

SNOHOMISH COUNTY COUNCIL



AMENDED ORDINANCE NO. 93-036
AMENDING SNOHOMISH COUNTY
SHORELINE MANAGEMENT MASTER PROGRAM
RELATING TO DEFINITIONS AND SPECIAL USE ACTIVITIES
AND REGULATIONS AND RELATED AMENDMENTS TO
SNOHOMISH COUNTY CODE TITLE 21

BE IT ORDAINED:

Section 1. That the Snohomish County Shoreline Management Master Program, USER'S GUIDE, Section C, Use Activity Policies, Page C-1, adopted September 30, 1974, is amended to read:

Use Activity Policies address each of the activities enumerated in WAC 173-16-060 and are intended to establish county-wide policies for the conduct of each such activity.

Special Use Activity Policies and Regulations have been added to the Master Program to update and make the program consistent with more advanced technology and with other local, state and federal regulations. The Special Use Activity Policies and Regulations include:

Water Quality
Vegetation Management
Public Access

The Special Use Activity Policies and Regulations will apply universally to all SMMP activities. Additional Special Use Activity Policies and Regulations may be included as needed.

Section 2. That the Snohomish County Shoreline Management Master Program, Master Program Elements, Section D, Policy 10, Page D-3, adopted September 30, 1974, is amended to read:

10. Implement a management system which will plan for a permit all reasonable and appropriate uses by providing a system of priorities. Those priorities will be established for each designated environment using the following criteria:

- a. Protection and enhancement of natural areas or systems
- those identified as containing or having unique geological, ecological or biological significance;

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- 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 Shoreline Management Master Program and the Shoreline Management Act. Nonwater-oriented uses have little or no relationship to the shoreline and are not considered priority uses under the SMMP 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;
- ((d)) 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;
- g. Prohibited uses - those uses which have no relation to the water and whose operation is intrinsically harmful to the shoreline.

Section 3. That the Snohomish County Shoreline Management Master Program, Shoreline Planning Environments, Section E, Natural Environment, Designation Criteria B.2., Page E-12, adopted September 30, 1974, is amended to read:

- 2. A significant fish and wildlife habitat for threatened, candidate, or sensitive (~~diminishing~~) species.¹

Section 4. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activities, Section F - Policies and Regulations - Introduction, last amended by Ord. No. 88-075 adopted October 12, 1988, is amended to read:

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SHORELINE USE ACTIVITIES - POLICIES AND REGULATIONS - INTRODUCTION

The Shoreline Management Act Final Guidelines have established ((21 sets of)) Shoreline Use Activities which are to be included within local government shoreline master programs. These use activity categories consist of specific uses or groups of similar uses which are characteristic of the shoreline corridor. They have been formulated as implementing tools to assist in carrying out the intent and policy of the master program and the Shoreline Management Act. The policies and regulations developed for each use activity category are intended to serve as the primary set of criteria for evaluating proposed developments and alterations to the shoreline environment.

The Use Regulations supplement, but do not duplicate, specific requirements of other county land use regulations. For example, flood-proofing considerations are not addressed here since they are effectively covered by both state and county laws. In essence, the Use Regulations address those Shoreline Management issues which are not effectively provided for by existing federal, state, or county regulations and which must be provided for if the adopted goals and policies of this Master Program are to be implemented.

Unidentified Use Activities

Shoreline use activities not specifically identified and for which policies and regulations have not been developed are conditional uses.

Use Activity - Shoreline Environment Compatibility Matrix

A use activity - shoreline environment compatibility matrix has been developed to graphically portray in very general terms the relationship between the various use activities and the shoreline environments, established by the use regulations. (See Table on page F-3). This compatibility matrix reflects the attempt of the use activity regulations to allow all reasonable and appropriate uses while imposing the regulatory control necessary to insure preservation of the integrity of the natural systems and natural environment of the shoreline area in which they intend to locate. Additional concerns incorporated into the use regulations and reflected in the compatibility matrix included, but were not limited to: long term benefits, view enhancement and protection, aesthetic considerations, and recreation needs.

Use of the Regulations

Use Activity Regulations are a requirement of the Master Program. It is the regulations that provide the legal assurance of what will be required of any development located within a shoreline area. These regulations are directly supportive of the adopted pol-

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icies for each environment and use activity. In the development of the regulations, the special character of each environment has been recognized; the regulations seek to reflect and preserve that character wherever appropriate. To this end, most Use Activities have six (6) regulation sections. In each case, the first section contains regulations of general applicability in all environments where the use is allowed. The succeeding five (5) sections contain those additional regulations that are required for the conduct of an activity in each of the five (5) environments: Urban, Suburban, Rural, Conservancy, and Natural.

Three types of activities do not have specific regulation sections and appear as a separate policy section of the SMMP. They serve as an overlay on all use activities, and are: Public Access, Vegetation Management, and Water Quality.

The Compatibility Matrix on the next page uses the following symbols:

- 0 Use permitted in the environment subject to regulatory controls
- X Use prohibited in the environment
- ^ Use permitted as a Conditional Use in the environment
- * See regulations for special circumstances

Section 5. That the Snohomish County Shoreline Management Master Program, Section F - Use Activity/Compatibility Matrix, adopted September 30, 1974, is amended to read:

COMPATIBILITY MATRIX

(Allowable Uses)

<u>USE ACTIVITY</u>	<u>URBAN</u>	<u>SUBURBAN</u>	<u>RURAL</u>	<u>CONSERVANCY</u>	<u>NATURAL</u>
Agriculture	*	*	*	*	*
Aquaculture	0	0	0	0	^
Beach Enhancement	0	0	0	^	X
Boating Facilities (includes marinas)	0	*	0	*	*
Breakwaters	0	0	0	*	X
Bulkheads	0	0	0	*	X
Commercial Development	0	*	*	*	X
Dredging	0	0	0	*	X
Forest Management Practices	^	^	0	0	*

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Jetties and Groins	0	0	0	*	X
Landfill and Solid Waste Disposal	*	*	*	*	X
Mining	0	X	0	*	X
Ports and Water Related Industry	0	X	^*	^*	X
Recreation	0	0	0	0	0
Residential Development	0	0	0	*	X
Roads and Railroads	0	*	*	*	X
Shoreline Stabilization and Flood Protection	0	0	0	0	^
Signs	0	0	0	0	*
Utilities	0	0	0	0	*

NEW SECTION. Section 6. That a new section is added to the Snohomish County Shoreline Management Master Program, Substantial Development Permits, Variances and Conditional Uses, Section F, to read:

C. NONCONFORMING DEVELOPMENT STANDARDS

The following standards apply to nonconforming development, which is defined as a shoreline use or structure which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Snohomish County Shoreline Management Master Program, or amendments thereto, but which does not conform to present regulations or standards of the program or policies of the Act.

- 1. Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity.**
- 2. A nonconforming development which is moved any distance must be brought into conformance with the SMMP and the Act.**
- 3. If a nonconforming development is damaged to an extent not exceeding seventy-five percent replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage.**

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4. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.
5. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed.
6. An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the Act or the SMMP but which does not conform to the present lot size or density standards may be developed so long as such development conforms to other requirements of the SMMP and the Act.

Section 7. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Agriculture, adopted September 30, 1974, is amended to read:

AGRICULTURE

INTRODUCTION

Agriculture (~~ural practices are these~~) refers to all methods (~~(used in)~~) of livestock, crop, vegetation and soil management (~~(such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization)~~). These include but are not necessarily limited to the related activities of tilling, fertilizer application, soil preparation and maintenance, harvesting and the control of weeds, plant diseases and insect pests. Also included are animal husbandry practices associated with the feeding, housing, maintenance and marketing of animals such as beef cattle, milk cows, breeding stock, horses and poultry and their by-products. Facilities contained within this category include, but are not limited to, storage, feed lots, fences and ditches. Also included is local or minor farm product processing as contained in the zoning code, Title 18, SCC.

Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in the fragile shoreline areas. Also large quantities of mineral and organic sediments enter water bodies through surface erosion when proper land management techniques are not utilized. These policies and regulations are especially important in Snohomish County because agriculture constitutes the primary use by land area of the County's human modified shoreline areas. Uses and activities associated with agri-

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culture which are identified as separate use activities in this program, such as Commercial Development, Ports and Industry, and Shoreline Stabilization and Flood Protection, are subject to the regulations established for those uses in addition to the standards established in this section.

POLICIES

1. 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.
2. 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 so that water area will not be polluted.
3. Encourage the use of erosion control measures, in conformance with standards established by the Soil Conservation Service, U.S. Department of Agriculture.
4. In the planning and construction of manure lagoons and livestock flood sanctuaries, adjacent farms should be encouraged to combine plans and construction.

REGULATIONS

General

1. Buffer zones of permanent, native vegetation or other suitable soil erosion control methods shall be established and maintained between associated water bodies and tilled or grazed areas, manure lagoons, and livestock flood sanctuaries. The type and extent of buffers or methods shall be determined on a case-by-case basis and shall be of a width and character sufficient to retard surface runoff and reduce siltation.

Manure Lagoons and Associated Permanent Transmission Systems

2. Manure lagoons shall be designed, constructed and operated to county, Department of Ecology, U.S. Soil Conservation Service, and U.S. Environmental Protection Agency standards.
3. Manure lagoons may not be built within a marsh, bog or swamp unless all of the following conditions apply:
 1. The marsh, bog or swamp had been converted to agriculture use prior to (date of adoption of this amendment);

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2. No other location is available that is not a marsh, bog or swamp; and

3. Full mitigation is provided to replace the functions of the marsh, bog or swamp.

Unless the above conditions apply, the toe of the dike of a manure lagoon shall be set back from water bodies used for recreation as much as possible, and at a minimum ((Manure lagoons)) shall maintain a 30 foot setback from any water body, river, creek, marsh, bog or swamp.

4. Manure lagoons shall comply with all other county regulations, including but not limited to grading provisions of Title 17 SCC and flood hazard provisions of Title 27 SCC. (~~meet the requirements of Chapter 86.16 RCW Flood Control Zone and Title 27 SCC, Regulations for Development in Special Flood Hazard Areas.~~)
5. Elevation of the top of the dike of manure lagoons shall be determined according to standards established by the Soil Conservation Service (SCS) and Department of Ecology (DOE). When located within the floodplain, manure lagoons shall be elevated one foot above the one-hundred year flood level, or as close to such height as is feasible and consistent with SCS and DOE design standards. (~~The sides of manure lagoons shall be elevated to one foot above the base flood level occurring at the site.~~)
6. Manure lagoons of earthen construction shall be mulched and/or seeded with grass on all exterior faces, and vegetation shall be maintained to prevent erosion or slippage.
7. If environmental review has shown that there are adverse unmitigated impacts related to ground and/or surface water contamination, habitat, wildlife, recreational uses, public access, and/or aesthetics, then setbacks greater than minimum and/or additional mitigations may be required.
8. Permanent pipelines for transmission of manure shall be properly supported and utilize a single piece of pipe or double piping when crossing water bodies.

Livestock Flood Sanctuaries

9. 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.
10. The maximum size of the mounds shall not exceed 50 square feet per animal unit (1000 lb.) plus the area created by add-

ing a ramp of fourteen feet of width along two sides to be used for farm vehicle access. An additional area no greater than 25% of the calculated area will be allowed in order to accommodate future herd growth.

11. 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 floodplains, mounds shall be oriented to the flow.
12. Mounds shall be constructed using noncompressive material (as defined in the USDA Soil Conservation Service standards for such mounds) that is obtained from an approved borrow site.
13. Site preparation and mound construction and maintenance practices shall be conducted according to the recommendations of the Soil Conservation Service or best management practices approved by Snohomish County.
14. Mounds shall comply with all other county regulations, including but not limited to grading provisions of Title 17 SCC and flood hazard provisions of Title 27 SCC.

Natural Environment

1. Only passive agricultural uses such as pasture and grazing lands shall be permitted in the natural environment PROVIDED that no clearing, construction, or other operations which measurably change the character of the environment occur.
2. Manure lagoons and their permanent transmission systems are prohibited in the Natural Environment.
3. Livestock flood sanctuaries are prohibited in the Natural Environment

Conservancy Environment

1. Agricultural uses shall be permitted in the Conservancy Environment PROVIDED that no construction which substantially changes the character of the environment occurs except as otherwise provided in this Master Program.
2. Manure lagoons and their permanent transmission systems are permitted in the Conservancy Environment only upon issuance of a conditional use permit.
3. Livestock flood sanctuaries are permitted in the Conservancy Environment only upon issuance of a conditional use permit.

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Rural Environment

1. Agriculture is permitted in the Rural Environment subject to the General Regulations.
2. Manure lagoons and their permanent transmission systems are permitted in the Rural Environment subject to the General Regulations.
3. Livestock flood sanctuaries are permitted in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Agriculture is permitted in the Suburban Environment subject to the General Regulations.
2. Manure lagoons and their permanent transmission systems are permitted in the Suburban Environment only upon issuance of a conditional use permit.
3. Livestock flood sanctuaries are permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Agriculture is permitted in the Urban Environment subject to the General Regulations.
2. Manure lagoons and their permanent transmission systems are permitted in the Urban Environment only upon issuance of a conditional use permit.
3. Livestock flood sanctuaries are permitted in the Urban Environment subject to the General Regulations.

NEW SECTION. Section 8. That a new section is added to the Snohomish County Shoreline Management Master Program, Shoreline Use Activities, Section F - Beach and Stream Enhancement, to read:

BEACH AND STREAM ENHANCEMENT

INTRODUCTION

Beach and stream enhancement consists of the upgrading of shorelines for the purposes of recreation, aquatic habitat restoration, or both. The materials used depend on the proposed use. For recreation purposes, various grades of clean sand or pea gravel are often used to create a beach. Native materials and vegetation, and occasionally combinations of other appropriate

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materials (for example, concrete weirs), may be used to enhance a beach or stream for habitat purposes. Beach and stream enhancement may occur above and below the water line. Activities which are actually Landfill or Shoreline Stabilization are governed under their respective sections elsewhere in this document.

POLICIES

1. All beach and stream enhancement projects should ensure that aquatic habitats, water quality, flood conveyance, and flood storage capacity are not degraded by the action.
2. Beach Restoration/Enhancement. Require the design and use of naturally regenerating systems for prevention and control of beach erosion over bulkheads and other structures where:
 - a. The length and configuration of the beach will accommodate such systems;
 - b. Such protection is a reasonable solution to the needs of the specific site; and
 - c. Beach restoration/enhancement will accomplish one or more of the following objectives:
 1. Recreate or enhance shoreline conditions;
 2. Create or enhance natural habitat;
 3. Reverse otherwise erosional conditions;
 4. Enhance access to the shoreline, especially to public shorelines.
3. Stream Restoration/Enhancement. Permit stream enhancement projects where:
 - a. The length and configuration of the stream will accommodate such systems;
 - b. Such protection is a reasonable solution to the needs of the specific site; and
 - c. Stream restoration/enhancement will accomplish one or more of the following objectives:
 1. Recreate or enhance natural stream conditions;
 2. Create or enhance natural habitat;
 3. Reverse otherwise erosional conditions;

4. Enhance access to the shoreline, especially to public shorelines.

4. Require soil bioengineering or other combination of live woody vegetation and natural or specially developed synthetic materials for bank stabilization at the project site and adjacent sites which would be affected by the beach or stream enhancement.

5. All beach and stream enhancement or restoration projects should comply with design standards required by the State Hydraulics Code and Hydraulic Project Approval and Snohomish County.

REGULATIONS

1. Beach enhancement, including enhancement conducted for the purpose of providing public access, may be permitted when the applicant has demonstrated that no significant change in littoral drift will result which will adversely affect adjacent properties or habitat.

2. Natural Beach Restoration/Enhancement

a. Design Alternatives. Design alternatives shall include the best available technology such as, but not limited to:

1. Gravel berms, drift sills, beach nourishment, and beach enhancement when appropriate;
2. Planting with short-term mechanical assistance, when appropriate. All plantings provided shall be maintained for a minimum of one entire growing season.

b. Design Criteria. Natural beach restoration/enhancement shall not:

1. Detrimentially interrupt littoral drift, or redirect waves, current or sediments to other shorelines;
2. Result in any exposed groin-like structures; Provided: small "drift sill" groins may be used as a means of stabilizing restored sediment where part of a well planned beach restoration program;
3. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
4. Result in contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments;

5. Create "additional dry land mass"; and
6. Disturb significant amounts of valuable shallow water fish/wildlife habitat, unless such habitat is replaced within the earliest appropriate season by new habitat that is comparable or better.

c. Natural Beach Restoration Construction Standards.

1. The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake or wave action at the site.
2. The restored beach shall approximate the natural beach width, height, bulk or profile.

3. Stream Restoration/Enhancement

a. Design Alternatives. Design alternatives shall include the best available technology such as, but not limited to:

1. Streamside stabilization through bioengineering, fish screens, fish passage obstruction removal, fishways, and stream channel improvements where appropriate.
2. Planting with short-term mechanical assistance, when appropriate. All plantings provided shall be maintained for a minimum of three years.

b. Design Criteria. Stream restoration/enhancement shall not:

1. Create passage barriers for migrating fish;
2. Remove more than the minimum existing imbedded organic debris;
3. Alter the natural stream more than the minimum amount necessary to achieve the desired restoration or enhancement;
4. Disturb significant amounts of valuable fish/wildlife habitat, unless such habitat is immediately replaced by new habitat that is comparable or better.

c. Stream Restoration Construction Standards.

1. The size and/or mix of new materials to be added to a stream shall be as similar as possible to that of the

natural materials, but large enough to resist normal current, wake or wave action at the site.

2. The restored stream shall approximate the natural stream hydrology, geometry and flow.

4. All shoreline modification activities such as Beach and Stream Enhancement must be in support of an allowable shoreline use that is in conformance with the provisions of this master program. All shoreline modification activities not in support of a conforming allowable use are prohibited. Exception: Shoreline stabilization may be allowed as a shoreline use providing it can be demonstrated that such activities are necessary for the maintenance of shoreline stability and natural ecology.

Prohibited

1. Beach enhancement is prohibited within spawning, nesting or breeding habitat and also where littoral drift of the enhancement materials adversely affect adjacent spawning grounds or other areas of biological significance.
2. Beach and stream enhancement is prohibited if it interferes with the normal public use of the navigable waters of the state.
3. Beach and stream enhancement may not be used solely for the purpose of creating new land area.

Natural Environment

1. Beach and stream enhancement is permitted as a conditional use in the Natural Environment, subject to the General Regulations.

Conservancy Environment

1. Beach and stream enhancement is permitted in the Conservancy Environment, subject to the General Regulations.

Rural Environment

1. Beach and stream enhancement is permitted in the Rural Environment, subject to the General Regulations.

Suburban Environment

1. Beach and stream enhancement is permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Beach and stream enhancement is permitted in the Urban Environment subject to the General Regulations.

Section 9. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Marinas and Piers, adopted September 30, 1974, is amended to read:

((MARINAS)) BOATING FACILITIES

INTRODUCTION

Boating facilities include marinas, boat launch ramps, covered moorage, boat houses, mooring buoys and piers and docks. Refer to Definitions section for definitions. ~~((Marinas are facilities which provide boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas: the open-type construction (floating breakwater and/or open pile work) and solid-type construction (bulkhead and/or landfill).))~~ Depending upon the type of construction, boating facilities can ~~((marinas))~~ affect fish and shellfish habitat, wildlife habitat, and natural shore processes.

Piers and docks are structures which abut the shoreline and are used as a landing or moorage place for commercial and pleasure craft. Piers are built on fixed platforms above the water, while docks float upon the water. Piers and docks are utilized for commercial, industrial and recreational purposes, or may serve several uses. ~~((A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes.))~~

While floating docks generally create less of a visual impact than those on piling, they constitute an impediment to boat traffic and shoreline trolling. Floating docks can also alter beach sand patterns in areas where tides and littoral drift are significant. On lakes, a proliferation of piers along the shore can have the effect of substantially reducing the usable water surface.

POLICIES

1. The location, design, construction and operation of boating facilities should endeavor to minimize any adverse effects on priority habitats, fish and shellfish resources, and the adjacent areas.
2. Shallow-water embayments with poor flushing action should not be used for overnight and long-term moorage facilities.

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3. Encourage provision of multiple use in boating facility design.
4. Locate boating facilities where they do not infringe on accretion beaches.
5. Encourage the use of floating docks in those areas where pile piers would obstruct views and to prevent conflicts with recreational users.
6. Encourage the use of open-pile piers where there is significant littoral drift and where scenic values will not be impaired.
7. Give priority to the use of community piers and docks in all new waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks.
8. Encourage cooperative use of piers and docks as a means of reducing the proliferation of single-purpose private piers and docks.
9. 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 docking facilities.

REGULATIONS

General

1. Boating facilities shall make use of the natural site configuration to the greatest extent possible.
2. Landfill, when utilized, shall be only for necessary water dependent portions of the boating facilities and not for parking, unless no alternatives exist and such fill would be consistent with this program and the public interest.
3. Marinas shall provide for at least one method of boat launching as an integral part of the facility.
4. All boating facilities shall meet federal, state and local health and water quality standards in regard to any wastes generated at the facility.
5. Oil and gas handling systems shall be designed in accordance with federal and state laws and regulations.
6. Surface runoff shall be controlled in accordance with federal, state and local water quality and storm drainage laws and regulations.

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7. All marinas shall include landscaping pursuant to a landscaping plan to be submitted and approved as a part of the Substantial Development permit process.
8. All boating facilities shall meet standards required by the State Hydraulics Code and Hydraulic Project Approval.
9. Skirting is prohibited around piers, docks, floats and wharfs.

Marine Waterfront Facilities

10. No marina or boat launching facility shall be built on any Class I beach, as defined in the Snohomish County Inventory Summary.
11. No marina shall be built within 1/2 mile of any outfall of primary treated domestic or industrial sewage or waste.
12. Marinas involving fill of wetland areas shall be located in conjunction with designated spoil disposal areas and shall not fill wetlands for the sole purpose of marina construction.
13. Public shore breakwaters, where safe and feasible, shall be so constructed that public access along the top of the breakwater is possible and encouraged.
14. When located in designated port areas, marinas shall not extend seaward of the pierhead line.
15. When located in other than designated port areas, marinas shall be designed and constructed so that littoral drift shall not be detrimentally affected.

Lakeside Boating Facilities

16. No overwater structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting overwater structures along the same shoreline and within three hundred (300) feet of the parcels on which proposed. Where no such preexisting structures exist within three hundred (300) feet, the pier length shall not exceed fifty (50) feet.
17. Lakeside boating facilities shall be designed to blend visually with all surrounding land uses.

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Riverfront Boating Facilities

18. No marina shall be located closer than 1/2 mile downstream from any outfall of primary treated domestic or industrial waste or sewage.
19. Marinas located in floodplains shall have all berths so designed that they can rise and fall safely with flood waters.
20. No boating facilities shall extend into the river in such a manner as to impede navigation or create any navigation hazard.
21. Boating facilities shall not deflect river currents such that adverse impacts would occur.

Boat Launches

22. Launch ramps proposed to be located on marine or riverine accretion shoreforms (such as barrier beaches, points, spits, hooks) shall be allowed only if there will be no impact to the functioning of the shoreform.
23. Where launch ramps are permitted, parking and shuttle areas shall not be located on accretion shoreforms which have high value for general shore recreation.
24. Launch ramps may be permitted on stable nonerosional banks, where no or a minimum number of current deflectors or other stabilization structures will be necessary.
25. Boat launch ramps may be permitted for individual residences where the upland slope within twenty-five (25) feet of the ordinary high water mark (OHWM) does not exceed twenty-five (25) percent and/or where substantial cutting, grading, filling or defense works are not necessary.
26. Boat launching ramps, minor accessory buildings and haul out facilities shall be designed to be in character and scale with the surrounding shoreline.
27. Ramp structures shall be built from flexible, hinge-segmented pads which can adapt to changes in beach profiles unless a solid structure is demonstrated to be more appropriate for the intended level of use.
28. Ramps shall be placed and maintained near flush with the foreshore slope to minimize the interruption of geo-hydraulic processes.
29. Boat launching ramps shall be designed so that surface water runoff from adjacent parking, driveway, or road surfaces does

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not drain directly into the water body without water quality treatment.

Piers and Docks

30((1)). Noncommercial piers and docks shall be regulated as to size by Section 18.32.040 (B) (3) of the Snohomish County Zoning Code, and Appendix 1 on page L-1-1.

31((2)). A single, joint-use pier or dock (~~moorage facility~~) shall be required of all new subdivisions, motels, and multi-family residences if any piers or docks are proposed.

32((3)). Joint-use piers and docks shall be preferred for commercial and industrial enterprises in close proximity to each other.

33((4)). Moorage buoys shall be preferred over piers and docks on all tidal water, EXCEPT for port, industrial and commercial developments in the Urban Environment.

Natural Environment

1. Marinas and boat launching facilities are prohibited in the Natural Environment.

2((1)). Piers, docks, and other permanent moorages shall not be permitted in the Natural Environment. Floating walkways or other similar over water pedestrian structures facilitating access to observation point or viewing areas shall be permitted providing they are constructed to minimize alteration of natural conditions.

Conservancy Environment

1. Marinas are prohibited in the Conservancy Environment on lakes and rivers; boat launching facilities are a conditional use in such areas.

2. Marinas and boat launching facilities are a conditional use in the Conservancy Environment on marine waterfront.

3. Parking for boat launching facilities must be located at least 50 feet from the shoreline. Perimeters of parking areas must be landscaped, preferably with appropriate native vegetation so as to be not visible from the water. The permit application must identify where landscaping is to be placed and of what it will consist. Landscaping shall be installed within one (1) year of commencement of construction.

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4. Structures for accessory uses which are not strictly shoreline dependent shall not be located over water.
- ~~51.~~ Piers and docks shall be permitted in the Conservancy Environment of lakes and rivers only as a conditional use.
- ~~62.~~ Piers and docks on marine shorelines in the Conservancy Environment shall be permitted subject to the General Regulations.

Rural Environment

1. Marinas are permitted in the Rural Environment subject to the General Regulations.
2. Parking for boat launching facilities must be located at least 25 feet from the shoreline. Perimeters of parking areas must be landscaped, preferably with appropriate native vegetation, so as to be not visible from the water. The permit application must identify where landscaping is to be placed and of what it will consist. Landscaping shall be installed within one (1) year of commencement of construction.
3. Structures for accessory uses which are not strictly shoreline dependent shall not be located over water.
- ~~41.~~ Piers and docks shall be allowed in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Marinas and boat launching facilities are permitted in the Suburban Environment upon the issuance of a conditional use permit.
- ~~21.~~ Piers and docks shall be allowed in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Marinas are permitted in the Urban Environment subject to the General Regulations.
2. Perimeters of parking areas must be landscaped, preferably with appropriate native vegetation, so as to be not visible from the water. The permit application must identify where landscaping is to be placed and of what it will consist. Landscaping shall be installed within one (1) year of commencement of construction.
- ~~31.~~ Piers and docks shall be allowed in the Urban Environment subject to the General Regulations.

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Section 10. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F- Bulkheads, adopted September 30, 1974, is amended to read:

BULKHEADS

INTRODUCTION

Bulkheads or seawalls are structures erected parallel to and near the high water mark for the purpose of protecting adjacent uplands from the action of waves or currents. Bulkheads are constructed of steel, timber or concrete piling, and may be either of solid or open-piling construction. For ocean exposed locations, bulkheads do not provide a long lived permanent solution, because eventually a more substantial wall is required as the beach continues to recede and layer waves reach the structure.

While bulkheads and seawalls may protect the uplands, they do not protect the adjacent beaches, and in many cases, are actually detrimental to the beaches by speeding up the erosion of the sand in front of the structures. In general, alternative methods of shoreline stabilization, such as soil bioengineering, are preferable to bulkheads on streams, lake and beaches.

The following policies and regulations apply to the construction of bulkheads and seawalls designed to protect the immediate upland area. Proposals for landfill must comply with the policies and regulations for that specific activity.

POLICIES

1. Permit the construction of bulkheads only when other methods of shoreline protection are not feasible.
2. Locate and construct bulkheads and seawalls in a manner which will not result in adverse effects on nearby beaches and will minimize alterations of the natural shoreline.
3. Locate, design and construct bulkheads and seawalls in such a way as to minimize damage to fish and shellfish habitats.
4. Minimize (~~Carefully consider~~) the effect of a proposed bulkhead on public access to publicly owned shorelines.
5. When possible, design bulkheads and seawalls to blend in with the surroundings and to not detract from the aesthetic qualities of the shoreline.
6. Permit the construction of bulkheads only where they provide protection to upland areas or facilities, not for the indi-

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rect purpose of creating land by filling behind the bulkhead, except as covered in the use activities pertaining to landfill.

7. Restrict bulkheads on feeder bluffs except where danger to existing development exists.

REGULATIONS

General

1. Bulkheads shall be allowed only when other methods of shoreline protection are not feasible and when evidence is presented that one of the following conditions exists:
 - a. Serious erosion is threatening an established use on the subject property;
 - b. A bulkhead is necessary to stabilize an existing beach condition;
 - c. A bulkhead is the preferred method of stabilizing a landfill allowed by this program.
 - d. There is a demonstrated need in connection with water dependent or water related commerce and industry in appropriate environments.
2. Bulkheads will not be permitted in conjunction with new projects when other design alternatives, not requiring the use of bulkheads, are practicable.
3. Applications for bulkheads shall include the following (at a minimum):
 - a. Type of construction;
 - b. Elevation of the toe and crest of the bulkhead with respect to water levels.
 - c. Purpose of bulkhead;
 - d. Direction of net longshore drift (when appropriate);
 - e. Normal, low and high water elevations (when appropriate).
4. Bulkheads on Class I marine beaches (as defined in the Snohomish. Co. Shoreline Inventory Summary) shall be located at least 20 feet landward of the ordinary high water mark.

5. Bulkheading of marine feeder bluffs shall be prohibited EXCEPT where such bulkheading is necessary to protect existing development.
6. Bulkheads shall conform to all design and other legal requirements of the State Hydraulics Code and Hydraulic Project Approval. (~~Bulkheads shall conform to all design requirements of the State Department of Fisheries.~~)
7. The cumulative effects of multiple requests for bulkheads along segments of shoreline shall be evaluated by county staff and if necessary mitigated according to the provisions of the State Environmental Policy Act.

Natural Environment

1. Bulkheads are not permitted in the Natural Environment.

Conservancy Environment

1. Bulkheads are not permitted in the Conservancy Environment on lakes and rivers.
2. Bulkheads are permitted in the Conservancy Environment on marine shorelines subject to the General Regulations.

Rural Environment

1. Bulkheads are permitted in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Bulkheads are permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Bulkheads are permitted in the Urban Environment subject to the General Regulations

Section 11. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Commercial Development, last amended by Ord. 83-055, adopted May 23, 1983, is amended to read:

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COMMERCIAL DEVELOPMENT

INTRODUCTION

Commercial developments are those uses which are involved in wholesale and retail trade or business activities and shall include business parks. Commercial developments range from small businesses within residences, to high-rise office buildings. Commercial developments are intensive users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them. (Sec. 3 or Ord. 83-055 adopted May 23, 1983)

POLICIES

1. Ensure that new commercial development located in shoreline areas emphasizes those uses which are water-oriented uses and activities. ~~Commercial development should have water front dependency as previously stated in the Goals for Economic Development.~~
2. Strongly encourage new commercial developments on shorelines to locate in those areas where current commercial uses exist.
3. In order to minimize adverse impact, ensure that adequate assessment be made of and consideration given to, the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.
4. Require that parking facilities minimize their visual impact on the shorelines, and where possible be placed inland away from the immediate water's edge and recreational beaches, EXCEPT when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate orientation would have less adverse impact on the shoreline.
5. Encourage commercial developments that abut the water's edge to provide physical and/or visual access to the shoreline where appropriate.
6. Ensure that all commercial development respect natural systems.

REGULATIONS

General

1. New commercial development located in shoreline areas shall emphasize those uses which are water-oriented uses and activities as defined herein. Commercial development in shoreline

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areas should be encouraged in descending order of preference as follows:

- a. Water-dependent uses
- b. Water-related uses
- c. Water-enjoyment uses

2. Nonwater-oriented commercial uses in shoreline areas may be permitted as a conditional use.

3. Applications for commercial development shall include a detailed statement explaining the nature and intensity of water orientation of the proposed activity. Such statement shall include (at a minimum) the following:

- a. Nature of the commercial activity;
- b. Need for shoreline frontage (where appropriate);
- c. Special considerations being planned to enhance the relationship of the activity to the shoreline;
- d. Provisions for public visual and/or physical access to the shoreline.

4((2)). Signs associated with commercial developments shall meet the regulations specified under "Signs".

5((3)). Parking associated with commercial developments shall meet the regulations specified under "Roads and Railroads."

6((4)). ~~Overwater construction and landfill shall be prohibited except as provided for herein.~~ Construction and landfill consisting of clean fill and not to include solid waste, over or into water bodies, marshes, bogs or swamps to facilitate a water-dependent use or enhance public access may be allowed as a conditional use, provided the proposed project will supply equivalent replacement of habitat and/or hydrological function of the subject water body or watershed.

7. To facilitate a nonwater-dependent use, construction and landfill consisting of clean fill and not to include solid waste, over or into water bodies, marshes, bogs or swamps may be allowed as a conditional use provided the applicant can demonstrate that there is no other alternative to said fill, and that the proposed project will improve the habitat and/or hydrological function of the subject water body or watershed.

Natural Environment

1. Commercial development is prohibited in the Natural Environment.

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Conservancy Environment

1. Commercial development shall be prohibited on conservancy shorelines EXCEPT for those low intensity recreational developments which do not substantially change the character of the Conservancy Environment.
2. Any commercial structure, except one which requires or is dependent on direct, contiguous access to the water, shall be set back from the ordinary high water mark by a minimum of 100 feet. The removal of natural vegetation and the alteration of topography shall be kept to a minimum. The need for such activities shall be documented in the permit application.

Rural Environment

1. Commercial development or activity shall be prohibited on rural shorelines EXCEPT for those developments or activities which do not substantially change the character of that environment. Such developments may include: restaurants, campgrounds, group camps, and similar recreational facilities; craft or antique stores and the like; hunting and fishing and other private club structures; game preserves and private parks; museums and limited commercial activities in historical structures (~~and commercial uses in restoration or historical structures~~); and farm produce sales.
2. Any commercial structure or facility, except one which requires or is dependent on direct, contiguous access to the water, shall be set back from the ordinary high water mark by a minimum of one hundred (100) (~~fifty (50)~~) feet. The removal of natural vegetation and the alteration of topography shall be kept to a minimum. The need for such activities shall be documented in the permit application.

Suburban Environment

1. Commercial development shall be compatible in size, scale and intensity with the majority of existing adjacent shoreline uses. Uses shall reflect the Neighborhood Business provisions of the Zoning Code 18.12.030(5)(a) SCC. (~~prohibited within the Suburban Environment EXCEPT those development which are of a neighborhood-serving orientation. Such developments may include: restaurants, neighborhood retail stores, and grocery stores.~~)
2. Any commercial structure or facility, except one which requires or is dependent on direct, contiguous access to the water, shall be set back from the ordinary high water mark by a minimum of one hundred (100) (~~fifty (50)~~) feet. The removal of natural vegetation and the alteration of topogra-

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phy shall be kept to a minimum. The need for such activities shall be documented in the permit application.

Urban Environment

1. Any commercial structure or facility, except one which requires or is dependent on direct, contiguous access to the water, shall be set back from the ordinary high water mark by a minimum of twenty-five (25) (~~ten (10)~~) feet, except setbacks for North Creek shall conform to Section 3(b) of the Environmental Designation Map Descriptions at page E-19. (Sec. 3 or Ord. 83-055 adopted May 23, 1983)
2. Commercial development may be located on landfill or over water PROVIDED that such development must require or be dependent on direct, contiguous access to the water or must provide substantial numbers of the public the opportunity to physically or visually enjoy the shoreline.
3. A minimum 25 foot buffer zone of permanent vegetation or other suitable soil erosion control methods shall be established and maintained between the structures or facilities and the associated water bodies.

Section 12. That Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Landfill and Solid Waste Disposal, adopted September 30, 1974, is amended to read:

LANDFILL AND SOLID WASTE DISPOSAL

INTRODUCTION

Landfill is the placement of soil, sand, rock, gravel, or the addition of material to existing sediment or other material (excluding solid waste) to create new land, tideland or bottom land area along the shoreline below the OHWM, or on upland areas in order to raise the elevation. (~~Landfill is the creation of dry upland area by the filling or depositing of sand, soil or gravel into a wetland area.~~) Landfills also occur to replace shoreland areas removed by wave action or the normal erosive processes of nature. However, most landfills destroy the natural character of land, and create unnatural ((heavy)) erosion and silting patterns ((problems and diminish the existing water surface)).

Generally, all solid waste is a possible source of ((much)) nuisance or hazard. Rapid, safe and nuisance-free storage, collection, transportation and disposal are of vital concern to all persons and communities. If the disposal of solid waste material is not carefully planned and regulated, it can become not only a nui-

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sance but a severe threat to the health and safety of human beings, livestock, wildlife and other biota.

Any landfill activity conducted within shoreline jurisdiction must comply with the following provisions.

POLICIES

1. Allow landfills only in those areas designated for such purposes in the Environment Section of the Master Program.
2. Prohibit sanitary landfills or the location of solid waste disposal sites in any shoreline area.
3. Landfills in water bodies should be allowed if they are required to facilitate water-dependent uses, to enhance public access to the shoreline, or if the applicant can demonstrate such intrusion improves or enhances the functions and values of these water bodies or the watershed.

REGULATIONS

General

1. Sanitary landfills or the location of solid waste disposal sites within any area subject to the jurisdiction of the Shoreline Management Act is strictly prohibited.
2. Landfills shall be permitted only when used as preparation for an activity otherwise permitted by this program for the Environment in which it is located. Such landfills shall also be subject to the regulations for the proposed use.
3. Applications which include landfilling shall include the following information:
 - a. Physical, chemical and biological character of landfill material;
 - b. Source of landfill material;
 - c. Method of placement and compaction;
 - d. Type of proposed surfacing and runoff control devices;
 - e. Method of perimeter erosion control;
 - f. Proposed use of filled area.
4. The perimeter of all landfills shall be provided with some means to control erosion, ~~((such as vegetation, retaining walls, or other mechanisms))~~. Nonstructural methods (e.g.,

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vegetation, soil bioengineering) shall be preferred over structural, such as retaining walls or other mechanisms.

5. Placement of material for the maintenance, creation or enhancement of beaches or the building of manure lagoons, dikes or livestock sanctuary mounds shall not be considered landfills.
6. Landfill consisting of clean fill and not to include solid waste, over or into water bodies, marshes, bogs or swamps to facilitate a water-dependent use or enhance public access may be allowed as a conditional use, provided the proposed project will supply equivalent replacement of habitat and/or hydrological function of the subject water body or watershed.

Natural Environment

1. Landfills are not permitted in the Natural Environment.

Conservancy Environment

1. Landfills shall not be permitted to intrude into or within one hundred (100) feet of the ordinary high water mark of rivers, lakes, streams, and marine shorelines, or into marshes, bogs, and swamps in the Conservancy environment.

~~((1. Landfills shall not be permitted in the Conservancy Environment for the purpose of creating new land area.))~~

~~((2. Landfills on or adjacent to lakes and rivers shall not be permitted in the Conservancy Environment. (Sec. 2 of Ord. 84-015 adopted 2-27-84))~~

32. Retaining walls may not be utilized to control erosion from landfills in the Conservancy Environment.

Rural Environment

1. Landfills within the flood plain of the base (100 year frequency) flood shall be allowed solely for the purpose of floodproofing a structure and shall be subject to the limitations of Title 27, Snohomish County Code. (Sec. 2 of Ord. 84-015 adopted 2-27-84)

Suburban Environment

1. Landfills are ~~((below the ordinary high water mark shall not be))~~ permitted ~~((with))~~ in the Suburban Environment subject to the general regulations.

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Urban Environment

1. Landfills are permitted in the Urban Environment subject to the General Regulations.

Section 13. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Mining, Introduction and Policies 1. and 8., adopted September 30, 1974, is amended to read:

MINING

INTRODUCTION

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, "processing" includes screening, crushing, stock-piling, all of which utilize materials removed from the site where the processing activity is located. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations, or concrete batching operations.

The removal of sand and gravel from shoreline areas of Washington usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals. The removal of sand from marine beaches can deplete a limited resource which may not be restored through natural processes.

POLICIES

1. Require that adequate protection against sedimentation, silt production and chemical contamination of public waters be provided.
2. Require mining of sand and gravel and other minerals be done in conformance with the Washington State Surface Mine Reclamation Act (Chap. 78.44 RCW) (~~(Mine Surface Land Reclamation Act)~~) and the provisions of the Snohomish County Code.
3. Prohibit the commercial removal and strictly control other removal of sand and gravel or other minerals from marine beaches.
4. Regulate the excavation of riverbed materials from within the wetted perimeter.
5. Minimize the adverse visual impact of sand and gravel and other mineral excavation on surrounding shoreline areas.

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6. Maintain the integrity of river hydraulic systems when conducting surface mining.
7. Recognize the sensitivity of flood hazard areas when considering sand and gravel and other mineral excavation operations.
8. In accord with provisions of the comprehensive plan and zoning code, p((P))rohibit sand and gravel and other mineral excavations which would ((adversely)) disrupt agricultural activities or permanently remove prime agricultural lands from production when other viable excavation alternatives exist.
9. Require all mineral excavation operations to provide maximum protection for anadromous fisheries resources.
10. Give preference to mining operations which remove the annual accretion of sand and gravel from river gravel bar areas over operations which extract nonrenewable deposits.
11. Encourage the development of mining operations in nonshoreline areas before considering their location in shoreline areas.
12. Ensure that site reclamation plans are compatible with existing and proposed land uses in the immediate vicinity.

Section 14. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Mining, Regulations, General, 1. and 2., last amended by Ord. 84-015 adopted February 27, 1984, is amended to read:

REGULATIONS

General

1. Applications for mining permits shall be accompanied by a report on the geologic makeup of the site, prepared by a ((~~competent professional~~)) geologist or geotechnical engineer, addressing the following (at a minimum):
 - a. Type of material(s) present on the site;
 - b. Quantity of material(s) (by type);
 - c. Quality of material(s) by type;
 - d. Lateral extent of mineral deposit;
 - e. Depth of mineral deposit;
 - f. Depth of overburden;
2. Applications for excavation of sand, gravel and other minerals within any 100 year flood plain shall be accompanied by a report on the potential hydraulic impacts of the proposed op-

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eration. Said report shall contain the following information (at a minimum):

A. Flood information including:

1. The minimum flood frequency necessary to inundate the site.
2. The velocity and depth of inundating floodwaters in the proposed excavation area for the 10, 50 and 100 year flood events, and the potential for the proposed development to increase local flood flow velocities.
3. The location of the floodway of the 100-year flood-plain (~~(of the base flood)~~) on the project site and the location of any improvements or uses proposed in the said floodway. (Sec. 3 of Ord. 84-015 adopted 2-27-84; Sec. 2 of Ord. 83-054 adopted 5-23-83)
4. Type and quantity of sand, gravel and other materials (~~(sediment)~~) anticipated to be deposited annually at any proposed bar excavation site.

B. The potential for erosion in the area, including possible river channel changes. This includes potential for floodwater erosion of existing or proposed berms or dikes located on the project site.

C. The potential for acceleration of erosion and/or sediment transport of materials upstream and downstream of the site due to the proposed excavation.

D. The potential for existing upstream or downstream or on-site spawning and rearing areas to be affected by bedload or finer material deposition or excavation within the excavation area.

The above information is to be required only once for each particular project if the proposal is approved. Subsequent applications for the same proposal (due to permit expiration or need for permit renewal) shall not require submittal of this information unless there is evidence that changes in hydraulics have occurred or that new information is available.

Section 15. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Mining, Regulations, Rural Environment, last amended by Ord. 83-054 adopted May 23, 1983, is amended to read:

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Rural Environment

1. A minimum 50-foot buffer of undisturbed soil and vegetation shall be maintained between mining sites, including all accessory developments, and other properties not used for mining. A minimum 100-foot buffer of undisturbed soil and vegetation shall be maintained between mining sites and abutting swamps, marshes and bogs or other bodies of water ((or natural wetlands)); provided that, the water body buffer requirement may be waived for approved streamway bar scalping operations. (Sec. 3 of Ord. 83-054 adopted 5-23-83)

Section 16. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Recreation, adopted September 30, 1974, is amended to read:

RECREATION

INTRODUCTION

Recreation is the refreshment of body and mind through forms of play, amusement or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. The recreational experience may be passive such as hiking, photography, viewing, hunting and fishing. It may also be active and include facilities for more intensive uses such as parks, campgrounds, golf courses and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual. ((The recreational experience may be either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a vista of a lake, river or saltwater area.))

POLICIES

1. Give priority to developments which provide recreational uses and other improvements facilitating shoreline public access, including views and scenic areas ((to shorelines)).
~~((2. Prevent concentration of use pressure at a few points by encouraging the development of a combination of area and linear access (parking areas and easements for example), when providing public access to recreational locations such as fishing streams and hunting areas.))~~
- 2((3)). 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/or scenic drives.

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- 3((4)). Carefully consider the total effect the development of a recreational site will have on the environmental quality and natural resources of an area.
- 4((5)). Insure that recreational development provides ((Develop guidelines))-for the preservation and enhancement of scenic views and vistas and for the buffering of recreation development from adjacent private property.
- 5((6)). Avoid wasteful use of the limited supply of recreational shoreline areas by locating parking areas inland away from the immediate edge of the water and recreational beaches. Safe access should be provided by walkways or other methods.
- 6((7)). Prohibit the use of motorized vehicles on beaches, dunes and fragile shoreline resources.
- 7((8)). Encourage a variety of recreational facilities which will satisfy the diversity of demands from groups in nearby populated centers. Recreational development should consider these needs, demands and special opportunities as well as public transit access and access for the physically impaired, where planned or available.
- 8((9)). 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.
- 9((10)). Protect water quality and m((M))inimize surface runoff from recreational facilities.

REGULATIONS

General

1. Recreation facilities shall be designed to take maximum advantage of and enhance the natural character of the shoreline area.
2. The following regulations shall apply to artificial marine life habitats:
 - a. Habitats shall not interfere with surface navigation;
 - b. Habitats shall be constructed of long lasting nonpolluting materials and moored so as to remain in their original location even under adverse current or wave action;

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- c. Habitats may not be installed on publicly owned submerged land without permission of the administering governmental agency.
3. Motor vehicle use, to include two- and three-wheeled vehicles, shall not be permitted on beaches, dunes, or fragile shoreline areas EXCEPT as necessary for official maintenance or the preservation of public health and safety.

Natural Environment

1. Very low intensity recreation uses, such as passive viewpoints, trails, or limited camping and picnic facilities, shall be permitted in the Natural Environment, subject to the following regulations:
 - a. Roads and parking, picnic and camping facilities (including restrooms) shall not be located on the shoreline. Trail access should be provided to link upland facilities to the shoreline.
 - b. Golf courses, playing fields, and other large areas devoted to athletic activities will not be permitted on natural shorelines;
 - c. Use of pesticides, herbicides, and fertilizers is prohibited;
 - d. Landscaping must, where possible, use indigenous, self-maintaining vegetation.

Conservancy Environment

1. Low intensity recreational uses shall be permitted in the Conservancy Environment, subject to the following regulations:
 - a. A recreation facility or structure which changes or detracts from the character of the Conservancy Environment (by building design, construction technique, or intensity of use that is attracted) shall be prohibited;
 - b. Parking and roads shall be set back 100 feet from the ordinary high water mark. Trail access should be provided to link upland facilities to the shoreline;
 - c. Golf courses, playing fields, and other large areas devoted to athletic activities will not be permitted.

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Rural Environment

1. Recreation uses shall be permitted in the Rural Environment subject to the General Regulations.
2. Golf courses, playing fields, and other large areas devoted to athletic activities shall be allowed as a conditional use in rural areas except that they shall be prohibited in lands designated as resource lands in county comprehensive plans.

Suburban Environment

1. Recreation uses shall be permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Recreation uses shall be permitted in the Urban Environment subject to the General Regulations.

Section 17. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Residential Development, adopted September 30, 1974, is amended to read:

RESIDENTIAL DEVELOPMENT

INTRODUCTION

Residential Development includes residential subdivisions as well as development on existing single family lots. The following policies and regulations are to be recognized in the development of any subdivision on the shorelines of the state. To the extent possible, planned unit developments (sometimes called cluster developments) should be encouraged within the shoreline area. Within planned unit developments, substantial portions of land are reserved as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing houses to be placed on lots smaller than the legal minimum size for normal subdivisions, as long as the total number of dwellings in the planned unit development does not exceed the total allowable in a regular subdivision, unless otherwise allowed in county ordinances.

The policies and regulations in this section also apply to development of existing single family lots, including accessory uses, unless otherwise indicated. Although development of a single family lot does not normally require a Shoreline Permit, the proposed development shall still comply with the provisions of the Shoreline Management Master Program.

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POLICIES

1. Encourage the use of the planned residential development and rural cluster concept in all shoreline subdivisions.
2. Require that subdivisions be designed at a level of density, site coverage, and occupancy compatible with the physical capabilities and aesthetic characteristics of the shoreline and water body.
3. Encourage subdividers to provide public pedestrian access to the shorelines within the subdivision.
4. Encourage subdividers to provide all residents within the subdivision with adequate easily accessible and usable access to the water when topographically feasible.
5. Prohibit residential development over water.
6. (~~(Do not allow r)~~) Residential development on shorelines should not be allowed which would be dependent on future bulkheading or other shoreline fortification for protection.
7. (~~(Floating homes or commercial floats)~~) Houseboats (mobile vessels) are to be located at moorage slips approved in accordance with the guidelines dealing with marinas, piers, and docks. In planning for houseboats (~~(floating homes or commercial enterprises)~~), local governments should ensure that waste disposal practices meet local and state health regulations, that the units are not located over highly productive fish food areas, and that the units are located and designed to be compatible with the intent of the designated environments.

REGULATIONS

General

1. (~~(Residential development over water shall be prohibited.)~~) Residential structures and accessory structures over water or floating on the water, other than piers and docks, are prohibited. Floating homes (i.e., those intended to be a permanent based structure and not used as a vessel) are prohibited in all shoreline areas. Houseboats (vessels capable of being mobile but used for living aboard) are a conditional use in all shoreline areas. Covered boathouses and piers are regulated by the Boating Facilities section of this program.
2. Applications for development of subdivisions shall include the following information (at a minimum):

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- a. Detailed statement (graphic and textual) of proposed water quality and erosion control plans to be utilized both during and after construction;
- b. Detailed statement (graphic and textual) of any proposed alterations to the natural character of the shoreline;
- c. Sewage disposal plans (to include statement from the Snohomish Health District attesting to their acceptability);
- d. Storm drainage plans and provisions;
- e. Provisions for lot owner access to the water body (where appropriate);
- f. Provisions for public access to the water body (where appropriate).

~~((3. Filling of, or into, water bodies (or their associated wetlands)) for the purpose of subdivision construction shall not be permitted.))~~

- 3. Construction and landfill consisting of clean fill and not to include solid waste, over or into water bodies, marshes, bogs or swamps to facilitate a water-dependent use or enhance public access may be allowed as a conditional use, provided the proposed project will supply equivalent replacement of habitat and/or hydrological function of the subject water body or watershed.**

~~((4. Placement of fill to assist in flood proofing of residences shall be allowed subject to appropriate flood control regulations.))~~

- 4. To facilitate a nonwater-dependent use, construction and landfill consisting of clean fill and not to include solid waste, over or into water bodies, marshes, bogs or swamps may be allowed as a conditional use provided the applicant can demonstrate that there is no other alternative to said fill, and that the proposed project will improve the habitat and/or hydrological function of the subject water body or watershed.**

5. ~~((Subdivisions or multiple family developments)) Residential development shall not be approved for which flood control, shoreline protection measures, or bulkheading will be required to protect residential lots unless a variance is obtained. ~~((Conclusive evidence that such protective measures structures will be necessary for the safety of the residents on all or part of the subdivision or development shall be grounds for denial of all or part of the application, respectively.))~~~~

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6. All utility lines shall be underground.
7. Prior to any approvals for shoreline development, permit applicants shall be required to submit adequate plans for preservation of shore vegetation, for protection of water quality and control of erosion during and after construction. (~~Permit applicants may be required to submit a plan for maintaining shoreline stability or erosion control during and after construction.~~)
8. Sewage disposal facilities and water supply facilities must be provided in accordance with appropriate governmental health and water quality laws and regulations. Storm drainage facilities must be separated from sewage disposal systems.
9. Accessory uses that are not appurtenances shall be reasonable in size and purpose, and be compatible with on-site and adjacent structures, uses and natural features.
10. Accessory structures and appurtenances which are not water-oriented are prohibited within the required setback.
11. Revegetation of disturbed areas shall follow the Vegetation Management provisions of this program.

Natural Environment

1. Residential subdivisions, including (~~to include~~) short plats, shall be prohibited in the Natural Environment.
2. Multi-family dwellings shall be prohibited in the Natural Environment.
3. Residences and accessory uses shall maintain a 100-foot setback from the ordinary high water mark in the Natural Environment.
4. Alteration of the natural topographic features and/or flora of the site shall be restricted to that absolutely necessary to the placement of the residence. Other grading or clearing, as for lawns, etc., is prohibited.
5. Alteration of the land-water interface shall not be allowed.

Conservancy Environment

1. Residential subdivisions, to include short plats, shall maintain an overall density of less than one dwelling unit per 2.3-~~two~~ acres of land.

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2. Multi-family dwellings shall be prohibited in the Conservancy Environment.
3. Residences and accessory uses shall maintain a 100-foot setback from the ordinary high water mark in the Conservancy Environment.
4. The removal of natural vegetation and the alteration of topography shall be kept to a minimum. The need for such activities shall be documented in the permit application.

~~((5. Subdivisions shall not be approved for which flood control, shoreline protection measures, or bulkheading will be required to protect residential lots. Conclusive evidence that such structures will be necessary for the safety of the residents on all or part of the subdivision shall be grounds for denial of all or part of the application respectively.))~~

Rural Environment

1. Residential subdivisions including (~~to include~~) short plats, shall maintain an overall density of less than 2.3 (~~one~~) dwelling units per acre of land.
2. Multi-family dwellings shall be prohibited in the Rural Environment except when contained in a Planned Residential Development approved pursuant to Chapter 18.38 of the Snohomish Co. Zoning Code, or when developed as a rural cluster subdivision under Title 32.30 SCC.
3. Residences and accessory uses shall maintain a 50-foot setback from the ordinary high water mark in Rural Environment.
4. Alterations of topography and the land-water interface shall be minimized. The need for such alteration shall be documented in the permit application.

Suburban Environment

1. Residential development shall be permitted in the Suburban Environment subject to the General Regulations.
2. Residences and accessory uses shall maintain a 25-foot setback from the ordinary high water mark in the Suburban Environment.

Urban Environment

1. Residential development shall be permitted in the Urban Environment subject to the General Regulations, except that such development along North Creek shall conform to Section 3(b)

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of the Environment Designation Map Descriptions at Page E-19.
(Sec. 5 of Ord. 83-055 adopted May 23, 1983)

2. Residences and accessory uses shall maintain a 25-foot setback from the ordinary high water mark in the Urban Environment.

Section 18. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity, Section F - Roads and Railroads, adopted September 30, 1974, is amended to read:

ROADS AND RAILROADS

INTRODUCTION

A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with tracks for train traffic. Their construction can limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion and retard the runoff of flood waters.

POLICIES

1. Locate major highways, freeways and railways away from shorelines wherever feasible.
2. Design and maintain roads to minimize erosion and permit a natural movement of surface runoff.
3. Insure to the maximum extent practical, that all construction debris, overburden and other waste materials shall not enter into any water body by disposal or erosion from drainage, high water or other means.
4. Locate and design all roads and railroads so that minimum alterations of natural conditions will be necessary.
5. Provide safe pedestrian and other nonmotorized travel facilities in public shoreline areas.
6. Encourage provision of view points, rest areas and picnic facilities in public shoreline areas.
7. Retain portions of old highways having high aesthetic quality as pleasure bypass routes, unless conflicting with other values such as agriculture or fish and wildlife habitat.
8. Locate major transportation corridors upland from the shoreline to reduce pressures for the use of waterfront sites except when shoreline alternatives are more ecologically acceptable.

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9. 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.
10. Locate and design road and railroad bridges to accommodate the existing floodways of streams and rivers.
11. Encourage creation of trail systems adjacent to new roads and railroads where feasible and safe.

REGULATIONS

General

1. Where feasible, all cut and fill slopes shall be stabilized and planted with grasses, shrubs, and/or trees appropriate to the adjacent shoreline area.
2. Roads and railroads shall be designed so as to allow a free flow of surface water under them.
- ~~((8))~~ 3. ~~((Filling))~~ Crossing of tidelands, shorelands, and marshes, bogs or swamps for roads or railroads ~~((rights-of-way))~~ shall be prohibited unless no viable upland alternative exists.
- ~~4~~((3)). Unless there is compliance with General Regulation No. 4 of this section, roads and railroads shall be designed so as to pass the water of the 100-year flood without causing any rise in the flood profile. ~~((Trestle construction shall be preferred to achieve this end.))~~ Transportation facilities allowed to cross over water bodies, marshes, bogs and swamps shall utilize elevated, open pile or pier structures whenever feasible. Filling of marshes, bogs and swamps may be allowed only if the applicant can demonstrate there is no viable alternative to the filling. All bridges must be built high enough to allow the passage of debris and provide a minimum of three (3) feet of clearance above the one hundred (100) year flood level.
4. When roads and railroads are designed to act as flood control structures, applications for permits shall contain the following information (at a minimum):
 - a. Existing flood profile and extent of flood inundation during the 100-year flood in the area of the proposed project;
 - b. Projected flood profile and extent of flood inundation at the 100-year flood with the project in place;

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- c. Present and projected flow rate of the 100-year flood at the project location;
 - d. Legal authorization to impound additional flood waters on private property (where appropriate).
5. Excess construction materials shall be removed from the shoreline area.
 6. Major roads and railroads shall cross shoreline areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage or have significant adverse impacts on agricultural activities.
 7. Bridge approach fills shall not encroach on the floodway of the base flood (100-year frequency) of any river. (Sec. 4 of Ord. 84-015 adopted February 27, 1984)

Parking

9. Off-street parking facilities shall be set back from the ordinary high water mark a sufficient distance, to be determined on a case-by-case basis, so as not to require the creation of or the protection of new land by shore protection measures.
10. Upland parking facilities within the jurisdiction of this Master Program shall be designed and landscaped to minimize adverse impacts on adjacent shorelines and abutting properties. Landscaping shall be appropriate materials and vegetation, be planted within one year after completion of construction and be providing effective screening two years after planting and be effectively maintained thereafter.
11. Upland parking facilities within the jurisdiction of this Master Program for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
12. Commercial parking facilities shall not be permitted over water.
13. Parking areas serving individual buildings on the shoreline shall be located landward from the principal building being served, EXCEPT when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.

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14. Parking facilities shall comply with local, federal and state water quality laws and regulations with regard to surface water runoff.
15. Parking facilities directly related to ferry terminals shall be permitted on the shoreline to the extent necessary to adequately serve the facility.

Natural Environment

1. Roads and railroads are not allowed in the Natural Environment.
2. Principal use commercial parking lots are not allowed in the Natural Environment.

Conservancy Environment

1. Roads and railroads are permitted in the Conservancy Environment, subject to the General Regulations, when necessary to cross a shoreline area and when no other feasible alternative is present.
2. Principal use commercial parking lots are prohibited in the Conservancy Environment.

Rural Environment

1. Roads and railroads are permitted in the Rural Environment subject to the General Regulations.
2. Principal use commercial parking lots are prohibited in the Rural Environment.

Suburban Environment

1. Roads and railroads are permitted in the Suburban Environment subject to the General Regulations.
2. Commercial parking lots are a conditional use in the Suburban Environment.

Urban Environment

1. Roads and railroads are permitted in the Urban Environment subject to the General Regulations.
2. Commercial parking lots are permitted in the Urban Environment subject to the General Regulations.

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Section 19. That the Snohomish County Shoreline Management Master Program, Shoreline Use Activity - Shoreline Stabilization and Flood Protection, last amended by Ord. 84-015, adopted February 27, 1984, is amended to read:

SHORELINE STABILIZATION AND FLOOD PROTECTION

INTRODUCTION

Flood protection and streamway modifications are those activities occurring within the streamway and wetland areas which are designed to reduce overbank flow of high waters and stabilize eroding streambanks. Reduction of flood damage, bank stabilization to reduce sedimentation, and protection of property from erosion are normally achieved through watershed and flood plain management and by structural works. Such measures are often complementary to one another and several measures together may be necessary to achieve the desired end. Unless carefully designed and located, structural measures can have ((a)) potentially adverse impacts. ~~((on the overall hydraulic operation of the streamway corridor.))~~

POLICIES

1. Locate, design and construct ~~((riprapping and other))~~ bank stabilization or flood protection measures so as to avoid channelization, protect adjacent property from adverse effects and to protect the natural character of the streamway.
2. Place all flood protection measures such as dikes and levees landward of the principal streamway, including associated swamps and marshes directly interrelated and interdependent with the stream proper.
3. Recognize and protect the integrity of a water body's hydraulic system when planning for and designing shoreline stabilization and flood protection measures.
4. All shoreline stabilization and flood protection measures, including repair and maintenance, should conform to standards set forth in county and/or state approved flood plain management plans, when available.

REGULATIONS

General

1. All shoreline stabilization and flood protection measures shall be designed and constructed so that downstream banks will not be adversely affected. Shoreline stabilization measures, including riprap, shall be designed and constructed in a manner consistent with Soil Conservation Service, Corps of Engineers, the State Hydraulics Code and Hydraulic Project Approval, and/or other engineering and design specifications deemed appropriate by the County Department of Public Works ~~((Engineer))~~, and said designs shall be reviewed and

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confirmed by the Department of Public Works ((County Engineer)) as being consistent therewith.

2. Shoreline stabilization and flood protection measures shall not be designed and constructed in such a manner as to result in channelization of normal stream flows or undermining of existing structures or streambanks.
3. Within the discretion of the permit granting authority, and considering the reasonableness of the conditions and the technological state of the art, applications for shoreline stabilization and flood protection measures shall include the following (at a minimum):
 - a. Purpose of project;
 - b. Hydraulic characteristics of river within one-half mile on each side of proposed project;
 - c. Existing shoreline stabilization and flood protection devices within one-half mile on each side of proposed project;
 - d. Construction material and methods;
 - e. Resultant hydraulic characteristics of river.
4. Nonstructural control solutions shall be preferred over structural flood protection devices and shall be used wherever possible. Nonstructural controls include such actions as prohibiting or limiting development in areas that are historically flooded or have a high risk of streambank instability; floodproofing existing structures; and limiting increases in peak flow runoff from new upland development.
5. Shoreline stabilization and flood protection measures shall be compatible with on-going shore processes and shall be constructed in a manner as to prevent the loss of in-channel habitat. Soil bioengineering methods shall be the preferred method of bank protection. Use of bank hardening methods, such as riprapping, concrete walls, or extensive revetments, shall only be allowed when the applicant demonstrates that soil bioengineering will not be effective. All stabilization and protection works shall include revegetation in their design and implementation.
- 6((4)). Flood control diking shall be landward of the floodway of the base (100-year frequency) flood and any marshes or swamps directly interrelated and interdependent with the river.
(Sec. 5 of Ord. 84-015 adopted 2-27-84; Sec. 1 of Ord. 83-059 adopted June 1, 1983)
- 7((5)). Shoreline stabilization measures are allowed in floodways and density fringe areas of the base (100-year frequency) flood only when their purpose is to protect existing development, Agricultural Land of Primary importance (as defined in

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the Agricultural Preservation Plan, 1982), Riverway Commercial Farmland (as defined in the Interim Agricultural Conservation Plan, 1992), ((or prime agricultural land)) or to prevent serious impairment of channel function. Provided, that where the detailed information referenced in regulation #3 above is not required due to waiver or exemption from a permit, stabilization measures shall be reviewed and approved by the County Engineer, with said approval to confirm that measures mitigate or avoid the potential for adverse impacts to adjacent shoreline consistent with regulation #1 above. Provided further, that vegetative and/or other nonstructural shoreline stabilization measures may be used in hydraulic floodways for any purpose otherwise consistent with the Master Program, the Shoreline Management Act and its administrative guidelines. (Sec. 5 of Ord. 84-015 adopted 2-27-84; Sec. 1 of Ord. 83-059 adopted June 1, 1983)

86. Streambank vegetation shall be preserved to the maximum extent feasible consistent with safe construction requirements.
97. Disturbed areas, cut-and-fill slopes and backfill areas shall be revegetated by introducing suitable native plant species that are appropriate for the soil and hydrological conditions. Revegetation shall be designed, installed and maintained in a manner consistent with Soil Conservation Service, Corps of Engineers, the State Hydraulics Code and Hydraulic Project Approval, and/or other engineering and design specifications deemed appropriate by the County Engineer ((with natural grasses, shrubs and/or trees in keeping with existing river bank vegetation))
10. Flood protection measures shall be planned, constructed and maintained in accordance with a county and/or state approved flood plain management plan, when available, and in accordance with the National Flood Insurance Program and the County Flood Hazard Ordinance, SCC 27.

Natural Environment

1. Shoreline stabilization and flood protection measures are not permitted in the Natural Environment EXCEPT as may be necessary to protect existing development and only when their construction would not destroy the viability of the Natural Environment.

Conservancy Environment

1. Shoreline stabilization and flood protection measures are permitted in the Conservancy Environment subject to the General Regulations.

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Rural Environment

1. Shoreline stabilization and flood protection measures are permitted in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Shoreline stabilization and flood protection measures are permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Shoreline stabilization and flood protection measures are permitted in the Urban Environment subject to the General Regulations.

NEW SECTION. Section 20. That a new section is added to the Snohomish County Shoreline Management Master Program, Shoreline Use Activities, Section F, adopted September 30, 1974, to read:

WATER QUALITY

INTRODUCTION

Water quality is affected in numerous ways by human occupation and development. Typically the increase in nonporous surfaces as a result of development increases runoff, causing higher peak stormwater discharge at a higher velocity which overloads the existing drainage system and causes scouring and erosion of streambanks. Erosion increases suspended solids, which along with heavy metals and household wastes in the water, increase nitrogen and phosphorous enrichment and depress levels of dissolved oxygen. During construction, sediment-laden runoff and other pollutants may enter bodies of water and other shoreline areas. Human occupation and development also introduce more pollutants, such as heavy metals and household wastes, into streams, groundwater, and other water bodies. The degradation of water quality adversely impacts fish and wildlife habitat, reduces the functioning of streams and wetlands, contributes to flooding and water damage to property, and can be a hazard to public health through surface water and groundwater impacts.

POLICIES

1. Shoreline uses and activities should be encouraged to employ appropriate practices and methods for minimizing water quality impacts.

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2. Shoreline uses and activities should be located, designed, scheduled, constructed and maintained to prevent adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, feeding areas and migratory routes.
3. Reasonable setbacks, buffers, and/or storage basins should be required to minimize negative impacts on water quality.
4. Measures for the control of water quantity and the treatment of runoff for the purpose of protecting and/or enhancing water quality should be conducted on-site to prevent impacts to waters off site.
5. Dredging and filling activities should be conducted to minimize negative impacts on water quality and should be consistent with applicable local, state and federal regulations.
6. Vegetated buffers, setbacks, and improved farming techniques should be required to minimize groundwater and surface water quality impacts from agricultural activities including but not limited to: animal feeding operations, feed lot operations, retention and storage ponds, manure storage, and use of fertilizers and pesticides.

REGULATIONS

1. All shoreline uses and development shall provide for control, treatment, storage and release of surface water runoff to protect the quality of the receiving waters.
2. All shoreline developments shall provide for control, treatment, storage and release of surface water runoff to minimize impacts of increased runoff.
3. Water quality and water quantity control measures consistent with the regulations of Title 24 SCC and applicable local, state and federal laws shall be the minimum standards for all industrial, commercial, residential, recreational, and agricultural uses. Setbacks greater than minimum and/or additional mitigation shall be required if environmental review shows that there are likely to be significant adverse impacts related to ground and/or surface water contamination, fish and wildlife habitat, recreational uses, public access or aesthetics.

NEW SECTION. Section 21. That a new section is added to the Snohomish County Shoreline Management Master Program, Shoreline Use Activities, Section F, adopted September 30, 1974, to read:

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VEGETATION MANAGEMENT

INTRODUCTION

Vegetation management involves both a passive and active management system. The intent of both systems is to stabilize the soil and minimize the impacts of erosion, sedimentation, flooding, and loss of habitat. "Passive" vegetation management deals with protection and enhancement of existing diverse native plant communities along all shorelines including rivers, marshes, bogs, swamps, lakes, and steep bluffs. "Active" vegetation management involves the restoration of altered or threatened shorelines using a technology called soil bioengineering which reestablishes native plant communities as a dynamic system that stabilizes the land from the effects of erosion. Vegetation Management provisions apply even to those shorelines and uses which are exempt from a permit requirement.

POLICIES

1. Native plant communities bordering state shorelines should be protected and maintained to minimize damage to the environment of the shoreline area.
2. 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.
3. Rehabilitation of degraded shorelines for the purpose of habitat enhancement should utilize soil bioengineering techniques where possible.

REGULATIONS

1. Shorelines shall be protected from degradation caused by the modification of the land surface within the shoreline area and/or the adjacent uplands. Noxious weeds, invasive exotic plant species, and hazardous trees shall be selectively managed to protect the environment, property and life.
2. The restoration of any shoreline that has been disturbed or degraded shall attempt to re-introduce suitable native plant species that are appropriate for the soil and hydrological conditions.
3. Stabilization of exposed surfaces along shorelines shall, wherever feasible, use soil bioengineering techniques.
4. All Shoreline vegetation management activities and measures shall conform to standards set forth in county and/or state approved flood plain management plans, where available.

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NEW SECTION. Section 22. That a new section is added to the Snohomish County Shoreline Management Master Program, Shoreline Use Activities, Section F, adopted September 30, 1974, to read:

PUBLIC ACCESS

INTRODUCTION

Shoreline public access is the physical ability of the public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access including picnic areas, pathways and trails (including handicapped), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking and others. The public may include members of an entire region, members of a neighborhood, users of a waterfront commercial development, residents of a specific subdivision, or others as appropriate.

POLICIES

1. Public Access should be required for all new private and public developments (including land division) with the exception of the following:
 - a. One and two family dwelling units; or
 - b. Agricultural/ranching activities, not including dikes; or
 - c. Where deemed inappropriate due to health, safety, and environmental concerns.
2. 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 Shoreline Hearing Board decisions. Restrictions on access may delineate times of access or allow access only to residents of a certain community or development, but may not be based on race, sex, color, creed or physical disability.
3. 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.
4. Public access should be provided as close as possible to the water's edge without adversely affecting a sensitive envi-

ronment and should be designed with provisions for physical-ly disabled persons.

5. Publicly-owned shorelines should be used only for water-dependent or public recreational uses, or should remain protected open space.
6. Public access afforded by shoreline street-ends, public utilities and rights-of-way should be preserved, maintained and enhanced.
7. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
8. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.
9. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to allow excessive removal of vegetation that partially limits views.
10. Shoreline development shall be designed and constructed to preserve public views of the water (for example, from roads and public properties) to the greatest extent feasible. Existing and potential views may be impacted only if exempted under the requirements of Regulation 1 of this section.

REGULATIONS

1. In the review of all shoreline substantial development or conditional use permits, consideration of public access shall be required. Provisions for adequate public access shall be incorporated into a shoreline development proposal (including land division) unless the applicant demonstrates that one or more of the following provisions apply:
 - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 - d. Unacceptable environmental harm will result from the public access which cannot be mitigated;

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- e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; or
- f. The applicant has first demonstrated and the county has determined that all reasonable alternatives have been exhausted, including but not limited to:
 - i. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - ii. Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and
 - iii. Provisions for access at a site geographically separated from the proposal such as a street end, or other public access such as a park, vista or trail system.
- 2. Development uses and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's physical access to the water and shorelines.
- 3. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (RCW 35.79.035 and RCW 36.87.130).
- 4. Where feasible, public access sites shall have direct and easy access from a public road and shall include provisions for physically disabled persons.
- 5. Required public access sites shall be fully developed and available for public use at the time of first occupancy or use of the development or activity.
- 6. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition of the authorized land use and for heirs and successors in interest as long as the permitted use continues. Said recording with the County Auditor's Office shall occur at the time of permit approval (RCW 58.17.110).
- 7. (~~Minimum width of public access easements shall be twenty-five feet, unless the county determines that undue hardship would result. In such cases, applicant may apply for a Shoreline Variance permit in order to reduce easement width.~~) Width of public access easements shall be determined on a case-by-case basis, based on, but not limited to, type of use, topography, existing vegetation and

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site constraints, but in no instance will be narrower than 10 feet nor wider than 30 feet. In cases where the applicant believes the required easement creates a hardship, the applicant may apply for a Shoreline Variance permit in order to reduce easement width.

8. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. In accordance with regulation 1(f), signs may control or restrict public access as a condition of permit approval.
9. Future actions by the applicant, the heirs and successors in interest or other parties, shall not diminish the usefulness or value of the public access provided.

Section 23. That the Snohomish County Shoreline Management Master Program, last amended by Ord. 88-075, adopted October 12, 1988, is amended to read:

DEFINITIONS

DEFINITIONS. As used herein the following words and phrases shall have the following meanings:

Accretion - The growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, hooks, and tombolos.

Act - The Shoreline Management Act, Chapter 90.58 RCW [WAC 173-14-030(1)]

Accessory Use - Any structure or use incidental and subordinate to a primary use or development (SHB, UWPA pg. 35)

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

Agriculture - The cultivation of the soil, production of crops, and/or raising of livestock, including an incidental preparation of these products for human use.

Alluvium - Unconsolidated fragmental material deposited by streams in river beds, flood plains, lakes, fans at the foot of mountain slopes and estuaries.

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

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the perimeter of a marsh, bog, or swamp, 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 two hundred fifty (250) cubic yards (except to construct a conventional drain-field).

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

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

Average Grade Level - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. However, in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure. [WAC 173-14-030(3)]

Backshore - The accretion or erosion zone, located landward of the line of ordinary high tide, which is normally wetted only by storm tides. It may take the form of a more or less narrow storm berm (ridge of wave heaped sand and/or gravel) under a bluff or it may constitute a broader complex of berms, marshes, or dunes landward of the line of ordinary high tide. It is part of the littoral drift process along its seaward boundary.

Beach - The zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

Beach Enhancement/Restoration - Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills, and other nonintrusive means as applicable. For purposes of shoreline regulations, beach enhancement is not considered landfill or shoreline stabilization, and therefore not regulated under those uses.

Beach Feeding - Process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

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Berm - A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

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

Bioengineering - See Soil Bioengineering.

Biofiltration System - A storm water or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds, and other vegetative features.

Biota - The animals and plants that live in a particular location or region.

Boat Launch or Ramp - Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

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

Breakwater - Offshore structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.

Buffer Area - A parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife, and to afford limited public access.

Bulkhead - A solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

Channel - An open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels. [WAC 173-14-030(8b)] See also Stream.

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

Coastline - The line where terrestrial processes give way to marine processes, tidal currents, wind waves, etc.

Commercial Feedlot - see Feedlot.

Conditional Use - A use or development which is classified by the master program as a conditional use in certain shoreline environments or is not classified by the master program. Conditional uses can be permitted only by meeting performance standards that make the use compatible with other permitted uses within that area.

Covered Moorage - Boat moorage, with or without walls, that has a roof to protect the vessel.

CZMP - Coastal Zone Management Plan.

Degrade - To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

Delta - See River Delta.

Department - State of Washington, Department of Ecology.

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

Director - The director of the Department of Ecology.

DNS - Determination of Nonsignificance, under SEPA.

Downdrift - The direction of movement of beach materials.

Dredging - The removal of earth, sand, sludge or other materials from the bottom of a stream river, lake, bay or other water body. ~~However, Provided that~~ the creation of temporary depressions or contour alterations on tidelands or bedlands through the use of aquacultural harvesting equipment approved by the Department of Fisheries shall not be construed to be dredging as defined in this Master Program.

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Drift Sills - Small groins which hold sediments in place without blocking longshore drift.

Dune - A hill or ridge of sand piled up by the wind and/or wave action.

Emergency - An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements. [RCW 90.58.030(3eiii); WAC 173-14-040(1d)]

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

Erosion - The wearing away of land by the action of natural forces.

Estuary - The zone in which fresh water and saltwaters mingle and effect the total land and water habitat. They are often referred to as "flats," "mud bays," "marshes," or "saltchucks."

Estuarine Zone - The zero-gradient sector of a stream where it flows into a standing body of water together with associated wetlands; tidal flows reverse flow in this zone twice daily, determining its upstream limit. It is characterized by low bank channels (distributaries) branching off the main streamway to form a broad, near-level delta; vegetation ranges from marsh to forest, and water is usually brackish due to daily mixing and layering of fresh and salt water. Estuarine shores are rich in aquatic and other bird and animal life, and in their natural condition are the most productive of all shoreline habitats in terms of the marine food chain.

Exemption - Certain developments are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit. [RCW 90.58.030(3e); WAC 173-14-030(60;040)]

Extreme Low Tide - The lowest line of the land reached by a receding tide.

Fair Market Value - The expected price at which the development can be sold to a willing buyer. For developments which involve non-structural operations such as dredging, drilling, dumping, or

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filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project. [WAC 173-14-030(7)]

Feeder Bluff, Erosional Bluff - 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.

Feedlot - An enclosure or facility, of any size, 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 pasture for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations. [RCW 90.58.030(3eiv); WAC 173-14-040(1e)]

Floating Home - A structure designed and operated substantially as a permanently based structure and not as a vessel and is typically characterized by permanent utilities and a semi-permanent anchorage/moorage design, and by the lack of adequate self-propulsion to operate as a vessel.

Floodplain - Synonymous with one hundred-year floodplain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA. [WAC 173-22-030(2)].

Floodway - Those portions of the area 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. The floodway is identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on flood regulation ordinance maps or by a reasonable method which meets the objectives of the SMA. [RCW 90.58.030(2g); WAC 173-22-030(3)].

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

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

Foreshore - In general terms, the beach between mean higher high water and mean lower low water.

Gabions - Structures composed of masses or rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Grading - The physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.

Groin (also referred to as a spur dike or rock well) - A barrier-type structure extending from the backshore or streambank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials.

Guidelines - Those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs.

Habitat - The place or type of site where a plant or animal naturally or normally lives and grows.

Hearings Board - The shorelines hearings board established by the Act.

Height - The distance measured from the average grade level to the highest point of a structure. However, television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines (or the master program provides otherwise): Provided further, That temporary construction equipment is excluded in this calculation. [WAC 173-14-030(9)]

Hook - A split or narrow cape of sand or gravel which turns landward at its outer end.

Houseboat - 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 adequate self-propulsion to operate as a vessel.

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

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

Jetty - A structure(s) 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.

Lacustrine - Of, on, or pertaining to the banks of a lake.

Lake - A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream. [RCW 90.58.030(1d); WAC 173-20-030; WAC 173-22-030(4)]

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

Liberal Construction - A key concept of shoreline management. Provisions of the Shoreline Management Act are to be liberally construed to give full effect to the objectives and purposes of the Act. Interpretations of the Act must actively promote the Act and not frustrate its purposes. See RCW 90.58.900.

Littoral Drift - The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Littoral - Living on, or occurring on, the shore.

Local Government - Any county, incorporated city, or town which contains within its boundaries any lands or water subject to the Shoreline Act of 1971.

Marshes, Bogs, and Swamps - Lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. Such lands must have one or more of the following attributes: a) at least periodically, the land supports predominately hydrophytes (water dependent plants); and/or b) the substrate is predominately undrained hydric (showing characteristics of saturation) soil. [WAC 173-22-030(5)]

Marshes - Soft, wet area periodically or continuously flooded to a shallow depth, usually characterized by a particular subclass (monocotyledons) of grasses, cattails, and other low plants.

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Master Program - The comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in section 2 of the Act.

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.

Merchantable Trees - All live trees 8" in Diameter at Breast Height (DBH) and larger unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating nonmarketability. "Merchantable trees" shall not include trees smaller than 4" DBH.

Mitigation - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. See WAC 197-11-768, SEPA rules and definition of Wetland Mitigation.

Mobile Home - A semi-permanent residential structure possessing a trailer-like frame and wheels, usually without means of self propulsion, designed to be moved infrequently if necessary.

Mooring Buoy - A floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

Mulch - An addition of organic material (e.g. woodchips, sawdust, straw, grass clippings, or compost, etc.) to bare soils or in planting beds.

Multi-Family Dwelling (or residence) - A building containing two or more dwelling units, including but not limited to duplexes, apartments, and condominiums.

Native plants, native vegetation - Plants which are indigenous to the Puget Sound region, not including noxious weeds or exotic (i.e., introduced species of) plants.

Nonconforming Development - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions. [WAC 173-14-055(1)]

Normal Maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. [WAC 173-14-040(1b)]

Normal Protective Bulkhead - A bulkhead, common to single-family residences, constructed at or near the ordinary high water mark to protect an existing single-family residence, and which sole pur-

pose is for protecting land from erosion, not for the purpose of creating new land. [WAC 173-14-040(1c)]

Normal Repair - To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment. [WAC 173-14-040(1b)] See Normal Maintenance.

OHWM - See Ordinary High Water Mark.

Off-site Replacement - To replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

On-site Replacement - To replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.

Ordinary High Water Mark - The mark on all lakes, streams and tidal waters, which 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, in respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. However, (~~+~~ ~~PROVIDED, that~~) in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

Out of Kind Replacement - To replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

Permit - Any substantial development, variance, conditional use, or revision thereto authorized under provisions of this master program and issued by the local government having administrative jurisdiction, subject to review by the department.

Practicable Alternative - An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology, and logistics in light of overall project purposes. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

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Prime Agricultural Land - Land areas of Class II and Class III soils of 240 contiguous acres or larger regardless of zoning or shoreline environment designation. Contiguous shall mean adjoining acreage regardless of ownership. Also includes Agricultural Lands of Long Term Significance as defined by the State Growth Management Act of 1990.

Principal Use Parking - Commercial parking which is the principal use on the property and is not accessory to another use.

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

RCW - Revised Code of Washington

Recreational Vehicle - A vehicle licensed, designed and operated for recreational purposes, which has a means of self-propulsion or is readily towable by a car or pickup truck, and is not used as a residence in any one location for extended periods of time (generally more than three months).

Residential Development - Development which is primarily devoted to or designed for use as a dwelling(s).

Restoration - To revitalize or reestablish characteristics and processes of a wetland or habitat diminished or lost by past alterations, activities, or catastrophic events.

Revetment - Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

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

Riparian Habitat - The streamside environment which serves as fisheries and wildlife habitat, and also functions for water quality improvements and minimizing flood damage.

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

River Delta - Those lands formed as a aggregational feature by stratified clay, silt, sand, and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels. [WAC 173-22-030(7)]

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

Scalping, bar scalping - The removal of river bar material without removing material below the water line or affecting the hydrology of the river at the removal site.

Seawall - Structure separating land and water areas primarily to prevent erosion and other damage by wave action. Generally more massive and capable of resisting greater wave forces than a bulkhead.

Sediment - The material deposited by water or wind.

SEPA - State Environmental Policy Act - SEPA requires state agencies, local governments, and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

Setback - A required open space, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark.

Shoreline Environment Designations - The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4). The Snohomish County Shoreline Management Master Program classifies shorelines into five environments: natural, conservancy, rural, suburban, and urban.

Shoreline Jurisdiction - The proper term describing all of the geographic areas covered by the SMA, related rules, and the applicable master program. Also, such areas within a specified local government's authority. See definitions of "shorelines", "shorelines of the state", "Shorelines of Statewide Significance", and "associated wetlands".

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

Shoreline Permit - A substantial development, conditional use, revision, or variance permit or any combination thereof. [WAC 173-14-030(13)]

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Shorelines - All of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them, except:

- a) Shorelines of state-wide significance;
- b) 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
- c) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

Shorelines Hearings Board (SHB) - A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA. See RCW 90.58.170; 90.58.180; and WAC 173-14-170; 173-14-174.

Shorelines of State-Wide Significance - **Include** the following shorelines of the state:

- a) The area between the ordinary high-water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets.
- b) Those areas of Puget Sound and adjacent saltwaters and the Strait of Juan de Fuca between the ordinary high-water mark and the line of extreme low tide as follows:
 - i) Nisqually Delta - from DeWolf Bight to Tatsolo Point;
 - ii) Birch Bay - from Point Whitehorn to Birch Point;
 - iii) Hood Canal - from Tala Point to Foulweather Bluff;
 - iv) Skagit Bay and adjacent area - from Brown Point to Yokeko Point; and
 - v) Padilla Bay - from March Point to William Point.
- c) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide;
- d) Those lakes, whether natural, artificial or a combination thereof; with a surface acreage of 1,000 acres, or more, measured at the ordinary high-water mark;
- e) Those natural rivers or segments thereof, as follows:
 - i) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more;
 - ii) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second, or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer;
- f) Those wetlands associated with a) through e).

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Shorelines of the State - The total of all "shorelines" and "Shorelines of state-wide significance" within the state.

Sign - A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

Single-Family Residence - A detached dwelling designed for and occupied by one family and includes normal appurtenances thereto within a contiguous ownership.

Slash - The organic debris which is produced by logging operations.

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

Soil Bioengineering - 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.

Solid Waste - All putrescible and nonputrescible solid and semi-solid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

Spit - An accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berm on the windward side and a more gently sloping, muddy or marshy shore in the leeward side. A curved spit is normally called a hook.

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

Stream - A naturally occurring body of periodic or continuously flowing water where: A) the mean annual flow is greater than twenty cubic feet per second, and b) the water is contained within a channel. [WAC 173-22-030(8)] See also Channel, and Tidal Water.

Streamway - A general term describing the bed and banks of a stream.

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels. [WAC 173-14-03015]

Subdivision - The division or redivisions of land, including short subdivision.

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Substantial Development - Any development of which the total cost, or fair market value, whichever is higher, exceeds two thousand-five hundred dollars (\$2,500.00) or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments:

a) Normal maintenance or repair of existing structures or developments, including damage by fire, accidents, or elements;

b) Construction of the normal protective bulkhead, common to single-family residences;

c) Emergency construction necessary to protect property from damage by the elements;

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

e) Construction or modification of navigational aids, such as channel markers and anchor buoys.

f) Construction on wetlands by an owner, lessee, or contract purchaser, of a single-family residence, for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof. Construction of a single-family residence and appurtenances as defined in this master program and for purposes of this exemption shall be located landward of the ordinary high water mark.

g) The holder of a certification from the Governor pursuant to RCW 80.50 shall not be required to obtain a permit;

h) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single family residence, for which the cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars (\$2,500.00).

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 ground water 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 the effective date of the 1975 amendatory Shoreline Management Act which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system. ((Provided, that)) However, any new development associated with said diking or drainage systems, which would 1) reclaim lands which are not being used for agricultural purposes at the time the development is proposed, 2) increase the level of protection provided, or 3) enlarge the land area for which protection is provided, shall not be considered operation and maintenance under this exemption.

Swale - A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

Swamp - A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid wetland soils vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

Tidal Flats - Marshy or muddy areas of the seabed which are covered and uncovered by the rise and fall of tidal water.

Tidal Prism - The volume of water present between mean low and mean high tide.

Tidal Water - Includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream. [WAC 173-22-030(9)]

Tidelands - Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

Tombolo - A causeway-like accretion spit that connects an offshore rock or island to the main shore, or to another island.

Upland - Generally described as the area above and landward of the OHWM.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in the applicable master pro-

gram. Variance permits must be specifically approved, approved with conditions, or denied by Ecology. (See WAC 173-14-150)

Vessel - 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)).

WAC - Washington Administrative Code.

WDOE - The Washington State Department of Ecology.

Water-bar - A diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which cause soil movement and erosion.

Water-dependent - A use or a portion of a use which requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. Examples of water-dependent uses may 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.

Water-enjoyment - A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general 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. 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 may include parks, piers, museums, restaurants, educational/scientific reserves, resorts, and mixed use projects.

Water-oriented - Refers to any combination of water-dependent, water-related, and/or water enjoyment uses and serves as an all encompassing definition for priority uses under the SMA. Nonwater-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional office, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores, and gas stations.

Water-related - 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 may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating

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plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

Watercourse - 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.

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

Wetlands, Associated Wetlands, Wetland areas (Jurisdictional) - Those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways, floodplains, and all marshes, bogs, and swamps, and river deltas associated with the streams, lakes, and tidal waters subject to the SMA. See RCW 90.58.030 (2f), WAC 173-16-030(17); WAC 173-22-030(10).

~~((Wetlands" or "Wetland areas" means those lands extending landward for two hundred (200) feet in all directions, as measured on a horizontal plane from the ordinary high water mark and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of the act.))~~

Wetted Perimeter - The areas of a watercourse covered with water, flowing or nonflowing.

Zoning - To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.

Section 24. That Chapter 21.20 SCC, last amended by Ord. 88-0876 on September 7, 1988, is amended to read:

REVIEW CRITERIA FOR SUBSTANTIAL DEVELOPMENT,
CONDITIONAL USE, AND VARIANCE PERMITS AND
NONCONFORMING DEVELOPMENT STANDARDS

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NEW SECTION. Section 25. That a new section is added Chapter 21.20 SCC, last amended by Ord. 88-076 on September 7, 1988, to read:

21.20.040 Nonconforming Development Standards. The purpose of this section is to describe standards to apply to shoreline uses or structures which were lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Snohomish County Shoreline Management Master Program, or amendments thereto, but which do not conform to present regulations or standards of the program or policies of the Act. The following standards apply:

(1) Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity.

(2) A nonconforming development which is moved any distance must be brought into conformance with the SMMP and the Act.

(3) If a nonconforming development is damaged to an extent not exceeding seventy-five percent replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage.

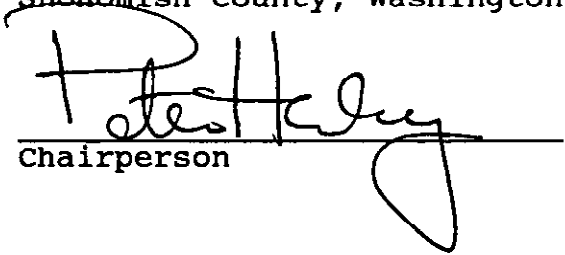
(4) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights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

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

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

Dated this 9th day of June, 1993.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Vice Chairperson

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James M. Norton
Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

DATE 6/30/93
[Signature]
 County Executive

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PUBLISHED _____

_____, DPA
Approved as to form only on

(Date)