicates that the use or modification is prohibited in that specific shoreline environment.

(2) Compliance with chapters 30.22 and 30.23 SCC is also required.

(3) Uses and modifications identified in Table 1 are subject to the shoreline use and modification development standards in Part 500 of this chapter. If there is a conflict between the information in SCC 30.67.430, Table 1, and the specific use and modification regulations in SCC 30.67, Part 500, the requirements of SCC 30.67, Part 500 shall prevail.

(4) The department may condition shoreline permits or approvals for uses or modifications as necessary to ensure compliance with:

(a) Chapter 90.58 RCW and the provisions in this chapter;

(b) The policies in the *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*; and

(c) Any other applicable federal, state and local rules and regulations.

(5) Uses or modifications not listed in SCC 30.67.420 or 30.67.430(1), Table 1, must obtain a shoreline conditional use permit even though the use or modification may not require a shoreline substantial development permit.

30.67.430 - Table 1: Shoreline Use and Modification Matrix

Land use or modification	Shoreline Environment Designation						
	Urban	Urban Conservancy	Rural Conservancy	Resource	Municipal Watershed Utility ¹	Natural	Aquatic ²
Agricultural activities ³ Manure lagoons Livestock flood sanctuaries	P C P	P C	P P P	P P P		C	C
Aquaculture ^{4,12} Non-Commercial Activities (non-processing) ³⁶ Commercial Activities (non-processing) Processing ⁷	P P P	P	P C P	P C P	P ³⁵ P ³⁵	P	P C P ⁷
Boating Facilities: ^{4,13} Marina Yacht / boat club Boat launch facility - Boat launch facility (boat ramp only) Dock (private) Boathouse (private) Dock / pier / boathouse (public, commercial) Floats, mooring buoys	P P P P P P P	 C C	C C P P P P	 P P C C C P	 P	C	C C P or C P or C P or C P or C C P or C
Breakwaters, jetties, groins, other in-water structures ^{4, 5, 14}	C, P	P	C, P	C, P	P	C	C, P
Commercial ^{10, 15}	P		P	P			C
Dredging ^{4, 16}					C		C
Dredge spoil disposal ^{4, 16}	C	C ⁵	C	C	C	C ⁵	C
Fill ^{4, 17}	P	C, P ⁵	P	P	P	C, P ⁵	C, P ⁵
Flood protection: ^{4, 18} Non-structural Structural ¹¹	P P	P P ⁵	P P	P P	P P	P	C, P ⁵ C, P ⁵
Forestry ^{8, 19}	P, C	P, C	P, C	P, C	P, C	P, C	C ³⁰
Industrial and Ports ^{10, 20}	P		P	P			C
Institutional uses ²¹	P		P	C			C
Mining ^{6, 22}	C	C	C	C, P ⁹	C, P ⁹	C	C
Pedestrian access ²³ Trails Elevated or Floating walkways ⁴ Stairways, trams	P P P	P P C	P P P	P P P	P	P	P
Recreation ²⁴	P	P	P	P	P	P	P
Residential ²⁵ SFR, MH Duplex MF, townhouse, Single-Family Detached Units Mobile home park Houseboat, Live-aboard vessel Floating Home	P P P P	P C C	P P C	P P C		C	P ³¹
Shoreline / bank stabilization: ^{4, 26} Nonstructural Structural ^{5, 11}	P C, P	P P	P C, P	P C, P	P C, P	C	C, P ⁵ C, P
Shoreline habitat restoration or enhancement ^{27, 34} - Mitigation Banks ³⁴	P C	P C	P C	P C	P	P	P C
Transportation facilities ²⁸ Bridges Roads Parking (incidental to use only)	P P P	C C C	P P P	P P P	C, P ³² C, P ³² C		C ³³ , P ³²
Utility facilities ²⁹ Electromagnetic transmission and receiving facilities (generally) Transmission wires, pipes, supports (generally) - transmission wires or pipes when suspended from bridge or other similar structures (specifically) Dams, power plants and associated uses All other utility facilities	P P P P	C C P C	C P P C C	C P P C C	C P P C C	 C P C	 C P C C

30.67.440 Reference notes for shoreline use and modification matrix.

(1) Uses in Municipal Watershed Utility are limited to utility uses associated with the hydroelectric project, reservoir water storage, forest practices and recreation as limited by the utility purveyor's Federal Energy Regulatory Commission (FERC) license. This area is zoned exclusively as Forestry (F).

(2) Only those water-dependent portions of the use that require an over-water or in-stream location are allowed in the Aquatic shoreline environment designation. Unless otherwise specified in SCC 30.67, Part 500, such uses are allowed in the Aquatic shoreline environment designation only if the use is allowed in the adjacent upland shoreline environment designation(s).

(3) Agricultural uses are subject to the requirements in SCC 30.67.505.

(4) Uses or modifications are not allowed in critical salt water habitat other than existing commercial shellfish beds, unless in conjunction with ecological restoration or enhancement projects.

(5) Shoreline modifications are permitted only when in conjunction with ecological restoration or enhancement projects located outside of the Natural and adjacent Aquatic environments.

(6) Mining activities within shoreline jurisdiction are limited to the activities allowed pursuant to SCC 30.67.560(1)(a). Mining within the Aquatic shoreline environment designation is also subject to the conditions in SCC 30.67.530 – Dredging. Mining for the sole purpose of removing mineral resources for commercial sales or processing is prohibited in shoreline jurisdiction.

(7) Aquaculture processing in the Aquatic shoreline environment is limited per the requirements in SCC 30.67.510(2)(g)(iii).

(8) A conditional use permit is required for timber harvest exceeding 30 percent of the timber volume within 200 feet landward of the ordinary high water mark of shorelines of statewide significance pursuant to SCC 30.67.545(1)(a)(iii).

(9) Mining activities related to forest practices as defined in SCC 30.67.560(1)(a) are permitted in the Resource or Municipal Watershed Utility shoreline environment designations when over 200 feet from the OHWM and outside of the channel migration zone. Removal of mineral resources deposited within the previous 12-month period on designated farmlands due to recent flood events is permitted in the Resource shoreline environment designation under SCC 30.67.540(2)(d).

(10) Non-water dependent commercial and industrial uses within shoreline jurisdiction shall be strictly limited under SCC 30.67.525(1)(b) and 30.67.550(1)(b).

(11) Structural flood protection and structural shoreline or bank stabilization measures are allowed only when non-structural measures would be inadequate as documented by a geotechnical report required pursuant to SCC 30.67.540(1) or 30.67.575(1). If a flood protection structure is in or near the water, it must also meet the requirements for shoreline stabilization.

(12) Aquaculture uses are subject to the requirements in SCC 30.67.510.

(13) Boating facilities are subject to the requirements in SCC 30.67.515.

(14) Breakwaters, jetties, groins, other in-water structures are subject to the requirements in SCC 30.67.520.

(15) Commercial uses are subject to the requirements in SCC 30.67.525.

(16) Dredging and spoil disposal are subject to the requirements in SCC 30.67.530.

(17) Fill is subject to the requirements in SCC 30.67.535.

- (18) Flood protection measures are subject to the requirements in SCC 30.67.540.
- (19) Forestry is subject to the requirements in SCC 30.67.545.
- (20) Industrial uses and ports are subject to the requirements in SCC 30.67.550 (21)
Institutional uses are subject to the requirements in SCC 30.67.555.
- (22) Mining is subject to the requirements in SCC 30.67.560.
- (23) Pedestrian access is subject to the requirements in SCC 30.67.330.
- (24) Recreation is subject to the requirements in SCC 30.67.565.
- (25) Residential uses are subject to the requirements in SCC 30.67.570.
- (26) Shoreline and bank stabilization measures are subject to the requirements of SCC 30.67.575.
- (27) Shoreline habitat restoration and enhancement are subject to the requirements of SCC 30.67.580. Notwithstanding SCC 30.67.430(2), shoreline habitat restoration or enhancement projects do not have to be identified on the use matrices in chapter 30.22 SCC to be permitted in shoreline jurisdiction.
- (28) Transportation facilities are subject to the requirements of SCC 30.67.590.
- (29) Utility facilities are subject to the requirements of SCC 30.67.595.
- (30) Timber removal from the Aquatic shoreline environment designation is subject to the requirements in SCC 30.67.545(2)(c).
- (31) Moorage of houseboats used as a primary residence and live-aboard vessels are permitted only in marinas or in waters of the state subject to a lease or permission from the state Department of Natural Resources. See SCC 30.67.570(2)(g).
- (32) Roads and bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Municipal Watershed Utility environment. Bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Aquatic environment except when the adjacent environment is designated Natural.
- (33) Bridges are conditionally permitted in the Aquatic environment provided they are permitted or conditionally permitted in the adjacent upland environment.
- (34) Mitigation banks are subject to the requirements in SCC 30.62A.550. Notwithstanding SCC 30.67.430(2), mitigation banks do not have to be identified on the use matrices in chapter 30.22 SCC to be permitted in shoreline jurisdiction. Restoration, enhancement, mitigation activities and mitigation banks are allowed within the channel migration zone per SCC 30.67.060(2)(f).
- (35) Aquaculture activities on Spada Lake are limited per the requirements in SCC 30.67.510(2)(e).
- (36) Non-commercial aquaculture harvest activities, as defined in SCC 30.91A.255, are allowed in all shoreline environments and are not required to obtain shoreline permits.

30.67.450 Non-conforming uses or structures

The following requirements apply to uses or structures nonconforming to the shoreline regulations in this chapter, which do not meet the criteria in SCC 30.44.125 and which were lawfully constructed or established prior to the effective date of the Shoreline Management Act (SMA) or the SMP, or amendments thereto, but which do not conform to present regulations or standards of the SMP or policies of the SMA. These provisions apply to nonconforming uses or structures in the shoreline jurisdiction in place of SCC 30.28.070 through SCC 30.28.075 and WAC 173-27-080.

(1) Continuanace: Any legally established use or structure nonconforming to the shoreline regulations in this chapter is permitted to remain in the form and location in which it existed on the effective date of the nonconformance.

(2) Redevelopment or remodel. SMP nonconforming uses or structures may not be enlarged or increased in any way, including expanded building footprint or increased height, increased use intensity, or altered in any way which increases their nonconformity. A nonconforming structure or use may be moved or relocated on the same parcel provided that the degree of nonconformance with the SMP and the SMA is reduced and further provided that the move or relocation results in improved protection for shoreline ecological functions.

(3) Restoration and replacement: If a nonconforming structure is damaged to an extent not exceeding 75 percent of the replacement cost of the original structure, it may be reconstructed to the extent it existed immediately prior to the time the structure was damaged or to a smaller configuration or in a different location on the same parcel which reduces the degree of nonconformity, so long as restoration is completed within one year of the date of damage. Documentation of the date and extent of damage shall be required prior to issuance of new permits.

(4) Abandonment: If a nonconforming use is discontinued for twelve consecutive months, any subsequent use shall be conforming. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment, or material is actually being occupied or employed in maintaining such use. It shall not be necessary to show that the owner of the property intended to abandon such nonconforming use in order for the nonconforming rights to expire.

(5) Non-conforming uses and structures which meet the criteria in SCC 30.44.125 are subject to the shoreline substantial development permit requirements in chapter 30.44 SCC.

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

(7) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit.

(a) A conditional use permit may be approved only upon a finding that:

(i) No reasonable alternative conforming use is practical; and

(ii) The proposed use will be at least as consistent with the policies and provisions of the act and the SMP and as compatible with the uses in the area as the preexisting use.

(b) In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the findings in SCC 30.67.450(6)(a), the requirements of the SMP and the SMA and to assure that the use will not become a nuisance or a hazard.

30.67.460 Bulk standards.

(1) No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where the SMP does not prohibit the same and then only when overriding considerations of the public interest will be served.

(2) In the Urban Conservancy, Rural Conservancy, Resource and Natural shoreline environment designations, lot coverage is limited to ten percent of effective impervious surface.

(3) In the Urban Conservancy, Rural Conservancy and Natural shoreline environment designations, building height is limited to a maximum of 35 feet.

(4) Except in the Urban environment, the minimum lot width fronting shoreline waters shall be 200 feet unless a greater minimum width is specified pursuant to SCC 30.23.030(1); provided that this provision shall not apply to legal lots existing prior to September 30, 2010.

(5) Use-specific or modification-specific bulk standards may also be required pursuant to Part 500 of this chapter.

(6) Unless otherwise specified in this chapter, bulk standards are regulated pursuant to chapter 30.23 SCC. Additional setback or buffer requirements for critical areas are required pursuant to chapters 30.62, 30.62A and 30.62B SCC.

30.67.470 Temporary emergency use, modification or structure.

In emergency situations, as defined pursuant to SCC 30.91E.100, construction of a temporary use, modification or structure may be allowed in accordance with SCC 30.44.280.

PART 500 Specific shoreline uses and modifications.

30.67.501 Purpose.

The purpose of this Part 500 is to establish:

(1) Development standards for shoreline uses and modifications consistent with the Shoreline Management Act and this chapter; and

(2) Development standards for shoreline uses and modifications consistent with the purpose of each shoreline environment designation and the policies for each specific use or modification contained in *Snohomish County Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*.

30.67.505 Agriculture.

The provisions in this section of the county's SMP apply to new agricultural activities including, but not limited to, all uses that are allowed as permitted or conditional uses in the A-10 zone under SCC 30.22.110 which also meet the definition of "agricultural activities" in SCC 30.91A.092 and which are proposed on land not currently used for agricultural activities. Conversion of agricultural land within shoreline jurisdiction to other non-agricultural uses is subject to the use restrictions in chapter 30.67 SCC, Parts 400 and 500.

(1) The following general regulations apply to new agricultural activities in shorelines:

(a) New agricultural activities shall utilize best management practices to ensure protection of shoreline ecological functions, retard surface runoff and reduce siltation.

(b) Manure lagoons and associated permanent transmission systems shall comply with the following:

(i) Manure lagoons shall be designed, constructed and operated to county, Department of Ecology, Natural Resource Conservation Service and U.S. Environmental Protection Agency standards;

(ii) Manure lagoons may not be built within a wetland unless all of the following conditions apply:

(A) The wetland had been converted to agricultural use prior to June 9, 1993;

(B) No other location is available that is not a wetland; and

(C) Full mitigation is provided to replace the functions of the wetland.

(iii) Unless the conditions in SCC 30.67.505(b)(i) and (ii) apply, the toe of the dike of a manure lagoon shall be set back from the water bodies used for recreation as much as possible, and at a minimum shall maintain a 150-foot setback from the OHWM of any river, stream, lake, marine waters or estuary regulated under the Shoreline Management Act.

(iv) Manure lagoons shall comply with all other county regulations including but not limited to grading and flood hazard provisions in Title 30 SCC;

(v) Elevation of the top of the dike of manure lagoons shall be determined according to standards established by the Natural Resource Conservation Service and the Department of Ecology. When located within the floodplain, the top of the manure lagoon dike shall be elevated one foot above the 100- year flood level, or as close to such height as feasible and consistent with Natural Resource conservation Service and Department of Ecology design standards;

(vi) Manure lagoons of earthen construction shall be mulched or seeded with grass on all exterior faces, and vegetation shall be maintained to prevent erosion or slippage;

(vii) If environmental review has shown that there are unmitigated adverse impacts related to ground or surface water contamination, habitat, wildlife, recreational uses, public access, or aesthetics, then setbacks greater than the minimum and/or additional mitigation may be required; and

(viii) Permanent pipelines for transmission of manure shall be properly supported and utilize a single piece of pipe or double piping when crossing waterbodies.

(c) Livestock flood sanctuaries shall comply with the following:

(i) A permit to build livestock flood sanctuary mounds will be granted to property owners only when the applicant clearly demonstrates that the denial of such construction will threaten the viability of the applicant's commercial livestock operation;

(ii) The maximum size of the mounds shall not exceed 50 square feet per animal unit (1,000 lbs) plus the area created by adding a ramp 14 feet wide along two sides to be used for farm vehicle access. An additional area no greater than 25 percent of the calculated area will be allowed to accommodate future herd growth;

(iii) Mounds shall be constructed in a manner that does not impact flood elevations, impede flow, or cause significant adverse effects upstream or downstream. Mounds are prohibited in floodways. In flood plains, mounds shall be oriented to the flow;

(iv) Mounds shall be constructed using non-compressive materials (as defined in the Natural Resource Conservation Service standards for such mounds) that are obtained from approved borrow sites;

(v) Site preparation and mound construction and maintenance practices shall be conducted according to the recommendations of the Natural Resource Conservation Service or best management practices approved by Snohomish County; and

(vi) Mounds shall comply with all other county regulations, including but not limited to, grading and flood hazard provisions in Title 30 SCC.

(2) In addition to the general regulations contained in SCC 30.67.505(1), the following specific shoreline environment designation regulations for new agricultural activities in shoreline jurisdiction apply:

(a) Urban:

(i) Agricultural activities and livestock flood sanctuaries are permitted; and

- (ii) Manure lagoons are conditionally permitted.
- (b) Urban Conservancy:
 - (i) Agricultural activities are permitted;
 - (ii) Manure lagoons are prohibited; and
 - (iii) Livestock flood sanctuaries are conditionally permitted.
- (c) Rural Conservancy: Agricultural activities, manure lagoons and livestock flood sanctuaries are permitted.
- (d) Resource: Agricultural activities, manure lagoons and livestock flood sanctuaries are permitted in the Resource environment.
- (e) Municipal Watershed Utility: Agricultural activities, manure lagoons and livestock flood sanctuaries are prohibited.
- (f) Natural:
 - (i) Agricultural activities are conditionally permitted provided that only passive agricultural uses such as pasture or grazing shall be allowed and provided further that no clearing, construction or other operations which have an adverse impact on ecological functions occurs; and
 - (ii) Manure lagoons and livestock flood sanctuaries are prohibited.
- (g) Aquatic:
 - (i) Water-dependent, over-water or in-water uses or modifications related to agricultural activities are conditionally permitted;
 - (ii) Manure lagoons and livestock flood sanctuaries are prohibited; and
 - (iii) Bank stabilization or flood protection measures are conditionally permitted in the Aquatic environment to protect primary structures or designated farmland, provided that the need for such protection is documented in a geotechnical report. Non-structural methods are preferred but structural methods may be allowed provided that the geotechnical report indicates that structural methods are necessary. Such shoreline modifications must comply with the requirements of SCC 30.67.540 and 30.67.575.

30.67.510 Aquaculture.

Aquaculture is defined in SCC 30.91A.255.

- (1) The following general regulations apply to new aquaculture activities in shorelines:
 - (a) New shellfish aquaculture activities shall not be located in nearshore critical saltwater habitats except for in existing commercial shellfish beds, nor in accretion areas such as sandflats, mudflats, and pocket estuaries. New finfish aquaculture shall not be located in nearshore critical saltwater habitats nor in accretion areas such as sandflats, mudflats, and pocket estuaries;
 - (b) Aquaculture activities must be designed to avoid loss of shoreline ecological functions and avoid impeding navigation. When a new aquaculture activity is proposed, mitigation sequencing for shoreline ecological impacts shall be required per SCC 30.62A.310(3)(a);
 - (c) Over-water structures for aquaculture operations shall not extend beyond the mean low water mark a distance greater than the average length beyond the ordinary low water mark of all preexisting over-water structures within the 300 feet in either direction along the same shoreline. Where no preexisting structures exist within this range, over-water structures may extend beyond the mean low water mark the minimum distance necessary to accommodate the aquaculture activity provided that navigation is not impeded;
 - (d) No aquatic organism shall be introduced into Snohomish County without the prior

written approval of the Director of the Washington State Department of Fish and Wildlife or the appropriate regulatory agency for the specific organism;

(e) Permitted accessory structures typically associated with aquaculture may include: rafts, floats, nets, net pens, access docks, piers, pilings, boat launches and upland storage structures. Jetties, groins, bulkheads, fill, shoreline stabilization measures, flow diversions, and breakwaters are not allowed in conjunction with aquaculture;

(f) Aquacultural processing shall be governed by the regulations in SCC 30.67.550. Commercial sales of aquacultural products shall be governed by the regulations in SCC 30.67.525;

(g) Floating, submerged and intertidal aquacultural structures and other similar structures shall be located and designed to avoid impacts to public use of and access to the water, including navigational access to waterfront property, pedestrian circulation along beaches, and navigation between such structures. Approval of such structures may include the following conditions to protect the public use and access to the water:

(i) Clustering or spacing of rafts to allow for small boat traffic within or through the facilities;

(ii) Directional signage;

(iii) Buoys marking the extent of the operation; and

(iv) Limits on the type, number, location and size of the facility and any accessory structures;

(h) When a federal, state or local permit is required for aquaculture activities, the department shall attach permit conditions requiring that aquaculture operators periodically monitor and report on noise, odor, water quality, aquatic and benthic organism types and densities, current patterns and flows, flushing rates, prevailing storm wind conditions, impacts to wetlands and fish and wildlife habitats and other relevant environmental conditions to the department on a schedule specified by the authority approving the shoreline permit relating to the aquacultural activity. The permit may be revoked by the approving authority for failure to monitor or if monitoring reveals unanticipated impacts that cannot be mitigated;

(i) Structures, equipment, wastes and material other than boats shall not be stored, disposed of or abandoned within shoreline jurisdiction;

(j) Construction materials that come in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and Snohomish County determines that there is no feasible alternative to toxic construction materials that will provide the structural characteristics necessary for the project; and

(k) Finish treatments, including but not limited to paint, stain, waterproofer, pest preventatives and preservatives used on over-water structures or on structures within 25 feet of the ordinary high water mark shall not result in adverse impacts to water quality.

(2) In addition to the general regulations contained in SCC 30.67.510(1), the following shoreline environment designation-specific regulations for new aquaculture activities in shorelines apply:

(a) Urban: Aquaculture is permitted.

(b) Urban Conservancy:

(i) Non-commercial aquaculture is permitted; and

(ii) Commercial aquaculture and processing are prohibited.

(c) Rural Conservancy:

- (i) Non-commercial aquaculture is permitted; and
- (ii) Commercial aquaculture and processing are conditionally permitted.
- (d) Resource:
 - (i) Non-commercial aquaculture and processing are permitted;
 - (ii) Commercial aquaculture is conditionally permitted; and
 - (iii) Aquaculture processing is permitted;
- (e) Municipal Watershed Utility: Commercial aquaculture is not permitted on Spada Lake. Non-commercial aquaculture along with any associated processing activities on Spada Lake are limited by the utility purveyor's Federal Energy Regulatory Commission (FERC) license.
- (f) Natural.
 - (i) Non-commercial aquaculture is permitted; and
 - (ii) Commercial aquaculture and processing are prohibited.
- (g) Aquatic.
 - (i) Non-commercial aquaculture is permitted;
 - (ii) Commercial aquaculture is conditionally permitted; and
 - (iii) No processing of any aquacultural product, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms, shall be permitted water-ward of the ordinary high water mark unless fully contained within a tending boat or barge.

30.67.515 Boating facilities.

Boating facilities include marinas, yacht and boat clubs, boat launch facilities, boat ramps, boathouses, docks, piers, floats and mooring buoys.

- (1) The following general regulations apply to new boating facilities in shorelines:
 - (a) No boating facilities shall extend into a water body in such a manner as to impede navigation or create any navigation hazard.
 - (b) Boating facilities shall not be located on or over critical saltwater habitats or spawning areas for anadromous fish.
 - (c) Boating facilities, except for mooring buoys, shall not be located on or over nearshore accretion areas, such as sandflats, mudflats and pocket estuaries.
 - (d) Structures, equipment, wastes and materials shall not be stored, disposed of or abandoned within the shoreline jurisdiction. Boats may be stored within the shoreline jurisdiction.
 - (e) Construction materials that come in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the department determines that there is no feasible alternative to toxic construction materials that will provide the structural characteristics necessary for the project.
 - (f) Finish treatments, including but not limited to paint, stain, water-proofer, pest preventatives and preservatives used on overwater structures or on structures within 25 feet of the ordinary high water mark shall not result in adverse impacts to water quality.
 - (g) Construction shall be limited to times that will have the least disturbance on spawning, migration and rearing of salmonids and other critical species.
 - (h) Marinas.
 - (i) Marinas shall not be located on or over critical saltwater habitats or in nearshore

sediment accretion areas, such as mudflats, sandflats and pocket estuaries;

(ii) Marina berths must be designed so that they can rise and fall safely with flood waters and tidal fluctuation and have a minimum clearance of six feet below mean lower low water;

(iii) Marinas are not allowed in areas that would detrimentally alter littoral drift patterns. An evaluation of littoral drift patterns within the drift cell in which the marina is proposed is required during the siting process;

(iv) Marinas must be designed and constructed to incorporate uninhibited tidal bypass so as to minimize the need for maintenance dredging;

(v) Marinas shall be designed and constructed to allow adequate flushing and water circulation within the facility to avoid degrading water quality;

(vi) Marinas shall not be located within ½- mile of any outfall of primary treated domestic sewage or industrial waste;

(vii) Prior to siting an in-water marina, an analysis must be conducted to determine the feasibility of an upland boat storage facility on the project site as a preferred alternative; and

(viii) New marinas shall provide for public access consistent with SCC 30.67.330.

(i) Boat launch facilities – general.

(i) Pedestrian access to the water that is separate from the boat launching lane(s) may be required where it is determined to be necessary for public safety;

(ii) Safety buoys shall be installed and maintained separating boating activities from other water recreation and uses where reasonably required for public safety;

(iii) Public boat launch facilities shall include a level vehicle-maneuvering space measuring at least 500 square feet;

(iv) Public boat launch facilities shall include 32 to 40 parking spaces capable of accommodating a vehicle with an attached boat trailer for each ramp lane of boat access to the water; and

(v) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which they are located.

(j) Boat ramps.

(i) Boat ramps shall be located on stable, non-erosional banks, where stabilization structures will not be necessary;

(ii) Boat ramps shall be placed and maintained as near to flush with the foreshore slope as is possible to minimize interruption of geohydraulic processes;

(iii) Boat ramps may be allowed for individual residences when the following conditions are met:

(A) The applicant shows that the boat ramp and its use will not adversely impact shoreline ecological functions or damage critical saltwater habitat;

(B) The upland slope within 25 feet of the ordinary high water mark does not exceed 25 percent; and

(C) Substantial cutting, grading, filling or shoreline stabilization measures are not necessary; and

(iv) When reviewing mitigation measures proposed by applicants to minimize potential impacts on shoreline ecological functions from boat ramps, the county will consider the following:

(A) Availability and adequacy of existing community or public facilities providing boat access to the same shoreline water body;

- (B) Shared use facilities are preferred; and
- (C) Preferred boat ramp designs are in the following order of priority:
 - (I) Elevated railways that have minimal disturbance to beach substrate;
 - (II) Open grid designs that have minimal disturbance to beach substrate;
 - (III) Seasonal ramps that can be removed and stored upland; and
 - (IV) Solid structures that interlock with one another leaving spaces for natural beach substrate that can adapt to changes in beach profiles.
- (k) Docks, piers and floats.
 - (i) Docks, piers and floats shall not deflect river currents or wave energy resulting in the undercutting of banks, erosion, or damage to adjacent or downstream properties or critical saltwater habitat;
 - (ii) Where feasible, moorage buoys shall be required instead of piers, docks or floats on all tidal water, except for port, industrial and commercial developments in the Urban shoreline environment designation;
 - (iii) Docks, piers and floats associated with water-dependent commercial or industrial uses shall be the minimum size and length necessary to accommodate the proposed use;
 - (iv) Commercial and industrial docks upon which toxic or flammable materials are handled or stored shall make adequate provisions to minimize the possibility of an accidental spill and prepare an effective spill response plan;
 - (v) Joint use docks and piers shall be required for commercial and industrial enterprises in close proximity to each other, unless the applicant can demonstrate that the possibility of a multiple owner or multiple use facility is not feasible;
 - (vi) When moorage facilities are proposed in conjunction with new subdivisions, motels or multi-family residences, a single, joint use moorage facility shall be required.
 - (vii) When reviewing permit applications for new docks, piers and floats associated with single family residences, the county will consider the following:
 - (A) Availability and adequacy of existing community or public facilities providing access to the same shoreline water body; and
 - (B) The feasibility of multiple owner or multiple user facilities. Shared use facilities are preferred whenever possible.
 - (viii) Unless shared by adjacent property owners, covered private docks and boathouses shall be at least three feet from any side lot line or extension thereof. No setback from adjacent properties is required for uncovered private docks and boathouses or for private docks and boathouses shared by adjacent property owners.
 - (ix) Docks, piers and floats shall be located and designed as follows:
 - (A) Floats and floating docks shall include stops which will serve to elevate the floats above the tidelands at low tide. Floats shall be secured with anchored cables in place of pilings, where feasible;
 - (B) Docks, piers and floats are not allowed in or over critical saltwater habitat;
 - (C) Shortening, lengthening, narrowing, or reducing the area of a dock, pier or float shall be required as necessary to ensure that:
 - (I) The structure does not extend over-water in such a manner as to impede navigation or create a navigation hazard; and
 - (II) The structure avoids disturbing or shading significant freshwater aquatic vegetation communities or critical saltwater habitat;
 - (D) Increase or decrease of the height of the dock, pier or float may be

required to allow for the penetration of light to reduce impacts to habitat related to shading;

(E) Pier and dock requirements for marine shorelines.

(I) Piers and docks located on marine shorelines shall be the minimum size required to provide for moorage. Single family piers or docks shall not exceed 90 feet in length measured perpendicularly from the OHWM. Shared moorage may extend up to 110 feet in length if demonstrated to be necessary to provide adequate moorage. Docks that cannot meet this standard may request a review under the variance provisions of chapter 30.44 SCC;

(II) The maximum width of each pier or dock shall be six feet; and

(III) The maximum width of walkway ramps shall be four feet and shall be fully grated;

(F) Pier and dock requirements for lake shorelines.

(I) The maximum waterward intrusion of any portion of any pier or dock shall not extend further waterward than the average intrusion of the piers or docks on lots abutting the location of the new dock as measured perpendicularly from the OHWM unless an alternative dimension is required to prevent impacts to critical habitat or navigation. In no circumstances shall the maximum waterward intrusion of any portion of the pier or dock extend more than 80 feet from the OHWM, or the point where the water depth is eight feet below the elevation of the OHWM, whichever is reached first;

(II) The maximum width of each pier or dock shall be six feet, or up to eight feet wide on joint use docks; and

(III) The maximum width for piers and docks shall be four feet for the first thirty feet from the OHWM of any lake identified as salmonid habitat.

(G) Pier and dock requirements for river shorelines.

(I) Pier and dock dimensions shall be the minimum necessary to accommodate the proposed use;

(II) Piers and docks shall not impede navigation, water flow, or transport of sediment and debris and shall not result in acceleration of erosion on adjacent or opposite banks; and

(III) Construction timing shall not coincide with migration or spawning of anadromous fish;

(H) Float requirements.

(I) One float per single-family residence and no more than one common use float for each new multifamily development, short subdivision or subdivision is permitted;

(II) No portion of a float shall be placed more than 45 feet waterward of the OHWM on lake shorelines;

(III) Retrieval lines shall not float at or near the surface of the water; and

(IV) No float shall have more than 100 square feet of surface area;

(I) Construction materials for docks, piers or floats shall meet the following requirements:

(I) The decking of all piers and docks shall be designed to allow a minimum of 45 percent light passage. Floats shall be designed to allow a minimum of 30 percent light passage. This may be accomplished through grated decks, space between decking, light prisms, or other means;

(II) If plastics or other non-biodegradable materials are used in float, pier, or dock construction, containment features in the design of the structures are required;

(III) Any part of a dock, pier or float that comes in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the department determines that there is no feasible alternative to toxic construction materials or finishes that will provide the structural characteristics necessary for the project; and

(IV) Skirting is not permitted.

(1) Boathouse, private, noncommercial.

(i) The height of any covered, over-water structure shall not exceed 12 feet as measured from the ordinary high water mark;

(ii) The total area including building and possible pier walkway of covered, over-water structures shall not exceed 500 square feet;

(iii) The entirety of the over-water structure shall have a width no greater than 25 percent of the width of the lot at the natural shoreline upon which it is located;

(iv) Maximum extent for any boathouse is 25 feet beyond the mean low waterline;

(v) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored, except as provided in SCC 30.67.570(2)(g); and

(vi) Unless shared by the adjacent property owner, covered boathouses shall be at least three feet from the side lot line or extension thereof. No setback from adjacent properties is required for structures shared by adjacent property owners.

(vii) All boat houses shall consist of a roof and support beams and necessary pier walkways and piling supports. Side walls are prohibited;

(viii) Translucent boat canopies shall be used when possible in lieu of constructing a new boathouse; and

(ix) When a new boat house is constructed, mitigation sequencing for shoreline ecological impacts shall be required per SCC 30.67A.310(3)(a).

(m) Mooring Buoys

(i) Mooring buoys shall not be located on or over critical saltwater habitats;

(ii) Except as prohibited in (i) above, mooring buoys may be located on or over nearshore accretion areas, such as sandflats, mudflats and pocket estuaries;

(iii) Mooring buoys shall be located to minimize impacts on navigation; and

(iv) Mooring buoys shall be reasonably visible to boaters.

(2) In addition to the general regulations contained in SCC 30.67.515(1), the following shoreline environment designation-specific regulations for new boating facilities in shorelines apply as applicable:

(a) Urban. Boating facilities are permitted.

(b) Urban Conservancy.

(i) Marinas, yacht and boat clubs, boat launch facilities other than boat ramps, public or commercial docks and piers, and boathouses are prohibited; and

(ii) Boat ramps, private docks, floats and mooring buoys are conditionally permitted.

(c) Rural Conservancy.

(i) Boat launch facilities, boat ramps, boathouses, docks, piers, floats and mooring buoys are permitted ; and

(ii) Marinas and yacht and boat clubs are conditionally permitted.

(d) Resource.

(i) Marinas and yacht and boat clubs are prohibited;

- (ii) Boathouses are conditionally permitted; and
- (iii) Boat launch facilities, boat ramps, docks, piers, floats and mooring buoys are permitted.
- (e) Municipal Watershed Utility. All boating facilities are prohibited except boat ramps, which are permitted.
- (f) Natural. All boating facilities are prohibited except boat ramps which are conditionally permitted.
- (g) Aquatic.
 - (i) Marinas, yacht and boat club facilities are conditionally permitted if the adjacent shoreland designation is either Urban or Rural Conservancy.
 - (ii) Boat ramps are:
 - (A) Permitted only when the adjacent shoreland is designated Urban, Rural Conservancy, Resource or Municipal Watershed Utility; and
 - (B) Conditionally permitted when the adjacent shoreland designation is Urban Conservancy or Natural;
 - (iii) Private docks, floats and mooring buoys are:
 - (A) Permitted only when the adjacent shoreland is designated Urban, Rural Conservancy or Resource;
 - (B) Conditionally permitted when the adjacent shoreland designation is Urban Conservancy; and
 - (C) Prohibited when the adjacent shoreland designation is Municipal Watershed Utility or Natural; and
 - (iv) Public or commercial docks, piers or boathouses are conditionally permitted only if the adjacent shoreland designation is Urban, Rural Conservancy or Resource.
 - (v) Private boathouses are:
 - (A) Permitted only when the adjacent shoreland designation is either Urban or Rural Conservancy;
 - (B) Conditionally permitted when the adjacent shoreland designation is Resource; and
 - (C) Prohibited when the adjacent shoreland designation is either Urban Conservancy, Municipal Watershed Utility or Natural.
- (3) Moorage on waters of the state without a lease or permission from the state Department of Natural Resources is restricted by the state and mitigation of impacts to navigation and access is required. If the county becomes aware of un-authorized moorage on waters of the state, the department will notify the state Department of Natural Resources.

30.67.520 Breakwaters, jetties, groins and other in-water structures.

- (1) The following general regulations apply to new breakwaters, jetties, groins and other in-water structures not specifically identified:
 - (a) In-water structures shall be designed and located to:
 - (i) Avoid or minimize and mitigate impacts to shoreline ecological functions, especially littoral drift;
 - (ii) Have no adverse impacts on downdrift, downstream and adjacent properties, such as beach starvation, channel migration or erosion;
 - (iii) Allow for fish passage and for the transport of sediment, debris and floodwaters;
 - (iv) Be visually compatible with their surroundings;

(v) Avoid or minimize restrictions on the public use of the water surface, especially navigational access; and

(vi) Not be located on or over critical saltwater habitats.

(b) Floating wave attenuators, floating breakwaters, open wall designs or other alternatives to a solid breakwater shall be required for all in-water structures.

(2) In addition to the general regulations contained in SCC 30.67.520(1), the following shoreline environment designation-specific regulations for new breakwaters, jetties, groins or other in-water structures apply:

(a) For projects with the sole purpose of restoration or enhancement of shoreline ecological functions, breakwaters, jetties, groins and other in-water structures are conditionally permitted in the Natural and its adjacent Aquatic environments and permitted in all other shoreline environments; and

(b) For projects not meeting the criteria in SCC 30.67.520(2)(a), the following applies:

(i) Breakwaters, jetties, groins and other in-water structures are conditionally permitted in the Urban, Rural Conservancy, Resource and their adjacent Aquatic environments; and

(ii) Breakwaters, jetties, groins and other in-water structures are prohibited in the Urban Conservancy, Municipal Watershed Utility, Natural and their adjacent Aquatic environments.

30.67.525 Commercial.

Commercial development is defined in SCC 30.91C.132.

(1) The following general regulations apply to commercial development in shoreline jurisdiction:

(a) All commercial development shall be required to provide public access consistent with SCC 30.67.330.

(b) Non-water dependent commercial development is only permitted in the following circumstances:

(i) The proposed development is part of a mixed use project that includes water-oriented uses as the primary use of the site, and the commercial development is clearly incidental or secondary to the water-oriented uses;

(ii) Navigability is severely limited at the proposed site and the use provides public access and restoration of wetlands or fish and wildlife habitat; or

(iii) The proposed commercial development is located over 200 feet from the ordinary high water mark or is physically separated from the shoreline by another property or public right-of-way.

(2) In addition to the general regulations contained in SCC 30.67.525(1), the following shoreline environment designation-specific regulations for commercial uses apply as applicable:

(a) Urban. Commercial uses are permitted.

(b) Urban Conservancy. Commercial uses are prohibited.

(c) Rural Conservancy. Commercial uses are permitted in areas zoned General Commercial (GC), Rural Business (RB), Rural Industrial (RI), Rural Diversification (RD) or Rural Freeway Service (RFS).

(d) Resource. Commercial uses are permitted in areas zoned Agriculture 10-acres (A-10), Forestry (F), General Commercial (GC), Rural Business (RB), Rural Industrial (RI), Rural Diversification (RD) or Rural Freeway Service (RFS).

- (e) Municipal Watershed Utility. Commercial uses are prohibited.
- (f) Natural. Commercial uses are prohibited.
- (g) Aquatic. Only those water-dependent portions of the commercial use that require an over-water or in-stream location are conditionally permitted only when the commercial use is allowed in the adjacent shoreland environment.

30.67.530 Dredging and spoil disposal.

Dredging is defined in SCC 30.91D.445.

(1) The following general regulations apply to dredging and dredge spoil disposal within shorelines:

- (a) Projects shall be sited and designed to avoid the need for new or maintenance dredging.
- (b) Dredging and dredge spoil disposal are allowed only:
 - (i) For maintenance of existing navigation channels, provided that the dredging extent is limited to that area previously dredged or to the authorized location, depth and width;
 - (ii) When necessary to construct or maintain marinas, boat ramps or other boat launch facilities;
 - (iii) For flood protection under SCC 30.67.540;
 - (iv) In conjunction with ecological restoration or enhancement projects;
 - (v) In conjunction with mining activities allowed pursuant to SCC 30.67.560(1)(a); or
 - (vi) When necessary to maintain and operate public water supply, power generation, and flood control reservoirs, including, but not limited to, sediment removal at pipe inlets or outlets.
- (c) The operation and location of dredging and dredge disposal sites shall meet the following criteria:
 - (i) Unless directly related to restoration or enhancement of shoreline ecological functions, dredging shall not be allowed:
 - (A) Within critical saltwater habitats or salmonid spawning areas; or
 - (B) For the sole purpose of obtaining fill or mineral resources except as allowed pursuant to 30.67.530(1)(b);
 - (ii) Dredging and dredge material disposal activities shall implement all feasible mitigation measures to minimize adverse impacts to shoreline habitats;
 - (iii) Dredging projects that convert intertidal habitat to subtidal habitat in order to improve navigability must include a comprehensive assessment identifying potential cumulative impacts of site-specific changes to ecosystem functions;
 - (iv) Dredging shall not be allowed along net-positive drift sectors and where geohydraulic processes are active and accretion shoreforms would be damaged, altered, or irretrievably lost;
 - (v) Unless in conjunction with an ecological restoration project, open water dredge disposal shall occur only at approved Puget Sound Dredge Disposal Analysis (PSDDA) sites. Any party utilizing a PSDDA site must comply with all PSDDA requirements; and
 - (vi) Cleanup and disposal of dredged material waterward of the ordinary high water mark must be in accordance with a state Department of Natural Resources Dredged Material Management Program.
- (d) Dredge spoils may be utilized in ecological restoration or enhancement projects, provided that they do not contain contaminants and water quality is not adversely impacted.

(e) All dredge spoil disposal sites, except for PSDDA sites, shall meet the following requirements:

(i) The disposal site shall be located outside of the channel migration zone unless the dredge materials will be for a permitted use within the adjacent shoreline jurisdiction;

(ii) Before beginning disposal operations, the dikes enclosing the disposal site shall be constructed such that no spoils bearing discharge water may escape. The disposal site dikes shall be kept in this condition throughout any disposal operation;

(iii) The settling area within the dikes must be large enough so that the outlet pipe conveying return water can be periodically relocated to control the uptake of suspended sediment;

(iv) Normal drainage patterns within the project site shall not be adversely affected by the spoils disposal operation;

(v) Within six months of the issuance of a permit for dredging activities, trees shall be planted and maintained around the perimeter of the site to act as a visual buffer;

(vi) Dredge spoils may be deposited and removed from the site in a manner that does not disturb the perimeter dike, except at points of ingress and egress, and consistent with the conditions of the approved permit; and

(vii) Written notice shall be given to the department at least two weeks prior to the commencement of any permitted dredge spoils disposal operation.

(2) In addition to the general regulations contained in SCC 30.67.530(1), the following shoreline environment designation-specific regulations for dredging and dredge spoil disposal apply:

(a) Dredging and dredge spoil disposal is conditionally permitted in all shoreline environments when directly related to restoration or enhancement of shoreline ecological functions.

(b) For all dredging or dredge spoil disposal projects not related to ecological enhancement or restoration projects, the following shoreline environment designation-specific regulations apply:

(i) Dredge spoil disposal is conditionally permitted in the Urban, Rural Conservancy and Resource environments;

(ii) Dredge spoil disposal is prohibited in the Urban Conservancy and Natural environments;

(iii) Dredging and dredge spoil disposal are conditionally permitted in the Municipal Watershed Utility environment when consistent with a project license issued by the Federal Energy Regulatory Commission;

(iv) Dredging in the Aquatic environment is conditionally permitted when allowed pursuant to SCC 30.67.530(1); and

(v) Dredge spoil disposal is conditionally permitted in the Aquatic environment when:

(A) The dredge spoil disposal is conducted in conjunction with any of the following project types:

(I) Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;

(II) Disposal of dredged material from dredging projects allowed under SCC 30.67.530(1)(b) when the dredged material is considered suitable under, and conducted in

accordance with, the dredged material management program of the state Department of Natural Resources; or

(III) Disposal of dredged material in conjunction with an approved ecological restoration or enhancement project; or

(B) The dredge spoils are deposited at a Puget Sound Dredge Disposal Analysis (PSDDA) site.

30.67.535 Fill.

(1) The following general regulations apply to fill within shorelines:

(a) Fill is permitted only when used as preparation for a use or modification otherwise permitted by this SMP, except that fill is only allowed in the 100-year floodplain for the purpose of flood-proofing a structure or as part of an ecological restoration or enhancement project.

(b) When allowed under 30.67.535(1)(a), use of fill is subject to the following conditions:

(i) Uses and modifications shall be located and designed to minimize the amount and extent of fill necessary to accommodate the use. For example, projects should be designed with pile-supported piers, rather than piers constructed with fill;

(ii) The perimeter of all fills shall be provided with some means to control erosion. Nonstructural methods such as vegetation and soil bioengineering shall be used unless infeasible;

(iii) The source and content of fill materials to be used shall be approved by the department prior to deposition. Neither organic materials nor fill materials identified as solid waste pursuant to SCC 7.25.020(32) shall be deposited waterward of the ordinary high water mark;

(iv) Fills shall not interfere with normal public use of the waters of the state; and

(v) Dredge spoil disposal used as fill shall comply with SCC 30.67.530.

(2) In addition to the general regulations contained in SCC 30.67.535(1), the following shoreline environment designation-specific regulations for fill apply:

(a) Fill is permitted in the Urban, Rural Conservancy, Resource and Municipal Watershed Utility environments.

(b) Fill is permitted in the Urban Conservancy and Natural environments when in conjunction with an ecological restoration or enhancement project. Otherwise, fill in the Urban Conservancy and Natural environments is conditionally permitted.

(c) Fill is permitted in the Aquatic environment when in conjunction with an ecological restoration or enhancement project. Otherwise, fill in the Aquatic environment is conditionally permitted and shall be consistent with the following:

(i) Fill waterward of the ordinary high water mark shall not contain organic materials or materials identified as solid waste pursuant to SCC 7.35.020(32). The source and content of fill materials to be used waterward of the ordinary high water mark shall be approved by the department prior to deposition; and

(ii) Fill waterward of the ordinary high water mark shall only be allowed when necessary to support:

(A) A water- dependent use with no feasible alternative to fill;

(B) A transportation facility of statewide significance, an essential public facility or utility, or a navigational structure with no feasible alternative to fill;

(C) The cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan; or

(D) The creation or enhancement of public access.

30.67.540 Flood protection measures.

(1) The following general regulations apply to flood protection measures within shorelines:

(a) Flood protection measures are subject to chapter 30.65 SCC and shall be planned, constructed and maintained in accordance with a county and state approved floodplain management plan, if applicable.

(b) New structural flood protection measures may be allowed if:

(i) A geotechnical report establishes that structural flood protection measures are necessary to protect existing primary structures, new or existing public utilities, roads or bridges, or designated farmlands, and that non-structural measures are not feasible; or

(ii) Necessary to facilitate a project whose sole purpose is restoration or enhancement of shoreline ecological functions.

(c) Except as allowed under SCC 30.67.540(1)(h) or 30.67.540(2)(d), removal of sand, gravel or sediments for flood management purposes is only allowed under the following conditions:

(i) The proposal is consistent with a current Snohomish County Flood Hazard Management Plan;

(ii) A geotechnical or engineering analysis demonstrates that the removal will result in the long-term reduction of flood hazards;

(iii) The activity does not result in a net loss of ecological functions or impair migration, spawning or rearing of anadromous fish; and

(iv) If proposed waterward of the ordinary high water mark, the activity is conducted in compliance with the requirements for dredging and dredge spoil disposal in SCC 30.67.530.

(d) Flood protection measures shall not result in channelization of normal stream flows, interfere with natural hydraulic processes such as channel migration, or undermine existing structures or downstream stream banks.

(e) New flood control dikes shall be landward of any associated wetlands and their buffers, and where feasible, landward of the channel migration zone.

(f) New flood protection structures such as dikes and levees shall provide public access pursuant to SCC 30.67.330.

(g) Normal maintenance or repair of flood protection measures is allowed.

(h) Emergency flood protection measures are allowed subject to the provisions in SCC 30.44.280.

(i) Except as otherwise allowed in SCC 30.67.540(1)(b)(ii), new structural flood control measures are prohibited on estuarine shores, on point and channel bars and in salmon and trout spawning areas.

(2) In addition to the general regulations contained in SCC 30.67.540(1), the following shoreline environment designation-specific regulations for flood protection measures apply:

(a) Structural flood protection measures in conjunction with ecological restoration or enhancement projects are permitted in all shoreline environments except the Natural environment. Non-structural flood protection measures are permitted in all shoreline environments in conjunction with ecological restoration or enhancement projects.

(b) When not in conjunction with ecological restoration or enhancement projects, non-structural flood protection measures are permitted in all shoreline environments, except that non-structural flood protection measures in the Aquatic environment are conditionally permitted.

(c) When not in conjunction with ecological restoration or enhancement projects, and when a geotechnical report demonstrates that flood protection measures are necessary to protect existing primary structures, new or existing public utilities, roads or bridges, or designated farmlands, and that non-structural solutions would be inadequate to achieve the needed protection, structural flood protection measures are permitted in all shoreline environments, except that structural flood protection measures are prohibited in the Natural and Urban Conservancy environments and the Aquatic environment adjacent to Natural and Urban Conservancy environments, and except that structural flood protection measures are conditionally permitted in other Aquatic environments.

(d) Debris deposited by flood events within the previous 12-month period may be removed from designated farmlands in the Resource environment.

30.67.545 Forestry.

(1) The following general regulations apply to forestry activities within shorelines:

(a) For timber harvest located within 200 feet landward of the ordinary high water mark in shorelines of statewide significance, harvest activities shall employ selective timber cutting so that no more than 30 percent of the merchantable timber may be harvested in any ten-year period. Exceptions to this standard or when in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective timber cutting ecologically detrimental, a conditional use permit shall be required.

(b) Forest management activities shall comply with the state's current forest practices rules and regulations (Title 222 WAC) and pesticides regulations (chapter 17.21 RCW).

(c) Development incidental to forestry activities, such as forestry roads, must comply with all local regulations and Title 222 WAC. Where there are conflicts, the provision resulting in the greatest protection for shoreline ecological functions shall apply.

(d) The following regulations apply to log storage in shoreline jurisdiction:

(i) All new log storage areas shall be on paved dry land.

(ii) Logs stored in water where such use has been established prior to July 27, 2012, shall comply with the following requirements:

(A) Log storage shall not be located where it could interfere with small craft navigation or normal public use of the waters of the state;

(B) Logs shall not be stored or rafted where grounding will occur;

(C) Free-fall dumping of logs into water is prohibited;

(D) Devices shall be used for placing logs in the water that will reduce bark separation and generation of wood debris;

(E) Bark and wood debris controls, collection, and disposal methods shall be used at log dumps, raft building areas and mill side handling zones;

(F) Logs shall not be stored in rapidly flowing waters or other areas where positive bark and debris controls would not be effective;

(G) Accumulations of bark and other debris on the land and docks around dump sites shall be kept out of the water; and

(H) Where water depths permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at mill sites.

(2) In addition to the general regulations contained in SCC 30.67.545(1), timber harvest or removal is permitted in all shoreline environment designations when conducted in accordance

with the requirements of chapter 76.09 RCW and Title 222 WAC, provided that:

(a) The thresholds established in SCC 30.67.545(1)(a) are not exceeded on shorelines of statewide significance, in which case the timber harvest or removal is conditionally permitted; or

(b) In cases where the land is likely to be converted to a non-forestry use, the department will place conditions on the Class IV-General forest practices permit to ensure that the timber harvest or removal is consistent with the following criteria:

(i) The management policies contained in the SMP for the shoreline environment designations where the timber harvest or removal will occur;

(ii) The shoreline use requirements in SCC 30.67.420 and .430;

(iii) The intended use, modification and vegetation management development standards in SCC 30.67, Part 500;

(iv) The standard for no net loss of shoreline ecological functions in SCC 30.67.320; and

(v) The provisions of the Shoreline Management Act and the SMP.

30.67.550 Industry and ports.

Ports are centers for water-borne traffic and industrial and manufacturing firms.

(1) The following general regulations apply to industrial development and ports within shorelines:

(a) All industrial development and ports shall provide public access pursuant to SCC 30.67.330.

(b) Non-water dependent industrial development is permitted under the following circumstances:

(i) The proposed development is part of a mixed use project that includes water-oriented uses as the primary use of the site, and the industrial development is clearly incidental or secondary to the water-oriented uses;

(ii) Navigability is severely limited at the proposed site and the use provides public access and restoration of wetlands or fish and wildlife habitat; or

(iii) The proposed industrial development is located over 200 feet from the ordinary high water mark or is physically separated from the shoreline by another property or public right-of-way.

(c) The following regulations apply to port development in shoreline jurisdiction:

(i) Proposed port developments, expansions, alterations, or any phase thereof shall be consistent with, and shall be based upon, a comprehensive harbor improvement plan adopted by the county; and

(ii) Flexibility from the requirements of this chapter may be granted where the proposed port development will result in equal or better public access and restoration or enhancement of shoreline ecological functions than would be required under this chapter.

(2) In addition to the general regulations contained in SCC 30.67.550(1), the following shoreline environment designation-specific regulations for industrial development and ports apply:

(a) Industrial development and ports are permitted in the Urban, Rural Conservancy and Resource environments.

(b) Industrial development and ports are prohibited in the Urban Conservancy, Municipal Watershed Utility and Natural environments.

(c) Industrial development and ports are conditionally permitted in the Aquatic environment when the adjacent shoreland designation is Urban, Rural Conservancy or Resource.

30.67.555 Institutional.

Institutional uses include those nonresidential uses that typically are found in all zones, including residential zones, such as health and social service facilities, community facilities for juveniles or seniors, schools, libraries, museums, government structures and facilities, and churches. Uses conducted within a single-family residential structure and which are secondary to the residential use of the structure such as a day care, elder care, home school or foster home are not considered institutional uses for the purposes of this chapter.

(1) Institutional developments shall comply with the standards for commercial development pursuant to SCC 30.67.525 unless conducted incidental to a residential use, in which case the residential requirements contained in SCC 30.67.570 apply.

(2) In addition to the general regulations contained in SCC 30.67.555(1), the following environment-specific regulations for institutional uses apply:

(a) Institutional uses are permitted in the Urban and Rural Conservancy environments.

(b) Institutional uses are conditionally permitted in the Resource environment.

(c) Institutional uses are prohibited in the Urban Conservancy, Municipal Watershed Utility and Natural environments.

(d) In the Aquatic shoreline environment designation, only those water-dependent portions of the use that require an over-water or in-stream location are conditionally permitted when the adjacent shoreline environment designation is Urban, Urban Conservancy, Rural Conservancy or Resource. All other institutional uses are prohibited.

30.67.560 Mining.

Mining is the removal and primary processing of naturally occurring materials including sand, gravel, rock, soil, peat or precious metals for economic use. Mining activities also include in-water and in-channel dredging activities related to mineral extraction.

(1) The following general regulations apply to mining activities in shorelines:

(a) Mining activities are allowed in shoreline jurisdiction only when necessary as an integral part of the following project types:

(i) Ecological restoration or enhancement;

(ii) Flood hazard management, provided that:

(A) The project is recommended in a Snohomish County flood hazard management plan and is consistent with chapter SCC 30.65 SCC and SCC 30.67.540; and

(B) A geotechnical or engineering analysis demonstrates that the proposed mining will result in long-term flood hazard reduction benefits;

(iii) To alleviate an emergency situation as defined in SCC 30.91E.100 and subject to the following conditions:

(A) The mining activity is the minimum necessary to alleviate the emergency situation;

(B) The permit procedures for emergency modifications or construction in SCC 30.67.470 are satisfied; and

(C) When related to alleviation of a flood hazard emergency, the mining activity meets the standards in SCC 30.44.280;

- (iv) Mineral extraction and use for forest practices, provided that:
 - (A) The mining activity is conducted more than 200 feet from the ordinary high water mark of shorelines of statewide significance; and
 - (B) the appropriate notifications, approvals or permits are obtained pursuant to chapter 76.09 RCW;
 - (v) Removal of mineral resources deposited above the ordinary high water mark by flood events onto designated agricultural lands under the county's comprehensive plan for the purpose of maintaining or restoring land for agricultural activities; or
 - (vi) Dredging allowed pursuant to SCC 30.67.530.
- (b) Removal of mineral resources shall comply with the following standards:
 - (i) The mining activity shall not occur in critical saltwater habitat, primary association areas for critical species, or in salmonid spawning habitat except in conjunction with an approved habitat restoration or enhancement project;
 - (ii) Mining activities shall not disrupt natural hydrology or sedimentation processes including but not limited to littoral drift, accretion, feeder bluffs or other sediment transport;
 - (iii) Mining activities shall not result in channelization of normal stream flows, interfere with natural hydraulic processes such as channel migration, undermine existing structures or downstream stream banks, or increase risk of stream avulsion;
 - (iv) Mining activities shall not result in a net loss of shoreline ecological functions or impair migration of anadromous fish; and
 - (v) Mining activities waterward of the ordinary high water mark of a river, including bars and islands, shall not be permitted unless:
 - (A) Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;
 - (B) The mining and any associated permitted activities will not have significant adverse impacts on habitat for critical species or cause a net loss of ecological functions of the shoreline;
 - (C) The determinations made pursuant to SCC 30.67.560(1)(b)(v)(A) and (B) shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a). Such evaluation of impacts should be appropriately integrated with relevant critical area and environmental review requirements pursuant to chapters 30.61, 30.62A and 30.62B SCC; and
 - (D) In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with the SMP and chapter 30.31D SCC.
 - (c) Permit requirements for mining should be coordinated with the requirements of chapter 78.44 RCW and chapters 30.31D and 30.44 SCC.
 - (d) Mining activities which meet the definition of "dredging" in SCC 30.91D.445 shall comply with SCC 30.67.530.
 - (e) Mining within any channel migration zone that is within shoreline jurisdiction shall require a shoreline conditional use permit.
 - (f) Proposed subsequent use of mined property shall be consistent with the provisions of the shoreline environment designation in which the property is located and reclamation of

disturbed shoreline areas shall restore all shoreline ecological functions adversely impacted by the mining activities.

(2) In addition to the general regulations contained in SCC 30.67.560(1), the following shoreline environment designation-specific regulations for mining apply:

(a) Mining activities allowed pursuant to SCC 30.67.560(1)(a) are conditionally permitted in all shoreline environments, except that mining activities related to forest practices as described in SCC 30.67.560(1)(a)(iv) are permitted in the Resource and Municipal Watershed Utility environments unless subject to a conditional use permit pursuant to SCC 30.67.560(1)(e).

(b) Except when allowed pursuant to SCC 30.67.560(1)(a), mining activities for the sole purpose of obtaining fill or commercial sale or processing of mineral resources are prohibited in all shoreline environments.

(c) Non-conforming mining activities are subject to the requirements in SCC 30.44.125.

30.67.565 Recreation.

Recreation uses are those uses that provide facilities for athletic activities, hobbies or other entertainment that provides relaxation or enjoyment of leisure time as a primary use. Recreation uses include both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual. Commercial uses that are incidental to a recreation use such as concession stands or boat rental shall be considered part of the recreation use.

(1) The following general regulations apply to recreation in shorelines:

(a) Commercial recreational development shall comply with the requirements for commercial uses in SCC 30.67.525, in addition to the requirement of this section.

(b) Recreation facilities shall be designed to take maximum advantage of and enhance the natural character of the shoreline area.

(c) Motor vehicle use, including two- and three-wheeled vehicles, shall not be permitted on beaches, dunes, or wetlands and fish and wildlife habitat conservation areas except as necessary for official maintenance or the preservation of public health and safety.

(d) Non-water dependent uses are only allowed in the following circumstances:

(i) The proposed use is part of a mixed use project that includes water-dependent uses as the primary use of the site, and the non-water dependent uses are incidental or secondary to the water-dependent uses;

(ii) Navigability is severely limited at the proposed site and the use provides public access and restoration of wetlands or fish and wildlife habitat; or

(iii) The proposed site is physically separated from the shoreline by another property or public right-of-way.

(2) In addition to the general regulations contained in SCC 30.67.565(1), the following shoreline environment designation-specific regulations for recreation apply:

(a) Recreation uses are permitted in the Urban, Urban Conservancy and Rural Conservancy environments;

(b) Recreation uses are permitted in the Resource environment, except that golf courses, playing fields and other large areas devoted to athletic activities are prohibited within the Resource environment, except on lands designated "Recreational Lands" by the county's comprehensive plan;

(c) Recreation uses are permitted in the Municipal Watershed Utility environment subject to provisions in the project license from the Federal Energy Regulatory Commission;

(d) Recreation uses are permitted in the Urban Conservancy, Natural, and Aquatic environments subject to the following conditions:

(i) Recreation uses are limited to passive or low-intensity recreation uses, such as trails and areas for public access to the water, hiking and walking, viewing platforms, picnic areas and hunting and fishing areas when such uses require minimal alteration to the shoreline, little clearing or grading and few shoreline modifications to conduct the activity;

(ii) Pedestrian and limited access bridges are allowed when necessary to facilitate public access;

(iii) Floating walkways or other similar over-water pedestrian structures facilitating access to observation points or viewing areas shall be permitted, provided they are constructed to minimize alteration of natural conditions and protect water quality; and

(iv) For artificial marine life habitats typically constructed for recreational diving:

(A) Habitats shall not interfere with surface navigation;

(B) Habitats shall be constructed of long-lasting non-polluting materials and anchored so as to remain in their original location even under adverse current or wave action; and

(C) Habitats may not be installed on publicly-owned submerged land without permission of the administering governmental agency.

30.67.570 Residential.

Residential use includes single and multifamily dwellings and uses and other structures that are typically appurtenant or incidental to a residence. Residential uses also include those limited commercial and institutional uses that occur within or are incidental to a residence, such as bed and breakfast inns, guest houses, home occupations, family daycare, foster homes, retirement apartments, retirement housing and boarding houses.

(1) The following general regulations apply to residential uses in shorelines:

(a) Clustered development, with the open space area preserving and providing access to the water, is required for subdivisions or short subdivisions, except that alternative site designs may be considered by the department provided that the applicant demonstrates that the alternative site design will provide equivalent or better protection for shoreline ecological functions.

(b) Residential subdivisions, short subdivisions, or residential structures shall not be approved when structural flood protection or shoreline stabilization measures will be necessary to protect lots or subsequent development on the lots.

(c) All utility lines shall be located underground.

(d) Accessory structures that are not appurtenances must be proportional in size and purpose to the primary structure, and compatible with onsite and adjacent structures, uses and natural features.

(e) All residential subdivisions, short subdivisions, single family detached units, duplexes, townhouses or condominiums creating more than four parcels or dwelling units, and multi-family developments of more than four lots or dwelling units, shall be required to provide public access under SCC 30.67.330.

(f) Beach or water access using new stairways and trams is allowed, provided the applicant demonstrates that:

(i) Existing shared, public or community facilities are not adequate or available for use;

(ii) The possibility of a multiple-owner or multiple-user facility has been thoroughly investigated and is not feasible; and

(iii) The stairway or tram is designed and located such that:

(A) Subsequent shoreline modification, including the installation of shoreline stabilization, solely for the purpose of protecting the structure, is not necessary;

(B) Removal or modification of existing shoreline vegetation is the minimum necessary to construct the structure, and will be replaced with appropriate native species within the next growing season; and

(C) No fill or other modification water-ward of the ordinary high water mark is necessary to construct or use the structure.

(g) Residential subdivisions and short subdivisions lying fully or partially within shoreline jurisdiction shall be limited to a maximum of ten percent total effective impervious surface area within the subdivision boundary.

(2) In addition to the general regulations contained in SCC 30.67.570(1), the following shoreline environment designation-specific regulations for residential uses apply:

(a) The following residential uses and appurtenant structures are permitted in the Urban environment: single family residential, mobile and manufactured homes, duplex, multifamily, townhouse, and mobile home parks.

(b) Urban Conservancy.

(i) The following residential uses are permitted: single family residential, mobile and manufactured homes;

(ii) Duplex and mobile home parks are conditionally permitted.

(c) Rural Conservancy.

(i) The following residential uses are permitted: single family residential, mobile and manufactured homes, and duplex;

(ii) Mobile home parks are conditionally permitted; and

(iii) Multifamily and townhouses are prohibited.

(d) Resource.

(i) The following residential uses are: single family residential, mobile and manufactured homes, and duplex;

(ii) Mobile home parks are conditionally permitted; and

(iii) Multifamily and townhouse are prohibited.

(e) All residential uses are prohibited in the Municipal Watershed Utility environment.

(f) Natural.

(i) The following residential uses are conditionally permitted: single family residential, mobile and manufactured homes;

(ii) All other residential uses; and

(iii) Alteration of the natural topographic features or flora of the site shall be restricted to that necessary for the placement of the residence and appurtenances. Additional grading or clearing, as for lawns, is prohibited.

(g) New over-water residences and floating homes are prohibited in the Aquatic environment. Houseboats used as a residence and live-aboard vessels may be permitted within marinas or in waters of the state subject to a lease or permission from the state Department of Natural Resources.

30.67.575 Shoreline and bank stabilization.

Shoreline stabilization measures are used to reduce sedimentation and erosion.

(1) The following general regulations apply to shoreline and bank stabilization within shorelines:

(a) Normal maintenance or repair of existing shoreline stabilization structures is allowed.
(b) New, enlarged or replacement structural shoreline stabilization measures may only be used:

(i) To protect:
(A) Existing primary structures, utilities, roads and bridges;
(B) New utilities or public bridges and transportation structures allowed pursuant to 30.62B.330(3);
(C) Designated farmland on the county's comprehensive plan; and
(D) Projects where the sole purpose is to protect or restore shoreline ecological functions; and

(ii) When a geotechnical analysis conducted by a qualified engineer or geologist with experience evaluating and constructing nonstructural stabilization techniques demonstrates that:

(A) Nonstructural shoreline stabilization solutions are not feasible;
(B) Structural stabilization is necessary to provide protection from erosion caused by natural processes such as tidal action, currents, waves or channel migration and that the erosion is not caused by upland conditions, such as loss of vegetation and drainage; and
(C) The erosion rate exceeds that which would normally occur in a natural condition and that the structural stabilization measure would not interfere with hydrological and geomorphologic processes normally acting under a natural condition.

(c) Shoreline stabilization structures shall:

(i) Comply with the guidelines in the *Integrated Streambank Protection Guidelines* (Washington State Department of Fish and Wildlife, April 2003), or the alternative bank protection methods in *Alternative Bank Protection Methods for Puget Sound Shorelines* (Washington State Department of Ecology, May 2000, Publication #00-06-012);

(ii) Not alter natural hydraulic or sediment transport processes to the extent that downstream, downdrift or adjacent properties are damaged; and

(iii) Not cause a net loss of shoreline ecological functions. Mitigation is required for any adverse impacts to shoreline ecological functions including, but not limited to shoreline hydraulic processes such as littoral drift and channel migration, recruitment of beach materials from feeder bluffs and sediment transport.

(d) Construction of stabilization measures shall meet the following criteria:

(i) The size and quantity of material constituting the shoreline stabilization structure shall be the minimum necessary;

(ii) Beach materials shall not be used to backfill bulkheads, seawalls and other shoreline stabilization structures;

(iii) Construction materials shall not contain, or be treated or coated with toxic materials;

(iv) Shoreline stabilization structures shall not be used for the indirect purpose of creating land. When fill is required behind an already existing structure, it shall not extend water-ward of the ordinary high water mark unless otherwise permitted by this chapter;

(v) Structures shall be located landward of the ordinary high water mark, landward

of the storm berm, and generally parallel to the natural shoreline except:

(A) On bluff or bank shorelines where no other armoring structures are adjacent, such structures shall be as close to the toe of the bank as possible;

(B) Where there are stabilization structures on adjacent properties, the proposed structure shall be tied in flush, except where adjoining structures extend water-ward of the ordinary high water mark;

(C) Replacement walls or bulkheads shall not encroach water-ward of the ordinary high water mark or water-ward of the existing structure unless the residence was occupied prior to January 1, 1992 [per RCW 90.58.100(6)]. In such cases, the replacement structure shall abut the existing shoreline stabilization structure and any adversely impacted shoreline ecological functions shall be mitigated. If critical saltwater habitats or shoreline ecological functions would be adversely impacted by leaving the existing structure, the structure shall be removed as part of the replacement measure; and

(D) Nonstructural shoreline stabilization measures that provide restoration of shoreline ecological functions may be allowed water-ward of the ordinary high water mark; and

(vi) Publicly financed or subsidized structures shall include provisions for public access as required under SCC 30.67.330.

(2) In addition to the general regulations in SCC 30.67.575(1), the following shoreline environment designation-specific regulations for shoreline and bank stabilization apply:

(a) Non-structural shoreline and bank stabilization measures are permitted in all shoreline environments except that non-structural flood protection measures in the Natural and Aquatic environments are conditionally permitted; and

(b) Structural shoreline and bank stabilization measures are permitted in all shoreline environments except Natural and adjacent Aquatic environments to protect ecological enhancement or restoration projects when non-structural protection measures are not feasible. When not in conjunction with an ecological enhancement or restoration project, structural shoreline and bank stabilization is conditionally permitted in all shoreline environments except Natural and Urban Conservancy environments and Aquatic environments adjacent to Natural and Urban Conservancy environments.

30.67.580 Shoreline habitat restoration and enhancement.

The purpose of shoreline habitat restoration and enhancement projects is to improve ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.

(1) The following general regulations apply to shoreline habitat restoration and enhancement projects within shorelines:

(a) Shoreline habitat restoration or enhancement projects shall:

(i) Restore, enhance or create fish and wildlife habitat; or

(ii) Implement a recommended project from the shoreline restoration element.

(b) Shoreline habitat restoration or enhancement projects shall not adversely impact river currents, sediment processes, littoral drift, wetland or fish and wildlife habitat conservation areas.

(c) Beach enhancement shall be prohibited within spawning, nesting or breeding habitat or where littoral drift of the enhancement materials adversely affects adjacent spawning grounds or other fish and wildlife habitat conservation areas.

(d) Beach and stream enhancement shall not:

- (i) Extend water-ward more than the minimum amount necessary to achieve the desired stabilization;
 - (ii) Result in steep contours that impede easy pedestrian passage or trap drifting sediments;
 - (iii) Be used solely to create new land area;
 - (iv) Disturb riparian vegetation or shallow water fish and wildlife habitat, unless such habitat is replaced within the earliest appropriate season by new habitat or native vegetation consistent with SCC 30.67.580(1)(h);
 - (v) Result in a beach differing in character from natural conditions historically found on the site or vicinity; or
 - (vi) Interfere with the normal public use of the navigable waters of the state.
- (e) Lake and marine beach restoration or enhancement shall be consistent with the following:
- (i) New materials added to a beach shall be of a size and composition as similar as possible to the existing natural materials, but large enough to withstand normal current, wake or wave action at the site;
 - (ii) The restored beach shall approximate the natural lake or marine shoreline width, height, bulk, profile, and vegetation community and structure;
 - (iii) Only short-term mechanical assistance may be used to accomplish planting;
 - (iv) Plantings must be maintained to achieve at least an 80 percent survival rate after two years of placement; and
 - (v) Gravel berms, drift sills and beach nourishment must be used when appropriate for the site.
- (f) Stream restoration or enhancement shall be consistent with the following:
- (i) Large woody debris placement, engineered log jams, bioengineering techniques, fish screens, self-regulating tide gates, removal of artificial structures and fish barriers, fishways, and stream channel improvements shall be included where appropriate;
 - (ii) Only short-term mechanical assistance may be used to accomplish planting;
 - (iii) Plantings must be maintained to achieve at least an 80 percent survival rate after two years of placement;
 - (iv) Size and composition of new materials added to a stream shall be as similar as possible to the existing natural materials, but large enough to withstand normal current, wake or wave action at the site; and
 - (v) Restoration or enhancement of the natural stream channel characteristics of length, width, gradient and sinuosity shall be included where appropriate.
- (g) Stream restoration or enhancement shall not:
- (i) Create barriers for juvenile or adult migrating fish;
 - (ii) Remove large woody material embedded in a bank or bed except in those unique circumstances where removal is necessary to successfully achieve implementation of the restoration or enhancement project;
 - (iii) Alter the natural stream more than the minimum amount necessary to achieve the desired restoration or enhancement;
 - (iv) Disturb riparian vegetation or fish and wildlife habitat unless such habitat is replaced within the earliest appropriate season by new habitat or riparian vegetation consistent with SCC 30.67.580(1)(h); or
 - (v) Create a hazard to navigation, public infrastructure, or primary structures.

(h) Restoration or enhancement of riparian vegetation shall:
(i) Replace disturbed vegetation with comparable plant species and diversity; or
(ii) Improve riparian ecological functions by increasing plant diversity and including plant species offering higher habitat values, better bank stabilization, improved water quality functions or nutrient exchange.

(2) Shoreline habitat restoration and enhancement is permitted in all shoreline environments. Shoreline modifications that are an integral and necessary component of shoreline habitat restoration and enhancement projects are allowed in all shoreline environment designations subject to the appropriate modification-specific shoreline regulations.

30.67.585 Signs.

Signs are regulated pursuant to chapter 30.27 SCC and the provisions of this chapter. Where conflicts may exist, the provisions of this chapter shall apply:

- (1) Billboards are prohibited in all shoreline environment designations.
- (2) Animated signs are prohibited in all shoreline environment designations.
- (3) Only signs identifying public facilities are allowed in the Urban Conservancy, Aquatic, Municipal Watershed Utility, and Natural shoreline environment designations.
- (4) Freestanding signs shall only be allowed when an applicant demonstrates to the department that a building sign is not feasible. When a building sign is not feasible, a freestanding sign may be allowed when there is no significant degradation of a vista or viewpoint or impairment of the visual access to the water body from such vistas or viewpoints.

30.67.590 Transportation, circulation and parking.

(1) The following general regulations apply to facilities and structures for transportation, circulation and parking within shorelines:

- (a) New transportation facilities may be located within shoreline jurisdiction only when alternative locations are not feasible.
- (b) Transportation facilities shall cross shoreline jurisdiction by the most direct route feasible, unless such a route would result in greater impacts on wetlands and fish and wildlife habitat conservation areas, agricultural activities, or channel migration than a less direct route.
- (c) Transportation facilities shall be designed to allow the free flow of water, sediment and debris under them and to convey a 100-year flood without causing any rise in the flood profile above conditions at the time of permit application. All bridges must provide a minimum of three feet of clearance above the one hundred year flood level.
- (d) Transportation facilities that cross over watercourses or wetlands shall utilize elevated, open pile or pier structures whenever feasible.
- (e) Road crossings on fish-bearing streams shall be designed according to the guidelines set forth in *Fish Passage Design at Road Culverts* (Washington Department of Fish and Wildlife, March 3, 1999).
- (f) Bridge approach fills shall not encroach in the floodway of the base flood (100-year frequency) of any river.
- (g) When transportation facilities are designed to act as flood control structures, the proposal shall comply with the requirements of SCC 30.67.540.
- (h) New and enlarged transportation facilities shall provide public access pursuant to SCC 30.67.330.

- (i) Circulation system plans should include provisions for pedestrian, bicycle and public transportation where appropriate.
 - (j) Parking and loading facilities necessary to support an authorized shoreline use may be allowed in shoreline areas only when:
 - (i) The applicant can demonstrate that no other alternative location is feasible to serve the primary use of the site; or
 - (ii) The parking or loading facility is needed to accommodate public access pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.
 - (k) All of the following conditions shall be met when a parking facility is proposed in the shoreline jurisdiction:
 - (i) The facilities shall be located landward from the primary building or use being served, except when the parking facility is within or beneath the structure and adequately screened;
 - (ii) Shoreline stabilization measures will not be necessary to protect the facility;
 - (iii) The facility will not result in impacts to wetlands and fish and wildlife habitat conservation areas and their functions and values or the impacts can be mitigated in accordance with the requirements of chapter 30.62A SCC;
 - (iv) Upland parking facilities shall provide safe and convenient pedestrian circulation from the parking area to the shoreline;
 - (v) Loading spaces for development in the shoreline jurisdiction shall be located on the landward side of nonwater-dependent uses or activities; and
 - (vi) All facilities shall provide parking suitable to the expected usage of the facility in accordance with parking requirements in Title 30 SCC.
- (2) In addition to the general regulations contained in SCC 30.67.590(1), the following shoreline environment designation-specific regulations for transportation, circulation and parking apply:
- (a) Bridges, roads and parking facilities are permitted in the Urban, Rural Conservancy and Resource environments;
 - (b) Bridges, roads and parking facilities are conditionally permitted in the Urban Conservancy and Municipal Watershed Utility environments, except that roads and bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Municipal Watershed Utility environment.
 - (c) In the Natural environment:
 - (i) Bridges and roads are prohibited; and
 - (ii) Parking facilities are conditionally permitted.
 - (d) In the Aquatic environment:
 - (i) Bridges are conditionally permitted, provided they are permitted or conditionally permitted in the adjacent upland environment, except that bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Aquatic environment provided that the adjacent environment is not designated as Natural; and
 - (ii) Roads and parking facilities are prohibited.

30.67.595 Utility facilities.

For the purposes of this chapter, utility facilities are structures used to produce or carry electric power, gas, sewage, water, storm water, oil and communications including, but not limited to telephone, personal wireless communications, radio and television.

(1) The following general regulations apply to utility facilities within shorelines:

(a) Utility facilities shall be located outside of shoreline jurisdiction whenever feasible. When located within shoreline jurisdiction, utility facilities shall result in no net loss of shoreline ecological functions;

(b) Utility facilities shall be designed and located as follows:

(i) Non-water dependent and non-water related above-ground generating facilities (except hydroelectric generating facilities), switching complexes, pumping stations, treatment plants, storage tanks, towers and substations shall be set back from the ordinary high water mark at least 200 feet;

(ii) Utility transmission facilities shall be located in existing rights-of-way whenever possible and cross shoreline jurisdiction by the most direct route feasible, unless an alternative route would result in less impact on shoreline ecological functions;

(iii) Utility facilities shall not parallel a water body unless located in an existing improved transportation or utility corridor, and provided that underground facilities do not adversely impact hyporheic exchange;

(iv) Utility transmission lines, pipes and wires entering or leaving a body of water, other than a river, shall be bored or buried below the surface of the water body's bed from the ordinary high water mark out to a minimum water depth of minus ten feet (-10 feet) below mean lower low water. Directional boring, instead of excavation or trenching, is required where feasible;

(v) Utility transmission lines, pipes and wires shall be bored under a river, stream or channel migration zone, or permanently affixed to a bridge or other existing above-ground structure, where feasible;

(vi) Aerial utility lines and vertical utility facilities shall make maximum use of topography to minimize visual impacts on the surrounding area;

(vii) New AM radio towers are prohibited. AM radio towers either constructed before October 13, 2010, or with complete applications for all permits and approvals required for construction before October 13, 2010, shall not be considered nonconforming uses and they may be repaired, replaced, and reconfigured as to the number and dimensions of towers so long as the repair, replacement, or reconfiguration occurs on the parcel where the tower was originally constructed or permitted and it does not increase the number of AM radio towers constructed on the parcel. The design of vertical utilities such as communication towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology;

(viii) Banks and dikes where transmission facilities enter or leave a body of water shall be returned to their pre-construction configuration, shall be thoroughly compacted and protected against erosion, and shall be maintained in a safe condition by the utility; and

(ix) Utility facilities shall not be located on feeder bluffs or in critical saltwater habitat unless no feasible alternative exists and all adverse impacts can be mitigated.

(2) In addition to the general regulations in SCC 30.67.595(1), the following shoreline environment designation-specific regulations apply to utility facilities:

(a) Urban.

(i) Except as provided in SCC 30.67.595(2)(a)(ii), utility facilities are permitted ;
and.

(ii) Dams, power plants, and associated uses are prohibited in the Urban environment.

(b) Urban Conservancy.

(i) Transmission wires, pipes and supports are permitted when attached to a bridge or similar structure;

(ii) The following utility structures and facilities are conditionally permitted:

(A) Electromagnetic transmission and receiving facilities; and

(B) Transmission wires, pipes and supports, except as provided in SCC

30.65.595(2)(b)(i).

(iii) The following utility structures and facilities are prohibited:

(A) Dams, power plants and associated uses; and

(B) All other utility facilities not expressly identified in SCC 30.67.595(2)(b)(i)

and (ii).

(c) Rural Conservancy.

(i) Transmission wires, pipes and supports are permitted; and

(ii) The following utility facilities are conditionally permitted:

(A) Electromagnetic transmission and receiving facilities;

(B) Dams, power plants and associated uses; and

(C) All other utility facilities not expressly identified in SCC 30.67.595(2)(c)(i).

(d) Resource and Municipal Watershed Utility.

(i) Transmission wires, pipes and supports are permitted; and

(ii) The following utility facilities are conditionally permitted:

(A) Electromagnetic transmission and receiving facilities;

(B) Dams, power plants and associated uses; and

(C) All other utility facilities not expressly identified in SCC 30.67.595(2)(d)(i).

(e) Natural.

(i) Transmission wires, pipes and supports when attached to a bridge or similar structure are permitted, otherwise such uses are conditionally permitted; and

(ii) Except as provided in SCC 30.67.595(e)(i), all other utility facilities are prohibited.

(f) Aquatic.

(i) Transmission wires, pipes and supports when attached to a bridge or similar structure are permitted, otherwise such uses are conditionally permitted.

(ii) Electromagnetic transmission and receiving facilities, including AM radio towers, are prohibited;

(iii) The following utility structures and facilities are conditionally permitted:

(A) Dams, power plants and associated uses; and

(B) All other utility facilities not expressly identified in SCC 30.67.595(2)(f)(i)

and (ii).

30.67.599 Vegetation conservation and management.

The purpose of vegetation conservation and management is to protect and restore the shoreline ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation and management should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for

structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

(1) Vegetation conservation and management is subject to the requirements of chapters 30.62A and 30.62B SCC.

(2) The removal or modification of existing vegetation and the alteration of topography shall be the minimum necessary to accommodate an approved shoreline use or modification. Except as provided in SCC 30.67.599(3), disturbed areas shall be replanted with appropriate native species during the next growing season subject to the requirements of SCC 30.62A.320(3). Once the requirements of SCC 30.62A.320(3) have been satisfied, any additional areas outside of the buffer and buffer mitigation area shall be replanted using a minimum area replacement ratio of 1:1. Additional replanting area or native plant species diversity improvements may be proposed by project applicants.

(3) Removal and control of noxious or invasive non-native plant species is permitted in all shoreline environments, provided that removal or control does not result in adverse impacts to water quality. If the removal of noxious or invasive non-native plants affects bank stability, replanting with native species using a minimum area replacement ratio of 1:1 is required. Vegetation management limited only to noxious or invasive non-native species is subject to the requirements of SCC 30.62A.010(2)(iv) and SCC 30.62A.510(3)(h).

(4) Landscaping required for development or uses within shoreline jurisdiction shall be designed to complement and enhance the view of the water over and across the site. Landscaping shall not be reduced or eliminated to achieve this provision, but shall be clustered to frame view corridors and shall use species conducive to the natural conditions of the shoreline environment.