



SHORELINE MASTER PROGRAM UPDATE NOVEMBER 2017



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Shoreline Management Act and Guidelines

Washington's Shoreline Management Act (SMA) was passed by the State Legislature in 1971 and was intended "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." While protecting shoreline resources by regulating development, the SMA is also intended to provide for appropriate shoreline use by encouraging land uses that enhance and conserve shoreline functions and values.

The SMA has three broad policies:

1. Encourage water-dependent and water-oriented uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines...."
2. Promote public access: "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."
3. Protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life...."

The primary responsibility for administering the SMA is assigned to local governments through local shoreline master programs, adopted under guidelines established by Ecology. The guidelines ([WAC 173-26](#)) establish goals and policies that provide a framework for development standards and use regulations in the shoreline. The State legislature established new guidelines in 2003 requiring all cities and counties to update shoreline policies and regulations. The new shoreline guidelines set a higher level of environmental protection for shorelines in the state and a goal of "no net loss" of shoreline function. Local SMPs are to be based on these State guidelines and tailored to the specific conditions and needs of individual communities. The SMP is also meant to be a comprehensive vision of how the shoreline area will be managed over time.

Drafting a New Shoreline Master Program for the City of Snohomish

The original City of Snohomish Shoreline Master Program (SMP) was adopted in 1976. To meet State guidelines, the City began an update process in 2009. Between 2009 and 2012, the City created a Citizens Advisory Committee (CAC) and contracted with Environmental Science Associates (ESA) to support the comprehensive SMP update. Draft SMP update documents were developed during this time, including a Shoreline Inventory and Characterization report and map folio, a Shoreline Restoration Plan, a Cumulative Impacts Analysis memorandum, a Shoreline Element of the Comprehensive Plan, and proposed SMP development regulations and administrative standards.

Due to City staff changes and competing priorities, SMP update efforts were put on hold in December 2012. In August 2016, the City reinitiated efforts to finalize and locally adopt the updated SMP. The City Planning & Development Services Department (PDS) coordinated with the Washington State Department of Ecology (Ecology) to identify key areas of earlier draft SMP update materials that required adjustments based on new SMA guidelines, changed shoreline conditions in Snohomish and policy updates within the City. The updates and proposed revisions to the earlier draft SMP materials

reflect completion of a new public boat launch, recently implemented restoration actions within shoreline jurisdiction, and a new approach for integrated protection of critical areas within shoreline jurisdiction and parks.

The components of the updated SMP are detailed below, starting with the key policy and code update components and followed by the supporting technical analysis and documentation necessary to ensure consistency with the SMA and Ecology guidelines:

Shoreline Element of the Comprehensive Plan (Shoreline Management Policies)

Per State’s 2003 guidelines ([WAC 173-26](#)), shoreline master programs are to provide clear, consistent policies that translate broad statewide policy goals into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria for regulatory and non-regulatory actions by a local government. Master program policies provide a comprehensive foundation for more specific shoreline regulations, and are used to evaluate proposed shoreline development. At a minimum, shoreline policies must:

- Be consistent with State shoreline management goals and policies;
- Address all master program elements defined in State law; and
- Be designed and implemented in a manner consistent with constitutional and other legal limitations on the regulation of private property ([WAC 173-26-191](#)).

The draft SMP goals and policies are to be adopted as the Shoreline Element of the City’s overall Comprehensive Plan. Goals and policies were developed to maintain consistency with the existing Snohomish Municipal Code and other elements of the Comprehensive Plan. Draft SMP goals and policies include:

Shoreline Management Purpose and Intent – Goal SMP 1 and Goal SMP 2 (and supporting policies) define the overall purpose and intent of Snohomish’s SMP and the City’s regulatory authority to manage shorelines of the state.

Shorelines of Statewide Significance – These policies guide the management of shorelines of statewide significance, including the Snohomish River.

Shoreline Environment Designations – Goals SMP 3 through SMP 8 (and supporting policies) establish and provide the policy intent of the Shoreline Environment Designation across Blackman’s Lake, the Snohomish River, and the Pilchuck River. Shoreline Environment Designations reflect the physical conditions and development settings for the City’s shoreline segments, and include the Aquatic, Rural Utility, Shoreline Residential, Historic Riverfront, and Urban Conservancy environments.

Shoreline Management Policies – These policies broadly address specific shoreline uses and resources, listed below, based on [WAC 173-26-221](#) and [WAC 173-26-191](#). These policies are intended to provide general guidance in the management of shorelines.

- Residential Development
- Utilities
- Boating Facilities
- Economic Development
- Recreation
- Vehicular Circulation and Parking
- Historic, Cultural, Archeological, and Scientific Resources
- Conservation
- General Shoreline Use
- Water Quality, Stormwater and Nonpoint Pollution

Shoreline Modification Policies – These policies express the general principles for managing shoreline modifications and address specific types of shoreline modification, including:

- Shoreline stabilization
- Piers and docks
- Fill and dredging
- Breakwaters and weirs
- Dredging
- Restoration and enhancement

Shoreline Use Policies – These policies address general and specific types of shoreline use, including:

- Shoreline Resources
- Agricultural
- Aesthetics
- In Stream Structures
- Flood Protection
- Habitat and Natural Systems

Shoreline Management Code

The City of Snohomish adopted the 1976 Shoreline Management Master Program under Snohomish Municipal Code (SMC) Chapter 14.250, titled SHORELINE MANAGEMENT. The SMP Update will repeal all code of existing SMC Chapter 14.250, and replace it with updated SMP code standards (to be adopted as SMC 14.250.010 through SMC 14.250.330). These regulations are intended to carry out draft shoreline policies (above), and incorporate changes such that Snohomish’s program will be consistent with Ecology’s guidelines. Please note that some amendments are required in other sections of the Snohomish’s Municipal Code to ensure consistency with the updated Shoreline Management Code. The Snohomish Critical Areas Code (Chapters 14.255-14.280) is integrated into the Shoreline Management Code and is applicable to the Shoreline Jurisdiction, with an exception. The Shoreline Management Code is divided into the following sections:

- Shoreline Management Purpose, Definitions and Administrative Provisions (SMC 14.250.010 - 14.250.070)
- Shoreline Environments (14.250.080 – 14.250.090)

- Shoreline Development Regulations (14.250.100)
- Shoreline Use Regulations (14.250.110 - 14.250.320)
- Shoreland Critical Areas (14.250.330)

Shoreline Restoration Plan

This Restoration Plan builds on the Shoreline Inventory and Analysis and provides a framework and guidance for implementing the SMP goals and policies for restoration. The plan also describes how future restoration efforts may be integrated with existing work being done by local agencies, non-governmental organizations and private citizens. The State requirement for restoration planning is entirely new per 2003 Ecology SMA Guidelines. Although the plan would not be used to mandate restoration on shorelines, it would be used to guide City actions and mitigation requirements.

Shoreline Inventory and Analysis

Per the State guidelines ([WAC 173-26-201](#)), a first step in the comprehensive Master Program update process is development of a shoreline inventory and analysis report. The Inventory and Analysis documents current shoreline conditions and provides a basis for updating the City's Master Program goals, policies, and regulations. The analysis identifies existing ecological and land use conditions, evaluates existing functions and values of shoreline resources, and explores opportunities for the protection and restoration of ecological functions and for increasing shoreline public access. The Shoreline Inventory analysis identified shoreline public access along the Snohomish River, Pilchuck River and Blackmans Lake as redevelopment opportunities for increased public access, while maintaining the economic viability of existing businesses. This supports other planning documents which also identified public access opportunities, such as the *Snohomish Riverfront Master Plan* and the *PROS Long-Range Plan*.

SEPA Checklist and Determination of Non-Significance

A SEPA Checklist that describes the types of environmental impacts that would result from adoption of the new program was prepared on Dec. 13, 2011, based on the Draft SMP. As the lead agency, the City of Snohomish determined the Draft SMP, if implemented, would not have a probable significant adverse impact on the environment. As a result, the City issued a Determination of Non-Significance on Dec. 16, 2011. No appeals of the determination were made so the determination stands as issued.

Cumulative Impacts Analysis and No Net Loss Memorandum

This section describes the potential effects that the program could have over time, taking into consideration minor changes to the environment that are inevitable with development. It includes an analysis of the effects that such changes would have on ecological functions and what the program contains to mitigate those impacts. The purpose of evaluating cumulative impacts is to ensure that, when implemented over time, the proposed SMP goals, policies and regulations will achieve no net loss of shoreline ecological functions from current "baseline" conditions (as summarized in the Memo, and detailed in the Shoreline Inventory and Characterization Report). The CIA and NNL Memo has been prepared based on the May 2017 Draft SMP being considered for local adoption.

SMP Submittal Checklist

This checklist was developed by Ecology and is a required submittal with the SMP. It provides a guide to how the SMP addresses the requirements of the WAC guidelines.

Appendices

The appendices included with the SMP package include excerpts from the RCW and the WAC, as well as sections from the Snohomish Municipal Code that Ecology needs in order to review the SMP (including portions of the codified Critical Areas Ordinance that are incorporated by reference by proposed SMC 14.250.320).

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INITIAL PROCEDURES

If you are planning on developing, redeveloping, or adding on to your property and aren't sure if it's in the shoreline jurisdiction see Map A: Shoreline Jurisdiction in Snohomish Municipal Code (SMC) 14.250.030; see definition of "shoreline jurisdiction". Then, contact the Planning & Development Services Department (the Department) to determine if you need a shoreline permit. You can also contact the Department to help you determine if your property falls within the shoreline jurisdiction.

If your property is in the shoreline jurisdiction you next have to find out if your proposal is permitted by the Shoreline Master Program (SMP). To do that, first determine which shoreline environment designation applies to your site. You can find that out by reviewing the map in SMC 14.250.080. If you need assistance with this contact the Department. Then check to see if the environment designation policies and regulations in SMC 14.250.120 allow the proposed use. Your proposal may be permitted outright, allowed only as a conditional use, or prohibited. It may also require a variance. Keep in mind your proposed use must also meet the city-wide requirements for the Land Use Designation Area where the property is located. That information can be found in SMC 14.205 and 14.207.

Although your proposal may be permitted by shoreline development regulations, or even exempt from specific permit requirements, all proposals must comply with all relevant policies and regulations of the entire SMP as well as the general purpose and intent of the SMP.

For development and uses allowed under the SMP, the City must find that the proposal is generally consistent with the applicable policies and regulations, unless a variance is to be granted. When your proposal requires an approval or statement of exemption, submit the proper application to the City's Permit Center. Processing of your application will vary depending on its size, value, and features. Contact the Department at (360) 568-3115 for additional information.

When Is a Permit Required?

All development within the shoreline jurisdiction will require the normal development permits (e.g. building, right-of-way) required throughout the City. The Shoreline Management Act of 1971 defines "development" as:

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

Development in the shoreline jurisdiction will require a Shoreline Substantial Development Permit if the activity meets the definition of "substantial development" as defined in RCW 90.58.030(3)(e).

Generally, any development for which the total cost or fair market value is greater than \$7,047 is considered to be substantial development. (This dollar amount is subject to review every five years. It will next be updated in 2022.) Development can be exempt from requiring a Shoreline Substantial Development Permit, even if it exceeds the dollar threshold, pursuant to exemptions described in RCW 90.58.030(3)((e)(i-xii). These exemptions include normal maintenance or repair of existing structures, construction of the normal protective bulkhead common to single-family residences, and emergency repairs to protect property from damage by the elements. For more information about exemptions from the substantial development permit requirement see WAC 173-27-040.

Some development may also require a Shoreline Conditional Use Permit, if listed as such in the Shoreline Use Table in SMC 14.250.120. If your proposal does not meet the requirements of the

Shoreline Development regulations it may be possible to obtain a Shoreline Variance to allow it. Shoreline Conditional Use Permits and Shoreline Variances require a public hearing before the City's Hearing Examiner. Development proposals may require a Shoreline Conditional Use Permit or Shoreline Variance even if they do not meet the definition of "substantial development."

For more information about substantial development permits, conditional uses and variances see SMC 14.250.060.

Keep in mind, **ALL** new development, uses, and activities must comply with the policies and regulations set forth in the City of Snohomish SMP, including those developments, uses, and activities that are exempt from permits. Also, some projects may be subject to environmental review under the State Environmental Policy Act (SEPA).

The Permit Process

Because there are multiple variations of the permits that would be required to develop within the shoreline jurisdiction, potential applicants are urged to contact the Department before getting too far into the process. The City's planners can help determine if a project is classified as a substantial development, determine if a permit is necessary or if a project is exempt from permit requirements, and identify which regulations in the SMP may apply to the proposed project. The Department can also provide information on the permit application process and how the SMP process relates to, and can coordinate with, the State Environmental Policy Act (SEPA) process. In addition, applicants can submit their conceptual development proposals to the Department for a pre-application review whereby all relevant City departments review the proposal for consistency with City regulations and standards.

The Shoreline Permits

There are three types of permits: the Shoreline Substantial Development Permit, the Shoreline Conditional Use Permit, and the Shoreline Variance. All of these permits use the same application form; however, they are processed differently and have different criteria for approval. Shoreline Exemptions require City review to determine whether the proposal is indeed exempt from shoreline permits, and whether the proposal meets the policies and regulations of the Shoreline Master Program. Requests for Shoreline Exemption are made on a separate application form.

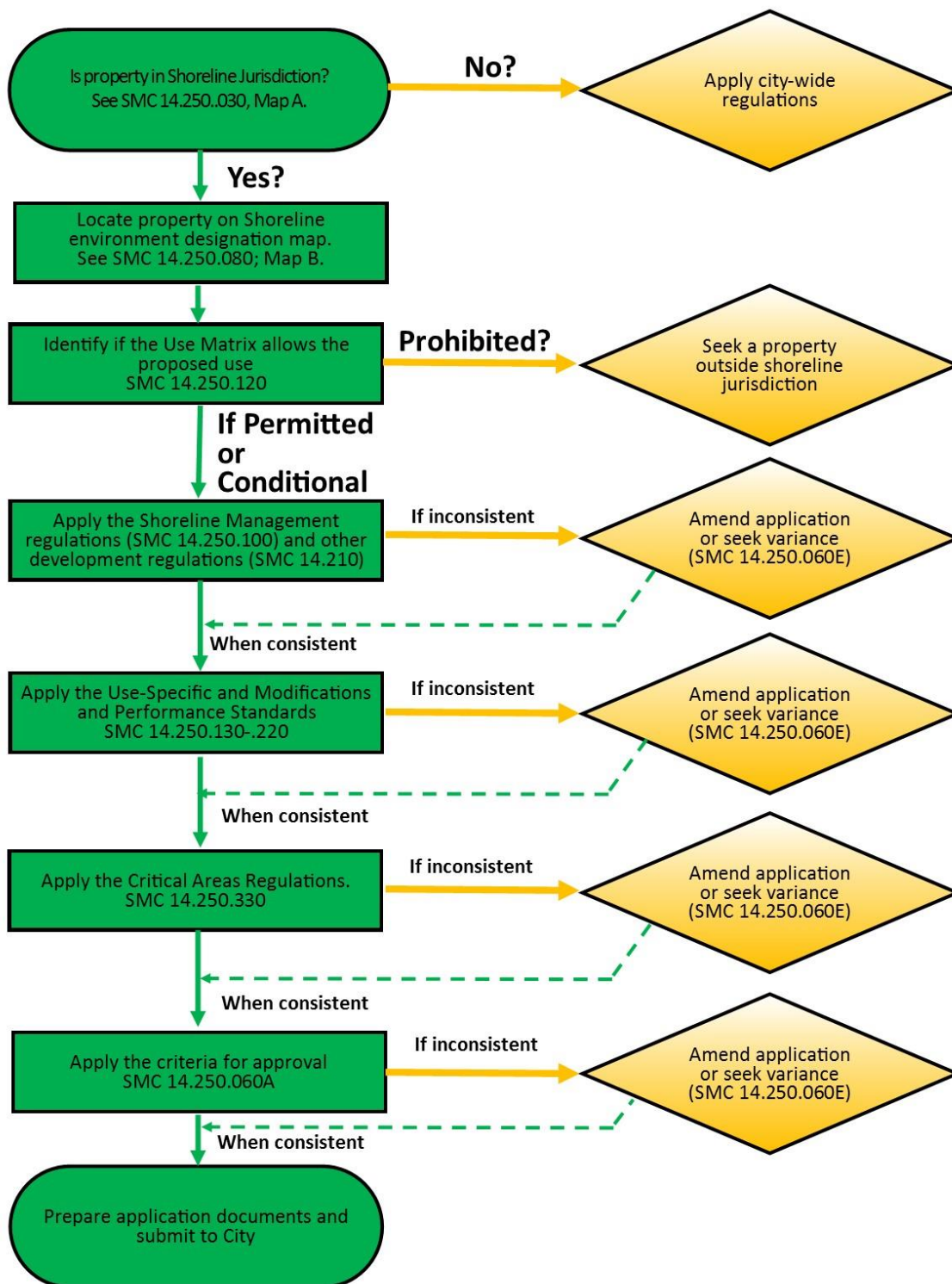
Requests for a Shoreline Exemption and Shoreline Substantial Development Permit are reviewed by the Planning Director or his designee. Requests for a Shoreline Variance or Shoreline Conditional Use Permit require review by the City of Snohomish Hearing Examiner and a public hearing. There may be instances where a Shoreline Conditional Use Permit or Shoreline Variance may be approved without the need for a Shoreline Substantial Development Permit. The Hearing Examiner will hold a public hearing on the proposal and approve, approve with conditions, or deny the application. The Hearing Examiner's decision is final, unless an appeal is filed. Shoreline Conditional Use Permits and Shoreline Variances also require final approval by the Washington State Department of Ecology.

Relationship of this Shoreline Master Program to Other Plans

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the SMP must be consistent with other City of Snohomish local plans, policy documents, and development regulations specifically, the Snohomish Comprehensive Plan and the Snohomish Municipal Code (primarily Title 14 – Land Use Development Code). The SMP must also be consistent with the regulations developed by the City such as building construction and safety requirements.

Submitting an application for a shoreline development, use, or activity does not exempt an applicant from complying with any other local, county, state, regional, or federal statutes or regulations, which may also be applicable to such development or use.

Permitting Process



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SHORELINE ELEMENT (Policies)

Shoreline Management Act

In 1971 the Washington State legislature passed the Shoreline Management Act (SMA) because of concern over the use, protection, restoration, and preservation of shorelines of the state. The legislature stated shorelines of the state are among the most valuable and fragile of natural resources. It found that ever increasing pressures of additional uses being placed on the shorelines necessitated increased coordination in the management and development of the shorelines. Therefore, the goal of the SMA was to provide for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

The SMA establishes a cooperative program of shoreline management between local governments and the state. Local government, such as the City of Snohomish, is given the primary responsibility of initiating the planning required by the Act and with administering the regulatory program created to implement the policies of the SMA. To achieve this the City develops a Shoreline Master Program (SMP) which is certified by the Washington State Department of Ecology. The SMP must be updated at least every eight years.

There are three basic policy areas in the SMA, which are codified in RCW 90.58.020:

1. Shoreline Use
2. Environmental Protection
3. Public Access

The SMA establishes preferred uses for the shoreline area which are consistent with the control of pollution and prevention of damage to the natural environment. Thus, the preferred uses are single family residences, ports, recreational users, water dependent industrial and commercial uses and development that provide public access opportunities.

The SMA is intended to protect shoreline natural resources against adverse effects. All allowed uses are required to mitigate the adverse environmental impacts they cause to the maximum extent feasible and to preserve the natural character and aesthetics of the shoreline.

The SMA requires local SMPs to include a public access element that makes provisions for public access to publicly owned areas and a recreational element for the preservation and enlargement of recreational opportunities.

Snohomish's SMP must implement the SMA's three basic policy areas.

Shoreline Jurisdiction

Areas that are subject to the requirements of the SMA are:

- Shorelines of the state; and
- Shorelands.

A shoreline of the state is defined as all water areas of the state that meet specified size thresholds. Lakes that are more than 20 acres in area are considered to be shorelines of the state. So too are streams with an average annual flow of more than 20 cubic feet per second.

Shorelands are defined as the area 200 feet landward of the ordinary highwater mark of a shoreline.

Three water bodies in the City meet the threshold to be considered a shoreline of the state. They are Blackman Lake, the Snohomish River, and the Pilchuck River. Thus, they and their shorelands are subject to the requirements of the SMA which in turn makes them subject to the requirements of the City of Snohomish Shoreline Management Program (SMP). Figure SMP 1 depicts the areas subject to the SMP.

The policies of the SMP apply to all development within these areas. When areas are annexed that contain shorelines of the state, the SMP will apply to that shoreline and its associated shoreland and a shoreline environment designation shall be adopted for that area.

Shorelines of Statewide Significance

The SMA requires larger shorelines of the state to be subject to a higher level of effort in implementing policy goals of the SMA than the smaller shorelines. These larger shorelines are called “Shorelines of Statewide Significance.” The SMA sets specific use priorities for shorelines of statewide significance. It requires that the public interest be paramount in the management of shorelines of statewide significance. Management goals for shorelines of statewide significance are given a priority order.

The SMA defines rivers with a mean annual flow of more than 2,000 cubic feet per second as a Shoreline of Statewide Significance. The Snohomish River is the only “Shoreline of Statewide Significance” in the City.

City of Snohomish Shoreline Management Program

The City of Snohomish’s Shoreline Management Program (SMP) is comprised of the following:

- Overview of the SMP
- Users Guide to explain permitting processes for projects within the shoreline jurisdiction.
- This Shoreline Element of the Comprehensive Plan, which contains the City’s goals and policies for protecting and using the shorelines and shorelands within the City.
- A Shoreline Inventory & Characterization report which provides a baseline inventory and characterization of the City’s designated shoreline areas. The report identifies which shoreline ecological functions and ecosystems have been impaired.
- A Shoreline Restoration plan which describes ways to restore and enhance those shoreline areas that have been identified as having impaired ecological functions and ecosystems.
- A Cumulative Impacts Analysis which ensures there will be no net loss of shoreline ecological functions (from the current baseline as identified by the Shoreline Inventory & Characterization report) as the SMP is implemented over time.
- Land use and development regulations specific to the City’s shorelines and shorelands intended to implement the goals and policies of the SMA and the Shoreline Element of

the City of Snohomish Comprehensive Plan. These regulations are in Chapter 14.250 Snohomish Municipal Code.

Critical Areas within the Shoreline Jurisdiction

The Shoreline Management Act (SMA) establishes that critical areas must be regulated as part of a Shoreline Master Program, pursuant to RCW 90.58.090(4) and as implemented through WAC 173-26-221(2) which identify the critical areas as defined within RCW 36.70A.030(5) to include:

- Wetlands;
- Areas with critical recharging effect on aquifers used for potable water;
- Fish and wildlife habitat conservation areas;
- Frequently flooded areas; and
- Geologically hazardous areas.

It is not feasible to simply adopt the City's City-wide Growth Management Act (GMA) Critical Areas Regulations as contained within Chapters 14.255 – 14.280 Snohomish Municipal Code (SMC) because the SMA, pursuant to RCW 90.58 and WAC 173-26-221, requires application of a different set of critical area objectives than that established for GMA critical areas regulations. The GMA regulations rely solely on Best Available Science and do not take into account existing conditions and development. The SMA approach encourages certain uses and activities to be allowed within shoreline buffers to accommodate water-oriented and other preferred uses. This is the primary, though not only, difference between the two approaches.

Further, WAC 173-26-221(2)(b) states the principal upon which critical area regulations shall be crafted:

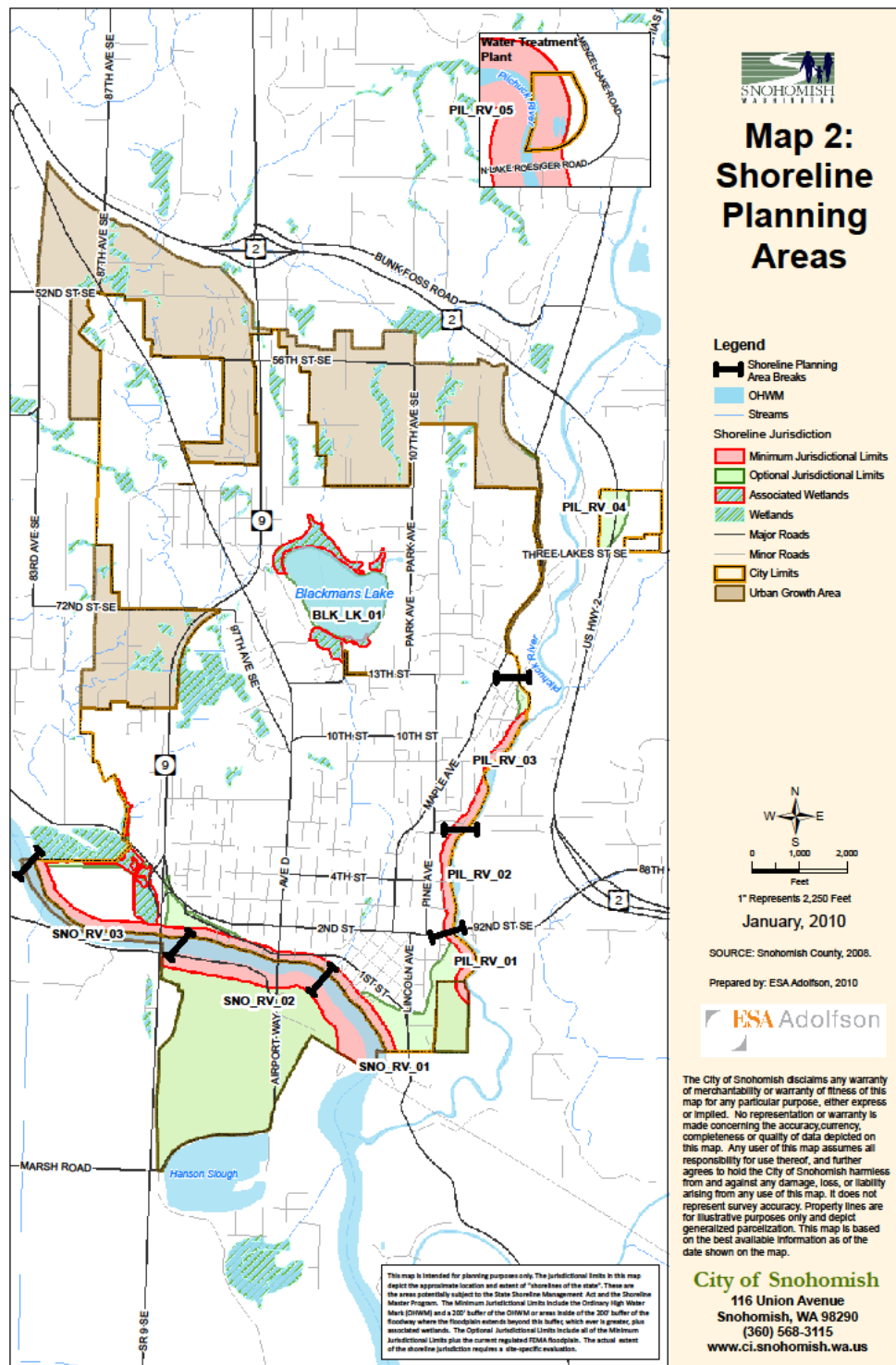
- (ii) using "scientific and technical information"
- (iii) to "integrate the full spectrum of planning and regulatory measures"
- (iv) to protect "existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes."
- (v) "Promote human uses and values ... such as public access and aesthetic values, provided that impacts to ecological functions are first avoided, and any unavoidable impacts are mitigated."

The proposed SMP critical area regulations within Chapter 14.250 are different from the SMC 14.255 – 14.280 critical area provisions in that:

- Wetland buffers are based upon Ecology standards;
- There is not a reasonable use exception – rather a variance is required;
- Existing uses, structures, activities, and preferred uses (such as water-dependent uses) are taken into consideration; and
- Certain water-oriented uses and activities are allowed within the shoreline buffers.

However, the City-wide critical area regulations in SMC 14.255 – 14.280 forms that backbone of the SMP critical area regulations and many provisions of the City-wide regulations, such as Geologically Hazardous Areas and Aquifer Recharge areas, are duplicated virtually verbatim.

MAP A: Shoreline Planning Areas



Shoreline Master Program Map 2: Shoreline Planning Areas

SHORELINE ELEMENT GOALS AND POLICIES

- GOAL SMP 1:** **The City of Snohomish Shoreline Master Program (SMP) is intended to:**
- **Promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and regulations for development and use of City of Snohomish shorelines;**
 - **Manage and protect shorelines in an effective and equitable manner; and**
 - **Carry out the responsibilities established by the Shoreline Management Act (Chapter 90.58 RCW) for the City of Snohomish, recognizing and fostering the policies contained in RCW 90.58.020 for shorelines of the State.**

Policies:

- SMP 1.1:** The policy statements of RCW 90.58.020 shall be the basis for the goals, policies and regulations of the City of Snohomish Shoreline Master Program.
- SMP 1.2:** The shoreline ecology should be protected by:
- Identifying and inventorying the existing and potential ecological functions provided by shorelines.
 - Mitigating adverse impacts in a manner that ensures no net loss of shoreline ecological functions from the baseline functions present as of the date of adoption of this SMP. Any required mitigation should include avoidance, minimization, and compensation of impacts.
 - Addressing cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions and by proportionately allocating the burden of addressing such impacts among development opportunities.
 - Adopting regulations and regulatory incentives designed to protect shoreline ecological functions and to restore impaired ecological functions where such opportunities have been identified, consistent with the City's Shoreline Restoration Plan.
- SMP 1.3:** Regulation of private property to implement SMP policies shall be consistent with all relevant and applicable constitutional, statutory and other legal limitations.
- SMP 1.4:** Regulatory or administrative actions adopted to implement SMP policies shall be consistent with the Public Trust Doctrine and other applicable legal principles as appropriate and shall not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
- SMP 1.5:** The regulatory provisions adopted to implement SMP policies shall be applicable only to the shorelines of the state and their related shorelands.
- SMP 1.6:** The provisions of the Shoreline Restoration Plan may extend beyond the designated shoreline boundaries.

- SMP 1.7:** The policies and regulations established by the SMP shall be integrated and coordinated with the policies of the City of Snohomish Comprehensive Plan and the development regulations in Snohomish Municipal Code
- SMP 1.8:** The goals and policies of the SMP should be considered in balance with other relevant local, state, and federal regulatory and non-regulatory programs.
- SMP 1.9:** The public interest in the stewardship, use, and enjoyment of shorelines of statewide significance in the City of Snohomish should be paramount.
- SMP 1.10:** In developing and implementing its Shoreline Master Program for the Snohomish River, a shoreline of statewide significance, the City of Snohomish shall give preference, in the following order, to uses that:
- Recognize and protect the statewide interest over local interest;
 - Preserve the natural character of the shoreline;
 - Result in long-term over short-term benefit;
 - Protect the resources and ecology of the shoreline;
 - Increase public access to publicly owned areas of the shorelines; and
 - Increase recreational opportunities for the public in the shoreline.
- GOAL SMP 2:** **To ensure appropriate conservation and development of the City’s shorelines, uses that are dependent upon access to shorelines, or that provide opportunities for substantial numbers of people to enjoy the shorelines, and that are consistent with the shoreline environments in which they are located, should be encouraged.**

Policies:

- SMP 2.1:** Only uses or activities that conserve shoreline resources for future generations and do not result in a net loss of ecological functions should be allowed.
- SMP 2.2:** Only uses and developments that are compatible with the shoreline environment in which they are located should be allowed.
- SMP 2.3:** Site development performance standards and other appropriate criteria defining minimum acceptable standards to be achieved should be adopted.
- SMP 2.4:** Property owners should be encouraged to transition their non-conforming uses, sites, and structures to a conforming shoreline use.
- SMP 2.5:** Multiple use of shorelines where location and integration of compatible uses or activities is feasible should be encouraged.
- SMP 2.6:** A hierarchy of preferred water-oriented uses that establish the following priorities should be established through regulations and other suitable means:
1. Water-dependent uses should be preferred over all other uses;
 2. Other water-oriented uses that do not conflict with water-dependent uses should be allowed if a water-dependent use is not feasible;
 3. Non-water oriented uses where water-oriented uses are not practical due to site location or conditions or existing building design should be allowed.

- SMP 2.7:** A management system should be implemented to allow reasonable and appropriate uses of all areas in the shoreline jurisdiction while implementing the following priority system:
1. Natural areas or systems identified for their unique geological, ecological and/or biological significance should be protected and enhanced;
 2. Water-dependent uses should be maintained and promoted as the best option in all environment designations;
 3. Water-related uses should be allowed, maintained, and accommodated if no water-dependent use is feasible or practical;
 4. Water-enjoyment uses should be allowed, maintained, and accommodated if no water-dependent or water-related use is feasible or practical;
 5. Uses that are not water-oriented may be accommodated if a water-oriented use is not feasible or practical ; and
 6. Uses that have no relation to the water and whose operation would be intrinsically harmful to the shoreline should be prohibited.
- SMP 2.8:** Ecological, cultural, and economic studies of the City's shoreline systems should be developed and/or periodically updated to allow proper assessment of the impact of any proposal relative to the City of Snohomish Master Program.
- SMP 2.9:** All development in the shoreline area shall comply with the requirements of the version of the Washington State Department of Ecology Stormwater Management Manual for Western Washington adopted by the City.
- SMP 2.10:** Land uses should be designated as permitted, conditionally permitted, or prohibited for each of the shoreline environments.

Residential Development Policies

- SMP 2.11:** Planned Residential Development should be encouraged in eligible shoreline subdivisions.
- SMP 2.12:** Water quality, shoreline habitats, and shoreline aesthetic characteristics, and, where feasible, significant public vistas, should be protected and preserved through subdivision design.
- SMP 2.13:** Subdivisions with more than four lots and new multifamily development with more than four dwellings should be designed to provide public pedestrian access to the shorelines, unless physical access to the shoreline is not feasible due to the presence of critical areas.
- SMP 2.14:** Where topographically feasible and where ecological functions will not be reduced, subdivisions should be designed to provide all residents within the subdivision with physical and/or visual access to the water.
- SMP 2.15:** Construction of residential development over water should be prohibited.

SMP 2.16: Shoreline subdivisions should be designed and constructed so that future shoreline stabilization or flood hazard reduction measures will not be required.

Utilities Policies

SMP 2.17: Utility facilities should be located, designed, installed, and operated to ensure no net loss of ecological functions, to preserve the natural landscape and views, and to minimize conflicts with present and planned uses.

SMP 2.18: Utility transmission lines and facilities should be located outside shoreline areas, except where existing easements and rights-of-way exist or where there is a functional necessity for a shoreline location.

SMP 2.19: Where utility infrastructure must be placed in a shoreline area, utility facilities should be located as far landward as possible, underground, and/or in existing or combined utility corridors, and the aesthetic impacts on the shoreline should be minimized.

Boating Facilities Policies

SMP 2.20: Boating facilities should be located, designed, constructed, and operated to minimize adverse impacts on shoreline ecology and to mitigate impacts that cannot be avoided so that such facilities do not result in a net loss of ecological functions.

SMP 2.21: Boating facilities should be located, designed, constructed, and operated to minimize adverse impacts on aesthetic quality of the shoreline, navigation, and adjacent shoreline uses.

SMP 2.22: Boat launch facilities and docks should be allowed on the Snohomish River and Blackman Lake.

SMP 2.23: Marinas should be allowed on the Snohomish River.

SMP 2.24: Only hand launch boat facilities should be allowed on the Pilchuck River.

SMP 2.25: Operating procedures for fuel handling and storage should be established to minimize the potential for accidental spillage and provide satisfactory means for containing and managing those spills that do occur.

SMP 2.26: Procedures should be established to ensure that boat facilities are designed in compliance with State and local health agency standards and guidelines.

Shoreline Environment Designations

GOAL SMP 3: Have effective shoreline management regulations by prescribing different sets of environmental protection measures, allowable use provisions, and development standards that reflect the physical conditions and development settings for each type of shoreline segment.

Policies

- SED 3.1:** Shoreline Environment Designations should be created to allow for customized environmental protection measures, allowable use provisions, and development standards in recognition of the varying physical conditions and development settings on the City's shorelines.
- SED 3.2:** Shoreline Environment Designations should establish preference for shoreline uses that protect and preserve shoreline resources.
- SED 3.3:** Shoreline Environment Designations should encourage efficient use of already-developed shoreline areas.
- SED 3.4:** Shoreline Environment Designations should encourage uses, densities and development patterns that reinforce the policies of the Shoreline Management Act.
- SED 3.5:** For areas with high levels of ecological function, a Shoreline Environment Designation should be applied to reserve appropriate shoreline areas for water-oriented uses, and discouraging non-water-oriented uses in the shoreline.
- SED 3.6:** For areas that area almost fully developed with historic or culturally significant structures, a Shoreline Environment Designation should be applied to preserve the historic nature of the area and emphasizing improved public access and habitat restoration over providing water-oriented uses.
- SED 3.7:** For areas with high levels of development and little undeveloped land, a Shoreline Environment Designation should be applied to respect the rights of the owners of developed properties by allowing a variety of compatible uses with a priority on providing improved public access, protecting undamaged habitats, restoring damaged habitats, and protecting or improving ecological functions rather than encouraging water-oriented uses.
- SED 3.8:** For areas largely developed with residential uses, a Shoreline Environment Designation should be made to accommodate residential uses and provide for public access and recreational uses.
- SED 3.9:** For areas with a unique use, such as a utility facility, a Shoreline Environment Designation should be applied to protect the operational integrity of the utility with an emphasis on enhancing and restoring damaged habitat and impaired ecosystems.
- SED 3.10:** Undesignated shorelines, including undesignated shorelines in annexed areas, shall be designated Urban Conservancy in accordance with WAC 173-26-211(2)(e), until the SMP is amended to include such areas.
- SED 3.11:** All Shoreline Environment Designations shall include a purpose, objectives, designation criteria, and management policies.

Aquatic Environment

GOAL SMP 4: **The intent of the Aquatic Environment designation is to protect, restore, and manage the existing characteristics and resources of the areas waterward of the ordinary high-water mark of the City's three shorelines of the state – Blackman Lake, the Snohomish River, and the Pilchuck River.**

Aquatic Environment Policies

- AQE 4.1:** The Aquatic Environment designation shall be applied to all shoreline areas waterward of the ordinary high-water mark.
- AQE 4.2:** Construction of new over-water structures should be discouraged only allowing structures for water-dependent uses, public access and ecological restoration.
- AQE 4.3:** The size of new over-water structures should be limited to the size necessary to allow them to serve their intended use.
- AQE 4.4:** Development on navigable waters should be located and designed to minimize interference with surface navigation, to limit any adverse impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife.
- AQE 4.5:** Uses that adversely impact the ecological functions of critical freshwater habitats should be prohibited except where necessary to achieve the objectives of providing for water-dependent uses and public access, and where adverse impacts can be mitigated.
- AQE 4.6:** Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions.

Rural Utility Environment

GOAL SMP 5: **The purpose of the Rural Utility Environment designation is to allow for the operation of the existing water treatment plan while providing for habitat preservation and enhancement opportunities as they may occur.**

Rural Utility Environment Policies:

- RUE 5.1:** The Rural Utility designation shall be applied only to rural areas with existing utility facilities that are not expected to be redeveloped with urban uses.
- RUE 5.2:** The only uses allowed should be directly related to the operation of a utility.
- RUE 5.3:** Expansion and redevelopment shall be allowed but shall be designed to minimize any adverse impacts on environmental functions, mitigate those impacts that cannot be avoided to ensure there is no net loss of ecological function.
- RUE 5.4:** Expansion and redevelopment projects should include provisions to restore damaged habitat and/or impaired environmental functions.

Shoreline Residential Environment

GOAL SMP 6: **The purpose of the Shoreline Residential Environment designation is to accommodate residential development and appurtenant structures and uses and to provide public access and recreational opportunities.**

Shoreline Residential Environment Policies

- SRE 6.1:** The Shoreline Residential Environment designation shall be applied to shoreline areas that are predominantly developed with single-family residential development and areas that are planned for predominantly single-family residential development. Areas designated Shoreline Residential Environment should have minimal native riparian vegetation between structures and the water's edge and should be unsuitable for intensive urban development due to land use designation, presence of critical areas, being in a flood zone, presence of soils with poor drainage and percolation, or in the vicinity of unstable streambanks.
- SRE 6.2:** New shoreline residential development should be controlled by type, location, and scale in order to maintain and enhance the residential character of the Shoreline Residential Environment.
- SRE 6.3:** Development should be restricted to single family residential uses, recreational uses, and utilities. Commercial, industrial, and residential development other than single family should be prohibited.
- SRE 6.4:** Preserving views of natural shorelines and minimizing glare and other visual intrusions in the shoreline by means of setbacks, landscaping requirements and similar means should be required.
- SRE 6.5:** Beach enhancement projects with appropriate sand supplements should be allowed where it can be shown that other portions of the shoreline would not be adversely affected and that there would be no net loss of ecological functions.
- SRE 6.6:** New residential development or substantial redevelopment projects more than four lots or dwelling units should include new or improved public access to the shoreline and/or new or improved recreational opportunities.
- SRE 6.7:** Standards that will enhance the environmental characteristics of the shoreline area, such as setbacks, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be adopted.

Historic Riverfront Environment

GOAL SMP 7: **The purpose of the Historic Riverfront Environment designation is to protect historic resources and provide for the continuation of commercial uses that are consistent with the historic character of the area, while protecting existing ecological functions and enhancing public access – both visual and physical – to the shoreline. This designation recognizes that**

Snohomish no longer has the water-dependent and water-related uses that characterized its downtown waterfront in the 19th and early 20th centuries. Development and redevelopment in the Historic Riverfront Environment should maximize water-enjoyment uses and minimize adverse impacts on the aquatic, shoreland, and historic environments.

Historic Riverfront Environment Policies

- HRE 7.1:** The Historic Riverfront Environment shall be applied only to the shorelines within the Historic District.
- HRE 7.2:** Water-oriented recreational uses that can be located and designed to minimize conflicts with surrounding development should be encouraged.
- HRE 7.3:** Uses that are not water-dependent shall be allowed provided they are:
- Part of mixed-use development that includes water-dependent uses, water-related uses, water-enjoyment uses, or public access; or
 - In existing buildings in the Historic District that are not designed for water-dependent uses; or
 - In new buildings on properties where water-dependent use is infeasible due to the property being separated from the water by publicly owned land, public rights-of-way, or developed or developable properties, or other physical characteristics of the site.
- HRE 7.4:** Public visual and physical access to the shoreline where adverse ecological impacts can be avoided or mitigated should be encouraged.
- HRE 7.5:** Shoreline aesthetics, such as historic character and views of water and natural shoreline areas, should be protected and improved by adoption of sign regulations, building design and landscaping standards, and similar methods.
- HRE 7.6:** New and expanded commercial developments should provide for or facilitate pedestrian waterfront activities where safely feasible.
- HRE 7.7:** An off-site mitigation program in the Snohomish River shoreline areas should be considered for development in the Historic Riverfront Environment where off-site mitigation would result in better ecological performance than on-site mitigation.

Urban Conservancy Environment

- GOAL SMP 8:** The purpose of the Urban Conservancy Environment designation is to protect and restore ecological functions of riparian floodplain and other sensitive lands in developed and undeveloped urban settings, while allowing a variety of compatible land uses, public access to the water, and recreation uses.

Urban Conservancy Environment Policies

UCE 8.1: The Urban Conservancy Environment should be applied to areas that possess one or more of the following characteristics:

- Existing moderate-intensity land use where such uses are compatible with maintaining and restoring ecological functions of the shoreline.
- Designated for a use by the City of Snohomish Comprehensive Plan other than for Single Family, Parks, or Open Space.
- Public services, utilities, and property access are available to accommodate moderate to high intensity urban development such as multi-family, commercial, and industrial development.
- Undeveloped land not appropriate for the Rural Utility, Shoreline Residential, or Historic Riverfront designation.
- Active agricultural, urban horticultural, or intensive recreational use.
- Existing residential development density is low due to limitations such as buildable area, utility capacities, and vehicular access.

UCE 8.2: Redevelopment of areas capable of accommodating additional density where ecological functions can be restored or protected should be encouraged.

UCE 8.3: Incentives, development regulations and standards that encourage water-dependent industrial and commercial uses should be adopted.

UCE 8.4: Water-dependent uses should be the preferred uses on the Snohomish River shorelands that are designated for industrial use.

UCE 8.5: Uses that are not water-dependent should be allowed if they are:

- Part of a mixed-use development that includes water-related or water-enjoyment uses, or provide public access;
- In existing buildings that are not designed for water-dependent uses; or
- In new buildings on properties where water-dependent use is infeasible due to the property being separated from navigable waters by publicly owned land, public rights-of-way, or developed or developable properties, or other physical characteristics of the site.

UCE 8.7: Water-oriented recreational uses, such as boat launching sites and trail systems that can be located and designed to minimize conflicts with surrounding development should be allowed.

UCE 8.8: Public visual and physical access to the shoreline in the Urban Conservancy Environment where adverse ecological impacts can be mitigated should be encouraged.

UCE 8.9: Industrial and commercial facilities should be designed to allow and encourage pedestrian waterfront activities where feasible without compromising public safety.

- UCE 8.10:** New development in Urban Conservancy Environments should:
- Reflect the character of the surrounding area; and
 - Limit shoreline modifications; and
 - Provide permanent open space; and
 - Provide public access; and
 - Restore damaged habitat or impaired environmental functions either on site or near the site; and
 - Maintain adequate building setbacks from the water to minimize impacts on the adjacent Aquatic Environment.
- UCE 8.11:** An off-site mitigation program should be considered in the Urban Conservancy Environment where off-site mitigation would result in better ecological performance than on-site mitigation. The off-site mitigation should only be allowed on a shoreline of the same water body where the development is occurring.
- UCE 8.12:** Uses that preserve the natural character of the area or promote preservation of critical areas either directly or over the long term should be allowed in the Urban Conservancy Environment. Uses that result in the restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment.
- UCE 8.13:** Shoreline aesthetics such as views of natural shorelines, should be protected and improved by means of adoption of design standards for signs, buildings, and landscaping, or similar methods.
- GOAL SMP 9:** **The City should protect and enhance the economic vitality of the shorelines by encouraging water-oriented commercial, industrial, and recreational uses, while maintaining and improving the quality of the natural shoreline environment.**

Policies

- SMP 9.1:** The amenity value and attractiveness to visitors of public shoreline areas should be improved while protecting natural systems.
- SMP 9.2:** Water-dependent commercial, industrial and recreational development that implement the City's economic objectives or provide substantial numbers of the public an opportunity to enjoy the shoreline should be encouraged.
- SMP 9.3:** New commercial and industrial development should be encouraged to locate first in developed areas that are adequately served by existing public services and utilities.
- SMP 9.4:** Development that provides public access to the shoreline while maintaining the economic viability of the principal use should be encouraged.

- SMP 9.5:** New non-water-oriented industrial uses should be restricted to sites that are physically separated from the shoreline by another property or public right-of-way or where access is not feasible due to topography or some other obstruction.
- SMP 9.6:** Shared use of in-water and upland facilities, including but not limited to docks, parking, storage and solid waste facilities, should be encouraged to support efficient use of aquatic and land resources.
- SMP 9.7:** Forest management shall be consistent with the management practices required by the Forest Practices Act (Chapter 76.09 RCW). Where conversion of forest to non-forest uses is proposed, the provisions of the SMP for the proposed use shall apply.
- SMP 9.8:** The potential adverse impact that commercial and industrial development may have on the aesthetic quality of the shoreline, navigation, and adjacent shoreline uses should be minimized.
- SMP 9.9:** New development in the Historic District should assist in preserving the character of the Historic District to ensure its continued economic vitality.

Public Access

- GOAL SMP 10:** **Create convenient and diverse visual and physical public access to shorelines that does not intrude upon the established rights of private property owners, endanger public health and safety, or adversely impact critical areas and is consistent with the SMA.**

Public Access Policies

- PA 10.1:** New commercial, industrial, and multi-family residential developments should provide public access to the shoreline. On the Snohomish River, public access improvements may include off-site improvements to existing public access areas and trails. On the Pilchuck River, public access improvements should be limited to improvements to existing public access locations, except where it can be demonstrated that a new location will avoid degradation of the shoreline ecology.
- PA 10.2:** Publicly-owned or publicly-funded shoreline development should include public access to the shoreline area, public recreation area, and/or protected open space to protect the natural habitat.
- PA 10.3:** When locating and designing shoreline public access private property rights subject to constitutional and other legal protections shall be ensured.
- PA 10.4:** The location, design, and maintenance of public access improvements should be done in a manner that protects unique and/or fragile geological or biological characteristics and critical areas.
- PA 10.5:** The City should seek to acquire an easement or fee simple ownership of privately-owned property that is determined to be a significant link or component of the shoreline public access network that could provide access to the water for navigation, fishing, and recreation to ensure permanent availability of public access.

- PA 10.6:** When shoreline properties are developed and public shoreline access is provided the City should acquire control of the shoreline access either by purchase or by requiring easements.
- PA 10.7:** Except for minor residential development, non-water-oriented development on waterfront lots should be required to grant the public physical and/or visual access to shorelines as a condition of shoreline development.
- PA 10.8:** Public access should be designed, provided, and maintained so that it is appropriate to the shoreline environment and land use designation where it is located.
- PA 10.9:** Public access should be designed, maintained, and regulated to ensure that the ecological functions of the shoreline are protected from damage by public use of the shoreline and when there are unavoidable impacts they are adequately mitigated for through restoration actions.
- PA 10.10:** Wherever practical, public access points should be linked with non-motorized transportation routes such as bicycle and pedestrian paths.
- PA 10.11:** The recommendations of critical area reports and biological evaluation should be used to provide direction on the appropriate type of public access improvements that are provided to ensure that proper mitigation of development and public access impacts is implemented.
- PA 10.12:** The visual and physical connections between downtown Snohomish and the Snohomish River should be improved and maintained through the preservation of view corridors and with directional signs, outdoor seating areas, landscaping, and the design of buildings facing the river.

Recreation

GOAL SMP 11: Create more recreational opportunities by improving the shoreline connections in the City to its lake and riverfront areas.

Recreation Policies

- REC 11.1:** Park facilities, recreation opportunities, and public access should be enhanced and/or expanded along the City's shorelines.
- REC 11.2:** Recreational facilities should be located so as to have the least adverse effect on unique or fragile natural features.
- REC 11.3:** A balanced variety of recreational opportunities on the City's shorelines should be encouraged.
- REC 11.4:** Recreational development should be located, designed, operated, and regulated in conformance with environmental protection and public access provisions of the City of Snohomish Shoreline Master Program; Parks, Recreation and Open Space Master Plan; and the Comprehensive Plan.

- REC 11.5:** Public ownership and access along the City's shorelines should be expanded through targeted purchases and/or land dedication.
- REC 11.6:** Private investment and development that provides shoreline-oriented recreational uses and other improvements facilitating public access to shorelines should be encouraged.
- REC 11.7:** Parking areas for shoreline recreational uses should be located inland, away from the water and outside of required buffer areas.
- REC 11.8:** The re-orientation and/or renovation of downtown buildings should be encouraged to take advantage of their proximity to the Snohomish River and thereby promote public access to and recreation near the shoreline.
- REC 11.9:** Commercial and mixed-use development with public open space and/or public recreation facilities in a manner that will help sustain the economic viability of the urban shoreline should be allowed.

Vehicular Circulation and Parking

GOAL SMP 12: Create an efficient, safe, and convenient circulation and parking system for vehicles that is appropriate to the shoreline environment which preserves shoreline ecological functions.

Vehicular Circulation and Parking Policies

- VCP 12.1:** Circulation systems should be designed to provide safe and efficient movement of people and products using motorized and non-motorized modes of transportation.
- VCP 12.2:** Transportation and parking facilities should be planned, located, and designed to have the least possible adverse effect on unique or fragile shoreline ecological functions.
- VCP 12.3:** Facilities that support waterborne transportation that are compatible with surrounding land uses and preserve ecological functions should be allowed.
- VCP 12.4:** Shared corridors should be encouraged for transportation and utilities where they must cross shorelines.
- VCP 12.5:** Transportation and parking facilities should be planned, located, and designed to be consistent with public access plans and policies and the environmental protection policies and provisions of the Shoreline Master Program.
- VCP 12.6:** Parking facilities necessary to support an authorized use should be allowed.
- VCP 12.7:** Stand-alone parking facilities, not directly associated with a specific use or uses at a specific location, shall not be allowed within the shoreline regulatory area.
- VCP 12.8:** Parking facilities in the shoreline area should be designed to minimize negative aesthetic impacts.
- VCP 12.9:** The provision of overlooks, trails, and other similar types of recreational amenities adjacent to transportation facilities in public shoreline areas should be encouraged.
- VCP 12.10:** The use of railroad rights-of-way for trail systems, especially where they would provide public access to or enjoyment of the shorelines, should be encouraged.

VCP 12.11: Road and railroad bridges should be located and designed to minimize impacts to existing floodways and channel migration zones of streams and rivers.

Historic, Cultural, Archeological, and Scientific Resources

GOAL SMP 13: Protect, preserve, and restore sites and areas on the shorelines of the City that have significant historical, cultural, archeological, educational, or scientific value.

Historical, Cultural, Archeological, and Scientific Resources Policies

- HCA 13.1:** Historic, cultural and archeological resources on or eligible for listing in the national or state historical register should be preserved and protected.
- HCA 13.2:** Preservation of historic structures through flexible regulations that allow adaptive reuse while preserving historical character should be encouraged.
- HCA 13.3:** Historians, archeologists and tribal representatives should be consulted to identify areas containing potentially valuable archeological or cultural resources.
- HCA 13.4:** Where development is proposed in areas where the potential for encountering undiscovered cultural resources is high, compliance with all protocols for professional site assessment for potential archaeological and cultural resources and preservation of such resources if discovered should be ensured.

Conservation

GOAL SMP 14: Preserve, protect, and restore ecological functions of the natural systems in the shoreline area.

Conservation Policies

- CON 14.1:** Utilization of shoreline natural resources should be allowed where there will not be a net loss of ecological functions.
- CON 14.2:** Areas with potential for restoration of damaged or diminished features or ecological functions should be identified and alternative mitigation programs to achieve restoration should be allowed.
- CON 14.3:** Opportunities to preserve unique, rare and fragile natural features and resources should be identified and encouraged.
- CON 14.4:** Existing ecological functions of the shoreline should be preserved by first requiring avoidance of impacts wherever possible, then applying mitigation in the following sequence of steps listed in order of priority when impacts cannot be avoided:
1. Minimizing impacts by limiting the degree or magnitude of the action and its implementation or by taking affirmative steps to reduce impacts;
 2. Reducing or eliminating the impact over time by preservation and maintenance operations to restore the affected environment to its historical conditions or the conditions existing at the time the project was initiated;

3. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
4. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

CON 14.5: Best management practices shall be required for utilization of renewable resources to ensure that such practices provide for a sustained yield of those resources.

CON 14.6: Wetlands, riparian areas, frequently flooded areas, channel migration zones, geologically hazardous areas, critical freshwater habitats, and habitats of rare and endangered species should be protected by restricting development, requiring buffers, and establishing performance standards as necessary to ensure no net loss of ecological functions and habitat areas.

CON 14.7: Public and private shoreline owners should be encouraged to promote the proliferation of native wildlife, fish and plants without unduly interfering with existing activities.

CON 14.8: Surface and groundwater quality and quantity in shoreline areas should be controlled by minimizing land clearing, soil disturbance and non-point runoff.

CON 14.9: To protect existing habitat and environmental functions, uses and activities should be located, and setbacks and buffers incorporated into the site design, to minimize the adverse impacts of those uses and activities. Construction timing, bank stabilization, bio-engineering and use of erosion and drainage control methods should be used both during and after construction.

CON 14.10: Shoreline stabilization and protection measures should be approved only where erosion or flooding pose a threat to existing structures or public safety, but only if they do not result in a net loss of ecological functions associated with the water body.

GOAL SMP 15: Protect shoreline resources, development, and ecological functions by minimizing the impacts of shoreland flooding.

Policies

SMP 15.1: Non-structural flood hazard reduction measures should be used over structural methods where a non-structural measure can be effective and feasible.

SMP 15.2: The City should coordinate with other agencies and jurisdictions on regional flood hazard management planning.

SMP 15.3: Flood hazard reduction measures that are used should not result in a net loss of ecological function.

SMP 15.4: Proponents of development within flood hazard areas shall be required to demonstrate the development is consistent with the National Marine Fisheries Service (NMFS) Biological Opinion relating to the National Flood Insurance Program (NFIP) and the Endangered Species Act (ESA), dated September 22, 2008.

- SMP 15.5:** Any Restoration Plan should include measures for returning river and stream corridors to more natural hydrological conditions, including seasonal flooding, over time, except for in developed areas.
- SMP 15.6:** Restoration planning should consider removal of structures in flood-prone areas.
- SMP 15.7:** The removal of artificial restrictions to natural channel migration should be planned for where feasible if the removal will not endanger existing structures and uses.
- SMP 15.8:** Flood hazard reduction should be accomplished primarily through the City's existing stormwater management regulations, floodplain regulations, critical areas regulations, and participation in the National Flood Insurance Program.
- SMP 15.9:** Development, fill, or encroachments in floodways, frequently flooded areas, highly erodible areas, and other critical areas should be discouraged.

GOAL SMP 16: Provide for appropriate agricultural uses within the City's shorelines.

Policies

- SMP 16.1:** Allow agricultural practices where permitted in the underlying zoning, and encourage use of best management practices for erosion control, water quality protections, and compatibility with shoreline uses.
- SMP 16.2:** Allow agri-tourism uses that are supportive of continued agricultural uses.

GOAL SMP 17: Preserve the scenic and aesthetic qualities of shorelines and public shoreline vistas.

Policies

- SMP 17.1:** The positive aesthetic qualities of shorelines should be preserved through building design, the location of parking areas, vegetation management, sign and lighting controls, and consideration of effects of development on public viewpoints and shoreline views from private property both inside and outside of the shoreline.
- SMP 17.2:** Degradation of vistas and viewpoints and impairment of visual access to the water from such vistas by the placement of signs should be prevented.

GOAL SMP 18: Minimize both the number of breakwaters, jetties, groins, and weirs in shoreline areas and their adverse impacts.

Policies

- SMP 18.1:** Breakwaters, jetties, groins, and weirs should be designed to protect critical areas and ecological functions. Where negative impacts are unavoidable, mitigation should be provided according to the sequence of priorities in these policies.
- SMP 18.2:** Jetties, groins and weirs that protect or restore ecological functions should be allowed.

SMP 18.3: Where a jetty or groin is necessary, multiple uses of the jetty and/or groin to increase public access to and enjoyment of the shoreline should be encouraged.

GOAL SMP 19: **Minimize both the amount of fill and dredging activity in shoreline areas and the adverse impacts caused by such activities.**

Policies

SMP 19.1: Fill and dredging should only be allowed as necessary to support a permitted use.

SMP 19.2: Fill and dredging shall be done in a manner consistent with floodplain regulations and that protects critical areas to ensure no net loss of ecological function. Fill within wetlands and below the ordinary high water mark shall be consistent with the required state and federal approvals.

SMP 19.3: Fill that would adversely affect other uses or interfere with channel migration should be prohibited.

SMP 19.4: Sanitary landfills and solid waste disposal sites shall be prohibited in any shoreline area.

SMP 19.5: Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material should only be allowed through an approved shoreline conditional use permit, except where the activity is associated with a project related to:

- Restoration of ecological functions;
- Habitat restoration;
- The Model Toxics Control Act (MTCA); or
- The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

SMP 19.6: New dredging projects should be approved only when accompanied by an acceptable plan for the long-term disposal of dredge spoils created by the project and its continued maintenance.

SMP 19.7: Dredging in or disposing of spoils on archeological sites listed on the Washington State Register of Historic Places shall only be allowed when approved by the Washington State Department of Archaeology and Historic Preservation and any affected Native American tribe.

SMP 19.8: New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

SMP 19.9: Dredging for the purpose of establishing, expanding, relocating or reconfiguring navigation channels and basins should be allowed only where necessary to assure safe and efficient accommodation of existing navigational uses and then only where significant ecological impacts are minimized and where mitigation is provided. Maintenance dredging of established navigation channels and basins

should be restricted to maintaining previously dredged areas and/or to existing authorized location, depth, and width.

GOAL SMP 20: Allow new shoreline structural stabilization measures only where necessity is demonstrated.

Policies

SMP 20.1: To protect existing primary structures, shoreline structural stabilization measures should be allowed subject to all of the following conditions:

- New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, flooding, currents, or waves.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

SMP 20.2: Shoreline structural stabilization measures should be allowed in support of new non-water-dependent development uses, including single-family residences, subject to all of the following conditions:

- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
- Non-structural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

SMP 20.3: Shoreline structural stabilization measures should be allowed if in support of water-dependent development, subject to all of the following conditions:

- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
- Non-structural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

SMP 20.4: To protect projects proposed to restore ecological functions or hazardous substance remediation projects pursuant to Chapter 70.105D RCW, shoreline

structural stabilization should be allowed, subject to all of the following conditions:

- Non-structural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to protect the project.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

SMP 20.5: An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves, subject to all of the following conditions:

- The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
- Replacement walls or bulkheads protecting residential dwelling units shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there is an overriding safety or environmental concern. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
- Soft shoreline stabilization measures are not feasible or sufficient. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark once the applicant has obtained the required state and federal approvals.

SMP 20.6: Where proposed structural shoreline stabilization measures meet the conditions of SMP 20.5, the stabilization measures should meet all of the following design standards:

- The size of stabilization measures should be limited to the minimum necessary and include measures designed to assure no net loss of shoreline ecological functions.
- Soft approaches should be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
- Publicly-financed or subsidized shoreline erosion control measures should be designed to ensure they do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, ecological restoration and public access improvements should be incorporated into the project.
- New erosion control measures, including replacement structures, should be designed to avoid adverse impacts. If that is not possible, they should be designed to minimize adverse impacts to sediment conveyance systems.

GOAL SMP 21: **Minimize the use and adverse impact on shoreline areas of flood protection measures, including but not limited to dikes and levees.**

Policies

- SMP 21.1:** All flood protection measures should be placed landward of the principal floodway and associated wetlands that are directly interrelated and interdependent with the stream proper.
- SMP 21.2:** New development should be designed to preclude the need for shoreline stabilization or structural flood control protection.
- SMP 21.3:** Construction of flood control works or streambank stabilization projects that would contribute to destructive streamway channelization or substantial modification of existing shoreline character should be avoided, except for in the case of streamway restoration projects.
- SMP 21.4:** Where possible, bulkheads and seawalls should be designed to blend in with the surroundings and should not detract from the aesthetic qualities of the shoreline.

GOAL SMP 22: **Allow new piers and docks only for public access, water-dependent uses, and as accessory to single family residences.**

Policies

- SMP 22.1:** Pier and dock construction should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.
- SMP 22.2:** Where a pier or dock is proposed for any development of two or more residential units, shared or community piers should be required.
- SMP 22.3:** Docks and piers should be located and designed so that they do not significantly interfere with navigation or public access to the shoreline.
- SMC 22.4:** Docks and piers shall be constructed of materials that have been approved by applicable state agencies.

GOAL SMP 23: **Support and coordinate shoreline habitat and natural systems enhancement projects with other adopted plans and regulations, including salmon conservation plans and flood hazard management regulations.**

Policies

- SMP 23.1:** Habitat and natural systems enhancement projects such as the following should be allowed:
- Modification of existing vegetation;
 - Removal of non-native or invasive plants;
 - Shoreline stabilization using soft or non-structural techniques; and
 - Dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological processes and functions of the shoreline.

SMP 23.2: Habitat and natural systems enhancement projects should address restoration needs and priorities, as determined by the City, and facilitate implementation of the City of Snohomish Shoreline Restoration Plan.

GOAL SMP 24: **Advance the intent and policy of the Shoreline Management Act of 1971 through the implementation of the City of Snohomish Shoreline Management Program, the administration of the shoreline permit processes, and other legal requirements of the Act.**

Policies

SMP 24.1: Applications for shoreline permits should be processed expeditiously with a thorough analysis and review.

SMP 24.2: When necessary, advice and assistance from recognized experts at federal, state, or local levels should be sought whenever technically complex issues are involved in review of shoreline permit applications.

SMP 24.3: The Shoreline Master Program should be administered in a consistent fashion and in compliance with the provisions of the Shoreline Management Act (Chapter 90.58 RCW) and WAC Chapters 173-18 through 173-22 and Chapters 173-26 and 173-27 as exist now and hereafter amended.

SMP 24.4: To ensure compliance with applicable regulations, shoreline development applications should include, where appropriate, submittal of a survey delineating the ordinary high water mark, wetlands, and buffers, including the placement of permanent survey markers.

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SHORELINE MANAGEMENT (Regulations)

Chapter 14.250 Snohomish Municipal Code SHORELINE MANAGEMENT

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14.250.010 Purpose

The purpose of this chapter is to:

- A. Implement the Washington State Shoreline Management Act (Chapter 90.58 RCW), the City of Snohomish Shoreline Master Program (SMP), and the City of Snohomish Comprehensive Plan (Comprehensive Plan).
- B. Promote public health, safety, and general welfare by providing regulations for protection, development and use of shorelines.
- C. Manage shorelines in an effective and equitable manner.
- D. Achieve the City's responsibilities specified by the Shoreline Management Act.

14.250.020 Shoreline Master Program Regulations and Relationship to other Regulations

- A. The following regulations shall constitute the Snohomish Shoreline Master Program development regulations, are incorporated herein and provided in Appendix A for reference purposes, except as supplemented or modified under Sections 14.250.330, with the exceptions specified below.
 - 1. Chapter 14.250 SMC – Shoreline Development (Ordinance 2336, dated Nov. 7, 2017)
 - 2. Chapter 14.255 SMC – Critical Areas; General (Ordinance 2083, dated May 3, 2005)
 - 3. Chapter 14.265 SMC – Critical Aquifer Recharge Areas (Ordinance 2083, dated May 3, 2005)
 - 4. Chapter 14.270 SMC – Flood Hazard Areas (Ordinance 2090, dated Aug. 16, 2005)
 - 5. Chapter 14.275 SMC – Geologically Hazardous Areas (Ordinance 2083, dated May 3, 2005)
 - 6. Chapter 14.280 SMC – Fish and Wildlife Habitat Conservation Areas (Ordinance 2083, dated May 3, 2005)
- B. Unless specifically stated, this chapter does not alter the provisions and requirements specified by other chapters of the Snohomish Municipal Code. In no case shall this chapter be construed to lessen the requirements of any other City regulation.
- C. The following sections and subsections of Snohomish Municipal Code are excluded from incorporation and do not apply in the Shoreline Jurisdiction.
 - 1. SMC 14.255.060 – Exemptions
 - 2. SMC 14, 255.130 – Variances
 - 3. SMC 14.265.020 – Exemptions
 - 4. SMC 14.275.030 – Exemptions
 - 5. SMC 14.255.120(G)
- D. Any provisions of the City of Snohomish Critical Areas Code (Chapters 14.255-14.280 Snohomish Municipal Code) that are not consistent with the Shoreline Management Act Chapter, 90.85 RCW,

and supporting Washington Administrative Code chapters shall not apply in the Shoreline Jurisdiction.

- E. Where this Program makes reference to RCW, WAC, or other state or federal law or regulation, the most recent amendment or version shall apply.
- F. In the event of any conflict between the Shoreline Master Program development regulations and any other regulations of the City, the regulations that provide greater protection of the shoreline natural environment and aquatic habitat, as determined by the Planning Director or designee, shall prevail.
- G. The Planning Director, or designee, is authorized to issue permits and approvals for development and/or construction upon regulated shorelands after confirming that the proposed activity is consistent with this Master Program.
- H. Issuance of a substantial development permit, conditional use permit, and/or variance approval does not constitute approval pursuant to any other federal, State or City laws or regulations.

14.250.030 Definitions

In addition to the definitions provided in this section, the definitions contained in Title 14 SMC, Chapter 90.58 RCW, Chapter 173-26 WAC, and Chapter 173-27 WAC apply within the shoreline jurisdiction. Where definitions in this chapter conflict with definitions elsewhere in Title 14 SMC, the definitions provided in this section shall control.

Access, public or public access means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on waters of the state, and/or to view the water and the shoreline from adjacent locations.

Accessory structure means a structure that is incidental to and on the same site as the principal structure.

Agricultural activities means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Agricultural products includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals

themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products;

Agricultural equipment and agricultural facilities includes, but is not limited to:

- A. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
- B. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
- C. Farm residences and associated equipment, lands, and facilities; and
- D. Roadside stands and on-farm markets for marketing fruit or vegetables; and

Agricultural land means those specific land areas on which agricultural activities are conducted as of the date of adoption of this SMP, as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

Aquaculture means the culture or farming of fish, shellfish, or other aquatic plants and animals.

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

Average grade level, within the shoreline jurisdiction means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure;

Base flood – see Chapter 14.270 SMC and 44 CFR 59.1.

Breakwater means an in-water structure, either floating or not, designed and purposed to absorb, dampen, or reflect wave energy.

Building height – means the measurement from average grade level to the highest point of a structure except that television antennas, chimneys, and similar appurtenances that do not

obstruct the view of the shoreline from a substantial number of residences shall not be used in calculating height. However, temporary construction equipment is excluded in this calculation.

Buffer or shoreline buffer means a non-clearing area adjacent to a wetland, river, or stream that, generally, functions to protect the integrity, function, and values of affected critical area or shoreline. Specifically, a buffer may:

- A. Physically isolate the water body from surrounding areas using distance, height, visual and/or sound barriers;
- B. Minimize risk to the public and property damage from the natural processes and occasional catastrophic actions of water bodies;
- C. Protect the functions and values of the water body from adverse impacts of adjacent development and activities;
- D. Provide shading, input of organic debris, and coarse sediments, room for variation and changes in natural wetland, river, or stream characteristics;
- E. Cleanse and recharge stormwater runoff to minimize sediment and chemical transport to the water body; and/or
- F. Provide habitat for wildlife.

Buffers may be modified and reduced to accommodate allowed uses when consistent with the Act and this Program, and when conducted so that no net loss of critical area or shoreline ecological functions occurs. Under optimal conditions, buffers are composed of intact native vegetation. Buffer widths are measured horizontally.

Bulkhead means a solid or open wall of rock, concrete, steel, timber, or other material erected generally parallel to the shoreline for the purpose of protecting upland areas from inundation, saturation, waves, current, etc. A bulkhead may have earthen fill placed upland of the wall structure.

Channel migration zone – means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

Commercial means a use that involves wholesale or retail trade, or the provision of services.

Critical areas as defined under chapter [36.70A](#) RCW includes the following areas and ecosystems:

- A. Wetlands;
- B. Areas with a critical recharging effect on aquifers used for potable waters;
- C. Fish and wildlife habitat conservation areas;
- D. Frequently flooded areas; and
- E. Geologically hazardous areas.

Development means 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; and/or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.

Dock means an anchored platform structure in or floating upon water to facilitate pedestrian access to the water or to watercraft. Docks may provide moorage for watercraft, and may include ancillary features such as piling, anchors, gangways, floats, fingers, etc. For the purposes of this chapter, “dock” is synonymous with “pier”.

Dredging means the removal, displacement, and/or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or wetlands; maintenance dredging and/or support activities are included in this definition.

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

Feasible means that an action, such as a development project, mitigation, or preservation requirement meets all of the following conditions:

- A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; and
- B. The action provides a reasonable likelihood of achieving its intended purpose; and
- C. The action does not physically preclude achieving the project's primary intended legal use.

In determining an action's infeasibility, the Planning Director shall also consider the action's relative public costs and public benefits, considered in the short- and long-term time frames.

In cases where certain actions are required unless they are not feasible or infeasible, the burden of proving infeasibility is on the applicant.

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

Float means a structure or device which is not a breakwater and which is moored, anchored, or otherwise secured in the water in a manner that allows the structure or device to remain at the surface of the water.

Flood plain is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given

year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

Floodway means the area, as identified in a master program, that either:

- A. Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or
- B. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

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

Groin means a barrier-type structure extending from the backshore into the water across the beach. The purpose of a groin is to interrupt sediment movement along the shore.

Hatchery means a facility for the rearing and/or holding of fish, the design of which is compatible with the natural environment and contains minimal development necessary for fish propagation.

In-water utility means infrastructure related to public infrastructure for domestic water, stormwater, wastewater, power generation, etc. that by nature and common design must be located in or in the immediate vicinity of a river, stream, or lake.

Jetty means an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment.

Marina means a water-dependent facility that provides launching, storage, supplies, moorage and other accessory services for five or more pleasure and/or commercial water craft.

Nonconforming development or nonconforming structure means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

Nonconforming lot means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

Nonconforming use means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

No net loss means that the Snohomish Shoreline Master Program provisions shall, to the greatest extent feasible, protect existing shoreline ecological processes and functions and avoid new adverse impacts to ecological processes and functions. The term “net” as used herein, recognizes that any development has potential for short-term or long-term impacts and that through application of appropriate development standards, avoidance of impacts and use of mitigation measures, those impacts will not diminish the shoreline resources and values as they currently exist. This standard is achieved through both the SMP planning process and by appropriately regulating individual developments through the permit review process.

Non-water-oriented use means a use that is not water-dependent, water-related or water-enjoyment.

Normal protective bulkhead common to single-family residences means a bulkhead constructed on a lot designated to permit one single-family residence and containing one single-family residence.

Ordinary high water mark, as defined in Chapter 90.58 RCW as now or hereafter amended and determined in the field, means on all lakes, streams, and tidal water the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water. In cases where the location of the ordinary high water mark is contested, its determination shall rest with the Washington State Department of Ecology.

Park means land maintained for purposes of active or passive recreation.

Pier - See “dock”.

Planning Director means the manager of the City of Snohomish Department of Planning & Development Services. Planning Director means the same as City Planner as provided for in Chapter 2.34 Snohomish Municipal Code.

Principal use parking lot means a parking lot that is not dedicated to serving the residents, customers, or employees of specific sites or uses but is available for general public use whether free or for a fee.

Public access – see “Access, Public”

Recreational use means a private or public facility designed and used to provide recreational opportunities to the public. Water-oriented recreation includes fishing, swimming, diving, hiking, and viewing. Recreational development provides the opportunity for the use and enjoyment of the shoreline by the public.

Residential development means the development of single-family residences, including appurtenant structures and uses. Residential development also includes multifamily development and the creation of new residential lots through land subdivision. Residential development does not include hotels, motels, or bed and breakfast facilities.

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

Riprap means angular, quarry rock used for revetments or other bank stabilization projects.

Shall means a mandate; the action must be done.

Should means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

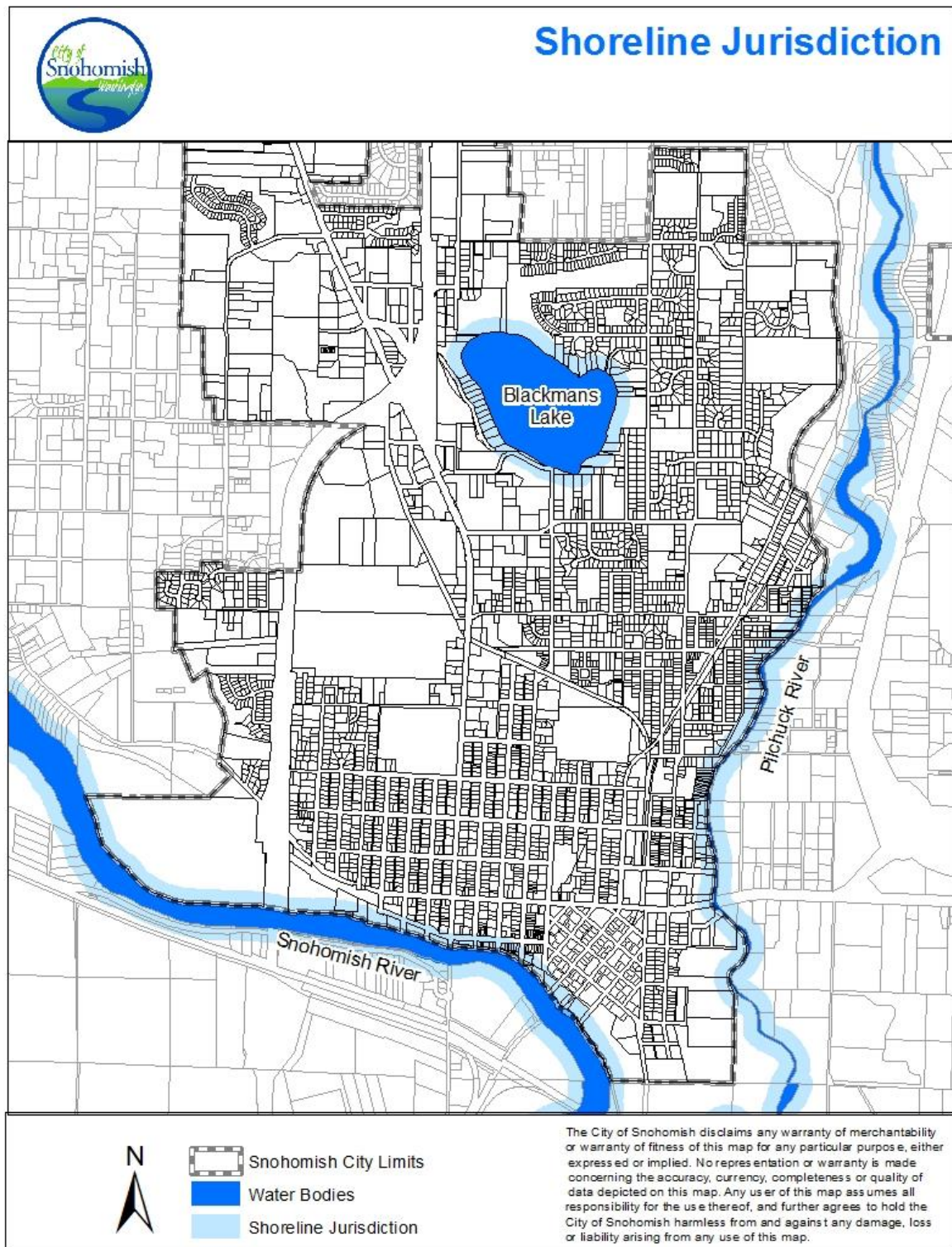
Shorelands or shoreland areas means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams and lakes that are subject to the provisions of Chapter 90.58 RCW.

Shoreline environment designations means a regulatory classification of shorelines of the state established in the Shoreline Master Program to differentiate between areas subject to differing objectives regarding their use and future development.

Shoreline Management Act (Act): the Washington State Shoreline Management Act, Chapter 90.58 RCW.

Shoreline jurisdiction means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030 and as depicted in Map B below.

Map B



Shoreline modifications means actions that change the physical configuration or qualities of the shoreline area, such as clearing, grading, or the application of chemicals; or the construction of physical elements such as a dike, breakwater, groin, jetty, fill, bulkhead, or similar shoreline structure.

Shoreline stabilization means actions taken to prevent or diminish erosion impacts to property or structures caused by natural hydrological processes, such as current, flood, tides, wind or wave action. These actions include installation or expansion of structures, such as bulkheads, jetties, groins, etc.; and nonstructural methods, such as the planting of vegetation.

Shorelines mean all of the water areas within Snohomish and their associated shorelands, together with the lands underlying them, except:

- A. Shorelines of statewide significance; and
- B. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
- C. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

Shorelines of statewide significance means those shorelines described in RCW 90.58.030(2)(f). Within the City of Snohomish, the Snohomish River is designated as a shoreline of statewide significance.

Shorelines of the state means the total of all “shorelines” and “shorelines of statewide significance” within the state, as defined in RCW 90.58.030.

Sign means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, or written copy for the purpose of advertising or identifying any establishment, product, good, service, or event.

Significant vegetation removal means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The following do not constitute significant vegetation removal:

- A. Removal of invasive or noxious weeds;
- B. Tree pruning, not including tree topping, where it does not affect ecological functions;
- C. Mowing of established public and private lawn/grass areas; and
- D. Normal maintenance, including mowing and volunteer sapling clearing of utility maintenance corridors and active use recreation areas.

Substantial development means any development as defined in RCW 90.58.030(3)(e) as now or hereafter amended, and which requires a shoreline substantial development permit.

Utilities or utility facilities means services and facilities that produce, convey, store or process electric power, gas, sewage, water, communications, oil, and waste. This includes drainage conveyances and swales. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

For the purposes of this chapter, "utility facilities" does not mean infrastructure for administrative or support functions, such as professional offices, customer service centers, fleet maintenance facilities, storage yards, etc.

Water-dependent use means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

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

Water-oriented use means a use that is water-dependent, water-related, or water-enjoyment, or any combination thereof.

Water-related use means a use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent on a waterfront location because:

- A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- B. The use provides a necessary service supportive of the water-dependent uses, and the proximity of the use to its customers makes its services less expensive and/or more convenient.

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

14.250.040 General Provisions

- A. The City of Snohomish's Shoreline Master Program, prepared and adopted in compliance with the Shoreline Management Act, consists of:
 - 1. This chapter;
 - 2. The Shoreline Element of the City of Snohomish Comprehensive Plan; and
 - 3. The City of Snohomish Shoreline Restoration Plan;
 - 4. City of Snohomish Cumulative Impacts Analysis; and
 - 5. The City of Snohomish Shoreline Inventory and Characterization Report.
- B. This chapter shall be known as "the shoreline management code".
- C. This chapter shall be exempted from the rule of strict construction and shall be liberally construed to give full effect to the purposes for which the Shoreline Management Act was enacted.
- D. Unless specifically excluded by statute, all proposed uses and development occurring within the shoreline jurisdiction shall conform to Chapter 90.58 RCW, the Shoreline Management Act and this Shoreline Master Program whether or not a permit is required.
- E. Development prohibited by this chapter but otherwise permitted by the Land Use Development Code is prohibited within the shoreline jurisdiction.
- F. In the event of conflict between City regulations and the Shoreline Management Act, State regulations shall prevail.
- G. Mitigation and/or conditions of approval imposed by the Planning Director, or designee, pursuant to this chapter shall reflect reasonable proportionality to the potential adverse impact being mitigated.
- H. The Planning Director, or designee, is authorized to enforce, and if necessary in a cooperative effort with the state, the provisions of this chapter and any administrative rules enacted to implement this chapter. Enforcement shall be consistent with the provisions of Chapter 1.14 SMC and Chapter 14.85 SMC or WAC 173-27.
- I. Alteration or reconstruction of uses or structures that do not conform to the requirements of this Program shall be subject to SMC 14.250.070. Alteration or reconstruction of uses or structures that do not conform to the requirements of other chapters of Title 14 shall be subject to the provisions of Chapter 14.80 SMC and Chapter 14.82 SMC.
- J. The Planning Director is authorized to make administrative decisions and interpretations of the policies and regulations of this Program and the Act in accordance with Snohomish Municipal Code SMC 14.05.050. The City shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of Chapter 90.58 RCW, and Chapters 173-26 and 173-27 WAC.

K. Applicability to federal lands and agencies.

1. The Act and this Program, including the permit system, shall apply to all non-federal developments and uses undertaken on federal lands and on lands subject to non-federal ownership, lease or agreement, even though such lands may fall within the external boundaries of a federal ownership.
2. Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW or this Shoreline Master Program per WAC 173-22-070.
3. Direct federal agency activities affecting the uses or resources subject to the Act must be consistent to the maximum extent practicable with the enforceable provisions of the Act as required by WAC 173-27-060.
4. Pursuant to RCW 90-58-350, nothing in this chapter shall affect any rights established by treaty to which the United States is a party. The rights of treaty tribes to resources within their usual and accustomed areas should be accommodated.

14.250.050 Permits, Decisions, and Appeals – General

- A. The Planning Director, or designee, is authorized to create:
1. Permit application form(s) as deemed necessary to ensure efficient and proper processing; and
 2. A submittal checklist of all required submittals necessary for the application to be determined to be complete.
- B. A complete application for a shoreline substantial development, shoreline conditional use, or shoreline variance permit shall contain, as a minimum, the following documents and information:
1. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 2. The name, address and phone number of the applicant's representative if other than the applicant.
 3. The name, address and phone number of the property owner, if other than the applicant.
 4. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or

latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

5. Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.
6. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
7. A general description of the property as it now exists including its physical characteristics and improvements and structures.
8. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
9. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - a. The boundary of the parcel(s) of land upon which the development is proposed.
 - b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
 - c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that

will not be altered by the development may be indicated as such and contours approximated for that area.

- d. A delineation of all wetland areas that will be altered or used as a part of the development.
 - e. A general indication of the character of vegetation found on the site.
 - f. The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
 - g. Where applicable, a landscaping plan for the project.
 - h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
 - i. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
 - j. Quantity, composition and destination of any excavated or dredged material.
 - k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
 - l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
 - m. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
- C. Permit application and review fees shall be as specified by the City of Snohomish Fee Schedule as established by resolution of the Snohomish City Council.
- D. The applicant shall have the burden of proving the application/request satisfies the applicable criteria.
- E. The Planning Director, or designee, may impose conditions of approval to a shoreline permit or determination of exemption as necessary to ensure the proposal is consistent with the City's Shoreline Master Program and the Act.
- F. When a shoreline substantial development permit and a shoreline conditional use permit or a variance is required for a development, the submittal on the permits shall be made concurrently.
- G. For development where a permit decision by the Hearing Examiner is required in addition to an administrative shoreline permit, the Hearing Examiner shall conduct an open-record public hearing and issue decisions for all land use permits related to development of the site. In such instances, the Planning Director, or designee, shall provide a written analysis of the development's consistency with applicable regulations and provide a recommendation whether to approve, approve with conditions, or deny the permit application.

- H. Any decision on an application for a shoreline permit, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department of Ecology and the attorney general.
- I. As specified by RCW 90.58.140, the “date of filing” of the City’s decision on a shoreline substantial development permit shall be the date of actual receipt with the Department of Ecology. The “date of filing” of shoreline conditional use permits and shoreline variance permits shall be the date the Department of Ecology transmits the permit decision to the City and the applicant. When the City simultaneously transmits to Ecology its decision on a shoreline substantial development with its decision of either a shoreline conditional use permit or variance, or both, the shoreline substantial development permit shall have the same “date of filing” as the shoreline conditional use permit or variance.
- J. Any person aggrieved by the granting, denying, or rescinding of a permit or permit revision on shorelines of the state pursuant to RCW 90.58.140 and this chapter may seek review from the shorelines hearings board by filing a petition for review within twenty-one (21) days of the date of filing the decision, pursuant to RCW 90.58.180 and WAC 461-08-340.

14.250.060 Substantial Development Permit, Conditional Use Permit and Variance

- A. Review criteria for all development.
 - 1. All shoreline permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the City, documenting compliance with bulk and dimensional policies and regulations of this Program. The City may attach conditions to the approval as necessary to assure consistency with the RCW 90.58 and this Program.
 - 2. All uses and development on shorelines of the state shall be determined consistent with the policy and provisions of the Act and this Shoreline Master Program. Any new or expanded building or structure of more than thirty-five feet above average grade level shall only be permitted if it will not obstruct the view of a substantial number of residences and when the public interest will be served.
- B. Substantial development
 - 1. Permit required. A substantial development permit is required prior to commencement of construction of a structure or commencement of a use or activity constituting “substantial development” as defined in WAC 173-27-040, which is not exempt, within the shorelines of the city. No development shall be undertaken within the shoreline jurisdiction unless such development is authorized by a substantial development permit or an exemption.
 - 2. A substantial development permit shall be granted only when the development proposed is consistent with:
 - a. The policies and procedures of the Act;
 - b. The provisions of WAC 173-27; and
 - c. The applicable policies and regulations of this Shoreline Master Program.

C. Developments exempt from the substantial development permit process

1. A development or activity determined by the Planning Director, or designee, to meet the provisions of WAC 173-27-040 or to otherwise be specifically exempt under the Shoreline Management Act is not considered shoreline substantial development and a shoreline substantial development permit is not required.
2. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.
3. All exempt development and activities within the shoreline jurisdiction shall be consistent with the provisions of the Shoreline Management Act and the Shoreline Master Program. An exemption from the substantial development permit process is not an exemption from compliance with the Act or this master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this master program and the Act.
4. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.
5. Applicants requesting a determination of exemption pursuant to this section shall submit a written justification and provide adequate documentation of consistency with the applicable exemption provision(s). The burden of proof that a development or use is exempt from the permit process is on the applicant.
6. Where an exemption is granted for a development or activity meeting the conditions in subsections a and b below, the City shall prepare and issue a written determination that cites the applicable exemption provision and contains the findings of the Planning Director regarding the proposal's consistency with the Shoreline Management Act and the Shoreline Master Program. This letter of exemption shall be provided to the applicant and the department of Ecology.
 - a. The activity will occur waterward of the ordinary high water mark; or
 - b. The project will require either of the following federal permits:
 - i. For a project on or over navigable waters, a U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; or
 - ii. For a project involving discharge of dredge or fill material to any water or wetland, a section 404 permit under the Federal Clean Water Act.

D. Conditional Use Permit

1. The purpose of a CUP is to provide flexibility in authorizing uses in a manner consistent with RCW 90.58.020. Accordingly, special conditions may be imposed to prevent

undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this Program.

2. A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.
3. A shoreline conditional use permit may be approved as provided by RCW 90.58.140, RCW 90.58.143, and WAC 173-27-160, provided the applicant can demonstrate all of the following:
 - a. That the proposed use is consistent with the policies of RCW [90.58.020](#) and the master program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines;
 - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - e. That the public interest suffers no substantial detrimental effect.
4. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW [90.58.020](#) and shall not produce substantial adverse effects to the shoreline environment.
5. Uses which are specifically prohibited by this master program may not be authorized with a conditional use permit.
6. When a conditional use is requested, the Hearing Examiner shall be the approval authority for the City. However, shoreline conditional use permits are subject to review and final approval by the Washington State Department of Ecology per RCW 90.58.140(10) and WAC 173-27-200.

E. Variance Permit

1. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Master Program will impose unnecessary hardship on the applicant or thwart the policies set forth in RCW 90.58.020.
2. A development or use that does not comply with the bulk, dimensional and/or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.

3. As provided by RCW 90.58.140 and WAC 173-27-170, a shoreline variance should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
4. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), and/or landward of any wetland, may be authorized provided the applicant can demonstrate all of the following:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - b. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief; and
 - f. That the public interest will suffer no substantial detrimental effect.
5. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM) or within any wetland may be authorized provided the applicant can demonstrate all of the following:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - b. That the proposal is consistent with the criteria established under subsection (4)(b) through (f) of this section; and
 - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
6. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW [90.58.020](#) and shall not cause substantial adverse effects to the shoreline environment.
7. A variance from City Land Use Development Code requirements approved pursuant to Chapter 14.70 SMC shall not be construed to mean a variance from the Shoreline Master Program development regulations. Similarly, a variance from the Shoreline Master Program development regulations granted pursuant to this chapter shall not be construed to mean a variance from development standards in other chapters of Title 14 SMC.

8. Consistent with WAC 173-27-170(5), shoreline variances may not authorize a land use that is otherwise prohibited by this Program.
9. When a shoreline variance is requested, the Hearing Examiner shall be the approval authority for the City. However, shoreline variance permits are subject to review and final approval by the Washington State Department of Ecology per RCW 90.58.140(10) and WAC 173-27-200.

F. Permit Revisions

1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Shoreline Management Program, and/or the policies and provisions of Chapter 90.58 RCW. Changes that are not substantive in effect do not require approval of a revision. A request to revise a Substantial Development, Conditional Use, or Variance Permit shall be accompanied by detailed plans and text describing the proposed changes to the permit.
2. If the Planning Director, or designee, determines that the proposed changes are within the scope and intent of the original permit and consistent with the Shoreline Master Program and the Shoreline Management Act, the revision may be approved. Within the scope and intent of the original permit shall mean all of the following:
 - a. No additional over-water construction is involved except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten percent (10%) from the provisions of the original permit, whichever is less;
 - b. Ground area coverage and height may be increased by a maximum of ten percent (10%) from the provisions of the original permit;
 - c. The revised permit does not authorize development to exceed any standard approved by variance for the original permit;
 - d. Additional or revised landscaping is consistent with any conditions of the original permit;
 - e. The use authorized with the original permit is not changed; and
 - f. No adverse environmental impacts will be caused by the project revision.
3. If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified in Section 2 above, a new shoreline substantial development permit, conditional use permit, or variance, as appropriate, shall be required.

4. When a shoreline permit revision is requested, the City shall make a decision to approve, approve with conditions, or disapprove the request. However, if the original permit involved a conditional use or variance, the revision shall be subject to review and final approval by the Washington State per WAC 173-27-100.

14.250.070 Nonconforming Shoreline Uses and Structures

A. General Nonconforming Provisions

1. All legally established uses and structures that do not conform to the requirements of this chapter shall be allowed to continue and remain in the form and location in which they existed prior to the effective date of this chapter.
2. All nonconforming uses authorized through a conditional use permit and nonconforming structures authorized through a variance shall be considered legal nonconforming uses and structures and the requirements of this section shall apply as they apply to pre-existing nonconformities.
3. For nonconforming situations not addressed by this chapter, the “Nonconforming use and development standards” in WAC 173-27-080 shall apply.

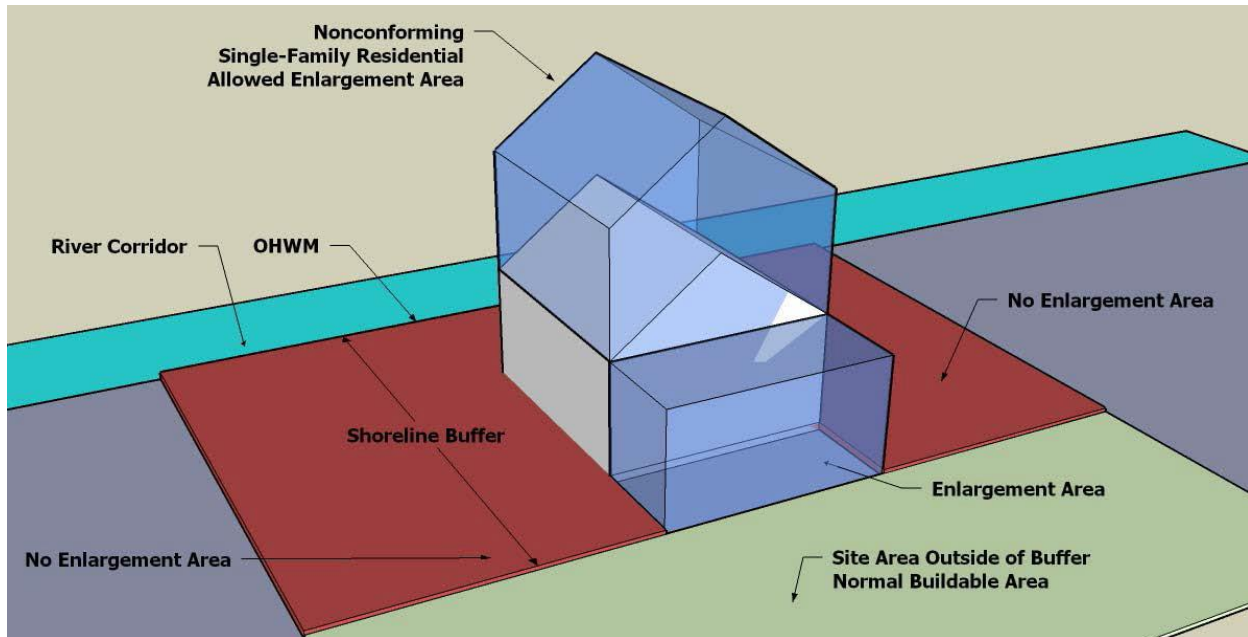
B. Nonconforming Uses

1. Uses that were legally established and are nonconforming with regard to the use regulations of this chapter shall not be expanded or intensified, with the exception of nonconforming single-family residential uses that are located landward of the ordinary high water mark.
2. For the purposes of this chapter, a nonconformity is intensified if:
 - a. The total floor area used by the nonconforming use is increased; or
 - b. The amount of floor area used for non-water oriented use is increased; or
 - c. The amount of floor area used for water-oriented use is decreased.
3. An existing nonconforming use may be replaced with another nonconforming use only upon a finding that:
 - a. No reasonable alternative nonconforming use is practical; and
 - b. The proposed use will be at least as consistent with the Snohomish Shoreline Master Program and as compatible with the uses in the area as the preexisting use.
4. If a nonconforming use is changed to a conforming use, the nonconforming use is abandoned and shall not be resumed.
5. If a nonconforming use is discontinued for twelve consecutive months the nonconforming rights shall be considered abandoned and subsequent use shall be conforming. The following shall not be included in calculating the period of discontinuance:
 - a. Normal seasonal cessation of use; and
 - b. Temporary discontinuance of a use for purposes of maintenance or improvements; and

- c. Time when property is being marketed for sale or rent for the same nonconforming use.

C. Nonconforming Structures

- 1. Structures that were legally established and are nonconforming with regard to setbacks, height, or buffers described in this Program may be maintained and repaired and may be enlarged or expanded provided that the enlargement/expansion does not increase the extent of the nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.



- 2. A nonconforming structure which is moved or relocated either elsewhere on the same parcel or to another shoreland parcel shall be brought as closely as practicable into conformance with this Program, the Shoreline Management Act, and any applicable sections of Snohomish Municipal Code.
- 3. If a nonconforming structure is damaged or destroyed, it may be reconstructed to the configurations existing immediately prior to the time the development was damaged or destroyed, provided that application is made for the permits necessary to restore the development within two years of the date the damage occurred.

D. Nonconforming lots

A nonconforming lot may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

14.250.080 Shoreline Environments

A. Purpose.

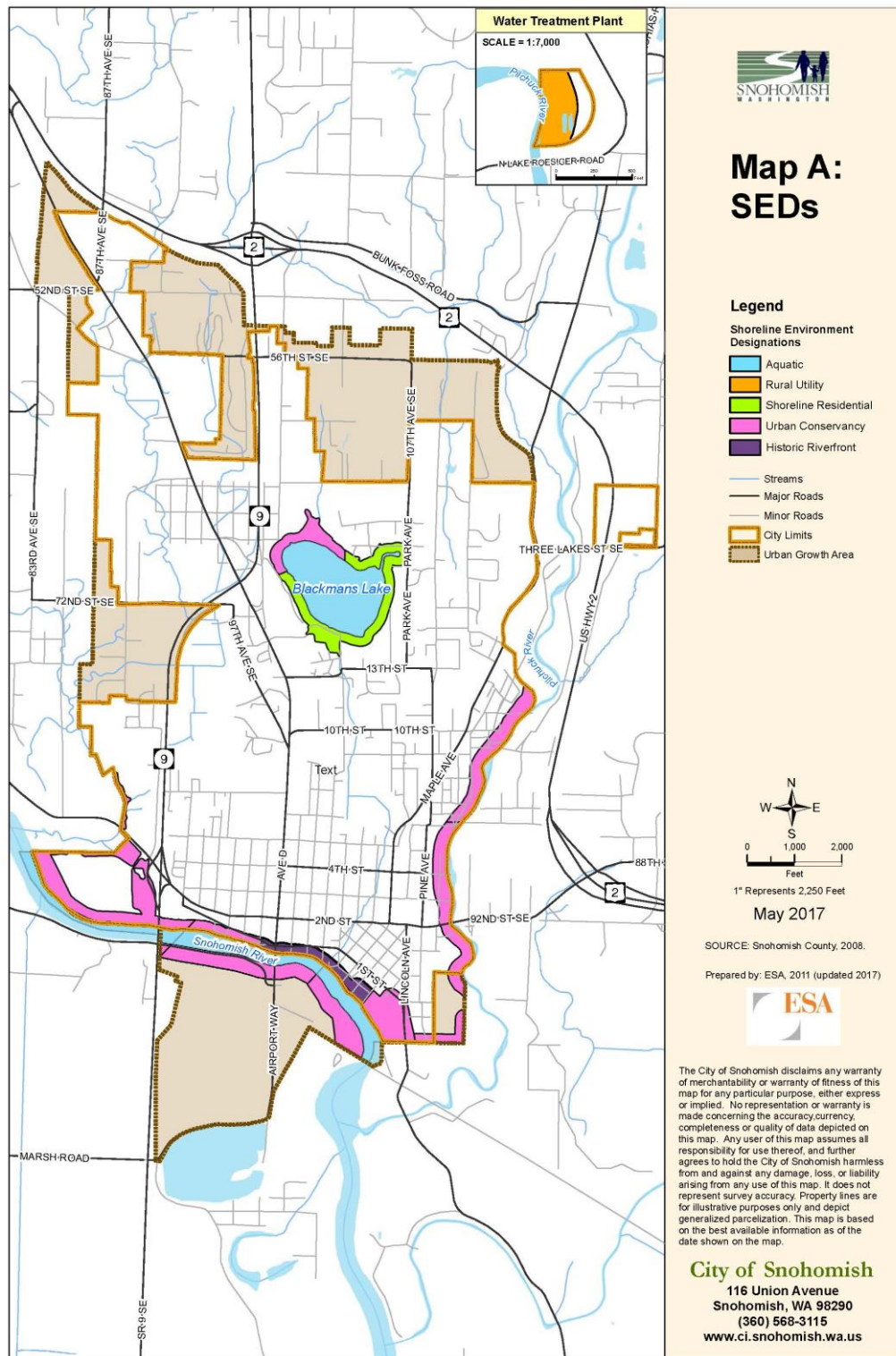
1. The purpose of the individual shoreline environment designations is to provide for different regulations applicable to different shoreline areas in response to the specific shoreline conditions of each area such as geography, hydrology, topography, habitat, infrastructure, and existing and envisioned land uses. The purpose of each designation is as provided in the goals and policies in the City of Snohomish Comprehensive Plan's Shoreline Element.
2. The purpose of the regulations applicable to individual environment designations is to encourage development and land uses that enhance or are compatible with the desired character of the environment while establishing reasonable standards and restrictions so that the environment is not adversely impacted.

B. In order to accomplish the goals, policies, and regulations of the Shoreline Management Act and the Snohomish Shoreline Master Program, the following shoreline environment designations are hereby established:

1. Aquatic Environment.
2. Rural Utility Environment.
3. Shoreline Residential Environment.
4. Historic Riverfront Environment.
5. Urban Conservancy Environment.

C. The shoreline environment designations are depicted on the Shoreline Environment Designation Map within the Shoreline Element of the Comprehensive Plan and below (Map C). The mapped designations are based upon and implement the designation criteria provided in the Shoreline Element of the Comprehensive Plan. In the event of conflict between the Shoreline Environment Designation Map and adopted designation criteria, the criteria shall control. Any land located within the shoreline jurisdiction without a shoreline environment designation shall be regulated as Urban Conservancy environment until the Shoreline Environment Designation Map is amended.

Map C



14.250.090 Shoreline Environment - Designation Change

- A. Shoreline environments established by the Shoreline Master Program may be amended by the City Council where the designation change is consistent with the provisions of Chapter 173-26 WAC, Chapter 14.15 SMC, and this chapter.
- B. A change in shoreline environment designation shall be processed and considered as an amendment of the Shoreline Master Program and the Comprehensive Plan. In conjunction with the procedural requirements of Chapter 14.15 SMC, the proposed designation change shall conform to the procedural requirements for shoreline master program amendments specified by Chapter 90.58 RCW and Chapter 173-26 WAC.
- C. Proposed shoreline environment designation changes shall include information specified by Chapter 14.55 SMC, as determined by the Planning Director, or designee. The application shall include written explanation of how the proposed change satisfies applicable criteria and written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and policies of the Comprehensive Plan.

14.250.100 Development Regulations - General

- A. As provided by WAC 173-26-186(8), land development, land uses, and modifications within the shoreline jurisdiction shall not result in a net loss of shoreline ecological functions and processes. Mitigation for impacts resulting from development, uses, and modifications shall comply with the priorities specified in the Shoreline Restoration Plan and Appendices C, E and F of the City of Snohomish Shoreline Master Program.
- B. Maximum structure height in the shoreline jurisdiction areas shall be 35 feet, except in the following circumstances:
 - 1. Bridges located in any shoreline environment may exceed 35 feet.
 - 2. In the Historic Riverfront environment, structure height for buildings fronting on First Street shall not exceed 40 feet.
- C. For work at or below the ordinary high water mark, a field determination of the ordinary high water mark shall be made no more than one year prior to submittal of a complete application. The field determination may be subject to verification by the Washington State Department of Ecology.
- D. All shoreline uses and developments shall conform to the following standards:
 - 1. Consistency with the Comprehensive Plan and applicable provisions of the Land Use Development Code.
 - 2. All shoreline uses and development shall be located, constructed and operated so as to preserve and protect public health, safety and welfare.

3. All shoreline uses and development shall protect the quality and quantity of surface and ground water. New permits and development shall comply with the provisions of Chapter 15.16 SMC, including the Department of Ecology Stormwater Management Manual for Western Washington, as adopted or hereafter amended.
4. Shoreline uses and development shall not release solid or liquid waste, oil, hazardous materials, or untreated effluent to any water bodies or shorelands.
5. The use of chemicals to control invasive aquatic weeds is prohibited, except that milfoil and other aquatic weeds recognized as noxious weeds by the Noxious Weed Control Board of Washington State may be removed using chemicals, provided that the chemicals are applied by a licensed pesticide applicator and approved for aquatic use.
6. Heating and cooling equipment shall not be placed in waters of the state.
7. All shoreline uses and development shall be located, designed, constructed and managed to avoid and minimize adverse impacts to critical areas to the greatest extent practical consistent with the standard in SMC 14.250.330(C).
8. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. It shall be the applicants' responsibility to obtain all required state and federal approvals prior to beginning work within wetlands or below the ordinary high water mark. To the extent practical, native vegetation and native topsoils shall be preserved and re-used on-site. Areas cleared of vegetation but not developed shall be replanted with appropriate native species as determined by the Planning Director or designee.
9. Shoreline uses and development shall be located, designed, constructed, and managed to minimize adverse impacts to natural shoreline processes such as water circulation, erosion and accretion.
10. All shoreline uses and development shall be located and designed to minimize reliance upon shoreline defense and stabilization measures and flood protection works such as bulkheads, bank stabilization, landfills, levees, dikes, groins, jetties or substantial site re-grading.
11. All development in the 100-year floodplain designated on the current flood insurance rate map issued by FEMA shall include an assessment prepared by a qualified professional regarding the potential effects of the project would have on channel migration, and shall incorporate measures to mitigate significant adverse impacts on channel migration.
12. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
13. Navigation channels shall be kept free of hazardous or obstructing development or uses.
14. Within shoreline environments, archeological, historic, and cultural resources shall be assessed and protected as provided below:

- a. Sites with known or suspected resources:
 - i. Disturbance of known archaeological sites shall be consistent with applicable state requirements, including Chapter 27.44 RCW, Chapter 27.53 RCW, and Chapter 68.50 RCW;
 - ii. If a development proposal may adversely impact a known or suspected archaeological, historic, or cultural resource, the Planning Director, or designee, shall require a site inspection or evaluation by a professional archaeologist and shall consult with the Washington State Department of Archaeology and Historic Preservation (DAHP) and affected tribe or tribes; and
 - iii. In considering shoreline permits or shoreline exemptions, the Planning Director, or designee, may impose conditions of approval or provide a specified period of time for the Planning Director, or designee, to consult with the DAHP and affected tribes to ensure that resources are properly assessed and protected.
- b. Inadvertent discovery of archeological, historical, or cultural resources:
 - i. Consistent with the provisions of Chapter 27.44 RCW, Chapter 27.53 RCW, and Chapter 68.50 RCW, whenever potentially-significant archeological, historical, or cultural resources are discovered in the process of development on shorelines, work on that portion of the development site shall stop immediately and the discovery shall be reported within 24 hours to the DAHP and the Planning Director, or designee. The Planning Director, or designee, shall report such discovery to affected tribes; and
 - ii. Upon consultation with the DAHP and affected tribes, the Planning Director, or designee, may require the preparation of a historic property assessment by a qualified professional, such as an archaeologist, ethnographer, historic preservation professional, etc., to determine the significance of the discovery in accordance with Chapter 27.53 RCW and Chapter 25-48 WAC. The written historic property assessment shall be provided to the Planning Director, or designee, the DAHP, and affected tribes.
 - iii. Following the review of the historic property assessment and consultation with DAHP and affected tribes, the Planning Director, or designee, may require that a historic property management plan be prepared by a qualified professional archaeologist or other appropriate professional before construction activity is authorized to resume. The historic property management plan may include provisions for public access to the resource area.

15. Shoreline development on publicly-owned land or that is publicly funded shall include improvements to incorporate shoreline public access.

14.250.110 Use Regulations - General

- A. Within the shoreline jurisdiction, uses shall conform to all applicable provisions of this chapter.
- B. In the shoreline jurisdiction of the Snohomish River, a shoreline of statewide significance, preference shall be given, in the following order, to new uses that:

1. Recognize and protect the statewide interest over local interest;
 2. Preserve the natural character of the shoreline;
 3. Result in long-term over short-term benefit;
 4. Protect the resources and ecology of the shoreline;
 5. Increase public access to publicly owned areas of the shorelines; and
 6. Increase recreational opportunities for the public in the shoreline.
- C. For a use to be allowed in the shoreline, it must be a permitted use or conditional use in the underlying land use designation and in this chapter. Within the shoreline jurisdiction, the provisions of this chapter may impose conditions or limitations in addition to those specified by other chapters of Title 14, SMC, Land Use Development Code.
- D. Uses not specifically addressed in the shoreline use table may be permitted as conditional uses in the shoreline jurisdiction, provided the use is not otherwise prohibited by the Program and the applicant can demonstrate that the use meets the criteria for a shoreline conditional use permit.
- E. The Shoreline Use Table (Table 1) provided herein specifies whether a use is permitted, allowed as a conditional use, or is prohibited in the shoreline jurisdiction.
1. Permitted Use. The letter “P” at the intersection of a column and row indicates that the use specified in that row is permitted in that shoreline environment.
 2. Conditional Use. The letter “C” at the intersection of a column and row indicates that the use specified in that row is allowed only upon the approval of a shoreline conditional use permit. The scope, type, and intensity of the use shall be limited to the terms of the conditional use permit.
 3. Specific Regulations Pertaining to a Use. A number specified with a “P” or “C” corresponds to a particular regulation or limitation provided as a footnote to the table. Additional use-specific regulations are specified in the sections following the Shoreline Use Table.
 4. Prohibited Use. The letter “X” at the intersection of a column and row indicates that the use specified in that row is prohibited in that shoreline environment designation.
 5. Not Applicable. The letters “NA” at the intersection of a column and the row indicate that the use specified in that row is by definition not applicable to that shoreline environment designation, and is not permitted.
- F. Utilities, roads, parking areas, and signs associated with development shall be allowed as accessory to the principal use.

14.250.120 Table 1: Shoreline Use Table

P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use NA – Not Applicable	Shoreline Environment				
	Historic Riverfront ¹	Shoreline Residential	Urban Conservancy	Rural Utility	Aquatic
Agriculture					
Agriculture and agricultural sales	P	P	P	P	X
Agricultural accessory uses, including agri-tourism uses	P ²	X	C ²	X	X
Feedlots	X	X	X	X	X
Aquaculture	X	X	X	X	C ³
Commercial					
General sales and service	P ⁴	X	P ⁴	X	C ⁵
Eating and drinking establishments	P ⁴	X	P ⁴	X	X
Hotels, motels, and other forms of temporary lodging; excludes recreational vehicle parks	P	X	P	X	X
Industrial					
Industrial uses, except mining, lumber mills, and log storage	X	X	P ⁶	X	C ⁶
Mining	X	X	X	X	X
Lumber mills and log storage	X	X	C	X	C
Residential Development					
Single-family dwellings	P ⁷	P ⁷	P ⁷	X	X
Multi-family dwellings	P ⁷	X	P ⁷	X	X
Mobile home park	X	P	P	X	X
Group residences	P	P	P	X	X
Accessory dwellings	P	P	P	X	X
Park/Recreation Uses					
Recreational/cultural facilities, except boat launches	P ⁸	P ⁹	P ⁹	P ¹⁰	P
Recreational vehicle parks	X	X	X	X	X
Boat launches and marinas	P	P	P ¹¹	C	P
Transportation Uses					
Airport/heliport or helistop	X	X	X	X	X
Facilities for water transportation of passengers	P	X	P	X	P
Highway, street, and railroad, except in-water and over water uses	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²
Parking, principal use, except vehicle impound and storage	X	X	X	X	X
Utilities					
Domestic water production, except in-water uses	P ¹³	P ¹³	P ¹³	P ¹³	NA

P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use NA – Not Applicable	Shoreline Environment				
	Historic Riverfront ¹	Shoreline Residential	Urban Conservancy	Rural Utility	Aquatic
Wastewater treatment, except in-water uses	X	X	P	X	NA
Stormwater management, except in-water uses	p ¹³	p ¹³	p ¹³	p ¹³	NA
Utility facility, except in-water uses	p ¹³	p ¹³	p ¹³	p ¹³	NA
Major communication facility	X	X	X	X	X
In-Water Uses					
In-water municipal water production, in-water wastewater treatment	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴
New dams and new hydroelectric generation	X	X	X	X	X
Other in-water utility facilities	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵
In-water and over-water highway and street facilities	C ¹⁶	C ¹⁶	C ¹⁶	C ¹⁶	C ¹⁶
In-water fish and wildlife management, except aquaculture	p ¹⁷	p ¹⁷	p ¹⁷	p ¹⁷	p ¹⁷
Public Facilities (other than above)	p ¹⁸	p ¹⁸	p ¹⁸	p ¹⁸	p ¹⁸

Footnotes to shoreline use table:

1. In addition to the Permitted and Conditional Uses provided for in the Shoreline Use Table, all Permitted and Conditional Uses allowed in the Historic Business District pursuant to Chapter 14.207 SMC, Land Use Tables, shall be allowed in the Historic Riverfront District
2. Where located with and accessory to ongoing agricultural uses, new agri-tourism uses including, but limited to, lodging or a farm restaurant may be permitted in the shoreline jurisdiction if designed to include patron access to the shoreline.
3. Aquaculture shall be located so as not to impede or restrict established commercial navigational lanes, and shall not materially interfere with the normal public use of the water, provided that unlimited recreational navigation over the water surface shall not be construed as normal public use.
4. Commercial uses on parcels that are physically separated from the water by a developed public roadway or a parcel under separate ownership with existing commercial, industrial or residential development shall be subject to the underlying zoning and do not have to be a water-oriented use. For all other parcels:
 - a. Water-oriented commercial uses are permitted.
 - b. Nonwater-oriented commercial uses shall be allowed if any one of the following criteria is met:
 - i. The use is part of a project that includes a water-dependent use and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration; or

- ii. The capability of the waterbody adjacent to the site to support a water-dependent commercial use is severely limited; or
 - iii. There is not a feasible physical access point between the site and the waterbody to support a water-oriented use; or
 - iv. The commercial use will provide a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration;
 - v. The proposed use or development does not conflict with or displace existing water-oriented uses;
- 5. Commercial development may be located on or over water only if the portion of use that is over water is a water-dependent use.
- 6. Limited to water-dependent or water-related uses.
- 7. Residential development over water is prohibited.
- 8. In the Historic Riverfront environment, only water-oriented, public recreational uses such as parks, docks, and public access trails and facilities may be allowed, provided that minor, non-water-oriented, accessory uses such as children's play equipment, picnic tables, or similar equipment may also be allowed if they meet the other requirements of this chapter. All other recreational uses are prohibited in the Historic Riverfront environment.
- 9. Limited to parks, trails, overlooks, and athletic fields, subject to any limitations in this chapter.
- 10. In the Rural Utility environment, water-oriented passive and low-impact recreational uses shall be allowed. All other recreational uses are prohibited.
- 11. Long-term moorage and vehicular boat launches are prohibited on the Pilchuck River.
- 12. Highway, street, and railroad, except in-water and over water uses, may be permitted where:
 - a. There is no feasible alternate location;
 - b. The alternative would result in unreasonable and disproportionate cost; and/or
 - c. The facility is necessary to serve adjacent shoreline uses.
- 13. Utility facilities may be located within the shoreline jurisdiction if there is no feasible alternative location and where no net loss of shoreline ecological functions will occur. On-site utility features serving a primary use shall be considered a part of and accessory to the primary use.
- 14. Limited to water-dependent facilities/processes.
- 15. May be permitted as conditional use where: a) there is no feasible alternate location; b) the alternative would result in unreasonable and disproportionate cost; or 3) the facility is necessary to serve adjacent shoreline uses.
- 16. In-water or over-water transportation facilities may be permitted as conditional use where:
 - a. There is no feasible upland location;
 - b. The substantive requirements of Chapter 14.255 SMC are satisfied; and

- c. The priorities of the City of Snohomish Shoreline Restoration Plan are addressed in the project's mitigation plan.
- 17. In-water structures that are part of habitat restoration projects require approved by state and federal resource agencies are permitted.
- 18. Public facilities other than utilities and parks as regulated herein may be permitted in the shoreline jurisdiction only if the portion of the facility located in the shoreline is water-dependent.

14.250.130 Regulations Specific to Agriculture Uses

- A. No modification to exiting, legally-established agricultural activities occurring on agricultural lands shall be required for compliance with this chapter. New agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities shall be subject to the provisions of this chapter. In all cases, a substantial development permit shall be required for new non-exempt development.
- B. Creation of new agricultural areas and new structures for accessory uses on agricultural lands are subject to the requirements for structure setbacks and critical areas regulations specified by this chapter, and shall be located and designed to ensure no net loss of ecological function.
- C. The keeping of animals is subject to the provisions of Title 7 SMC.
- D. Agricultural plowing and cultivation, where legally established and maintained consistent with all applicable regulations, shall not be regulated as grading. Modification of land contours in a manner that alters drainage patterns, including conversion of areas not currently in cultivation, shall be regulated as grading.

14.250.140 Regulations Specific to Aquaculture Uses

- A. Applications for new aquaculture facilities or operations shall be accompanied by a report by a qualified biologist on the effects the proposal would have on the ecological functions of the shoreline.
- B. Aquaculture structures shall not detract from the aesthetic qualities of the surrounding environment.
- C. Floating aquaculture structures are prohibited.
- D. In addition to any development establishing a new aquaculture use, the following aquaculture activities require the issuance of a Substantial Development Permit:
 - 1. Construction and expansion of facilities.
 - 2. Disposal of solid or liquid wastes such as may result from confined rearing operations for salmon or other aquatic life.
 - 3. Construction of dikes or the dredging of bottom materials.
 - 4. The propagation of non-native stocks of aquatic plants and animals.

- E. The following operations/activities shall be conducted in a manner consistent with the authorizing Substantial Development Permit and Hydrologic Project Approval (HPA) and applicable provisions of this chapter.
 - 1. Propagation, cultivation, feeding.
 - 2. Harvesting provided that such harvesting does not result in a significant alteration to the natural ecosystems of the area.
 - 3. Routine maintenance activities and procedures.
- F. Processing of aquaculture products, other than on a tending boat or barge, shall be governed by applicable regulations for industrial uses.

14.250.150 Regulations Specific to Commercial Uses

- A. Except for commercial structures that are dependent on direct, contiguous access to the water, all commercial structures shall be located outside the shoreline buffer area as provided in this chapter.
- B. Applications for commercial development shall include a detailed statement explaining the nature and extent of water orientation of the proposed activity. Such statement shall include:
 - 1. Nature of the commercial activity;
 - 2. Need for shoreline frontage (where appropriate); and
 - 3. Provisions for public visual and/or physical access to the shoreline.
- C. New commercial developments and expansions of existing commercial developments shall be designed and constructed so that the site and/or building(s) provide visual or physical public access to the shoreline, except where adequate public access improvements exist between the proposed structures and the water or where the site is separated from the shoreline so that visual or physical access is infeasible. Where required, public access shall be implemented by the following means:
 - 1. A pedestrian trail with a minimum width of six feet within a public easement located between the development and the water where the improvement and associated public activities can occur without a net loss of ecological function;
 - 2. A pedestrian overlook accessible by the public that provides shoreline views. An overlook may be incorporated into a building, e.g., as an exterior deck, or may be a separate improvement; or
 - 3. An alternative measure determined by the Planning Director, or designee, to provide comparable physical or visual public access to the shoreline.

14.250.160 Regulations Specific to Industrial Uses

- A. Industrial uses in the shoreline shall provide public visual and/or physical access to the shoreline, or public access improvements in accordance with the regulations specific to commercial uses contained in SMC 14.250.150.

- B. Outdoor storage areas shall be designed in accordance with Chapter 15.16 SMC and the Snohomish Engineering Design and Construction Standards.
- C. The following regulations shall apply to lumber mills and forestry uses:
 - 1. Except where no practical alternative exists, log storage shall occur on land.
 - 2. Log storage shall not be permitted in waters of the State where water quality standards cannot be met or where log storage precludes the public's use and navigation of waters of the State.
 - 3. Free-fall dropping of logs into water is prohibited.
 - 4. Bark and wood debris from mill operations shall be kept out of water bodies.
 - 5. Logs shall not be dumped, stored, or floated in areas where grounding will occur.

14.250.170 Regulations Specific to Residential Uses

- A. Applications for subdivisions and short subdivision for land within the shoreline jurisdiction shall include the following information (in addition to the application materials required by Chapter 14.55 SMC and Chapter 14.215 SMC):
 - 1. Detailed statement (graphic and textual) of any proposed alteration of the natural character of the shoreline.
 - 2. Provisions for lot owner access to the water body (for shoreline lots).
 - 3. Provisions for public access to the shoreline as required by this chapter.
 - 4. Delineation of the channel migration zone upon the plat, if applicable, and demonstration that shoreline stabilization or structural flood control measures will not be necessary.
 - 5. Demonstration that the design, configuration, and development of the subdivision or short subdivision at full build-out of all the lots will result in no net loss of ecological function.
 - 6. Demonstration that the subdivision or short subdivision is consistent with the underlying shoreline environment designation criteria and management policies.
 - 7. Demonstration that the subdivision or short subdivision is consistent with the requirements of WAC 173-26-241(3)(j).
- B. All critical areas and/or buffers shall be placed in a critical area tract or conservation easement, the purpose of which is to set aside and protect the critical area. The delineation of critical areas and their buffers shall be shown on the final recorded plat.
- C. Residential accessory structures shall meet the following standards:
 - 1. Below-grade swimming pools shall be sited and designed so that they do not adversely affect the flow of groundwater or endanger unstable slopes.
 - 2. Accessory structures shall be sited to preserve visual access to the shoreline from adjacent properties and public rights-of-way to the maximum extent practical;
 - 3. Non-water-dependent accessory structures and facilities such as sheds, gazebos, swimming pools, and driveways shall not be located in shoreline buffer areas.
 - 4. Stairs and paths to a dock or beach may be allowed in the shoreline buffer areas, but shall be limited to the minimum necessary to provide pedestrian access.

- D. Subdivisions of more than four (4) lots and new multi-unit development of more than four residential units shall provide public pedestrian access to the shorelines, unless physical access to the shoreline is not feasible due to the presence of regulated critical areas such as wetlands or steep slopes. Where public access is not feasible, improvements to existing public access in the vicinity may be required in lieu of on-site public access.
- E. New residential lots created adjacent to Blackmans Lake shall provide for common or shared dock(s) in lieu of individual docks for each lot.

14.250.180 Regulations Specific to Recreation and Cultural Uses Lighting of outdoor facilities within the shoreline environment shall be designed and configured to avoid light spill into regulated critical areas and their buffers or onto adjacent properties. Where light spill cannot be avoided, such lighting shall be the minimum necessary to achieve the intended purpose.

14.250.190 Regulations Specific to Boat Launches and Marinas

- A. Boat launches, marinas, and similar uses shall be designed and operated so that there is no net loss of ecological function within the shoreline jurisdiction. Restoration and enhancement of critical habitat areas and/or Native Growth Protection Areas, preferably within the same catchment shall be required to compensate for unavoidable adverse impacts upon ecological functions.
- B. Boat launches and marinas shall be sited and designed to protect rights of navigation upon navigable waters.
- C. Boat launches and marinas shall not alter river currents such that adverse impacts would occur downstream. Boat launches and marinas shall be designed to meet criteria by the State Department of Fish and Wildlife relative to disruption of currents, restriction of tidal prisms, flushing characteristics, and fish passage.
- D. Marinas shall have facilities for handling wastes typically generated by marina patrons and visitors. Marinas shall not discharge or release any waste, treated or untreated, into the body of water on which they are located. Oil and gas handling systems shall be designed to minimize potential oil and gas spills. Marinas shall have provisions for containment and cleanup of such spills.
- E. Floating homes and live-aboards are prohibited.
- F. Marinas shall be designed to include native vegetation where feasible and practical.
- G. Marinas shall be designed to provide public access to the shoreline wherever feasible and practical.
- H. Structures for accessory uses that are not water dependent shall not be located over water.

- I. Parking for boat launches and marinas shall be located upland of shoreline buffer areas.
- J. Vehicular access to a boat launch located within a critical area buffer or habitat conservation area shall be the minimum size necessary to provide safe maneuvering of vehicles.

14.250.200 Regulations Specific to Transportation and Parking

- A. Non-water-dependent transportation uses, including accessory parking that cannot be located outside of the shoreland area shall be located as far landward as possible. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use.
- B. Major roads and railroads shall cross shoreland areas by the shortest, most direct route feasible, unless such route would cause significant adverse environmental impacts.
- C. Highway, street and railroad infrastructure that must be located in or over water, such as bridges and bridge supports, may be permitted provided that the substantive critical areas requirements of this Chapter (SMC 14.250.330) are satisfied, and the priorities of the City of Snohomish Shoreline Restoration Plan are addressed in designing mitigation for project impacts.
- D. Applications for installation of transportation facilities shall include the following (at a minimum):
 - 1. Purpose and need for the project
 - 2. Demonstration that the facility is not feasible in a location outside the shoreline area;
 - 3. Location of other transportation facilities in the project vicinity;
 - 4. Proposed method(s) of construction;
 - 5. Plans for restoration of areas disturbed during construction;
 - 6. Mitigation plan for impacts to ecological functions of the shoreline; and
 - 7. Landscape plan.
- E. Bridge abutments of earthen fill shall not be located within an Area of Special Flood Hazard as delineated on Flood Insurance Rate Maps issued by FEMA.
- F. Transportation uses and facilities shall be designed to avoid or minimize placement of fill or structures that would restrict floodplain capacity or limit channel migration. Where transportation uses or facilities are proposed within floodplains, floodways, or channel migration zones; the proposal shall conform to the substantive critical areas requirements of this Chapter (SMC 14.250.330) and Chapter 14.270 SMC.
- G. New roads and off-street parking facilities shall be located where new shoreline stabilization is not required.

- H. New off-street parking shall be located outside of required shoreline and critical area buffers.
- I. Parking facilities over water shall not be permitted.
- J. Exterior lighting for parking areas shall be designed to avoid or minimize light spill into regulated critical areas and their buffers.

14.250.210 Regulations Specific to Utilities

- A. Where feasible, utility facilities shall be located in existing right-of-ways or in existing utility corridors.
- B. Where feasible, utility lines and facilities outside of existing right-of-ways or utility corridors shall be located underground unless long-term environmental benefit is demonstrated through use of aerial utility lines.
- C. Utility transmission and distribution infrastructure that cannot be located below ground or outside the shoreline jurisdiction shall be located as far landward as feasible to preserve public views.
- D. Utility facilities shall avoid and minimize crossing of water bodies and wetlands to the greatest extent feasible.
- E. Applications for installation of utility facilities shall include the following (at a minimum):
 - 1. Reason the facility must be located in a shoreline area;
 - 2. Alternative locations considered and reasons for their elimination;
 - 3. Location of other utility facilities in the project vicinity;
 - 4. Proposed method(s) of construction;
 - 5. Plans for restoration of areas disturbed during construction; and
 - 6. Plans for landscaping/screening.
- F. Minor communication facilities may be allowed subject to a determination that significant shoreline views will not be obstructed or impaired.
- G. Stream crossings for utilities shall:
 - 1. Use the best available technology and practices to protect health, safety, and the environment;
 - 2. Avoid critical habitat to the greatest extent feasible;
 - 3. If crossing beneath a river or stream, utilities shall be designed to avoid river bed/streambed mobilization and adverse environmental impacts in general. Such utility lines shall be placed in a sleeve or conduit to facilitate replacement without additional boring or excavation; and
 - 4. Mitigate adverse impacts to shoreline ecological functions.

- H. Banks and dikes where utility facilities enter or leave a body of water shall be restored to the extent feasible, shall be protected against erosion, and shall be maintained by the utility.
- I. Stormwater and sewage outfalls may be permitted in shoreline environments in accordance with the substantive critical areas requirements of this Chapter (SMC 14.250.330) and state and federal regulations.
- J. Water intakes shall comply with Washington Department Fish and Wildlife fish screening criteria.

14.250.220 Regulations Specific to In-Water Structural uses

- A. In-water structural uses may be permitted provided they conform to the substantive critical areas requirements of this Chapter (SMC 14.250.330) and the priorities of the Shoreline Restoration Plan are addressed in designing measures to mitigate project impacts. It shall be the applicants' responsibility to obtain all required state and federal approvals for work below the ordinary high water mark.
- B. Applications for installation of in-water utility facilities shall include the following (at a minimum):
 - 1. Justification that the facility must be located in a shoreline area;
 - 2. Alternative locations considered and reasons for their elimination;
 - 3. Location of other utility facilities in the project vicinity;
 - 4. Proposed method(s) of construction; and
 - 5. Plans for restoration of areas disturbed during construction.

14.250.230 Regulations Specific to Public Facilities Applications for installation of government facilities shall include the following (at a minimum):

- A. Justification that the facility must be located in a shoreline area;
- B. Alternative locations considered and reasons for their elimination;
- C. Proposed method(s) of construction; and
- D. Plans for restoration of areas disturbed during construction.

14.250.240 Regulations Specific to Public Access

- A. Except as provided in this section, public access may be required for public projects and development on public lands, commercial uses, industrial uses, marinas, multifamily development of more than four residential units, and residential subdivisions containing more than four lots. Where public access is required, it shall:
 - 1. Where feasible, connect to other public and private public access and recreation facilities on adjacent parcels along the Snohomish River and Pilchuck River shorelines;
 - 2. Be sited and designed to promote public safety;

3. Be open to the general public and accessible from a public right-of-way or public access easement; and
 4. Enhance access and enjoyment of the waterbody or shoreline and provide one or more features from the following options, listed by preference. Applicants shall justify a lower-preference option:
 - a. Public open space allowing unobstructed physical access to or near the water's edge;
 - b. Improved pathways in easements for pedestrians and bicyclists where no structures are located between the trail and the water;
 - c. Beach or water access improvements for boats, such as launch facilities for small craft, touch-and-go docks, or temporary moorage where public use is reasonably likely;
 - d. Improved seating area with benches and picnic tables affording water views unobstructed by structures on the same parcel; and/or
 - e. Platforms or similar improvements providing view points of the water or immediate shoreline habitat;
 5. Be sited and designed to minimize impacts to native habitat, critical areas and buffers.
- B. Where public access is required, the area dedicated and improved for public access shall be roughly proportional to the scale of the proposed development and its impacts in accordance with applicable State and federal law.
- C. Trails and other public access improvements are subject to the substantive critical areas requirements of this Chapter (SMC 14.250.330) and standards for recreational uses provided herein.
- D. The provisions of this section do not apply:
1. Where public access is determined by the Planning Director, or designee, to be infeasible or impractical due to incompatible uses, safety, security, steep topography, the location or configuration of existing structures, or impact to the shoreline environment; and
 2. To commercial development which abuts the Riverfront Trail.

14.250.250 Regulations Specific to Signs

- A. All signs located within the Shoreline Jurisdiction shall be comply with the requirements of SMC 14.245 – Sign Regulations.
- B. Except non-commercial signs related to public safety, signs shall be prohibited waterward of the ordinary high water mark.
- C. Light and glare from illuminated signs shall be shielded or directed away from adjacent properties, habitat, and the water.

- D. In approving a sign permit, the Planning Director, or designee, may impose conditions as necessary to ensure consistency with the Shoreline Management Act and the Shoreline Master Program.

14.250.260 Shoreline Modifications - General

- A. A shoreline modification proposal may only be permitted if associated with a new development or redevelopment proposal as allowed by the underlying land use regulations and by this Chapter.
- B. Each category of shoreline modification is subject to the regulations for that modification, as provided by this chapter.
- C. The Shoreline Modifications Table (Table 2) provided in the following section specifies whether a shoreline modification is permitted, may be conditionally allowed, or is prohibited. Conditionally-allowed modifications must satisfy the criteria for shoreline conditional uses, and are processed as a conditional use permit. A number following a “P” or “C” corresponds with an additional provision or limitation provided in the Table footnotes. Additional regulations specific to shoreline modifications are provided in the sections following the Shoreline Modification Table.

14.250.270 Table 2: Shoreline Modifications Table

KEY P - Permitted Modification C –Conditional Modification X – Prohibited Modification NA – Not Applicable Shoreline modifications may be authorized only as part of a permitted use.	Shoreline Environment				
	Historic Riverfront	Shoreline Residential	Urban Conservancy	Rural Utility	Aquatic
Shoreline stabilization					
Shoreline stabilization facilities ¹	P ²	P ²	P ²	P ²	C ²
Repair or replacement shoreline stabilization facilities ¹	P ³	P ³	P ³	P ³	P ³
Flood protection facilities ¹	P ²	C ²	P ²	C ²	C ²
Filling, grading, and dredging					
Grading upon shorelands ¹	P	P	P	P	NA
Filling (waterward of OHWM) ¹	C	C	C	C	C
Dredging ¹	P	P	P	P	P
Disposal of dredge material ¹	P	P	P	P	P
Piers and Docks¹	P ⁴	P ⁴	P ⁴	X	P ⁴
Breakwaters, jetties, groins and weirs¹	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵
Shoreline habitat and natural systems enhancement projects¹	P	P	P	P	P

Footnotes to Shoreline Modifications Table:

1. Work waterward of the ordinary high water mark and within wetlands requires state and federal authorization in addition to local approval. It shall be the applicants' responsibility to obtain all required state and federal approvals for work below the ordinary high water mark.
2. Shoreline stabilization, including bulkheads and flood protection facilities, may be permitted where such measures are necessary to protect existing legally-established primary structures, public improvements, proposed or existing water-dependent development and restoration/mitigation improvements and when consistent with WAC 173-26-231(3)(a)(iii).
3. An existing, legally established shoreline stabilization structure may be replaced or augmented where needed to protect primary structures from erosion caused by currents, tidal action, or waves.
4. New docks and piers shall be:
 - a. Allowed only for public access or water-dependent uses, including as accessory uses to single-family residences;
 - b. Restricted to the minimum size necessary to serve a proposed water-dependent use; and
 - c. Permitted only when specific need is demonstrated, except for docks accessory to single-family residences.
5. Breakwaters, jetties, groins and weirs shall only be permitted where necessary to support water-dependent uses, public access, approved shoreline stabilization, or other public uses, as determined by the Planning Director, or designee,. No conditional use permit is required for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.

14.250.280 Regulations Specific to Shoreline Stabilization

- A. Shoreline stabilization shall be designed and constructed to avoid adverse impacts affecting downstream banks.
- B. New shoreline stabilization shall not preclude river channel migration within the floodway.
- C. Shoreline stabilization shall be designed and constructed consistent with the critical areas report required by SMC 14.250.330(A)(6). Where possible, shoreline vegetation shall be preserved.
- D. In addition to the required permit application materials required by other sections of Title 14 SMC, the applicant shall provide the following materials under the stamp of a qualified professional engineer:
 1. Description of project's purpose and scope.
 2. Description of the hydraulic characteristics of the water body within one-half mile of the proposed project, before and after the stabilization/protection project.

3. Description of existing shoreline stabilization within one-half mile of the proposed project.
 4. Proposed construction materials and methods.
- E. Using studies by qualified professionals, including a geotechnical analysis and a field determination of the ordinary high water mark done no more than one year before submittal of a complete application, the applicant shall demonstrate the following:
1. That the structure is in danger from shoreline erosion from tidal action, waves or currents, including a description of the damage or loss that is expected to occur if stabilization is not provided, and a timeframe within which such damage or loss is anticipated to occur.
 2. Erosion is not caused by upland conditions on the project site that, if corrected, would eliminate the need for shoreline stabilization;
 3. The proposal is the minimum necessary to protect existing legally-established structures; existing water-dependent development; or achieve restoration of ecological functions.
 4. Except for the protection of the shoreline requiring stabilization, the effect on natural fluvial, hydrological, and geomorphological processes will be minimized.
 5. Mitigation measures will maintain or augment shoreline processes and critical fish and wildlife habitat so that no net loss of function of riparian habitat will occur.
 6. Shoreline stabilization shall minimize the adverse impact to other properties to the maximum extent practical.
 7. Shoreline stabilization shall not interfere with surface or subsurface drainage into the water body or to or from wetlands.
- F. Replacement of an existing shoreline stabilization structure that can no longer adequately serve its purpose may be permitted without a determination of imminent need subject to the following:
1. The replacement structure shall be designed, located, sized, and constructed to ensure no net loss of ecological functions;
 2. Replacement of walls or solid bulkheads shall not encroach waterward of the OHWM or existing structure unless protecting a residence that was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure;
 3. Where stabilization would extend waterward of the OHWM, distance shall be the minimum necessary to preserve the stabilization function.
- G. New hardened shoreline stabilization shall not be permitted unless the analysis confirms that there is a significant possibility that the upland structure will be damaged within three years in the absence of hardened stabilization measures; or unless the analysis confirms that waiting until the need is immediate will foreclose on the opportunity to use measures that avoid impacts on ecological functions.

- H. Shoreline stabilization shall not be used to create new shoreland area.
- I. Material that may release hazardous substances shall not be used for shoreline stabilization.
- J. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation.
- K. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.
- L. Shoreline stabilization measures shall not be allowed within any designated floodway except as may be necessary to protect existing development or prevent serious impairment of channel function.
- M. Shoreline stabilization measures shall be consistent with the Integrated Stream Protection Guidelines (Washington departments of Fish and Wildlife, Ecology, and Transportation, 2003).

14.250.290 Regulations Specific to Flood Protection

- A. Flood protection facilities shall be consistent with the provisions of Chapter 14.270 SMC, the National Flood Insurance Program (NFIP), and the Integrated Stream Protection Guidelines (Washington departments of Fish and Wildlife, Ecology, and Transportation, 2003).
- B. Flood control dikes shall be landward of the designated floodway and any shoreline associated wetlands.

14.250.300 Regulations Specific to Grading, Filling, Dredging, and the Disposal of Dredge Material

- A. Grading, dredging, and filling shall be located, designed, and conducted to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and mitigation shall employ the mitigation sequence specified by Chapter 14.255 SMC.
- B. Grading, dredging, dredge material disposal and filling shall be consistent with Chapter 14.270 SMC.
- C. Fill may be permitted below the ordinary high water mark only:
 - 1. When necessary to support a water-dependent use;
 - 2. To provide for public access;
 - 3. When necessary to mitigate conditions that endanger public safety, including flood risk reduction projects;
 - 4. To allow for cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan;

5. To allow for the disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;
 6. For expansion or alteration of transportation or utility facilities currently located on the shoreline upon demonstration that alternatives to fill are not feasible; or
 7. As part of mitigation actions, environmental restoration projects and habitat enhancement projects.
- D. Dredging and disposal of dredged material below the ordinary high water mark shall be permitted only:
1. When necessary for the operation of a water-dependent use;
 2. When necessary to mitigate conditions that endanger public safety or fisheries resources;
 3. For establishing, maintaining, expanding, relocating or reconfiguring navigation channels and basins when necessary to ensure safe and efficient accommodation of existing navigation uses where:
 - a. Significant ecological impacts are minimized and mitigation is provided;
 - b. The substantive requirements of Chapter 14.255 SMC are satisfied; and
 - c. Dredging is maintained to the authorized location, depth and width.
 4. For restoration projects associated with implementation of the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act; or any enhancement or restoration project.
 5. For flood risk reduction projects conducted in accordance with Chapter 14.270 SMC.
- E. Dredging and dredge material disposal shall be performed in a manner which avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.
- F. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or authorized location, depth, and width.
- G. Dredging is not allowed waterward of the ordinary high water mark for the primary purpose of obtaining fill material except where the material is necessary for the restoration of ecological functions. Where permitted, the site where the fill is to be placed must be located waterward of the OHWM and the action must be required for an approved habitat enhancement project.
- H. Disposal of dredged material shall be allowed only in approved disposal sites.
- I. Stockpiling of dredged material in wetlands and Habitat Conservation Areas and their associated buffers, and in or under water, is prohibited.

- J. No dredging may commence in any shoreline environment without the responsible person having first obtained either a substantial development permit or a determination of exemption.
- K. The removal of gravel for flood management is allowed only after biological and geomorphological studies show that extraction has a long-term benefit to flood hazard reduction, results in no net loss of ecological functions, and is part of a comprehensive flood management solution.
- L. Dredging in or the disposal of dredge spoils on known archeological sites is prohibited unless approved in writing by the Department of Archaeology and Historic Preservation in consultation with any affected tribes.
- M. Applications for dredging permits shall include the following information (at a minimum):
 - 1. Physical analysis of material to be dredged: material composition and amount, grain size, organic materials present, source of material, etc.;
 - 2. Chemical analysis of material to be dredged: volatile solids, chemical oxygen demand, (COD), grease and oil content, mercury, lead and zinc content, etc.;
 - 3. Biological analysis of material to be dredged;
 - 4. Information on stability of bedlands adjacent to proposed dredging and spoils disposal;
 - 5. Dredging procedure: time of dredging, method of dredging, and spoils disposal; and
 - 6. Dredge spoils disposal area: location, size, capacity, and physical characteristics.
- N. New dredging projects shall, in addition to the above, provide the following information with their application:
 - 1. Total initial spoils volume;
 - 2. Frequency and quantity of project maintenance dredging;
 - 3. Area proposed for initial spoils disposal; and
 - 4. Provisions for long-term/on-going disposal of maintenance spoils.
- O. Applications for dredge spoils disposal sites shall include the following, whether in the City of Snohomish shoreline jurisdiction or elsewhere:
 - 1. Disposal site area and final depth of spoils;
 - 2. Methods to control water quality from spoils, including a perimeter dike or similar control system, and methods of ingress and egress from the spoils site that will not result in off-site water quality impacts;
 - 3. A landscaping plan providing landscape screening and erosion control during the period of disposal; and
 - 4. A description of the ultimate use of the site after spoil disposal is complete.
- P. New development shall be sited and designed to avoid the need for new and maintenance dredging.

14.250.310 Regulations Specific to Breakwaters, Jetties, Groins and Weirs

- A. Breakwaters, jetties, groins, and weirs located waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
- B. Applications for breakwaters, jetties, groins and weirs shall provide (as a minimum) the following information:
 - 1. Purpose of project;
 - 2. Construction material; and
 - 3. Method of construction;
 - 4. Analysis of shoreline conditions demonstrating the need for the project;
 - 5. Assessment of the expected effects of the project on ecological functions of the shoreline; and
 - 6. A mitigation plan demonstrating no net loss of ecological functions in the shoreline.
- C. Applications for groins shall also include the source and destination of material proposed to be trapped by the groin(s).
- D. Breakwaters shall meet or exceed all design requirements of the State Department of Fish and Wildlife.
- E. Jetties and groins shall not result in a net adverse effect upon nearby beaches.

14.250.320 Regulations Specific to Docks and Piers

- A. Shoreline subdivisions vested with complete application after the effective date of this chapter, temporary lodging, and multi-family uses shall be served by no more than one joint use dock.
- B. Docks, piers, long-term moorage, and vehicular boat launches are prohibited on the Pilchuck River.
- C. No dock, pier, moorage, buoy, float or launching facility authorized by this chapter shall interfere with safe navigation, or normal public use of the water. All such facilities shall be located and managed in a manner that minimizes impacts to aquatic habitat.
- D. Applications for piers and docks on the Snohomish River shall include an assessment of impacts on anadromous salmon habitat, and a mitigation plan addressing any impacts expected from the project. Compensatory mitigation shall be provided for impacts that cannot be avoided through design and siting.
- E. Prior to issuance of a permit for a pier or dock on the Snohomish River, the applicant shall provide evidence of all required state and federal permits.

- F. Boat lifts may be approved by conditional use permit with a demonstration that no net loss of ecological functions or significant impacts to shoreline views will occur
- G. Docks and piers serving residential uses shall be subject to the requirements of SMC 14.250.315(F)-(I), or shall demonstrate that the project provides an equal or greater degree of protection of ecological functions and anadromous species habitat. For the purposes of meeting this requirement, the Planning Director, or designee, may require a critical area report to determine whether the project is adequately protective.
- H. Except as otherwise provided in this section, only one dock, pier, moorage, buoy, float, or launching facility may be permitted for each parcel developed with a single-family dwelling, and only if the applicant demonstrates there is no other feasible option for shared use facilities.
- I. New residential development of two or more adjacent lots or two or more residential units shall have no more than one dock and shall allow for joint use rather than one dock for each unit, unless demonstrated to be infeasible.
- J. Skirting is prohibited on any pier or dock.
- K. Water surface coverage by docks (defined by the outside dimensions of all overwater portions of the floats, ramps, and ells, regardless of surface materials used) shall be limited as follows:
 - 1. A dock serving only one residential waterfront lot shall not exceed 480 square feet;
 - 2. A dock serving two residential waterfront lots shall not exceed 700 square feet; and
 - 3. A dock serving three or more residential waterfront lots shall not exceed 1,000 square feet.
- L. Wood treated with toxic compounds shall not be used for decking, pilings, or other in-water components. Tires shall not be used on moorage facilities. Foam material may be used if fully encapsulated.
- M. No private moorage or other structure waterward of the ordinary high water mark, including structures attached thereto, shall be closer than twelve (12) feet to any adjacent property line except when there is a mutual agreement of adjoining property owners.
- N. No covered dock, pier, covered moorage, covered float, or other covered structure is permitted waterward of the ordinary high water mark.

14.250.330 Critical Areas in Shoreline Jurisdiction

A. General

- 1. The provisions and regulations of Chapters 14.255 – Critical Areas; 14.265 – Critical Aquifer Recharge Areas; 14.270 – Flood Hazard Areas; and 14.275 – Geologically Hazardous Areas SMC shall be applicable to development within the shoreline jurisdiction except as exempted in SMC 14.250.020 or as may be modified in this section. If the provisions of the any of those Chapters

conflict with this Chapter, or any part of the Shoreline Management Program, the provisions of this Chapter and the Program shall prevail.

2. The provisions and regulations of Chapters 14.260 – Wetlands and 14.280 – Habitat Conservation Areas SMC are not applicable within the shoreline jurisdiction.
3. Activities that are exempt from the SMC 14.255, 14.265, 14.270, and 14.275 shall comply with this chapter. Such activities may require a shoreline letter of exemption, shoreline substantial development permit, shoreline variance or shoreline conditional use permit consistent with the provisions of this chapter.
4. The variance and reasonable use provisions of SMC 14.255.020 and 14.255.120-.130 shall not apply to development in the shoreline jurisdiction. Projects that propose to vary from the standards of this chapter, including the critical areas, bulk, dimensional, and performance standards of SMC 14.255 – 280 incorporated by reference, shall require a shoreline variance according to the provisions of this Chapter and WAC 173-27.
5. Critical Area Reports shall be provided consistent with requirements of SMC 14.255.080.

B. No net loss

1. To ensure there is no net loss in shoreline ecological functions from the current conditions proposed development in the shoreline jurisdiction must be designed to avoid impacting the environment.
2. If avoidance is not feasible then the development must be designed to minimize the impacts and compensate for them.
3. To ensure there is no net loss in shoreline ecological functions resulting from any individual development proposal where avoidance of environmental impacts was not feasible, the Director may require applicants to provide a special analysis that:
 - a. Describes the options that were considered to avoid impacts but were determined to be not feasible
 - b. Demonstrates how the design of the project minimizes the effect of any unavoidable impacts; and
 - c. Shows how proposed mitigation measures will adequately compensate for the negative impacts.

C. Mitigation Sequencing

1. Adverse environmental impacts shall be avoided if feasible. Where not feasible to completely avoid environmental impacts, mitigation measures shall be applied in the following sequence of steps, in order of priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. 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;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
2. Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
3. Application of the mitigation measures must achieve no net loss of ecological functions for each development and shall not result in required mitigation in excess of that necessary to assure that the development will result in no net loss of shoreline ecological functions.
4. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized.

D. Wetlands

1. Wetlands shall be designated in accordance with the approved federal wetland delineation manual and applicable regional supplements as set forth in WAC 173-22-035.
2. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the 2014 Washington State Wetland Rating System for Western Washington (Ecology Publication No. 14-06-029). Wetlands shall be rated based on categories that reflect the functions and values of each wetland, with categories based on the criteria provided in the 2014 Washington State Wetland Rating System for Western Washington, as follows:
 - a. Category I Wetlands: Category I wetlands are those wetlands of exceptional value in terms of protecting water quality, storing flood and stormwater, and/or providing habitat for wildlife as indicated by a rating system score of twenty-three (23) points or more. These are wetland communities of infrequent occurrence that often provide documented habitat for sensitive, threatened or endangered species, and/or have other attributes that are very

difficult or impossible to replace if altered.

- b. Category II Wetlands. Category II wetlands have significant value based on their function as indicated by a rating system score of twenty (20) to twenty-two (22) points. They do not meet the criteria for Category I rating but occur infrequently and have qualities that are difficult to replace if altered.
 - c. Category III Wetlands. Category III wetlands have important resource value as indicated by a rating system score of between sixteen (16) and nineteen (19) points.
 - d. Category IV Wetlands. Category IV wetlands are wetlands of limited resource value as indicated by a rating system score of less than sixteen (16) points. They typically have vegetation of similar age and class, lack special habitat features, and/or are isolated or disconnected from other aquatic systems or high quality upland habitats.
3. Wetland buffer width standards within SMC 14.260.040 shall be superseded by the followings:
- a. Wetland buffers identified in Table 3: Standard Wetland Buffer Widths table are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the required wetland rating system. Wetland buffers have been established in accordance with the best available science.

Table 3: Standard Wetland Buffer Widths Table

	Buffer width (in feet) based on habitat score			
Wetland Category	3-4	5	6-7	8-9
Category I: Based on total score	75	105	165	225
Category I: Bogs and Wetlands of High Conservation Value	190			225
Category I: Forested	75	105	165	225
Category II: Based on score	75	105	165	225
Category III (all)	60	105	165	225
Category IV (all)	40			

- b. The use of the standard buffer widths requires the implementation of the measures in the Table 4: Required Measures to Minimize Impacts to Wetlands table, where applicable to a specific proposal, to minimize the impacts of the adjacent land uses. If an applicant chooses not to apply the mitigation measures in Table 2, than a thirty-three (33%) increase in the width of all buffers listed in Table 1 is required.

Table 4: Required Measures to Minimize Impacts to Wetlands Table

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • immediately adjacent to the out wetland buffer
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetlands • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Impact Development techniques (per PSAT publication on LID techniques)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> • Use best management practices to control dust
Disruption of corridors or connections	<ul style="list-style-type: none"> • Maintain connections to offsite areas that are undisturbed • Restore corridors or connections to offsite habitats by replanting

- c. Outright reduction of wetland buffer widths shall not be allowed within shoreline jurisdiction.
 - d. No wetland buffer occurring in the shoreline jurisdiction shall be reduced in any location by more than twenty-five (25) percent of the standard buffer width, regardless of wetland category, and only when reduction occurs as part of wetland buffer averaging.
- 1. Identification of hydric soils and identification and delineation of wetlands shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. For wetland delineation purposes, the definitions of 'forested wetland' and 'mature forested wetland' shall be consistent with the definitions provided within wetland identification, delineation, and rating systems required by this chapter.
- 2. Mitigation shall be provided consistent with this Chapter and SMC 14.260.050.
 - a. Wetland mitigation ratios tables within SMC 14.260.050.J shall be superseded by the mitigation ratios in Table 5: Wetland Mitigation Ratios below. Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment (see Table 1a, *Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance Version 1*; Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised).

Table 5: Wetland Mitigation Ratios Table

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation only	Enhancement only
Category IV	1.5:1	3:1	6:1
Category III	2:1	4:1	8:1
Category II	3:1	6:1	12:1
Category I: Based on functions	4:1	8:1	16:1
Category I: Mature and old growth forest	6:1	12:1	24:1
Category I: High conservation value / Bog	Not considered possible	Case by case	Case by case

- b. As an alternative to mitigation ratios, mitigation requirements may also be determined using the credit/debit tool described in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised) if approved by the Planning Director.

E. Fish and wildlife habitat conservation areas

1. The provisions of SMC 14.280.010 – 14.280.040 shall apply to the shoreline jurisdiction. The provisions of SMC 14.280.050 – 14.280.060 shall not apply in the shoreline jurisdiction and are replaced by the following provisions.
2. Substantive Requirements
 - a. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area, except with approval of a state or federal agency with expertise.
 - b. Preference in mitigation shall be given to contiguous wildlife habitat corridors.
 - c. In reviewing development proposals, the City shall seek opportunities to restore degraded riparian fish and wildlife functions such as breeding, rearing, migration, and feeding.
 - d. The City shall require buffers of undisturbed native vegetation adjacent to habitat conservation areas in accordance with SMC 14.250.330(E)(3). Buffer widths shall reflect the sensitivity of the habitat and may reflect the intensity of nearby human activity.
 - e. When a species is more sensitive to human activity during a specific season of the year, the City may establish an extra outer buffer from which human activity is excluded during said season.
 - f. No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association, except in exchange for restoration as approved by the Planning Director or as provided in a management plan approved by a state or federal agency with appropriate expertise.
 - g. No development shall be permitted which degrades the functions or values of anadromous fish habitat, including structures or fills which impact migration or spawning, except in exchange for restoration.
 - h. Construction and other activities within streams shall be seasonally restricted as necessary to protect the resource. Activities shall be timed to occur during work windows designated by the Washington Department of Fish and Wildlife for applicable fish species and shall be consistent with the required state and federal approvals. It shall be the applicants' responsibility to obtain the required state and federal approvals.
 - i. Shoreline erosion control shall use bioengineering methods or soft armoring in accordance with an approved critical area report.
 - j. Relocation of streams is not permitted unless it is part of a stream restoration project and it will result in equal or better habitat and water quality, and will not diminish the flow capacity of the stream. It shall be the applicants' responsibility to obtain the required state and federal approvals.
 - k. The following requirements shall apply to culverts:
 - i. Culverts may be allowed in streams only if they are necessary for the development to occur, if they are designed according to the Washington Department of Fish and Wildlife criteria for fish passage, and if a state hydraulic project approval has been issued.
 - ii. The applicant or property owner shall keep every culvert free of debris and sediment at all times to allow free passage of water and, if applicable, fish.

- iii. The City may require that a stream be removed from an existing culvert as a condition of approval, unless the culvert is not detrimental to fish habitat or water quality, or removal and/or replacement would be detrimental to fish or wildlife habitat or water quality on a long-term basis.
 - iv. It shall be the applicants' responsibility to obtain the required state and federal approvals.
- I. Clearing and grading, when permitted as part of an authorized development activity or as otherwise allowed in these standards, shall comply with the following:
 - i. Grading shall be allowed only during the designated dry season, beginning April 1st and ending October 31st of each year; provided that the City may extend or shorten the designated dry season on a case-by-case basis to reflect actual weather conditions and the incorporation of best management practices to control stormwater.
 - ii. The soil duff layer shall remain undisturbed to the maximum extent possible. Where feasible, any soil disturbed shall be redistributed to other areas of the site, provided that such redistribution shall not constitute authorized fill.
 - iii. The moisture-holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.
- m. To the extent facilities are allowed in habitat conservation areas, the following regulations shall apply:
 - i. Trails shall be on the outer 25% edge of the stream buffer except for limited viewing platforms and crossings. Trails and platforms shall be constructed of pervious materials.
 - ii. Road bridges and culverts shall be designed according to the Washington Department of Fish and Wildlife Fish Passage Design at Road Culverts, 1999, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000.
 - iii. Utility lines shall be accomplished by boring beneath the scour depth and hyporheic zone (the saturated zone beneath and adjacent to streams that filters nutrients and maintains water quality). Utilities shall avoid paralleling streams or changing the natural rate of shore or channel migration.
 - iv. New and expanded public flood protection measures shall require a biological assessment approved by the agency responsible for protecting federally listed species.
 - v. In-stream structures such as high-flow bypasses, sediment ponds, instream ponds, retention and detention facilities, tide gates, dames, and weirs shall be allowed only as part of an approved restoration project. It shall be the applicant's responsibility to obtain the required state and federal approvals.
 - vi. Stormwater conveyance structures shall incorporate fish habitat features and the sides of open channels and ponds shall be vegetated to retard erosion, filter sediments, and shade the water.
 - vii. Watercourse alterations shall be in accordance with SMC 14.270.030H.

3. Habitat Conservation Area Buffers

- a. Table 6 below establishes the standard width of required stream buffers (also known as riparian habitat areas):

Table 6: Habitat Conservation Area Buffer Widths for Specified Rivers/Streams Table

River/Stream	Habitat buffer width
<ul style="list-style-type: none"> • Snohomish River • Pilchuck River 	<p>100 feet, provided that:</p> <ul style="list-style-type: none"> • limited public access is allowed in the 50 feet nearer the river, and • water-dependent and water-related uses are allowed in the 50 feet further from the river, if mitigation measures result in the uses contributing toward projects that enhance salmonid rearing habitat as identified in the Snohomish ESA Strategy and if, as further mitigation, public access is permitted across the waterfront portion of the site when such a mitigation measure is supported by the particular circumstances and the purposes of the Critical Areas Code.
<ul style="list-style-type: none"> • Cemetery Creek downstream of Fobes Road, Bunk Foss Creek, and any tributaries thereof containing salmonids • All streams flowing into Blackman's Lake, including that part of Swifty Creek above Blackman's Lake 	<p>100 feet, provided that limited public access is allowed in the first 50 feet of buffer.</p>
<ul style="list-style-type: none"> • Swifty Creek below Blackman's Lake • Myrick's Fork in the Cemetery Creek basin • Collins Creek in the Bunk Foss Creek basin (upstream of salmon spawning and rearing areas) 	<p>50 feet, provided that limited public access is allowed in the first 25 feet of buffer.</p>

- b. If Table 6 does not cover a particular stream, the following Table 7 shall apply:

Table 7: Habitat Conservation Area Buffer Widths for Non-Specified Rivers/Streams Table

Stream type	Standard buffer width
Type S (shorelines of the state per Shorelines Management Act)	100 feet
Type F (fish-bearing other than S)	75 feet
Type Np (non-fish, perennial)	50 feet
Type Ns (non-fish, seasonal)	35 feet

- c. Widths shall be measured perpendicular outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present. Upon the presence of one or more types of critical areas and buffers the buffer shall be measured from the delineated critical area boundary as determined by a qualified professional as defined by WAC 365-195-905(4).
- d. The Planning Director may modify the buffer widths in the above tables in accordance with the following:
- Buffer widths may be increased as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential.
 - If the stream enters an underground culvert or pipe, and is unlikely to ever be restored aboveground, the Planning Director may waive the buffer along the under grounded stream, provided that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.

F. Uses in Buffer Areas

1. The following table establishes the allowed uses in buffer areas.

Table 8: Allowed Uses in Habitat Conservation Area and Wetland Buffers

Uses that may be permitted (P) in buffer, provided there is no net loss of ecological function	Habitat Conservation Area Buffer	Wetland Buffer			
	All shorelines	Category IV	Category III	Category II	Category I
Water-dependent and water-related uses	P				
Public parks and public water enjoyment uses	P				
Bio-retention facilities, percolation trenches, and similar non-structural stormwater facilities, excluding detention ponds.	P	p ¹	p ¹		
Utility poles, lines, and other facilities that do not require clearing and cannot be placed in another location due to the function of the utility	P	P	P	P	P
Pedestrian trails, minimal wildlife viewing structures, and other limited public access	p ²	p ²	p ²	p ²	p ²

1. Stormwater outfalls/dispersion facilities may only be located in the outer 25% of the standard buffers for Category III and Category IV wetlands. Such facilities shall not be allowed in the buffers for Category I and Category II wetlands.
2. Pedestrian trails must:
 - i. Be located in the outer 25% of the buffer area;
 - ii. Have a permeable surface; and
 - iii. Be no more than five (5) feet in width

G. Vegetation Management in Critical Areas

1. Vegetation and vegetated areas within designated critical areas and their required buffers shall be preserved, enhanced, and restored in compliance with this chapter so as to protect or improve shoreline ecological processes and functions. Such measures shall be as prescribed herein and/or by a critical areas report prepared pursuant to Chapter 14.255 SMC.

2. Except as specifically permitted by this chapter, no disturbance to vegetation within a prescribed buffer or a buffer approved pursuant to this chapter shall occur without prior written approval of the City.
 - a. Where unapproved disturbance occurs, the property owner, if private land, or responsible party, if public land, shall provide a critical area report and vegetation management plan to determine whether and what restoration steps shall be implemented and maintained to restore prior ecological functions.
 - b. The restoration plan must be approved by the Planning Director and implemented by the property owner/responsible party.
3. Invasive species and State recognized noxious weeds, as designated by the Planning Director, may be removed from critical area buffers without a permit as part of a buffer restoration or enhancement project if such activities are performed without increasing sediment transport to a water body and if replacement plantings will provide greater benefit to shoreline ecological processes.
 - a. Buffer restoration projects shall not reduce the existing buffer width.
 - b. Unless plans are approved by the City for alternative methods, plant removal shall consist of physical uprooting by hand or light equipment, chemical treatment of individual plants, or shallow excavation of no more than one thousand (1,000) square feet of dense infestations.
4. In the absence of a development proposal, existing, lawfully established residential landscaping and gardens within a shoreline buffer may be retained, replaced, and maintained to continue the condition, appearance, and extent of such areas as they existed prior to the adoption of this code. However, this exception does not apply to unmaintained buffer areas, native growth protection areas, mitigation sites, or other areas protected by conservation easements or similar restrictions, and as further provided in this chapter.
5. Trees in excess of six inches in diameter measured four feet above surrounding grade shall only be removed from a critical area or critical area buffer within the shoreline jurisdiction with justification of improvement to ecological functions and processes and with prior written approval of the Planning Director.
 - a. Any tree within a critical area or buffer deemed by a certified arborist to be a hazard to structures or public safety may be pruned or removed to protect public health and safety consistent with a plan prepared by a certified arborist.
 - b. Trees that pose an immediate threat to property or safety may be removed if a report with photographic documentation from a certified arborist justifying such removal is submitted and approved by the Planning Director within 30 days following removal.
 - c. Trees removed from buffer areas shall be replaced at a two to one (2:1) ratio.
 - i. Proposals for replacement trees shall be approved prior to tree removal unless emergency removal is justified due to an imminent threat posed by a