

1 ADOPTED: 07/03/19  
2 EFFECTIVE: 10/14/19

3  
4 SNOHOMISH COUNTY COUNCIL  
5 SNOHOMISH COUNTY, WASHINGTON

6  
7 AMENDED ORDINANCE NO. 19-020

8  
9 RELATING TO SNOHOMISH COUNTY SHORELINES OF THE STATE; AMENDING THE  
10 SNOHOMISH COUNTY SHORELINE MANAGEMENT PROGRAM: *SHORELINE*  
11 *ENVIRONMENT DESIGNATIONS, POLICIES AND REGULATIONS*,  
12 SHORELINE MAPS, SHORELINE REGULATIONS IN 30.67 SCC,  
13 SHORELINE ADMINISTRATIVE PROVISIONS IN  
14 CHAPTER 30.44 SCC, AND SHORELINE-RELATED  
15 REFERENCES AND DEFINITIONS IN CHAPTERS  
16 30.10, 30.22, 30.23, 30.62A AND SUBTITLE 30.9 SCC  
17

18 WHEREAS, Washington's Shoreline Management Act (SMA) (chapter 90.58 Revised  
19 Code of Washington (RCW)) was adopted by the public in a 1972 referendum "to prevent the  
20 inherent harm in an uncoordinated and piecemeal development of the state's shorelines"; and  
21

22 WHEREAS, the first Snohomish County Shoreline Management Master Program  
23 (SMMP) was adopted by county resolutions in September 1974; and  
24

25 WHEREAS, the SMMP was approved by the Washington State Department of Ecology  
26 ("Ecology") in December 1974; and  
27

28 WHEREAS, the SMMP was amended on the following dates: March 1982; May 1983;  
29 February 1984; August 1985 (Ordinance No. 85-073); January 1986 (Ordinance No. 86-111);  
30 October 1988 (Ordinance No. 88-075); March 1989 (Ordinance No. 89-012); and June 1993  
31 (Ordinance No. 93-036); and  
32

33 WHEREAS, in 1995, the Washington State Legislature directed Ecology to adopt  
34 updated shoreline master program guidelines consistent with SMA policy; and  
35

36 WHEREAS, Ecology adopted updated guidelines in part III of chapter 173-26  
37 Washington Administrative Code (WAC) in January 2004 ("Guidelines"); and  
38

39 WHEREAS, between 2006 and 2012, Snohomish County ("county") worked to update  
40 information, policies, designations and regulations in an effort to align the county's shoreline  
41 program with the updated policy framework and regulatory approaches in state law; and  
42

43 WHEREAS, the county adopted a new shoreline program, fully replacing the former  
44 SMMP, in June 2012, in Amended Ordinance No. 12-025; and  
45

46 WHEREAS, the county changed the nomenclature associated with its shoreline program  
47 from the SMMP to the Shoreline Management Program (SMP); and

1  
2 WHEREAS, this comprehensive update of the county’s shoreline program was known as  
3 the “2012 SMP Update”; and  
4

5 WHEREAS, Ecology approved the county’s 2012 SMP Update in July of 2012; and  
6

7 WHEREAS, the Pacific Coast Shellfish Growers Association (PCSGA) appealed  
8 Ecology’s approval of the county’s 2012 SMP Update on September 26, 2012, under  
9 Washington State Growth Management Hearings Board Case No. 12-3-0009, over concerns  
10 about commercial shellfish aquaculture activities; and  
11

12 WHEREAS, the county worked with Ecology and the PCSGA to revise SMP regulations  
13 related to commercial shellfish aquaculture in Ordinance No. 13-098, adopted on December 11,  
14 2013, better reflecting the state’s vision for aquaculture and resolving the appeal of the county’s  
15 2012 SMP Update; and  
16

17 WHEREAS, to ensure shoreline programs do not fall out of compliance with state  
18 shoreline laws and regulations, RCW 90.58.080(4) requires local governments to conduct a  
19 review of their shoreline programs periodically, at least once every eight years ( “Periodic  
20 Review”); and  
21

22 WHEREAS, under the Periodic Review requirement in RCW 90.58.080(4), the county is  
23 required to take action to review and, if necessary, revise its SMP on or before June 30, 2019;  
24 and  
25

26 WHEREAS, the purpose of the Periodic Review is to assure that the county’s SMP is  
27 compliant with applicable state laws and regulations in effect at the time of review; and  
28

29 WHEREAS, the Periodic Review also gives local governments an opportunity to initiate  
30 amendments to the SMP that may result in more effective management of shorelines, reflect  
31 changed circumstances, new information or improved data in shoreline maps, policies or  
32 regulations; and  
33

34 WHEREAS, utilizing Ecology’s *Periodic Review Checklist*, the county identified a set of  
35 amendments necessary to comply with the Periodic Review requirement; and  
36

37 WHEREAS, the county identified additional amendments that will result in more effective  
38 shoreline management; and  
39

40 WHEREAS, the county reviewed shoreline maps and, due to improvements in  
41 technology, identified minor mapping changes since the 2012 SMP Update; and  
42

43 WHEREAS, the county prepared and followed a public participation plan to facilitate  
44 early and continuous public participation in the Periodic Review of its SMP, known as the “2019  
45 SMP Periodic Review”; and  
46

1 WHEREAS, the county's Planning and Development Services (PDS) staff developed a  
2 project website for the 2019 SMP Periodic Review to serve as a clearinghouse of information  
3 about the project including project description, details about public outreach opportunities,  
4 information about the adoption process, links to project materials, the draft project schedule,  
5 and contact information; and  
6

7 WHEREAS, PDS met in person with staff from the sovereign governments of Indian  
8 Tribes with Reservations located in the county to provide information about and obtain early  
9 input on the scope of the 2019 SMP Periodic Review; and  
10

11 WHEREAS, PDS met with staff from the Tulalip Tribes on December 4, 2017, January  
12 17, 2018, and March 2, 2018; and  
13

14 WHEREAS, PDS met with staff from the Stillaguamish Tribe of Indians on December 15,  
15 2017, and in subsequent coordination meetings on May 21, 2018, October 18, 2018, and  
16 December 14, 2018; and  
17

18 WHEREAS, PDS met with staff from the Sauk-Suiattle Indian Tribe on February 8, 2018;  
19 and  
20

21 WHEREAS, PDS held an open house for agency and general public stakeholders on  
22 February 13, 2018, to provide general information about the 2019 SMP Periodic Review,  
23 increase understanding of requirements for periodic review, highlight the tentative schedule for  
24 consideration of any proposed changes, and provide attendees an opportunity to view draft  
25 materials, ask questions and provide input; and  
26

27 WHEREAS, PDS held two special outreach meetings the week of February 5, 2018, one  
28 in Monroe and the other in Marysville, inviting approximately 106 landowners with properties  
29 adjacent to or within 200 feet of four shoreline waterbodies not previously mapped during the  
30 2012 SMP Update; and  
31

32 WHEREAS, this ordinance includes amendments to shoreline administrative provisions  
33 in chapter 30.44 SCC, amendments to shoreline development regulations in chapter 30.67  
34 SCC, and associated amendments to chapters 30.10, 30.22, 30.23, 30.62A and 30.91 SCC,  
35 amendments to the shoreline map series depicting the official delineation of the county's  
36 shoreline environment designations, and amendments to the *Shoreline Management Program:  
37 Shoreline Environment Designations, Policies and Regulations* document; and  
38

39 WHEREAS, the 2019 SMP Periodic Review does not propose changes that will result in  
40 any new significant adverse environmental impacts and does not change the analysis or the  
41 conclusions in the Final Supplemental Environmental Impact Statement (FSEIS) issued in  
42 August 2010; and  
43

44 WHEREAS, the Snohomish County Planning Commission ("planning commission") held  
45 a briefing on May 22, 2018, on the 2019 SMP Periodic Review; and  
46

47 WHEREAS, the planning commission held a public hearing on October 23, 2018, to hear  
public testimony on the 2019 SMP Periodic Review; and

1  
2 WHEREAS, the planning commission closed public testimony on October 23, 2018, and  
3 continued deliberations to the November 27, 2018, scheduled meeting; and  
4

5 WHEREAS, the planning commission met on November 27, 2018, to deliberate and  
6 make a recommendation to the Snohomish County Council (“county council”) on the 2019 SMP  
7 Periodic Review; and  
8

9 WHEREAS, on November 27, 2018, the planning commission recommended that the  
10 county council adopt the proposed amendments resulting from the 2019 SMP Periodic Review  
11 for the reasons specified in its letter of recommendation; and  
12

13 WHEREAS, following the planning commission process, Ecology submitted comments  
14 to the county on additional changes recommended to shoreline development regulations in  
15 chapter 30.67 SCC; and  
16

17 WHEREAS, following the planning commission process, county staff identified additional  
18 housekeeping amendments to shoreline administrative provisions and development regulations  
19 in chapters 30.44 and 30.67 SCC, shoreline environment maps, and the shoreline policy  
20 document titled *Shoreline Management Program: Shoreline Environment Designations, Policies  
21 and Regulations*; and  
22

23 WHEREAS, county staff developed an Executive-recommended ordinance that reflects  
24 changes following the planning commission process for council consideration; and  
25

26 WHEREAS, the county council was briefed on the 2019 SMP Periodic Review on April  
27 17, 2018, and again on May 7, 2019; and  
28

29 WHEREAS, the county council held a public hearing on June 5, 2019, at 10:30 a.m.,  
30 continued to June 12, 2019 at 6:30 p.m., continued to June 26, 2019, at 10:30 a.m., and July 3,  
31 2019, at 10:30 a.m., after public notice and considered public comments and the entire record  
32 related to the proposed amendments in this ordinance; and  
33

34 WHEREAS, following the public hearing, the county council deliberated on the proposed  
35 amendments in this ordinance.  
36

37 NOW, THEREFORE, BE IT ORDAINED:  
38

39 Section 1. The county council adopts the following findings in support of this ordinance:  
40

41 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
42

43 B. The county is required to conduct a periodic review of its SMP pursuant to RCW 90.58.080(4)  
44 and WAC 173-26-090.  
45

46 C. The purpose of the SMP periodic review pursuant to RCW 90.58.080(4) and WAC 173-26-  
47 090 is to assure that the SMP complies with applicable law and regulations in effect at the time

1 of review; and assure consistency of the SMP with the local government’s comprehensive plan  
2 and development regulations adopted under the Growth Management Act (“GMA”), chapter  
3 36.70A RCW, and other local requirements.

4  
5 D. The SMP periodic review process provides a method for bringing the county’s SMP into  
6 compliance with requirements of the SMA that have been added or changed since the last  
7 review and for responding to changes in shoreline rules adopted by Ecology, together with a  
8 review for consistency with amendments to the Snohomish County Growth Management Act  
9 Comprehensive Plan (“GMACP”) and title 30 SCC development regulations adopted pursuant to  
10 the GMA.

11  
12 E. The SMP periodic review process also provides the county an opportunity to adopt  
13 amendments to its SMP to reflect changed circumstances, new information, or improved data.

14  
15 F. The 2019 SMP Periodic Review is distinct from the county’s comprehensive 2012 SMP  
16 Update required under RCW 90.58.080(2). Pursuant to WAC 173-26-090(2)(d)(iii), there is no  
17 minimum requirement to comprehensively revise shoreline inventory and characterization  
18 reports or restoration plans required under the 2012 SMP Update. The presumption in the  
19 comprehensive 2012 SMP Update was that the county’s SMP needed to be revised to comply  
20 with the full suite of administrative rules adopted by Ecology. By contrast, the 2019 SMP  
21 Periodic Review is meant to address changes in requirements of the SMA and Ecology’s  
22 shoreline rules that have occurred since the 2012 SMP Update, changes for consistency with  
23 revisions to the GMACP and title 30 SCC development regulations that have occurred since the  
24 2012 SMP Update, and any locally-initiated changes to reflect changed circumstances, new  
25 information, or improved data.

26  
27 G. This ordinance will amend shoreline environment maps, the shoreline policy document titled  
28 *Shoreline Management Program: Shoreline Environment Designations, Policies and*  
29 *Regulations*, and shoreline administrative provisions, regulations, and definitions in title 30 SCC  
30 to comply with the SMP periodic review requirements in the SMA and administrative rules  
31 adopted by Ecology. The proposed amendments seek to:

- 32  
33 1. Assure the county’s SMP complies with all applicable shoreline laws in chapter 90.58  
34 RCW and shoreline rules in chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC;  
35  
36 2. Assure the county’s SMP is consistent with the GMACP and title 30 SCC development  
37 regulations;  
38  
39 3. Reflect changed circumstances, new information or improved data in shoreline maps,  
40 policies or regulations since the county’s 2012 SMP Update; and  
41  
42 4. Clarify and improve implementation of the county’s existing shoreline administrative  
43 provisions, shoreline regulations and shoreline definitions in chapters 30.44, 30.67 and  
44 30.91 SCC by improving consistency and readability.  
45

1 H. The goals and policies of the SMA in RCW 90.58.020 guide the policies in the county's SMP  
2 and are included as one of the GMA's planning goals (RCW 36.70A.480). The county's SMP is  
3 also considered an element of the county's GMACP.  
4

5 I. The 2019 SMP Periodic Review is consistent with the GMACP General Policy Plan (GPP)  
6 Natural Environment (NE) chapter. The proposed amendments will better achieve, comply with,  
7 and implement the following NE goals, objectives and policies:  
8

9 NE Goal 1 "Continue existing and develop new county plans and programs which  
10 establish priorities to protect and enhance the natural environment through a  
11 coordinated policy framework to maintain and improve the quality of life for Snohomish  
12 County. The policy framework below provides a non-exclusive list of the core priorities  
13 and strategies that must be addressed in all plans and programs that affect the natural  
14 environment."  
15

16 Objective NE 1.C "Protect and enhance natural watershed processes, wetlands, fish and  
17 wildlife habitat conservation areas, shorelines, and water resources with the long-term  
18 objective of protecting ecological function and values."  
19

20 Policy NE 1.C.3 "The county shall protect and enhance the ecological functions of  
21 shorelines through the Snohomish County Shoreline Management Program."  
22

23 NE Goal 3 "Comply with the requirements of state, federal and local laws for protecting  
24 and managing critical areas, shorelines, and water."  
25

26 Objective NE 3.F "Protect ecological functions of shoreline natural resources through the  
27 Snohomish County Shoreline Management Program."  
28

29 Policy NE 3.F.1 "The county's Shoreline Management Program shall address no net loss  
30 of ecological functions of shoreline resources, provide opportunities for public access to  
31 shoreline areas and promote water dependent uses and development which cannot be  
32 located anywhere else."  
33

34 Policy NE 3.F.3 "Critical areas in those areas subject to the jurisdiction of the Shoreline  
35 Management Act shall be regulated consistent with critical areas outside of shorelines."  
36

37 J. The 2019 SMP Periodic Review is consistent with the Shoreline Use Element of the county's  
38 SMP. The proposed amendments will better achieve, comply with, and implement the following  
39 goals contained in the SMP's Shoreline Use Element by: (1) revising shoreline maps to reflect  
40 changes to shoreline jurisdiction, (2) amending shoreline codes to clarify regulations that apply  
41 to single-family residential development, (3) updating shoreline codes to comply with the most  
42 recent agency rules, and (4) clarifying shoreline codes to improve implementation which results  
43 in more effective shoreline management:  
44

- 45 1. Shoreline Use Goal 1 "Snohomish County shoreline areas should be consistent with the  
46 county GMA comprehensive plan, shoreline environment designations, and policies and  
47 regulations for shoreline uses and modifications."

1  
2 2. Shoreline Use Goal 2 “Give preference to allowing shoreline uses that maintain or  
3 restore shoreline ecological functions, protect water quality and the natural environment,  
4 depend on proximity to the water, and provide or enhance public access and recreational  
5 use of the shoreline.”  
6

7 3. Shoreline Use Goal 3 “Preserve, protect and restore Snohomish County's unique,  
8 valuable and nonrenewable natural resources while encouraging the best management  
9 practices for the continued sustained yield of renewable resources of the shorelines.”  
10

11 4. Shoreline Use Goal 4 “Allow only those industrial, commercial and recreational  
12 developments particularly dependent upon their location on and use of Snohomish County's  
13 shorelines, as well as other developments that will provide substantial numbers of the public  
14 an opportunity to enjoy the shorelines.”  
15

16 K. Procedural requirements.  
17

18 1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.  
19

20 2. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was  
21 transmitted to the Washington State Department of Commerce for distribution to state  
22 agencies on April 24, 2019.  
23

24 3. The environmental impacts of this proposal are within the range of impacts analyzed by  
25 the draft supplemental environmental impact statement (DSEIS) prepared for the  
26 comprehensive 2012 SMP Update adopted through Amended Ordinance 12-025. The  
27 FSEIS was issued on August 25, 2010. No new impacts have been identified for this  
28 proposal. State Environmental Policy Act (SEPA) requirements with respect to this non-  
29 project action have been satisfied through the issuance of Addendum No. 2, issued on  
30 April 24, 2019, to the FSEIS for the 2012 SMP Update.  
31

32 4. The county provided opportunities for early and continuous public participation as  
33 required by WAC 173-26-090, RCW 36.70A.130 and chapter 30.73 SCC as  
34 demonstrated in the public participation plan developed for the 2019 SMP Periodic  
35 Review.  
36

37 5. The Washington State Attorney General last issued an advisory memorandum, as  
38 required by RCW 36.70A.370, in September 2018 entitled “Advisory Memorandum:  
39 Avoiding Unconstitutional Takings of Private Property” to help local governments avoid  
40 the unconstitutional taking of private property. The process outlined in the State Attorney  
41 General’s 2018 advisory memorandum was used by the county in objectively evaluating  
42 the regulatory changes proposed by this ordinance.  
43

44 L. The proposed amendments are consistent with the record:  
45

46 1. In an effort to determine the effectiveness of current shoreline use regulations in title 30  
47 SCC, the county reviewed project actions in shoreline areas. The goal of the review was

1 to measure and summarize land cover change impacts on properties within shoreline  
2 jurisdiction that were issued development permits or had active enforcement cases  
3 between June 2013 and May 2015. The county analyzed permits issued in shoreline  
4 jurisdiction that were associated with critical area site plans (CASP) to protect critical  
5 area protection areas (CAPA). Out of a total of 321 acres of CAPA analyzed through  
6 aerial photographs, only 1.03 acres or 0.32% was disturbed. This percentage is well  
7 below the 3% adaptive management trigger established in the 2008 Critical Area  
8 Monitoring and Adaptive Management Plan. The results of this monitoring indicate the  
9 county is meeting no net loss requirements. Shoreline regulations are being  
10 implemented as intended and no changes to specific provisions in the SMP are required  
11 at this time to meet the no net loss standard.  
12

- 13 2. Several chapters and sections in title 30 SCC are amended either to reflect changes in  
14 state laws and regulations pertaining to the SMA (state-initiated) or to improve  
15 implementation of county shoreline development regulations (locally-initiated).  
16

17 a. State-initiated changes include:  
18

- 19 i. SCC 30.44.020(2) is amended to achieve consistency with RCW  
20 90.58.355 and WAC 173-27-044 by adding two new project types  
21 (boatyard improvements to meet National Pollutant Discharge Elimination  
22 System (NPDES) requirements and certain Washington State  
23 Department of Transportation Systems (WSDOT) maintenance and  
24 safety projects and activities) to the list of developments exempt from the  
25 procedural requirements of the SMA.  
26  
27 ii. SCC 30.44.120(1)(h) is amended to reflect 2018 adjustments to the dollar  
28 thresholds for whether a freshwater dock is required to obtain a Shoreline  
29 Substantial Development Permit.  
30  
31 iii. SCC 30.44.120(1)(p) is amended to achieve consistency with RCW  
32 90.58.030(3)(e)(xiii) and WAC 173-27-040(2)(q) by adding a new type of  
33 development exempt from a shoreline substantial development permit:  
34 the external or internal retrofitting of an existing structure with the  
35 exclusive purpose of compliance with the Americans with Disabilities Act  
36 (ADA) of 1990.  
37  
38 iv. SCC 30.44.220(1) – (2), 30.44.230(1) – (2) and 30.44.250 are amended  
39 to achieve consistency with RCW 90.58.140(6) and WAC 173-27-130 by  
40 replacing the phrase “date of receipt” with “date of filing” to reflect new  
41 rules for notifications and appeal timelines.  
42  
43 v. SCC 30.44.220(1) is amended to achieve consistency with RCW  
44 90.58.140(5) and WAC 173-27-125 by adding WSDOT projects that  
45 address safety risks to the list of projects exempt from the general  
46 requirement that construction is not authorized to begin until 21 days from



1 the date the permit was filed or until all review proceedings are  
2 terminated.

- 3  
4 vi. SCC 30.44.220(2), 30.44.230(1) and (2) are amended to achieve  
5 consistency with RCW 90.58.140(6)(c) and WAC 173-27-130 by  
6 addressing the procedure for when a development activity requires both a  
7 shoreline substantial development permit and either a shoreline  
8 conditional use permit or shoreline variance permit.  
9
- 10 vii. Ecology has encouraged the county to consider adopting variable critical  
11 area buffer widths for new SFR development on the remaining vacant  
12 parcels located on some of the more highly-developed lakes in  
13 unincorporated Snohomish County. Several local governments have  
14 developed similar unique shoreline buffer widths intended to create more  
15 manageable shoreline permitting in shoreline areas that are characterized  
16 predominantly by single-family or multifamily residential development and  
17 have a moderate to high degree of shoreline armoring and overwater  
18 structures. SCC 30.67.060(3) is added to allow exceptions to the  
19 standard buffer width in the county's critical area regulations (CAR) (SCC  
20 30.62A.320) for new SFR development located on 14 of the county's  
21 most highly-developed lakes. SCC Figures 30.67.060(3)(a) and (b) are  
22 added to illustrate the "common-line setback" scenario.  
23
- 24 viii. SCC 30.67.420(8) is amended to acknowledge the exception for floating  
25 homes permitted or legally established prior to January 1, 2011, which  
26 are considered conforming uses under RCW 90.58.270(5).  
27
- 28 ix. SCC 30.67.430 – Table 1 - Shoreline Use and Modification Matrix is  
29 amended to add a reference note (38) for "Floating Home" to comply with  
30 RCW 90.58.270(5) and WAC 173-26-241(3)(j)(iv)(B) requiring "floating  
31 homes permitted or legally established prior to January 1, 2011," be  
32 considered a conforming use. SCC 30.67.440(38) and 30.67.450(1) also  
33 are amended for consistency with this amendment to SCC 30.67.430 –  
34 Table 1.  
35
- 36 x. SCC 30.67.440(38) is added to achieve consistency with RCW  
37 90.58.270(5) and WAC 173-26-241(3)(j)(iv)(B) by acknowledging that  
38 floating homes permitted or legally established prior to January 1, 2011,  
39 are considered conforming uses. SCC 30.67.430 – Table 1 and  
40 30.67.450(1) also are amended for consistency with this amendment to  
41 SCC 30.67.440(38).  
42
- 43 xi. SCC 30.67.450(1) is added as authorized by RCW 90.58.620 and WAC  
44 173-26-241(3)(j)(vi) to allow legally-established residential and  
45 appurtenant structures (excluding bulkheads and other shoreline  
46 modifications and over-water structures) to be considered conforming

1 even if they do not meet updated dimensional standards or setbacks for  
2 new development.

- 3
- 4 xii. SCC 30.67.570 is amended to achieve consistency with RCW  
5 90.58.270(5) and WAC 173-26-241(3)(j)(iv)(B) by acknowledging that  
6 floating homes permitted or legally established prior to January 1, 2011,  
7 are a “conforming preferred use.”
- 8
- 9 xiii. SCC 30.67.580(3) is added to achieve consistency with RCW 90.58.580  
10 and WAC 173-27-215 by allowing the county to grant relief from shoreline  
11 regulations within an urban growth area when a property owner is  
12 affected by a shoreline restoration project under certain conditions.
- 13
- 14 xiv. SCC 30.91D.230 is amended to achieve consistency with WAC 173-26-  
15 241(3)(e) and 173-27-030(6) by clarifying that the definition of  
16 “development” does not include projects that involve only dismantling or  
17 removing structures without any associated development or re-  
18 development.

19

20 b. Locally-initiated changes include:

- 21
- 22 i. SCC 30.44.040 is amended to require all exemptions identified in SCC  
23 30.44.020 or 30.44.120 be tracked within the County’s AMANDA data  
24 base.
- 25
- 26 ii. Existing shoreline regulations do not provide guidance for how Ordinary  
27 High Water Mark (OHWM) determinations are made. SCC 30.44.300 is  
28 added to clarify that in unclear situations, the county will make OHWM  
29 determinations using Ecology’s 2016 guidance document.
- 30
- 31 iii. SCC 30.67.060 is amended to incorporate updated critical area  
32 regulations in chapters 30.62A, 30.62B, 30.62C and 30.65 SCC into the  
33 SMP.
- 34
- 35 iv. SCC 30.67.517 is added as part of the reformatting of SCC 30.67.515  
36 which separates regulations for “Boat Mooring” facilities from  
37 regulations for “Boating” facilities for ease of use and to improve  
38 readability, particularly for dock regulations. The amendment relocates  
39 the provisions for boat mooring facilities from SCC 30.67.515 to SCC  
40 30.67.517, with the exceptions described below, and includes the same  
41 general regulations and policies for “Boating” facilities located in SCC  
42 30.67.515(1) and (2), as applicable.

- 43
- 44 (a) Existing code requires the length of residential piers and docks to  
45 be an average of the lengths of abutting piers and docks but does  
46 not specify the length requirement when there are no adjacent  
47 piers and docks. SCC 30.67.517(1)(h)(ix)(F)(I) is amended to

1 clarify the maximum waterward intrusion for docks without  
2 adjoining neighbors is also 80 feet.

3  
4 (b) Existing code states the maximum width of residential piers and  
5 docks on any lake identified as salmonid habitat is two feet less (4  
6 ft) than lakes not identified as salmonid habitat (6 ft), however,  
7 “salmonid habitat” is not a defined term in county code. SCC  
8 30.67.517(1)(h)(ix)(F)(III) is further amended to clarify that width  
9 requirements apply to any lakes that contain salmonids.

10  
11 (c) Existing code contains very specific requirements for construction  
12 materials for residential piers and docks (45% light passage) and  
13 floats (30% light passage). These standards are difficult to  
14 achieve, implement and prove. SCC 30.67.517(1)(h)(ix)(I)(I) is  
15 further amended to allow the design of decking for piers, docks  
16 and floats to achieve “a minimum of 40% open spacing” rather  
17 than a specific percentage of light passage.

18  
19 v. Existing code limits subdivisions lying fully or partially within shoreline  
20 jurisdiction to a maximum of 10% total impervious surface within the  
21 subdivision boundary. However, shoreline requirements cannot be  
22 imposed on the portion of the subdivision that is outside of shoreline  
23 jurisdiction. SCC 30.67.570(1)(g) is amended to clarify that the ten  
24 percent cap on total effective impervious surface for residential  
25 subdivisions and short subdivisions applies to that portion of the  
26 subdivision that lies within shoreline jurisdiction. All portions of a  
27 subdivision or short subdivision will continue to be subject to the  
28 County’s critical area regulations and flood hazard regulations, as  
29 applicable.

30  
31 3. Housekeeping, typographical, grammar, and style changes are also made to provide  
32 clarity and achieve consistency with other sections and chapters of title 30 SCC.

33  
34 4. The *Shoreline Management Program: Shoreline Environment Designations, Policies and*  
35 *Regulations* document is amended to achieve compliance with WACs 173-18-044 and  
36 046, WAC 173-20-044 and 046 and WAC 173-22-050 which require lists of shorelines in  
37 the county to be updated. The *Shoreline Environment Designations, Policies and*  
38 *Regulations* document is amended to:

39  
40 a. Update *Section 1.2.1.1 – List of Shorelines in Snohomish County* by:

41 i. Adding the names of five lakes that appear in the *Shoreline Environment*  
42 *Designations Map Atlas* but not in the list of lake shorelines (Bevis, Long,  
43 Round, Treen and an Unnamed Lake near 99<sup>th</sup> Ave NE in Marysville) in  
44 the *Shoreline Environment Designations, Policies and Regulations*  
45 document.

46 ii. Adding the names of four lakes/areas of open water greater than 20 acres  
47 that do not appear on the *Shoreline Environment Designations Map Atlas*

1 or the list of lake shorelines in the *Shoreline Environment Designations,*  
2 *Policies and Regulations* document (Meadow, Olson, Richardson, and  
3 Rowland). These lakes/areas of open water were identified when the  
4 County refined its shoreline maps for the 2019 SMP Periodic Review; it  
5 was an oversight that they were not included in the maps for the 2012  
6 SMP Update.

7 iii. Adding the names of three rivers/streams that appear in the *Shoreline*  
8 *Environment Designations Map Atlas* (Chaplain Creek, Daniels Creek and  
9 Hannon Creek) but not in the list of rivers/streams in the *Shoreline*  
10 *Environment Designations, Policies and Regulations* document.

11  
12 b. Update *Section 2.1.2 – Land Use Patterns* by revising *Table 3. Land Use Type*  
13 *and Intensity in each Shoreline Environment Designation* with up-to-date land  
14 use acreages for the predominant zoning categories in each shoreline  
15 environment designation and adding a new row “Environment as a percentage of  
16 total.”

17  
18 c. Update *Section 2.3 – Alternative Environment Designation System* by:

19 i. Revising *Table 4. Main Zoning Categories by Shoreline Environment*  
20 *Designation* with up-to-date land use acreages for the main zoning  
21 categories by shoreline environment designation.

22 ii. Revising *Table 4* to include acreages for the Rural Diversification (“RD”)  
23 zone into the Residential Use/Zone category because RD allows for rural  
24 home-based businesses and industries, among other residential uses.

25 iii. Revising *Table 4* to include acreages for the Urban Center (“UC”) zone  
26 into the Commercial Use/Zone category because UC allows for high-  
27 density residential, among other, retail and office uses.

28  
29 d. Update *Section 3.2.5.3 – Boating Facilities* by reflecting formatting changes to  
30 SCC 30.67.515 splitting “Boating” facilities (marinas, yacht and boat clubs, boat  
31 launches and ramps) from “Boat Mooring” facilities (boathouses, mooring buoys,  
32 piers, docks and floats) and establishing new section SCC 30.67.517 for “Boat  
33 Mooring” facilities.

34  
35 e. Update *Appendix A – Glossary* by amending definitions to achieve consistency  
36 with definitions in chapter 30.91 SCC and other housekeeping changes and  
37 typographical corrections.

38  
39 f. Update *Appendix D – Shoreline Environment Designation Maps* to reflect  
40 updates to shoreline jurisdiction since the 2012 SMP Update, adopted by  
41 Ordinance 12-025 on June 6, 2012.

42  
43 g. Update *Appendix E – Chapter 30.44 SCC – Shoreline Permits* to reflect  
44 amendments to shoreline administrative provisions since the 2012 SMP Update,  
45 adopted by Ordinance 12-025 on June 6, 2012.

- 1 h. Update *Appendix F – Chapter 30.67 SCC – Shoreline Management Program* to  
2 reflect amendments to shoreline development regulations since the 2012 SMP  
3 Update, adopted by Ordinance 12-025 on June 6, 2012.  
4

5 5. The *Shoreline Management Program Shoreline Environment Designations Map Atlas* is  
6 amended to achieve compliance with WAC 173-18-044 and 046, WAC 173-20-044 and  
7 046 and WAC 173-22-050, which require maps of shorelines in the county to be  
8 updated. The map updates reflect minor changes in shoreline jurisdiction including,  
9 natural changes and changes due to improved geographic information systems (GIS)  
10 data.  
11

12 a. Changes to shoreline jurisdiction include:

- 13 i. Removing two areas annexed by the city of Stanwood;  
14 ii. Removing one area annexed by the city of Everett;  
15 iii. Removing one area annexed by the city of Lake Stevens;  
16 iv. Removing two areas annexed by the city of Snohomish;  
17 v. Removing land near the city of Stanwood acquired by the United States in  
18 trust for the Stillaguamish Tribe of Indians;  
19 vi. Removing land near the city of Sultan acquired by the United States in  
20 trust for the Stillaguamish Tribe of Indians;  
21 vii. Adding land near the city of Darrington relinquished by the Stillaguamish  
22 Tribe of Indians in fee status;  
23 viii. Adjustments to tideland areas adjacent to tribal trust lands on the Tulalip  
24 Indian Reservation; and  
25 ix. Non-federal development or use on federal lands (mining claims).  
26

27 b. Changes resulting from improved GIS data include:

- 28 i. Adding four previously unmapped lakes/areas of open water over 20  
29 acres (Rowland, Olson, Meadow and Richardson);  
30 ii. Adding one lake/area of open water over 20 acres that appears in the list  
31 of lake shorelines in the *Shoreline Environment Designations, Policies  
32 and Regulations* document but does not appear on the *Shoreline  
33 Environment Designations Map Atlas*;  
34 iii. Technical adjustments to floodplains associated with existing SMP  
35 waterbodies;  
36 iv. Removing a portion of the FEMA 500-year floodplain near Jetty Island in  
37 Possession Sound;  
38 v. Changes to the county hydrology layer maintained by Snohomish County  
39 Department of Information Systems;  
40 vi. Updates to data capture methods, improvements to lidar and satellite  
41 imagery data accuracy and resolution, and field visits identifying the  
42 shoreline OHWM;  
43 vii. Changes due to shifts in mapped watercourses and delineation of  
44 waterbodies; and  
45 viii. Other natural changes that have occurred since the SMP was last  
46 updated in 2012.  
47

- 1 c. Changes identified following the Planning Commission include redesignating two  
 2 artificial waterbodies west of Interstate 5 near the mouth of the Snohomish River  
 3 from “aquatic” to “urban” shoreline environments.  
 4
- 5 6. The planning commission, in its letter dated November 29, 2018, passed a motion (10-1)  
 6 recommending approval of the proposed shoreline code, map and policy document  
 7 amendments contained in the staff report with supporting findings and conclusions,  
 8 including an amendment relating to “yacht and boat clubs” described in a November 19,  
 9 2018, staff memo.  
 10
- 11 a. The proposed shoreline code amendments transmitted to planning  
 12 commissioners in a supplemental staff report dated October 5, 2018, grouped  
 13 regulations for “yacht and boat clubs” in with regulations for “marinas.” However,  
 14 “marinas” are water dependent while “yacht and boat clubs” are not. To address  
 15 this discrepancy, commissioners voted to add standards for “yacht and boat  
 16 clubs” to SCC 30.67.515(1)(k).  
 17
- 18 b. Existing regulations do not provide a definition for “yacht and boat clubs.”  
 19 Planning commissioners voted to add a definition for “yacht and boat clubs” in  
 20 SCC 30.91Y.010.  
 21
- 22 7. Ecology submitted comments to the county in a letter dated November 28, 2018, after  
 23 planning commission review of proposed amendments to the county’s SMP. The county  
 24 worked with Ecology on the following additional amendments:  
 25
- 26 a. Existing regulations in SCC 30.67.060(2)(d) require a shoreline variance permit  
 27 whenever a deviation from landslide hazard area regulations in SCC 30.62B.340  
 28 is requested. Ecology requested the county amend SCC 30.67.060(2)(d) to  
 29 reflect its original intent which is to require a shoreline variance permit only when  
 30 the landslide hazard deviation provisions in SCC 30.62B.340 are used for  
 31 proposed structures that include habitable space, and not for stairs, trams or  
 32 shoreline bank and stabilization measures. A shoreline variance permit will  
 33 continue to be required for deviations from landslide hazard area regulations for  
 34 uses that include habitable space.  
 35
- 36 b. SCC 30.67.060(2)(f) is repealed for consistency with updates to SCC 30.62B.330  
 37 which now allow for activities such as restoration or enhancement of shoreline  
 38 ecological functions within channel migration zones.  
 39
- 40 c. SCC 30.67.060(2)(e) and (2)(f) are repealed and replaced with SCC  
 41 30.67.060(2)(e) and (2)(f) which are added to differentiate provisions for new  
 42 single-family residential (SFR) development from those provisions that apply to  
 43 existing single-family residential development.  
 44
- 45 i. SCC 30.62A.520(8) currently allows buffer reductions for SFR  
 46 development up to 50 percent as long as the area of buffer disturbance  
 47 does not exceed 4,000 square feet. For new SFR development located

1 within shoreline jurisdiction, the area of buffer disturbance is reduced to  
2 2,500 square feet in subsection 30.67.060(2)(e). In many cases, new  
3 SFR developments on small shoreline lots have been ineligible to use  
4 the approach in SCC 30.62A.520(8) because the buffer reduction would  
5 have to be in excess of 50 percent to accommodate at least a 2,500  
6 square-foot building area. Therefore, Ecology requested SCC  
7 30.67.060(2)(e) be added to allow over 2,500 square feet of buffer to be  
8 disturbed without a shoreline variance permit if certain conditions in SCC  
9 30.67.060(2)(e)(ii) are met. If the conditions cannot be met then a  
10 shoreline variance permit is required.

- 11
- 12 ii. SCC Figure 30.67.060(2)(e) is added to illustrate the reduced buffer
- 13 width scenario allowed under SCC 30.67.060(2)(e).
- 14
- 15 iii. Ecology requested the county clarify regulations related to expansions of
- 16 existing SFR development, specifically to limit existing SFR development
- 17 from expanding waterward. Subsection 30.67.060(2)(f) is added to clarify
- 18 additional criteria for expansions of existing SFR development.
- 19

- 20 d. SCC 30.67.430 – *Table 1 - Shoreline Use and Modification Matrix* is amended to
- 21 reflect that in the Natural, Urban Conservancy and their adjacent Aquatic
- 22 environments, non-structural shoreline and bank stabilization measures
- 23 associated with an ecological enhancement or restoration project are permitted
- 24 and no longer require a conditional use permit. However, to limit alterations to the
- 25 Natural, Urban Conservancy and their adjacent Aquatic environments, all other
- 26 non-structural measures are conditionally permitted. Structural shoreline and
- 27 bank stabilization measures in the Natural, Urban Conservancy and their
- 28 adjacent Aquatic environments are conditionally permitted only when associated
- 29 with an ecological enhancement or restoration project or those protecting an
- 30 existing primary structure pursuant to RCW 90.58.100(6) and WAC 173-26-
- 31 231(3)(a).
- 32

- 33 e. SCC 30.67.440(5) is amended to clarify that when this reference note appears,
- 34 shoreline and bank stabilization measures (shoreline modifications) must be
- 35 associated with an ecological restoration or enhancement project.
- 36

- 37 f. Ecology encouraged the county to clarify regulations for new, enlarged or
- 38 replacement structural shoreline and bank stabilization measures. SCC
- 39 30.67.440(11) is amended to clarify that structural shoreline and bank
- 40 stabilization measures in certain environmental designations must meet the
- 41 conditions in SCC 30.67.575(2)(b)(ii) to be permitted or are otherwise
- 42 conditionally permitted in accordance with SCC 30.67.575(2)(b)(iii).
- 43

- 44 g. SCC 30.67.575(1)(a) is amended to clarify regulations pertaining to replacement
- 45 and normal maintenance and repair of shoreline and bank stabilization
- 46 measures.
- 47

- 1 h. SCC 30.67.575(1)(b) is amended to achieve compliance with WAC 173-26-  
2 231(3)(a) by requiring additional scrutiny for new, enlarged or replacement  
3 structural shoreline stabilization measures including demonstration of need.  
4
- 5 i. SCC 30.67.575(1)(b)(ii)(C) is added to achieve consistency with WAC 173-26-  
6 231(3)(a)(iii)(E) by requiring soft approaches to structural stabilization unless  
7 demonstrated not to be sufficient to protect primary structures, dwellings and  
8 businesses.  
9
- 10 j. SCC 30.67.575(1)(b)(ii)(E) is added to achieve consistency with WAC 173-26-  
11 231(3)(a)(iii)(D) allowing new, enlarged or replacement structural shoreline  
12 stabilization measures when the criteria of SCC 30.67.575(1)(b)(ii) are met.  
13
- 14 k. SCC 30.67.575(1)(c)(i) and SCC 30.62A.330(2)(b)(iv) make reference to two  
15 guidance documents related to shoreline and bank stabilization structures  
16 published by the Washington Departments of Fish and Wildlife (WDFW) and  
17 Ecology. The WDFW document is from April 2003 and the Ecology guidance  
18 document is from May 2000. SCC 30.67.575(1)(c)(i) is amended to replace the  
19 2003 WDFW and 2000 Ecology documents with more recent guidance published  
20 in March 2014.  
21
- 22 l. SCC 30.67.575(2)(a) and (b) are repealed and replaced to clarify shoreline  
23 environment designation-specific regulations for shoreline and bank stabilization  
24 measures.  
25 i. Subsections 30.67.575(2)(a)(i)-(ii) are added and include regulations for  
26 Natural, Urban Conservancy and adjacent Aquatic shoreline  
27 environments.  
28 ii. Subsections 30.67.575(2)(b)(i)-(iii) are added and include regulations for  
29 Urban, Rural Conservancy, Resource, Municipal Watershed Utility and  
30 adjacent Aquatic shoreline environments.  
31
- 32 m. SCC 30.67.575(2)(a)(i) adds provisions for non-structural shoreline and bank  
33 stabilization measures in the Natural, Urban Conservancy and adjacent Aquatic  
34 shoreline environments. Subsection 30.67.575(2)(a)(i)(B) specifies that a  
35 shoreline conditional use permit is required for non-structural measures not  
36 associated with an ecological enhancement or restoration project.  
37
- 38 n. SCC 30.67.575(2)(a)(ii) adds provisions for structural shoreline and bank  
39 stabilization measures in the Natural, Urban Conservancy and adjacent Aquatic  
40 shoreline environments. SCC 30.67.575(2)(a)(ii)(A)-(B) specify that all structural  
41 measures are prohibited except those associated with an ecological  
42 enhancement or restoration project or those necessary to protect an existing  
43 primary structure and then only with a shoreline conditional use permit.  
44
- 45 o. SCC 30.67.575(2)(b)(i) adds provisions permitting non-structural shoreline and  
46 bank stabilization measures in the Urban, Rural Conservancy, Resource,  
47 Municipal Watershed Utility and adjacent Aquatic shoreline environments.



- 1  
2 p. SCC 30.67.575(2)(b)(ii) adds provisions for structural shoreline and bank  
3 stabilization measures in the Urban, Rural Conservancy, Resource, Municipal  
4 Watershed Utility and adjacent Aquatic shoreline environments. SCC  
5 30.67.575(2)(b)(ii) specifies that structural measures are permitted if they meet  
6 the criteria in SCC 30.67.575(2)(b)(ii)(A)-(C). This new language clarifies that: 1)  
7 normal maintenance and repair does not include “replacement” and 2)  
8 “replacements” cannot be larger than the original structure and are only allowed if  
9 they improve shoreline ecological functions. If the structural measure is not able  
10 to meet this criteria, then a shoreline conditional use permit is required pursuant  
11 to SCC 30.67.575(2)(b)(iii).  
12

13 Section 2. Intentionally left blank  
14

15 Section 3. The county council makes the following conclusions:  
16

- 17 A. The proposed amendments are consistent with the SMA and all applicable state regulations,  
18 including chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC.  
19 B. The proposed SMP has been reviewed according to the timetable in RCW 90.58.080(4) and  
20 the county’s shoreline development regulations in chapter 30.67 SCC and shoreline  
21 administrative provisions in chapter 30.44 SCC comply with all applicable shoreline laws  
22 and regulations as demonstrated in Ecology’s Periodic Review Checklist.  
23 C. The proposed SMP maintains consistency with the county’s Growth Management Act  
24 Comprehensive Plan (GMACP) and development regulations adopted under chapter 36.70A  
25 RCW.  
26 D. The county complied with SEPA (chapter 43.21 RCW) by issuing Addendum No. 2 to the  
27 August 2010 FSEIS on April 24, 2019.  
28 E. The county complied with the requirements of WAC 173-26-090, RCW 36.70A.130 and  
29 chapter 30.73 SCC to provide early and continuous opportunities for public participation and  
30 input.  
31 F. The proposed SMP includes updates reflecting the county’s most recent critical area  
32 regulations in chapters 30.62A, 30.62B, 30.62C and 30.65 SCC which represent best  
33 available science.  
34

35 Section 4. The county council bases its findings and conclusions on the entire record of the  
36 planning commission and the county council, including all testimony and exhibits. Any finding  
37 which should be deemed a conclusion and any conclusion which should be deemed a finding is  
38 hereby adopted as such.  
39

40 Section 5. Snohomish County Code Section 30.10.065, last amended by Amended Ordinance  
41 No. 12-025 on June 6, 2012, is amended to read:  
42

43 **30.10.065 Snohomish County Shoreline Management Program (SMP) – a component**  
44 **of the comprehensive plan.**

45 The goals and policies of the Snohomish County Shoreline Management Program (SMP),  
46 adopted pursuant to chapter 90.58 RCW and chapter 173-26 WAC, are considered an element  
47 of the comprehensive plan. The SMP consists of the following:

- 1 (1) A document titled, Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations, dated (~~June 6, 2012~~) July 3, 2019;
- 2
- 3 (2) Shoreline environment designation maps, dated (~~June 6, 2012~~) July 3, 2019;
- 4 (3) Shoreline regulations contained in chapter 30.67 SCC; and
- 5 (~~(4) Critical area regulations in chapters 30.62A, 30.62B and 30.62C SCC as adopted in~~
- 6 ~~Amended Ordinance 06-061 on August 1, 2007, and chapter 30.65 SCC as adopted in~~
- 7 ~~Amended Ordinance 07-005 on February 21, 2007.~~)
- 8 (4) Critical area regulations in chapter 30.62A SCC, last amended by Amended Ordinance 19-
- 9 020 on July 3, 2019, chapter 30.62B SCC, last amended by Ordinance 19-022 on June 26,
- 10 2019, chapter 30.62C SCC, last amended by Amended Ordinance 15-034 on September 2,
- 11 2015, and chapter 30.65 SCC, last amended by Amended Ordinance 12-025 on June 6, 2012.
- 12

13 Section 6. Snohomish County Code Section 30.22.130, last amended by Amended Ordinance  
 14 No. 19-021 on June 19, 2019, is amended to read:

15  
 16 **30.22.130 Reference notes for use matrices.**

- 17 (1) Airport, Stage 1 Utility.
  - 18 (a) Not for commercial use and for use of small private planes;
  - 19 (b) In the RU zone, they shall be primarily for the use of the resident property owner; and
  - 20 (c) When the airport is included in an airpark, the disclosure requirements of SCC 30.28.005 shall apply.
- 22 (2) Day Care Center.
  - 23 (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and
  - 24 (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.
- 27 (3) Dock and Boathouse, Private, Non-commercial. The following standards apply outside of shoreline jurisdiction only. If located within shoreline jurisdiction, the standards in SCC (~~30.67.515~~) 30.67.517 apply instead.
  - 28 (a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;
  - 29 (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;
  - 30 (c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;
  - 31 (d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline within 300 feet of either side of the parcel on which the structure is proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;
  - 32 (e) 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; and
  - 33 (f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.
- 36 (4) Dwelling, (~~Single-Family~~) Single-Family. In the MHP zone, (~~single-family~~) single-family detached dwellings are limited to one per existing single legal lot of record.
- 45
- 46

- 1 (5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter 30.23A SCC for  
2 design standards applicable to ((single-family)) single-family attached dwelling, mixed  
3 townhouse, and townhouse development.
- 4 (6) Dwelling, Mobile Home.
  - 5 (a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its  
6 entire body length;
  - 7 (b) Shall be constructed with a non-metallic type, pitched roof;
  - 8 (c) Except where the base of the mobile home is flush to ground level, shall be installed  
9 either with:
    - 10 (i) skirting material which is compatible with the siding of the mobile home; or
    - 11 (ii) a perimeter masonry foundation;
  - 12 (d) Shall have the wheels and tongue removed; and
  - 13 (e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square  
14 feet.
- 15 (7) RESERVED for future use.
- 16 (8) Family Day Care Home.
  - 17 (a) No play yards or equipment shall be located in any required setback from a street; and
  - 18 (b) Outdoor play areas shall be fenced or otherwise controlled.
- 19 (9) Farm Stand.
  - 20 (a) There shall be only one stand on each lot; and
  - 21 (b) At least 50 percent by farm product unit of the products sold shall be grown, raised or  
22 harvested in Snohomish County, and 75 percent by farm product unit of the products sold  
23 shall be grown, raised or harvested in the state of Washington.
- 24 (10) Farm Worker Dwelling.
  - 25 (a) At least one person residing in each farm worker dwelling unit shall be employed full  
26 time in the farm operation;
  - 27 (b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the  
28 county attesting to the need for such dwellings to continue the farm operation;
  - 29 (c) The number of farm worker dwellings shall be limited to one per each 40 acres under  
30 single contiguous ownership to a maximum of six total dwellings, with 40 acres being  
31 required to construct the first accessory dwelling unit. Construction of the maximum number  
32 of dwelling units permitted shall be interpreted as exhausting all residential potential of the  
33 land until such time as the property is legally subdivided; and
  - 34 (d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead  
35 which includes the main dwelling. The farmstead's boundaries shall be designated with a  
36 legal description by the property owner with the intent of allowing maximum flexibility while  
37 minimizing interference with productive farm operation. Farm worker dwellings may be  
38 located other than as provided for in this subsection only if environmental or physical  
39 constraints preclude meeting these conditions.
- 40 (11) Home Occupation. See SCC 30.28.050.
- 41 (12) Kennel, Commercial. There shall be a five-acre minimum lot area; except in the R-5 and  
42 RD zones, where 200,000 square feet shall be the minimum lot area.
- 43 (13) Kennel, Private-breeding, and Kennel, Private Non-breeding. Where the animals  
44 comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be  
45 fenced and maintained in good repair or to contain or to confine the animals upon the property  
46 and restrict the entrance of other animals.
- 47 (14) Parks, Publicly-owned and Operated.

- 1 (a) No bleachers are permitted if the site is less than five acres in size;
- 2 (b) All lighting shall be shielded to protect adjacent properties; and
- 3 (c) No amusement devices for hire are permitted.
- 4 (15) Boarding House. There shall be accommodations for no more than two persons.
- 5 (16) RESERVED for future use (Social Service Center – DELETED by Amended Ord. 04-010
- 6 effective March 15, 2004)
- 7 (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of occupants
- 8 and guests.
- 9 (a) No part of the pool shall project more than one foot above the adjoining ground level in a
- 10 required setback; and
- 11 (b) The pool shall be enclosed with a fence not less than four feet high, of sufficient design
- 12 and strength to keep out children.
- 13 (18) Temporary Dwelling for a Relative.
- 14 (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the
- 15 occupant(s) of the permanent dwelling;
- 16 (b) The relative must receive from, or administer to, the occupant of the other dwelling
- 17 continuous care and assistance necessitated by advanced age or infirmity;
- 18 (c) The need for such continuous care and assistance shall be attested to in writing by a
- 19 licensed physician;
- 20 (d) The temporary dwelling shall be occupied by not more than two persons;
- 21 (e) Use as a commercial rental unit shall be prohibited;
- 22 (f) The temporary dwelling shall be situated not less than 20 feet from the permanent
- 23 dwelling on the same lot and shall not be located in any required yard of the principal
- 24 dwelling;
- 25 (g) A land use permit binder shall be executed by the landowner, recorded with the
- 26 Snohomish County auditor and a copy of the recorded document submitted to the
- 27 department for inclusion in the permit file;
- 28 (h) Adequate screening, landscaping, or other measures shall be provided pursuant to SCC
- 29 30.25.028 to protect surrounding property values and ensure compatibility with the immediate
- 30 neighborhood;
- 31 (i) An annual renewal of the temporary dwelling permit, together with recertification of need,
- 32 shall be accomplished by the applicant through the department in the same month of each
- 33 year in which the initial mobile home/building permit was issued;
- 34 (j) An agreement to terminate such temporary use at such time as the need no longer exists
- 35 shall be executed by the applicant and recorded with the Snohomish County auditor; and
- 36 (k) Only one temporary dwelling may be established on a lot. The temporary dwelling shall
- 37 not be located on a lot on which a detached accessory apartment is located.
- 38 (19) Recreational Vehicle.
- 39 (a) There shall be no more than one per lot;
- 40 (b) Shall not be placed on a single site for more than 180 days in any 12-month period; and
- 41 (c) Shall be limited in the floodways to day use only (dawn to dusk) during the flood season
- 42 (October 1st through March 30th) with the following exceptions:
- 43 (i) Recreational vehicle use associated with a legally occupied dwelling to accommodate
- 44 overnight guests for no more than a 21-day period;
- 45 (ii) Temporary overnight use by farm workers on the farm where they are employed
- 46 subject to subsections (19)(a) and (19)(b) of this section; and

1 (iii) Subject to subsections (19)(a) and (19)(b) of this section and SCC 30.65.120(7),  
2 temporary overnight use in a mobile home park, which has been in existence continuously  
3 since 1970 or before, that provides septic or sewer service, water and other utilities, and  
4 that has an RV flood evacuation plan that has been approved and is on file with the  
5 department of emergency management and department of planning and development  
6 services.

7 (20) Ultralight Airpark.

8 (a) Applicant shall submit a plan for the ultralight airpark showing the location of all  
9 buildings, ground circulation, and parking areas, common flight patterns, and arrival and  
10 departure routes;

11 (b) Applicant shall describe in writing the types of activities, events, and flight operations  
12 which are expected to occur at the airpark; and

13 (c) Approval shall be dependent upon a determination by the county decision maker that all  
14 potential impacts such as noise, safety hazards, sanitation, traffic, and parking are  
15 compatible with the site and neighboring land uses, particularly those involving residential  
16 uses or livestock or small animal husbandry; and further that the proposed use can comply  
17 with Federal Aviation Administration regulations (FAR Part 103), which state that ultralight  
18 vehicle operations will not:

19 (i) create a hazard for other persons or property;

20 (ii) occur between sunset and sunrise;

21 (iii) occur over any substantially developed area of a city, town, or settlement, particularly  
22 over residential areas or over any open air assembly of people; or

23 (iv) occur in an airport traffic area, control zone, terminal control area, or positive control  
24 area without prior authorization of the airport manager with jurisdiction.

25 (21) RESERVED for future use.

26 (22) General Retail. In the FS zone, there shall be a 5,000-square foot floor area limitation.

27 (23) Vehicle, Vessel and Equipment Sales and Rental. In the CB and CRC zone, all display,  
28 storage, and sales activities shall be conducted within a structure enclosed by walls on at least  
29 two sides.

30 (24) Race Track. The track shall be operated in such a manner so as not to cause offense by  
31 reason of noise or vibration beyond the boundaries of the subject property.

32 (25) Rural Industry.

33 (a) The number of employees shall not exceed 10;

34 (b) All operations shall be carried out in a manner so as to avoid the emission or creation of  
35 smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage,  
36 sewage, water pollution, or other emissions which are unduly or unreasonably offensive or  
37 injurious to properties, residents, or improvements in the vicinity;

38 (c) The owner of the rural industry must reside on the same premises as the rural industry  
39 and, in the RD zone, the residence shall be considered as a caretaker's quarters; and

40 (d) Outside storage, loading or employee parking in the RD zone shall provide 15-foot wide  
41 Type A landscaping as defined in SCC 30.25.017.

42 (26) See SCC 30.31F.110 for performance standards specific to the Rural Business zone.

43 (27) Government Structures and Facilities, Utility Structures and Facilities, and Personal  
44 Wireless Service Facilities. Special lot area requirements for these uses are contained in SCC  
45 30.23.200.

- 1 (28) Excavation and Processing of Minerals.  
2 (a) This use, as described in SCC 30.31D.010(2), is allowed in the identified zones only  
3 where these zones coincide with the mineral lands designation in the comprehensive plan  
4 (mineral resource overlay or MRO), except for the MC zone where mineral lands designation  
5 is not required.  
6 (b) An Administrative Conditional Use Permit or a Conditional Use Permit is required  
7 pursuant to SCC 30.31D.030.  
8 (c) Excavation and processing of minerals exclusively in conjunction with forest practices  
9 regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry zone.
- 10 (29) Medical Clinic, Licensed Practitioner. A prescription pharmacy may be permitted when  
11 located within the main building containing licensed practitioner(s).
- 12 (30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to property  
13 lines in the RU zone shall provide 15-foot wide Type A landscaping as defined in SCC  
14 30.25.017.
- 15 (31) Boat Launch Facilities, Commercial or Non-commercial.  
16 (a) The hearing examiner may regulate, among other factors, required launching depth,  
17 lengths of existing docks and piers;  
18 (b) Off-street parking shall be provided in an amount suitable to the expected usage of the  
19 facility. When used by the general public, the guideline should be 32 to 40 spaces capable of  
20 accommodating both a car and boat trailer for each ramp lane of boat access to the water;  
21 (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided;  
22 (d) Pedestrian access to the water separate from the boat launching lane or lanes may be  
23 required where it is deemed necessary in the interest of public safety;  
24 (e) Safety buoys shall be installed and maintained separating boating activities from other  
25 water-oriented recreation and uses where this is reasonably required for public safety,  
26 welfare, and health; and  
27 (f) All site improvements for boat launch facilities shall comply with all other requirements of  
28 the zone in which it is located.
- 29 (32) Campground.  
30 (a) The maximum overall density shall be seven camp or tent sites per acre in Forestry and  
31 Recreation (F&R) zoning and two camp or tent sites per acre in Forestry (F) zoning;  
32 (b) The minimum site size shall be 10 acres; and  
33 (c) Campgrounds in Forestry (F) zoning may not provide utility hookups (e.g. water, electric,  
34 sewage) to individual campsites; such hookups are allowed in campgrounds with Forestry  
35 and Recreation (F&R) zoning.
- 36 (33) Commercial Vehicle Home Basing.  
37 (a) The vehicles may be parked and maintained only on the property wherein resides a  
38 person who uses them in their business;  
39 (b) Two or more vehicles may be so based; and  
40 (c) The vehicles shall be in operable condition.
- 41 (34) Distillation of Alcohol.  
42 (a) The distillation shall be from plant products, for the purpose of sale as fuel, and for the  
43 production of methane from animal waste produced on the premises;  
44 (b) Such distillation shall be only one of several products of normal agricultural activities  
45 occurring on the premises; and  
46 (c) By-products created in this process shall be used for fuel or fertilizer on the premises.

- 1 (35) RESERVED for future use (Group Care Facility – DELETED by Amended Ord. 04-010  
2 effective March 15, 2004)
- 3 (36) Churches are exempt from the Rural Business zone performance standards in SCC  
4 30.31F.110(1) and (2).
- 5 (37) Small Animal Husbandry. There shall be a five-acre minimum site size.
- 6 (38) Mobile Home Park. Such development must fulfill the requirements of chapter 30.42E  
7 SCC.
- 8 (39) Sludge Utilization. See SCC 30.28.085.
- 9 (40) Homestead Parcel. See SCC 30.28.055.
- 10 (41) Special Setback Requirements for this use are contained in SCC 30.23.110(26) or SCC  
11 30.67.595 if within shoreline jurisdiction.
- 12 (42) In the R-12,500 and WFB zones, the minimum lot size for duplexes shall be one and one-  
13 half times the minimum lot size for ~~((single-family))~~ single-family dwellings.
- 14 (43) Petroleum Products and Gas, Bulk Storage.
- 15 (a) All above ground storage tanks shall be set back from all property lines in accordance  
16 with requirements in the International Fire Code (IFC); and
- 17 (b) Storage tanks below ground shall be set back no closer to the property line than a  
18 distance equal to the greatest dimensions (diameter, length or height) of the buried tank.
- 19 (44) Auto Wrecking Yards and Junkyards. A sight-obscuring fence a minimum of seven feet  
20 high shall be established and maintained to the interior side of the required perimeter  
21 landscaping area in the LI and RI zones. For perimeter landscaping requirements for this use in  
22 all zones, see SCC 30.25.020.
- 23 (45) Antique Shops. When established as a home occupation as regulated by SCC  
24 30.28.050(1); provided further that all merchandise sold or offered for sale shall be  
25 predominantly "antique" and antique-related objects.
- 26 (46) Billboards. See SCC 30.27.080 for specific requirements.
- 27 (47) RESERVED for future use.
- 28 (48) Stockyard and Livestock Auction Facility. The minimum lot size is 10 acres.
- 29 (49) Restaurants and Personal Service Shops. Located to service principally the constructed  
30 industrial park uses.
- 31 (50) Sludge Utilization. A conditional use permit is required for manufacture of materials by a  
32 non-governmental agency containing stabilized or digested sludge for a public utilization.
- 33 (51) RESERVED for future use.
- 34 (52) RESERVED for future use.
- 35 (53) Retail Store. See SCC 30.31A.120 for specific requirements for retail stores in the BP  
36 zone.
- 37 (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in conjunction  
38 with a livestock auction facility.
- 39 (55) Noise of Machines and Operations in the LI and HI zones shall comply with chapter 10.01  
40 SCC and machines and operations shall be muffled so as not to become objectionable due to  
41 intermittence, beat frequency, or shrillness.
- 42 (56) Sludge Utilization. Only at a completed sanitary landfill or on a completed cell within a  
43 sanitary landfill, subject to the provision of SCC 30.28.085.
- 44 (57) Woodwaste Recycling and Woodwaste Storage Facility. See SCC 30.28.095.
- 45 (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns. See SCC 30.28.020.
- 46 (59) Detached Accessory or Non-Accessory Private Garages and Storage Structures. Subject  
47 to the following requirements:

- 1 (a) Special setback requirements for these uses are contained in SCC 30.23.110(20);  
2 (b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any, will not  
3 result in glare when viewed from the surrounding property or rights-of-way;  
4 (c) The following compatibility standards shall apply:  
5 (i) proposals for development in existing neighborhoods with a well-defined character  
6 should be compatible with or complement the highest quality features, architectural  
7 character and siting pattern of neighboring buildings. Where there is no discernable  
8 pattern, the buildings shall complement the neighborhood. Development of detached  
9 private garages and storage structures shall not interrupt the streetscape or dwarf the  
10 scale of existing buildings of existing neighborhoods. Applicants may refer to the  
11 Residential Development Handbook for Snohomish County Communities to review  
12 techniques recommended to achieve neighborhood compatibility;  
13 (ii) building plans for all proposals larger than 2,400 square feet in the Waterfront Beach,  
14 R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions shall  
15 document the use of building materials compatible and consistent with existing on-site  
16 residential development exterior finishes;  
17 (iii) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural  
18 cluster subdivisions, no portion of a detached accessory private garage or storage  
19 structure shall extend beyond the building front of the existing ((single family)) single-  
20 family dwelling, unless screening, landscaping, or other measures are provided to ensure  
21 compatibility with adjacent properties; and  
22 (iv) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural  
23 cluster subdivisions, no portion of a detached non-accessory private garage or storage  
24 structure shall extend beyond the building front of existing ((single family)) single-family  
25 dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the  
26 subject property line. When a detached non-accessory private garage or storage  
27 structure is proposed, the location of existing dwellings on adjacent properties located  
28 within 10 feet of the subject site property lines shall be shown on the site plan;  
29 (d) All detached accessory or non-accessory private garages and storage structures  
30 proposed with building footprints larger than 2,400 square feet shall provide screening or  
31 landscaping from adjacent properties pursuant to chapter 30.25 SCC;  
32 (e) On lots less than 10 acres in size having no established residential use, only one non-  
33 accessory private garage and one storage structure shall be allowed. On lots 10 acres or  
34 larger without a residence where the cumulative square footage of all existing and proposed  
35 non-accessory private garages and storage structures is 6,000 square feet or larger, a  
36 conditional use permit shall be required.  
37 (f) Where permitted, separation between multiple private garages or storage structures shall  
38 be regulated pursuant to subtitle 30.5 SCC.  
39 (60) The cumulative square footage of all detached accessory and non-accessory private  
40 garages and storage structures shall not exceed 6,000 square feet on any lot less than five  
41 acres, except this provision shall not apply in the LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP,  
42 LI, HI, RB, RFS, CRC and RI zones.  
43 (61) Museums. Museums within the agriculture A-10 zone are permitted only in structures  
44 which were legally existing on October 31, 1991.  
45 (62) Accessory Apartments. See SCC 30.28.010.  
46 (63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities. See  
47 SCC 30.28.090.



- 1 (64) RESERVED for future use.
- 2 (65) On-Site Hazardous Waste Treatment and Storage Facilities. Allowed only as an incidental  
3 use to any use generating hazardous waste which is otherwise allowed; provided that such  
4 facilities demonstrate compliance with the state siting criteria for dangerous waste management  
5 facilities pursuant to RCW 70.105.210 and WAC 173-303-282, as now written or hereafter  
6 amended.
- 7 (66) An application for a conditional use permit to allow an off-site hazardous waste treatment  
8 and storage facility shall demonstrate compliance with the state siting criteria for dangerous  
9 waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now  
10 written or hereafter amended.
- 11 (67) Adult Entertainment Uses. See SCC 30.28.015.
- 12 (68) Special Building Height provisions for this use are contained in SCC 30.23.050(2)(d).
- 13 (69) RESERVED for future use.
- 14 (70) Equestrian Centers. Allowed with a conditional use permit on all lands zoned A-10 except  
15 in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers  
16 designated density fringe as described in chapter 30.65 SCC.
- 17 (71) Mini-Equestrian Centers are allowed as a permitted use on all lands zoned A-10 except in  
18 that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers  
19 designated density fringe as described in chapter 30.65 SCC.
- 20 (72) Equestrian Centers and Mini-equestrian Centers require the following:
- 21 (a) Five-acre minimum site size for a mini-equestrian center;
- 22 (b) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center;  
23 provided that stabling areas, whether attached or detached, shall not be included in this  
24 calculation;
- 25 (c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on  
26 surrounding properties or rights-of-way;
- 27 (d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC 30.25.017  
28 is required to screen any outside storage, including animal waste storage, and parking areas  
29 from adjacent properties;
- 30 (e) Riding lessons, rentals, or shows shall only occur between 8:00 a.m. and 9:00 p.m.;
- 31 (f) Outside storage, including animal waste storage, and parking areas shall be set back at  
32 least 30 feet from any adjacent property line. All structures shall be set back as required in  
33 SCC 30.23.110(8); and
- 34 (g) The facility shall comply with all applicable county building, health, and fire code  
35 requirements.
- 36 (73) Temporary Residential Sales Coach (TRSC).
- 37 (a) The commercial coach shall be installed in accordance with all applicable provisions  
38 within chapter 30.54A SCC;
- 39 (b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road  
40 rights-of-way and five feet from proposed and existing property lines;
- 41 (c) Vehicular access to the temporary residential sales coach shall be approved by the  
42 county or state; and
- 43 (d) Temporary residential sales coaches may be permitted in approved preliminary plats,  
44 prior to final plat approval, when the following additional conditions have been met:
- 45 (i) plat construction plans have been approved;
- 46 (ii) the fire marshal has approved the TRSC proposal;
- 47 (iii) proposed lot lines for the subject lot are marked on site; and

- 1 (iv) the site has been inspected for TRSC installation to verify compliance with all  
2 applicable regulations and plat conditions, and to assure that land disturbing activity,  
3 drainage, utilities infrastructure, and native growth protection areas are not adversely  
4 affected.
- 5 (74) Golf Course and Driving Range. In the A-10 zone, artificial lighting of the golf course or  
6 driving range shall not be allowed. Land disturbing activity shall be limited in order to preserve  
7 prime farmland. At least 75 percent of prime farmland on site shall remain undisturbed.
- 8 (75) Model Hobby Park. SCC 30.28.060.
- 9 (76) Commercial Retail Uses. Not allowed in the Light Industrial and Industrial Park zones  
10 when said zones are located in the Maltby UGA of the comprehensive plan, and where such  
11 properties are, or can be served by railway spur lines.
- 12 (77) Studio. Studio uses may require the imposition of special conditions to ensure  
13 compatibility with adjacent residential, multiple family, or rural-zoned properties. The hearing  
14 examiner may impose such conditions when deemed necessary pursuant to the provisions of  
15 chapter 30.42C SCC. The following criteria are provided for hearing examiner consideration  
16 when specific circumstances necessitate the imposition of conditions:
- 17 (a) The number of nonresident artists and professionals permitted to use a studio at the  
18 same time may be limited to no more than 10 for any lot 200,000 square feet or larger in size,  
19 and limited to five for any lot less than 200,000 square feet in size;
- 20 (b) The hours of facility operation may be limited; and
- 21 (c) Landscape buffers may be required to visually screen facility structures or outdoor  
22 storage areas when the structures or outdoor storage areas are proposed within 100 feet of  
23 adjacent residential, multiple family, and rural-zoned properties. The buffer shall be an  
24 effective site obscuring screen consistent with Type A landscaping as defined in SCC  
25 30.25.017.
- 26 (78) RESERVED for future use.
- 27 (79) The gross floor area of the use shall not exceed 2,000 square feet.
- 28 (80) The gross floor area of the use shall not exceed 4,000 square feet.
- 29 (81) The construction contracting use in the Rural Business zone shall be subject to the  
30 following requirements:
- 31 (a) The use complies with all of the performance standards required by SCC 30.31F.100  
32 and 30.31F.110;
- 33 (b) Not more than 1,000 square feet of outdoor storage of materials shall be allowed and  
34 shall be screened in accordance with SCC 30.25.024;
- 35 (c) In addition to the provisions of subsection (81)(b) of this section, not more than five  
36 commercial vehicles or construction machines shall be stored outdoors and shall be  
37 screened in accordance with SCC 30.25.020 and 30.25.032;
- 38 (d) The on-site fueling of vehicles shall be prohibited; and
- 39 (e) The storage of inoperable vehicles and hazardous or earth materials shall be prohibited.
- 40 (82) Manufacturing, Heavy includes the following uses. Distillation of wood, coal, bones, or the  
41 manufacture of their by-products; explosives manufacturing; manufacture of fertilizer; extraction  
42 of animal or fish fat or oil; forge, foundry, blast furnace or melting of ore; manufacturing of acid,  
43 animal black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin, potash,  
44 pulp; rendering of fat, tallow and lard, rolling or booming mills; tannery; or tar distillation and  
45 manufacturing. See SCC 30.91M.028.
- 46 (83) "All other forms of manufacture not specifically listed" is a category which uses  
47 manufacturing workers, as described under the Dictionary of Occupational Titles, published by

- 1 the U.S. Department of Labor, to produce, assemble or create products and which the director  
2 finds consistent with generally accepted practices and performance standards for the industrial  
3 zone where the use is proposed. See SCC 30.91M.024 and 30.91M.026.
- 4 (84) RESERVED for future use.
- 5 (85) A ~~((single family))~~ single-family dwelling may have only one guesthouse.
- 6 (86) Outdoor display or storage of goods and products is prohibited on site.
- 7 (87) Wedding Facility.
- 8 (a) Such use is permitted only:
- 9 (i) on vacant and undeveloped land;
- 10 (ii) on developed land, but entirely outside of any permanent structure;
- 11 (iii) partially outside of permanent structures and partially inside of one or more  
12 permanent structures which were legally existing on January 1, 2001; or
- 13 (iv) entirely inside of one or more permanent structures which were legally existing on  
14 January 1, 2001;
- 15 (b) The applicant shall demonstrate that the following criteria are met with respect to the  
16 activities related to the use:
- 17 (i) compliance with the noise control provisions of chapter 10.01 SCC;
- 18 (ii) adequate vehicular sight distance and safe turning movements exist at the access to  
19 the site consistent with the EDDS as defined in Title 13 SCC; and
- 20 (iii) adequate sanitation facilities are provided on site pursuant to chapter 30.50 SCC  
21 and applicable Snohomish Health District provisions;
- 22 (c) Adequate on-site parking shall be provided for the use pursuant to SCC 30.26.035; and
- 23 (d) A certificate of occupancy shall be obtained pursuant to chapter 30.52A SCC for the use  
24 of any existing structure. The certificate of occupancy shall be subject to an annual inspection  
25 and renewal pursuant to SCC 30.53A.160 to ensure building and fire code compliance.
- 26 (88) Public/Institutional Use Designation (P/IU). When applied to land that is (a) included in an  
27 Urban Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map  
28 concurrent with or prior to its inclusion in a UGA, the R-7,200, R-8,400 and R-9,600 zones shall  
29 allow only the following permitted or conditional uses: churches, and school instructional  
30 facilities. All other uses are prohibited within areas that meet criteria (a) and (b), unless the P/IU  
31 designation is changed.
- 32 (89) Hotel/Motel Uses. Permitted in the Light Industrial zone when the following criteria are  
33 met:
- 34 (a) The Light Industrial zone is located within a municipal airport boundary;
- 35 (b) The municipal airport boundary includes no less than 1,000 acres of land zoned light  
36 industrial; and
- 37 (c) The hotel/motel use is served by both public water and sewer.
- 38 (90) Health and Social Service Facilities regulated under this title do not include secure  
39 community transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See SCC  
40 30.91H.095.
- 41 (a) Snohomish County is preempted from regulation of SCTFs. In accordance with the  
42 requirements of state law the county shall take all reasonable steps permitted by chapter  
43 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every  
44 effort shall be made by the county through the available state procedures to ensure strict  
45 compliance with all relevant public safety concerns, such as emergency response time,  
46 minimum distances to be maintained by the SCTF from "risk potential" locations, electronic  
47 monitoring of individual residents, household security measures and program staffing.

- 1 (b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from  
 2 evaluating, commenting on, or proposing public safety measures to the state of Washington  
 3 in response to a proposed siting of a SCTF in Snohomish County.
- 4 (c) Nothing herein shall be interpreted to require or authorize the siting of more beds or  
 5 facilities in Snohomish County than the county is otherwise required to site for its SCTFs  
 6 pursuant to the requirements of state law.
- 7 (91) Level II Health and Social Service Uses. Allowed outside the UGA only when the use is  
 8 not served by public sewer.
- 9 (92) The area of the shooting range devoted to retail sales of guns, bows, and related  
 10 equipment shall not exceed one-third of the gross floor area of the shooting range and shall be  
 11 located within a building or structure.
- 12 (93) Farmers Market. See SCC 30.28.036.
- 13 (94) Farm Product Processing and Farm Support Business. See SCC 30.28.038.
- 14 (95) Farmland Enterprise. See SCC 30.28.037.
- 15 (96) Public Events/Assemblies on Farmland. Such event or assembly shall:
- 16 (a) Comply with the requirements of SCC 30.53A.800; and  
 17 (b) Not exceed two events per year. No event shall exceed two weeks in duration.
- 18 (97) Bakery, Farm. The gross floor area of the use shall not exceed 1,000 square feet.
- 19 (98) Recreational Facility Not Otherwise Listed in A-10 zone, Forestry (F), or Forestry and  
 20 Recreation (F&R) zones. See SCC 30.28.076.
- 21 (99) Farm Stand. See SCC 30.28.039.
- 22 (100) Farm Stand. Allowed as a Permitted Use (P) when sited on land designated riverway  
 23 commercial farmland, upland commercial farmland or local commercial farmland in the  
 24 comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not  
 25 designated riverway commercial farmland, upland commercial farmland or local commercial  
 26 farmland in the comprehensive plan.
- 27 (101) Farmers Market. Allowed as a Permitted Use (P) when sited on land designated riverway  
 28 commercial farmland, upland commercial farmland or local commercial farmland in the  
 29 comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not  
 30 designated riverway commercial farmland, upland commercial farmland or local commercial  
 31 farmland in the comprehensive plan.
- 32 (102) Community Facilities for Juveniles in R-5 zones must be located within one mile of an  
 33 active public transportation route at the time of permitting.
- 34 (103) All community facilities for juveniles shall meet the performance standards set forth in  
 35 SCC 30.28.025.
- 36 (104) Personal wireless service facilities are subject to development standards in chapter  
 37 30.28A SCC, parking standards in SCC 30.26.030, setback requirements in SCC 30.23.110(26)  
 38 or SCC 30.67.595 if within shoreline jurisdiction, and landscaping standards in chapter 30.25  
 39 SCC.
- 40 (105) RESERVED for future use.
- 41 (106) See SCC 30.28A.050(2) for instances when a personal wireless service facility does not  
 42 require a conditional use permit.
- 43 (107) Agricultural Composting Requirements.
- 44 (a) On-farm site agricultural composting operations that comply with the requirements  
 45 established in this section are allowed in the A-10 zone. These composting facilities and  
 46 operations shall be constructed and operated in compliance with all applicable federal, state  
 47 and local laws, statutes, rules and regulations. The Nutrient Management Plan portion of the

1 farm's Snohomish Conservation District Farm Plan or any other established nutrient  
2 management plan must be on file with the department when any application for a land use  
3 permit or approval is submitted to the department for the development of an agricultural  
4 composting facility. Farm site agricultural composting operations shall also comply with the  
5 following criteria:

- 6 (i) The composting operation shall be limited to 10 percent of the total farm site area;
- 7 (ii) At least 50 percent of the composted materials shall be agricultural waste;
- 8 (iii) At least 10 percent of the agricultural wastes must be generated on the farm site;
- 9 (iv) A maximum of 500 cubic yards of unsuitable incidental materials accumulated in the  
10 agricultural waste such as rock, asphalt, or concrete over three inches in size may be  
11 stored at the farm composting facility until its proper removal. All incidental materials must  
12 be removed from the site yearly; and
- 13 (v) A minimum of 10 percent of the total volume of the finished compost produced  
14 annually shall be spread on the farm site annually.

15 (b) In all other zones except A-10 where agriculture is a permitted use, incidental  
16 agricultural composting of agricultural waste generated on a farm site is permitted. The  
17 agricultural composting facility shall be constructed and operated in compliance with all  
18 applicable federal, state and local laws, statutes, rules and regulations. The Nutrient  
19 Management Plan portion of the farm's Snohomish Conservation District Farm Plan or any  
20 other established nutrient management plan must be on file with the department when any  
21 permit application is submitted to the department for the development of an agricultural  
22 composting facility.

23 (108) RESERVED for future use. (Urban Center Demonstration Program projects – DELETED  
24 by Ord. 09-079)

25 (109) Privately operated off-road vehicle (ORV) use areas shall be allowed by conditional use  
26 permit on Forestry and Recreation (F&R) zoned property designated Forest on the  
27 comprehensive plan future land use map. These areas shall be identified by an F&R ORV suffix  
28 on the zoning map. Privately operated ORV use areas are regulated pursuant to SCC 30.28.080  
29 and 30.28.086 and other applicable county codes.

30 (110) RESERVED for future use.

31 (111) RESERVED for future use.

32 (112) RESERVED for future use. (Transfer of Development Rights receiving area overlay –  
33 DELETED by Amended Ord. 13-064)

34 (113) Privately Operated Motocross Racetracks. Allowed by conditional use permit, and are  
35 regulated pursuant to SCC 30.28.100 and 30.28.105, and other applicable county codes.  
36 Motocross racetracks are allowed in the Forestry and Recreation (F&R) zone only on  
37 commercial forest lands.

38 (114) New AM Radio Towers are prohibited. AM radio towers either constructed before  
39 October 13, 2010, or with complete applications for all permits and approvals required for  
40 construction before October 13, 2010, shall not be considered nonconforming uses and they  
41 may be repaired, replaced, and reconfigured as to the number and dimensions of towers so  
42 long as the repair, replacement, or reconfiguration occurs on the parcel where the tower was  
43 originally constructed or permitted and it does not increase the number of AM radio towers  
44 constructed on the parcel.

45 (115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay (MRO). Public  
46 park is a permitted use on reclaimed portions of mineral excavation sites with the MRO.

47 (116) See cottage housing design standard requirements in chapter 30.41G SCC.

- 1 (117) RESERVED for future use.  
2 (118) RESERVED for future use.  
3 (119) Only building mounted personal wireless service facilities or personal wireless service  
4 facilities located on utility poles, streetlight poles, or traffic signal poles as specified in SCC  
5 30.28A.055 shall be permitted.  
6 (120) Allowed as a conditional use only with a Park-and-Pool Lot or a Park-and-Ride Lot.  
7 (121) Permitted as an incidental use with a permitted use, conditional use or administrative  
8 conditional use.  
9 (122) Products or merchandise offered for sale or storage by a business may be located  
10 outdoors; provided, that:  
11 (a) The area occupied by the display shall not exceed 500 square feet; and  
12 (b) Public sidewalks shall not be enclosed as space for sales or storage by fencing or other  
13 means that effectively limits public use of the sidewalk.  
14 (123) Such uses, except those as provided for in SCC 30.34A.010(4)(d), are permitted only in  
15 structures which are legally existing on May 29, 2010. Such uses, except those as provided for  
16 in SCC 30.34A.010(4)(d), shall also comply with subsection (122) of this section.  
17 (124) The minimum lot size for marijuana related facilities is 100,000 square feet. Marijuana  
18 production and marijuana processing are allowed indoors and outdoors, including in  
19 greenhouses and other structures pursuant to chapter 314-55 WAC. In the A-10 zone,  
20 marijuana uses shall be subject to the same regulations that apply to agricultural uses and not  
21 subject to any more restrictive regulations except as specifically provided in this title and in state  
22 law. Marijuana processing is only allowed when there is a marijuana production facility on site.  
23 Marijuana facilities are subject to special setbacks pursuant to SCC 30.23.110(28).  
24 (125) Marijuana production and processing is permitted indoors only; no outdoor production or  
25 processing is allowed.  
26 (126) RESERVED for future use.  
27 (127) Campgrounds and recreational facilities not otherwise listed are not allowed on land  
28 designated Local Forest in the comprehensive plan.  
29 (128) Development applications for all non-tribally owned, fee-simple properties designated  
30 Reservation Commercial on the Snohomish County Future Land Use Map must include an  
31 archaeology site report pursuant to SCC 30.32D.200(3)(b) or relocate the project to avoid  
32 impacts to any archaeological resources.  
33 (129) Development within an airport compatibility area is subject to the requirements of chapter  
34 30.32E SCC.  
35 (130) On land designated as riverway commercial farmland, upland commercial farmland or  
36 local commercial farmland or land zoned A-10 the following additional requirements apply:  
37 (a) the applicant must demonstrate that the use is incidental to the primary use of the site  
38 for agricultural purposes and supports, promotes or sustains agricultural operations and  
39 production;  
40 (b) the use must be located, designed, and operated so as to not interfere with, and to  
41 support the continuation of, the overall agricultural use of the property and neighboring  
42 properties;  
43 (c) the use and all activities and structures related to the use must be consistent with the  
44 size, scale, and intensity of the existing agricultural use of the property and the existing  
45 buildings on the site;  
46 (d) the use and all activities and structures related to the use must be located within the  
47 general area of the property that is already developed for buildings and residential uses;

1 (e) where the property is less than 10 acres in size, the use and all structures and activities  
2 related to the use shall not convert more than 10 percent of agricultural land to  
3 nonagricultural uses;

4 (f) where the property is 10 acres in size or more, the use and all structures and activities  
5 related to the use shall not convert more than one acre of agricultural land to nonagricultural  
6 uses; and

7 (g) any land disturbing activity required to support the use shall be limited to preserve prime  
8 farmland.

9 The provisions of subsections (130)(a) through (130)(f) of this section do not apply to any  
10 land under ownership or acquired before May 24, 2015, by any local, county, regional, or  
11 state agency for recreation, public park and/or trail purposes. Any new development,  
12 alterations or reconstruction on these properties shall meet subsection (130)(g) of this section  
13 and the requirements of the A-10 zone. All buildings and parking areas shall be set back a  
14 minimum of 50 feet from the property boundaries. If the park or trail use produces adverse  
15 conditions that will unduly affect an adjacent agricultural use, the director may impose a  
16 larger setback to alleviate the effects of such adverse conditions, which include but are not  
17 limited to noise, vibration, dust, and light.

18 (131) Marijuana-related facilities are prohibited within the exterior boundaries of the Tulalip  
19 Indian Reservation.

20 (132) Marijuana Retail. See SCC 30.28.120.

21 (133) Only the following uses are permitted in the CRC zone: clubhouses, grooming parlors,  
22 personal service shops, offices, tool sales and rental, locksmith, home improvement centers,  
23 retail bakeries, drug stores, grocery stores, hardware stores, general retail, second hand stores,  
24 specialty stores, and tire stores.

25 (134) Material Recovery Facility. See SCC 30.28.110.

26 (135) Retail, general uses may be allowed with an administrative conditional use permit only  
27 when part of a new mixed-use development that includes residential dwellings or when  
28 occupying a former residential structure (or portion of a residential structure). The proposed  
29 retail use in the MR zone must meet the following criteria:

30 (a) The retail use has frontage on an arterial road as shown on the Countywide Arterial  
31 Circulation Map;

32 (b) The gross leasable area of retail space may not exceed 6,000 square feet; and

33 (c) Products or merchandise offered for sale or storage by a business may be located  
34 outdoors except that the area occupied by the display may not exceed 500 square feet and  
35 public sidewalks may not be enclosed as space for sales or storage by fencing or other  
36 means that effectively limits public use of the sidewalk.

37 (136) Within the NB zone, this use is only permitted when the Future Land Use Map in the  
38 comprehensive plan designates the site as Urban Village.

39 (137) Recycling Facility. See SCC 30.28.112.

40 (138) Licensed practitioners and medical clinics may be conditionally permitted as the sole use  
41 on a site. Cleaning establishments, grooming parlors, and personal service shops may only be  
42 conditionally permitted when part of a development that includes residential dwellings or when  
43 occupying a former residential structure (or portion of a residential structure).

44  
45 Section 7. Snohomish County Code Section 30.23.110, last amended by Amended Ordinance  
46 No. 18-011 on March 21, 2018, is amended to read:  
47

1 **30.23.110 – Special setbacks for certain uses.**  
2

3 This section supplements the normal setbacks required by the underlying zone for the specified  
4 use.

5 (1) Agriculture. All structures used for housing or feeding animals, not including household pets,  
6 shall be located at least 30 feet from all property lines.

7 (2) Amusement Facilities. Theaters must be at least 300 feet from the property line of any  
8 preschool or K-12 school. Other amusement facilities must be at least 500 feet from the  
9 property line of any park, playground, preschool, or K-12 school. Distances shall be measured  
10 horizontally by following a straight line from the nearest point in the building in which the  
11 amusement facility will be located, to the nearest property line of a parcel which contains a park,  
12 playground, preschool, or K-12 school.

13 (3) Art Gallery. All buildings must be at least 20 feet from any other lot in a residential zone.

14 (4) Cemetery, Mausoleum, and Crematoriums. All buildings must be at least 50 feet from  
15 external boundaries of the property.

16 (5) Church. All buildings must be at least 25 feet from any other lot in a residential zone.

17 (6) Dock and Boathouse. Covered structures must be at least three feet from any side lot line or  
18 extension thereof. No setback from adjacent properties is required for any uncovered structure,  
19 and no setback from the water is required for any structure permitted hereunder, except that  
20 setbacks for docks and boathouses located in shoreline jurisdiction are regulated under SCC  
21 (~~30.67.515~~) 30.67.517.

22 (7) Educational Institutions.

23 (a) All buildings shall be set back at least 35 feet from all external property lines; and

24 (b) All buildings shall be set back from all road network elements, except a driveway. The  
25 setback shall be the greater of either 75 feet from the centerline of a road network element,  
26 or 45 feet from the edge of a road network element.

27 (8) Equestrian Center and Mini-Equestrian Center. Open or covered arenas must be at least 50  
28 feet from any external property line. New structures located on or adjacent to lands subject to  
29 chapter 30.32A SCC shall comply with all applicable setbacks.

30 (9) Governmental Structure or Facility. All structures must be at least 20 feet from any other lot  
31 in a residential zone.

32 (10) Health and Social Service Facility, Level II. All buildings must be at least 30 feet from all  
33 external property boundaries.

34 (11) Kennel, Commercial; Kennel, Private-Breeding; or Kennel, Private-Non-Breeding. All  
35 animal runs, and all buildings and structures devoted primarily to housing animals, must be at  
36 least 30 feet from all external property lines.

37 (12) Library. All buildings must be at least 20 feet from any other lot in a residential zone.

38 (13) Museum. All buildings must be at least 20 feet from any other lot in a residential zone.

39 (14) Office, Licensed Practitioners. All buildings must be at least 20 feet from any other lot in a  
40 residential zone.

41 (15) Race Track. The track must be at least 50 feet from all external property lines.

42 (16) Rural Industry. All buildings and structures, storage areas, or other activities (except sales  
43 stands) occurring outside of a residential structure must be at least 20 feet from any property  
44 line.

45 (17) School, Preschool and K-12.

46 (a) All buildings shall be set back at least 35 feet from all external property lines; and



- 1 (b) All buildings shall be set back from all road network elements, except a driveway. The  
2 setback shall be the greater of either 75 feet from the centerline of a road network element, or  
3 45 feet from the edge of the road network element.
- 4 (18) Service Station Pump Island or Canopy. The following setbacks shall be applied from all  
5 road network elements, except for a driveway:
- 6 (a) The setback for a pump island, where the width of the road network element is less than  
7 60 feet, shall be 45 feet from the centerline of the road network element.
- 8 (b) The setback for a pump island, where the road network element is 60 feet or wider, shall  
9 be one-half the width of the road network element plus 15 feet.
- 10 (c) The setback for a canopy, where the road network element is less than 60 feet, shall be  
11 35 feet from the centerline of the road network element.
- 12 (d) The setback for a canopy, where the road network element is 60 feet or wider, shall be  
13 one-half the width of the road network element plus five feet.
- 14 (19) Small Animal Husbandry. All structures used for housing or feeding animals must be at  
15 least 30 feet from all property lines.
- 16 (20) Detached accessory or non-accessory storage structures and private garages with building  
17 footprints over 2,400 square feet must be at least 15 feet from any external property line;  
18 provided, that parcels abutting open space tracts shall have a five-foot setback from the open  
19 space. Storage structures and private garages over 4,000 square feet in size must be set back  
20 at least 20 feet from any external property line; provided, that parcels abutting open space tracts  
21 shall have a five-foot setback from the open space.
- 22 (21) RESERVED for future use.
- 23 (22) Studio. All buildings must be at least 20 feet from any other lot in a residential, multiple-  
24 family, or rural zone. The hearing examiner may require an additional setback distance when  
25 necessary to maintain compatibility of the proposed building with residential uses on adjoining  
26 properties.
- 27 (23) Swimming or Wading Pool. The pool must be at least five feet from any property line.
- 28 (24) Tavern. The use must be at least 500 feet from the external property lines of all public  
29 school grounds and public parks or playgrounds.
- 30 (25) Utility Structures. All structures must be at least 20 feet from any other lot in a residential  
31 zone.
- 32 (26) Personal Wireless Service Facilities.
- 33 (a) The setbacks of a tower used for a personal wireless service facility shall be measured  
34 from the base of the structure to the property line of the parcel on which it is located. Where  
35 guy wire supports are used, setbacks shall be measured from the base of the guy wire  
36 anchored to the ground, rather than the base of the structure, except as provided for in SCC  
37 30.23.110(26)(b).
- 38 (b) In zones categorized as Rural or Resource under SCC 30.21.020, any public road right-  
39 of-way may be included in the setback calculation. In all other zones categorized under SCC  
40 30.21.020, public road right-of-way shall not be included in the setback calculation.
- 41 (c) A tower shall be set back from a property line with a minimum of 50 feet, except as  
42 provided for in SCC 30.23.110(26)(d) through 30.23.110(26)(f). For the purposes of this  
43 subsection, a personal wireless service facility's lease area boundaries shall not be  
44 considered property lines.
- 45 (d) Setbacks may be modified by the approving authority to no less than 20 feet from a  
46 property line only if there is significant existing vegetation, topography, or some other land  
47 feature that will provide a higher level of screening of the facility. In accordance with SCC

1 30.25.025(2), a Native Vegetation Retention Area (NVRA) shall be established and  
2 maintained when this provision is used.

3 (e) Personal wireless service facilities located on utility structures, streetlight poles, traffic  
4 signal poles, or existing structures shall not be subject to the personal wireless service facility  
5 special setback requirements of SCC 30.23.110(26)(a) through 30.23.110(26)(c).

6 (f) Towers and auxiliary support equipment located on parcels adjacent to forest lands or  
7 lands designated local forest shall be set back in accordance with SCC 30.32A.110.

8 (g) To minimize the potential for birds to collide into antennas and towers, personal wireless  
9 service facilities shall not be located within the recommended construction buffer zone for  
10 birds listed as priority species by the Washington Department of Fish and Wildlife as  
11 described in its Management Recommendations for Washington's Priority Species Volume  
12 IV: Birds (revised March 2012), or listed as endangered or threatened species under the  
13 federal Endangered Species Act (50 CFR Part 17), and as amended, unless the applicant  
14 demonstrates that the proposed location will not have a significant impact on such birds.

15 (h) In no case shall a tower be constructed so that its base is closer to an existing dwelling  
16 than a distance equal to the height of the tower, unless the owner of such dwelling consents  
17 in writing that a closer distance is permitted.

18 (27) Excavation and Processing of Minerals.

19 (a) Minimum setbacks, as measured from the nearest edge of active mining or processing,  
20 shall be established as follows:

21 (i) Distance from property line: 50 feet;

22 (ii) Distance from any public road or right-of-way: 50 feet;

23 (iii) Distance from residences: 100 feet; provided, that the residence is located on a site(s)  
24 designated and zoned for residential use;

25 (iv) Distance from parks, schools, hospitals and/or libraries in existence at the time of  
26 permit application: one-fourth mile (1,320 feet);

27 (v) Distance from UGA boundary: one-fourth mile (1,320 feet).

28 (b) No mining, processing or permanent buildings shall be located within the setback.

29 (c) Structures or buildings associated with mineral operations shall be located at least 100  
30 feet from a developed residential property line.

31 (28) Marijuana production and marijuana processing. The minimum setback for outdoor  
32 marijuana production or marijuana processing facilities shall be at least 50 feet from any  
33 property line. The minimum setback for indoor marijuana production or marijuana processing  
34 facilities shall be at least 30 feet from any property line.

35  
36 Section 8. Snohomish County Code Section 30.44.020, added by Amended Ordinance No. 12-  
37 025 on June 6, 2012, is amended to read:

38  
39 **30.44.020 Development not subject to the Shoreline Management Act.**

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

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

46 (2) ~~((The procedural requirements of the Shoreline Management Act shall not apply to))~~

1 Requirements to obtain a shoreline substantial development permit, shoreline conditional use  
2 permit, shoreline variance or other review under chapter 90.58 RCW or the SMP shall not apply  
3 to:

4 (a) ((any)) Any person conducting a remedial action at a facility pursuant to a consent  
5 decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the  
6 department of ecology when it conducts a remedial action under chapter 70.105D RCW.  
7 The department of ecology shall ensure compliance with the substantive requirements of  
8 chapter 90.58 RCW through the consent decree, order, or agreed order issued pursuant  
9 to chapter 70.105D RCW, or during the department-conducted remedial action, through  
10 the procedures developed by the department pursuant to RCW 70.105D.090((-));

11 (b) Any person installing site improvements for stormwater treatment in an existing  
12 boatyard facility to meet requirements of a national pollutant discharge elimination  
13 system stormwater general permit; and

14 (c) Washington State Department of Transportation projects and activities meeting the  
15 conditions of RCW 90.58.356.

16 (3) The holder of a certification under chapter 80.50 RCW shall not be required to obtain a  
17 permit under chapter 90.58 RCW or the Snohomish County Shoreline Management Program.  
18

19 Section 9. Snohomish County Code Section 30.44.040, added by Amended Ordinance No. 12-  
20 025 on June 6, 2012, is amended to read:

21  
22 **30.44.040 Letter of exemption from the shoreline substantial development permit**  
23 **requirements.**

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

28 ~~((1))~~ (a) The development is subject to a U.S. Corps of Engineers Section 10 permit under the Rivers and  
29 Harbors Act of 1899, or a Section 404 permit under the federal Water Pollution Control Act of 1972; or

30 ~~((2))~~ (b) The property owner requests an official letter of exemption.

31 ~~((3))~~(2) All shoreline exemptions stated in SCC 30.44.020 and 30.44.120 shall be tracked within the county  
32 AMANDA data base tracking system.  
33

34 Section 10. Snohomish County Code Section 30.44.120, added by Amended Ordinance No. 12-  
35 025 on June 6, 2012, is amended to read:

36  
37 **30.44.120 Exemptions from shoreline substantial development permits.**

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

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

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

- 1 (c) Construction of the normal protective bulkhead common to ~~((single family))~~ single-  
2 family residences;
- 3 (d) Emergency temporary construction necessary to protect property from damage by the  
4 elements consistent with the provisions in SCC 30.44.280;
- 5 (e) Construction and practices normal or necessary for farming, irrigation, and ranching  
6 activities, including agricultural service roads and utilities on shorelands, and the  
7 construction and maintenance of irrigation structures including but not limited to head  
8 gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing  
9 plants, other activities of a commercial nature, alteration of the contour of the shorelands  
10 by leveling or filling other than that which results from normal cultivation, shall not be  
11 considered normal or necessary farming or ranching activities. A feedlot shall be an  
12 enclosure or facility used or capable of being used for feeding livestock hay, grain, silage,  
13 or other livestock feed, but shall not include land for growing crops or vegetation for  
14 livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
- 15 (f) Construction or modification of navigational aids, such as channel markers and anchor  
16 buoys;
- 17 (g) Construction on shorelands by an owner, lessee, or contract purchaser, of a ~~((single~~  
18 ~~family))~~ single-family residence for owner or owner's family use, which residence does not  
19 exceed a height of 35 feet above average grade level, and which meets all requirements  
20 of the state and local governments having jurisdiction thereof, other than requirements  
21 imposed pursuant to this title. Construction authorized under this exemption shall be  
22 located landward of the ordinary high water mark;
- 23 (h) Construction of a dock, including a community dock, designed for pleasure craft only,  
24 for the private noncommercial use of the owner, lessee, or contract purchaser of single-  
25 family and multiple-family residences. For the purpose of this section, a "dock" is a landing  
26 and moorage facility for watercraft and does not include recreational decks, storage  
27 facilities or other appurtenances. This exception applies ~~((to docks for which the cost or~~  
28 ~~fair market value, whichever is higher, does not exceed))~~ if either:
- 29 (i) in salt waters, the fair market value of the dock does not exceed \$2,500 ~~((in salt~~  
30 ~~waters))~~; or
- 31 (ii) in fresh waters, the fair market value of the dock does not exceed:
- 32 (A) \$22,500 for docks that are constructed to replace existing docks and are of  
33 equal or lesser square footage than the existing dock being replaced; or
- 34 (B) \$11,200 for all other docks constructed in fresh waters. ~~(((\$10,000 in fresh~~  
35 ~~waters, but if))~~
- 36 If subsequent construction ~~((having a fair market value exceeding \$2,500))~~ occurs within  
37 five years of completion of the prior construction, ~~((the subsequent construction shall be~~  
38 ~~considered a substantial development for the purpose of this chapter))~~ and the combined  
39 fair market value of the subsequent and prior construction exceeds the amount specified  
40 in SCC 30.44.120(1)(h)(i) or (ii), the subsequent construction shall be considered a  
41 substantial development for the purpose of this chapter. Pursuant to RCW  
42 90.58.030(3)(e)(vii), all dollar thresholds in this subsection must be adjusted for inflation  
43 by the state office of financial management every five years, beginning July 1, 2018,  
44 based upon changes in the consumer price index during that time period;
- 45 (i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or  
46 other facilities that now exist or are hereafter created or developed as a part of an

1 irrigation system for the primary purpose of making use of system waters, including return  
2 flow and artificially stored groundwater from the irrigation of lands;

3 (j) The marking of property lines or corners on state-owned lands, when such marking  
4 does not significantly interfere with normal public use of the surface of the water;

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

8 (l) Site exploration and investigation activities that are prerequisite to preparation of an  
9 application for development authorization under this chapter, if:

10 (i) the activity does not interfere with the normal public use of the surface waters;

11 (ii) the activity will have no significant adverse impact on the environment including,  
12 but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic  
13 values;

14 (iii) the activity does not involve the installation of a structure, and upon completion of  
15 the activity the vegetation and land configuration of the site are restored to conditions  
16 existing before the activity;

17 (iv) a private entity seeking development authorization under this section first posts a  
18 performance bond or provides other evidence of financial responsibility to the county  
19 to ensure that the site is restored to preexisting conditions; and

20 (v) the activity is not subject to the permit requirements of RCW 90.58.550 for oil or  
21 natural gas exploration in marine waters;

22 (m) The process of removing or controlling an aquatic noxious weed, as defined in  
23 RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to  
24 weed control that are recommended by a final environmental impact statement published  
25 by the state department of agriculture or the department ~~((of))~~ of ecology jointly with other  
26 state or local agencies under chapter 43.21C RCW;

27 (n) A public or private project that is designed to improve fish or wildlife habitat or fish  
28 passage when the criteria in RCW 90.58.147 are met; ~~((and))~~

29 (o) Watershed restoration projects as defined in RCW 89.08.460~~((-))~~; and

30 (p) The external or internal retrofitting of an existing structure with the exclusive purpose of  
31 compliance with the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. § 12101 et  
32 seq., or to otherwise provide physical access to the structure by individuals with  
33 disabilities.

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

42  
43 Section 11. Snohomish County Code Section 30.44.220, added by Amended Ordinance No. 12-  
44 025 on June 6, 2012, is amended to read:  
45

1 **30.44.220 Time requirements for shoreline permits.**

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

4 (1) Each permit for a shoreline substantial development, conditional use or variance issued by  
5 the county shall contain a provision that construction shall not begin and is not authorized until  
6 21 days from the date of ~~((receipt))~~ filing as defined in SCC 30.44.230(2), or until all review  
7 proceedings initiated within 21 days from the date of ~~((receipt))~~ filing have been terminated;  
8 except as provided in RCW 90.58.140(5)(a) ~~and (b), and (c)~~ or SCC 30.44.280.

9 (2) The effective date of an approved shoreline substantial development permit shall be  
10 the date of ~~((receipt))~~ filing as provided in SCC 30.44.230(2)(a). The effective date of an  
11 approved shoreline conditional use or variance permit shall be the date of ~~((receipt))~~ filing as  
12 provided in SCC 30.44.230(2)(b). When the department simultaneously transmits to the state  
13 department of ecology its decision on a shoreline substantial development permit along with its  
14 recommendation on a shoreline conditional use permit or shoreline variance, or both, "date of  
15 filing" has the same meaning as established in SCC 30.44.230(2)(b).

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

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

31 (5) Determination of the time periods described in 30.44.220(3) and (4) shall not include the  
32 time during which construction or the use or activity was not actually pursued due to the  
33 pendency of administrative appeals or legal actions or due to the need to obtain any other  
34 government permits and approvals for the development that authorize the development to  
35 proceed, including all reasonably related administrative or legal actions on any such permits or  
36 approvals.

37 (6) Shoreline permits for mitigation banks and in-lieu fee programs addressing shoreline  
38 ecological functions shall expire five years after the effective date of an approved permit  
39 pursuant to SCC 30.44.220(2). The county may authorize extensions upon a finding of good  
40 cause, based on requirements and circumstances of the project proposed and consistent with  
41 the policy and provisions of the SMP and chapter 173-27 WAC, if a request for extension has  
42 been filed before the expiration date and provided that the Memorandum of Agreement,  
43 Mitigation Bank Instrument or other documentation authorizing the mitigation bank or in-lieu fee  
44 program remains valid. Notice of the proposed extension shall be given to all parties signatory  
45 to the authorizing documents, the state ~~((Department of Ecology))~~ department of ecology and to  
46 all parties of record. Extensions may be granted as needed to fulfill the project phases outlined  
47 in the authorizing documentation provided that each granted extension is valid for a period not

1 to exceed five years. In reviewing requests for extensions, if environmental conditions or life,  
2 health and safety issues arise that were not adequately addressed by the currently valid  
3 shoreline permit, shoreline permit conditions may be added or revised. If additions or revisions  
4 are necessary, a fee will be assessed as provided in SCC 30.86.310. Extensions of shoreline  
5 conditional use permits or shoreline variances must be approved by the state (~~Department of~~  
6 ~~Ecology~~) department of ecology.

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

9  
10 Section 12. Snohomish County Code Section 30.44.230, added by Amended Ordinance No. 12-  
11 025 on June 6, 2012, is amended to read:

12  
13 **30.44.230 Filing with the state Department of Ecology.**

14 (1) Any final decision by the county on an application for a shoreline permit or a shoreline permit  
15 revision shall be (~~filed~~) mailed using return receipt requested mail ((with)) to the state  
16 (~~Department of Ecology~~) department of ecology within ten calendar days of the county's final  
17 decision, as defined pursuant to WAC 173-27-130(1). When a shoreline substantial  
18 development permit and a shoreline conditional use permit or shoreline variance, or both, are  
19 required for a development, the county shall transmit its final decision on the shoreline  
20 substantial development permit and its recommendation on the shoreline conditional use permit  
21 or shoreline variance, or both, concurrently. Documents to be submitted to the regional office of  
22 the state (~~Department of Ecology~~) department of ecology shall include:

23 (a) A copy of the complete application;

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

28 (c) The final decision of the local government;

29 (d) The permit data sheet; and

30 (e) Where applicable, documents required by chapter 30.61 SCC and  
31 chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement  
32 summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

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

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

37 (b) The date (~~on which the county or the applicant receives the written decision of~~) the  
38 state (~~Department of Ecology~~) department of ecology's decision on a variance or  
39 conditional use permit is transmitted to the county and to the applicant.

40 (c) When the department simultaneously transmits to the state department of ecology its  
41 decision on a shoreline substantial development permit with its recommendation on either  
42 a shoreline conditional use permit or shoreline variance, or both, "date of filing" has the  
43 same meaning as SCC 30.44.230(2)(b).

44  
45 Section 13. Snohomish County Code Section 30.44.250, added by Amended Ordinance No. 12-  
46 025 on June 6, 2012, is amended to read:

1 **30.44.250 Appeals.**

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

5  
6 Section 14. Snohomish County Code Section 30.44.270, added by Amended Ordinance No. 12-  
7 025 on June 6, 2012, is amended to read:

8  
9 **30.44.270 Revisions to shoreline permits.**

10 (1) A permit revision is required whenever an applicant proposes substantive changes to the  
11 design, terms or conditions of a project from those that were approved in the shoreline permit.  
12 Changes are considered substantive if they materially alter the project in a manner that relates  
13 to its conformance to the terms and conditions of the permit, the SMP or the policies and  
14 provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require  
15 approval of a revision. When an applicant seeks to revise a permit, the applicant must submit to  
16 the department detailed plans and text describing the proposed changes.

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

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

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

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

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

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

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

33 (3) Revisions to permits may be authorized after the original permit authorization has expired  
34 under SCC 30.44.220. The purpose of such revisions shall be limited to authorization of  
35 changes which are consistent with this section and which would not require a permit for the  
36 development or change proposed under chapter 90.58 RCW, the SMP and this section. If the  
37 proposed change constitutes substantial development, then a new permit is required. Provided,  
38 this subsection shall not be used to extend the time requirements of the original permit or to  
39 authorize substantial development beyond the time limits of the original permit.

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

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



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

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

12 (8) Appeals shall be to the state shorelines hearings board in accordance with  
13 RCW 90.58.180 and shall be filed within 21 days from the date of receipt of the county's action  
14 by the state (~~(Department of Ecology)~~ department of ecology or, when appropriate under  
15 SCC 30.44.270(6) of this section, the date the state (~~(Department of Ecology's)~~ department of  
16 ecology's final decision is transmitted to the county and to the applicant. Appeals shall be based  
17 only upon contentions of noncompliance with the provisions of SCC 30.44.270(2). Construction  
18 undertaken pursuant to that portion of a revised permit not authorized under the original permit  
19 is at the applicant's own risk until the expiration of the appeal deadline. If an appeal is  
20 successful in proving that a revision is not within the scope and intent of the original permit, the  
21 decision shall have no bearing on the original permit.

22  
23 Section 15. A new section is added to chapter 30.44 of the Snohomish County Code to read:

24  
25 **30.44.300 Ordinary high water mark determinations.**

26 Ordinary high water mark determinations shall be made using the state department of ecology's  
27 guidance document titled *Determining the Ordinary High Water Mark for Shoreline Management*  
28 *Act Compliance in Washington State* (Publication No. 16-06-029), dated October 2016 or as  
29 subsequently amended or revised.

30  
31 Section 16. Snohomish County Code Section 30.62A.330, last amended by Amended  
32 Ordinance No. 15-034 on September 2, 2015, is amended to read:

33  
34 **30.62A.330 Standards and requirements for activities conducted within streams, lakes**  
35 **and marine waters.**

36 This section provides standards and requirements for activities conducted within streams, lakes  
37 and marine waters. Protection of streams, lakes and marine waters is inextricably linked to  
38 protection of the adjacent buffers. Standards and requirements for buffers adjacent to streams,  
39 lakes and marine waters are found in SCC 30.62A.320.

40 (1) Standards and requirements for streams, lakes and marine waters - no mitigation required.  
41 Any development activity, action requiring project permit or clearing that does not encroach into  
42 streams, lakes or marine waters and provides buffers consistent with the requirements of SCC  
43 30.62A.320(1) satisfies the avoidance criteria of SCC 30.62A.310(3) and (~~(do)~~) does not require  
44 mitigation.

45 (2) *Standards and requirements for streams, lakes and marine waters - mitigation required. All*  
46 *actions, structures or facilities listed in this section are allowed only when they are determined to*  
47 *be unavoidable pursuant to SCC 30.62A.310(3), and are conducted according to the standards*

1 and requirements identified in this section. When a permit is required, an applicant must also  
2 provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan  
3 meeting the requirements of SCC 30.62A.150.

4 (a) All development activities, actions requiring project permits and clearing shall meet the  
5 following requirements:

6 (i) the project shall be sited and designed to prevent the need for shoreline or bank  
7 stabilization and structural flood hazard protection measures for the life of the  
8 development;

9 (ii) the project shall be sited and designed to avoid the need for new or maintenance  
10 dredging; and

11 (iii) the project shall not obstruct the source and movement of sediment from bluffs  
12 along marine waters except as necessary pursuant to subsection (2)(b) of this section.

13 (b) *Shoreline and streambank stabilization and flood protection measures.* Shoreline and  
14 streambank stabilization and flood protection measures are only allowed to protect an  
15 existing primary structure; new or existing utilities, roads and bridges; agricultural land; or  
16 as part of a project where the sole purpose is to protect or restore wetlands, fish and wildlife  
17 habitat conservation areas or buffers. Activities allowed under subsection (2)(b) of this  
18 section shall meet the following conditions:

19 (i) the applicant shall submit a geotechnical report as required pursuant to SCC  
20 30.62B.140 which establishes that the stabilization or flood protection is necessary;

21 (ii) non-structural measures shall be used unless a geotechnical report indicates that  
22 the only alternative is use of structural stabilization measures;

23 (iii) the activity shall avoid interrupting hyporheic zone continuity; and

24 (iv) the activity should be designed and constructed based on the guidance contained  
25 in the ~~((Integrated Streambank Protection Guidelines))~~ Marine Shoreline Design

26 Guidelines (Washington State Department of Fish and Wildlife, ~~((April 2003))~~2014) and  
27 the ~~((Alternative Bank Protection Methods for Puget Sound Shorelines))~~ Soft Shoreline

28 Stabilization Shoreline Master Program Planning and Implementation Guidance  
29 (Washington State Department of Ecology, ~~((May 2000, Publication #00-06-012))~~)  
30 March 2014, Publication No. 14-06-009 as appropriate for the type of critical area  
31 impacted.

32 (c) *Utility construction.* For utilities permitted under Title 30 SCC and Title 13 SCC, the  
33 following additional requirements shall apply:

34 (i) new utility crossings shall be bored beneath types S and F streams, and channel  
35 migration zones where feasible;

36 (ii) underground utilities shall avoid interrupting hyporheic zone continuity;

37 (iii) utilities shall be contained within the developed footprint of existing roads or utility  
38 crossings, where feasible;

39 (iv) utilities placement shall not increase or decrease the natural rate of shore  
40 migration, channel migration or longshore sediment transport within a drift cell;

41 (v) utilities placement shall avoid interrupting downstream movement of wood and  
42 sediment; and

43 (vi) new overhead electrical facilities are allowed when no other feasible alternative  
44 exists or the alternative would result in unreasonable or disproportionate costs, and the  
45 location, design and construction minimizes impacts to streams, lakes and marine  
46 waters pursuant to SCC 30.62A.310.

47 (d) Road crossings are subject to the following requirements:

- (i) road crossings on fish-bearing streams shall be designed according to the guidelines set forth in Water Crossing Design Guidelines (Washington Department of Fish and Wildlife, May 9, 2013) or as subsequently amended or revised; and
- (ii) road crossings shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.
- (e) *Stream conveyances*. Where feasible, stream conveyances shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.
- (f) Docks, piers and floats are subject to the following requirements:
  - (i) use of toxic or treated materials that will come in contact with the water is prohibited;
  - (ii) construction timing shall avoid critical life cycle stages of fish and wildlife;
  - (iii) these structures shall avoid critical saltwater habitats; and
  - (iv) joint use of docks, piers and floats shall be required where feasible.

Section 17. Snohomish County Code Section 30.67.030, added by Amended Ordinance No. 12-025 on June 6, 2012, is amended to read:

**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-))~~ 47 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
  - (c) The following regulations:
    - (i) 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 No. 07-005 on February 21, 2007-))
    - (ii) Critical area regulations in chapter 30.62A SCC, last amended by Amended Ordinance 19-020 on July 3, 2019, chapter 30.62B SCC, last amended by Ordinance 19-022 on June 26, 2019, chapter 30.62C SCC, last amended by Amended Ordinance 15-034 on September 2, 2015, and chapter 30.65 SCC, last amended by Amended Ordinance 12-025 on June 6, 2012.
- (2) The goals and policies of the SMP are considered an element of the comprehensive plan pursuant to SCC 30.10.065.

on 18. Snohomish County Code Section 30.67.060, added by Amended Ordinance No. 12-025 on June 6, 2012, is amended to read:

**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)), chapter 30.62A SCC, last amended by Amended Ordinance 19-020 on July 3, 2019, chapter

1 30.62B SCC, last amended by Ordinance 19-022 on June 26, 2019, chapter 30.62C SCC, last  
2 amended by Amended Ordinance 15-034 on September 2, 2015, and chapter 30.65 SCC, last  
3 amended by Amended Ordinance 12-025 on June 6, 2012, except as modified by  
4 SCC 30.67.060(2) – (5).

5 (2) The following provisions in ~~((chapter))~~ chapters 30.62A and 30.62B SCC are modified as  
6 described for critical areas located within shoreline jurisdiction:

7 (a) SCC 30.62A.540 relating to reasonable use does not apply~~((;))~~.

8 (b) When public access is required pursuant to the Americans with Disabilities Act  
9 (ADA), 42 U.S.C. § 12101 et seq., access design requirements necessary to meet the  
10 ADA shall supersede the requirements of SCC 30.62A.320(2)(d)~~((;))~~.

11 (c) Notwithstanding the provisions in SCC 30.62A.610 and SCC 30.62B.510, agricultural  
12 activities within shoreline jurisdiction and which are subject to the provisions in the  
13 Shoreline Management Act per RCW 90.58.065 shall protect critical areas pursuant to the  
14 requirements in chapter 30.62A SCC ((30.62A)), Part 600 and chapter 30.62B SCC, Part  
15 500; except that the provisions in SCC 30.62A.630(1)(c)(i) and 30.62B.530(1)(c)(i) do not  
16 apply within shoreline jurisdiction.

17 (d) When the ~~((setback))~~ deviation provisions of ~~((SCC 30.62B.340(2)(b)))~~ SCC  
18 30.62B.340(1) are utilized for a project proposal for structures that include habitable  
19 space, a shoreline variance permit is required~~((;))~~.

20 ~~((e)When the single family residential development exception in buffers provisions in~~  
21 ~~SCC 30.62A.520 are utilized for a project proposal, the following additional conditions~~  
22 ~~apply:~~

23 ~~(i) A shoreline variance permit is required when over 2,500 square feet of buffer is~~  
24 ~~disturbed; and~~

25 ~~(ii) A shoreline variance permit is required for expansion of an existing single family~~  
26 ~~residence or accessory structure;))~~

27 (e) The following provisions apply to new single-family residential development on  
28 waterfront property:

29 (i) When the provisions of SCC 30.62A.520 are utilized for a project proposal, the  
30 development shall not disturb more than 2,500 square feet of the buffer; and

31 (ii) When the provisions of SCC 30.62A.520 cannot be utilized due to lot constraints,  
32 the buffer may be reduced in excess of fifty percent of the standard buffer in SCC  
33 30.62A.320 when:

34 (A) there is not 2,500 square feet of area available for the development even  
35 when the standard buffer is reduced by fifty percent;

36 (B) the development will be located as far as possible from the ordinary high  
37 water mark;

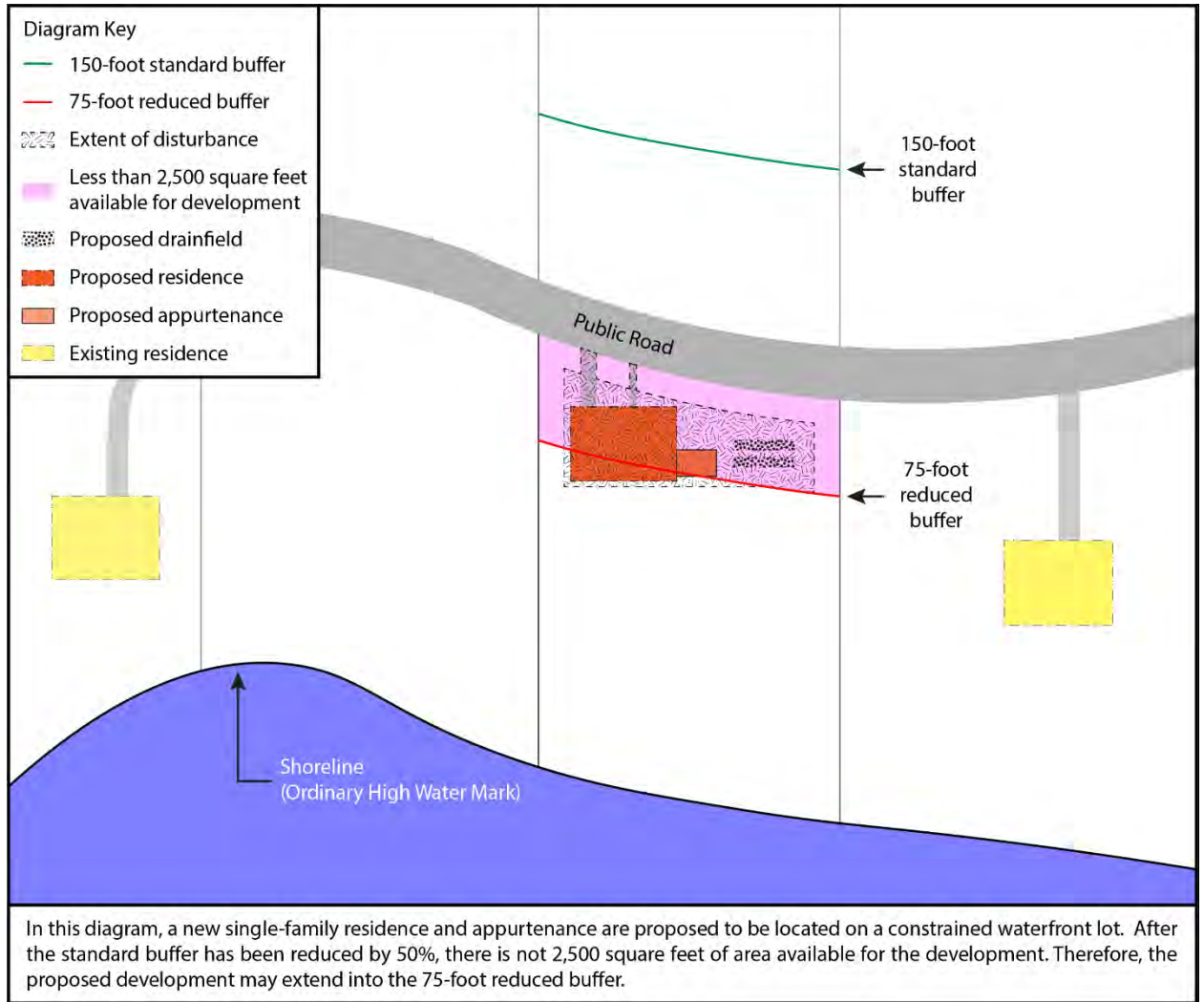
38 (C) the development will not require new structural shoreline and bank  
39 stabilization measure; and

40 (D) the standard buffer will not be reduced to less than is allowed for project  
41 proposals utilizing the provisions of SCC 30.67.060(3) or 25 feet, whichever is  
42 greater, including appurtenances such as decks and patios.

43 (iii) If a proposal for a single-family residence cannot meet the requirements of (i) or (ii)  
44 of this subsection, then a shoreline variance permit is required.

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Figure 30.67.060(2)(e)(ii) – Illustration of How SCC 30.67.060(2)(e)(ii) Might Be Applied



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~~(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;))~~

The following provisions apply to expansions of existing single-family residences on waterfront property when all or a portion of the development is located less than 150 feet from the ordinary high water mark:

- (i) No portion of the proposed project may be located closer to the ordinary high water mark than the existing single-family residence, including existing patios and single-family residential appurtenances attached to the residence;
- (ii) Existing decks, patios or impervious surfaces located between the foundation of the house and the ordinary high water mark shall not be enclosed or expanded; and

1 (iii) A shoreline variance permit is required when a development proposal exceeds the  
2 thresholds described in SCC 30.62A.520(5).

3 (g) ~~New ((single-family))~~ single-family residential development, expansions of existing  
4 ~~((single-family))~~ single-family residences, and ordinary residential improvements on  
5 existing lots allowed in buffers under SCC 30.62A.520 shall require enhancement of  
6 existing buffers based on the criteria in ~~((SCC 30.62A.520(11)))~~ SCC 30.62A.520(12) and  
7 shall meet these additional requirements:

8 (i) Vegetation enhancement efforts shall ensure that the final vegetation condition is  
9 capable of mitigating impacts and maintaining existing ecological functions.

10 (ii) If the shoreline is unmodified and/or the vegetation is relatively intact, the  
11 mitigation plan shall provide alternatives, such as out-of-kind mitigation by restoring  
12 other degraded ecological functions, or by using off-site mitigation.

13 (iii) Where modifications such as fill, armoring, patios, etc., have been placed in the  
14 buffer, these modifications shall be removed or reduced to the extent necessary to  
15 mitigate impacts on the buffer. As guidance, non-water-dependent facilities such as  
16 patios should be removed, accesses should be reduced to the minimum needed to  
17 provide access, and armoring should be replaced with natural vegetation or non-  
18 structural measures~~((;))~~.

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

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

25 (3) As an alternative to the provisions of subsection (2)(e) of this section, an exception to the  
26 standard buffer width requirements in chapter 30.62A SCC is allowed without a shoreline  
27 variance as follows:

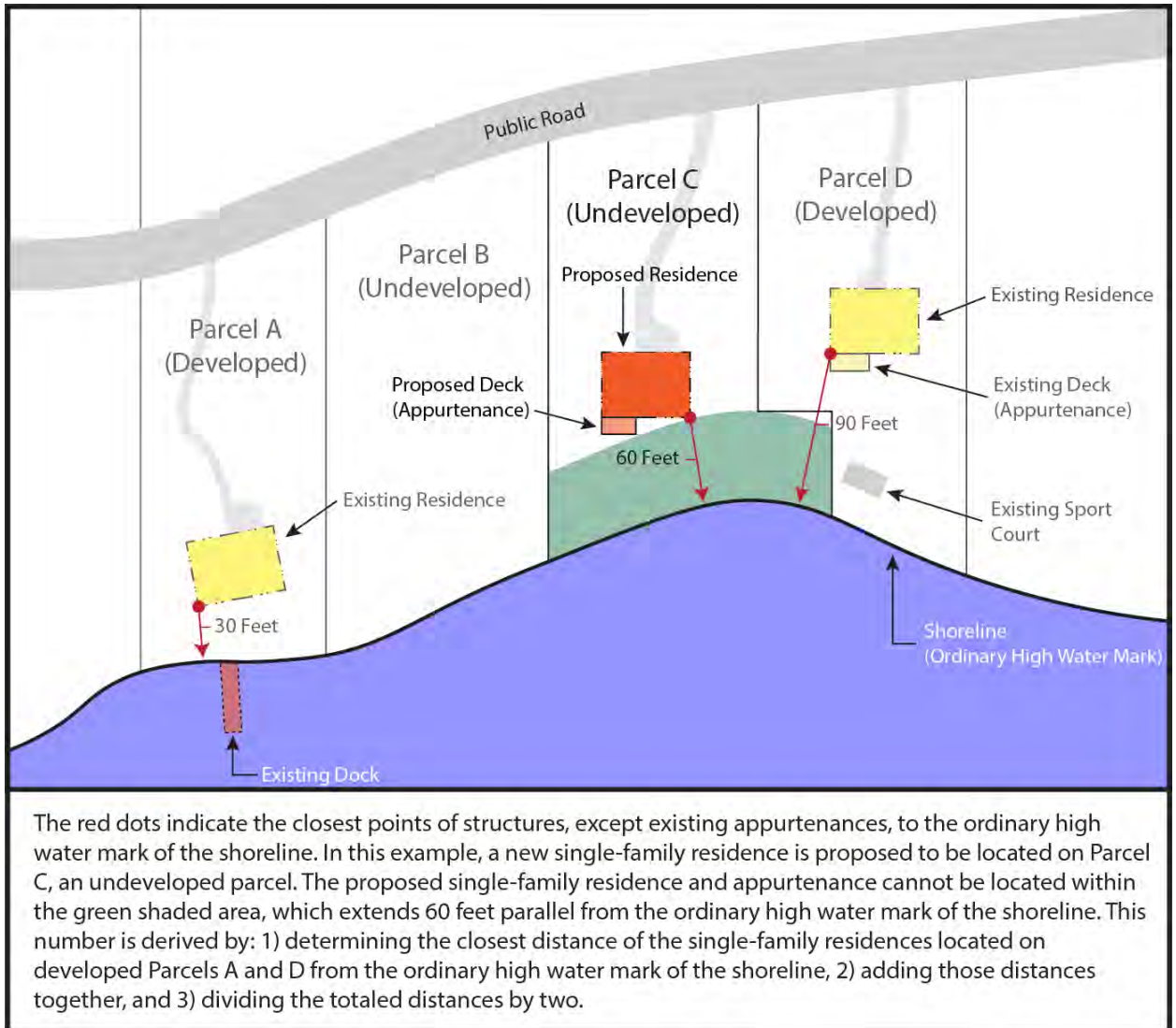
28 (a) The project proposal must be for a new single-family residence on a lot without an  
29 existing dwelling located on the shorelines of Lake Goodwin, Lake Shoecraft, Lake Ki,  
30 Lake Loma, Lake Ketchum, John Sam Lake, Lake Howard, Flowing Lake, Lake Stevens,  
31 Lake Roesiger, Martha Lake (in Lynnwood), Lake Bosworth, Lake Serene or Lake  
32 Stickney;

33 (b) New single-family residences proposed on the lots identified in subsection (3)(a) of this  
34 section are subject to the buffer width requirements in chapter 30.62A SCC unless the  
35 nearest legally-established single-family residence built before July 1, 2019, on one side of  
36 the lot or the other has a lesser buffer width than required under current chapter 30.62A  
37 SCC. In cases where the nearest legally-established single-family residence has a lesser  
38 buffer width than required under current chapter 30.62A SCC, the required buffer width  
39 may be reduced to the average of the buffer widths on either side of the lot established by  
40 drawing a line between the closest point of each of the nearest legally-established single-  
41 family residences built before July 1, 2019, excluding appurtenances attached thereto, to  
42 the ordinary high water mark in the manner depicted in SCC Figure 30.67.060(3)(a);

43 (c) The reduced buffer width shall be measured from the ordinary high water mark of the  
44 shoreline to the nearest point of the proposed residence, including appurtenances such as  
45 decks and patios, unless there is an associated wetland. In cases where there is an  
46 associated wetland on the shoreline of the lot, the reduced buffer width shall be measured

1 from the landward edge of the wetland in the manner depicted in SCC Figure  
 2 30.67.060(3)(b);  
 3 (d) In no case shall the buffer width be reduced to less than 25 feet; and  
 4 (e) In no case shall the exception to the standard buffer width requirements in chapter  
 5 30.62A SCC described in this section be used to reduce the requirements for landslide  
 6 hazard areas in chapter 30.62B SCC.

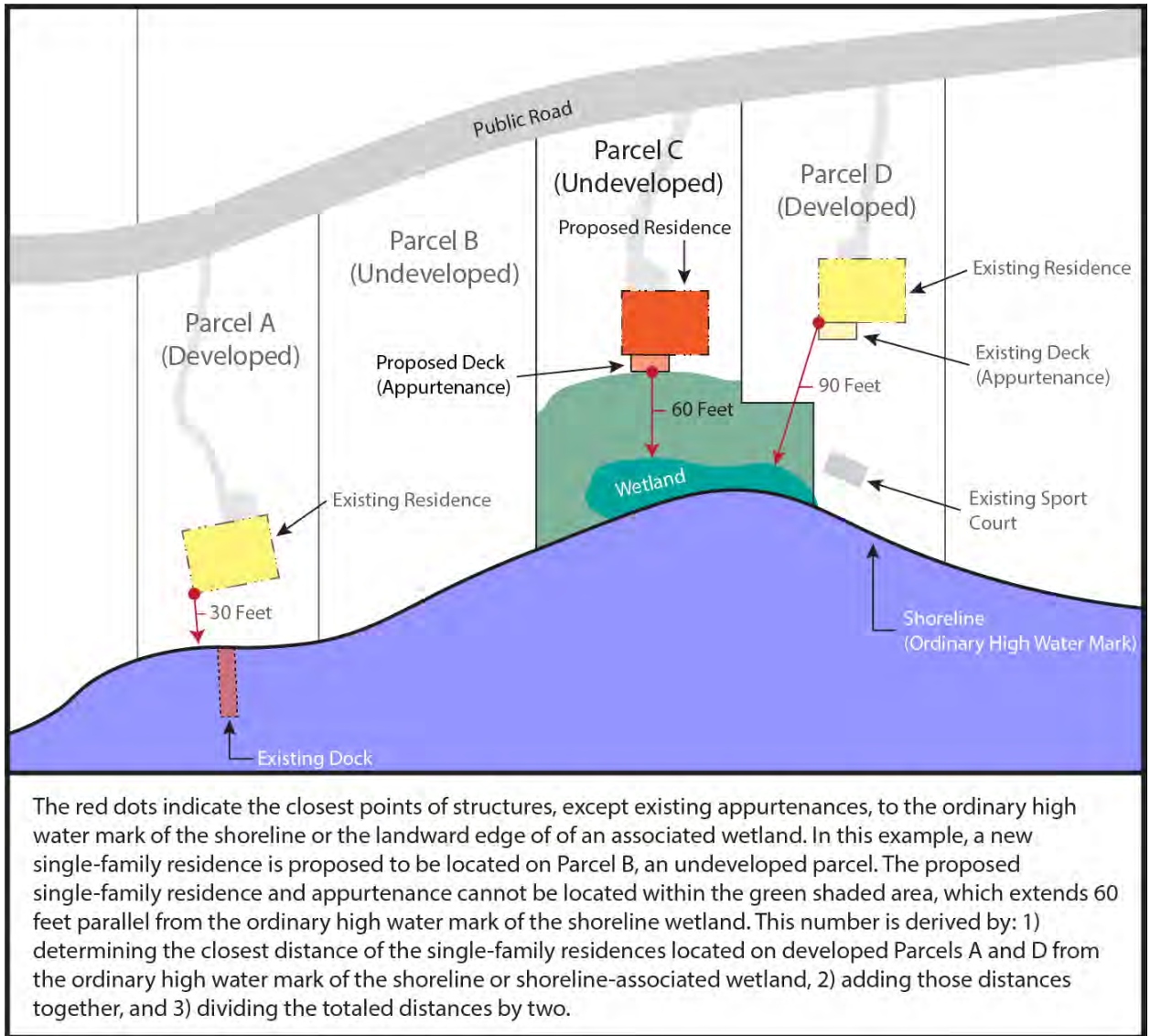
8 Figure 30.67.060(3)(a) – Reduced Buffer Width From Ordinary High Water Mark Based on  
 9 Nearest Legally-Established Single-Family Residence on Either Side of the Subject Lot



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Figure 30.67.060(3)(b) – Reduced Buffer Width From Associated Wetland Based on Nearest Legally-Established Single-Family Residence on Either Side of the Subject Lot



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~~((3))~~(4) Except as specifically modified by SCC 30.67.060(2) and (3), 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, as determined by the department.

~~((4))~~ (5) 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.



1 Section 19. Snohomish County Code Section 30.67.330, added by Amended Ordinance No. 12-  
2 025 on June 6, 2012, is amended to read:

3  
4 **30.67.330 Public access.**

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

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

11 (b) Agricultural/ranching activities other than dikes.

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

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

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

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

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

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

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

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

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

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

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

1 Section 20. Snohomish County Code Section 30.67.420, last amended by Amended Ordinance  
2 No. 12-025 on June 6, 2012, is amended to read:

3  
4 **30.67.420 Prohibited Uses.**

5 The following uses are prohibited in shoreline jurisdiction:

- 6 (1) Asphalt batch plant and continuous mix asphalt plant;
- 7 (2) Major auto repair;
- 8 (3) Auto wrecking yard or junk yard;
- 9 (4) Billboards and animated signs;
- 10 (5) Commercial vehicle storage facility;
- 11 (6) Distillation of wood, coal or bones or manufacturing of their by-products;
- 12 (7) Explosive manufacturing or storage;
- 13 (8) Floating homes, except those permitted or legally established prior to January 1, 2011;
- 14 (9) Forestry industry storage and forestry equipment maintenance facility, except log storage;
- 15 (10) Forge, foundry, blast furnace or melting of ore;
- 16 (11) Fuel or coal yard;
- 17 (12) Hazardous waste storage or treatment facilities;
- 18 (13) Storage or refining of petroleum products or gas;
- 19 (14) Rolling or blooming mills;
- 20 (15) Sanitary landfill;
- 21 (16) Sludge utilization;
- 22 (17) Stockyard or slaughter house;
- 23 (18) Tannery;
- 24 (19) Tar distillation or manufacturing;
- 25 (20) Transit center; and
- 26 (21) Woodwaste recycling or storage, including temporary activities except when in conjunction  
27 with an approved shoreline ecological restoration or soil bioengineering project.

28  
29 Section 21. Snohomish County Code Section 30.67.430, last amended by Ordinance No. 13-  
30 098 on December 11, 2013, is amended to read:

31  
32 **30.67.430 Allowed and conditional uses and modifications.**

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

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

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

- 1 (3) Uses and modifications identified in Table 1 are subject to the shoreline use and modification  
 2 development standards in Part 500 of this chapter. If there is a conflict between the information  
 3 in SCC 30.67.430, Table 1, and the specific use and modification regulations in SCC 30.67, Part  
 4 500, the requirements of SCC 30.67, Part 500 shall prevail.  
 5 (4) The department may condition shoreline permits or approvals for uses or modifications as  
 6 necessary to ensure compliance with:  
 7 (a) Chapter 90.58 RCW and the provisions in this chapter;  
 8 (b) The policies in the *Shoreline Management Program: Shoreline Environment*  
 9 *Designations, Policies and Regulations*; and  
 10 (c) Any other applicable federal, state and local rules and regulations.  
 11 (5) Uses or modifications not listed in SCC 30.67.420 or 30.67.430(1), Table 1, must obtain a  
 12 shoreline conditional use permit even though the use or modification may not require a  
 13 shoreline substantial development permit.  
 14

**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 <sup>1</sup>	Natural	Aquatic <sup>2</sup>
<b>Agricultural activities</b> <sup>3</sup>	P	P	P	P		C	C
Manure lagoons	C		P	P			
Livestock flood sanctuaries	P	C	P	P			
<b>Aquaculture</b> <sup>4,12</sup>							
Non-Commercial Activities (non-processing) <sup>36</sup>	P	P	P	P	P <sup>35</sup>	P	P
Commercial Activities (non-processing)	C		C	C			C <sup>7, 37</sup>
Processing <sup>7</sup>	C		C	C	P <sup>35</sup>		P <sup>7</sup>
<b>Boating Facilities:</b> <sup>4, 13</sup>							
Marina	P		C				C
Yacht / boat club	P		C				C
Boat launch facility	P		P	P			P or C
- Boat launch facility (boat ramp only)	P	C	P	P	P	C	P or C
<del>((Dock (private)))</del>	<del>((P))</del>	<del>((G))</del>	<del>((P))</del>	<del>((G))</del>			<del>((P or G))</del>
<del>((Boathouse (private)))</del>	<del>((P))</del>		<del>((P))</del>	<del>((G))</del>			<del>((P or G))</del>

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 <sup>1</sup>	Natural	Aquatic <sup>2</sup>
((Dock / pier / boathouse (public, commercial)))	((P))		((P))	((G))			((G))
((Floats, mooring buoys))	((P))	((G))	((P))	((P))			((P or G))
<b>Boat Mooring Facilities:</b> <sup>4, 13</sup>							
<u>Dock (private)</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>	-	-	<u>P or C</u>
<u>Boathouse (private)</u>	<u>P</u>	-	<u>P</u>	<u>C</u>	-	-	<u>P or C</u>
<u>Dock / pier / boathouse (public, commercial)</u>	<u>P</u>	-	<u>P</u>	<u>C</u>	-	-	<u>C</u>
<u>Floats, mooring buoys</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-	<u>P or C</u>
<b>Breakwaters, jetties, groins, other in-water structures</b> <sup>4, 5, 14</sup>	C, P	P	C, P	C, P	P	C	C, P
<b>Commercial</b> <sup>10, 15</sup>	P		P	P			C
<b>Dredging</b> <sup>4, 16</sup>					C		C
<b>Dredge spoil disposal</b> <sup>4, 16</sup>	C	C <sup>5</sup>	C	C	C	C <sup>5</sup>	C
<b>Fill</b> <sup>4, 17</sup>	P	C, P <sup>5</sup>	P	P	P	C, P <sup>5</sup>	C, P <sup>5</sup>
<b>Flood protection:</b> <sup>4, 18</sup>							
Non-structural	P	P	P	P	P	P	C, P <sup>5</sup>
Structural <sup>11</sup>	P	P <sup>5</sup>	P	P	P		C, P <sup>5</sup>
<b>Forestry</b> <sup>8, 19</sup>	P, C	P, C	P, C	P, C	P, C	P, C	C <sup>30</sup>
<b>Industrial and Ports</b> <sup>10, 20</sup>	P		P	P			C
<b>Institutional uses</b> <sup>21</sup>	P		P	C			C
<b>Mining</b> <sup>6, 22</sup>	C	C	C	C, P <sup>9</sup>	C, P <sup>9</sup>	C	C
<b>Pedestrian access</b> <sup>23</sup>							
Trails	P	P	P	P	P	P	
Elevated or Floating walkways <sup>4</sup>	P	P	P	P			P

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 <sup>1</sup>	Natural	Aquatic <sup>2</sup>
Stairways, trams	P	C	P	P			
<b>Recreation</b> <sup>24</sup>	P	P	P	P	P	P	P
<b>Residential</b> <sup>25</sup>							
SFR, MH	P	P	P	P		C	
Duplex	P	C	P	P			
MF, townhouse, Single-Family Detached Units	P						
Mobile home park	P	C	C	C			
Houseboat, Live-aboard vessel							P <sup>31</sup>
Floating Home <sup>38</sup>							
<b>Shoreline / bank stabilization:</b> <sup>4, 26</sup>							
Nonstructural	P	<u>C</u> , P <sup>5</sup>	P	P	P	<u>C</u> , P <sup>5</sup>	(( <u>C</u> , P <sup>5</sup> )) <u>C</u> or <u>P</u>
Structural <sup>((5,)) 11</sup>	C, P	(( <u>P</u> )) <u>C</u>	C, P	C, P	C, P	<u>C</u>	C(( <u>P</u> )) or <u>P</u>
<b>Shoreline habitat restoration or enhancement</b> <sup>27, 34</sup>	P	P	P	P	P	P	P
- Mitigation Banks <sup>34</sup>	C	C	C	C			C
<b>Transportation facilities</b> <sup>28</sup>							
Bridges	P	C	P	P	C, P <sup>32</sup>		C <sup>33</sup> , P <sup>32</sup>
Roads	P	C	P	P	C, P <sup>32</sup>		
Parking (incidental to use only)	P	C	P	P	C	C	
<b>Utility facilities</b> <sup>29</sup>							
Electromagnetic transmission and receiving facilities (generally)	P	C	C	C	C		

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 <sup>1</sup>	Natural	Aquatic <sup>2</sup>
Transmission wires, pipes, supports (generally)	P	C	P	P	P	C	C
- transmission wires or pipes when suspended from bridge or other similar structures (specifically)	P	P	P	P	P	P	P
Dams, power plants and associated uses			C	C	C		C
All other utility facilities	P		C	C	C		C

1  
2  
3  
4

Section 22. Snohomish County Code Section 30.67.440, last amended by Ordinance No. 13-098 on December 11, 2013, is amended to read:

5 **30.67.440 Reference notes for shoreline use and modification matrix.**

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

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

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

16 (4) Uses or modifications are not allowed in critical salt water habitat unless in conjunction with  
17 ecological restoration or enhancement projects, except as otherwise provided in  
18 SCC 30.67.510.

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

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

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

- 1 (8) A conditional use permit is required for timber harvest exceeding 30 percent of the (~~time~~)  
2 timber volume within 200 feet landward of the ordinary high water mark of shorelines of  
3 statewide significance pursuant to SCC 30.67.545(1)(a).
- 4 (9) Mining activities related to forest practices as defined in SCC 30.67.560(1)(a) are permitted  
5 in the Resource or Municipal Watershed Utility shoreline environment designations when over  
6 200 feet from the OHWM and outside of the channel migration zone. Removal of mineral  
7 resources deposited within the previous 12-month period on designated farmlands due to recent  
8 flood events is permitted in the Resource shoreline environment designation under  
9 SCC 30.67.540(2)(d).
- 10 (10) Non-water dependent commercial and industrial uses within shoreline jurisdiction shall be  
11 strictly limited under SCC 30.67.525(1)(b) and 30.67.550(1)(b).
- 12 (11) Structural flood protection and structural shoreline or bank stabilization measures are  
13 allowed only when non-structural measures would be inadequate as documented by a  
14 geotechnical report required pursuant to SCC 30.67.540(1) or 30.67.575(1). Structural shoreline  
15 bank stabilization is permitted only when the conditions in SCC 30.67.575(2)(b)(ii) are met, or  
16 conditionally permitted under SCC 30.67.575(2)(a)(ii) or SCC 30.67.575(2)(b)(iii). If a flood  
17 protection structure is in or near the water, it must also meet the requirements for shoreline  
18 stabilization.
- 19 (12) Aquaculture uses are subject to the requirements in SCC 30.67.510.
- 20 (13) Boating facilities are subject to the requirements in SCC 30.67.515. Boat mooring facilities  
21 are subject to the requirements in SCC 30.67.517.
- 22 (14) Breakwaters, jetties, groins, other in-water structures are subject to the requirements in  
23 SCC 30.67.520.
- 24 (15) Commercial uses are subject to the requirements in SCC 30.67.525.
- 25 (16) Dredging and spoil disposal are subject to the requirements in SCC 30.67.530.
- 26 (17) Fill is subject to the requirements in SCC 30.67.535.
- 27 (18) Flood protection measures are subject to the requirements in SCC 30.67.540.
- 28 (19) Forestry is subject to the requirements in SCC 30.67.545.
- 29 (20) Industrial uses and ports are subject to the requirements in SCC 30.67.550.
- 30 (21) Institutional uses are subject to the requirements in SCC 30.67.555.
- 31 (22) Mining is subject to the requirements in SCC 30.67.560.
- 32 (23) Pedestrian access is subject to the requirements in SCC 30.67.330.
- 33 (24) Recreation is subject to the requirements in SCC 30.67.565.
- 34 (25) Residential uses are subject to the requirements in SCC 30.67.570.
- 35 (26) Shoreline and bank stabilization measures are subject to the requirements of  
36 SCC 30.67.575.
- 37 (27) Shoreline habitat restoration and enhancement are subject to the requirements of  
38 SCC 30.67.580. Notwithstanding SCC 30.67.430(2), shoreline habitat restoration or  
39 enhancement projects do not have to be identified on the use matrices in chapter 30.22 SCC to  
40 be permitted in shoreline jurisdiction.
- 41 (28) Transportation facilities are subject to the requirements of SCC 30.67.590.
- 42 (29) Utility facilities are subject to the requirements of SCC 30.67.595.
- 43 (30) Timber removal from the Aquatic shoreline environment designation is subject to the  
44 requirements in SCC 30.67.545(2).
- 45 (31) Moorage of houseboats used as a primary residence and live-aboard vessels are permitted  
46 only in legally-established marinas or in waters of the state subject to a lease or permission from  
47 the state Department of Natural Resources. See SCC 30.67.570(2)(g).

- 1 (32) Roads and bridges constructed for forest practices in accordance with Title 222 WAC are  
 2 permitted in the Municipal Watershed Utility environment. Bridges constructed for forest  
 3 practices in accordance with Title 222 WAC are permitted in the Aquatic environment except  
 4 when the adjacent environment is designated Natural.
- 5 (33) Bridges are conditionally permitted in the Aquatic environment provided they are permitted  
 6 or conditionally permitted in the adjacent upland environment.
- 7 (34) Mitigation banks are subject to the requirements in SCC 30.62A.550. Notwithstanding  
 8 SCC 30.67.430(2), mitigation banks do not have to be identified on the use matrices in  
 9 chapter 30.22 SCC to be permitted in shoreline jurisdiction. ~~((Restoration, enhancement,  
 10 mitigation activities and mitigation banks are allowed within the channel migration zone per  
 11 SCC 30.67.060(2)(f).))~~
- 12 (35) Aquaculture activities on Spada Lake are limited per the requirements in  
 13 SCC 30.67.510(2)(e).
- 14 (36) Non-commercial aquaculture harvest activities, as defined in SCC 30.91A.255, are allowed  
 15 in all shoreline environments and are not required to obtain shoreline permits.
- 16 (37) Commercial aquaculture activities in the Aquatic shoreline environment are limited per the  
 17 requirements in SCC 30.67.510(2)(g)(ii).
- 18 (38) Floating homes permitted or legally established prior to January 1, 2011, are considered  
 19 conforming uses. See 30.67.450(1).

20  
 21 Section 23. Snohomish County Code Section 30.67.450, added by Amended Ordinance No. 12-  
 22 025 on June 6, 2012, is amended to read:

23  
 24 **30.67.450 Non-conforming uses or structures.**

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

- 32 (1) Residential. Residential uses or structures (excluding bulkheads, overwater structures or  
 33 other shoreline modifications) that were legally established and are used for a  
 34 conforming use, but that do not meet current standards for setbacks, buffers or yards,  
 35 area, bulk, height or density shall be considered a conforming use or structure and the  
 36 requirements of SCC 30.67.450 shall not apply to such residential uses or structures.  
 37 Redevelopment, expansion, maintenance, repair, replacement or remodeling of such  
 38 residential uses or structures shall be consistent with this SMP, including requirements  
 39 for no net loss of shoreline ecological functions. Floating homes permitted or legally  
 40 established prior to January 1, 2011, are considered conforming uses and the  
 41 requirements of SCC 30.67.450 shall not apply to such floating homes.

42  
 43 ~~((4))~~(2) Continuanace. Any legally established use or structure nonconforming to the shoreline  
 44 regulations in this chapter is permitted to remain in the form and location in which it existed on  
 45 the effective date of the nonconformance.

46 ~~((2))~~(3) Redevelopment or remodel. SMP nonconforming uses or structures may not be  
 47 enlarged or increased in any way, including expanded building footprint or increased height,



1 increased use intensity, or altered in any way which increases their nonconformity. A  
 2 nonconforming structure or use may be moved or relocated on the same parcel provided that  
 3 the degree of nonconformance with the SMP and the SMA is reduced and further provided that  
 4 the move or relocation results in improved protection for shoreline ecological functions.  
 5 ~~((3))~~(4) Restoration and replacement. If a nonconforming structure is damaged to an extent not  
 6 exceeding 75 percent of the replacement cost of the original structure, it may be reconstructed  
 7 to the extent it existed immediately prior to the time the structure was damaged or to a smaller  
 8 configuration or in a different location on the same parcel which reduces the degree of  
 9 nonconformity, so long as restoration is completed within one year of the date of damage.  
 10 Documentation of the date and extent of damage shall be required prior to issuance of new  
 11 permits.  
 12 ~~((4))~~(5) Abandonment. If a nonconforming use is discontinued for twelve consecutive months,  
 13 any subsequent use shall be conforming. The mere presence of a structure, equipment, or  
 14 material shall not be deemed to constitute the continuance of a nonconforming use unless the  
 15 structure, equipment, or material is actually being occupied or employed in maintaining such  
 16 use. It shall not be necessary to show that the owner of the property intended to abandon such  
 17 nonconforming use in order for the nonconforming rights to expire.  
 18 ~~((5))~~(6) Non-conforming uses and structures which meet the criteria in SCC 30.44.125 are  
 19 subject to the shoreline substantial development permit requirements in chapter 30.44 SCC.  
 20 ~~((6))~~(7) A structure for which a variance has been issued shall be considered a legal  
 21 nonconforming structure and the requirements of this section shall apply as they apply to  
 22 preexisting nonconformities.  
 23 ~~((7))~~(8) A structure which is being or has been used for a nonconforming use may be used for  
 24 a different nonconforming use only upon the approval of a conditional use permit.  
 25 (a) A conditional use permit may be approved only upon a finding that:  
 26 (i) No reasonable alternative conforming use is practical; and  
 27 (ii) The proposed use will be at least as consistent with the policies and provisions of  
 28 the act and the SMP and as compatible with the uses in the area as the preexisting  
 29 use.  
 30 (b) In addition such conditions may be attached to the permit as are deemed necessary to  
 31 assure compliance with the findings in ~~((SCC 30.67.450(6)(a)))~~ SCC 30.67.450(8)(a), the  
 32 requirements of the SMP and the SMA and to assure that the use will not become a  
 33 nuisance or a hazard.

34  
 35 Section 24. Snohomish County Code Section 30.67.515, added by Amended Ordinance No. 12-  
 36 025 on June 6, 2011, is amended to read:

37  
 38 **30.67.515 Boating facilities – marinas, yacht and boat clubs, boat launch facilities and**  
 39 **boat ramps.**

40 ~~((Boating facilities include marinas, yacht and boat clubs, boat launch facilities, boat ramps,~~  
 41 ~~boathouses, docks, piers, floats and mooring buoys.))~~

42 Boating facilities include marinas, yacht and boat clubs, boat launch facilities and boat ramps.

- 43 (1) The following general regulations apply to new boating facilities in shorelines:  
 44 (a) No boating facilities shall extend into a water body in such a manner as to impede  
 45 navigation or create any navigation hazard.  
 46 (b) Boating facilities shall not be located on or over critical saltwater habitats or spawning  
 47 areas for anadromous fish.

- 1 (c) Boating facilities (~~(, except for mooring buoys,)~~) shall not be located on or over  
2 nearshore accretion areas, such as sandflats, mudflats and pocket estuaries.
- 3 (d) Structures, equipment, wastes and materials shall not be stored, disposed of or  
4 abandoned within the shoreline jurisdiction. Boats may be stored within the shoreline  
5 jurisdiction.
- 6 (e) Construction materials that come in direct contact with the water shall not be treated or  
7 coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic  
8 alternatives shall be used unless the project proponent demonstrates and the department  
9 determines that there is no feasible alternative to toxic construction materials that will  
10 provide the structural characteristics necessary for the project.
- 11 (f) Finish treatments, including but not limited to paint, stain, water-proofer, pest  
12 preventatives and preservatives used on overwater structures or on structures within 25  
13 feet of the ordinary high water mark shall not result in adverse impacts to water quality.
- 14 (g) Construction shall be limited to times that will have the least disturbance on spawning,  
15 migration and rearing of salmonids and other critical species.
- 16 (h) Marinas.
- 17 (i) Marinas shall not be located on or over critical saltwater habitats or in nearshore  
18 sediment accretion areas, such as mudflats, sandflats and pocket estuaries;
- 19 (ii) ~~(Marina)~~ Moorage berths must be designed so that they can rise and fall safely  
20 with flood waters and tidal fluctuation and have a minimum clearance of six feet  
21 below the mean lower low water;
- 22 (iii) Marinas are not allowed in areas that would detrimentally alter littoral drift  
23 patterns. An evaluation of littoral drift patterns within the drift cell in which the marina  
24 is proposed is required during the siting process;
- 25 (iv) Marinas must be designed and constructed to incorporate uninhibited tidal bypass  
26 so as to minimize the need for maintenance dredging;
- 27 (v) Marinas shall be designed and constructed to allow adequate flushing and water  
28 circulation within the facility to avoid degrading water quality;
- 29 (vi) Marinas shall not be located within ½- mile of any outfall of primary treated  
30 domestic sewage or industrial waste;
- 31 (vii) Prior to siting an in-water marina, an analysis must be conducted to determine  
32 the feasibility of an upland boat storage facility on the project site as a preferred  
33 alternative; and
- 34 (viii) New marinas shall provide for public access consistent with SCC 30.67.330.
- 35 (i) Boat launch facilities - general.
- 36 (i) Pedestrian access to the water that is separate from the boat launching lane(s)  
37 may be required where it is determined to be necessary for public safety;
- 38 (ii) Safety buoys shall be installed and maintained separating boating activities from  
39 other water recreation and uses where reasonably required for public safety;
- 40 (iii) Public boat launch facilities shall include a level vehicle-maneuvering space  
41 measuring at least 500 square feet;
- 42 (iv) Public boat launch facilities shall include 32 to 40 parking spaces capable of  
43 accommodating a vehicle with an attached boat trailer for each ramp lane of boat  
44 access to the water; and
- 45 (v) All site improvements for boat launch facilities shall comply with all other  
46 requirements of the zone in which they are located.
- 47 (j) Boat ramps.

- 1 (i) Boat ramps shall be located on stable, non-erosional banks, where stabilization
- 2 structures will not be necessary;
- 3 (ii) Boat ramps shall be placed and maintained as near to flush with the foreshore
- 4 slope as is possible to minimize interruption of geohydraulic processes;
- 5 (iii) Boat ramps may be allowed for individual residences when the following
- 6 conditions are met:
  - 7 (A) The applicant shows that the boat ramp and its use will not adversely impact
  - 8 shoreline ecological functions or damage critical saltwater habitat;
  - 9 (B) The upland slope within 25 feet of the ordinary high water mark does not
  - 10 exceed 25 percent; and
  - 11 (C) Substantial cutting, grading, filling or shoreline stabilization measures are not
  - 12 necessary; and
- 13 (iv) When reviewing mitigation measures proposed by applicants to minimize
- 14 potential impacts on shoreline ecological functions from boat ramps, the county will
- 15 consider the following:
  - 16 (A) Availability and adequacy of existing community or public facilities providing
  - 17 boat access to the same shoreline water body;
  - 18 (B) Shared use facilities are preferred; and
  - 19 (C) Preferred boat ramp designs are in the following order of priority:
    - 20 (I) Elevated railways that have minimal disturbance to beach substrate;
    - 21 (II) Open grid designs that have minimal disturbance to beach substrate;
    - 22 (III) Seasonal ramps that can be removed and stored upland; and
    - 23 (IV) Solid structures that interlock with one another leaving spaces for natural
    - 24 beach substrate that can adapt to changes in beach profiles.

25 ~~((k) Docks, piers and floats.~~

- 26 ~~(i) Docks, piers and floats shall not deflect river currents or wave energy resulting in~~
- 27 ~~the undercutting of banks, erosion, or damage to adjacent or downstream properties~~
- 28 ~~or critical saltwater habitat;~~
- 29 ~~(ii) Where feasible, moorage buoys shall be required instead of piers, docks or floats~~
- 30 ~~on all tidal water, except for port, industrial and commercial developments in the~~
- 31 ~~Urban shoreline environment designation;~~
- 32 ~~(iii) Docks, piers and floats associated with water dependent commercial or industrial~~
- 33 ~~uses shall be the minimum size and length necessary to accommodate the proposed~~
- 34 ~~use;~~
- 35 ~~(iv) Commercial and industrial docks upon which toxic or flammable materials are~~
- 36 ~~handled or stored shall make adequate provisions to minimize the possibility of an~~
- 37 ~~accidental spill and prepare an effective spill response plan;~~
- 38 ~~(v) Joint use docks and piers shall be required for commercial and industrial~~
- 39 ~~enterprises in close proximity to each other, unless the applicant can demonstrate~~
- 40 ~~that the possibility of a multiple owner or multiple use facility is not feasible;~~
- 41 ~~(vi) When moorage facilities are proposed in conjunction with new subdivisions,~~
- 42 ~~motels or multi family residences, a single, joint use moorage facility shall be~~
- 43 ~~required.~~
- 44 ~~(vii) When reviewing permit applications for new docks, piers and floats associated~~
- 45 ~~with single family residences, the county will consider the following:~~
  - 46 ~~(A) Availability and adequacy of existing community or public facilities providing~~
  - 47 ~~access to the same shoreline water body; and~~

- 1                   ~~(B) The feasibility of multiple owner or multiple user facilities. Shared use~~  
2                   ~~facilities are preferred whenever possible.~~
- 3                   ~~(viii) Unless shared by adjacent property owners, covered private docks and~~  
4                   ~~boathouses shall be at least three feet from any side lot line or extension thereof. No~~  
5                   ~~setback from adjacent properties is required for uncovered private docks and~~  
6                   ~~boathouses or for private docks and boathouses shared by adjacent property owners.~~
- 7                   ~~(ix) Docks, piers and floats shall be located and designed as follows:~~
- 8                   ~~(A) Floats and floating docks shall include stops which will serve to elevate the~~  
9                   ~~floats above the tidelands at low tide. Floats shall be secured with anchored~~  
10                   ~~cables in place of pilings, where feasible;~~
- 11                   ~~(B) Docks, piers and floats are not allowed in or over critical saltwater habitat;~~
- 12                   ~~(C) Shortening, lengthening, narrowing, or reducing the area of a dock, pier or~~  
13                   ~~float shall be required as necessary to ensure that:~~
- 14                   ~~(I) The structure does not extend over water in such a manner as to impede~~  
15                   ~~navigation or create a navigation hazard; and~~
- 16                   ~~(II) The structure avoids disturbing or shading significant freshwater aquatic~~  
17                   ~~vegetation communities or critical saltwater habitat;~~
- 18                   ~~(D) Increase or decrease of the height of the dock, pier or float may be required~~  
19                   ~~to allow for the penetration of light to reduce impacts to habitat related to~~  
20                   ~~shading;~~
- 21                   ~~(E) Pier and dock requirements for marine shorelines.~~
- 22                   ~~(I) Piers and docks located on marine shorelines shall be the minimum size~~  
23                   ~~required to provide for moorage. Single family piers or docks shall not~~  
24                   ~~exceed 90 feet in length measured perpendicularly from the OHWM.~~  
25                   ~~Shared moorage may extend up to 110 feet in length if demonstrated to be~~  
26                   ~~necessary to provide adequate moorage. Docks that cannot meet this~~  
27                   ~~standard may request a review under the variance provisions of~~  
28                   ~~chapter 30.44 SCC;~~
- 29                   ~~(II) The maximum width of each pier or dock shall be six feet; and~~
- 30                   ~~(III) The maximum width of walkway ramps shall be four feet and shall be~~  
31                   ~~fully grated;~~
- 32                   ~~(F) Pier and dock requirements for lake shorelines.~~
- 33                   ~~(I) The maximum waterward intrusion of any portion of any pier or dock~~  
34                   ~~shall not extend further waterward than the average intrusion of the piers or~~  
35                   ~~docks on lots abutting the location of the new dock as measured~~  
36                   ~~perpendicularly from the OHWM unless an alternative dimension is~~  
37                   ~~required to prevent impacts to critical habitat or navigation. In no~~  
38                   ~~circumstances shall the maximum waterward intrusion of any portion of the~~  
39                   ~~pier or dock extend more than 80 feet from the OHWM, or the point where~~  
40                   ~~the water depth is eight feet below the elevation of the OHWM, whichever~~  
41                   ~~is reached first;~~
- 42                   ~~(II) The maximum width of each pier or dock shall be six feet, or up to eight~~  
43                   ~~feet wide on joint use docks; and~~
- 44                   ~~(III) The maximum width for piers and docks shall be four feet for the first~~  
45                   ~~thirty feet from the OHWM of any lake identified as salmonid habitat.~~
- 46                   ~~(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.~~

(k) Yacht and boat clubs.

(i) Facilities of yacht and boat clubs that are not water-dependent shall be located on dry land except as specifically provided in the applicable shoreline environment.

(ii) Yacht and boat club moorage facilities shall comply with the requirements of SCC 30.67.515(h).

(l) 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))~~

Marinas, yacht and boat clubs, and boat launch facilities other than boat ramps are prohibited; and

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

(c) *Rural Conservancy*.

- ~~(i) Boat launch facilities ((,)) and 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; and~~

- ~~(ii) ((Boathouses are conditionally permitted; and~~

- ~~(iii)) Boat launch facilities((,)) and 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((,))<sub>2</sub>.

- 1           ~~((iii) Private docks, floats and mooring buoys are:~~  
2           ~~(A) Permitted only when the adjacent shoreland is designated Urban, Rural~~  
3           ~~Conservancy or Resource;~~  
4           ~~(B) Conditionally permitted when the adjacent shoreland designation is Urban~~  
5           ~~Conservancy; and~~  
6           ~~(C) Prohibited when the adjacent shoreland designation is Municipal Watershed~~  
7           ~~Utility or Natural; and~~  
8           ~~(iv) Public or commercial docks, piers or boathouses are conditionally permitted only~~  
9           ~~if the adjacent shoreland designation is Urban, Rural Conservancy or Resource.~~  
10           ~~(v) Private boathouses are:~~  
11           ~~(A) Permitted only when the adjacent shoreland designation is either Urban or~~  
12           ~~Rural Conservancy;~~  
13           ~~(B) Conditionally permitted when the adjacent shoreland designation is~~  
14           ~~Resource; and~~  
15           ~~(C) Prohibited when the adjacent shoreland designation is either Urban~~  
16           ~~Conservancy, Municipal Watershed Utility or Natural.))~~

17 (3) Moorage on waters of the state without a lease or permission from the state Department of  
18 Natural Resources is restricted by the state and mitigation of impacts to navigation and access  
19 is required. If the county becomes aware of ~~((un-authorized))~~ unauthorized moorage on waters  
20 of the state, the department will notify the state Department of Natural Resources.

21  
22 Section 25. A new section is added to chapter 30.67 of the Snohomish County Code to read:

23  
24 **30.67.517 Boat mooring facilities – docks, piers, floats, boathouses and mooring**  
25 **buoys.**

26 Boat mooring facilities include docks, piers, floats, boathouses and mooring buoys.

27 (1) The following general regulations apply to new boat mooring facilities in shorelines:

28 (a) No boat mooring facilities shall extend into a water body in such a manner as to  
29 impede navigation or create any navigation hazard.

30 (b) Boat mooring facilities shall not be located on or over critical saltwater habitats or  
31 spawning areas for anadromous fish.

32 (c) Boat mooring facilities, except for mooring buoys, shall not be located on or over  
33 nearshore accretion areas, such as sandflats, mudflats and pocket estuaries.

34 (d) Structures, equipment, wastes and materials shall not be stored, disposed of or  
35 abandoned within the shoreline jurisdiction. Boats may be stored within the shoreline  
36 jurisdiction.

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

42 (f) Finish treatments, including but not limited to paint, stain, water-proofer, pest  
43 preventatives and preservatives used on overwater structures or on structures within 25  
44 feet of the ordinary high water mark (OHWM) shall not result in adverse impacts to water  
45 quality.

46 (g) Construction shall be limited to times that will have the least disturbance on spawning,  
47 migration and rearing of salmonids and other critical species.

1 (h) Docks, piers and floats.

2 (i) Docks, piers and floats shall not deflect river currents or wave energy resulting in  
3 the undercutting of banks, erosion, or damage to adjacent or downstream properties  
4 or critical saltwater habitat.

5 (ii) Where feasible, moorage buoys shall be required instead of piers, docks or floats  
6 on all tidal water, except for port, industrial and commercial developments in the  
7 Urban shoreline environment designation.

8 (iii) Docks, piers and floats associated with water-dependent commercial or industrial  
9 uses shall be the minimum size and length necessary to accommodate the proposed  
10 use.

11 (iv) Commercial and industrial docks upon which toxic or flammable materials are  
12 handled or stored shall make adequate provisions to minimize the possibility of an  
13 accidental spill and prepare an effective spill response plan.

14 (v) Joint use docks and piers shall be required for commercial and industrial  
15 enterprises in close proximity to each other, unless the applicant can demonstrate  
16 that the possibility of a multiple-owner or multiple-use facility is not feasible.

17 (vi) When boat mooring facilities are proposed in conjunction with new subdivisions,  
18 motels or multi-family residences, a single, joint use moorage facility shall be  
19 required.

20 (vii) When reviewing permit applications for new docks, piers and floats associated  
21 with single-family residences, the county will consider the following:

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

24 (B) The feasibility of multiple-owner or multiple-user facilities. Shared use  
25 facilities are preferred whenever possible.

26 (viii) Unless shared by adjacent property owners, covered private docks and  
27 boathouses shall be at least three feet from any side lot line or extension thereof. No  
28 setback from adjacent properties is required for uncovered private docks and  
29 boathouses or for private docks and boathouses shared by adjacent property owners.

30 (ix) Docks, piers and floats shall be located and designed as follows:

31 (A) Floats and floating docks shall include stops which will serve to elevate the  
32 floats above the tidelands at low tide. Floats shall be secured with anchored  
33 cables in place of pilings, where feasible.

34 (B) Docks, piers and floats are not allowed in or over critical saltwater habitat.

35 (C) Shortening, lengthening, narrowing, or reducing the area of a dock, pier or  
36 float shall be required as necessary to ensure that:

37 (I) The structure does not extend over-water in such a manner as to impede  
38 navigation or create a navigation hazard; and

39 (II) The structure avoids disturbing or shading significant freshwater aquatic  
40 vegetation communities or critical saltwater habitat.

41 (D) Increase or decrease of the height of the dock, pier or float may be required  
42 to allow for the penetration of light to reduce impacts to habitat related to  
43 shading.

44 (E) Pier and dock requirements for marine shorelines.

45 (I) Piers and docks located on marine shorelines shall be the minimum size  
46 required to provide for moorage.



1 (II) Single-family piers or docks shall not exceed 90 feet in length measured  
2 perpendicularly from the OHWM. Shared moorage may extend up to 110  
3 feet in length if demonstrated to be necessary to provide adequate  
4 moorage.

5 (III) The maximum width of each pier or dock shall be six feet.

6 (IV) The maximum width of walkway ramps shall be four feet.

7 (V) Walkway ramps shall be fully grated.

8 (F) Pier and dock requirements for lake shorelines.

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

18 (II) The maximum width of each pier or dock shall be six feet, or up to eight  
19 feet on joint use docks.

20 (III) The maximum width for piers and docks shall be four feet for the first  
21 thirty feet from the OHWM of any lake that contains salmonids.

22 (G) Pier and dock requirements for river shorelines.

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

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

28 (III) Construction timing shall not coincide with migration or spawning of  
29 anadromous fish.

30 (H) Float requirements.

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

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

36 (III) Retrieval lines shall not float at or near the surface of the water.

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

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

40 (I) The decking of all docks, piers or floats shall be designed to allow for a  
41 minimum of 40% open spacing through grated decks, space between  
42 decking, light prisms, or other means.

43 (II) If plastics or other non-biodegradable materials are used, containment  
44 features in the design of the structures are required.

45 (III) Any part of a dock, pier or float that comes in direct contact with the  
46 water shall not be treated or coated with toxic materials. Untreated wood,  
47 precast concrete, plastic or nontoxic alternatives shall be used unless the

1 project proponent demonstrates and the department determines that there  
2 is no feasible alternative to toxic construction materials or finishes that will  
3 provide the structural characteristics necessary for the project.  
4 (IV) Skirting is not permitted.

5 (i) Boathouse, private, noncommercial.

6 (i) The height of any covered, over-water structure shall not exceed 12 feet as  
7 measured from the OHWM.

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

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

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

13 (v) Structures permitted hereunder shall not be used as a dwelling, except as  
14 provided in SCC 30.67.570(2)(g).

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

18 (vii) All boathouses shall consist of a roof and support beams and necessary pier  
19 walkways and piling supports. Side walls are prohibited.

20 (viii) Translucent boat canopies shall be used when possible in lieu of constructing a  
21 new boathouse.

22 (j) Mooring Buoys.

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

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

26 (iii) Mooring buoys shall be located to minimize impacts on navigation.

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

28 (2) In addition to the general regulations contained in SCC 30.67.517(1), the following shoreline  
29 environment designation-specific regulations for new boat mooring facilities apply:

30 (a) Urban. All boat mooring facilities are permitted.

31 (b) Urban Conservancy.

32 (i) Public or commercial docks and piers, and boathouses are prohibited; and

33 (ii) Floats, mooring buoys, and private docks are conditionally permitted.

34 (c) Rural Conservancy. Boathouses, docks, piers, floats and mooring buoys are permitted.

35 (d) Resource.

36 (ii) Boathouses are conditionally permitted; and

37 (iii) Docks, piers, floats and mooring buoys are permitted.

38 (e) Municipal Watershed Utility. All boat mooring facilities are prohibited.

39 (f) Natural. All boat mooring facilities are prohibited.

40 (g) Aquatic.

41 (i) Private docks, floats and mooring buoys are:

42 (A) Permitted when the adjacent shoreland is designated Urban, Rural  
43 Conservancy or Resource;

44 (B) Conditionally permitted when the adjacent shoreland designation is Urban  
45 Conservancy; and

46 (C) Prohibited when the adjacent shoreland designation is Municipal Watershed  
47 Utility or Natural.

1 (iv) Public or commercial docks, piers or boathouses are conditionally permitted only  
2 if the adjacent shoreland designation is Urban, Rural Conservancy or Resource.

3 (v) Private boathouses are:

4 (A) Permitted when the adjacent shoreland designation is either Urban or Rural  
5 Conservancy;

6 (B) Conditionally permitted when the adjacent shoreland designation is  
7 Resource; and

8 (C) Prohibited when the adjacent shoreland designation is either Urban  
9 Conservancy, Municipal Watershed Utility or Natural.

10 (3) Moorage on waters of the state without a lease or permission from the state Department of  
11 Natural Resources is restricted by the state and mitigation of impacts to navigation and access  
12 is required. If the county becomes aware of unauthorized moorage on waters of the state, the  
13 department will notify the state Department of Natural Resources.

14  
15 Section 26. Snohomish County Code Section 30.67.570, added by Amended Ordinance No. 12-  
16 025 on June 6, 2012, is amended to read:

17  
18 **30.67.570 Residential.**

19 Residential use includes (~~single~~) single-family and multifamily dwellings and uses and other  
20 structures that are typically appurtenant or incidental to a residence. Residential uses also  
21 include those limited commercial and institutional uses that occur within or are incidental to a  
22 residence, such as bed and breakfast inns, guest houses, home occupations, family daycare,  
23 foster homes, retirement apartments, retirement housing and boarding houses. Residential uses  
24 also include houseboats, live-aboard vessels, and floating homes.

25 (1) The following general regulations apply to residential uses in shorelines:

26 (a) Clustered development, with the open space area preserving and providing access to  
27 the water, is required for subdivisions or short subdivisions, except that alternative site  
28 designs may be considered by the department provided that the applicant demonstrates  
29 that the alternative site design will provide equivalent or better protection for shoreline  
30 ecological functions.

31 (b) Residential subdivisions, short subdivisions, or residential structures shall not be  
32 approved when structural flood protection or shoreline stabilization measures will be  
33 necessary to protect lots or subsequent development on the lots.

34 (c) All utility lines shall be located underground.

35 (d) Accessory structures that are not appurtenances must be proportional in size and  
36 purpose to the primary structure, and compatible with onsite and adjacent structures, uses  
37 and natural features.

38 (e) All residential subdivisions, short subdivisions, (~~single-family~~) single-family detached  
39 units, duplexes, townhouses or condominiums creating more than four parcels or dwelling  
40 units, and multi-family developments of more than four lots or dwelling units, shall be  
41 required to provide public access under SCC 30.67.330.

42 (f) Beach or water access using new stairways and ramps is allowed, provided the  
43 applicant demonstrates that:

44 (i) Existing shared, public or community facilities are not adequate or available for  
45 use;

46 (ii) The possibility of a multiple-owner or multiple-user facility has been thoroughly  
47 investigated and is not feasible; and

- 1 (iii) The stairway or tram is designed and located such that:  
 2 (A) Subsequent shoreline modification, including the installation of shoreline  
 3 stabilization, solely for the purpose of protecting the structure, is not necessary;  
 4 (B) Removal or modification of existing shoreline vegetation is the minimum  
 5 necessary to construct the structure, and will be replaced with appropriate native  
 6 species within the next growing season; and  
 7 (C) No fill or other modification water-ward of the ordinary high water mark is  
 8 necessary to construct or use the structure.
- 9 (g) Residential subdivisions and short subdivisions (~~(lying fully or partially within shoreline~~  
 10 ~~jurisdiction)~~) shall be limited to a maximum of ten percent total effective impervious  
 11 surface area within ~~((the subdivision boundary))~~ designated shorelands.
- 12 (2) In addition to the general regulations contained in SCC 30.67.570(1), the following shoreline  
 13 environment designation-specific regulations for residential uses apply:
- 14 (a) The following residential uses and appurtenant structures are permitted in the Urban  
 15 environment: ~~((single family))~~ single-family residential, mobile and manufactured homes,  
 16 duplex, multifamily, townhouse, and mobile home parks.
- 17 (b) Urban Conservancy.  
 18 (i) The following residential uses are permitted: ~~((single family))~~ single-family  
 19 residential, mobile and manufactured homes;  
 20 (ii) Duplex and mobile home parks are conditionally permitted~~((-))~~ ; and  
 21 (iii) Multifamily and townhouses are prohibited.
- 22 (c) Rural Conservancy.  
 23 (i) The following residential uses are permitted: ~~((single family))~~ single-family  
 24 residential, mobile and manufactured homes, and duplex;  
 25 (ii) Mobile home parks are conditionally permitted; and  
 26 (iii) Multifamily and townhouses are prohibited.
- 27 (d) Resource.  
 28 (i) The following residential uses are permitted: ~~((single family))~~ single-family  
 29 residential, mobile and manufactured homes, and duplex;  
 30 (ii) Mobile home parks are conditionally permitted; and  
 31 (iii) Multifamily and ~~((townhouse))~~ townhouses are prohibited.
- 32 (e) All residential uses are prohibited in the Municipal Watershed Utility environment.
- 33 (f) Natural.  
 34 (i) The following residential uses are conditionally permitted: ~~((single family))~~ single-  
 35 family residential, mobile and manufactured homes;  
 36 (ii) All other residential uses are prohibited; and  
 37 (iii) Alteration of the natural topographic features or flora of the site shall be restricted  
 38 to that necessary for the placement of the residence and appurtenances. Additional  
 39 grading or clearing, as for lawns, is prohibited.
- 40 (g) Aquatic.  
 41 (i) New over-water residences and floating homes are prohibited ((in the Aquatic  
 42 environment)).  
 43 (ii) Normal maintenance or repair of floating homes permitted or legally established  
 44 prior to January 1, 2011, is allowed.  
 45 (iii) Houseboats used as a residence and live-aboard vessels may be permitted  
 46 within marinas or in waters of the state subject to a lease or permission from the  
 47 state Department of Natural Resources.

1  
2 Section 27. Snohomish County Code Section 30.67.575, added by Amended Ordinance No. 12-  
3 025 on June 6, 2012, is amended to read:

4  
5 **30.67.575 Shoreline and bank stabilization.**

6 Shoreline and bank stabilization measures are used to reduce sedimentation and erosion.

7 (1) The following general regulations apply to shoreline and bank stabilization within shorelines:

8 (a) Normal maintenance or repair of existing shoreline and bank stabilization structures is  
9 allowed. When normal maintenance or repair of structural shoreline and bank stabilization  
10 measures consists of replacement, such replacement must comply with subsection (1)(b)  
11 of this section.

12 (b) New, enlarged or replacement structural shoreline and bank stabilization measures  
13 may only be used when:

14 (i) Application materials demonstrate the purpose of the measures is to ((Tø)) protect:

15 (A) Existing primary structures, utilities, roads and bridges;

16 (B) New utilities or public bridges and transportation structures allowed pursuant  
17 to 30.62B.330(3);

18 (C) Designated farmland on the county's comprehensive plan; or ((and))

19 (D) Projects where the sole purpose is to protect or restore shoreline ecological  
20 functions; and

21 (ii) A ~~((When a))~~ geotechnical analysis conducted by a qualified engineer or geologist  
22 with experience evaluating and constructing nonstructural stabilization techniques  
23 demonstrates that:

24 (A) Nonstructural shoreline and bank stabilization solutions are not feasible;

25 (B) Structural shoreline and bank stabilization is necessary to provide protection  
26 from erosion caused by natural processes such as tidal action, currents, waves  
27 or channel migration and that the erosion is not caused by upland conditions,  
28 such as loss of vegetation and drainage; ~~((and))~~

29 (C) Soft forms of structural shoreline and bank stabilization are not feasible;

30 ~~((C))~~ (D) The erosion rate exceeds that which would normally occur in a natural  
31 condition and that the structural shoreline and bank stabilization measure would  
32 not interfere with hydrological and geomorphologic processes normally acting  
33 under a natural condition((-)); and

34 (E) There is a showing of immediacy, measured by a significant possibility that  
35 the primary structure will be damaged within three years as a result of shoreline  
36 erosion in the absence of hard forms of structural shoreline and bank  
37 stabilization, or a showing that waiting until the need is immediate would  
38 foreclose the opportunity to use measures that avoid impacts on ecological  
39 functions. Where the geotechnical analysis confirms a need to prevent potential  
40 damage to a primary structure, but the need is not as immediate as within three  
41 years, the analysis may be used as support of an immediate need to protect  
42 against erosions using soft forms of structural shoreline and bank stabilization.

43 (c) Shoreline and bank stabilization structures shall:

44 (i) Comply with the guidelines in the ~~((Integrated Streambank Protection~~  
45 ~~Guidelines))~~ Marine Shoreline Design Guidelines (Washington State Department of  
46 Fish and Wildlife, ~~((April 2003))~~ March 2014), ~~((or the alternative bank protection~~  
47 ~~methods in Alternative Bank Protection Methods for Puget Sound Shorelines))~~ and

1 the Soft Shoreline Stabilization Shoreline Master Program Planning and  
2 Implementation Guidance (Washington State Department of Ecology, (~~May 2000,~~  
3 ~~Publication #00-06-012~~)) March 2014, Publication No. 14-06-009);

4 (ii) Not alter natural hydraulic or sediment transport processes to the extent that  
5 downstream, downdrift or adjacent properties are damaged; and

6 (iii) Not cause a net loss of shoreline ecological functions. Mitigation is required for  
7 any adverse impacts to shoreline ecological functions including, but not limited to  
8 shoreline hydraulic processes such as littoral drift and channel migration, recruitment  
9 of beach materials from feeder bluffs and sediment transport.

10 (d) Construction of shoreline and bank stabilization measures shall meet the following  
11 criteria:

12 (i) The size and quantity of material constituting the shoreline and bank stabilization  
13 structure shall be the minimum necessary;

14 (ii) Beach materials shall not be used to backfill bulkheads, seawalls and other  
15 shoreline and bank stabilization structures;

16 (iii) Construction materials shall not contain, or be treated or coated with toxic  
17 materials;

18 (iv) Shoreline and bank stabilization structures shall not be used for the indirect  
19 purpose of creating land. When fill is required behind an already existing structure, it  
20 shall not extend water-ward of the ordinary high water mark unless otherwise  
21 permitted by this chapter;

22 (v) (~~Structures~~) Shoreline and bank stabilization structures shall be located  
23 landward of the ordinary high water mark, landward of the storm berm, and generally  
24 parallel to the natural shoreline except:

25 (A) On bluff or bank shorelines where no other armoring structures are adjacent,  
26 such structures shall be as close to the toe of the bank as possible;

27 (B) Where there are shoreline and bank stabilization structures on adjacent  
28 properties, the proposed structure shall be tied in flush, except where adjoining  
29 structures extend water-ward of the ordinary high water mark;

30 (C) Replacement walls or bulkheads shall not encroach water-ward of the  
31 ordinary high water mark or water-ward of the existing structure unless the  
32 residence was occupied prior to January 1, 1992 [per RCW 90.58.100(6)]. In  
33 such cases, the replacement structure shall abut the existing shoreline and bank  
34 stabilization structure and any adversely impacted shoreline ecological functions  
35 shall be mitigated. If critical saltwater habitats or shoreline ecological functions  
36 would be adversely impacted by leaving the existing structure, the structure shall  
37 be removed as part of the replacement measure; and

38 (D) Nonstructural shoreline and bank stabilization measures that provide  
39 restoration of shoreline ecological functions may be allowed water-ward of the  
40 ordinary high water mark; and

41 (vi) Publicly financed or subsidized shoreline and bank stabilization structures shall  
42 include provisions for public access as required under SCC 30.67.330.

43 (2) In addition to the general regulations in SCC 30.67.575(1), the following shoreline  
44 environment designation-specific regulations for shoreline and bank stabilization measures  
45 apply:

1 (a) ~~((Non-structural shoreline and bank stabilization measures are permitted in all~~  
2 ~~shoreline environments except that non-structural flood protection measures in the Natural~~  
3 ~~and Aquatic environments are conditionally permitted; and))~~  
4 Natural, Urban Conservancy and adjacent Aquatic.

5 (i) Non-structural.

6 (A) Non-structural shoreline and bank stabilization measures associated with an  
7 ecological enhancement or restoration project are permitted.

8 (B) All other non-structural shoreline and bank stabilization measures are  
9 conditionally permitted.

10 (ii) Structural.

11 (A) Structural shoreline and bank stabilization measures associated with an  
12 ecological enhancement or restoration project or protection of an existing  
13 primary structure are conditionally permitted.

14 (B) All other structural shoreline and bank stabilization measures are prohibited.

15 (b) ~~((Structural shoreline and bank stabilization measures are permitted in all shoreline~~  
16 ~~environments except Natural and adjacent Aquatic environments to protect ecological~~  
17 ~~enhancement or restoration projects when non-structural protection measures are not~~  
18 ~~feasible. When not in conjunction with an ecological enhancement or restoration project,~~  
19 ~~structural shoreline and bank stabilization is conditionally permitted in all shoreline~~  
20 ~~environments except Natural and Urban Conservancy environments and Aquatic~~  
21 ~~environments adjacent to Natural and Urban Conservancy environments.))~~

22 Urban, Rural Conservancy, Resource, Municipal Watershed Utility and adjacent Aquatic.

23 (i) Non-structural. Non-structural shoreline and bank stabilization measures are  
24 permitted.

25 (ii) Structural. Structural shoreline and bank stabilization measures are permitted  
26 when:

27 (A) The new or enlarged structural bank stabilization measure is necessary to  
28 protect ecological enhancement or restoration projects when non-structural  
29 protection measures are not feasible;

30 (B) Normal maintenance and repair of the structural shoreline and bank  
31 stabilization measure does not include replacement; or

32 (C) The replacement structural shoreline and bank stabilization measure is not  
33 enlarged or will improve shoreline ecological functions.

34 (iii) Any new, enlarged or replacement structural shoreline and bank stabilization  
35 measure that does not meet the criteria in SCC 30.67.575(2)(b)(ii) is conditionally  
36 permitted.

37  
38 Section 28. Snohomish County Code Section 30.67.580, added by Amended Ordinance No. 12-  
39 025 on June 6, 2012, is amended to read:

40  
41 **30.67.580 Shoreline habitat restoration and enhancement.**

42 The purpose of shoreline habitat restoration and enhancement projects is to improve ecological  
43 functions and processes necessary to maintain shoreline natural resources, protect public  
44 health and safety, and preserve beneficial uses of the shoreline.

45 (1) The following general regulations apply to shoreline habitat restoration and enhancement  
46 projects within shorelines:

47 (a) Shoreline habitat restoration or enhancement projects shall:

- 1 (i) Restore, enhance or create fish and wildlife habitat; or  
2 (ii) Implement a recommended project from the shoreline restoration element.
- 3 (b) Shoreline habitat restoration or enhancement projects shall not adversely impact river  
4 currents, sediment processes, littoral drift, wetland or fish and wildlife habitat conservation  
5 areas.
- 6 (c) Beach enhancement shall be prohibited within spawning, nesting or breeding habitat or  
7 where littoral drift of the enhancement materials adversely affects adjacent spawning  
8 grounds or other fish and wildlife habitat conservation areas.
- 9 (d) Beach and stream enhancement shall not:
- 10 (i) Extend water-ward more than the minimum amount necessary to achieve the  
11 desired stabilization;  
12 (ii) Result in steep contours that impede easy pedestrian passage or trap drifting  
13 sediments;  
14 (iii) Be used solely to create new land area;  
15 (iv) Disturb riparian vegetation or shallow water fish and wildlife habitat, unless such  
16 habitat is replaced within the earliest appropriate season by new habitat or native  
17 vegetation consistent with SCC 30.67.580(1)(h);  
18 (v) Result in a beach differing in character from natural conditions historically found  
19 on the site or vicinity; or  
20 (vi) Interfere with the normal public use of the navigable waters of the state.
- 21 (e) Lake and marine beach restoration or enhancement shall be consistent with the  
22 following:
- 23 (i) New materials added to a beach shall be of a size and composition as similar as  
24 possible to the existing natural materials, but large enough to withstand normal  
25 current, wake or wave action at the site;  
26 (ii) The restored beach shall approximate the natural lake or marine shoreline width,  
27 height, bulk, profile, and vegetation community and structure;  
28 (iii) Only short-term mechanical assistance may be used to accomplish planting;  
29 (iv) Plantings must be maintained to achieve at least an 80 percent survival rate after  
30 two years of placement; and  
31 (v) Gravel berms, drift sills and beach nourishment must be used when appropriate  
32 for the site.
- 33 (f) Stream restoration or enhancement shall be consistent with the following:
- 34 (i) Large woody debris placement, engineered log jams, bioengineering techniques,  
35 fish screens, self-regulating tide gates, removal of artificial structures and fish  
36 barriers, fishways, and stream channel improvements shall be included where  
37 appropriate;  
38 (ii) Only short-term mechanical assistance may be used to accomplish planting;  
39 (iii) Plantings must be maintained to achieve at least an 80 percent survival rate after  
40 two years of placement;  
41 (iv) Size and composition of new materials added to a stream shall be as similar as  
42 possible to the existing natural materials, but large enough to withstand normal  
43 current, wake or wave action at the site; and  
44 (v) Restoration or enhancement of the natural stream channel characteristics of  
45 length, width, gradient and sinuosity shall be included where appropriate.
- 46 (g) Stream restoration or enhancement shall not:
- 47 (i) Create barriers for juvenile or adult migrating fish;



- 1 (ii) Remove large woody material embedded in a bank or bed except in those unique
- 2 circumstances where removal is necessary to successfully achieve implementation of
- 3 the restoration or enhancement project;
- 4 (iii) Alter the natural stream more than the minimum amount necessary to achieve the
- 5 desired restoration or enhancement;
- 6 (iv) Disturb riparian vegetation or fish and wildlife habitat unless such habitat is
- 7 replaced within the earliest appropriate season by new habitat or riparian vegetation
- 8 consistent with SCC 30.67.580(1)(h); or
- 9 (v) Create a hazard to navigation, public infrastructure, or primary structures.
- 10 (h) Restoration or enhancement of riparian vegetation shall:
- 11 (i) Replace disturbed vegetation with comparable plant species and diversity; or
- 12 (ii) Improve riparian ecological functions by increasing plant diversity and including
- 13 plant species offering higher habitat values, better bank stabilization, improved water
- 14 quality functions or nutrient exchange.
- 15 (2) Shoreline habitat restoration and enhancement is permitted in all shoreline environments.
- 16 Shoreline modifications that are an integral and necessary component of shoreline habitat
- 17 restoration and enhancement projects are allowed in all shoreline environment designations
- 18 subject to the appropriate modification-specific shoreline regulations.
- 19 (3) Relief may be granted from the requirements of this chapter to property owners in urban
- 20 growth areas affected by a shoreline restoration project that results in a landward shift in the
- 21 ordinary high water mark when all requirements of WAC 173-27-215 are met.

22  
 23 Section 29. Snohomish County Code Section 30.91A.255, last amended by Ordinance No. 13-  
 24 098 on December 11, 2013, is amended to read:

25  
 26 **30.91A.255 Aquaculture.**

27 "Aquaculture" means the culture, harvesting or farming of food fish, shellfish, or other aquatic  
 28 plants and animals. Commercial activities include the hatching, cultivating, planting, feeding,  
 29 raising, harvesting, and processing of aquatic plants and animals and the maintenance and  
 30 construction of necessary equipment, buildings and growing areas. Cultivation methods include  
 31 but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed  
 32 floats and nets and the culture of clams and oysters on tidelands and subtidal areas. Non-  
 33 commercial activities include activities related to subsistence, recreational and personal  
 34 consumption, and research and restoration, provided that non-commercial aquaculture does not  
 35 include construction or installation of structures on the beach or waterward of the ordinary high  
 36 water mark. Aquaculture does not include the harvest of wild geoduck associated with the state  
 37 ((~~managed~~)) and tribal co-managed wild stock geoduck fishery.

38 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

39  
 40 Section 30. Snohomish County Code Section 30.91D.230, last amended by Amended  
 41 Ordinance No. 12-025 on June 6, 2012, is amended to read:

42  
 43 **30.91D.230 Development.**

44 "Development" means a use consisting of the construction or exterior alteration of structures;  
 45 dredging; drilling; dumping; filling; removal of sand, gravel, or minerals; bulkheading; driving of  
 46 piling; placing of obstructions; or any project of a permanent or temporary nature which  
 47 interferes with the normal public use of the surface of the waters overlying lands subject to this

1 title. "Development" does not include dismantling or removing structures if there is no other  
2 associated development activity or re-development activity.

3 This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.  
4

5 Section 31. Snohomish County Code Section 30.91S.330, adopted by Amended Ordinance No.  
6 02-064 on December 9, 2002, is amended to read:  
7

8 **30.91S.330 Single-family residence.**

9 "Single-family residence" means a detached dwelling designed for and occupied by  
10 one family and includes normal appurtenances thereto within a contiguous ownership.

11 This definition applies only to "Shoreline" regulations in ((chapter)) chapters 30.44 and 30.67  
12 SCC.  
13

14 Section 32. A new section is added to chapter 30.91Y Snohomish County Code to read:  
15

16 **30.91Y.010 Yacht and boat club.**

17 "Yacht and boat club" means an institutional use that consists of structures and related grounds  
18 or moorage used for social and recreational purposes related to pleasure boating or swimming,  
19 the use of which is generally restricted to members and their guests. Yacht and boat clubs may  
20 be either community clubs or private clubs.

21 This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.  
22

23 Section 33. The document titled, *Snohomish County Shoreline Management Program:*  
24 *Shoreline Environment Designations, Policies and Regulations*, adopted by Amended  
25 Ordinance No. 12-025 on June 6, 2012, is amended as indicated in Exhibit A, which is attached  
26 hereto and incorporated by reference into this ordinance.  
27

28 Section 34. The shoreline environment designation maps, adopted by Amended Ordinance No.  
29 12-025 on June 6, 2012, are amended as indicated in Exhibit B, which is attached hereto and  
30 incorporated by reference into this ordinance.  
31

32 Section 35. Severability and Savings. If any section, sentence, clause or phrase of this  
33 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or  
34 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall  
35 not affect the validity or constitutionality of any other section, sentence, clause or phrase of this  
36 ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance  
37 is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,  
38 clause or phrase in effect prior to the effective date of this ordinance shall be in full force and  
39 effect for that individual section, sentence, clause or phrase as if this ordinance had never been  
40 adopted.  
41

42 Section 36. Effective date and implementation. Pursuant to RCW 90.58.090, the effective date  
43 of this ordinance shall be fourteen days from the date of the Washington State Department of  
44 Ecology's written notice of final action stating it has approved the Snohomish County Shoreline  
45 Management Program. The Department of Planning and Development Services is authorized to  
46 take such actions as may be necessary to implement this ordinance on its effective date.  
47

1 PASSED this 3<sup>rd</sup> day of July, 2019.

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SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

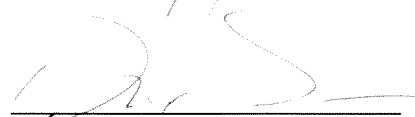
  
Council Chairperson

ATTEST:

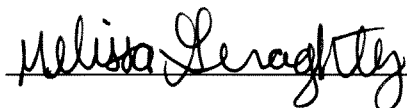
  
Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE:

7/11/19  
  
County Executive

ATTEST:

  
Deputy Prosecuting Attorney

Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney

((~~Exhibit A~~  
~~Amended Ordinance No. 12-025~~))

## Snohomish County

### *Shoreline Management Program:*

# **Shoreline Environment Designations, Policies and Regulations**



Snohomish County  
Planning and Development Services

Adopted by Amended Ordinance No. 12-025 on June 6, 2012

Approved by Washington State Department of Ecology on July 13, 2012, Effective ~~((Date:))~~  
July 27, 2012

Amended by Ordinance No. 13-098 on December 11, 2013

Approved by Washington State Department of Ecology on May 12, 2014, Effective May 27,  
2014

Last amended by Amended Ordinance No. 19-020 on July 3, 2019

Approved by Washington State Department of Ecology on [date of approval], Effective [date]



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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)63):

Armstrong	Echo	<u>Long</u>	Spring
<u>Bevis</u>	Flowing	Martha (North)	Stevens
Big Greider	Frontal	Martha (South)	Stickney
Blanca (federal)	Getchell	Mud	Storm
Bosworth	Goodwin	<u>Meadow</u>	Sunday
Boulder	Hannan	<u>Olson</u>	Sunset (federal)
Bryant	Hooven Bog	Panther	Swartz
Cassidy	Howard	Purdy	Tomtitt
Chain	Hughes	<u>Richardson</u>	<u>Treen</u>
Cochran	John Sam	Riley	Twin (North)
Connor	(( <del>Kellog</del> ))Kellogg	Roesiger	Twin (South)
Copper	Ketchum	<u>Round</u>	<u>Unnamed *</u>
Crabapple	Ki	<u>Rowland</u>	Wagner
Crystal	Little	Serene	Wallace
Dagger	Little Greider	Shocraft	Woods
East Boardman	Loma	Spada	

\* (near 99<sup>th</sup> Ave NE, Marysville)

#### Rivers / Streams ((205)208):

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	<u>Daniels Creek</u>	<u>Maltby</u>
Canyon Creek, U T	Suiattle Pass	Decline Creek	White Chuck Mountain
Carpenter Creek	Lake Roesiger	Deer Creek	Index
Catherine Creek	Lake Stevens	Deer Creek	Silverton
<u>Chaplain Creek</u>	<u>Chaplain Lake</u>	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	<u>Hannon Creek</u>	<u>Monroe</u>
Five Creek	Lime Mountain	Helena Creek	Helena Ridge
Fourth Of July Creek	Evergreen Mountain	Howard Creek	Baring
Fourth Of July Creek, U T	Evergreen Mountain	Jim Creek	Meadow Mountain
Johnson Creek	Captain Point	Marten Creek	Silverton
Kelly Creek	Mount Stickney	May Creek	Index
Kennedy Creek	Lime Mountain	Mccoy 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

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
Montague Creek	Mount Higgins	Pass Creek	Bench Mark Mountain
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
Proctor Creek	Gold Bar	Saddle Creek	Meadow Mountain
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
Skykomish River, N F, U T	Bench Mark Mountain	Stillaguamish River, S F, U T	Bedal
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
Troublesome Creek	Blanca Lake	West Cady Creek, U T	Blanca Lake
Troublesome Creek, U T	Blanca Lake	Troublesome Creek, W F	Monte Cristo

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
Troublesome Creek, U T	Blanca Lake	Trout Creek	Baring
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

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](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](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)) 47 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))~~ 47 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](http://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.

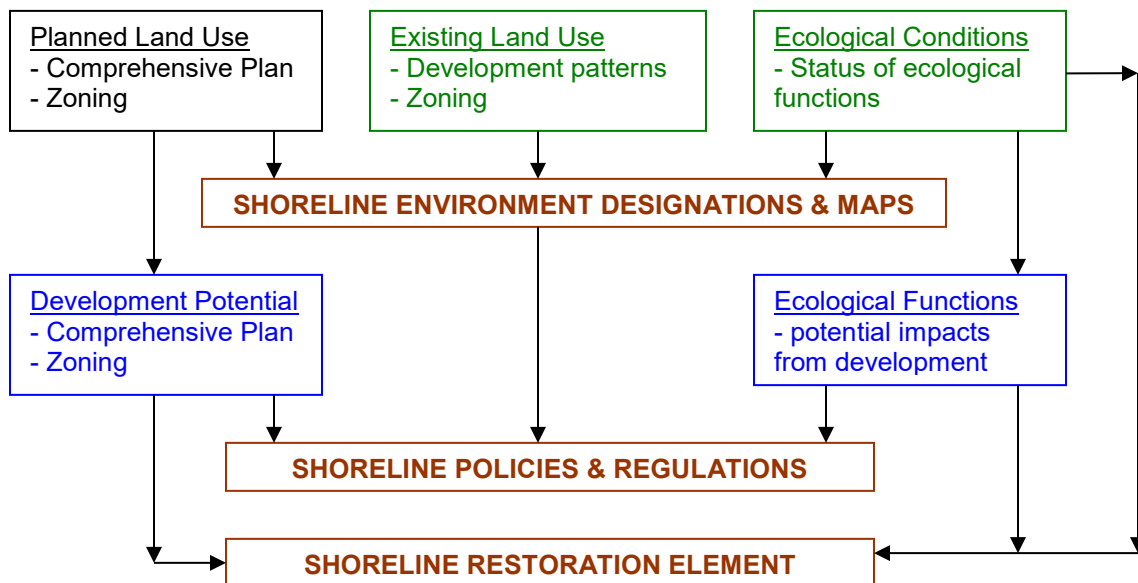
In addition to the SMP documents there are several supporting documents:

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



**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**

<b>Indicators and Thresholds of Shoreline Ecological Functions</b>			
<b>Function Indicator</b>	<b>Data Indicator and Threshold Levels</b>		
	<b>Healthy</b>	<b>Impaired</b>	<b>Missing</b>
Basin aquatic health, hydrologic regimes	TIA <sup>1</sup> < 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 <sup>2</sup> 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.
<sup>1</sup> TIA = Total impervious area <sup>2</sup> 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**

<b>Land Use Type and Intensity in each Shoreline Environment Designation As illustrated by Environment-Specific Zoning Classifications</b>							
<b>Zone</b>	<b>Urban</b>	<b>Urban Conservancy</b>	<b>Rural Conservancy</b>	<b>Resource</b>	<b>Municipal Watershed Utility</b>	<b>Natural</b>	<b>Aquatic</b>
Rural Industrial (RI, RU)	0 ac. (0.0%)(4.2 8 ac. (0.41%))	0 ac. (0.0%)(2.79 ac. (0.68%))	41.27 ac. (0.29%)(44.0 7 ac. (0.32%))	2.76 ac. (0.01%)(10.28 ac. (0.02%))	0 (0.00%)	0 (0.00%)	5.54 ac. (0.04%)(32.1 6 ac. (0.23%))
Rural Commercial (RB, RD, RFS)	18.29 ac. (1.82%)(19 .23 ac. (1.84%))	64.49 ac. (39.97%)(57. 55 ac. (14.11%))	1915.54 ac. (14.45%)(19 45.29 ac. (14.26%))	14.45 ac. (0.03%)(18.75 ac. (0.04%))	0 (0.00%)	585.69 ac. (10.37%)(5 88.85 ac. (13.4%))	462.71 ac. (3.28%)(524. 85 ac. (3.81%))
Residential Low-density (SA-1, RC, R-5)	69.10 ac. (6.86%)(30 .24 ac. (2.89%))	56.23 ac. (34.85%)(14. 97 ac. (3.67%))	8805.47 ac. (62.07%)(84 59.34 ac. (62.02%))	156.17 ac. (0.31%)(74.82 ac. (0.16%))	0 (0.00%)	474.04 ac. (8.39%)(35 2.44 ac. (8.02%))	3485.15 ac. (24.69%)(343 6.61 ac. (25.09%))
Resource (A-10, F, F&R, MC, RRT)	121.86 ac. (12.10%)(1 38.69 ac. (13.26%))	13.80 ac. (8.55%)(194. 59 ac. (47.72%))	3338.62 ac. (23.53%)(34 62.36 ac. (23.18%))	49851.54 ac. (99.53%)(480 35.47 (99.78%))	2305.43 ac. (2251.73 ac) (100.0%)	4586.84 ac. (81.21%)(3 451.87 ac. (78.57%))	7883.66 ac. (55.85%)(947 5.7 ac. (69.17%))
Urban Industrial (BP, HI, IP, LI)	376.01 ac. (37.34%)(3 44.84 ac. (32.97%))	7.80 ac. (4.84%)(5.62 ac. (1.38%))	0.42 ac. (0.00%)(0.05 ac. (0.00%))	2.63 ac. (0.01%)(2.26 ac. (0.00%))	0 (0.00%)	0 (0.00%)	729.86 ac. (5.17%)(154. 38 ac. (1.11%))
Urban Commercial (CB, GC, PCB)	21.91 ac. (2.18%)(6. 45 ac. (0.62%))	0 (0.00%)	22.97 ac. (0.16%)(24.1 3 ac. (0.15%))	0 (0.00%)	0 (0.00%)	0 (0.00%)	16.90 ac. (0.12%)(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)	348.55 ac. (34.62%)(4 53.54 ac. (43.36%))	18.99 ac. (11.77%)(132 .28 ac. (32.44%))	1.55 ac. (0.01%)(8.15 ac. (0.06%))	11.11 ac. (0.02%)(1.74 ac. (0.00%))	0 (0.00%)	1.58 ac. (0.03%)(0 (0.00%))	157.97 ac. (1.12%)(77.3 1 ac. (0.56%))
Residential Mod-density (PRD-20.0, R- 20.0)	48.39 ac. (4.81%)(48 .82 ac. (4.67%))	0 (0.00%)	0.04 ac.((0) (0.00%))	0 (0.00%)	0 (0.00%)	0 (0.00%)	1.16 ac.((1.24 ac.)) (0.01%)
<b>Total</b>	1004.11 ac. (1046.06 ac.)) (100.0%)	161.32 ac.((407.8 ac.)) (100.0%)	14125.88 ac.((13640.39 )) (100.0%)	50038.66 ac. (48143.32 ac.)) (100.0%)	2305.43 ac. (2251.73 ac.)) (100.0%)	5648.16 ac. (4393.16 ac.)) (100.0%)	12742.94 ac. (13698.52 ac.)) (100.0%)
<b>Environment as % of total</b>	1.17%	0.19%	16.42%	58.17%	2.68%	6.57%	14.81%



## **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 <sup>1</sup>		Resource Use/Zone	Residential Use/Zone <sup>2</sup>	((Residential w/ RD Zone <sup>1</sup> ) Other)	Total
		((Total Commercial))	((RD Zone <sup>1</sup> ))				
<i>Urban</i>	((349.12 (33.4%))) 431.33 (40.7%)	((25.65 (2.5%))) 21.91 (2.1%)	((19.23))	((138.69 (13.3%))) 121.86 (11.5%)	((532.57 (50.9%))) 484.33 (45.7%)	((551.8 (52.8%))) 2.8	((1046.06 (1059.43 (100%)))
<i>Urban Conservancy</i>	((8.44 (2.1%))) 7.80 (4.8%)	((57.55 (14.1%))) 0	((57.55))	((194.59 (47.7%))) 13.80 (8.6%)	((147.25 (36.1%))) 139.72 (86.6%)	((204.8 (50.2%))) 0	((407.8 (161.32 (100%)))
<i>Rural Conservancy</i>	((44.12 (0.32%))) 39.46 (0.3%)	((1966.42 (14.4%))) 62.45 (0.4%)	((1874.84))	((3162.36 (23.2%))) 3200.83 (22.7%)	<b>((8467.49 (62.1%)))</b> <b>10785.36</b> <b>(76.6%)</b>	((10342.3 (75.8%))) 60.82	((13640.39 (14088.10 (100%)))
<i>Resource</i>	((12.54)) 2.63 (<0.01%)	((18.75)) 11.32 (<0.01%)	((7.41))	<b>((48,035.47 (99.8%)))</b> <b>49805.61</b> <b>(99.6%)</b>	((76.56 (0.16%))) 173.16 (0.3%)	((83.97 (0.17%))) 49.92	((14143.32 (49992.73 (100%)))
<i>Municipal Watershed Utility</i>	0	0	((0))	((2251.73 (100%))) 2301.63 (100%)	0	0	((2251.73 (2301.63 (100%)))
<i>Natural</i>	0	((588.85 (13.4%))) 0	((588.85))	((3451.87 (78.6%))) 4580.64 (81.2%)	((352.44 (8.0%))) 1059.21 (18.8%)	((941.29 (21.4%))) (<0.01%)	((4393.16 (5639.86 (100%)))
<i>Aquatic</i>	((183.54 (1.3%))) 674.68 5.4%	((524.15 (3.8%))) 17.98 (0.1%)	((520.67))	((9475.70 (69.2%))) 7510.32 (60.3%)	((3515.13 (25.7%))) 4246.78 (34.1%)	((4035.8 (29.5%))) 1372.32	((13698.52 (12449.77 (100%)))
<i>Total</i>	((597.73 (0.7%))) 1155.91 (1.3%)	((3181.40 (3.8%))) 113.67 (<0.01%)	((3068.55))	<b>((66710.41 (79.8%)))</b> <b>67534.69</b> <b>(78.8%)</b>	((13091.44 (15.7%))) 16888.57 19.7%	((16159.99 (19.3%))) 1485.86 1.73%	((83580.98 (85692.84 (100%)))

<sup>1</sup> ((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.)) Rural Diversification (RD) is a mixed use zone with a residential component accommodating rural home-based businesses and industries.

<sup>2</sup> Urban Center (UC) is also a mixed use zone allowing high-density residential, office and retail uses with public and community facilities and pedestrian connections located within one-half mile of existing or planned stops or stations for high capacity transit routes.

## **2.4 Shoreline Environment Designation Maps**

The shoreline environment designations are depicted on a series of ((44)) 47 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-\_\_\_)) Amended Ordinance No. 19-020 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 standard<sup>3</sup>; 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).

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<sup>3</sup> 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**

<b>Critical Area</b>	<b>GMA Critical Area Functions &amp; Values [SCC 30.62A.220]</b>	<b>SMA Shoreline Ecological Functions [WAC 173-26-201(3)(d)(i)(C)]</b>
<b>Streams</b>	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>
<b>Wetlands</b>	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>
<b>Lakes</b>	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>
<b>Marine waters</b>	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>
<b>Primary association areas of critical species.</b>	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.
<b>Buffers</b>	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](http://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 June 26, 2019. 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:

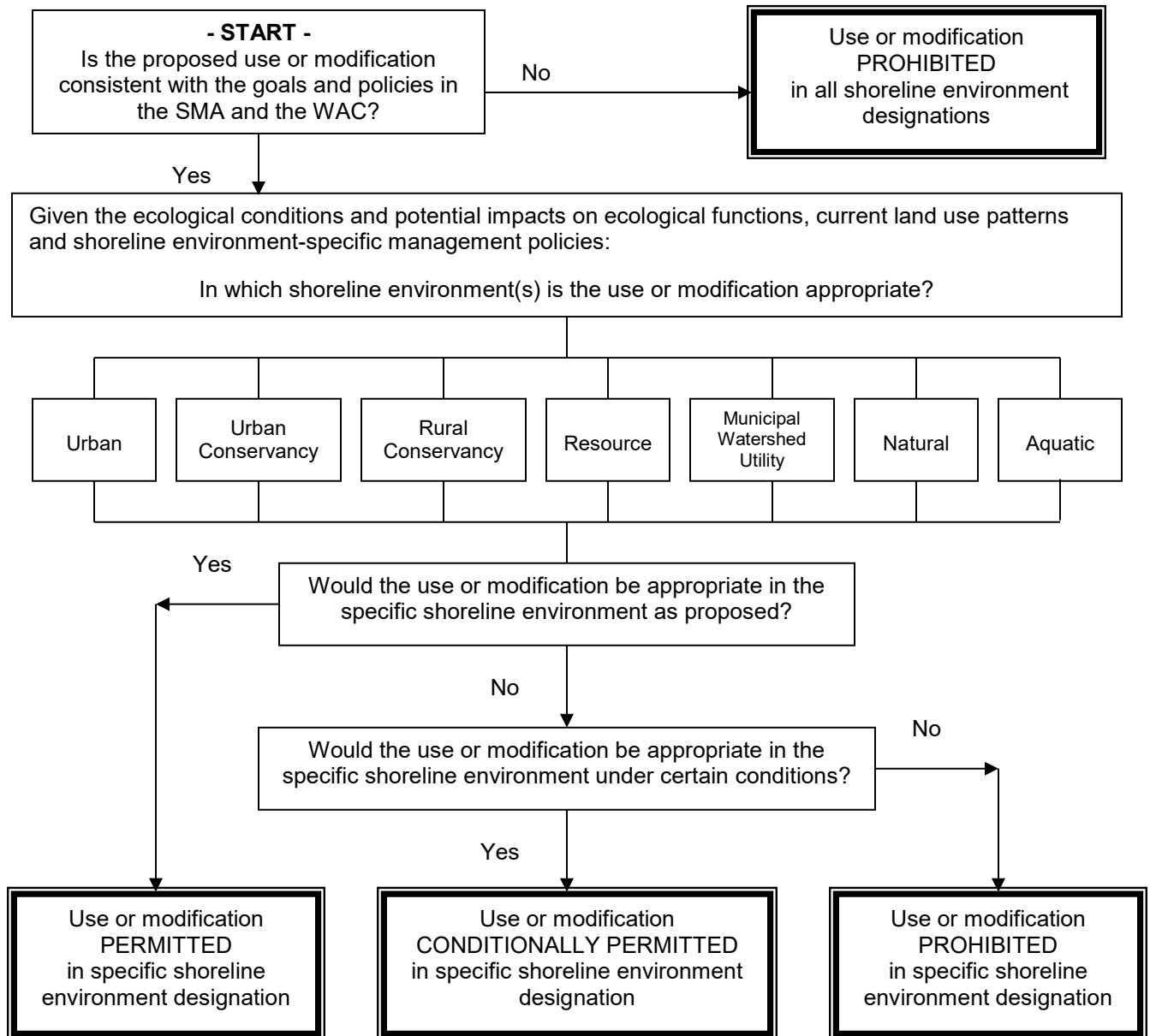
- Is the use or modification consistent with the goals and policies of the SMA?
- Is the use or modification compatible with each of the specific shoreline environments?
- If not, can it be made compatible by requiring certain conditions related to scale, scope, design or impact mitigation?

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

Bulk Standards <sup>1</sup>	Shoreline Environment (cont.)						
	Urban	Urban Conservancy	Rural Conservancy	Resource	Municipal Watershed Utility <sup>7</sup>	Natural	Aquatic <sup>2</sup>
Residential <sup>8</sup>							
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 <sup>3</sup>	5 acres	5 acres	5 acres	80 acres <sup>13</sup>		5 acres	
Buffer/setback <sup>4</sup>	150'	150'	150'	150' <sup>12</sup>	n/a	150'	n/a
Max. Lot coverage <sup>14</sup>	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 <sup>11</sup>	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 <sup>3</sup>	12,500 sqft	12,500 sqft					
Buffer/setback <sup>4</sup>	150'	150'	n/a	n/a	n/a	n/a	n/a
Max. Lot coverage <sup>14</sup>	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 <sup>5</sup>							
Density:							
Minimum lot size					n/a	n/a	n/a
Maximum lot size <sup>3</sup>							
Buffer/setback <sup>4</sup>	150'	150'	150'	150'	n/a	n/a	n/a
Max. Lot coverage <sup>14</sup>	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:**

<sup>1</sup> 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.

<sup>2</sup> 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.

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

<sup>4</sup> 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.

- <sup>5</sup> 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.
- <sup>6</sup> 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.
- <sup>7</sup> 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).
- <sup>8</sup> 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].
- <sup>9</sup> 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.
- <sup>10</sup> Agricultural activities are not allowed in Municipal Watershed Utility. Other resource management and forestry is allowed in this shoreline designation.
- <sup>11</sup> 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.
- <sup>12</sup> 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)).
- <sup>13</sup> 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).
- <sup>14</sup> 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.

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#### **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 and Boat Mooring Facilities**

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

#### ***Policies***

1. The location, design, construction and operation of boating and boat mooring facilities should endeavor to minimize adverse effects on priority habitats, fish and shellfish resources, and the adjacent areas.
2. Boating and boat mooring facilities shall be designed at an appropriate scale and character and constructed to blend visually with all surrounding land uses.
3. Boating and boat mooring 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 and boat mooring facilities shall make use of the natural site configuration to the greatest extent possible.
5. Encourage multiple uses in boating and boat mooring 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 and boat mooring 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((-)) and 30.67.517.

### **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*<sup>4</sup> (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

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<sup>4</sup> 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.<sup>5</sup>

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.

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<sup>5</sup> 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***

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

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**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.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.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))~~ activities related to subsistence, recreational and personal consumption, and research and restoration ((activities)), provided that non-commercial aquaculture does not include construction or installation of structures on the beach or waterward of the ordinary high water mark. Aquaculture does not include the harvest of wild geoduck associated with the state ~~((managed))~~ and tribal co-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.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.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, including those planted with game fish by a governmental or tribal entity,
  - (b) Lakes, including those planted with game fish by a governmental or tribal entity,
  - ~~((c) Marine waters, and))~~
  - (c) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those planted with game fish by a governmental or tribal entity,
  - (d) Marine waters,
  - ~~((d))~~ (e) Primary association areas for critical species(;;), and
  - (f) State natural area preserves, natural resource conservation areas, and state wildlife areas;
- (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.

"Development" does not include dismantling or removing structures if there is no other associated development activity or re-development activity.

((This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCG.))

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

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

**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))~~ permanently based 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))~~ Regardless of the method used to identify the floodway, the floodway ~~((does))~~ shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

**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))~~ purposes of manufacturing, assembly, processing or storage of products or equipment. Industrial uses include those ~~((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))~~10 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.<sup>6</sup>))~~

**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.

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~~((<sup>6</sup>This definition was not included in the definitions adopted in Amended Ordinance No. 12-025))~~  
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((Approved by Washington State Department of Ecology on July 13, 2012 (Effective date July 27, 2012)))  
Appendix A: Glossary

**30.91N.011 “Native vegetation”** means plants which are indigenous to the Puget Sound region, not including noxious weeds, introduced species 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~~) highwater 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))~~ require 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 associated with shorelines of the state.

**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))~~ in certain shoreline environments or is an unlisted use or ~~((/))~~ modification ~~((but is))~~ not specifically 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 consisting of the components described in SCC 30.67.030. ~~((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 and 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.252 "Shorelines of the state"** means the total of all shorelines and shorelines of statewide significance within the state.

**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).))~~ partially or completely within Snohomish county are the following shorelines:

(1) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high-water mark and the line of extreme low tide, including Skagit Bay and adjacent area from Brown Point to Yokeko Point;

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

(3) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the ordinary high-water mark; and

(4) Those natural rivers or segments thereof west of the crest of the Cascade Range, downstream of the point where the mean annual flow is measured at 1,000 cubic feet per second or more.

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

**30.91S.330 "Single-family residence"** means a detached dwelling designed for and occupied by one family and includes normal appurtenances thereto within a contiguous ownership.

**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.500 "Solid waste"** means any putrescible or nonputrescible solid and semi-solid materials disposed as a result of any industrial or commercial operation and from community or residential activities, including waste sludges. It does not include animal manures or suspended solids or other pollutants in water resources prior to removal or concentration into sludge; nor does it include those materials recovered in a manner consistent with the utilization provisions of this title.

**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))~~or 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.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.009 "Water-dependent"** means a use or a portion of a use which requires direct contact with the water and cannot exist at a non-water 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)\**

**30.91Y.010 "Yacht and boat club"** means an institutional use that consists of structures and related grounds and/or moorage used for social and recreational purposes related to pleasure boating and/or swimming, the use of which is generally restricted to members and their guests. Yacht and boat clubs may be either community clubs or private clubs.

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

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

<b>Reach or Segment</b>	<b>Proposed Designation</b>	<b>Criteria</b>	<b>Rationale</b>
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.
Crystall1	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.



<b>Reach or Segment</b>	<b>Proposed Designation</b>	<b>Criteria</b>	<b>Rationale</b>
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.

<b>Reach or Segment</b>	<b>Proposed Designation</b>	<b>Criteria</b>	<b>Rationale</b>
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"> <li>Continued residential infill</li> <li>Dock, pier, or ramp construction associated with residential use</li> <li>Continued and expanded light agricultural use</li> </ul>	<ul style="list-style-type: none"> <li>Continued decrease in mature shoreline vegetation as clearing for new construction and other uses continues</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.570 and 30.67.599)</li> <li>Recommendation that vegetated buffers with low-impact management techniques be used (Shoreline Policies – Vegetation Management, section 3.2.5.19)</li> <li>Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a))</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>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)</li> <li>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs to encourage riparian re-planting (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> <li>Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program</li> <li>Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards</li> <li>Locally based watershed restoration projects (as identified in Shared Strategy, SEWIP, other planning documents)</li> </ul>
Water Movement	<ul style="list-style-type: none"> <li>Dock, pier, or ramp construction associated with residential use</li> <li>Bulkhead development associated with single family</li> </ul>	<ul style="list-style-type: none"> <li>Further impairment of water movement and hydrologic function</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>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)</li> <li>Requires mitigation for impacts to critical shoreline functions (30.67.320(2)(b))</li> <li>Prohibition on bulkheads (hard-bank structures) unless they are the only feasible shoreline stabilization method (SCC 30.67.575(1)(a))</li> <li>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).</li> <li>Requirement that new boating facilities must be designed to minimize need for stabilization structures (SCC 30.67.515(1)(j)(i))</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>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))</li> <li>Federal dredge/fill permitting requirements that require avoidance</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs to encourage understanding of drainage processes (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> </ul>

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

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

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



			<p>vegetation to stabilize banks may improve habitat functions, water temperatures, etc. (30.62B.320(2))</p> <ul style="list-style-type: none"> <li>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</li> </ul>	
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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"> <li>Infill in developed marine shoreline residential areas</li> <li>New or expanded shoreline armoring associated with residential marine use</li> <li>Continued and expanded agricultural use</li> <li>More parks/public access sites</li> </ul>	<ul style="list-style-type: none"> <li>Continued decrease in mature shoreline vegetation as clearing for new construction and other uses continues</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.570 and 30.67.599)</li> <li>Recommendation that vegetated buffers with low-impact management techniques be used (Shoreline Policies – Vegetation Management, section 3.2.5.19)</li> <li>Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a))</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>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)</li> <li>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs to encourage riparian re-planting (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> <li>Locally based watershed restoration projects (as identified in Shared Strategy, SEWIP, other planning documents)</li> <li>Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program</li> <li>Riparian habitat mapping/restoration projects by Snohomish County Surface Water Management Division's Marine Resources Program (e.g., vegetation monitoring survey)</li> <li>Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards</li> </ul>
Water Movement	<ul style="list-style-type: none"> <li>New or expanded shoreline armoring associated with residential marine use</li> </ul>	<ul style="list-style-type: none"> <li>Further restriction in sediment flows and water movement as armoring continues</li> <li>Reduction in LWD</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>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)</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs to encourage understanding of drainage processes (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> </ul>

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

	<p>use</p> <ul style="list-style-type: none"> <li>Continued and expanded agricultural use</li> <li>More parks/public access sites</li> </ul>	<p>riparian habitat during clearing for agricultural use</p> <ul style="list-style-type: none"> <li>Potential damage to aquatic habitat via runoff from agricultural use</li> </ul>	<p>.520)</p> <ul style="list-style-type: none"> <li>Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a))</li> <li>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))</li> <li>Habitat restoration and enhancement widely allowed and facilitated (SCC 30.67.580 and 30.44.120(p)).</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>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)</li> </ul> <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"> <li>Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards</li> <li>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 &amp; removal)</li> <li>Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program</li> </ul>
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# ***Appendix D – Shoreline Environment Designation Maps***

Amended Ord. No. 19-\_\_\_\_\_ adopted [date of adoption], Effective date [date]

MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



## DATA INFORMATION

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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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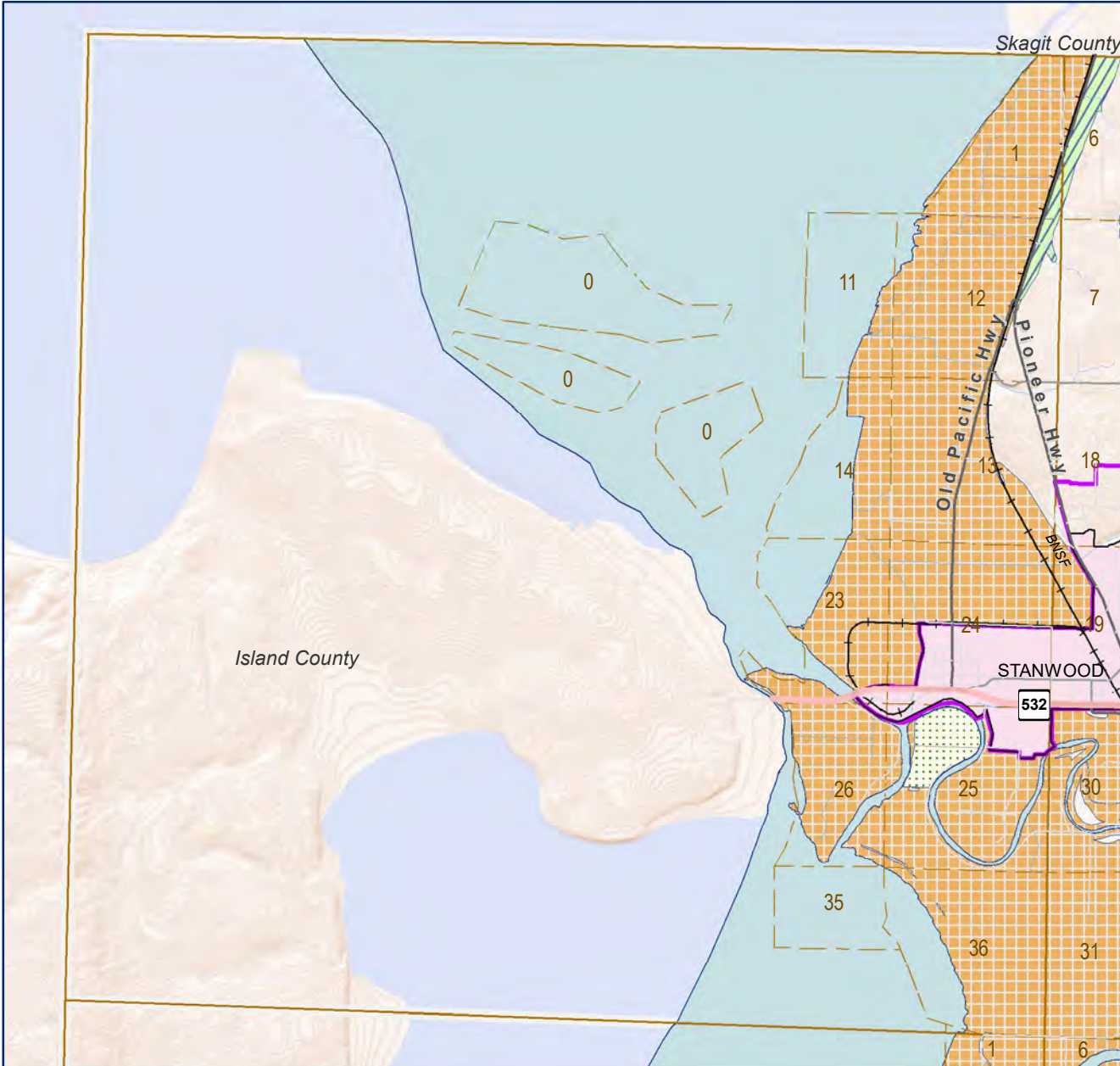
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**1 - T32N R03E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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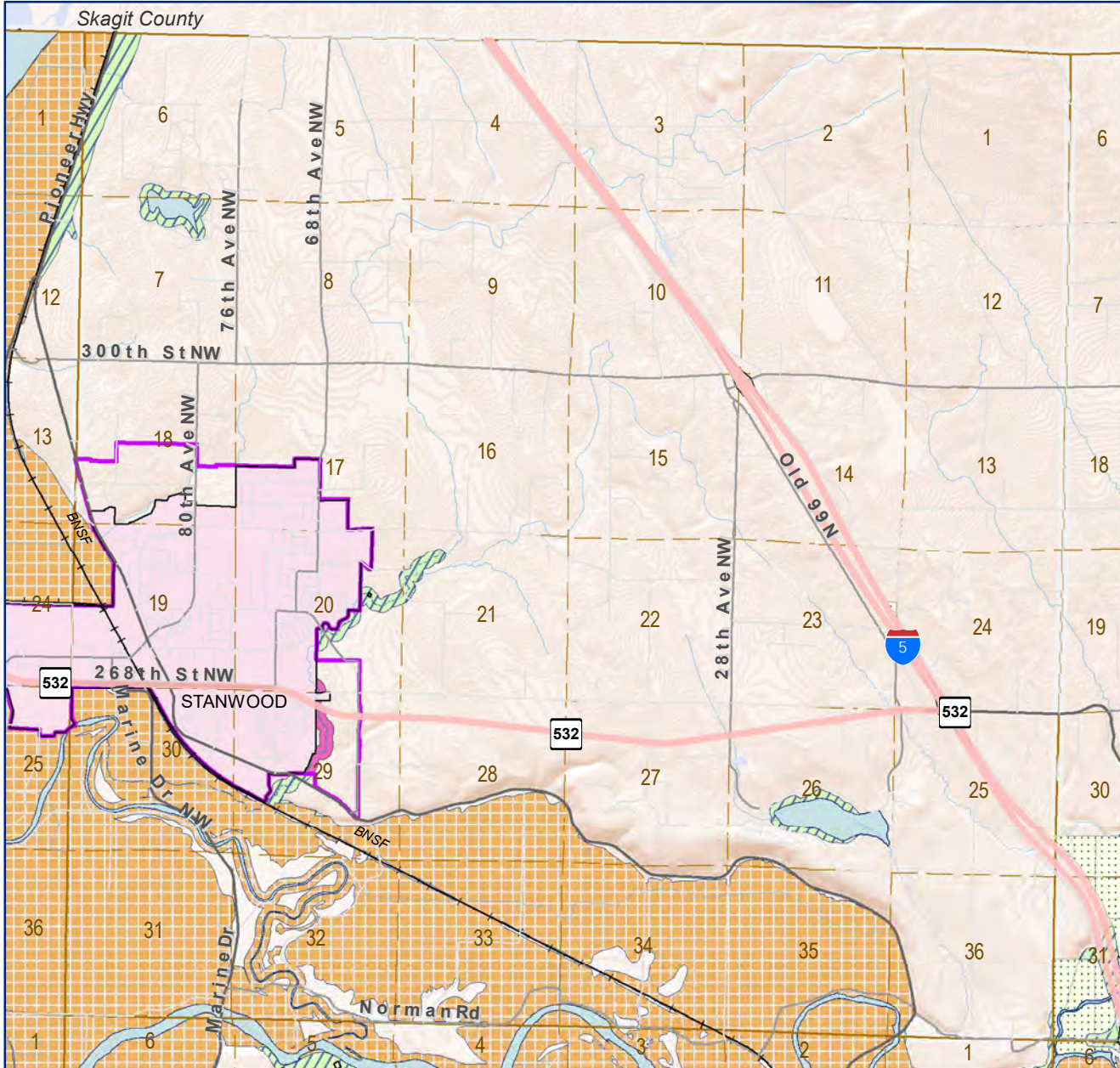
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**2 - T32N R04E**  
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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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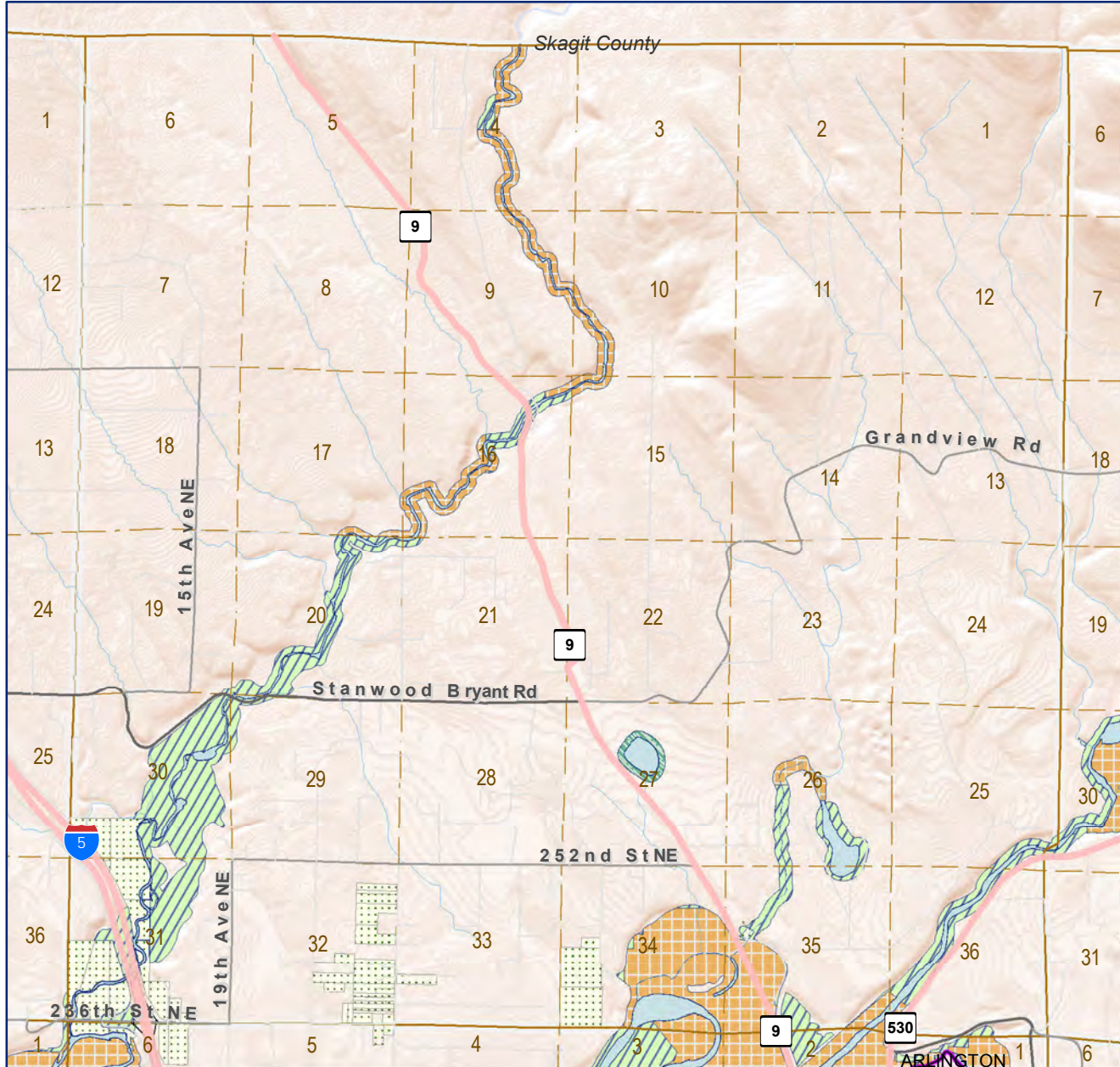
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**3 - T32N R05E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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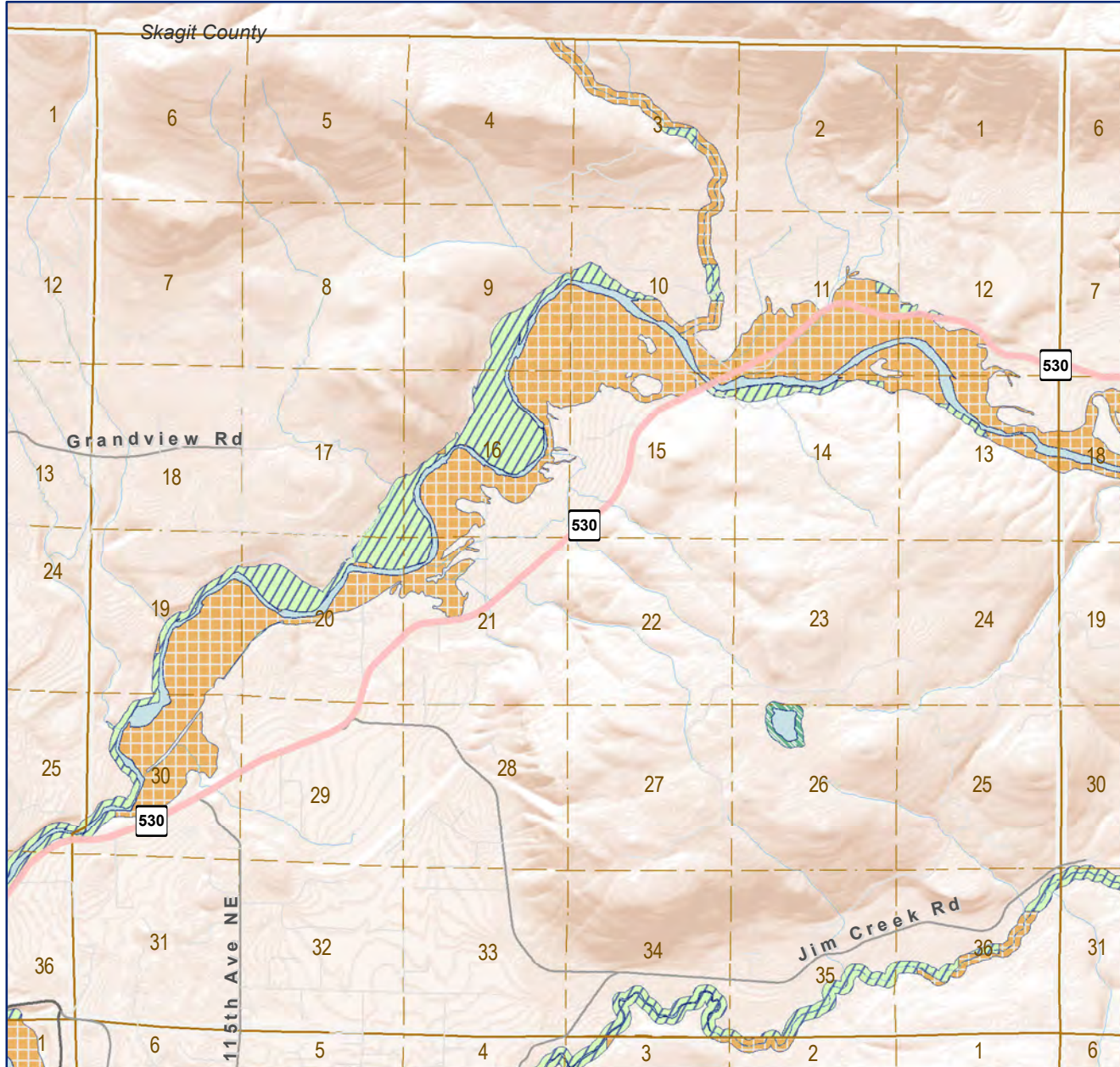
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**4 - T32N R06E**  
 Current Map Sheet Number





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# Shoreline Environment Designations

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**5 - T32N R07E**

Current Map Sheet Number



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# Shoreline Environment Designations

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## DATA INFORMATION

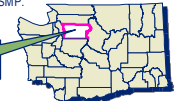
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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.

**SNOHOMISH COUNTY**



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### CURRENT MAP SHEET INDICATED IN RED

1	2	3	4	5	6	7	8	9
10	11	12	13	14				
15	16	17	18	19	20	21	22	23
	24	25	26	27	28	29	30	31
	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**6 - T32N R08E**  
 Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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## Shoreline Management Program Environment Designations

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**7 - T32N R09E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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## Shoreline Management Program Environment Designations

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**8 - T32N R10E**

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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## Shoreline Management Program Environment Designations

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**9 - T32N R11E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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## Shoreline Management Program Environment Designations

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**10 - T31N R03E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX] [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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## Shoreline Management Program Environment Designations

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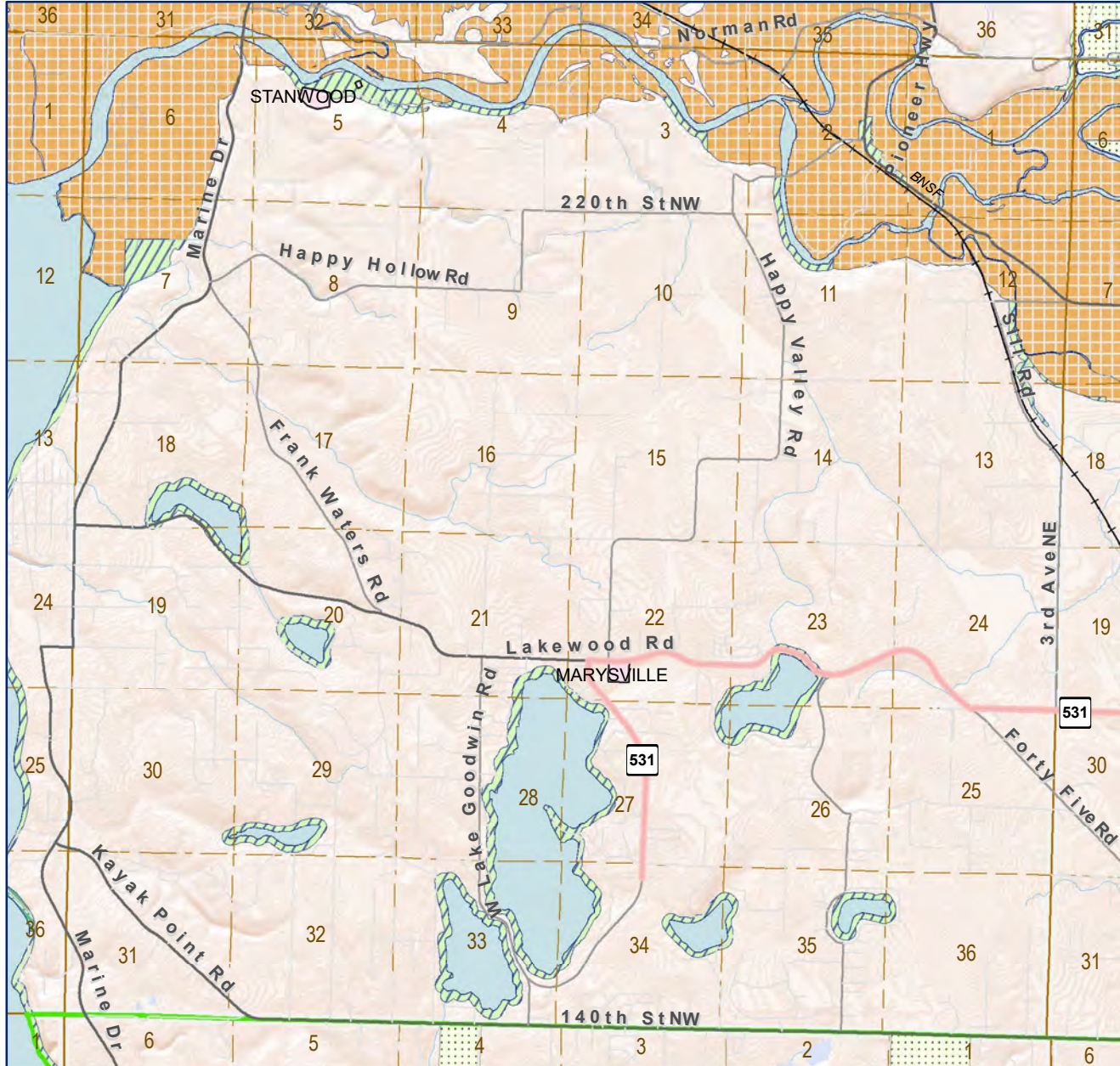
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	24	25	26	27	28	29	30	31
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**11 - T31N R04E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

T31N R05E

ADOPTED BY SNOHOMISH COUNTY COUNCIL  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX] [XX-XX-XXXX]  
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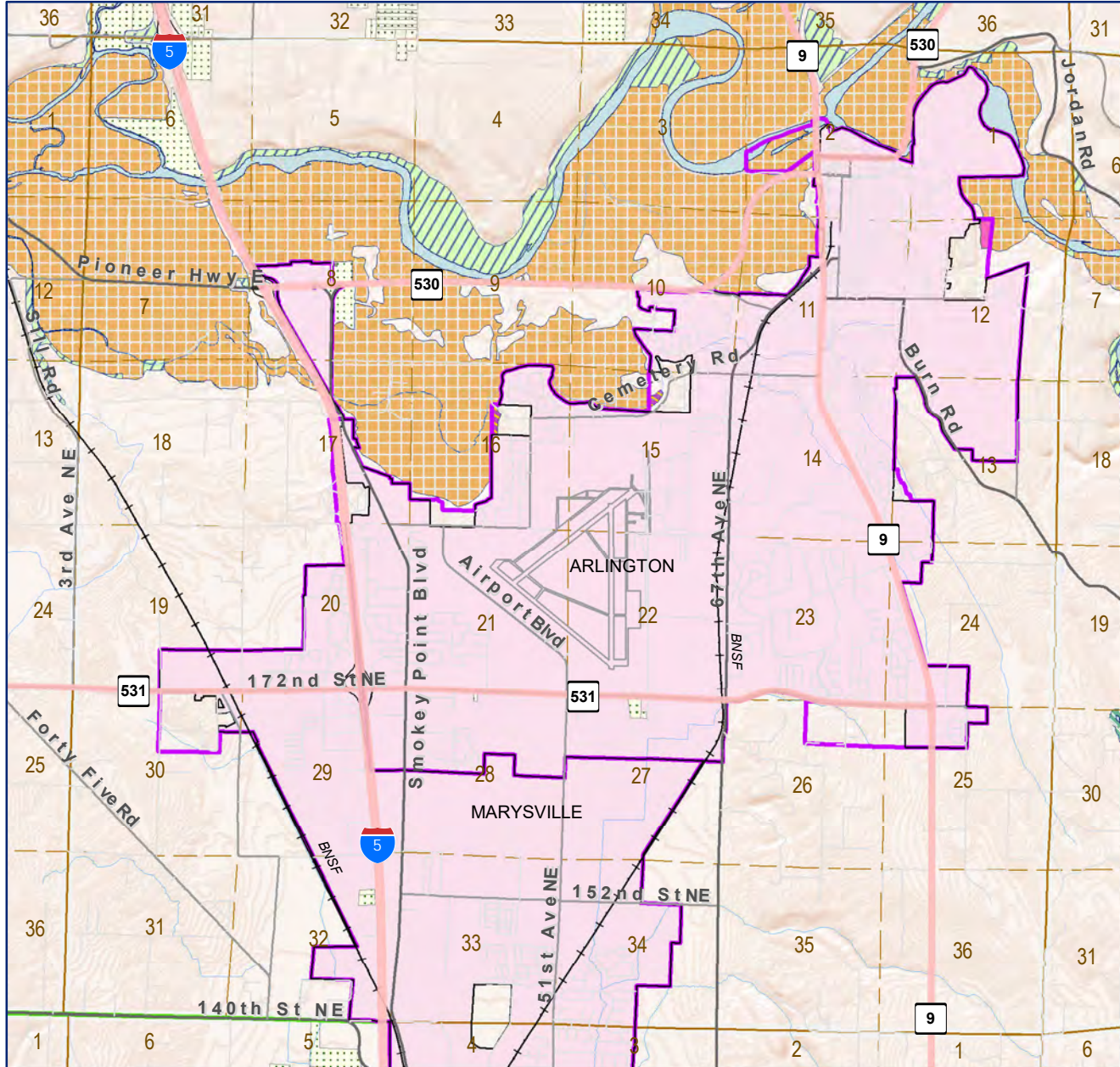
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1	2	3	4	5	6	7	8	9
10	11	12	13	14				
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**12 - T31N R05E**  
Current Map Sheet Number





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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**13 - T31N R06E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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1	2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17	18
19	20	21	22	23	24	25	26	27
28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45
46	47							

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**14 - T31N R07E**

Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

Map Sheet Number **15**  
**SNOHOMISH COUNTY**

**T30N R03E**

**Shoreline Environment Designations**

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**15 - T30N R03E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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**16 - T30N R04E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

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Scale in Miles



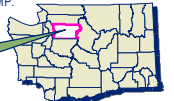
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SNOHOMISH COUNTY



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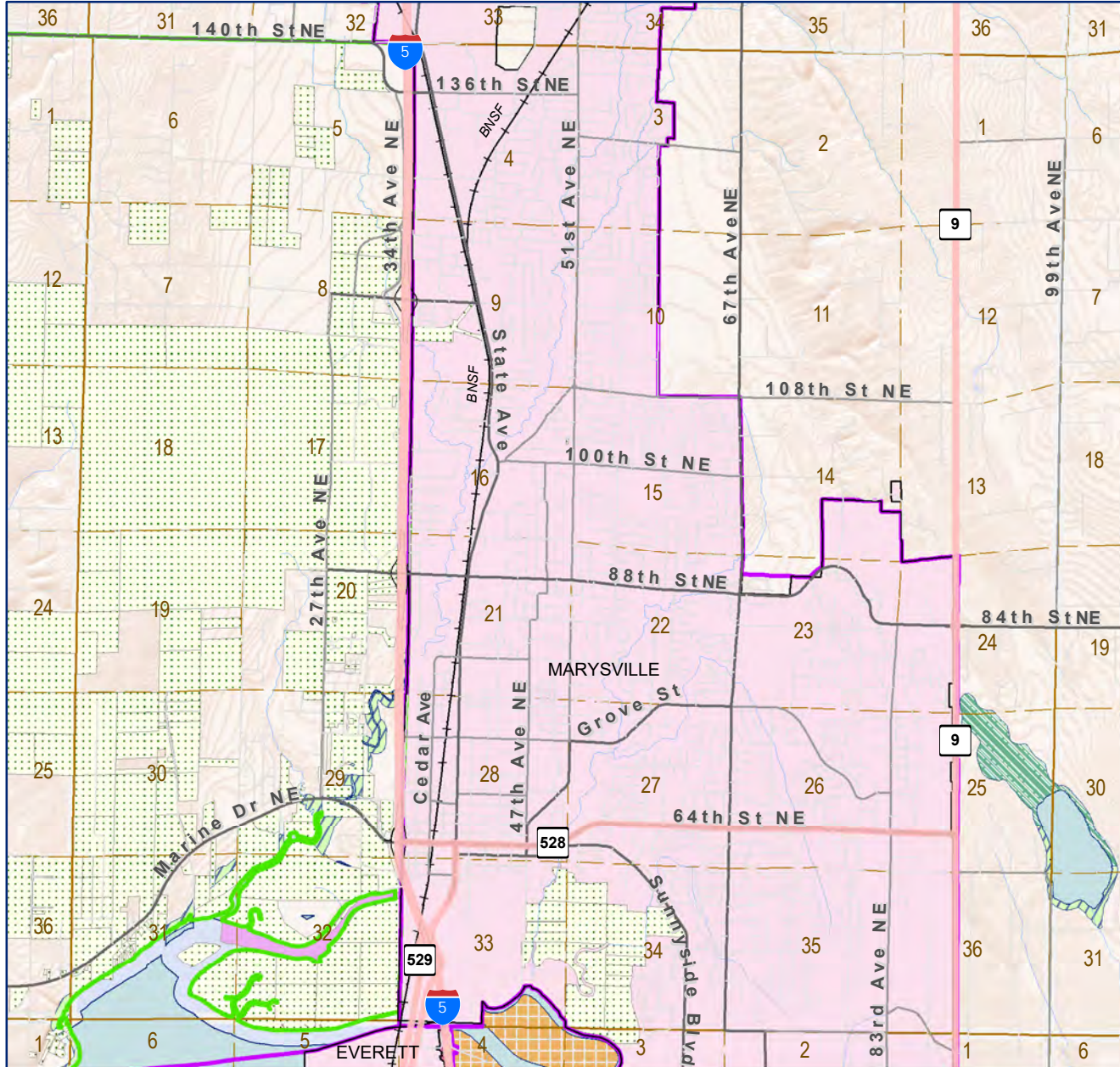
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**17 - T30N R05E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

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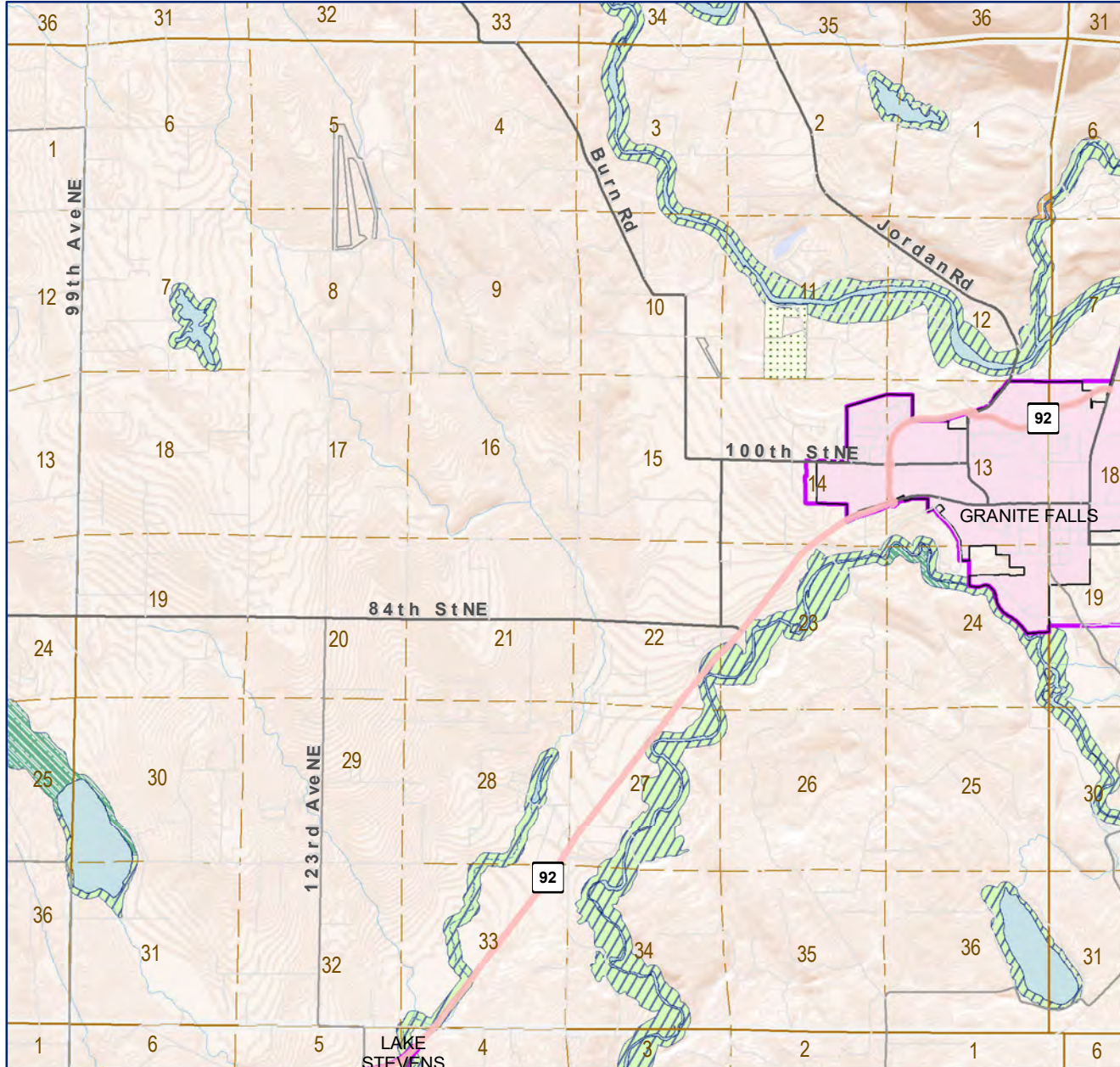
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**18 - T30N R06E**

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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**19 - T30N R07E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

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**20 - T30N R08E**

Current Map Sheet Number





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Map Sheet Number **21**  
**SNOHOMISH COUNTY**

**T30N R09E**

**Shoreline Environment Designations**

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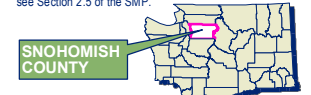
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**21 - T30N R09E**

Current Map Sheet Number



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# Shoreline Environment Designations

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- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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1	2	3	4	5	6	7	8	9
10	11	12	13	14				
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**22 - T30N R10E**

Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



## DATA INFORMATION

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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**23 - T30N R11E**

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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## Shoreline Management Program Environment Designations

- Aquatic
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  - Natural
  - Resource
  - Rural Conservancy
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  - Urban
  - Native Indian Trust Land
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  - Tulalip Reservation Boundary
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**24 - T29N R04E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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## Shoreline Management Program Environment Designations

- Aquatic
  - Municipal Watershed Utility
  - Natural
  - Resource
  - Rural Conservancy
  - Urban Conservancy
  - Urban
  - Native Indian Trust Land
  - Urban Growth Area Boundary
  - Tulalip Reservation Boundary
- Tulalip Indian Reservation Tidelands: For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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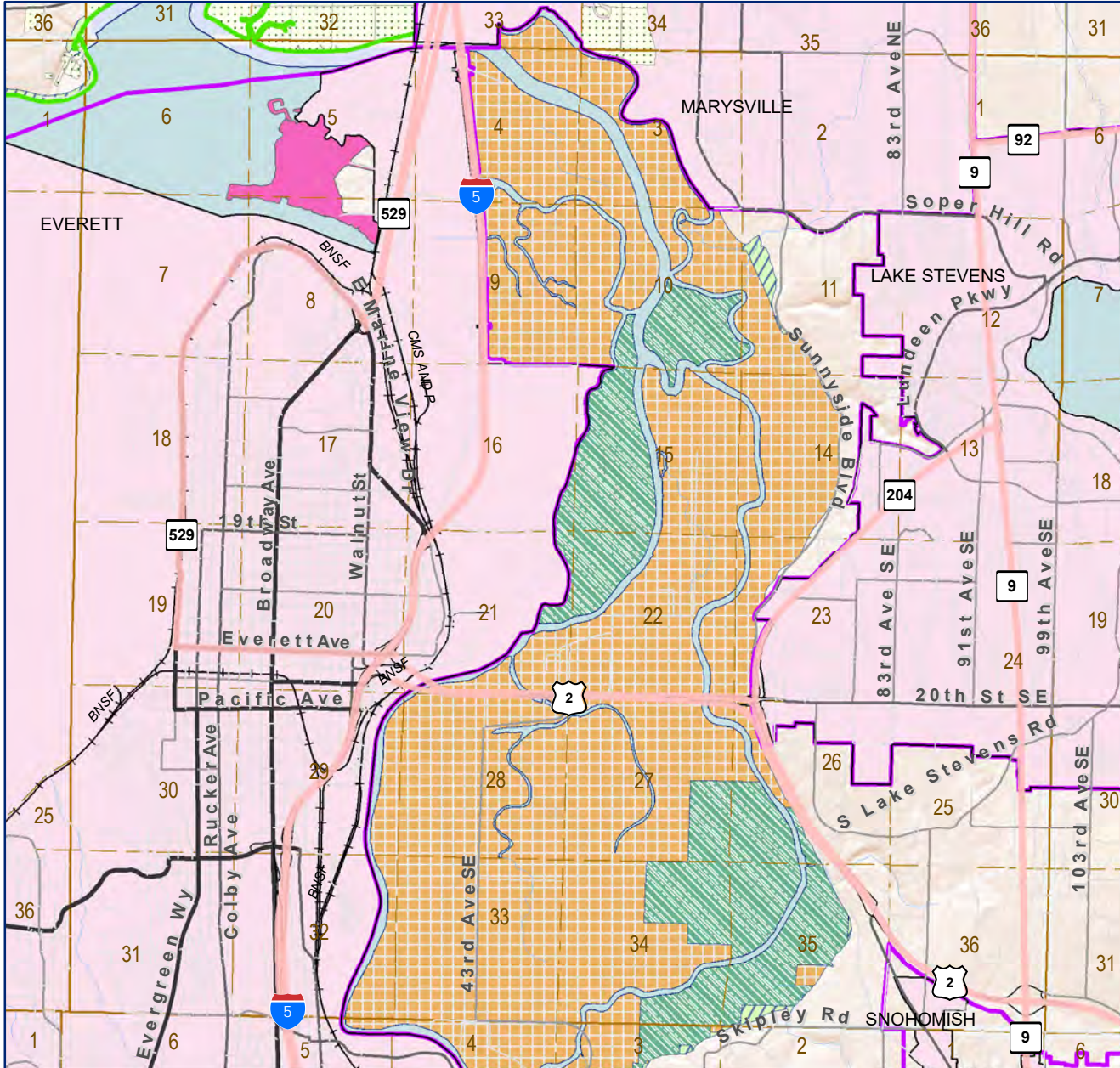
### CURRENT MAP SHEET INDICATED IN RED

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24	25	26	27	28	29	30	31	
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**25 - T29N R05E**  
Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



## DATA INFORMATION

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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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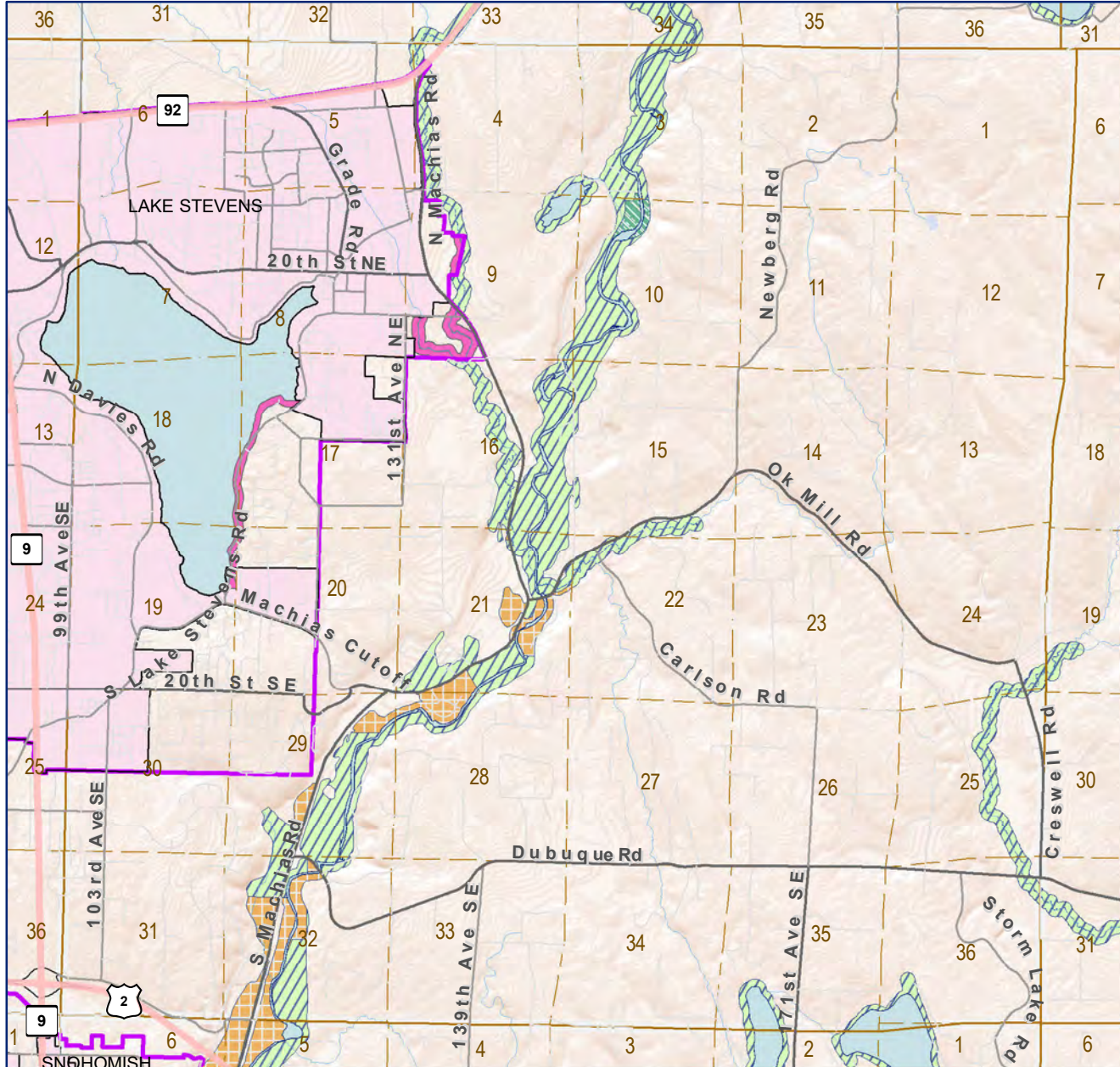
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40	41	42	43	44	45	46	47	

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

26 - T29N R06E

Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX] [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**27 - T29N R07E**

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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## Shoreline Management Program Environment Designations

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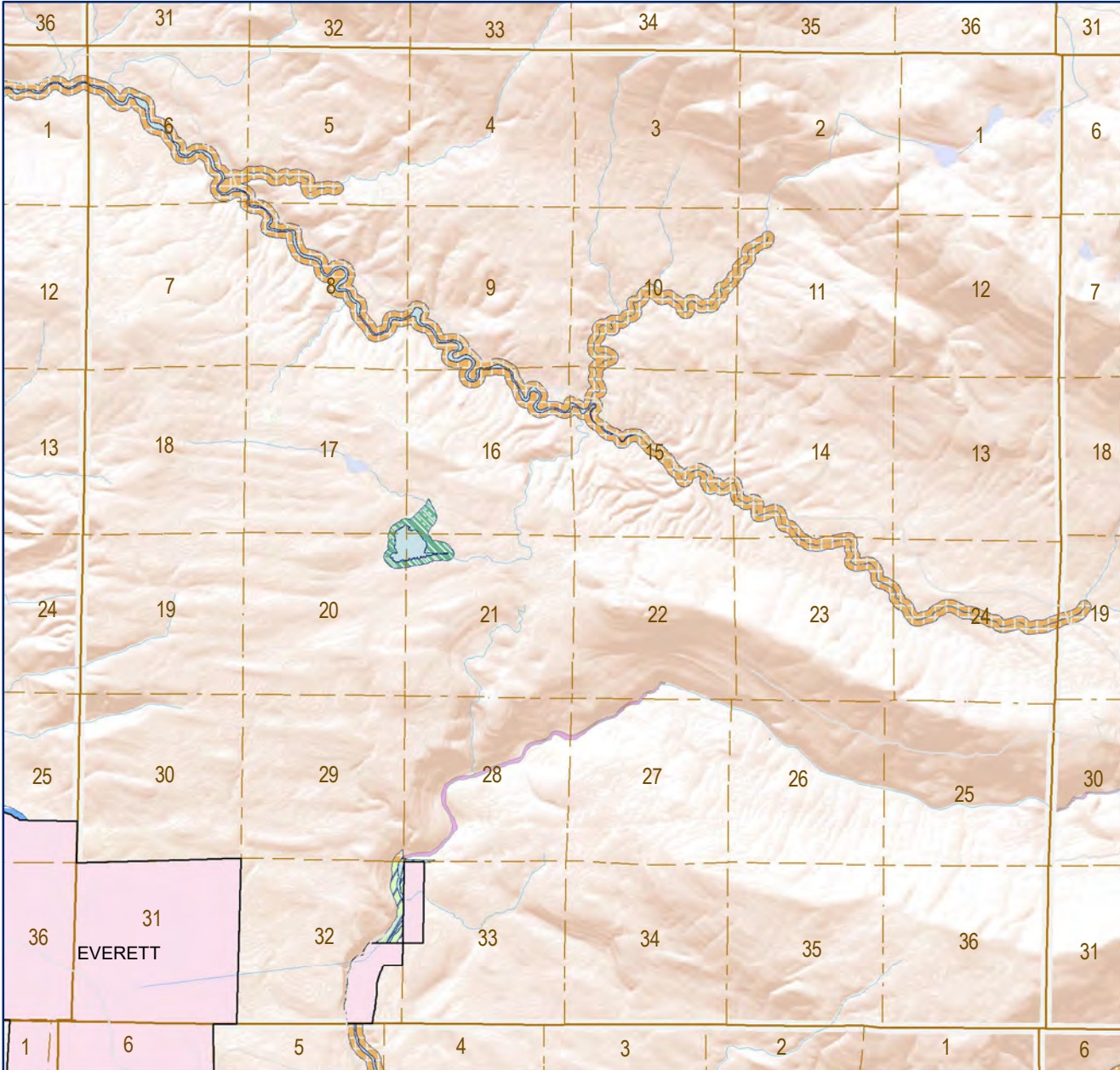
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**28 - T29N R08E**  
 Current Map Sheet Number





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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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**29 - T29N R09E**  
 Current Map Sheet Number



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Map Sheet Number **30**  
**SNOHOMISH COUNTY**

**T29N R10E**

**Shoreline Environment Designations**

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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- Tulalip Reservation Boundary

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**CURRENT MAP SHEET INDICATED IN RED**

1	2	3	4	5	6	7	8	9
10	11	12	13	14				
15	16	17	18	19	20	21	22	23
24	25	26	27	28	29	30	31	
32	33	34	35	36	37	38	39	
40	41	42	43	44	45	46	47	

*Areas of Limited or No Jurisdiction including Mount Baker, Snoqualmie National Forest, Native American Lands, and Cities are Not Mapped in This Map Series.*

INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**30 - T29N R10E**  
 Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



## DATA INFORMATION

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## Shoreline Management Program Environment Designations

- Aquatic
  - Municipal Watershed Utility
  - Natural
  - Resource
  - Rural Conservancy
  - Urban Conservancy
  - Urban
  - Native Indian Trust Land
  - Urban Growth Area Boundary
  - Tulalip Reservation Boundary
- Tulalip Indian Reservation Tidelands: For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**31 - T29N R11E**

Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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## DATA INFORMATION

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## Shoreline Management Program Environment Designations

- Aquatic
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  - Natural
  - Resource
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  - Urban
  - Native Indian Trust Land
  - Urban Growth Area Boundary
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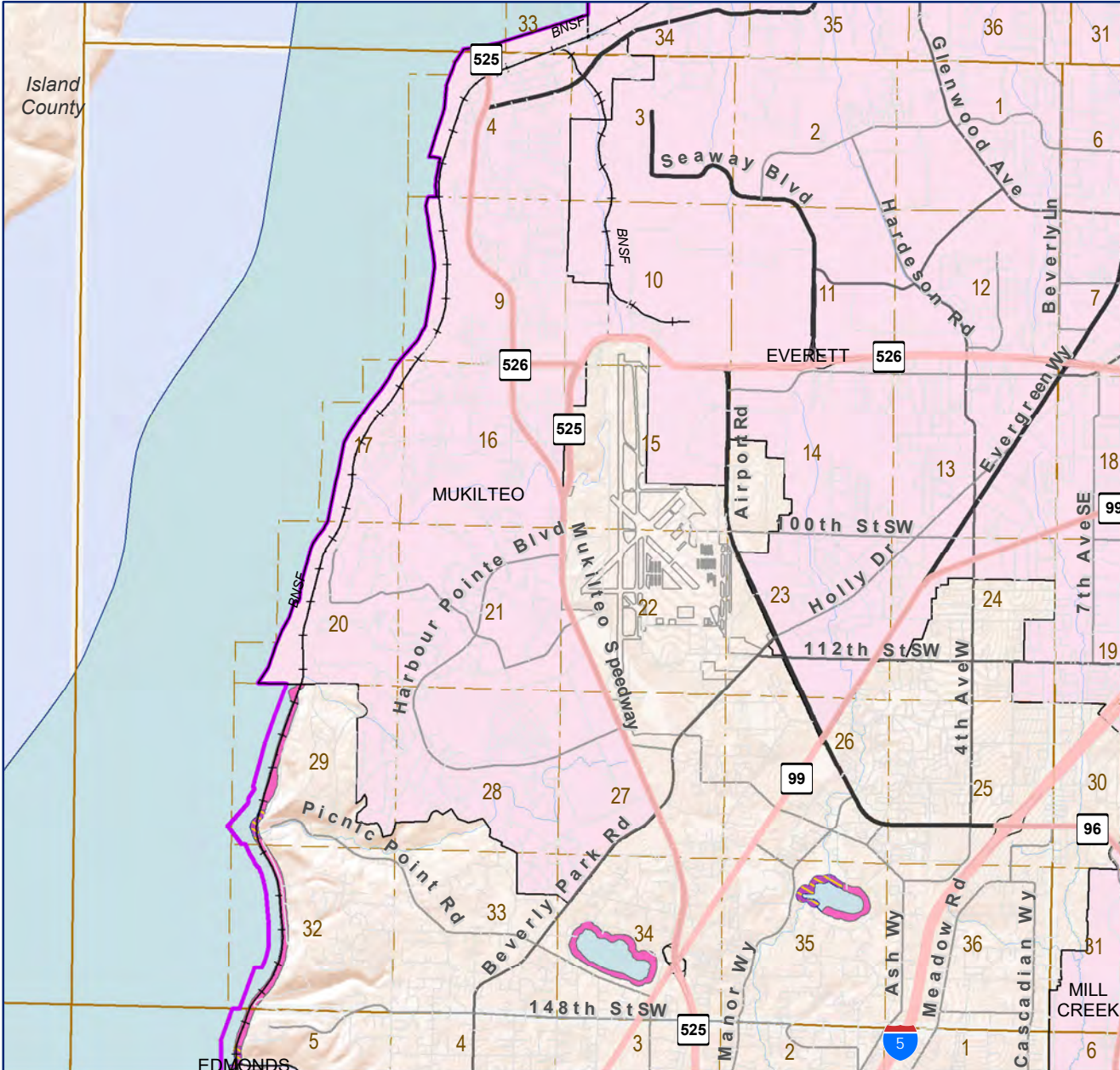
### CURRENT MAP SHEET INDICATED IN RED

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**32 - T28N R04E**  
Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



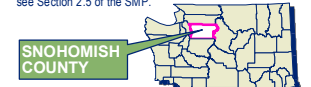
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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
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- Resource
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- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



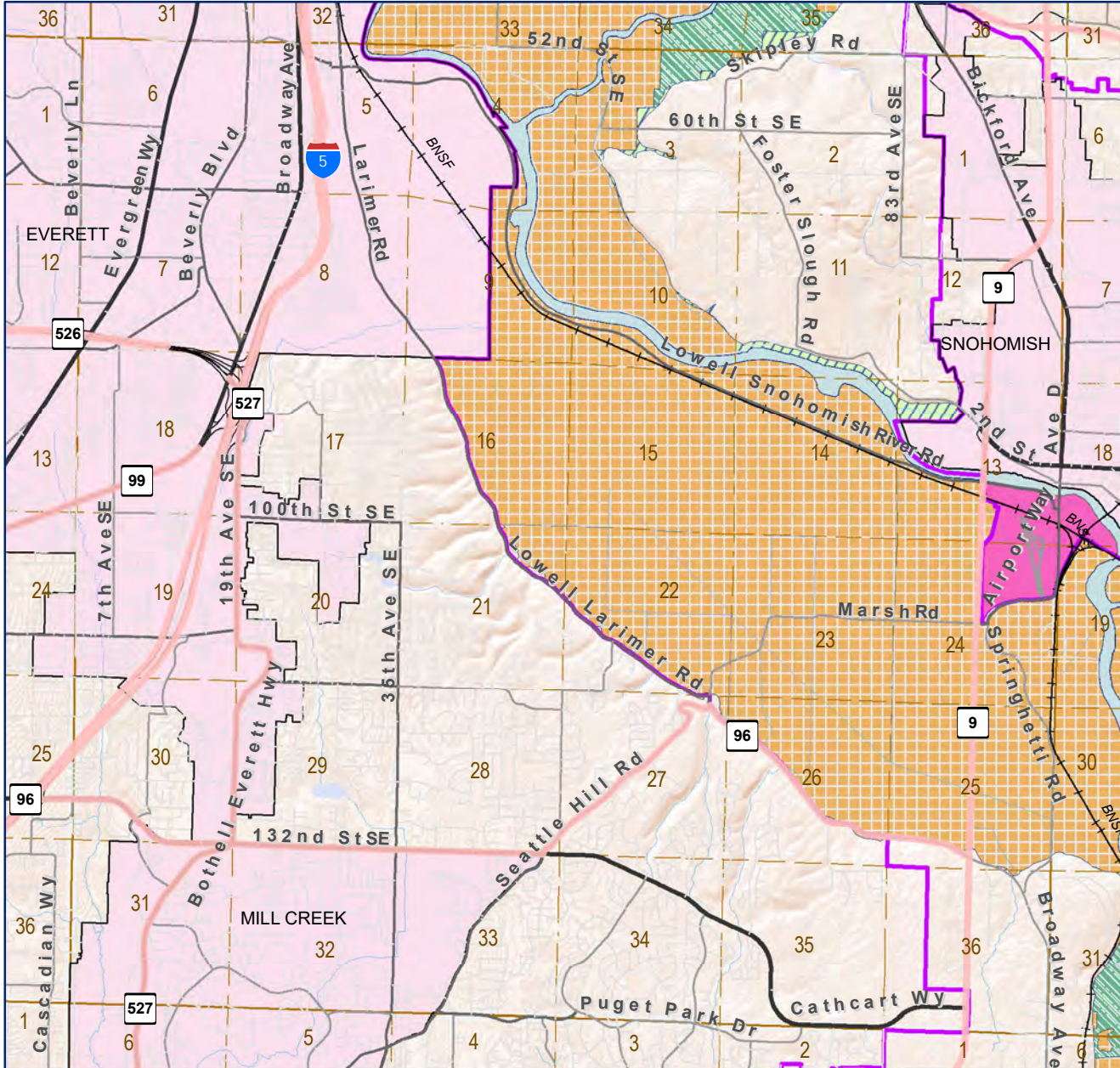
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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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Scale in Miles

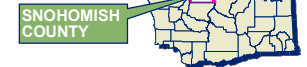


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## Shoreline Management Program Environment Designations

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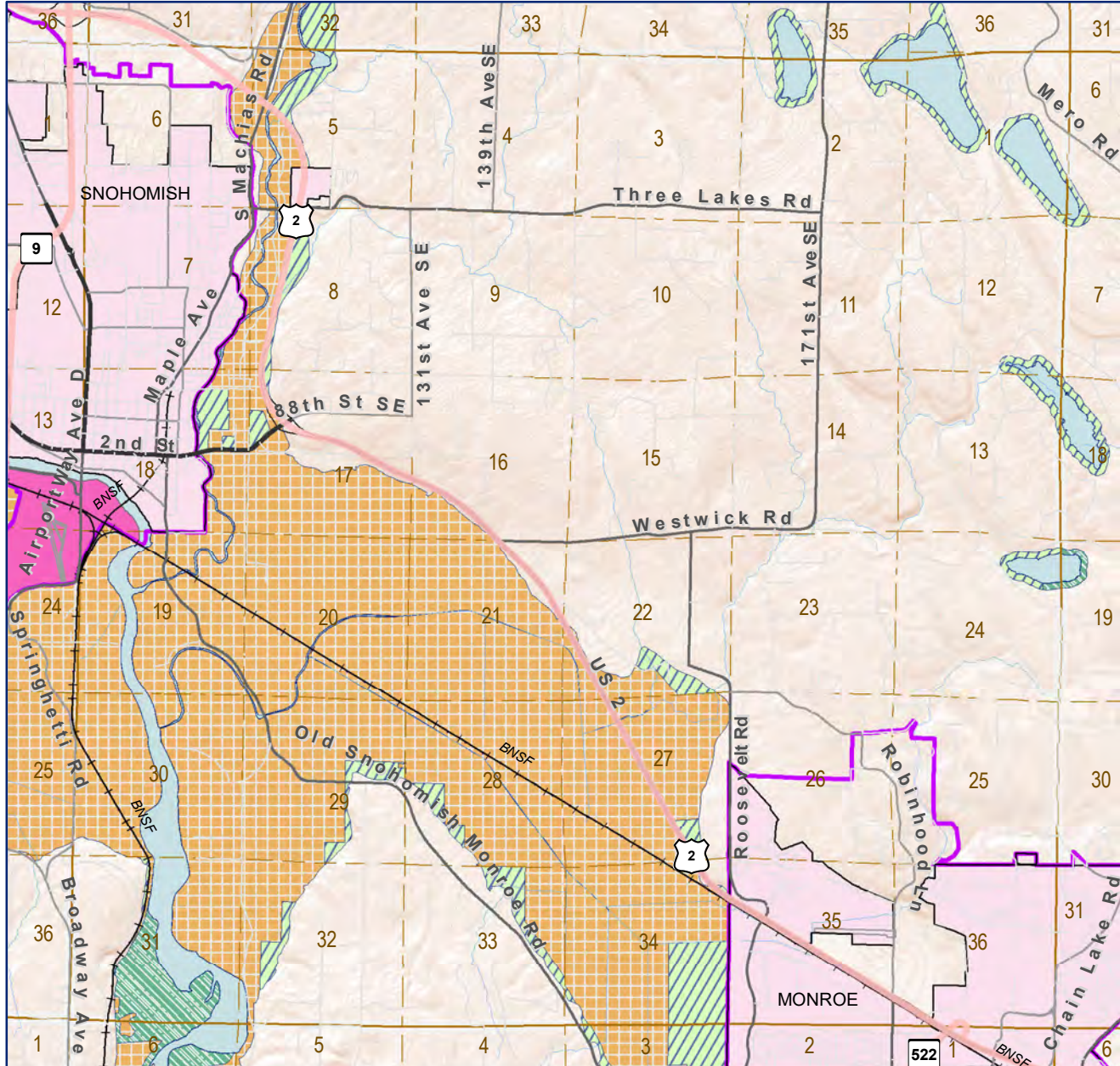
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**34 - T28N R06E**  
Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**35 - T28N R07E**  
Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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## Shoreline Management Program Environment Designations

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**36 - T28N R08E**  
Current Map Sheet Number





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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**37 - T28N R09E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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### CURRENT MAP SHEET INDICATED IN RED

1	2	3	4	5	6	7	8	9
10	11	12	13	14				
15	16	17	18	19	20	21	22	23
24	25	26	27	28	29	30	31	
32	33	34	35	36	37	38	39	
40	41	42	43	44	45	46	47	

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**38 - T28N R10E**

Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



## DATA INFORMATION

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## Shoreline Management Program Environment Designations

- Aquatic
  - Municipal Watershed Utility
  - Natural
  - Resource
  - Rural Conservancy
  - Urban Conservancy
  - Urban
  - Native Indian Trust Land
  - Urban Growth Area Boundary
  - Tulalip Reservation Boundary
- Tulalip Indian Reservation Tidelands: For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**39 - T28N R11E**

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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Scale in Miles



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## Shoreline Management Program Environment Designations

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- Natural
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- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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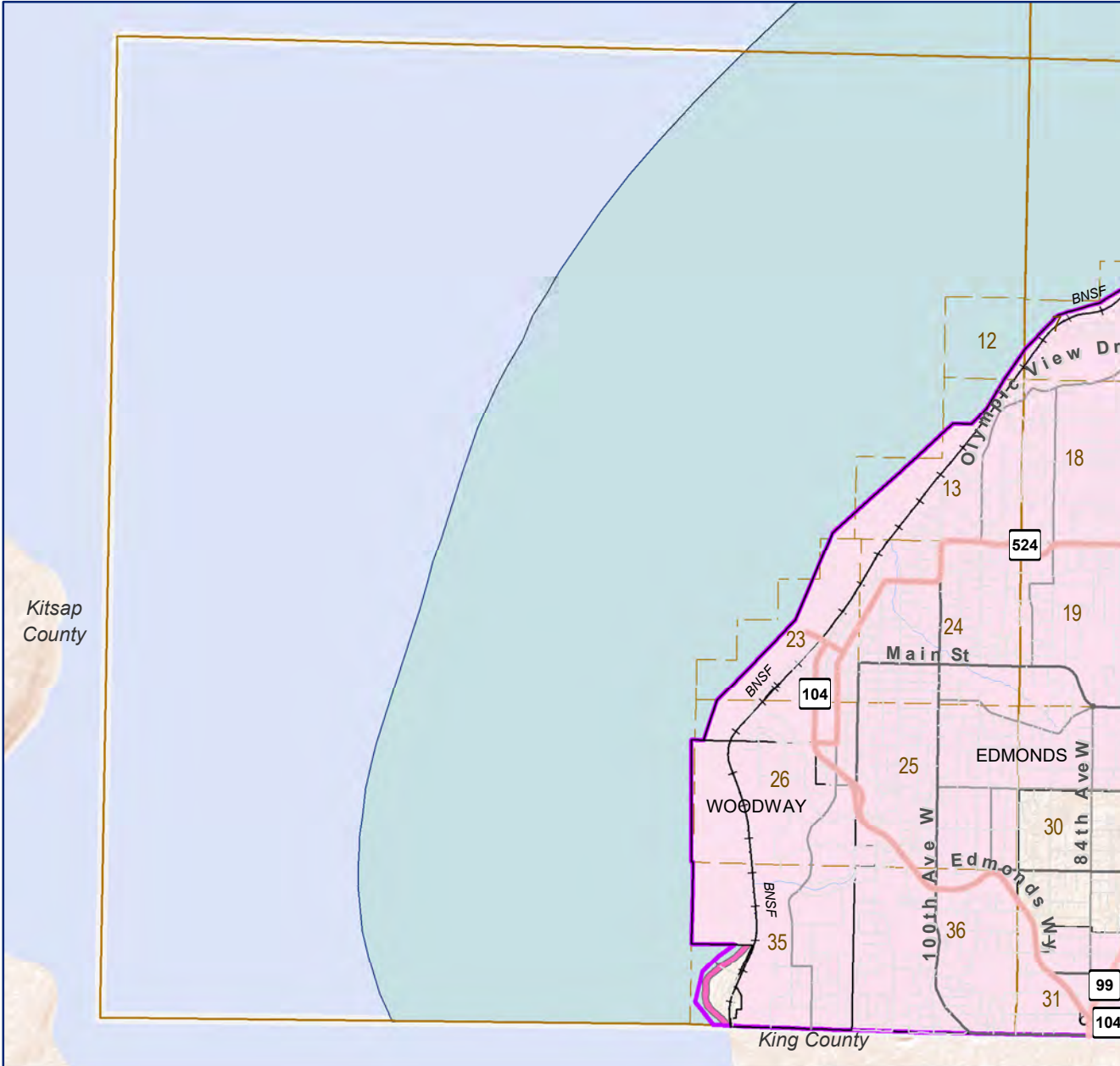
### CURRENT MAP SHEET INDICATED IN RED

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**40 - T27N R03E**  
 Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX] [XX-XX-XXXX]  
APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



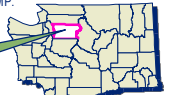
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## Shoreline Management Program Environment Designations

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SNOHOMISH COUNTY



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### CURRENT MAP SHEET INDICATED IN RED

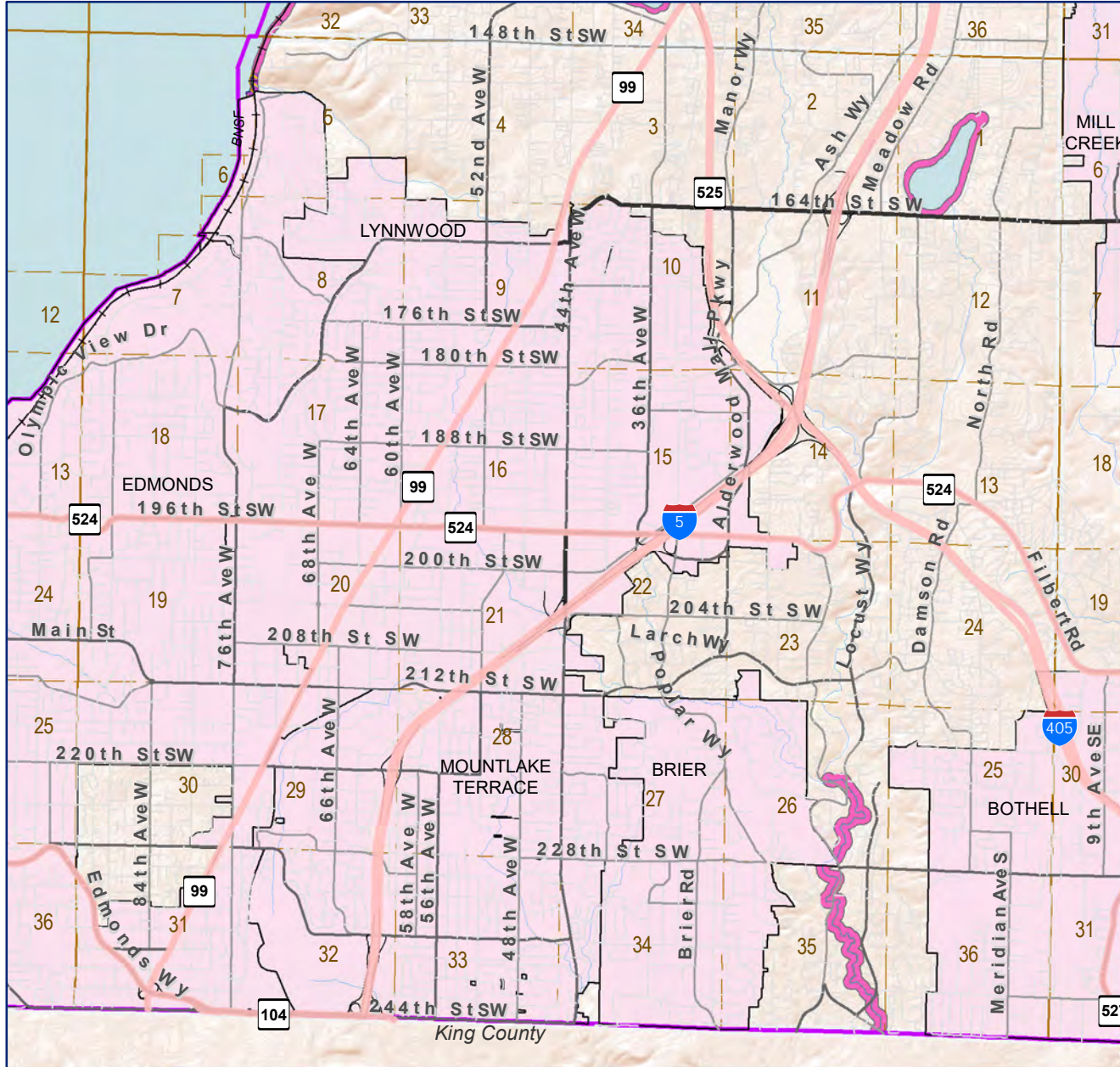
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Areas of Limited or No Jurisdiction including Mount Baker, Snoqualmie National Forest, Native American Lands, and Cities are Not Mapped in This Map Series.

INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

41 - T27N R04E

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
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- Resource
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- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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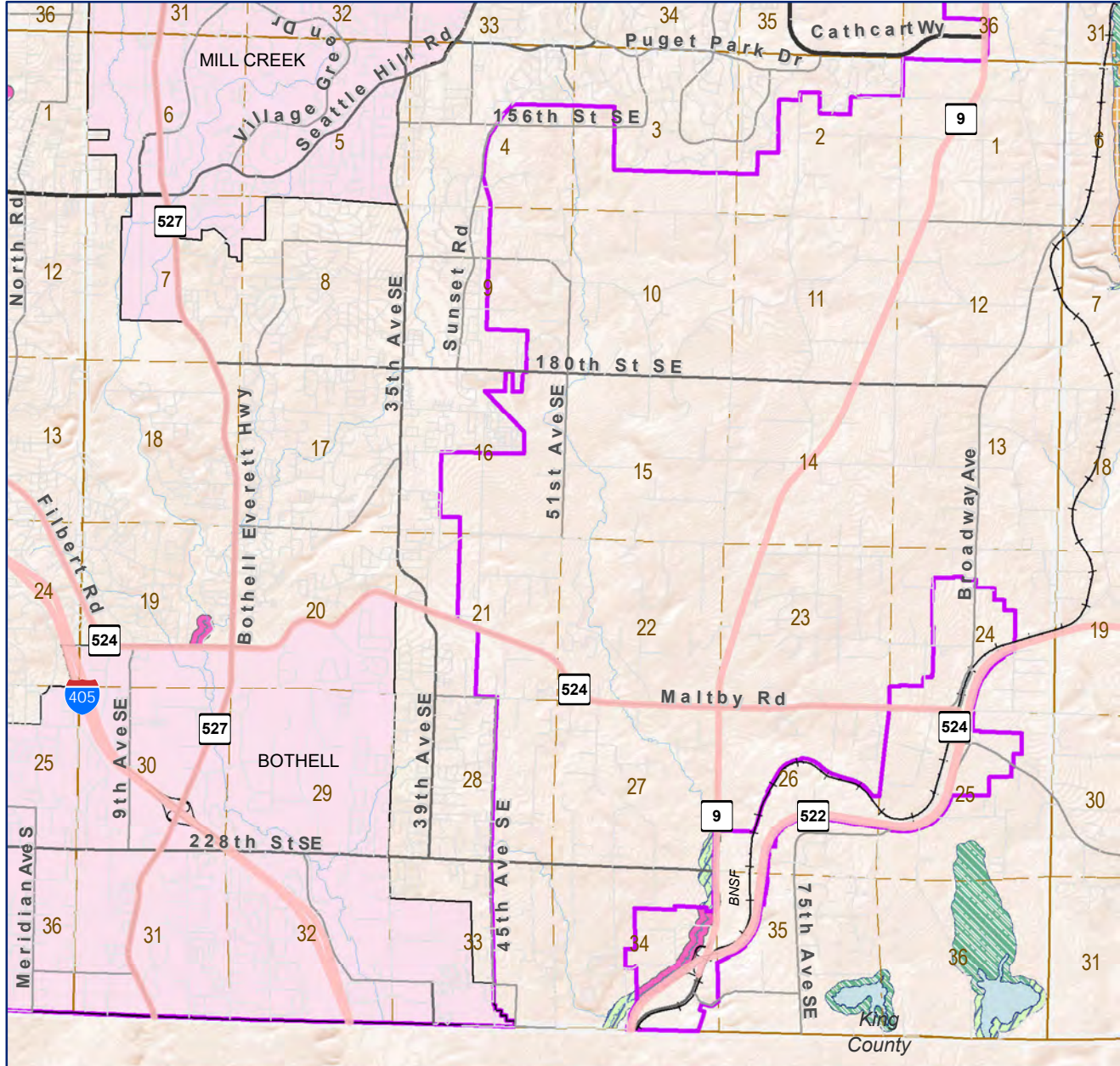
### CURRENT MAP SHEET INDICATED IN RED

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	24	25	26	27	28	29	30	31
	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**42 - T27N R05E**  
Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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## Shoreline Management Program Environment Designations

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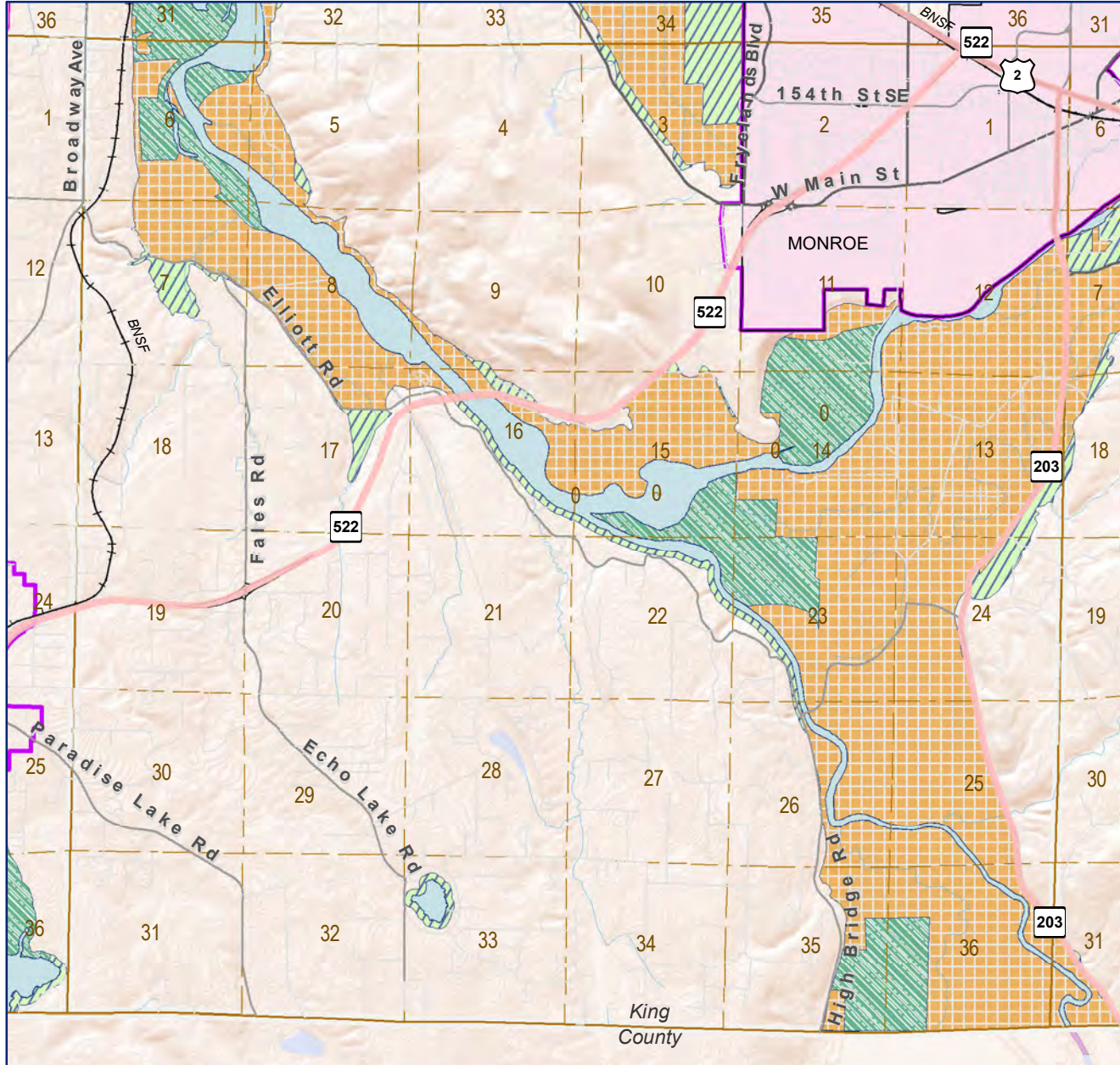
### CURRENT MAP SHEET INDICATED IN RED

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**43 - T27N R06E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**44 - T27N R07E**

Current Map Sheet Number





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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



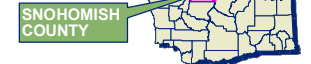
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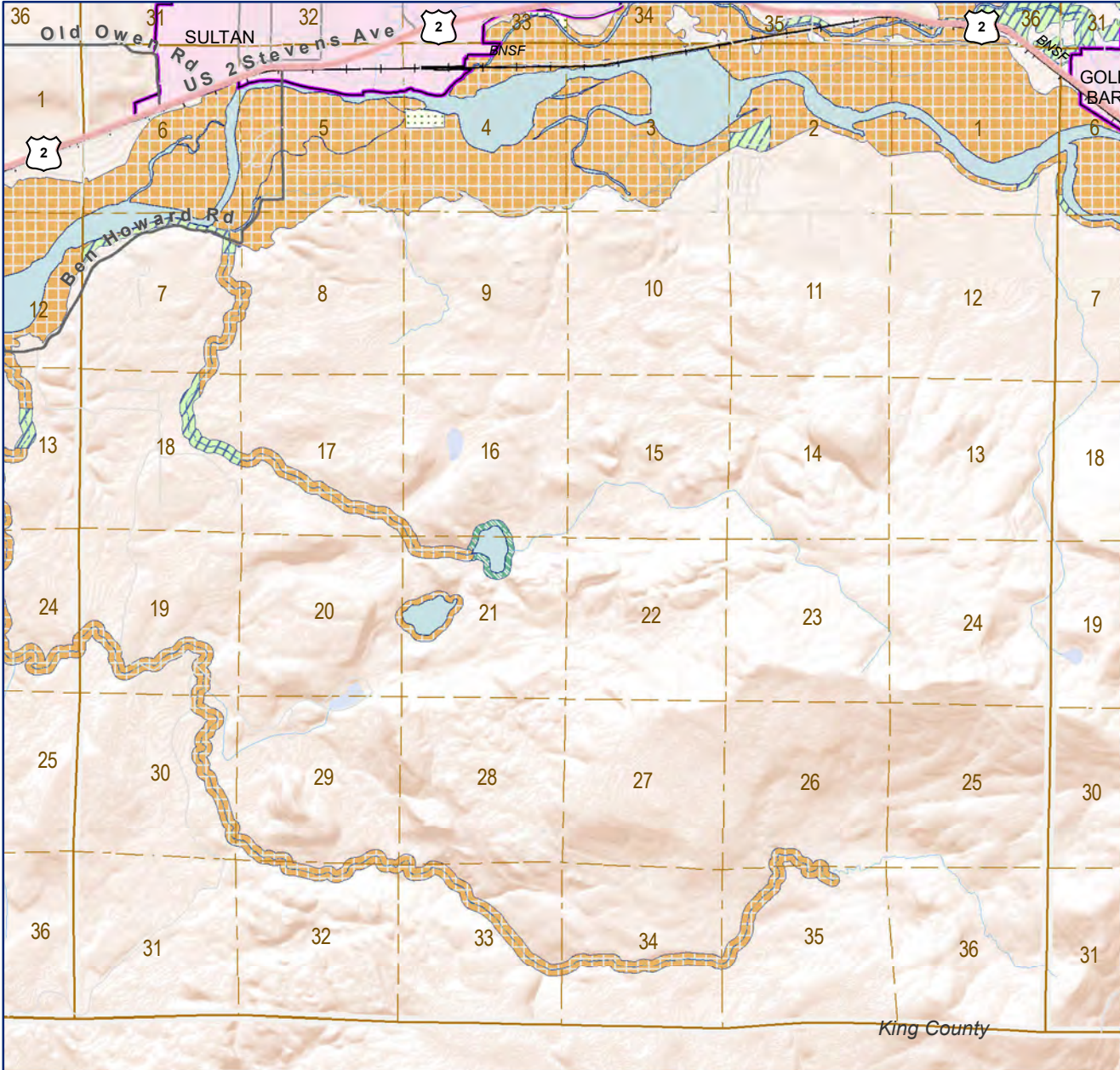
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40	41	42	43	44	45	46	47	

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**45 - T27N R08E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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Scale in Miles



## DATA INFORMATION

The shoreline environment designations are adopted pursuant to SCC 30.67.210 as defined in Section 2.2 of the Shoreline Management Program. Section 2.2 of the Shoreline Management Program contains the designation criteria and management policies for each shoreline environment designation. This map series is for informational resources only. In case of a conflict between the designation criteria adopted pursuant to SCC 30.67.210 and the content of the maps, the designation criteria will override. Map inaccuracies such as unintentional omissions or inaccurate environment designation are interpreted pursuant to SCC 30.67.220(1). Unmapped shoreline jurisdiction within the boundaries of federal lands is designated pursuant to SCC 30.67.220(2).

## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



**SMP Map Disclaimer:** This map is meant for illustrative purposes only. Data collection is an on-going process and the information shown should not be considered complete. This map is not intended for regulatory purposes as scale, accuracy and completeness are not adequate to determine regulatory implications at a site-specific level. Presence of environmental features and critical areas, as defined in the Growth Management Act, must be verified at the site specific level. These maps are intended to provide a generalized overview of the extent and distribution of key environmental features and critical areas throughout the county. This map represents the best available data at the time of publication.

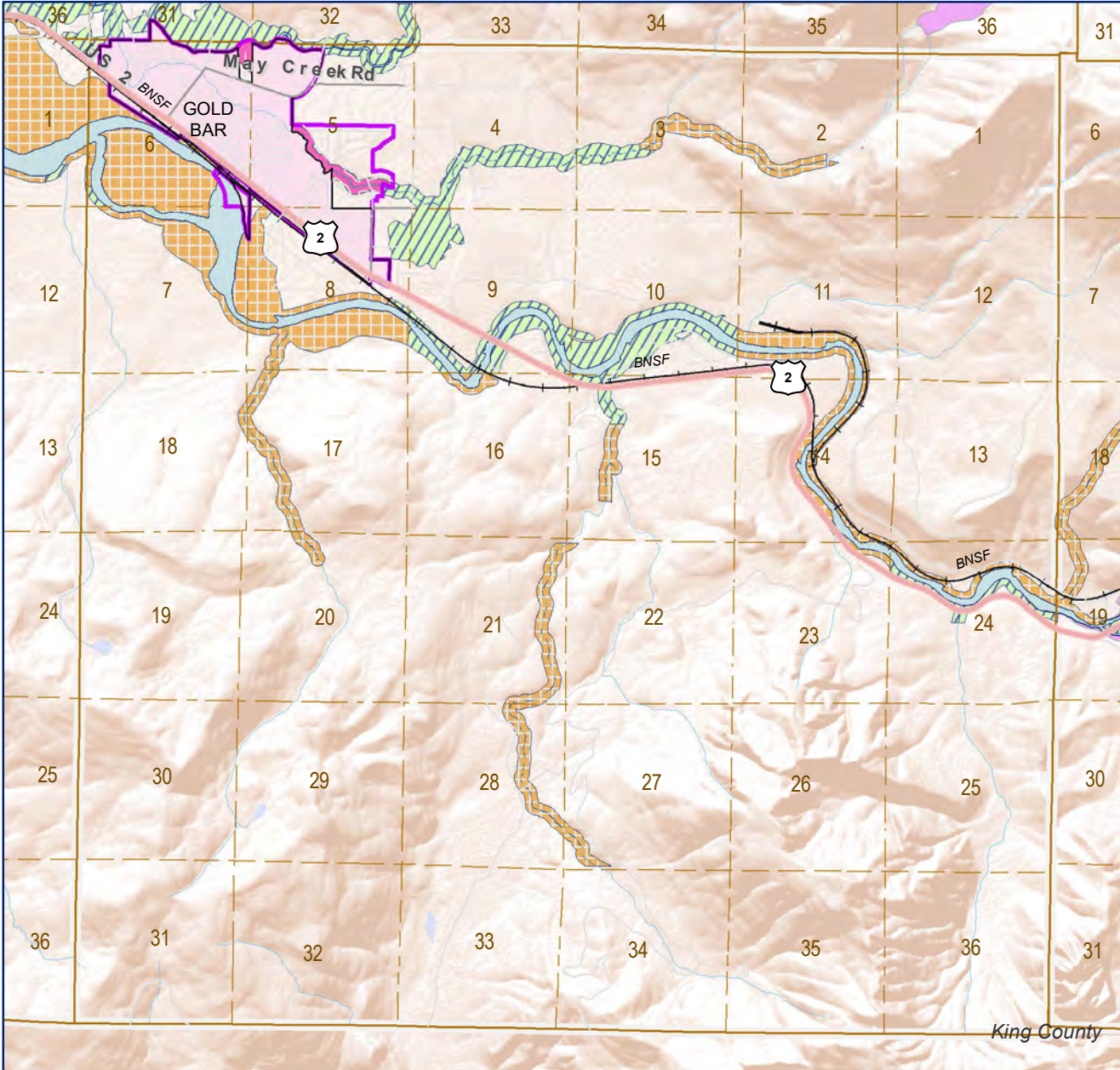
### CURRENT MAP SHEET INDICATED IN RED

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	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	

*Areas of Limited or No Jurisdiction including Mount Baker Snoqualmie National Forest, Native American Lands, and Cities are Not Mapped in This Map Series.*

INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**46 - T27N R09E**  
 Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

**SNOHOMISH COUNTY DATA and MAP DISCLAIMER**  
 All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Scale in Miles



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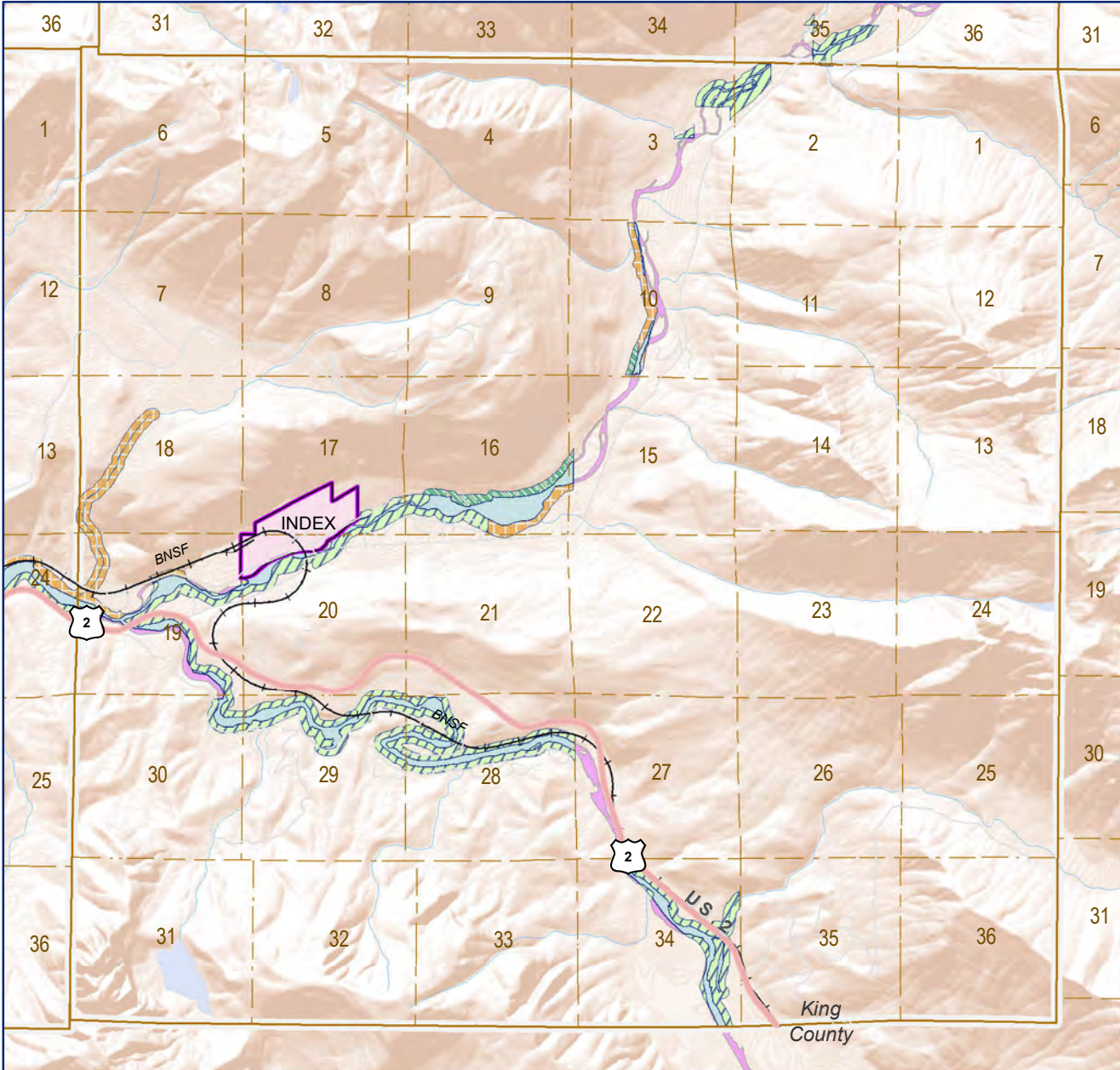
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**47 - T27N R10E**

Current Map Sheet Number



## **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](http://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, Effective date July 27, 2012.))~~  
Amended **Ord. No. 19-** adopted [date of adoption], Effective date **[date]**.

## 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.
- 30.44.145 Additional review criteria for shoreline conditional use permits - Aquaculture
- 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.
- 30.44.300 Ordinary high water mark determinations.

## **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))~~ Requirements to obtain a shoreline substantial development permit, shoreline conditional use permit, shoreline variance or other review under chapter 90.58 RCW or the SMP shall not apply to:

(a) ~~((any))~~ 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((-));

(b) any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit; and  
(c) Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356.

(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**

(1) 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))~~ (a) 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))~~ (b) The property owner requests an official letter of exemption.

~~((3))~~(2) All shoreline exemptions stated in SCC 30.44.020 and 30.44.120 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))~~ 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))~~ 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))~~ if either:

(i) in salt waters, the fair market value of the dock does not exceed \$2,500 ~~((in salt waters))~~; or

(ii) in fresh waters, the fair market value of the dock does not exceed:



(A) \$22,500 for docks that are constructed to replace existing docks and are of equal or lesser square footage than the existing dock being replaced; or

(B) \$11,200 for all other docks constructed in fresh waters. ~~(\$10,000 in fresh waters, but if)~~

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))~~ and the combined fair market value of the subsequent and prior construction exceeds the amount specified in SCC 30.44.120(1)(h)(i) or (ii), the subsequent construction shall be considered a substantial development for the purpose of this chapter. Pursuant to RCW 90.58.030(3)(e)(vii), all dollar thresholds in this subsection must be adjusted for inflation by the state office of financial management every five years, beginning July 1, 2018, based upon changes in the consumer price index during that time period;

(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 ~~((of))~~ of 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~~((-))~~; and

(p) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. § 12101 et seq., or to otherwise provide physical access to the structure by individuals with disabilities.

(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)) 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:

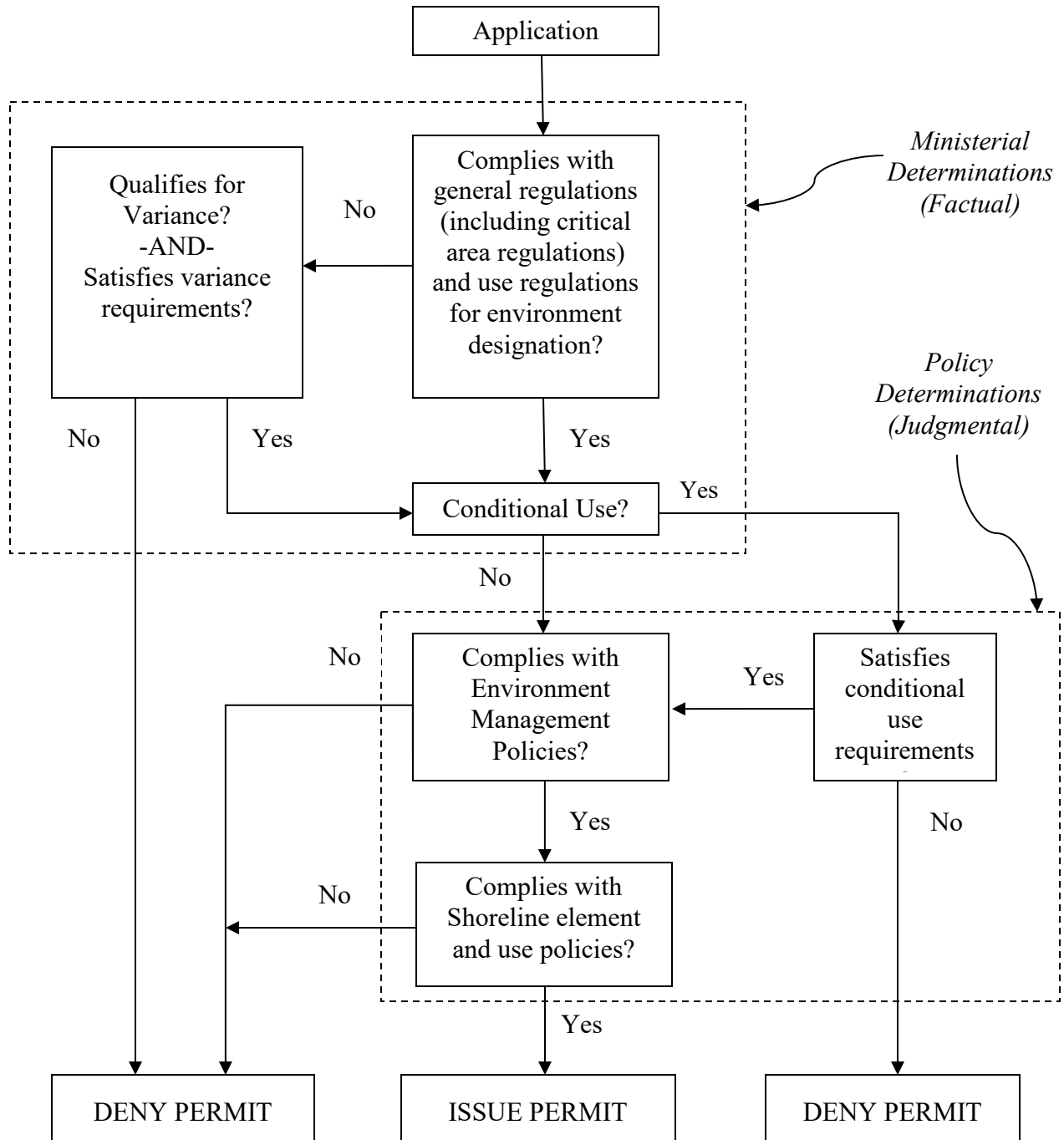
- (a) June 1, 1971;
- (b) When a change in the area subject to the jurisdiction of the SMA occurs as a result of a determination of jurisdiction by the state Department of Ecology based on the provisions of RCW 90.58.030 (2)(d) or (e), the effective date of the act shall be the date the state Department 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.

**30.44.145 Additional review criteria for shoreline conditional use permits – Aquaculture.**

In addition to the shoreline permit requirements and review criteria in this chapter, shoreline conditional use permits for aquaculture activities are subject to the requirements in SCC 30.67.510.

**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))~~ filing as defined in SCC 30.44.230(2), or until all review proceedings initiated within 21 days from the date of ~~((receipt))~~ filing have been terminated; except as provided in RCW 90.58.140(5)(a) ~~and~~, (b), and (c) or SCC 30.44.280.

(2) The effective date of an approved shoreline substantial development permit shall be the date of ~~((receipt))~~ filing 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))~~ filing as provided in SCC 30.44.230(2)(b). When the department simultaneously transmits to the state department of ecology its decision on a shoreline substantial development permit along with its recommendation on a shoreline conditional use permit or shoreline variance, or both, "date of filing" has the same meaning as established 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))~~ 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))~~ 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)~~ 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)~~ 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))~~ mailed using return receipt requested mail ~~((with))~~ to the state ~~((Department of Ecology))~~ department of ecology within ten calendar days of the county's final decision, as defined pursuant to WAC 173-27-130(1). When a shoreline substantial development permit and a shoreline conditional use permit or shoreline variance, or both, are required for a development, the county shall transmit its final decision on the shoreline substantial development permit and its recommendation on the shoreline conditional use permit or shoreline variance, or both, concurrently. Documents to be submitted to the regional office of the state ~~((Department of Ecology))~~ 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))~~ filing” refers to:

- (a) The date ~~((on which the applicant receives written notice from))~~ the state ~~((Department of Ecology acknowledging receipt of))~~ department of ecology receives 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))~~ department of ecology’s decision on a variance or conditional use permit is transmitted to the county and to the applicant.
- (c) When the department simultaneously transmits to the state department of ecology its decision on a shoreline substantial development permit with its recommendation on either a shoreline conditional use permit or shoreline variance, or both, "date of filing" has the same meaning as SCC 30.44.230(2)(b).

#### **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))~~ filing 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~~) 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)~~) 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)~~) 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)~~) 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)~~) department of ecology or, when appropriate under SCC 30.44.270(6) of this section, the date the state (~~(Department of Ecology's)~~) 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.

**30.44.300 Ordinary high water mark determinations.**

Ordinary high water mark determinations shall be made using the state department of ecology's guidance document titled *Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State* (Publication No. 16-06-029), dated October 2016 or as subsequently amended or revised.

## ***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](http://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, Effective date July 27, 2012.))~~  
Amended Ord. No. 19- \_\_\_\_\_ adopted [date of adoption], Effective date [date].

## 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))~~ 47 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
  - (c) The following regulations:
    - (i) 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 No. 07-005 on February 21, 2007.))~~
    - (ii) Critical area regulations in chapter 30.62A SCC, last amended by Amended Ordinance No. 19-020 on July 3, 2019, chapter 30.62B SCC, last amended by



Ordinance 19-022 on June 26, 2019, chapter 30.62C SCC, last amended by Amended Ordinance 15-034 on September 2, 2015, and chapter 30.65 SCC, last amended by Amended Ordinance 12-025 on June 6, 2012.

(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)), chapter 30.62A SCC, last amended by Amended Ordinance No. 19-020 on July 3, 2019, chapter 30.62B SCC, last amended by Ordinance 19-022 on June 26, 2019, chapter 30.62C SCC, last amended by Amended Ordinance 15-034 on September 2, 2015, and chapter 30.65 SCC, last amended by Amended Ordinance 12-025 on June 6, 2012, except as modified by SCC 30.67.060(2)–(5).

(2) The following provisions in ((chapter)) chapters 30.62A and 30.62B 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 chapter 30.62A SCC ((30.62A)), Part 600 and chapter 30.62B SCC, Part 500; except that the provisions in SCC 30.62A.630(1)(c)(i) and 30.62B.530(1)(c)(i) do not apply within shoreline jurisdiction.

(d) When the ((setback)) deviation provisions of ((SCC 30.62B.340(2)(b))) SCC 30.62B.340(1) are utilized for a project proposal for structures that include habitable space, 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:

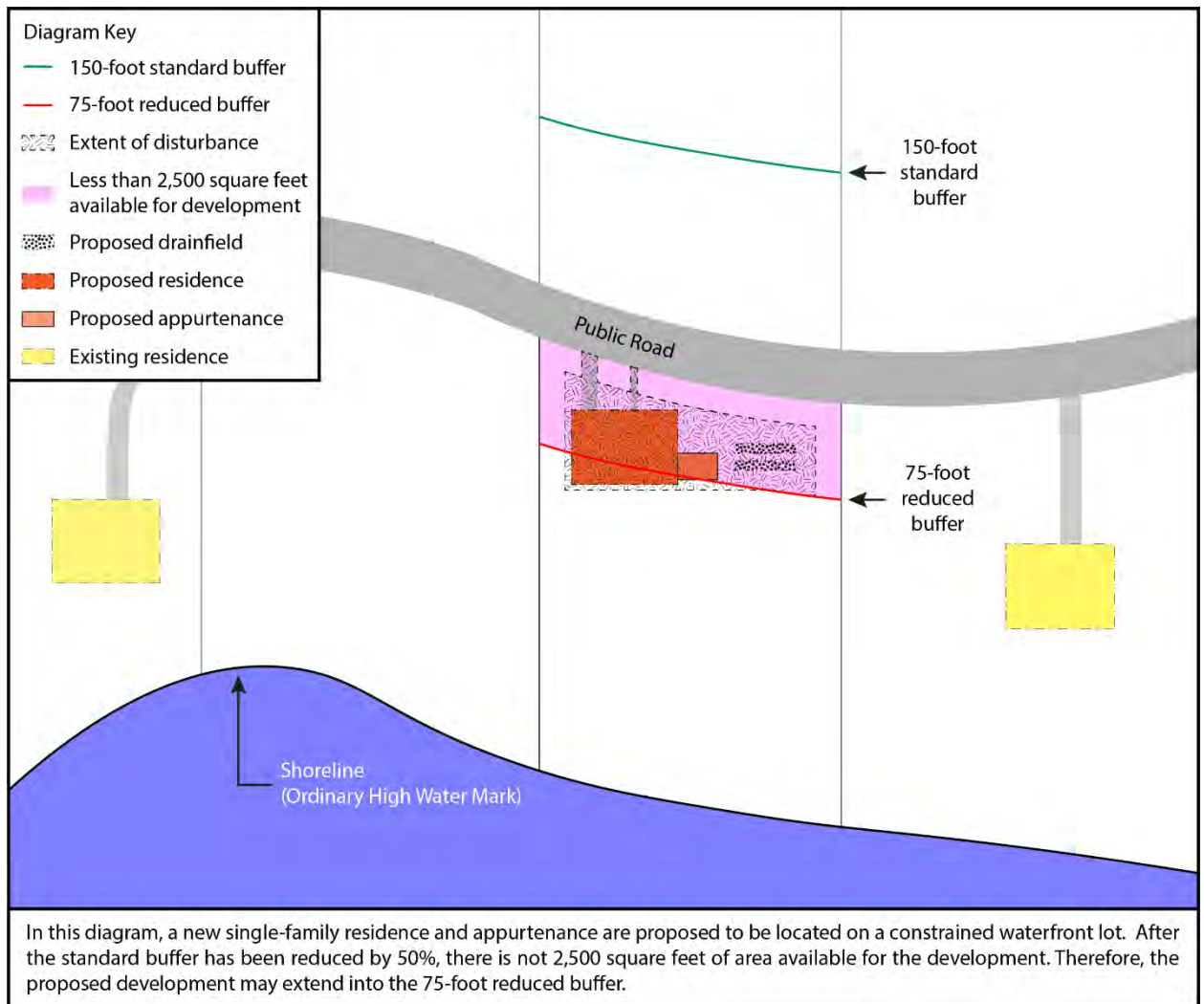
(i) A shoreline variance permit is required when over 2,500 square feet of buffer is disturbed; and

(ii) A shoreline variance permit is required for expansion of an existing single family residence or accessory structure;))

(e) The following provisions apply to new single-family residential development on waterfront property:

- (i) When the provisions of SCC 30.62A.520 are utilized for a project proposal, the development shall not disturb more than 2,500 square feet of the buffer; and
- (ii) When the provisions of SCC 30.62A.520 cannot be utilized due to lot constraints, the buffer may be reduced in excess of fifty percent of the standard buffer in SCC 30.62A.320 when:
- (A) there is not 2,500 square feet of area available for the development even when the standard buffer is reduced by fifty percent;
  - (B) the development will be located as far as possible from the ordinary high water mark;
  - (C) the development will not require new structural shoreline and bank stabilization measure; and
  - (D) the standard buffer will not be reduced to less than is allowed for project proposals utilizing the provisions of SCC 30.67.060(3) or 25 feet, whichever is greater, including appurtenances such as decks and patios.
- (iii) If a proposal for a single-family residence cannot meet the requirements of (i) or (ii) of this subsection, then a shoreline variance permit is required.

Figure 30.67.060(2)(e)(ii) – Illustration of How SCC 30.67.060(2)(e)(ii) Might Be Applied



(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;))~~

The following provisions apply to expansions of existing single-family residences on waterfront property when all or a portion of the development is located less than 150 feet from the ordinary high water mark:

- (i) No portion of the proposed project may be located closer to the ordinary high water mark than the existing single-family residence, including existing patios and single-family residential appurtenances attached to the residence;
- (ii) Existing decks, patios or impervious surfaces located between the foundation of the house and the ordinary high water mark shall not be enclosed or expanded; and
- (iii) A shoreline variance permit is required when a development proposal exceeds the thresholds described in SCC 30.62A.520(5).

(g) New ~~((single-family))~~ single-family residential development, expansions of existing ~~((single-family))~~ 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)))~~ SCC 30.62A.520(12) 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 25 percent 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)(e)(i) and 30.62B.530(1)(e)(i) do not apply within shoreline jurisdiction.))~~

(3) As an alternative to the provisions of subsection (2)(e) of this section, an exception to the standard buffer width requirements in chapter 30.62A SCC is allowed without a shoreline variance as follows:

(a) The project proposal must be for a new single-family residence on a lot without an existing dwelling located on the shorelines of Lake Goodwin, Lake Shoecraft, Lake Ki, Lake Loma, Lake Ketchum, John Sam Lake, Lake Howard, Flowing Lake, Lake Stevens, Lake Roesiger, Martha Lake (in Lynnwood), Lake Bosworth, Lake Serene or Lake Stickney;

(b) New single-family residences proposed on the lots identified in subsection (3)(a) of this section are subject to the buffer width requirements in chapter 30.62A SCC unless the nearest legally-established single-family residence built before July 1, 2019, on one side of the lot or the other has a lesser buffer width than required under current chapter 30.62A SCC. In cases where the nearest legally-established single-family residence has a lesser buffer width than required under current chapter 30.62A SCC, the required buffer width may be reduced to the average of the buffer widths on either side of the lot established by drawing a line between the closest point of each of the nearest legally-established single-family residences built before July 1, 2019, excluding appurtenances attached thereto, to the ordinary high water mark in the manner depicted in SCC Figure 30.67.060(3)(a);

(c) The reduced buffer width shall be measured from the ordinary high water mark of the shoreline to the nearest point of the proposed residence, including appurtenances such as decks and patios, unless there is an associated wetland. In cases where there is an associated wetland on the shoreline of the lot, the reduced buffer width shall be measured from the landward edge of the wetland in the manner depicted in SCC Figure 30.67.060(3)(b);

- (d) In no case shall the buffer width be reduced to less than 25 feet; and
- (e) In no case shall the exception to the standard buffer width requirements in chapter 30.62A SCC described in this section be used to reduce the requirements for landslide hazard areas in chapter 30.62B SCC.

Figure 30.67.060(3)(a) – Reduced Buffer Width From Ordinary High Water Mark Based on Nearest Legally-Established Single-Family Residence on Either Side of the Subject Lot

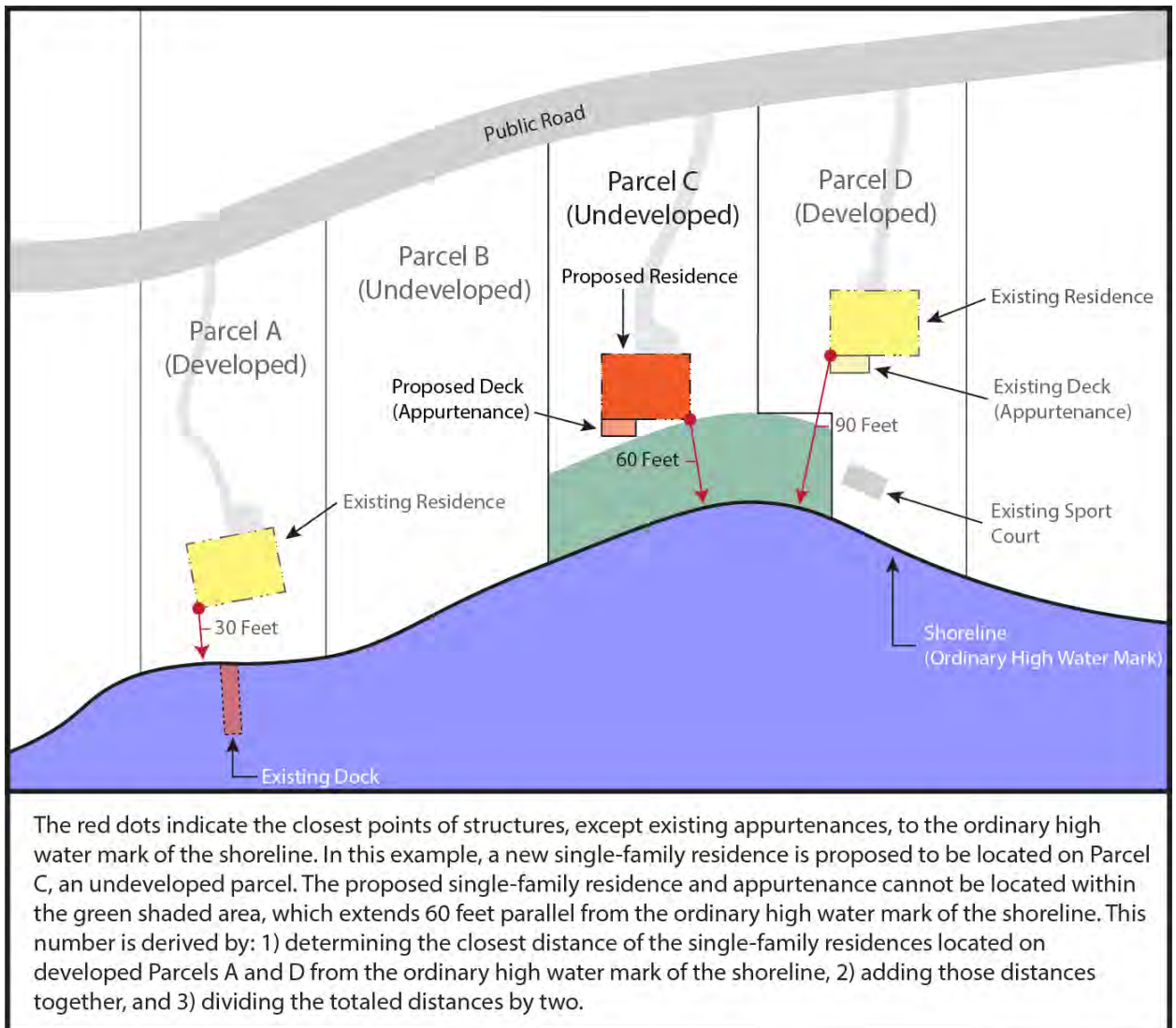
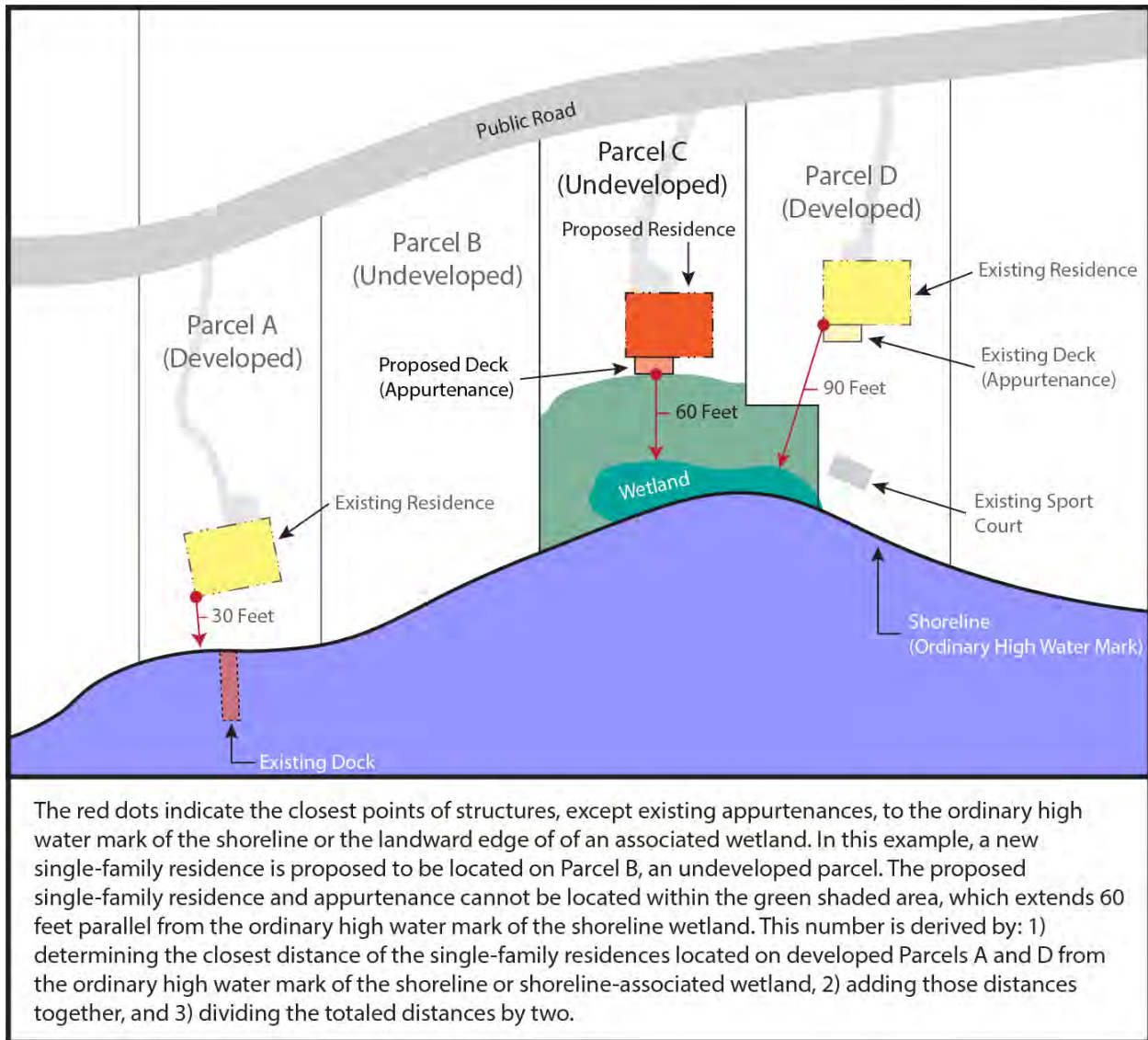


Figure 30.67.060(3)(b) – Reduced Buffer Width From Associated Wetland Based on Nearest Legally-Established Single-Family Residence on Either Side of the Subject Lot



~~((3))~~(4) Except as specifically modified by SCC 30.67.060(2) and (3), 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, as determined by the department.

~~((4))~~ (5) 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))~~ single-family dwellings; duplexes; ~~((single family))~~ single-family detached units, townhouses, and condominiums creating four or ~~((few))~~ fewer 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, except those permitted or legally established prior to January 1, 2011;
- (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 <sup>1</sup>	Natural	Aquatic <sup>2</sup>
<b>Agricultural activities</b> <sup>3</sup> Manure lagoons Livestock flood sanctuaries	P C P	P  C	P P P	P P P		C	C
<b>Aquaculture</b> <sup>4,12</sup> Non-Commercial Activities (non-processing) <sup>36</sup> Commercial Activities (non-processing) Processing <sup>7</sup>	P ((P))C ((P))C	P	P C ((P))C	P C ((P))C	P <sup>35</sup>  P <sup>35</sup>	P	P C <sup>7,37</sup> P <sup>7</sup>
<b>Boating Facilities:</b> <sup>4,13</sup> 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)) ((P))	   C ((C))  ((C))	 C C P P ((P)) ((P)) ((P)) ((P))	  P P ((C)) ((C)) ((C)) ((P))	   P   	   C C P or C P or C  ((P or G)) ((P or G)) ((C)) ((P or G))	
<b>Boat Mooring Facilities:</b> <sup>4,13</sup> Dock (private) Boathouse (private) Dock / pier / boathouse (public, commercial) Floats, mooring buoys	P P P P	C - - C	P P P P	P P P C	- - - -	- - - -	P or C P or C C P or C
<b>Breakwaters, jetties, groins, other in-water structures</b> <sup>4, 5, 14</sup>	C, P	P	C, P	C, P	P	C	C, P
<b>Commercial</b> <sup>10, 15</sup>	P		P	P			C
<b>Dredging</b> <sup>4, 16</sup>					C		C
<b>Dredge spoil disposal</b> <sup>4, 16</sup>	C	C <sup>5</sup>	C	C	C	C <sup>5</sup>	C
<b>Fill</b> <sup>4, 17</sup>	P	C, P <sup>5</sup>	P	P	P	C, P <sup>5</sup>	C, P <sup>5</sup>
<b>Flood protection:</b> <sup>4, 18</sup> Non-structural Structural <sup>11</sup>	P P	P P <sup>5</sup>	P P	P P	P P	P	C, P <sup>5</sup> C, P <sup>5</sup>
<b>Forestry</b> <sup>8, 19</sup>	P, C	P, C	P, C	P, C	P, C	P, C	C <sup>30</sup>
<b>Industrial and Ports</b> <sup>10, 20</sup>	P		P	P			C
<b>Institutional uses</b> <sup>21</sup>	P		P	C			C
<b>Mining</b> <sup>6, 22</sup>	C	C	C	C, P <sup>9</sup>	C, P <sup>9</sup>	C	C
<b>Pedestrian access</b> <sup>23</sup> Trails Elevated or Floating walkways <sup>4</sup> Stairways, trams	P P P	P P C	P P P	P P P	P P P	P	P
<b>Recreation</b> <sup>24</sup>	P	P	P	P	P	P	P
<b>Residential</b> <sup>25</sup> SFR, MH Duplex MF, townhouse, Single-Family Detached Units Mobile home park Houseboat, Live-aboard vessel Floating Home <sup>38</sup>	P P P P	P C C	P P C	P P C		C	p <sup>31</sup>
<b>Shoreline / bank stabilization:</b> <sup>4, 26</sup> Nonstructural Structural <sup>((5-)) 11</sup>	P C, P	C, P <sup>5</sup> ((P))C	P C, P	P C, P	P C, P	C, P <sup>5</sup> C	((C, P <sup>5</sup> )) C or P C((;-)) or P
<b>Shoreline habitat restoration or enhancement</b> <sup>27, 34</sup> - Mitigation Banks <sup>34</sup>	P C	P C	P C	P C	P	P	P C
<b>Transportation facilities</b> <sup>28</sup> Bridges Roads Parking (incidental to use only)	P P P	C C C	P P P	P P P	C, P <sup>32</sup> C, P <sup>32</sup> C		C <sup>33</sup> , P <sup>32</sup>
<b>Utility facilities</b> <sup>29</sup> Electromagnetic transmission and receiving facilities (generally)	P	C	C	C	C		

Transmission wires, pipes, supports (generally)	P	C	P	P	P	C	C
- transmission wires or pipes when suspended from bridge or other similar structures (specifically)	P	P	P	P	P	P	P
Dams, power plants and associated uses			C	C	C		C
All other utility facilities	P		C	C	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))~~ in-water 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, except as otherwise provided in SCC 30.67.510.

(5) Shoreline modifications are permitted or conditionally 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))~~ 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). Structural shoreline bank stabilization is permitted only when the conditions in SCC 30.67.575(2)(b)(ii) are met, or conditionally permitted under SCC 30.67.575(2)(a)(ii) or SCC 30.67.575(2)(b)(iii). 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. Boat mooring facilities are subject to the requirements in SCC 30.67.517.
- (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 legally-established 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). ~~((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.

(37) Commercial aquaculture activities in the Aquatic shoreline environment are limited per the requirements in SCC 30.67.510(2)(g)(ii).

(38) Floating homes permitted or legally established prior to January 1, 2011, are considered conforming uses. See 30.67.450(1).

### **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) Residential. Residential uses or structures (excluding bulkheads, overwater structures or other shoreline modifications) that were legally established and are used for a conforming use, but that do not meet current standards for setbacks, buffers or yards, area, bulk, height or density shall be considered a conforming use or structure and the requirements of SCC 30.67.450 shall not apply to such residential uses or structures. Redevelopment, expansion, maintenance, repair, replacement or remodeling of such residential uses or structures shall be consistent with this SMP, including requirements for no net loss of shoreline ecological functions. Floating homes permitted or legally established prior to January 1, 2011, are considered conforming uses and the requirements of SCC 30.67.450 shall not apply to such floating homes.

~~((1))~~(2) Continuance: 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))~~(3) 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))~~(4) 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))~~(5) 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))~~(6) 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))~~(7) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

~~((7))~~(8) 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)))~~ SCC 30.67.450(8)(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. Non-commercial aquaculture activities, as defined in SCC 30.91A.255, are allowed in all shoreline environments and are not required to obtain shoreline permits.

(1) The following general regulations apply to new commercial aquaculture activities and processing in shorelines:

(a) The location for new aquaculture activities shall be limited as follows:

(i) 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 as identified in the Washington State Coastal Atlas as maintained by the Washington State Department of Ecology, unless the proposal will not adversely impact the estuary's ecological functions.

(ii) New shellfish aquaculture activities may be located in nearshore critical saltwater habitats provided that a critical area study is submitted per SCC 30.62A.140 documenting that ecological impacts can be avoided or minimized and mitigated to meet the standards in SCC 30.62A.310(3);

(iii) New commercial aquaculture should only be allowed where sediments, topography, land and water access support aquaculture operations without significant clearing or grading;

(iv) New finfish aquaculture shall not be located in nearshore critical saltwater habitats nor in accretion areas such as sandflats, mudflats, and pocket estuaries; and

(v) Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological function.

(b) Aquaculture activities ~~((must))~~ shall be designed to avoid ~~((loss of shoreline ecological functions and avoid impeding))~~ significant conflicts with navigation and other water-dependent uses. 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))~~ when required. If county approval is required for the initial introduction of an aquatic species, such approval shall not be required for repeated introductions. Introduction, for purposes of this section, shall mean the placing of any

aquatic organism in any area within the waters of Snohomish County regardless of whether it is a native or resident organism within the county and regardless of whether it is being transferred from within or without the waters of Snohomish County;

(d) Permitted accessory structures typically associated with aquaculture shall be subject to the following:

(i) ~~((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 ((-));

(ii) Jetties, groins, bulkheads, fill, shoreline stabilization measures, flow diversions, and breakwaters are not allowed in conjunction with aquaculture;

(iii) For accessory structures, the county may require a visual impact analysis. (See the Department of Ecology's "Aquaculture Siting Study" 1986, or more recent studies, for general approach). Depending on the size and complexity of the proposal, such analysis may be prepared by the applicant/proponent, without professional assistance, provided that it includes an adequate assessment of impacts;

(iv) For aquaculture projects using over-water structures, storage of necessary tools and apparatus waterward of the ordinary high water mark shall be limited to containers of not more than 3 feet in height, as measured from the surface of the raft or dock; provided that, in locations where the visual impact of the proposed aquaculture structures will be minimal, the county may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant/proponent;

(v) Materials which are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark;

(vi) 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 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;

(vii) Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and/or equipment shall be removed or repaired promptly by the owner. The county may abate abandoned or unsafe structures or equipment, following notice to the owner, if the owner fails to respond in thirty (30) days and the county may impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement;

(viii) 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 county determines that there is no feasible alternative to toxic construction materials that will provide the structural characteristics necessary for the project;

(ix) 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;

~~((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;))~~

~~(x) ~~((g))~~ Floating, submerged and intertidal aquacultural structures and other similar structures ~~((shall))~~ should be located and designed to avoid significantly impacting navigation and other water-dependent uses. ~~((, 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))~~:~~

- ~~(A) ~~((i))~~ Clustering or spacing of rafts to allow for small boat traffic within or through the facilities;~~
- ~~(B) ~~((ii))~~ Directional signage;~~
- ~~(C) ~~((iii))~~ Buoys marking the extent of the operation; ~~((and))~~~~
- ~~(D) ~~((iv))~~ Limits on the type, number, location and size of the facility and any accessory structures; and~~

~~(E) All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements;~~

~~(e) 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. No processing of any aquaculture product, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms after harvest, shall occur in or over the water unless specifically approved by permit and subject to the conditions in SCC 30.67.510(2)(g)(iii). All other processing and processing facilities shall be located above the ordinary high water mark;~~

~~(f) ~~((h))~~ In order to demonstrate no net loss of shoreline ecological functions, ~~((When))~~ 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))~~ may require monitoring and reporting for 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 as appropriate ~~((to the department))~~ on a schedule specified by the approving authority ~~((approving))~~ that issues the shoreline permit relating to the aquacultural activity. Monitoring shall not be required for commercial aquaculture activity located in commercial shellfish beds except as may be necessary to ensure the protection of other critical saltwater habitats as defined in SCC 30.91C.362. Adverse impacts to other critical saltwater habitats shall be mitigated according to the mitigation sequence described in WAC 173-26-201(2)(e). The permit may be revoked by the approving authority for failure to monitor when required 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.))~~

(g) Aquaculture activities proposed within shorelines of statewide significance shall be subject to, first, the policies contained in SMP section 1.2.2, Shorelines of Statewide Significance, and, second, the policies and regulations contained in SMP section 3.2.5.2;

(h) The applicant/proponent shall demonstrate that the degree of proposed substrate modification is the minimum necessary for feasible aquaculture operations at the site;

(i) Aquaculture proposals that involve substantial substrate modification or sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other similar mechanisms, shall not be permitted in areas where the proposal would adversely impact existing kelp beds or other macroalgae, and eelgrass beds;

(j) Permits for aquaculture operations approved on an experimental basis may include conditions reasonably limiting their size and duration; provided that the county may issue a new permit to continue the operations as many times as is deemed necessary and appropriate;

(k) Where aquaculture activities are authorized to use public facilities, such as boat launches or docks, the county shall reserve the right to require the applicant/proponent to pay a portion of the cost of maintenance and any required improvements commensurate with the use of such facilities;

(l) Aquaculture operations shall comply with all applicable federal and state regulations governing waste control, including but not limited to applicable provisions of the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (chapter 90.48 RCW). No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation;

(m) Predator control shall not involve the intentional killing or harassment of birds or mammals;

(n) In addition to the permit requirements contained in chapter 30.44 SCC, conditional use permit application submittal requirements for new commercial aquaculture and processing activities may also include the following:

(i) A narrative description and timeline for all anticipated planting and harvesting activities;

(ii) A baseline ecological survey of the proposed site to allow consideration of the ecological effects;

(iii) Measures to achieve no net loss of ecological functions consistent with the mitigation sequence described in SCC 30.62A.310(3)(a);

(iv) Management practices that address impacts from mooring, parking, noise, lights, litter, and other activities associated with planting and harvesting operations;

(v) Monitoring and reporting plan to verify that aquaculture operations are in compliance with shoreline limits and conditions set forth in conditional use permits and to support cumulative impacts analysis;

(vi) Information demonstrating that the proposed aquaculture activities will not significantly conflict with navigation and other water-dependent uses;

(vii) Existing public opportunities for gathering wild stock aquatic resources on public lands shall be addressed in any application for aquaculture on public shorelines.

Mitigation for loss of public access to public aquatic resources may be required;

(viii) Information demonstrating that the proposed activity will be compatible with surrounding existing and planned uses by addressing the following:

(A) Aquaculture activities shall comply with all applicable noise, air, and water quality standards. All projects shall be designed, operated and maintained to minimize odor and noise; and

(B) Aquaculture facilities shall not significantly impact the aesthetic qualities of the shoreline unless there is a compelling public safety reason requiring otherwise. Safety concerns for birds and wildlife may also be considered when evaluating impacts on the aesthetic qualities of the shoreline; and

(ix) Other pertinent information deemed necessary by the county.

(o) Where permit submittal requirements identified in SCC 30.67.510(1)(n) have already been submitted in compliance with other federal, state or local permit requirements, the department will accept the documentation submitted to other permitting agencies provided the applicant clearly identifies which documents, or parts of documents, are intended to meet which specific county requirement;

(p) The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant/proponent and the affected tribe(s);

(q) Consistent with, and in addition to the requirements in chapter 30.70 SCC, the applicant shall provide public notice to:

(i) All property owners within the prescribed distance from the proposed project boundary;

(ii) Tribes with usual and accustomed fishing rights to the area; and

(iii) The applicable local marine resources committee(s).

(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:

(i) Non-commercial ~~((Aquaculture))~~ aquaculture is permitted~~((;-))~~ ; and

(ii) Commercial aquaculture and processing are conditionally 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))~~ is permitted; and

(ii) Commercial aquaculture and processing are ~~((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 only when the adjacent upland environment is Urban, Rural Conservancy or Resource; 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.

(3) When new commercial aquaculture activities are allowed subject to conditional use permits per SCC 30.67.510(2), in addition to the criteria required in chapter 30.44 SCC, all of the following criteria shall apply to the conditional use permit:

(a) All subsequent cycles of planting and harvest shall not require a new conditional use permit;

(b) A single conditional use permit may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the same shoreline permitting jurisdiction. Expansion in area or operational intensity at individual locations, or to new sites, that was not considered and approved in the original conditional use permit will require a new conditional use permit; and

(c) In order to avoid or limit impacts from aquaculture siting and operations and achieve no net loss of ecological functions, review of the conditional use permit will take the following into account:

(i) Commercial aquaculture workers oftentimes need to accomplish on-site work during low tides, which may occur at night or on weekends. Work must be allowed during low tides but may require limits and conditions to reduce impacts, such as noise and lighting, to adjacent existing uses;

(ii) Conditional use permits should be reviewed using the best scientific and technical information available;

(iii) Best management practices should be applied to accomplish the intent of the limits and conditions;

(iv) The practice of placing nursery tanks or holding pools or other impervious materials directly on the intertidal sediments;

(v) Use of motorized vehicles, such as trucks, tractors and forklifts below the ordinary high water mark;

(vi) Specific periods when limits on activities are necessary to protect priority habitats and associated species. The need for such measures should be identified in the baseline ecological survey conducted for the site;

(vii) Alterations to the natural condition of the site, including significant removal of vegetation or rocks and re-grading of the natural slope and sediments;

(viii) Installation of property corner markers that are visible at low tide during planting and harvesting;

(ix) Mitigation measures such as buffers between commercial aquaculture and other fish and wildlife habitat conservation areas as necessary to ensure no net loss of ecological functions;

(x) Use of predator exclusion devices with minimal adverse ecological effects and requiring that they be removed as soon as they are no longer needed for predator exclusion;

(xi) Use of the best available methods to minimize turbid runoff from the water jets used to harvest shellfish;

(xii) Number of barges or vessels that can be moored or beached at the site as well as duration limits;

(xiii) Public rights to navigation over the surface of the water;

(xiv) Good housekeeping practices at aquaculture sites, including worker training and regular removal of equipment, tools, extra materials, and all wastes; and

(xv) Where the site contains existing public access to publicly owned lands, consider recommendations from the department of natural resources or other landowning agencies regarding protection of the existing public access.

**30.67.515 Boating facilities – marinas, yacht and boat clubs, boat launch facilities and boat ramps.**

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

(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) ~~((Marina))~~ Moorage 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 the 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.

(k) Yacht and boat clubs.

(i) Facilities of yacht and boat clubs that are not water-dependent shall be located on dry land except as specifically provided in the applicable shoreline environment.

(ii) Yacht and boat club moorage facilities shall comply with the requirements of SCC 30.67.515(h).

(l) 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))~~  
Marinas, yacht and boat clubs, and boat launch facilities other than boat ramps are prohibited; and
  - (ii) Boat ramps (~~((, private docks, floats and mooring buoys)),~~ private docks, floats and mooring buoys are conditionally permitted.
- (c) Rural Conservancy.
  - (i) Boat launch facilities(~~(;)and~~ and 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; and
  - (ii) ~~((Boathouses are conditionally permitted; and~~
  - ~~(iii))~~ Boat launch facilities (~~(;) and~~ and 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~~) unauthorized moorage on waters of the state, the department will notify the state Department of Natural Resources.

**30.67.517 Boat mooring facilities – docks, piers, floats, boathouses and mooring buoys.**

Boat mooring facilities include docks, piers, floats, boathouses and mooring buoys.

(1) The following general regulations apply to new boat mooring facilities in shorelines:

(a) No boat mooring facilities shall extend into a water body in such a manner as to impede navigation or create any navigation hazard.

(b) Boat mooring facilities shall not be located on or over critical saltwater habitats or spawning areas for anadromous fish.

(c) Boat mooring 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 (OHWM) 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) 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 boat mooring 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.

(II) 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.

(III) The maximum width of each pier or dock shall be six feet.

(IV) The maximum width of walkway ramps shall be four feet.

(V) Walkway ramps 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, including when no docks exist on abutting properties, 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 on joint use docks.

(III) The maximum width for piers and docks shall be four feet for the first thirty feet from the OHWM of any lake that contains salmonids.

(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.

(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.

(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 docks, piers or floats shall be designed to allow for a minimum of 40% open spacing through grated decks, space between decking, light prisms, or other means.

(II) If plastics or other non-biodegradable materials are used, 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.

(IV) Skirting is not permitted.

(i) Boathouse, private, noncommercial.

(i) The height of any covered, over-water structure shall not exceed 12 feet as measured from the OHWM.

(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, except as provided in SCC 30.67.570(2)(g).

(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 boathouses 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.

(j) 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.

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

(2) In addition to the general regulations contained in SCC 30.67.517(1), the following shoreline environment designation-specific regulations for new boat mooring facilities apply:

(a) Urban. All boat mooring facilities are permitted.

(b) Urban Conservancy.

(i) Public or commercial docks and piers, and boathouses are prohibited; and

(ii) Floats, mooring buoys, and private docks are conditionally permitted.

(c) Rural Conservancy. Boathouses, docks, piers, floats and mooring buoys are permitted.

(d) Resource.

(ii) Boathouses are conditionally permitted; and

(iii) Docks, piers, floats and mooring buoys are permitted.

(e) Municipal Watershed Utility. All boat mooring facilities are prohibited.

(f) Natural. All boat mooring facilities are prohibited.

(g) Aquatic.

(i) Private docks, floats and mooring buoys are:

(A) Permitted 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.

(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 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 unauthorized 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 family)~~) single-family 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. Residential uses also include houseboats, live-aboard vessels, and floating homes.

(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))~~ 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))~~ designated shorelands.

(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))~~ 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))~~ single-family residential, mobile and manufactured homes;

(ii) Duplex and mobile home parks are conditionally permitted~~((-))~~ ; and

(iii) Multifamily and townhouses are prohibited.

(c) Rural Conservancy.

(i) The following residential uses are permitted: ~~((single family))~~ 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 permitted: ~~((single family))~~ single-family residential, mobile and manufactured homes, and duplex;

- (ii) Mobile home parks are conditionally permitted; and
- (iii) Multifamily and ~~((townhouse))~~ townhouses 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))~~ single-family residential, mobile and manufactured homes;
  - (ii) All other residential uses are prohibited; 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) Aquatic.
  - (i) New over-water residences and floating homes are prohibited. ~~((in the Aquatic environment.))~~
  - (ii) Normal maintenance or repair of floating homes permitted or legally established prior to January 1, 2011, is allowed.
  - (iii) 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 and bank 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 and bank stabilization structures is allowed. When normal maintenance or repair of structural shoreline and bank stabilization measures consists of replacement, such replacement must comply with subsection (1)(b) of this section.

(b) New, enlarged or replacement structural shoreline and bank stabilization measures may only be used when:

(i) Application materials demonstrate the purpose of the measures is to ~~((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; or ~~((and))~~
- (D) Projects where the sole purpose is to protect or restore shoreline ecological functions; and

(ii) A ~~((When a))~~ geotechnical analysis conducted by a qualified engineer or geologist with experience evaluating and constructing nonstructural stabilization techniques demonstrates that:

- (A) Nonstructural shoreline and bank stabilization solutions are not feasible;
- (B) Structural shoreline and bank 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) Soft forms of structural shoreline and bank stabilization are not feasible;



~~((C))~~(D) The erosion rate exceeds that which would normally occur in a natural condition and that the structural shoreline and bank stabilization measure would not interfere with hydrological and geomorphologic processes normally acting under a natural condition ~~((-))~~; and

(E) There is a showing of immediacy, measured by a significant possibility that the primary structure will be damaged within three years as a result of shoreline erosion in the absence of hard forms of structural shoreline and bank stabilization, or a showing that waiting until the need is immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years, the analysis may be used as support of an immediate need to protect against erosions using soft forms of structural shoreline and bank stabilization.

(c) Shoreline and bank stabilization structures shall:

(i) Comply with the guidelines in the ~~((Integrated Streambank Protection Guidelines))~~ Marine Shoreline Design Guidelines (Washington State Department of Fish and Wildlife, ~~((April 2003))~~ March 2014), ~~((or the alternative bank protection methods in Alternative Bank Protection Methods for Puget Sound Shorelines))~~ and the Soft Shoreline Stabilization Shoreline Master Program Planning and Implementation Guidance (Washington State Department of Ecology, ~~((May 2000, Publication #00-06-012))~~ March 2014, Publication No. 14-06-009);

(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 shoreline and bank stabilization measures shall meet the following criteria:

(i) The size and quantity of material constituting the shoreline and bank stabilization structure shall be the minimum necessary;

(ii) Beach materials shall not be used to backfill bulkheads, seawalls and other shoreline and bank stabilization structures;

(iii) Construction materials shall not contain, or be treated or coated with toxic materials;

(iv) Shoreline and bank 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))~~ Shoreline and bank stabilization 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 shoreline and bank 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 and bank 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 and bank 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 shoreline and bank stabilization 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 measures apply:

~~((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))~~  
Natural, Urban Conservancy and adjacent Aquatic.

(i) Non-structural.

(A) Non-structural shoreline and bank stabilization measures associated with an ecological enhancement or restoration project are permitted.

(B) All other non-structural shoreline and bank stabilization measures are conditionally permitted.

(ii) Structural.

(A) Structural shoreline and bank stabilization measures associated with an ecological enhancement or restoration project or protection of an existing primary structure are conditionally permitted.

(B) All other structural shoreline and bank stabilization measures are prohibited.

~~(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.))~~

Urban, Rural Conservancy, Resource, Municipal Watershed Utility and adjacent Aquatic.

(i) Non-structural. Non-structural shoreline and bank stabilization measures are permitted.

(ii) Structural. Structural shoreline and bank stabilization measures are permitted when:

(A) The new or enlarged structural bank stabilization measure is necessary to protect ecological enhancement or restoration projects when non-structural protection measures are not feasible;

(B) Normal maintenance and repair of the structural shoreline and bank stabilization measure does not include replacement; or

(C) The replacement structural shoreline and bank stabilization measure is not enlarged or will improve shoreline ecological functions.

(iii) Any new, enlarged or replacement structural shoreline and bank stabilization measure that does not meet the criteria in SCC 30.67.575(2)(b)(ii) is conditionally permitted.

### **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.

(3) Relief may be granted from the requirements of this chapter to property owners in urban growth areas affected by a shoreline restoration project that results in a landward shift in the ordinary high water mark when all requirements of WAC 173-27-215 are met.

### **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.

~~((Exhibit B  
Amended Ordinance No. 12-025))~~

Snohomish County

*Shoreline Management Program:*

**Shoreline Environment  
Designation Maps**



Snohomish County  
Planning and Development Services

Created by Amended Ordinance No. 12-025 on June 6, 2012

Approved by Washington State Department of Ecology on July 13, 2012, Effective July 27, 2012

Last amended by Amended Ordinance No. 19-020 on July 3, 2019

Approved by Washington State Department of Ecology on [date of approval], Effective [date]

~~((Approved by Washington State Department of Ecology  
-June, 2012))~~

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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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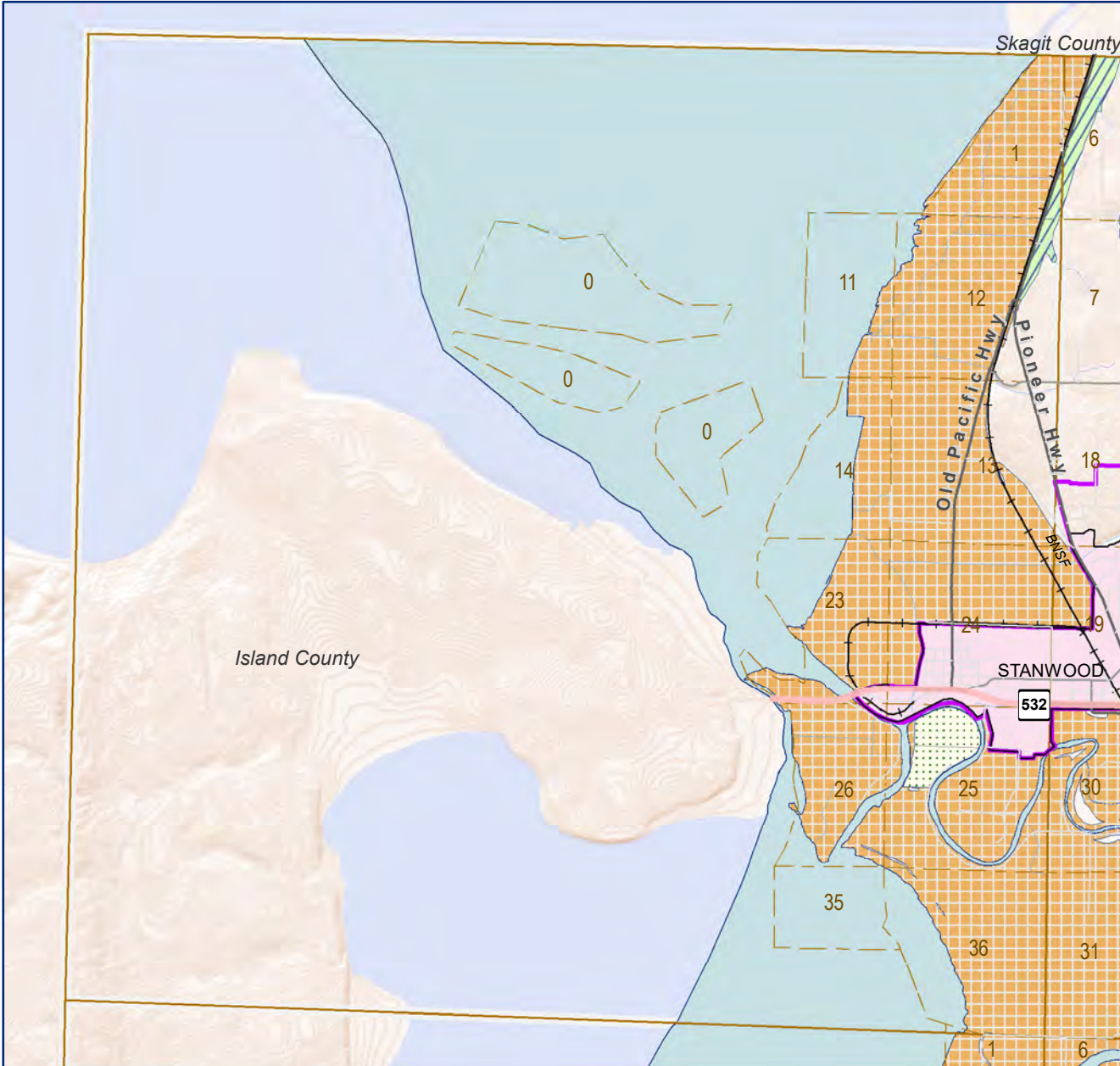
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**1 - T32N R03E**  
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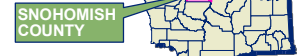


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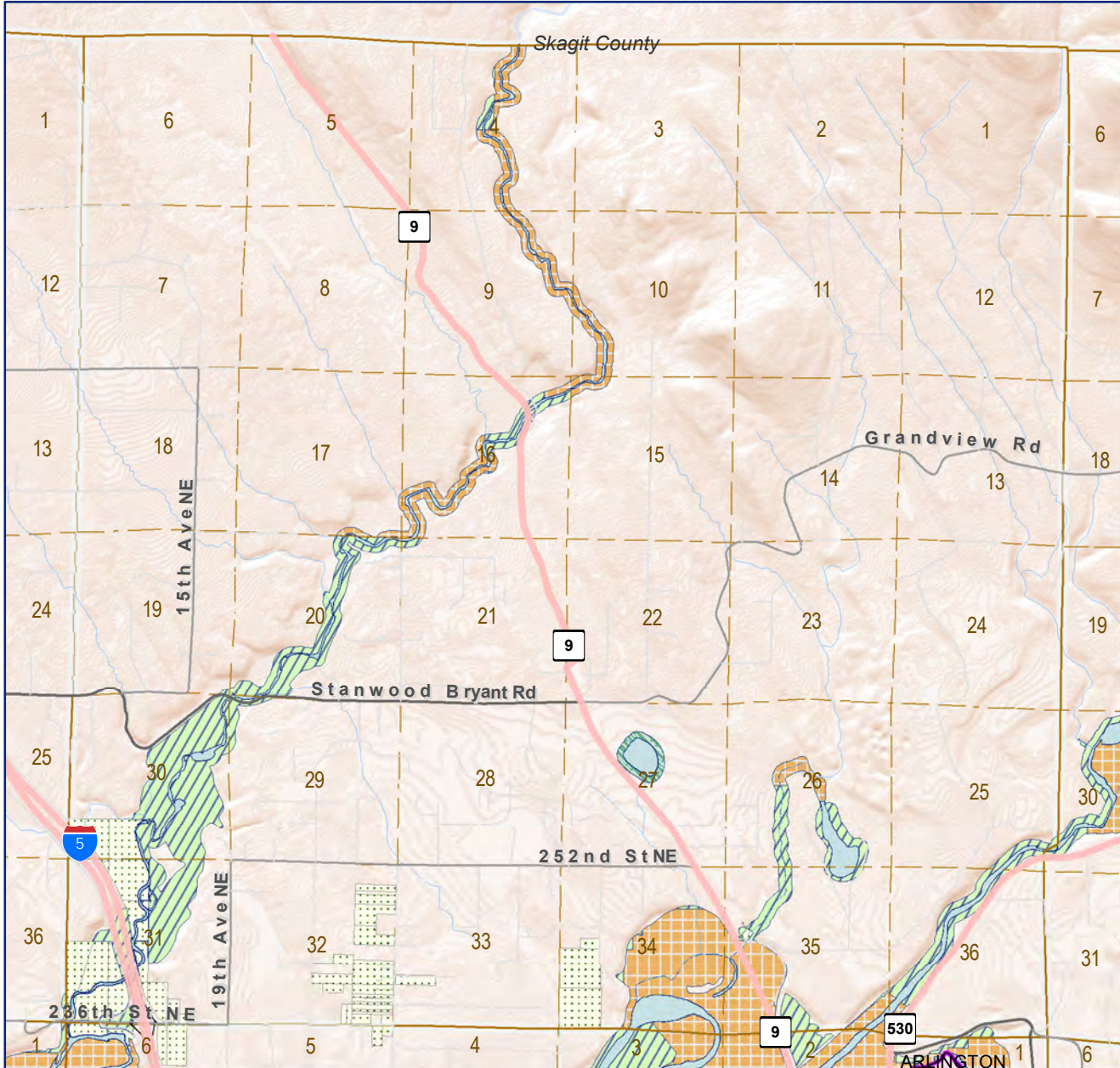
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**3 - T32N R05E**  
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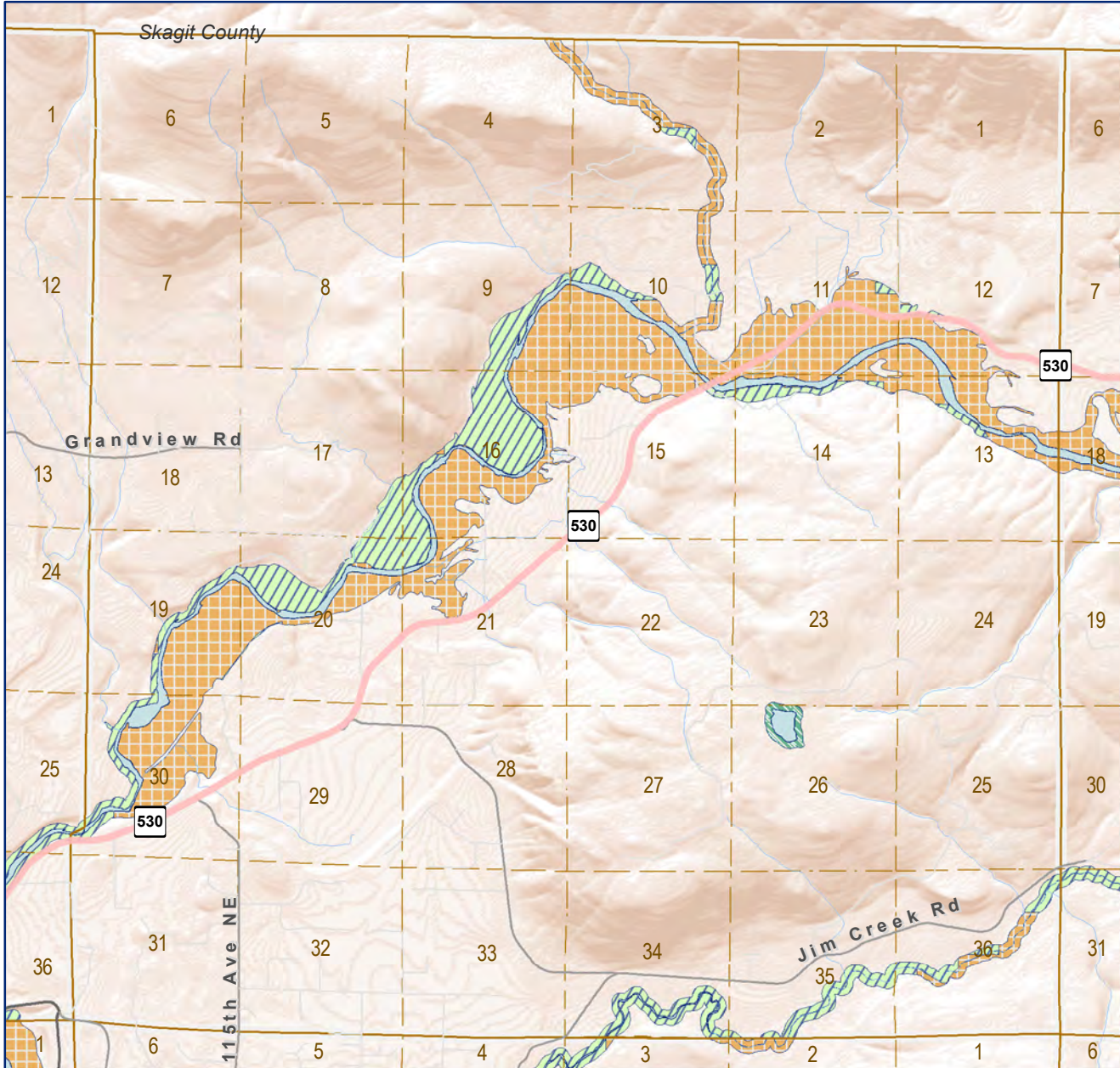
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Scale in Miles



## DATA INFORMATION

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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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10	11	12	13	14				
15	16	17	18	19	20	21	22	23
	24	25	26	27	28	29	30	31
	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**5 - T32N R07E**  
 Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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## Shoreline Management Program Environment Designations

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**6 - T32N R08E**

Current Map Sheet Number





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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX] [XX-XX-XXXX]  
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Scale in Miles

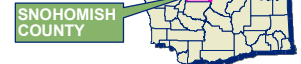


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## Shoreline Management Program Environment Designations

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**7 - T32N R09E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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Scale in Miles

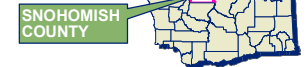


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## Shoreline Management Program Environment Designations

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**8 - T32N R10E**

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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Scale in Miles

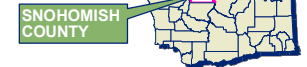


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## Shoreline Management Program Environment Designations

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**9 - T32N R11E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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Scale in Miles



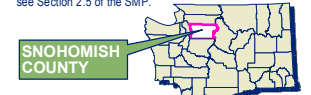
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**10 - T31N R03E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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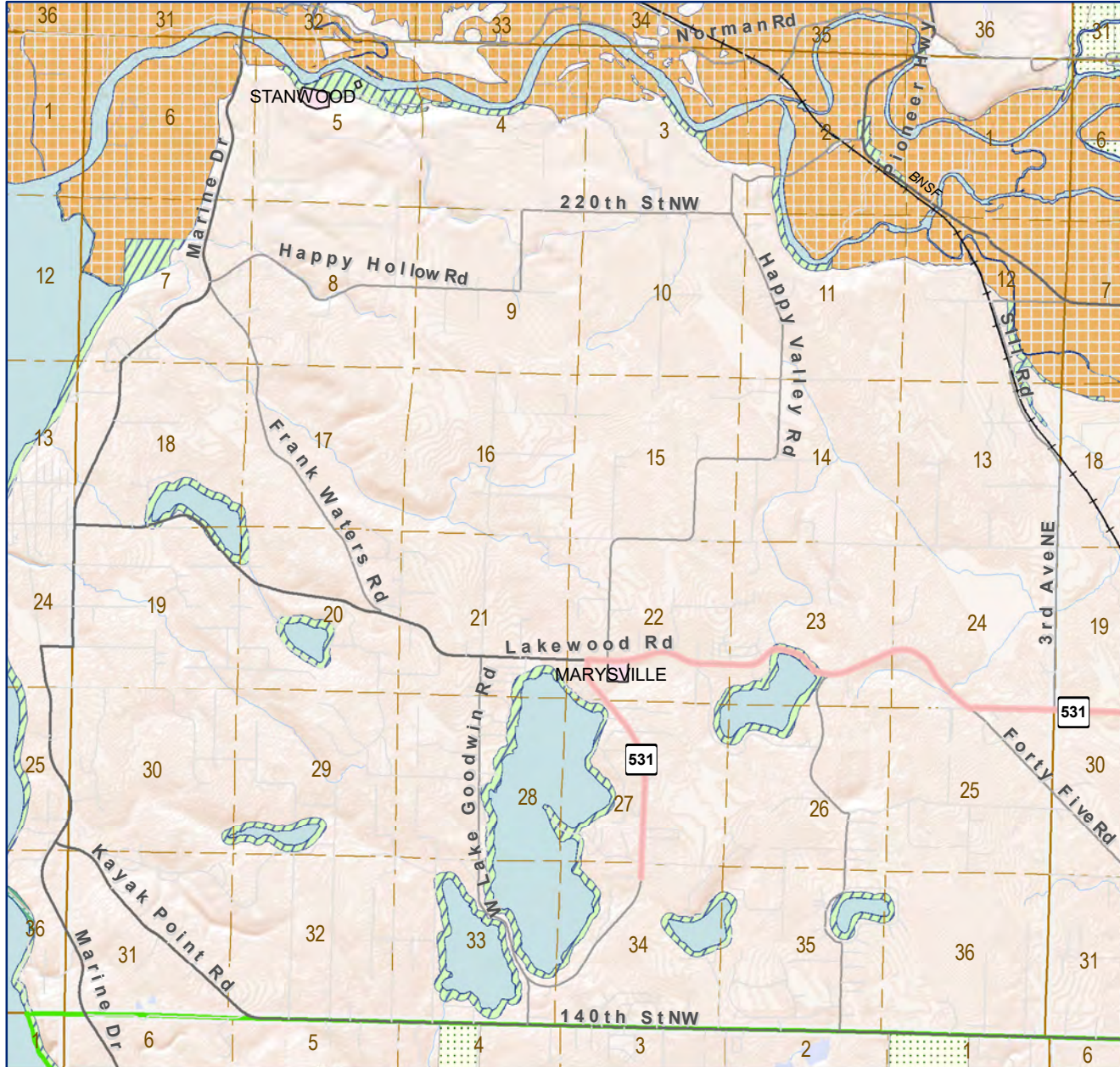
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**11 - T31N R04E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

T31N R05E

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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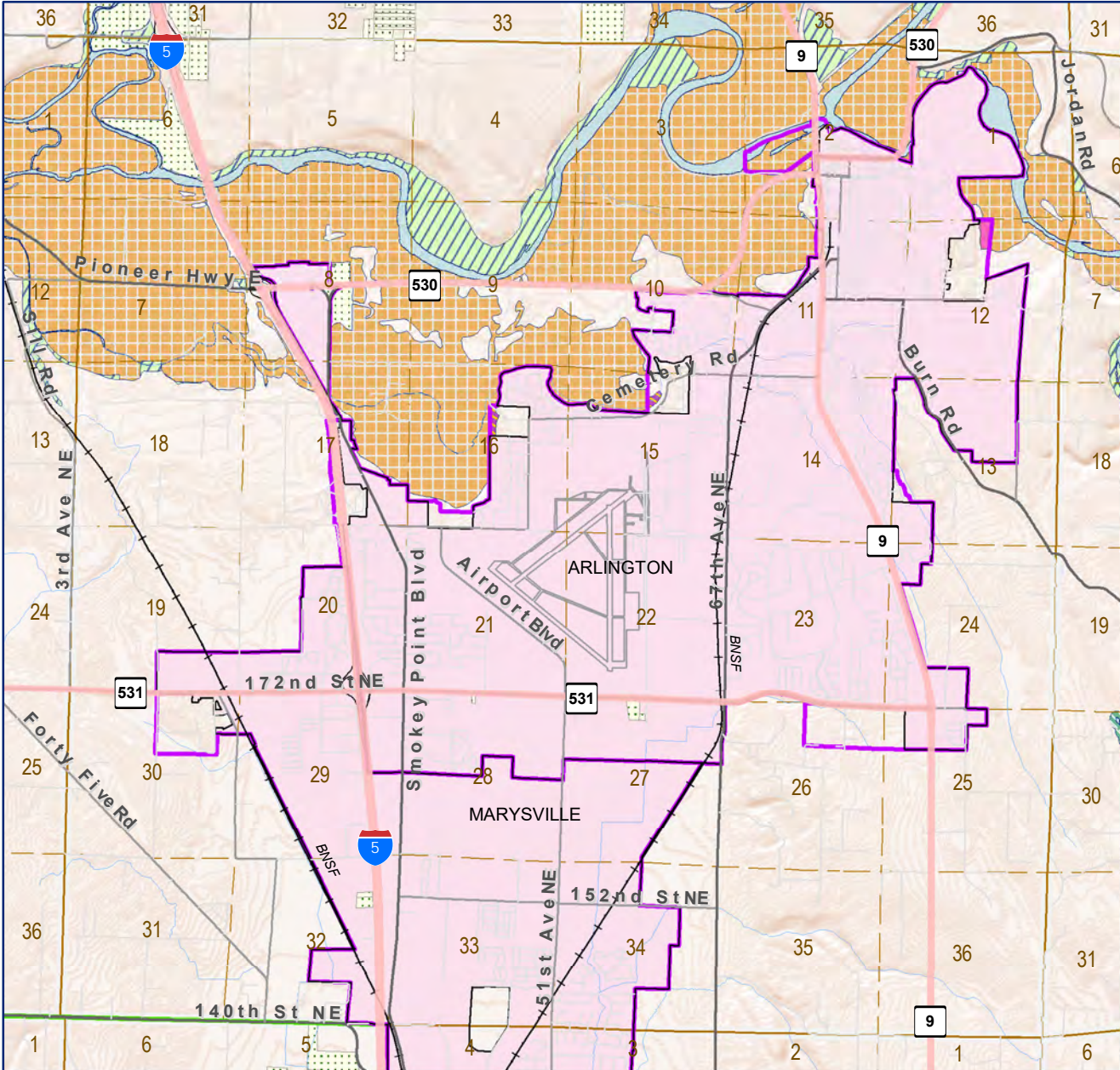
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**12 - T31N R05E**  
Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



## DATA INFORMATION

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## Shoreline Management Program Environment Designations

- Aquatic
  - Municipal Watershed Utility
  - Natural
  - Resource
  - Rural Conservancy
  - Urban Conservancy
  - Urban
  - Native Indian Trust Land
  - Urban Growth Area Boundary
  - Tulalip Reservation Boundary
- Tulalip Indian Reservation Tidelands: For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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**13 - T31N R06E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

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## Shoreline Management Program Environment Designations

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- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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**14 - T31N R07E**

Current Map Sheet Number





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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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Scale in Miles

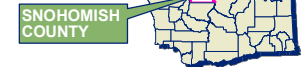


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**15 - T30N R03E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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Scale in Miles



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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
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- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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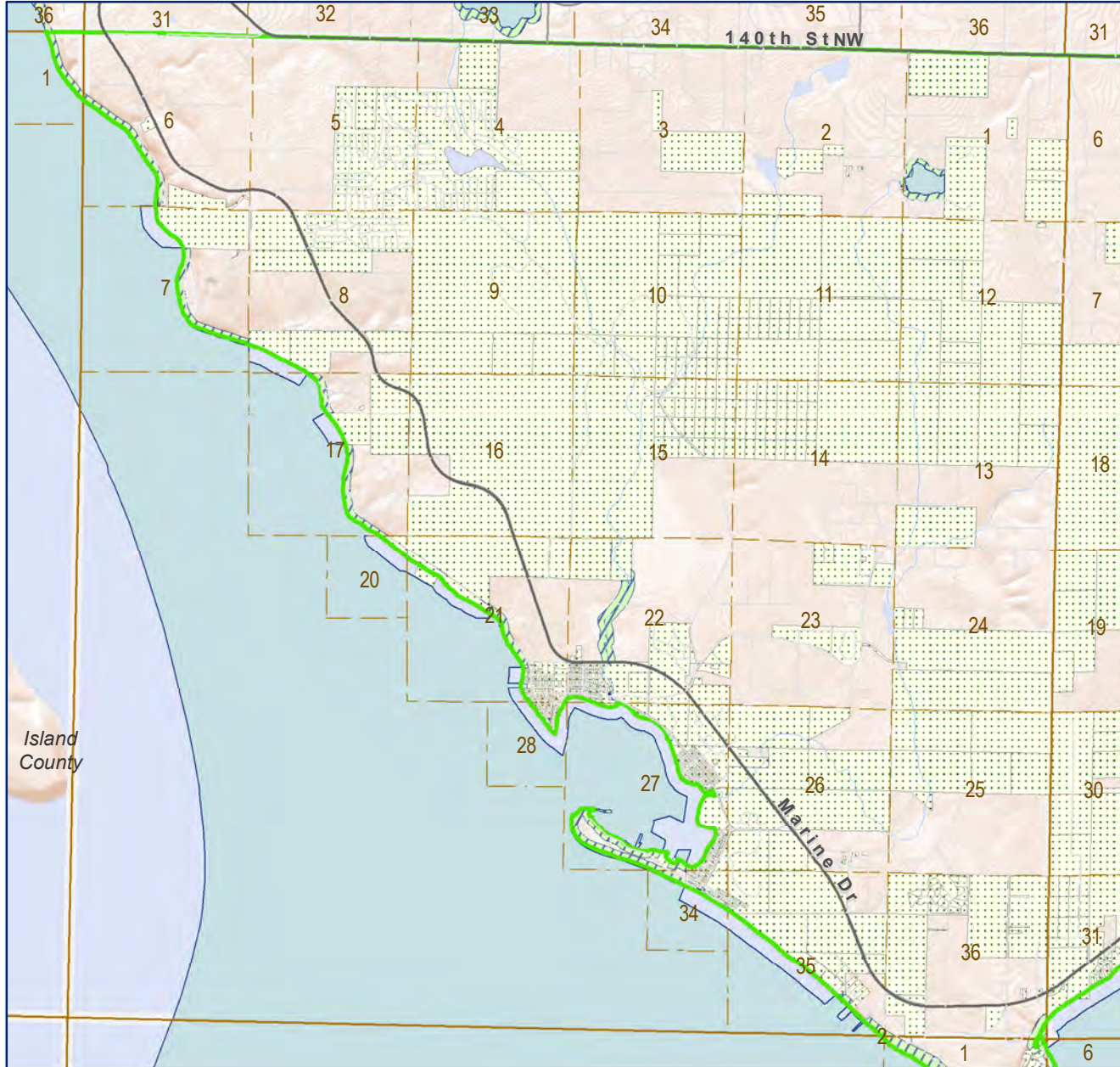
### CURRENT MAP SHEET INDICATED IN RED

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**16 - T30N R04E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

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## Shoreline Management Program Environment Designations

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**17 - T30N R05E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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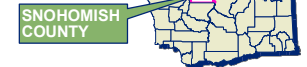


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**18 - T30N R06E**  
Current Map Sheet Number



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# Shoreline Environment Designations

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**19 - T30N R07E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

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**20 - T30N R08E**  
 Current Map Sheet Number



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Map Sheet Number **21**  
**SNOHOMISH COUNTY**

**T30N R09E**

**Shoreline Environment Designations**

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



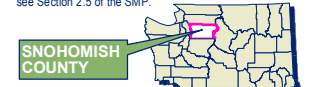
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**Shoreline Management Program Environment Designations**

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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**CURRENT MAP SHEET INDICATED IN RED**

1	2	3	4	5	6	7	8	9
10	11	12	13	14				
15	16	17	18	19	20	21	22	23
	24	25	26	27	28	29	30	31
	32	33	34	35	36	37	38	39
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**21 - T30N R09E**

Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**22 - T30N R10E**

Current Map Sheet Number





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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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Scale in Miles

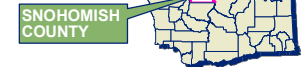


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## Shoreline Management Program Environment Designations

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  - Urban Growth Area Boundary
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**23 - T30N R11E**

Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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## Shoreline Management Program Environment Designations

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**24 - T29N R04E**  
 Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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## Shoreline Management Program Environment Designations

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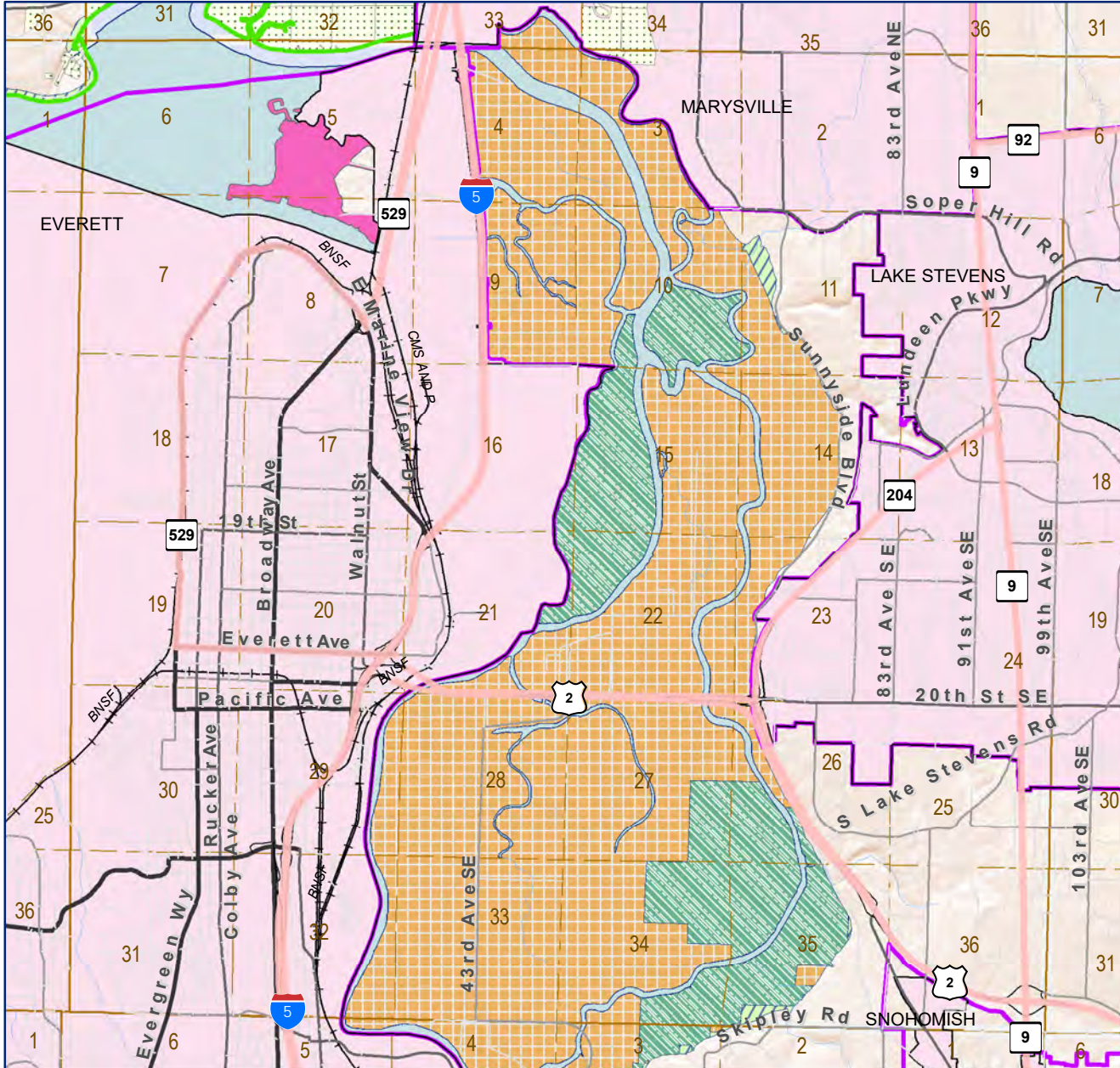
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10	11	12	13	14				
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24	25	26	27	28	29	30	31	
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**25 - T29N R05E**  
Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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## Shoreline Management Program Environment Designations

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

26 - T29N R06E

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX] [XX-XX-XXXX]  
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**27 - T29N R07E**

Current Map Sheet Number



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# Shoreline Environment Designations

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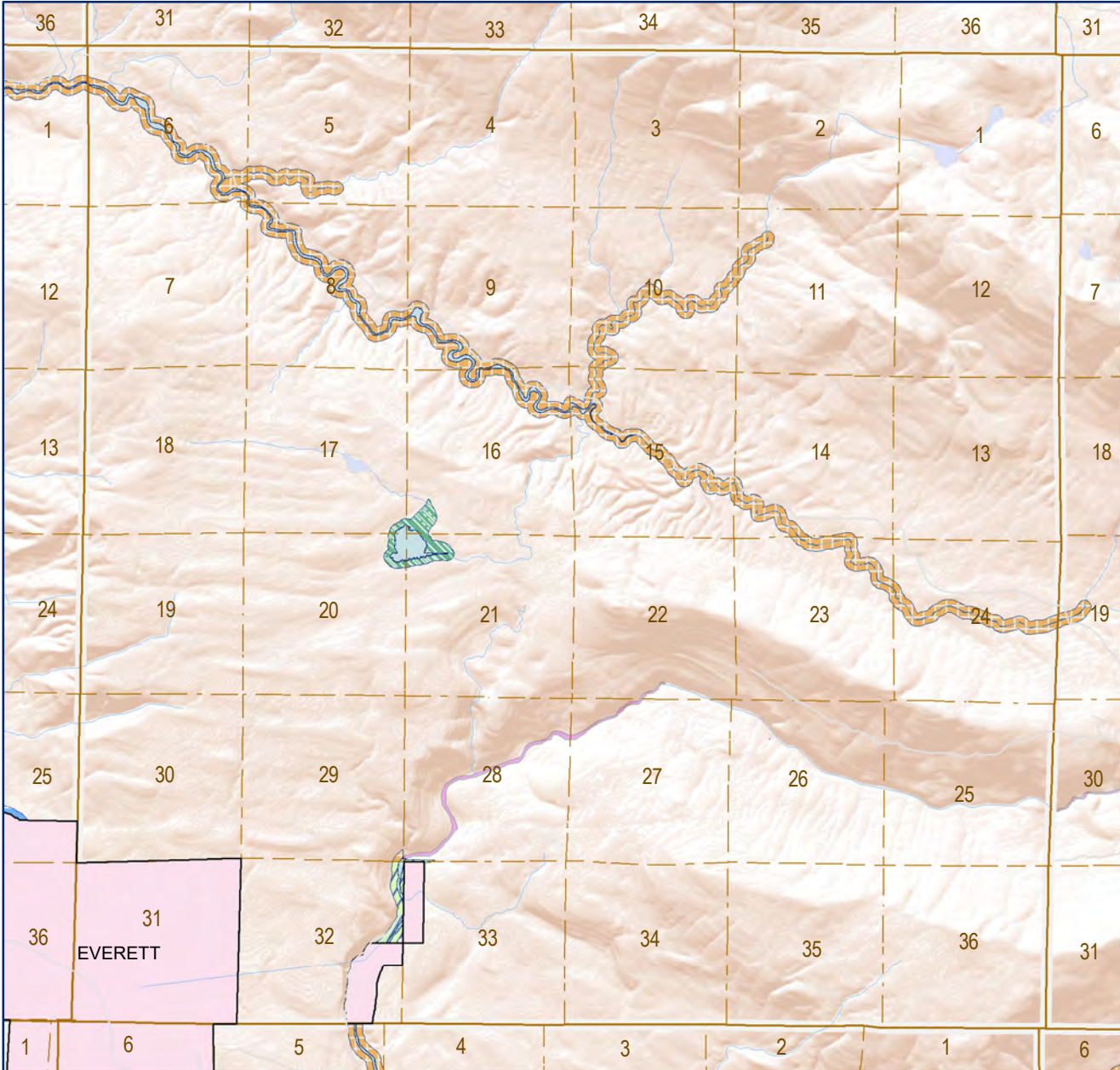
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**28 - T29N R08E**  
 Current Map Sheet Number



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Map Sheet Number **29**  
**SNOHOMISH COUNTY**

**T29N R09E**

**Shoreline Environment Designations**

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



**DATA INFORMATION**

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**Shoreline Management Program Environment Designations**

- Aquatic
  - Municipal Watershed Utility
  - Natural
  - Resource
  - Rural Conservancy
  - Urban Conservancy
  - Urban
  - Native Indian Trust Land
  - Urban Growth Area Boundary
  - Tulalip Reservation Boundary
- Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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**CURRENT MAP SHEET INDICATED IN RED**

1	2	3	4	5	6	7	8	9
10	11	12	13	14				
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	24	25	26	27	28	29	30	31
	32	33	34	35	36	37	38	39
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**29 - T29N R09E**  
 Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

Map Sheet Number **30**  
**SNOHOMISH COUNTY**

T29N R10E

**Shoreline Environment Designations**

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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**Shoreline Management Program Environment Designations**

- Aquatic
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- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**30 - T29N R10E**  
 Current Map Sheet Number





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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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## Shoreline Management Program Environment Designations

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- Natural
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**31 - T29N R11E**

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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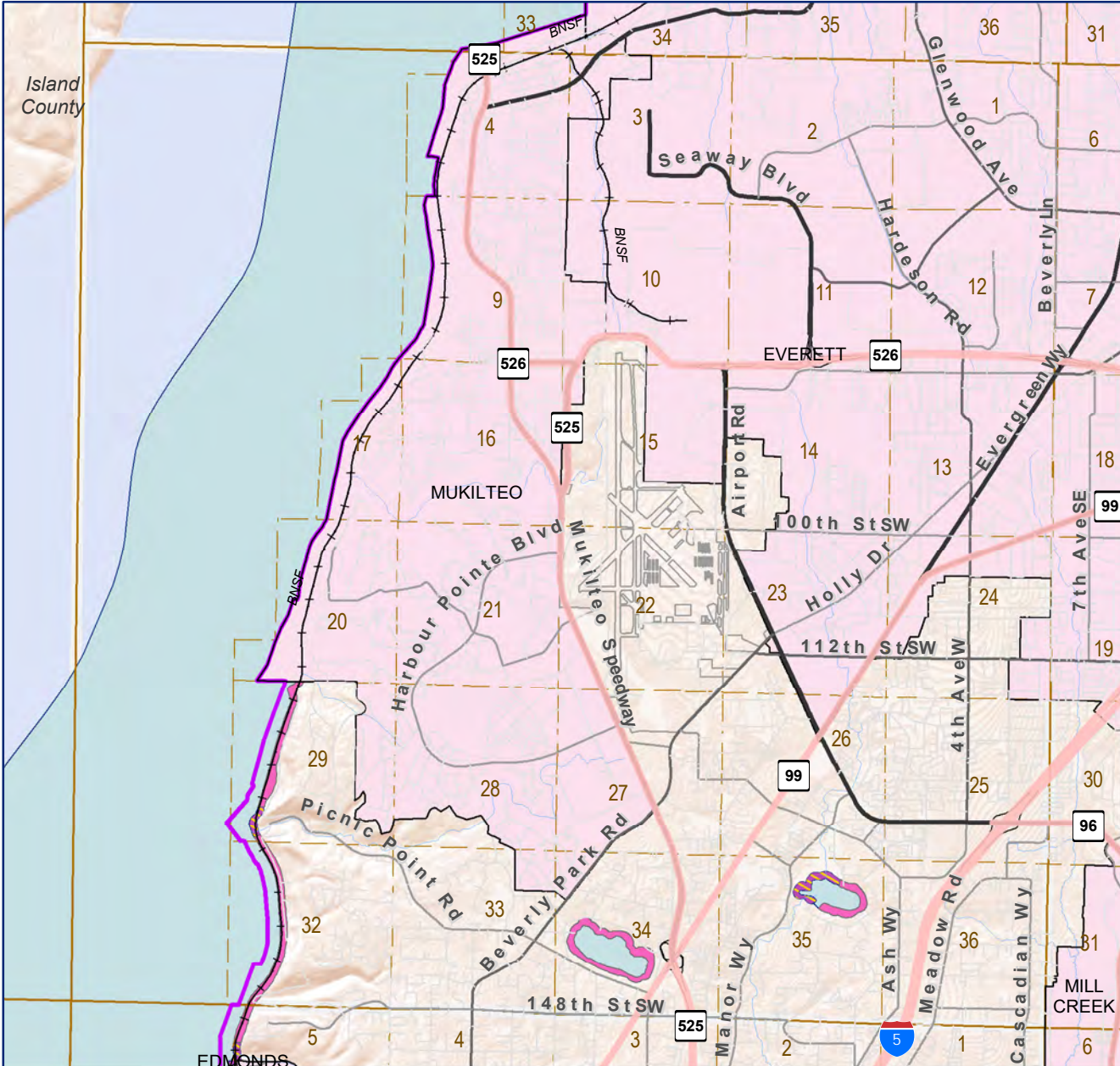
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**32 - T28N R04E**  
Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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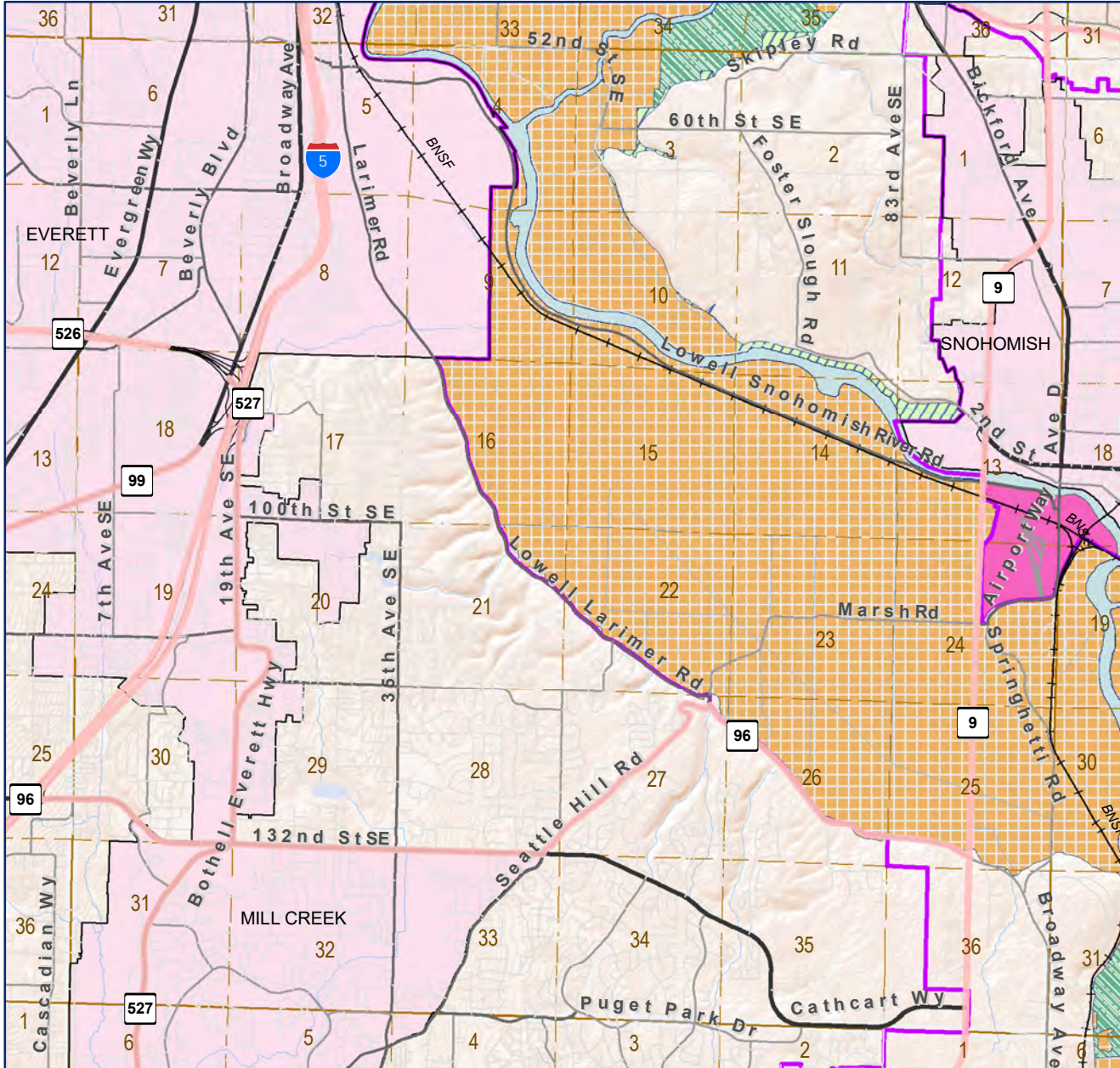
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# Shoreline Environment Designations

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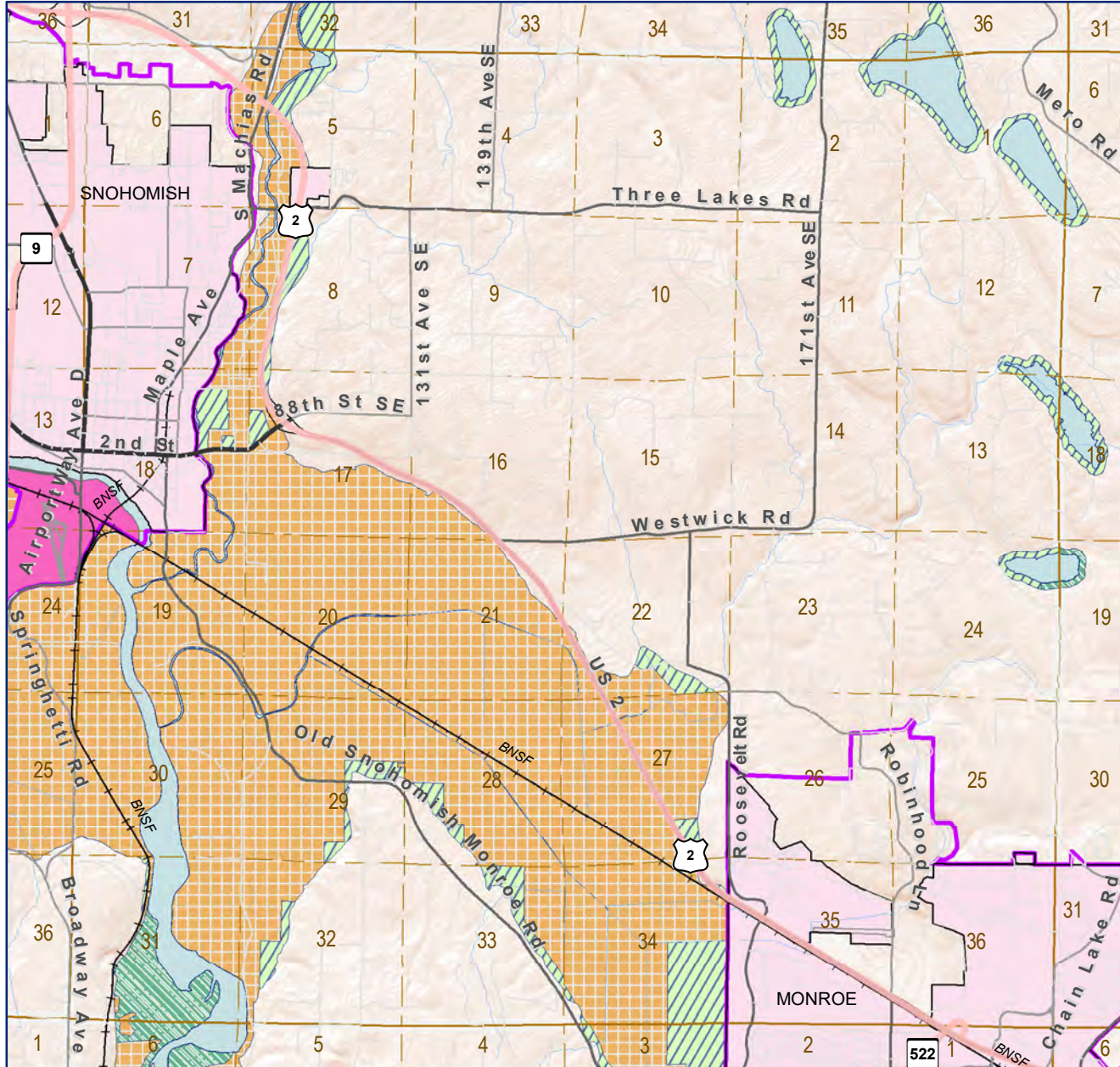
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**34 - T28N R06E**  
Current Map Sheet Number



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# Shoreline Environment Designations

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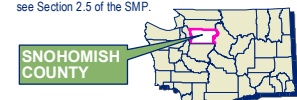
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**35 - T28N R07E**

Current Map Sheet Number



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# Shoreline Environment Designations

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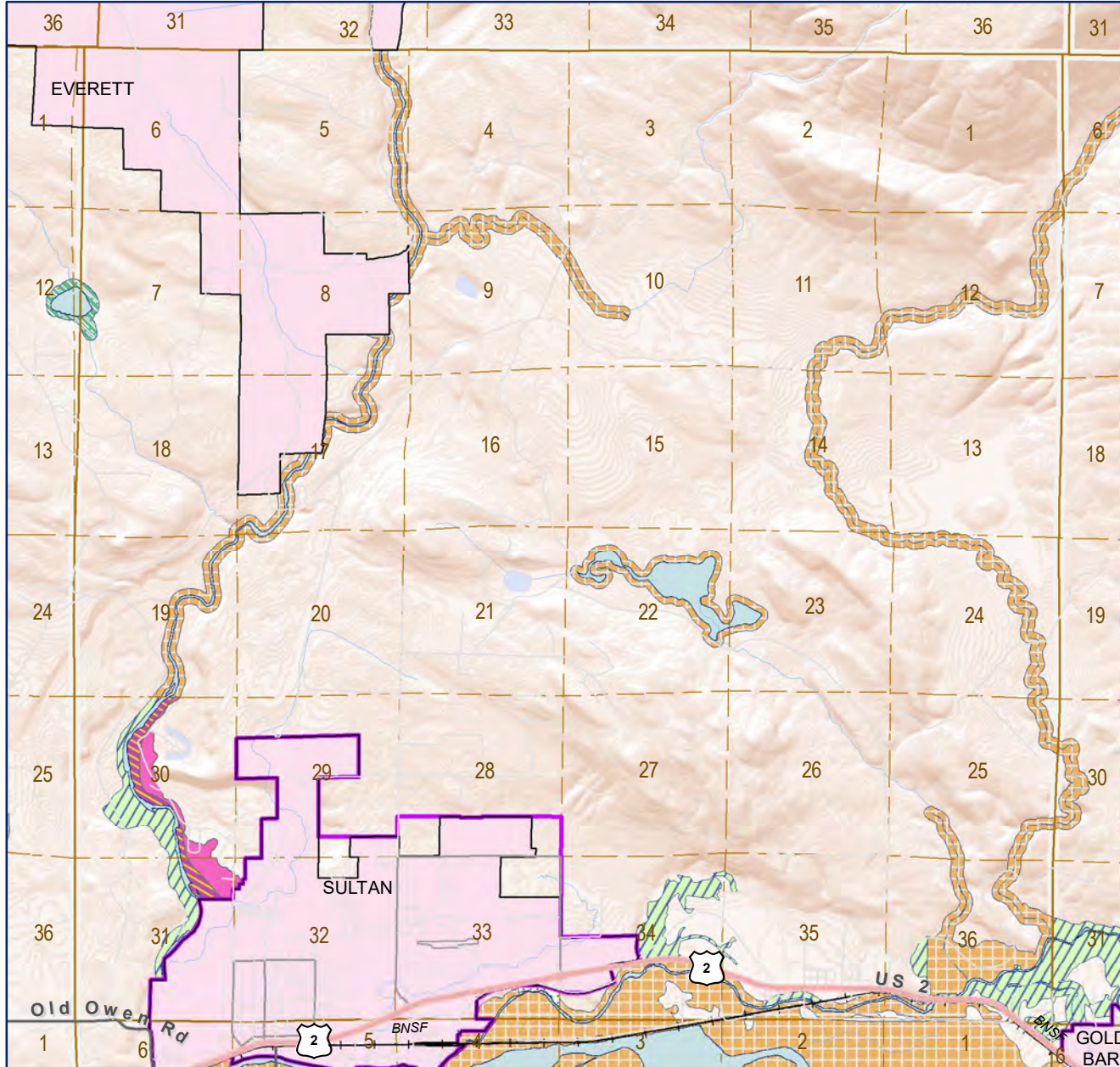
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**36 - T28N R08E**  
Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



## DATA INFORMATION

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## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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1	2	3	4	5	6	7	8	9
10	11	12	13	14				
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**37 - T28N R09E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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Scale in Miles

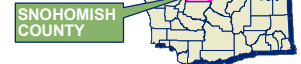


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## Shoreline Management Program Environment Designations

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  - Urban Growth Area Boundary
  - Tulalip Reservation Boundary
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**38 - T28N R10E**

Current Map Sheet Number





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# Shoreline Environment Designations

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 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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## Shoreline Management Program Environment Designations

- Aquatic
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- Natural
- Resource
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- Urban Growth Area Boundary
- Tulalip Reservation Boundary

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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**39 - T28N R11E**

Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
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Scale in Miles



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## Shoreline Management Program Environment Designations

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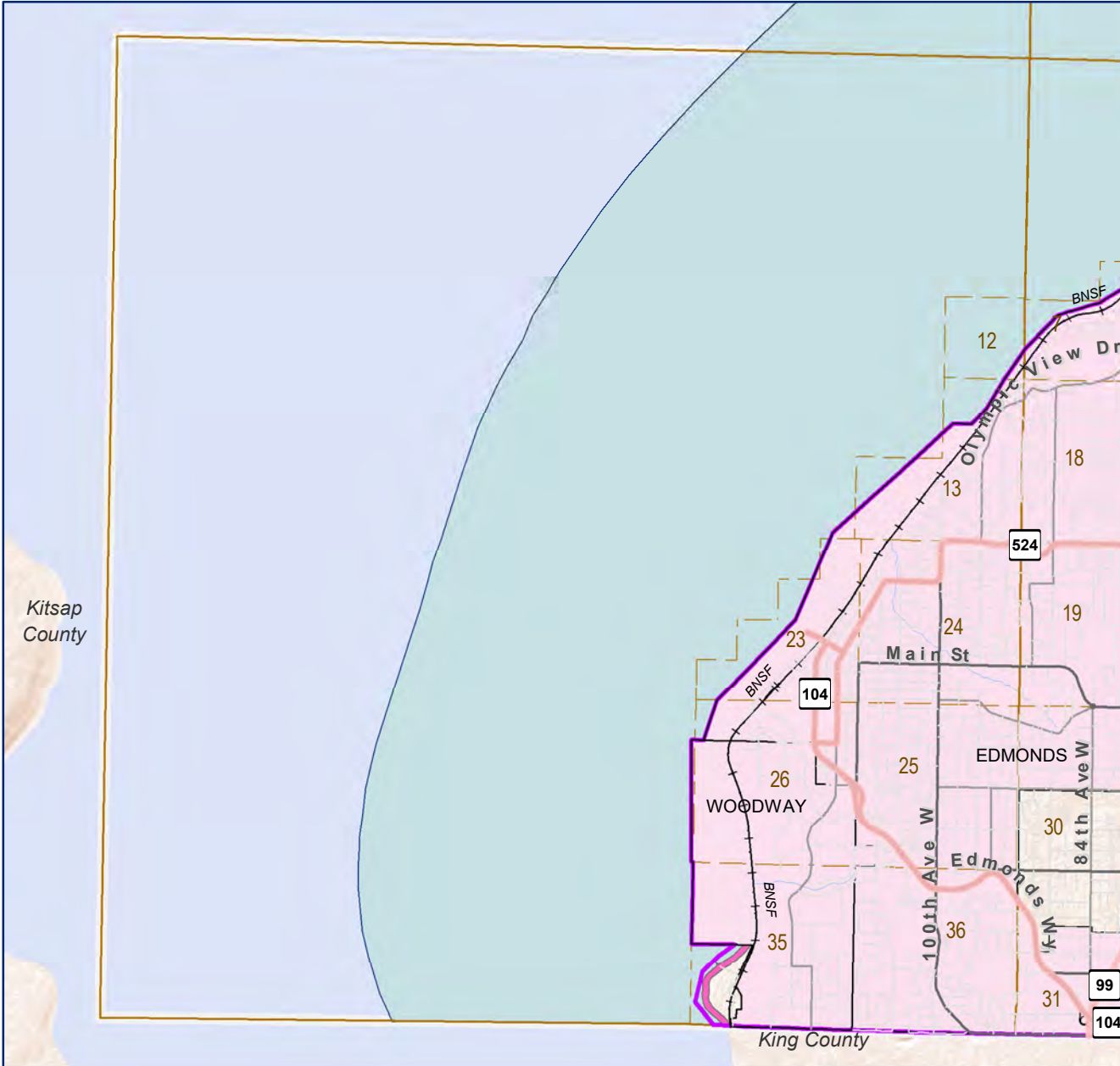
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INDEX TO MAP SHEETS IN THIS SERIES - MAP INDEX NUMBERS BY TOWNSHIP

**40 - T27N R03E**  
 Current Map Sheet Number



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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX] [XX-XX-XXXX]  
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Scale in Miles



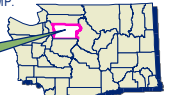
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## Shoreline Management Program Environment Designations

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SNOHOMISH COUNTY



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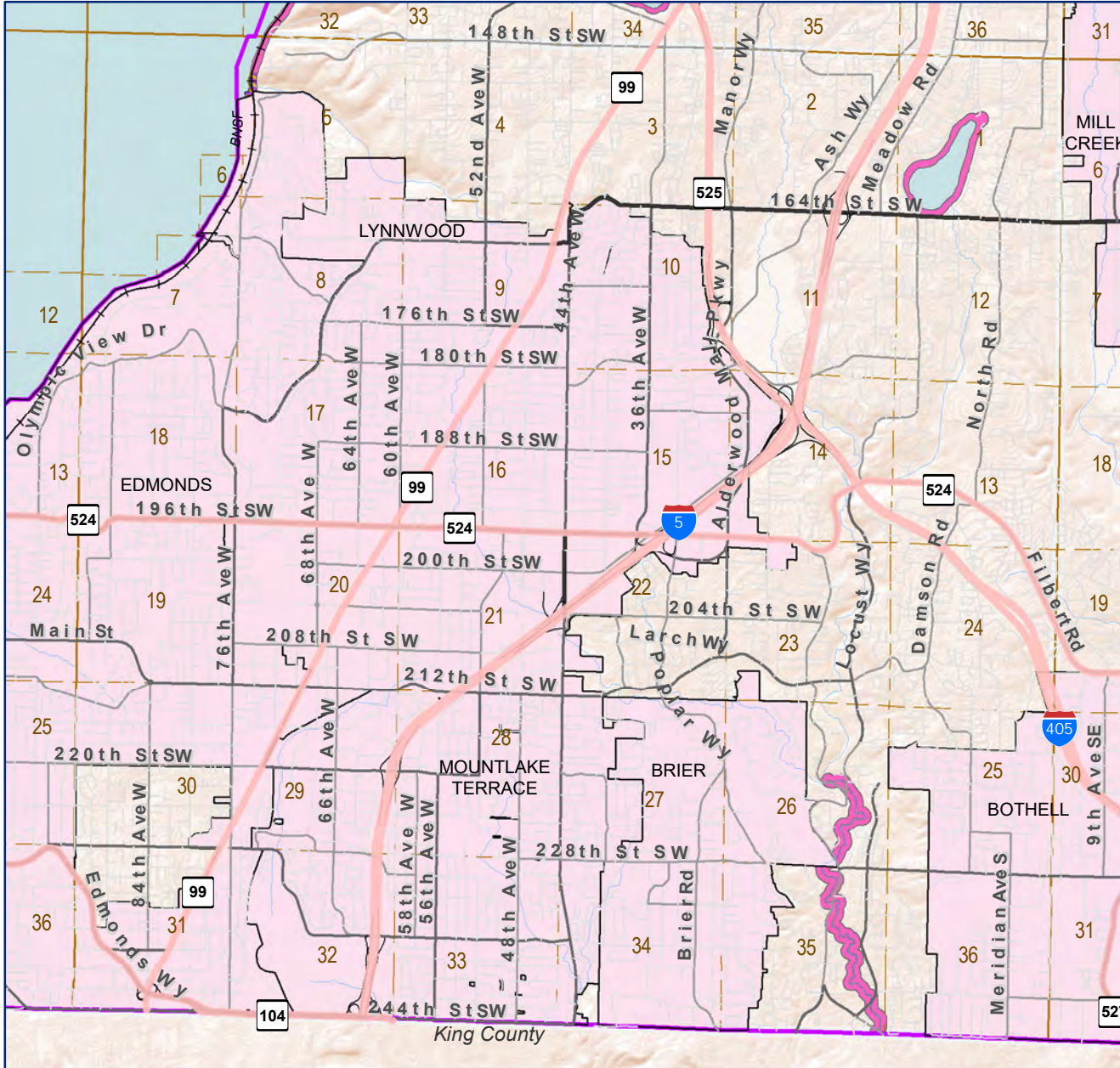
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41 - T27N R04E

Current Map Sheet Number



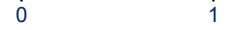
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# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
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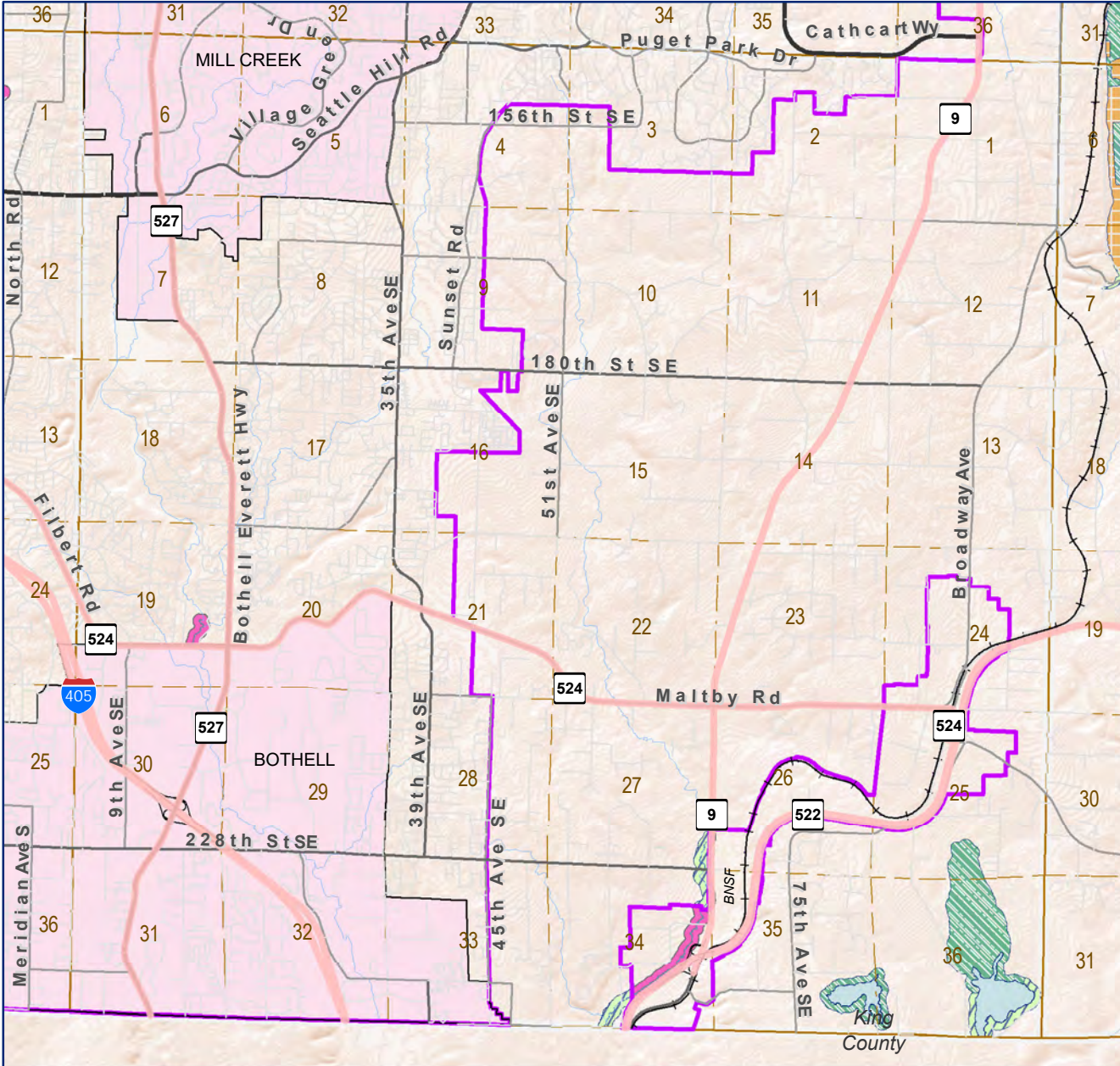
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**42 - T27N R05E**  
Current Map Sheet Number



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# Shoreline Environment Designations

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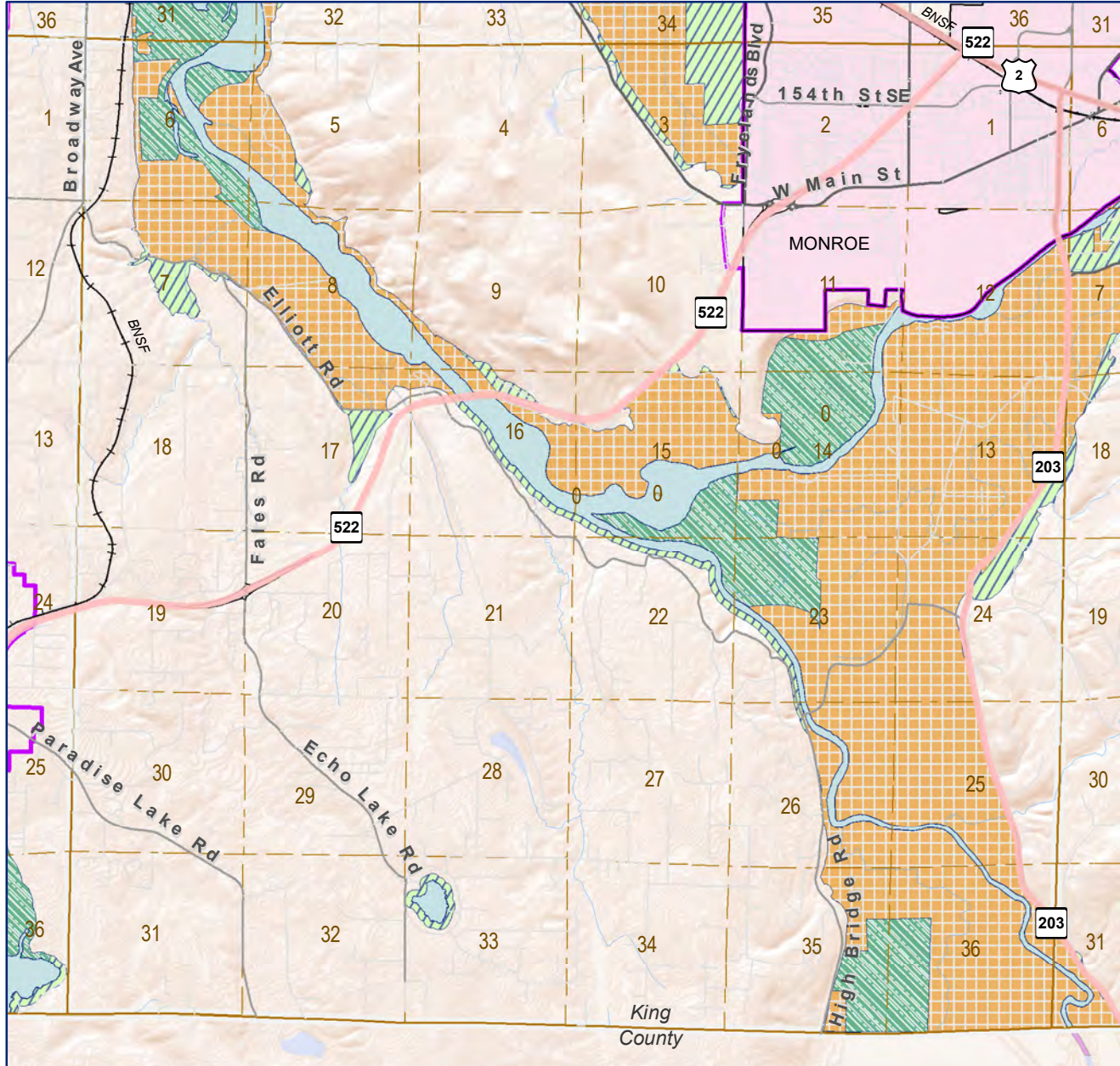
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**43 - T27N R06E**

Current Map Sheet Number



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# Shoreline Environment Designations

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24	25	26	27	28	29	30	31	
32	33	34	35	36	37	38	39	
40	41	42	43	44	45	46	47	

Areas of Limited or No Jurisdiction including Mount Baker Snoqualmie National Forest, Native American Lands, and Cities are Not Mapped in This Map Series.

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**44 - T27N R07E**

Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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 All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Scale in Miles



## DATA INFORMATION

The shoreline environment designations are adopted pursuant to SCC 30.67.210 as defined in Section 2.2 of the Shoreline Management Program. Section 2.2 of the Shoreline Management Program contains the designation criteria and management policies for each shoreline environment designation. This map series is for informational resources only. In case of a conflict between the designation criteria adopted pursuant to SCC 30.67.210 and the content of the maps, the designation criteria will overrule. Map inaccuracies such as unintentional omissions or inaccurate environment designation are interpreted pursuant to SCC 30.67.220(1). Unmapped shoreline jurisdiction within the boundaries of federal lands is designated pursuant to SCC 30.67.220(2).

## Shoreline Management Program Environment Designations

- Aquatic
- Municipal Watershed Utility
- Natural
- Resource
- Rural Conservancy
- Urban Conservancy
- Urban
- Native Indian Trust Land
- Urban Growth Area Boundary
- Tulalip Reservation Boundary

**Tulalip Indian Reservation Tidelands:** For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



**SMP Map Disclaimer:** This map is meant for illustrative purposes only. Data collection is an on-going process and the information shown should not be considered complete. This map is not intended for regulatory purposes as scale, accuracy and completeness are not adequate to determine regulatory implications at a site-specific level. Presence of environmental features and critical areas, as defined in the Growth Management Act, must be verified at the site specific level. These maps are intended to provide a generalized overview of the extent and distribution of key environmental features and critical areas throughout the county. This map represents the best available data at the time of publication.

### CURRENT MAP SHEET INDICATED IN RED

1	2	3	4	5	6	7	8	9
10	11	12	13	14				
15	16	17	18	19	20	21	22	23
	24	25	26	27	28	29	30	31
	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	

Areas of Limited or No Jurisdiction including Mount Baker Snoqualmie National Forest, Native American Lands, and Cities are Not Mapped in This Map Series.

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**45 - T27N R08E**  
 Current Map Sheet Number



MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



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## Shoreline Management Program Environment Designations

- Aquatic
  - Municipal Watershed Utility
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  - Resource
  - Rural Conservancy
  - Urban Conservancy
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  - Native Indian Trust Land
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  - Tulalip Reservation Boundary
- Tulalip Indian Reservation Tidelands: For the purposes of the Shoreline Management Act, the county will exercise jurisdictional authority on tidelands only where and to the extent that a legal description of a parcel owned by a non-tribal member includes those tidelands. For a discussion of Reservation tideland jurisdictional issues, see Section 2.5 of the SMP.



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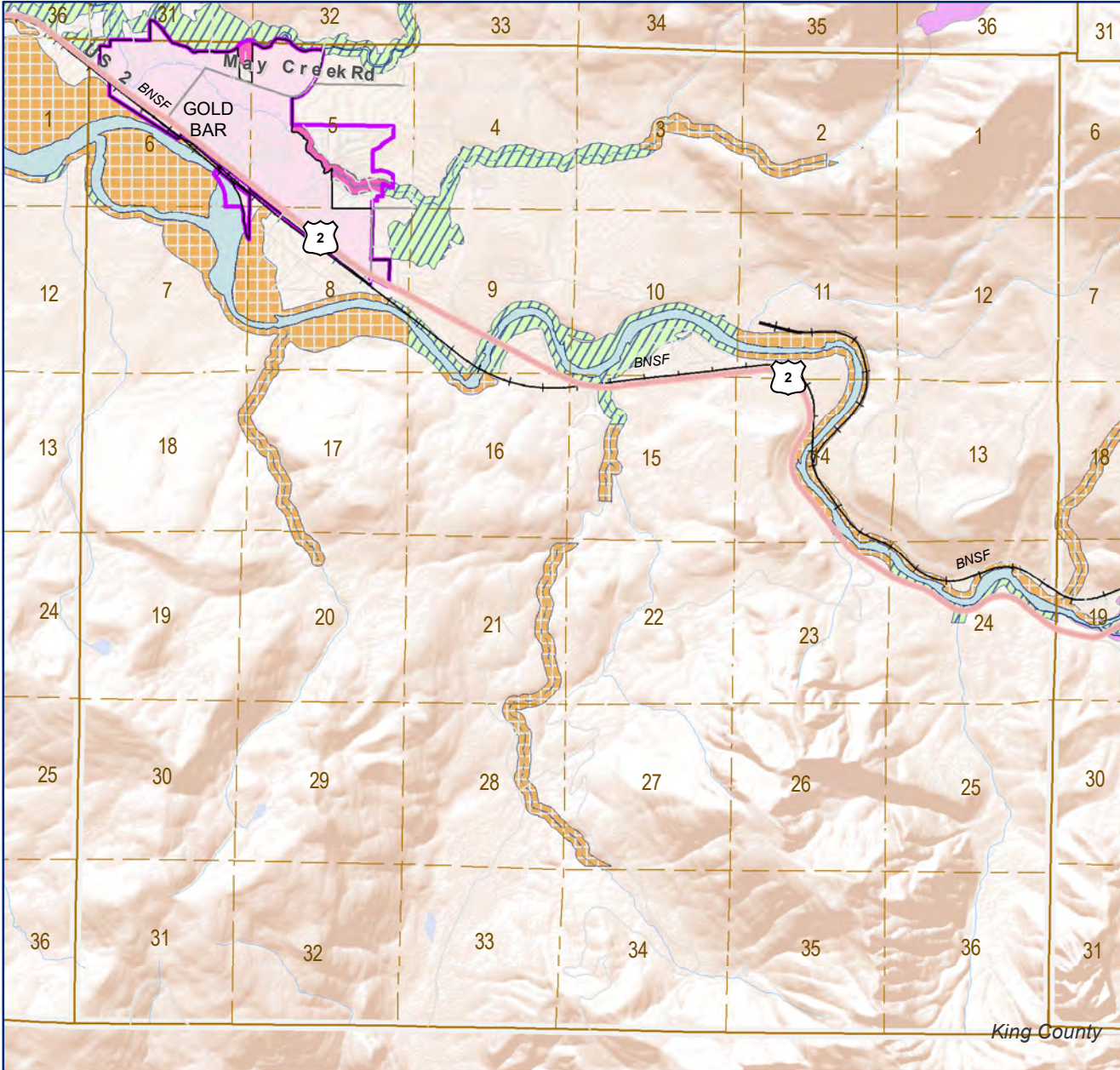
### CURRENT MAP SHEET INDICATED IN RED

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	24	25	26	27	28	29	30	31
	32	33	34	35	36	37	38	39
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**46 - T27N R09E**  
 Current Map Sheet Number





MAP LOCATIONS ARE APPROXIMATE. Data may be represented at scales where data may not be accurate.

# Shoreline Environment Designations

ADOPTED BY SNOHOMISH COUNTY COUNCIL [XX-XX-XXXX]  
 AMENDED ORDINANCE: 19-[XXX] ON [XX-XX-XXXX]  
 APPROVED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [XX-XX-XXXX]

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Scale in Miles



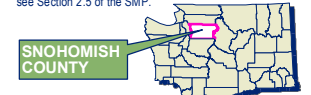
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### CURRENT MAP SHEET INDICATED IN RED

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*Areas of Limited or No Jurisdiction including Mount Baker, Snoqualmie National Forest, Native American Lands, and Cities are Not Mapped in This Map Series.*

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**47 - T27N R10E**

Current Map Sheet Number

