City of University Place
2016 Shoreline Master Program -- Ordinance 670 § 1 (Exh. A)

Chapter 18.05
INTRODUCTION

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18.05.010 Purpose and intent.

The purpose of the Shoreline Master Program is:

A. To guide the future development of shorelines in the City of University Place in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (Act), as amended (Chapter 90.58 RCW).

B. To promote the public health, safety, and general welfare of the community by providing long-range, comprehensive policies and effective, reasonable regulations for development and use of University Place's shorelines; and

C. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State.

(Ord. 652 § 1 (Exh. A), 2015).

18.05.020 Governing principles.

A. The goals, policies and regulations of this Shoreline Master Program are based on the governing principles in the Shoreline Master Program Guidelines, WAC 173-26-186 and the policy statement of RCW 90.58.020.

B. In implementing the objective of RCW 90.58.020 for shorelines of Statewide significance, the City will base decisions in preparing and administering this Shoreline Program on the following principles, in order of priority:

1. Recognize and protect the Statewide interest over local interest;

2. Preserve the natural character of the shoreline;

3. Support actions that result in long-term benefits over short-term benefits;

4. Protect the resources and ecology of the shoreline;

5. Increase public access to publicly owned areas of the shoreline;

6. Increase recreational opportunities for public on the shoreline;

7. Provide for any other element as defined in RCW 90.58.100 as deemed appropriate.

C. Any inconsistencies between this Shoreline Program and the Act must be resolved in accordance with the Act.

D. The policies of this Shoreline Program may be achieved by diverse means, one of which is regulation. Other means authorized by the Act include but are not limited to the following: acquisition of lands and/or easements by purchase or gift, incentive programs, and implementation of capital facility and/or nonstructural programs.

E. Regulation of private property to implement Shoreline Program goals such as public access and protection of ecological functions and processes must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, civil rights guaranteed by the U.S. and State constitutions, recent Federal and State case law, and State statutes, such as RCW 34.05.328 and 43.21C.060 and Chapter 82.02 RCW.

F. Regulatory or administrative actions contained herein must be implemented consistent with the Public Trust Doctrine and other applicable legal principles as appropriate and must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

G. The regulatory provisions of this Shoreline Program are limited to shorelines of the State, whereas the planning functions of this Shoreline Program may extend beyond the designated shoreline boundaries.

H. The policies and regulations established by this Shoreline Program will be integrated and coordinated with those policies and rules of the University Place Comprehensive Plan and development regulations adopted under the Growth Management Act (GMA).

I. The policies and regulations of this Shoreline Program are intended to protect shoreline ecological functions by:

1. Requiring that current and potential ecological functions be identified and understood when evaluating new or expanded uses and developments;

2. Requiring adverse impacts to be mitigated in a manner that ensures no net loss of shoreline ecological functions. Mitigation, as defined in UPMC 18.10.020, shall include avoidance as a first priority, followed by minimizing, and then replacing/compensating for lost functions and/or resources;

3. Ensuring that all uses and developments, including preferred uses and uses that are exempt from a shoreline substantial development permit, will not cause a net loss of shoreline ecological functions;

4. Preventing, to the greatest extent practicable, cumulative impacts from individual developments;

5. Fairly allocating the burden of preventing cumulative impacts among development opportunities; and

6. Including regulations and regulatory incentives to restore shoreline ecological functions where such functions have been degraded by past actions.

(Ord. 652 § 1 (Exh. A), 2015).

18.05.030 Title.

This document shall be known as the University Place Shoreline Master Program ("Shoreline Program").

(Ord. 652 § 1 (Exh. A), 2015).

18.05.040 Adoption authority.

This Shoreline Master Program is adopted under the authority granted by Chapter 90.58 RCW and Chapter 173-26 WAC.

(Ord. 652 § 1 (Exh. A), 2015).

18.05.050 Applicability.

A. All proposed uses and development occurring within shoreline jurisdiction shall comply with this Shoreline Program and Chapter 90.58 RCW, Shoreline Management Act (Act). This Shoreline Program applies to all uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.

B. This Shoreline Program shall apply to all of the lands and waters in the City of University Place that fall under the jurisdiction of the Act (see Chapter 18.20 UPMC, Shoreline Jurisdiction and Designations).

C. This Shoreline Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or State governmental agency, public or municipal corporation, or other non-Federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.

D. Federal agency actions on shorelines of the State are required to be consistent with this Shoreline Program and the Act, as provided by the Coastal Zone Management Act (Title 16 USC Section 1451 et seq.; and WAC 173-27-060(1), Applicability of Chapter 90.58 RCW, Shoreline Management Act, to Federal lands and agencies).

E. The permit requirements established under this Shoreline Program apply to non-Federal activities undertaken on lands subject to non-Federal ownership, lease or easement; and to development and uses undertaken on lands not Federally owned but under lease, easement, license, or other similar property right of the Federal government.

(Ord. 652 § 1 (Exh. A), 2015).

18.05.060 Relationship to other plans and regulations.

A. Uses, developments and activities regulated by this Shoreline Program may also be subject to the provisions of the City of University Place Comprehensive Plan, the University Place Municipal Code (UPMC), the Chambers Creek Properties Master Site Plan, the Washington State Environmental Policy Act (SEPA, Chapter 43.21C RCW and Chapter 197-11 WAC), and various other provisions of local, State and Federal law.

B. The specific provisions of UPMC Titles 13, 14, 17, 19, 21 and 22 shall apply when not specifically addressed by the Shoreline Program's development regulations. With the exception of UPMC Title 17 (Critical Areas), all other referenced code provisions may apply to projects subject to shoreline regulations but are not considered part of this Shoreline Program. See also UPMC 18.25.070(D).

C. Any conflicts between this Shoreline Program and other relevant Federal, State, or local regulations are resolved in favor of the regulation that is most protective of the shoreline ecological functions.

D. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development or activity.

E. Where this Shoreline Program makes reference to any RCW, WAC, or other State or Federal law or regulations, the most recent amendment or current edition shall apply.

(Ord. 652 § 1 (Exh. A), 2015).

18.05.070 Liberal construction.

As provided for in RCW 90.58.900, the Act is exempt from the rule of strict construction. The Act and this Shoreline Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Shoreline Program were enacted and adopted, respectively. Provisions shall be broadly applied to achieve their purpose rather than restrictively or technically applied according to strict terms.

(Ord. 652 § 1 (Exh. A), 2015).

18.05.080 Severability.

The Act and this Shoreline Program adopted pursuant thereto comprise the basic State and City regulations for the use of shorelines in the City. In the event the provisions of this Shoreline Program conflict with other applicable City policies or regulations, the more restrictive shall prevail. Should any section or provision of this Shoreline Program be declared invalid, such decision shall not affect the validity of this Shoreline Program as a whole.

(Ord. 652 § 1 (Exh. A), 2015).

18.05.090 Effective date.

This Shoreline Program and all amendments thereto shall become effective 14 days from the date of "final action" by the Washington State Department of Ecology.

(Ord. 652 § 1 (Exh. A), 2015).

Chapter 18.10
DEFINITIONS

Sections:

18.10.010 General provisions.

18.10.020 Definitions.

18.10.010 General provisions.

A. For the purposes of this chapter, the following terms shall have the meaning ascribed to them below. Terms not defined in this chapter shall be defined as set forth in Chapter 19.10 UPMC.

B. When the definitions in this chapter conflict with the definitions set forth in Chapter 19.10 UPMC, the definitions herein shall govern.

(Ord. 652 § 1 (Exh. A), 2015).

18.10.020 Definitions.

"Accessory structure" means a structure either attached or detached from a principal or main building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.

"Accessory use" means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

"Act" or "SMA" means the Shoreline Management Act of 1971 (Chapter 90.58 RCW as amended).

"Administrator" means that person or designee designated by the City to administer the provisions of University Place's Shoreline Master Program.

"Alteration" means any human-induced change in existing conditions or a shoreline and/or its buffer. Alterations include, but are not limited to, excavation, grading, filling, channelization, dredging, clearing (vegetation), draining, constructing structures, compaction, or any other activity that changes the character of a site.

"Anadromous fish" means fish species that spend part of their life cycle in salt water, but return to freshwater to reproduce.

"Appurtenance, normal" means a structure or development that is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. For a list of normal appurtenances in University Place, see UPMC 18.30.130(A).

"Aquacultural practices" means the hatching, cultivating, planting, feeding, raising, harvesting and processing of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings and growing areas. Methods of aquaculture include but are not limited to fish hatcheries, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. Aquaculture does not include the harvest of wild geoduck

associated with the State-managed wildstock geoduck fishery or activities on private property for personal consumption.

“Aquatic zone” means the area waterward of the ordinary high water mark.

“Associated wetland” means wetlands that are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the SMA. Factors used to determine whether wetlands meet the “proximity and influence” test include but are not limited to one or more of the following:

1. Periodic inundation;

2. Hydraulic continuity;

3. On marine waters, formation by tidally influenced geohydraulic processes, or a surface connection through a culvert or tide gate; and

4. On streams, the entire wetland is associated if any part is located within the 100-year floodplain of a shoreline or within 200 feet of the OHWM or floodway.

“Average grade level” 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 is the elevation of the adjacent ordinary high water mark. The average grade level averages the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

“Beach” means the zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the relatively permanent line of vegetation begins.

“Beach enhancement” means the alteration of terrestrial and tidal shorelines along with submerged shorelines for the purpose of stabilization, recreational enhancement and aquatic habitat creation or restoration using native or similar material.

“Beach feeding” means the introduction of sand or gravel to beaches to enhance recreation or wildlife or to preserve natural physical character of the shoreline.

“Beach nourishment” means the process of replenishing a beach by artificial means, for example, by the deposition of dredged materials; also called beach replenishment or beach feeding.

“Bedlands” means those submerged lands below the line of extreme low tide in marine waters and below the line of navigability of navigable lakes and rivers.

“Berm” means one or several linear deposits of sand and gravel generally paralleling the shore at or landward of the ordinary high water mark; berms are naturally stable because of material size or vegetation.

“Bioengineering” means the practice of using vegetative materials and often structural components to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material, soft gabions, fabric or other soil stabilization techniques, and limited rock toe protection where appropriate. Bioengineering projects often include habitat enhancement measures

such as anchored logs, snags, and root wads. Bioengineering techniques may be applied to creeks, rivers, lakes, and marine waters, as well as upland areas away from the immediate shoreline.

“Boardwalk” means an overwater structure generally parallel to the shoreline for public pedestrian access.

“Boat ramp” means a slab, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.

“Boathouse” means covered moorage that includes walls and a roof to protect the vessel.

“Boating facilities” means marinas located both landward and waterward of the ordinary high water mark (dry storage and wet-moorage types), yacht clubs with boat moorage and related facilities and activities, boat ramps, covered moorage, and marine travel lifts (mobile boat hoists).

“Breakwater” means protective structure usually built off-shore to protect harbor areas, moorage, navigation, beaches and bluffs from wave action. A breakwater may be fixed (e.g., a rubble mound or rigid wall), open-pile, or floating. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action. A secondary purpose is to protect shorelines from erosion caused by wave action.

“Buffer” means an area or distance between a critical area or other protected or sensitive feature required or necessary for the continued maintenance, functioning, structural stability and/or ecological functions of that area, or to minimize risk or harm to the area, those functions, or the public resulting from existing, proposed, or potential nearby land uses or development.

“Buffer averaging” means variation in the width or shape of a buffer that does not result in reduction in the overall land area of the buffer.

“Bulkhead” means a wall usually constructed parallel to the shoreline for the primary purpose of containing and preventing the loss of soil or structure caused by erosion or wave action. Bulkheads are usually constructed near the ordinary high water mark of rock, poured-in-place concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations.

“Channel migration zone (CMZ)” 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.

“Channelization” means the straightening, deepening or lining of stream channels, and/or prevention of natural meander progression of stream ways, through artificial means such as relocation of channels, dredging, and/or placement of continuous levees or bank revetments along significant portions of the stream; but not including dredging of sediment or debris alone.

“Conditional use, shoreline” means a use, development, or substantial development requiring special approval by applying the criteria of WAC 173-27-160.

“Covered moorage” means boat moorage, with or without walls, that has a roof to protect the vessel.

“Critical habitat” means habitat areas within which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young,

migrating). Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitat and Species (PHS) program by the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations. See WAC 173-26-221(2)(c)(iii) and (iv), respectively, regarding saltwater and freshwater habitat.

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

"Cumulative impacts" or "cumulative effects" means the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a long period of time. See WAC 173-26-186(8)(d).

"Decision-maker" means that individual or group of individuals designated by this title or other applicable law or regulation to issue an appealable decision regarding the specific application, proposal, matter, or issue.

"Development" means 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 title at any state of water level.

"Development footprint" means the lot coverage (based on the portion of a lot that is landward of the ordinary high water mark) of structures and improvements including principal buildings, accessory structures, decks, patios, sport courts, driveways, walkways, or other similar structures or improvements.

"Development regulations" means the controls placed on development or land uses in the City of University Place, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

"Dike" means an embankment to prevent flooding by a stream or other water body, often referred to as a levee.

"Dock" means a structure built from the shore extending out over the water to provide moorage for commercial or private recreation that floats upon the water and does not include above-water storage. When a dock serves five or more boats, it is considered a marina.

"Dredging" means the removal, displacement, 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.

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

"Dry land" means all areas above the elevation of the ordinary high water mark.

"Dry upland storage" means a structure or other facility used for the storage of boats located landward of the ordinary high water mark.

"Ecological functions or shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201(2)(c). Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, ground water recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and flood water attenuation and flood peak desynchronization, and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants.

"Ecologically intact shorelines" means those shoreline areas that retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses.

"Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

"Emergency" means an unanticipated and imminent threat to public health, safety or the environment which requires immediate action within a time too short to allow full compliance with Chapter 173-27 WAC and this Shoreline Program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permits which would have been required by this chapter or the Shoreline Management Act, absent an emergency, must be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this master program. Generally, flooding or other seasonal events that can be anticipated and may occur but are not imminent are not an emergency.

"Erosion" means the wearing away of the earth's surface as a result of the movement of wind, water or ice.

"Estuary" means that part of the mouth or lower course of a river or stream in which its current meets the sea's tides, and is subject to their effect.

"Exempt development" means developments set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial

development permit but which must otherwise comply with applicable provisions of the Act and the local Shoreline Program. These include:

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

2. Construction of the normal protective bulkhead common to single-family residences;

3. Emergency construction necessary to protect property from damage by the elements;

4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, as described in WAC 173-27-040(2)(e);

5. Construction or modification of navigational aids such as channel markers and anchor buoys;

6. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this title;

7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single- and multiple-family residences. This exception applies if either:

a. In salt waters, the fair market value of the dock does not exceed $2,500; or

b. In fresh waters, the fair market value of the dock does not exceed (1) $20,000 for docks that are constructed to replace existing docks and are of equal or lesser square footage than the existing dock being replaced; or (2) $10,000 for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in either subsection (7)(b)(1) or (2) of this definition, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

9. The marking of property lines or corners on State-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

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

11. Any project with a certification from the governor pursuant to Chapter 80.50 RCW;

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

a. The activity does not interfere with the normal public use of the surface waters;

b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

e. The activity is not subject to the permit requirements of RCW 90.58.550;

13. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department jointly with other State agencies under Chapter 43.21C RCW;

14. Watershed restoration projects as defined in WAC 173-27-040(o);

15. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, pursuant to WAC 173-27-040(p);

16. Hazardous substance remedial actions. The procedural requirements of Chapter 90.58 RCW shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to Chapter 70.105D RCW or to the Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW. The Department shall, in consultation with the appropriate local government, assure that such projects comply with the substantive requirements of Chapter 90.58 RCW, Chapter 173-26 WAC and the local master program.

“Extreme high tide” means the highest tide level line water will reach in any one year.

“Extreme low tide” means the lowest line on the land reached by a receding tide.

“Fair market value” means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and

contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

“Feasible” means an action, such as a development project, mitigation, or preservation requirement, which can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests that have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; provides a reasonable likelihood of achieving its intended purpose; and does not physically preclude achieving the project’s primary intended legal use.

“Feeder bluff” means bluffs along the marine shoreline that are actively contributing, or feeding, sediment to beaches. Feeder bluffs are also known as sea cliffs and coastal bluffs.

“Fill” or “filling” means the deposition or stockpiling of earth materials such as soil, sand, rock, gravel, sediment, earth retaining structure, or other material by artificial means to an area waterward of the ordinary high water mark, in wetlands or other critical areas, or on shorelands in a manner that raises the elevation or creates dry land.

“Float” means a floating platform similar to a dock that is anchored or attached to pilings and which does not connect to the shore. A float may serve as a temporary moorage facility but is not intended to be used for boat storage.

“Floating home” means a single-family dwelling unit constructed on a float that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

“Flood plain” means the total area subject to inundation by the base flood including the flood fringe and the floodway areas.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as identified on FEMA FIRM or floodway maps.

“Forest practices” means activities associated with the raising and harvesting of trees as a crop as defined by Chapter 222-16 WAC, as amended.

“Gabions” means structures composed of masses of rocks, rubble, soil, masonry or similar material held tightly together usually by wire mesh, fabric, or geotextile so as to form layers, blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

“Geotechnical report or geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or

geologists who have professional expertise about the regional and local shoreline geology and processes.

“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 structure built seaward and perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, a groin may be built in a series along the shore.

“Guidelines” means those standards adopted by the Department of Ecology into the Washington Administrative Code (Chapter 173-26 WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the State prior to adoption of shoreline master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending shoreline master programs.

“Hand launch” means a boat launch facility that does not have trailer capacity; boats must be hand-carried to the water.

“Harbor area” means the area of navigable waters determined as provided in Article XV, Section 1, of the State Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

“Hazardous tree” means a tree with a combination of structural defect and/or disease (which makes it subject to a high probability of failure), and a proximity to persons or property (which makes it an imminent threat).

“Hearings Board” means the State Shorelines Hearing Board established by Chapter 90.58 RCW.

“Height (of structure)” means the difference between the average grade level and the highest point of a structure (not including temporary construction equipment); provided, that television antennas, chimneys, and similar appurtenances shall not be included unless such obstruct the view of the shoreline from a substantial number of residences on areas adjoining such shorelines.

“Houseboat” means a vessel principally used as an over-water residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion and steering equipment to operate as a vessel. When principally used as an over-water residence, a houseboat is considered to be a “live-aboard vessel.” A registered water-going vessel where the owner lives aboard is not a “houseboat.”

“Impervious surface” means a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

“In-stream structure” means a structure placed within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion,

obstruction, or modification of water flow. In-stream structures include but are not limited to those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, and fish habitat enhancement, but do not include beaver dams and similar structures placed by wildlife.

“Jetty” means a structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths to prevent accretion of littoral drift in an entrance channel. Jetties also protect channels and inlets from storm waves and cross-currents and to stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

“Joint use” means sharing of docks, piers, floats and similar structures by more than one contiguous waterfront property owner or by a homeowner’s association or similar group.

“Levee” means a natural or manmade embankment near a body of water for the purpose of keeping floodwaters from inundating adjacent land, including any associated revetments.

“Littoral drift” means the mud, sand or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

“Live-aboard vessel” means a vessel used primarily as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Any vessel used for overnight accommodation for more than 15 nights in a one-month period shall be considered a residence.

“Maintenance dredging” means dredging for the purpose of maintaining a prescribed minimum depth of any specific waterway.

“Marina” means a facility with water-dependent components for storing, servicing, fueling, berthing, launching and/or securing boats but at a minimum including docks, piers, buoys or floats to provide moorage for five or more boats. Those aspects located landward of the ordinary high water mark are referred to as “backshore.” Backshore marinas include wet-moorage that is dredged out of the land to artificially create a basin and dry moorage with upland storage that uses a hoist, marine travel lift or ramp for water access. Marina features located in the intertidal or offshore zone waterward of the ordinary high water mark and including any breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and landfill), are referred to as “foreshore.”

“Marine” means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

“May” means an option, possibility or permission.

“Mean higher high water (MHHW)” means the average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch.

“Mean lower low water (MLLW)” means the average of the lower low water height of each tidal day observed over the National Tidal Datum Epoch.

"Mining" means the removal of naturally occurring materials from the earth for economic uses pursuant to Chapter 78.44 RCW and Chapter 332-18 WAC.

"Mitigation" means:

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

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

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

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

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

6. Monitoring the impact and taking appropriate corrective measures.

"Mitigation plan" means a written plan that is required to address unavoidable adverse impacts to the shoreline environment. When a proposal includes or requires compensatory mitigation, the mitigation plan shall address the criteria in UPMC 18.25.070(C)(4) of this Master Program and shall document compliance with the mitigation sequence in UPMC 18.25.070(C)(2). The mitigation plan is intended to be similar to the vegetation management plan described in UPMC 18.25.100(G), but may necessarily address shoreline features and related functions other than or in addition to vegetation. A mitigation plan may be required for activities occurring outside of VCAs and shall contain information deemed necessary by the Administrator to ensure no net loss of shoreline ecological function. Mitigation plans may be consolidated with other plans required by this SMP and may be prepared by a qualified professional or by the applicant as determined by the Administrator.

"Moorage" means a pier, dock, buoy or float, either fixed or floating, to which vessels may be secured.

"Mooring buoy" means a floating device anchored to the bottom of a water body to provide tie-up capabilities for vessels or watercraft.

"Must" means a mandate; the action is required.

"Natural topography or existing topography" means the topography of real property immediately prior to any site preparation or grading, including excavation or filling.

"Nearshore aquatic habitats and species" means those habitats and species associated with the estuarine/delta, marine shoreline and areas of shallow water from the top of the coastal bank or bluffs water ward to a depth of about 10 meters relative to mean lower low water (average depth limit of photic zone). The nearshore extends landward into the tidally influenced freshwater heads of estuaries and coastal streams and incorporates those geological and ecological processes, such as sediment movement, freshwater inputs, and subtidal light penetration, which are key to determining the distribution and condition of aquatic habitats.

"No net loss" means the maintenance of the aggregate total of shoreline ecological functions over time. The no net loss standard contained in WAC 173-26-186 requires that impacts of shoreline use and/or

development, whether subject to a permit or exempt from permit requirements, be identified and mitigated such that there are no resulting impacts on ecological functions or processes.

“Nonconforming building or structure” means a building or structure or portion thereof which was lawfully constructed or established prior to the effective date of the Act or the City’s Shoreline Master Program or amendments thereto, but which does not conform to present regulations or standards of this Shoreline Program or of UPMC Title 19 (zoning code).

“Nonconforming use” means an activity in a structure or on a tract of land which was lawfully established prior to the effective date of the Act or the City’s Shoreline Master Program or amendments thereto, but which does not conform to present regulations or standards of this Shoreline Program or of UPMC Title 19 (zoning code).

“Non-water-oriented uses” means uses that are not water-dependent, water-related, or water-enjoyment. Non-water-oriented uses have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act except single-family residences, where appropriate and where they can be developed without significant impact to ecological functions or displacement of water-dependent uses. Any use that does not meet the definition of water-dependent, water-related or water-enjoyment is classified as non-water-oriented. Examples include professional offices, mini-storage facilities, multifamily residential development, and department stores.

Normal Maintenance or Repair of Existing Structures or Developments, Including Damage by Accident, Fire or Elements. “Normal maintenance” includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. “Normal repair” means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

“Ordinary high water mark (OHWM)” means that mark that will be found by examining the bed and banks of lakes, streams and tidal waters 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, and as it may naturally change, or as it may change in accordance with permits issued by the City or the Department of Ecology. The following criteria clarify this mark on tidal waters, lakes, and streams:

A. Tidal Waters.

1. In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than 100 feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide;

2. In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt-tolerant vegetation. “Salt-tolerant vegetation” means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand;

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

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

“Outer harbor line” means a line located and established in navigable waters as provided in Section 1 of Article 15 of the State Constitution, beyond which the State shall never sell or lease any rights whatsoever to private persons.

“Outfall” means the outlet or place of discharge of a stormwater collection or sanitary sewer system.

“Over-water” means location above the surface of the water or waterward of the ordinary high water mark, including placement of buildings on piling or floats.

“Party of record” means the City, any applicant and all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified the Department of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

“Permit or approval” means any written or documented form of permission ordinarily to be provided or required prior to a party commencing or continuing a particular activity or development.

“Pier” means a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above-water storage. When a pier serves five or more boats, it is considered a marina.

“Primary structure” means the structure associated with the principal use of the property. It may also include single-family residential appurtenant structures (such as garages, boathouses, driveways, utilities, and septic tanks and drainfields) that cannot feasibly be relocated. It does not include accessory structures such as decks, tool sheds, gazebos, greenhouses or other ancillary residential improvements that can feasibly be moved landward to prevent the threat of erosion or to accommodate restoration or enhancement of a vegetation conservation area.

“Priority habitat” means a habitat type with unique or significant value to one or more species as defined in WAC 173-26-020.

“Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels based on the criteria in WAC 173-26-020.

“Provisions” means policies, regulations, standards, guideline criteria or environment designations.

“Public access” means the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the State, and to view the water and shoreline from adjacent locations. See WAC 173-26-221(4).

"Public interest" means the interest shared by the citizen of the State or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development. See WAC 173-27-030(14).

"Recreation" means activities and associated facilities for public or private use for refreshment of body and mind through play, amusement or relaxation including hiking, canoeing, photography, fishing, golfing, boat ramps, playgrounds and parks.

"Recreational float" means a floating platform that may serve as a temporary moorage facility but is not intended to be used for boat storage. Recreational floats are used for purposes such as swimming, diving or waterskiing.

"Rehabilitation" means the major work required to restore the structural integrity of a structurally deficient or functionally obsolete structure.

"Repair" means the activities typically performed on a structure that is in overall good to fair condition to restore damaged or worn out structural elements to a state of good repair.

"Replacement" means the total replacement of a structurally deficient or functionally obsolete structure with a new structure constructed in the same general location.

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

"Revetment" means a sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral movement. The slope differentiates it from a bulkhead, which is a vertical structure.

"Right-of-way (ROW)" means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, sidewalks, bikeways, horse trails and railroad tracks, whether improved or unimproved, including the air rights, subsurface rights and easements related thereto.

"Riprap" means a layer, facing or protective mound of stones placed to prevent erosion, scour or sloughing of a structure or embankment.

"Sea level rise" means an increase in the elevation of marine waters associated with changes in the state of the climate and which can be identified by changes in the mean and/or variability of its properties and that persists for decades or longer.

"Shall" means obliged to; "shall" is mandatory.

"Shorelands or shoreland areas" means lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated

with the streams, lakes, and tidal waters which are subject to the provisions of the SMA and this Shoreline Program; the same to be designated as to location by the Department of Ecology.

"Shorelines, shoreline areas and shoreline jurisdiction" means all of the water areas of the State, including reservoirs, and their associated shorelands, as defined herein and in RCW 90.58.030, together with the lands underlying them; provided, however, that shorelines do not include segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; nor lakes less than 20 acres in size and wetlands associated with such small lakes.

"Shorelines of Statewide significance" means shorelines described in RCW 90.58.030; in University Place, those waters of Puget Sound lying seaward of extreme low tide.

"Shorelines of the State" means the total of all shorelines and shorelines of Statewide significance.

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

"Shoreline environment designation" means the categories of shorelines of the State established for the purpose of differentiating between areas whose features lead to differing objectives regarding their use and future development.

"Shoreline Master Program (or Shoreline Program) of University Place" means specified goals and policies of the University Place Comprehensive Plan together with specified use regulations and including maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards adopted in accordance with the policies of RCW 90.58.020.

"Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

"Shoreline setback" means the horizontal distance measure, usually measured in feet, between a structure or improvement and the ordinary high water mark.

"Shoreline stabilization" means protection of shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding or erosion caused by natural processes, including nonstructural and structural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

"Should" means the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and the Shoreline Master Program Guidelines, against taking the action.

"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 removal of hazardous trees, invasive or noxious

weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, but not including vehicles and vessels.

“Submerged lands” means areas below the ordinary high water mark of marine waters, lakes and rivers.

“Substantial development” means any development of which the total cost or fair market value exceeds $6,416, or any development which materially interferes with the normal public use of the water or shorelines of the State. (Note: The dollar threshold above is adjusted for inflation by the Washington Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period.) See RCW 90.58.030.

“Substantially degrade” means to cause damage or harm to an area’s ecological functions. An action is considered to substantially degrade the environment if it damages ecological function or functions, significantly affects other related functions or the viability of the larger ecosystem, or causes damage or harm to shoreline ecological functions under foreseeable conditions; or scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

“Tideland” means the land on the shore of marine water bodies between ordinary high water mark or mean higher high water and the line of extreme low tide which is submerged daily by tides.

“Trail or shared use path” means a facility physically separated from motorized vehicular traffic to accommodate pedestrians, bicyclists and other nonmotorized vehicles. Such trails may be used for commuting and recreational purposes and may connect neighborhoods and other destinations.

“Transportation facilities” means streets, bicycle lanes, and sidewalks consistent with the City of University Place transportation design standards in Chapter 13.20 UPMC and the City of University Place design standards and guidelines for street-scape elements adopted by reference in Chapter 19.54 UPMC.

“Variance, shoreline” means a means to grant relief from specific bulk, dimensional or performance standards set forth in this Shoreline Program or related State regulations pursuant to the criteria of WAC 173-27-170; such may not vary a use of a shoreline.

“Vegetation conservation” includes activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion and flooding, and contribute to ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species. Vegetation management provisions apply equally to those shorelines and uses that are exempt from a permit requirement.

“Vegetation, native” means plants commonly found in western Washington prior to European settlement; generally comprised of three vegetative levels including an overstory of trees, an understory of shrubs, and a floor of herbs.

“Vessel” means ships, boats, barges or any other floating craft that are designed and used for navigation and do not interfere with the normal public use of the water.

“Visual access” means access with improvements that provide a view of the shoreline or water but that do not allow physical access to the shoreline.

“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-dependent uses may include, but are not limited to, ferry and passenger terminals, ship building and dry docking, marinas, boat ramps and transient moorage, and aquaculture.

“Water-enjoyment use” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, view towers, boardwalks, shared use paths and trails, interpretive centers and other improvements facilitating public access to shorelines of the State. General water-enjoyment uses may include but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, golf courses, resorts and convention centers, and public markets; provided, that such uses conform to the above water-enjoyment specifications and the provisions of the Master Program.

“Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

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

1. 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

2. 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. Water-related uses may include, but are not limited to, professional services serving primarily water-dependent activities, warehousing of goods transported by water, watercraft sales, and boating supplies.

“Weir” means a device placed in a stream or river to raise or divert the water.

(Ord. 652 § 1 (Exh. A), 2015).

Chapter 18.15
ADMINISTRATION

Sections:

18.15.010 General provisions.

18.15.020 Shoreline substantial development permits.

18.15.030 Exemptions from shoreline substantial development permit.

18.15.040 Shoreline conditional use permits.

18.15.050 Shoreline variances.

18.15.060 Unclassified uses.

18.15.070 Nonconforming development.

18.15.080 Submittal requirements.

18.15.090 Ecology review.

18.15.100 Inspections.

18.15.110 Penalties and enforcement.

18.15.120 Master program review.

18.15.010 General provisions.

A. To be authorized, all uses and development shall be carried out in a manner that is consistent with this Shoreline Program and the policies of the Shoreline Management Act as required by RCW 90.58.140(1), regardless of whether a substantial shoreline development permit, letter of exemption, shoreline variance, or shoreline conditional use permit is required.

B. No use, alteration, or development shall be undertaken within the shorelines regulated under this Shoreline Program by any person without first obtaining a permit or letter of exemption.

C. Applicants shall apply for a shoreline substantial development permit, variance, conditional use permit or letter of exemption on forms provided by the City.

D. The City shall process applications for a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit in accordance with Chapter 22.05 UPMC. However, the public comment period established in UPMC 22.05.060(D)(1) shall not apply; the public comment period shall be 30 days. The time requirements in WAC 173-27-090 shall be applied to all permits issued or development authorized under this Shoreline Program.

E. When developing and adopting procedures for administrative interpretation of this Master Program, the City shall consult with the Department of Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of the Act and the SMP Guidelines.

F. Permit revisions are required to comply with the revision approval criteria in WAC 173-27-100.

(Ord. 652 § 1 (Exh. A), 2015).

18.15.020 Shoreline substantial development permits.

A. A shoreline substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempted in accordance with WAC 173-27-040.

B. In order to be approved, the Examiner shall find that the proposal is consistent with the following criteria:

1. All regulations of this Shoreline Program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance.

2. All policies of this Shoreline Program appropriate to the shoreline environment designation and the type of use or development activity proposed shall be considered and compliance demonstrated.

C. Consideration shall be given to the cumulative environmental impact of additional requests for like actions in the vicinity of the project site. For example, if shoreline substantial development permits were granted for other developments in the area where similar circumstances exist, the sum of the authorized actions should also remain consistent with the policy of RCW 90.58.020 and should not produce significant adverse effects to the shoreline ecological functions and processes or other users.

D. The City is the final authority for a shoreline substantial development permit, unless an appeal is filed with the State Shorelines Hearings Board.

(Ord. 652 § 1 (Exh. A), 2015).

18.15.030 Exemptions from shoreline substantial development permit.

A. Certain developments are exempt from the requirement to obtain a substantial development permit. Developments that are exempt from the requirement for a substantial development permit are identified in WAC 173-27-040, RCW 90.58.147, and the definition of exempt development in UPMC 18.10.020.

1. 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.

2. An exemption from the substantial development permit process is not an exemption from compliance with the Act or this Shoreline Program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Shoreline Program and the Act. A development or use that is listed as a conditional use pursuant to this Shoreline 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 this Shoreline Program, such development or use can only be authorized by approval of a variance.

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

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

5. The Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this Shoreline Program.

6. A use or activity that is exempt from the critical area review process under UPMC Title 17 is not automatically exempt from the requirements of this Shoreline Program. Such use or activity is exempt from a requirement to obtain a shoreline substantial development permit only if explicitly named under WAC 173-27-040.

B. Letter of Exemption.

1. Exempt activities related to any of the following shall not be conducted until a letter of exemption has been obtained from the Administrator: dredging, flood control works, in-water structures, archaeological or historic site alteration, clearing and ground disturbing activities such as filling and excavation, docks, shore stabilization, or activities determined to be located within a critical area or buffer.

2. Other activities identified in WAC 173-27-040, RCW 90.58.147, and the definition of exempt development in UPMC 18.10.020 that do not involve one of the activities specified in subsection (B)(1) of this section may be undertaken without a letter of exemption; provided, that advance notification of the action has been provided to the City. If the Administrator determines that the activity presents a substantial risk to cause detrimental impacts to shoreline functions, or that the activity requires a letter of exemption under subsection (B)(1) of this section, a letter of exemption may be required.

3. A letter of exemption shall expire one year after the date of issuance unless otherwise specified in the letter of exemption. The same measures used to calculate time periods for shoreline permits as set forth in WAC 173-27-090(3) shall be used for letters of exemption.

4. A letter of exemption is not required for emergency development pursuant to WAC 173-27-040(2)(d).

5. A notice of decision for a letter of exemption shall be provided to the applicant/proponent and any party of record. Such notices shall also be filed with the Department of Ecology, pursuant to the requirements of WAC 173-27-050, when the project is subject to one or more of the following Federal permitting requirements:

a. A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899; or

b. A U.S. Army Corps of Engineers Section 404 permit under the Federal Water Pollution Control Act of 1972.

6. All applications for a letter of exemption shall provide, at a minimum, a Joint Aquatic Resource Permit Application (JARPA). Applicants may use the JARPA process to apply for, at one time, any or all of the permits below:

Federal

• U.S. Army Corps of Engineers (Corps): Section 10 and Section 404 (Corps Permits FAQ).

• U.S. Coast Guard: General Bridge Permit and Private Aids to Navigation (PATON).

State

• Washington Department of Ecology: 401 Water Quality Certification.

• Washington Department of Fish and Wildlife: Hydraulic Project Approval (HPA FAQ).

• Washington Department of Natural Resources: Aquatic Use Authorization.

Local

• Shoreline Substantial Development Permit.

• Shoreline Conditional Use Permit.

• Shoreline Variance.

• Shoreline Exemption.

• Shoreline Revision.

Information shall be provided that is sufficient for the Administrator to determine if the proposal will comply with the requirements of this Shoreline Program.

7. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Administrator's decision on a statement of exemption is subject to administrative appeal.

(Ord. 652 § 1 (Exh. A), 2015).

18.15.040 Shoreline conditional use permits.

A. The purpose of a shoreline conditional use permit is to allow a case-by-case review of certain uses which may have a greater potential for impacts without project-specific conditions. In authorizing a shoreline conditional use permit, special conditions may be attached by the City or the Department of Ecology to prevent any undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this Shoreline Program.

B. When a conditional use is requested, the Examiner shall be the final approval authority for the City. However, shoreline conditional uses must have approval from the State. The Department of Ecology shall be the final approval authority under the authority of WAC 173-27-200.

C. Uses which are classified in this Shoreline Program as conditional uses may be authorized; provided, that the applicant can satisfy all of the criteria set forth in WAC 173-27-160:

1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Program;

2. That the proposed use will not interfere with the normal public use of public shorelines;

3. 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 Program;

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

5. That the public interest suffers no substantial detrimental effect.

D. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if shoreline 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. Other uses that are not specifically classified as a permitted or conditional use in this Shoreline Program may be authorized as a conditional use; provided, that the applicant can satisfy the criteria set forth in WAC 173-27-160 (see subsection (C) of this section) and this Shoreline Program.

E. Uses that are specifically prohibited by this Shoreline Program shall not be authorized as conditional uses.

(Ord. 652 § 1 (Exh. A), 2015).

18.15.050 Shoreline variances.

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

B. When a shoreline variance permit is requested, the Examiner shall be the City's final approval authority. However, shoreline variances must have approval from the State. The Department of Ecology shall be the final approval authority under the authority of WAC 173-27-200.

C. Shoreline variances should be granted in circumstances where denial of the variance would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

D. Variances from the use regulations of this Shoreline Program are prohibited.

E. Land shall not be subdivided to create parcels that are buildable only with a shoreline variance or would be considered nonconforming.

F. Variances for development and/or uses that will be located landward of the ordinary high water mark and/or landward of any wetland may be authorized, provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in this Shoreline Program precludes, or significantly interferes with, reasonable use of the property;

2. That the hardship described above 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 Shoreline Program;

3. 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 Program and will not cause adverse impacts to the shoreline environment;

4. That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;

5. That the variance request is the minimum necessary to afford relief;

6. That the public interest will suffer no substantial detrimental effect; and

7. That the need for the variance is not the result of deed restrictions or deliberate actions of the applicant or property owner.

G. Variances for development and/or uses that will be located waterward of the ordinary high water mark or within any wetland may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in this Shoreline Program precludes all reasonable use of the property not otherwise prohibited by this Shoreline Program;

2. That the proposal is consistent with the criteria established under subsection (F) of this section; and

3. That the public rights of navigation and use of the shoreline will not be adversely affected.

H. In the granting of all shoreline variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted for other developments 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 produce substantial adverse effects to the shoreline environment.

(Ord. 652 § 1 (Exh. A), 2015).

18.15.060 Unclassified uses.

A. Other uses not specifically classified or set forth in this Shoreline Program, including the expansion or resumption of a nonconforming use, may be authorized as shoreline conditional uses, provided the applicant can demonstrate all of the following:

1. The proposal will satisfy the shoreline conditional use permit criteria set forth in UPMC 18.15.040(C);

2. The use clearly requires a specific site location on the shoreline not provided for under this Shoreline Program;

3. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of this Shoreline Program; and

4. The use is not a residential dwelling unit or other residential use.

B. Uses that are specifically prohibited in this Shoreline Program cannot be authorized by a shoreline conditional use permit.

(Ord. 652 § 1 (Exh. A), 2015).

18.15.070 Nonconforming development.

A. General Provisions. Uses, lots or structures within the shoreline jurisdiction that do not meet the specific standards of this Shoreline Program shall be regulated pursuant to Chapter 19.80 UPMC, Nonconforming Lots, Uses, and Structures.

B. Continuance. Subject to the provisions of this Shoreline Program, a lot, use or structure lawfully existing prior to the effective date of this Program or any amendment thereto, which is rendered nonconforming by adoption of this Shoreline Program or an amendment, may continue in the manner and to the extent that it existed upon the effective date of this Shoreline Program or amendment, respectively.

C. Nonconforming Development Regulations.

1. Nonconforming lots, uses and structures shall be regulated in accordance with Chapter 19.80 UPMC. In addition to provisions contained therein, the following provisions shall apply within the shoreline jurisdiction:

a. Any actions taken under the provisions of Chapter 19.80 UPMC shall not create adverse impacts to shoreline ecological functions and processes, and shall consider the cumulative impacts associated with the proposed action;

b. Required vegetation conservation areas are provided pursuant to UPMC 18.25.100;

c. Expansion of a nonconforming structure within the required shoreline setback, whether horizontally or vertically, shall be prohibited.

d. The Administrator may authorize expansion of a nonconforming structure, provided:

(1) The expansion is located entirely outside of the VCA, VCA setback, and shoreline setback;

(2) The expansion is consistent with all other provisions of this Shoreline Program; and

(3) The expansion does not increase the degree of nonconformity. If the expansion would comply with subsections (C)(1)(d)(1) and (2) of this section but increase the degree of zoning nonconformity, a variance would be required pursuant to UPMC 19.80.050(A)(1). This provision could apply, for example, to a proposal with a front yard setback that complies with all Shoreline Program requirements but requires a zoning variance.

e. An expanded structure for which an administrative authorization has been issued consistent with the criteria listed in subsection (C)(1)(d) of this section shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconforming structures;

f. A nonconforming use may not be converted to a use that is specifically prohibited in this Shoreline Program; and

g. The applicant shall obtain required shoreline permits or approvals prior to construction.

2. Existing nonconforming covered moorage may be maintained, repaired, or replaced in accordance with WAC 173-27-040 and the requirements of the Department of Natural Resources.

3. The expansion or resumption of a nonconforming use may be authorized as a shoreline conditional use, provided the applicant demonstrates compliance with the standards in UPMC 18.15.060(A).

D. Existing, lawfully established single-family residences on Day Island, Day Island South Spit and Sunset Beach located closer to the Ordinary High Water Mark than the setback specified in Table 18.30.B shall be considered conforming structures for purposes of this SMP. Such structures may be expanded in accordance with footnotes 30 and 31 on Table 18.30.B, and shall be subject to the substantial destruction provisions in UPMC 19.80.050(A)(4) and (5).

E. Procedure for Development of a Nonconforming Lot.

1. When lot size would prevent development of a nonconforming lot consistent with the applicable shoreline setback requirements, the Examiner may authorize development under the following conditions:

a. A written request for a shoreline variance is received from the project proponent;

b. The development will be located as far landward as possible from the ordinary high water mark; and

c. The decision of the Examiner shall be based upon the shoreline variance criteria found in UPMC 18.15.050(F).

(Ord. 652 § 1 (Exh. A), 2015).

18.15.080 Submittal requirements.

A. All development proposals under the jurisdiction of this Shoreline Program shall satisfy the application submittal requirements set forth in UPMC Titles 19, Zoning; 21, Subdivision Regulations; and 22, Administration of Development Regulations, including the submittal of forms provided by the City and the payment of fees in accordance with the current fee schedule adopted by Council resolution. A complete application for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance permit shall contain, at a minimum, the information contained in WAC 173-27-180.

B. The Administrator may accept a Joint Aquatic Resources Permit Application (JARPA) in lieu of the submittal requirements in subsection (A) of this section, where applicable.

C. The Administrator may waive permit submittal requirements on a case-by-case basis and may request additional information, as necessary.

D. In addition to the submittal requirements in subsection (A) of this section, development proposals on shoreline parcels that are located within critical areas and/or their buffers shall submit critical area reports and plans as required in UPMC Title 17, Division 1.

(Ord. 652 § 1 (Exh. A), 2015).

18.15.090 Ecology review.

A. The Department of Ecology shall be notified of any substantial development, conditional use or variance permit decision made by the Examiner or Administrator, whether it is an approval or denial. The notification shall occur concurrently with the transmittal of the ruling to the applicant. When a substantial development permit and either conditional use or variance permit are required for a development, the submittal of the permits shall be made concurrently. The Administrator shall file the following with the Department of Ecology and Attorney General:

1. A copy of the complete application per WAC 173-27-180;

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

3. The final decision of the City;

4. The permit data sheet per WAC 173-27-190;

5. Affidavit of public notice; and

6. Where applicable, the Administrator shall also file the applicable documents required by the State Environmental Policy Act (Chapter 43.21C RCW).

B. When the project has been modified in the course of the local review process, plans or text shall be provided to Ecology that clearly indicates the final approved plan.

C. If Ecology determines that the submittal does not contain all of the documents and information required by this section, Ecology shall identify the deficiencies and notify the City and the applicant in writing. Ecology will not act on conditional use or variance permit submittals until the material requested in writing is submitted to them.

D. Ecology shall convey to the City and applicant its final decision approving, approving with conditions, or disapproving the permit within 30 days of the date of submittal by the City. The Administrator will notify those interested persons having requested notification of such decision.

E. Ecology shall base its determination to approve, approve with conditions or deny a conditional use permit or variance permit on consistency with the policy and provisions of the SMA, the criteria listed in Chapter 173-27 WAC and this Shoreline Program.

F. No construction pursuant to a shoreline substantial development permit, shoreline variance, or shoreline conditional use authorized by this Shoreline Program shall begin or be authorized, and no building, grading or other construction permits shall be issued by the City until 21 days from the date of receipt by the applicant and the City of Ecology's decision or until all review proceedings are terminated.

(Ord. 652 § 1 (Exh. A), 2015).

18.15.100 Inspections.

Pursuant to RCW 90.58.200, the Administrator or authorized representatives may enter land or structures to enforce the provisions of this Shoreline Program.

(Ord. 670 § 1 (Exh. A), 2016; Ord. 652 § 1 (Exh. A). 2015).

18.15.110 Penalties and enforcement.

A. The Shoreline Management Act imposes significant penalties for violation of the Act, regulations and master programs. A violation constitutes a gross misdemeanor, which is punishable by fine or imprisonment. In addition to the criminal penalty, the Act imposes liability on any person violating the Act or conditions of a permit for all damage to public or private property arising from the violation. Furthermore, the violator may have to restore an area affected by a violation, and pay the entire cost of restoration, including attorney's fees and court costs.

B. Enforcement action may be taken by the City or Department of Ecology whenever a person has violated any provision of the Shoreline Management Act or this Shoreline Program or other regulation promulgated under the Act. Enforcement action by the City shall be in accordance with Chapters 1.20 and/or 1.30 UPMC for enforcement procedures and penalties.

(Ord. 670 § 1 (Exh. A), 2016; Ord. 652 § 1 (Exh. A), 2015).

18.15.120 Master program review.

A. This Shoreline Program shall be reviewed periodically and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.

B. The City's established permit tracking system, aerial photos, reviewing of other available data, and field observations as feasible shall be used to periodically evaluate the effectiveness of this Shoreline Program in achieving no net loss of shoreline ecological functions with respect to both permitting and exemptions.

C. As part of any required SMP update, an evaluation report assessing the cumulative effects of development on shoreline conditions and the effectiveness of this Shoreline Program in achieving no net loss shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.

D. The Shoreline Program review and update process shall be consistent with the requirements of Chapter 173-26 WAC or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

(Ord. 652 § 1 (Exh. A), 2015).

Chapter 18.20
SHORELINE JURISDICTION AND DESIGNATIONS

Sections:

18.20.010 Shoreline jurisdiction.

18.20.020 Official shoreline map.

18.20.030 Shoreline environment designations.

18.20.010 Shoreline jurisdiction.

A. The provisions of the Shoreline Program shall apply to all shorelines of the State, all shorelines of Statewide significance and shorelands as defined in RCW 90.58.030 and this Shoreline Program. These areas are collectively referred to herein as "shorelines."

B. The City shall have authority over those shorelines that meet the criteria of RCW 90.58.030 for "shorelines of the State" within its municipal boundaries, and where such boundary or any part thereof is adjacent to or fronting on any bays, lakes, sounds, rivers, or other navigable waters, the powers and jurisdiction of the City are hereby extended into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such bays, sounds, lakes, rivers, or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the City limits.

C. "Shorelines of the State" are the total of all "shorelines" and "shorelines of Statewide significance" within the State. Within University Place, this includes:

1. Marine Waters.

a. Those waters of Puget Sound lying between extreme low tide and the ordinary high water mark, and adjacent marine shorelands.

b. Chambers Bay Estuary and its associated wetlands, floodway and shorelands.

2. Streams.

a. Chambers Creek and its associated wetlands, floodway and shorelands.

3. Shorelines of Statewide Significance.

a. Those waters of Puget Sound lying seaward of extreme low tide.

(Ord. 652 § 1 (Exh. A), 2015).

18.20.020 Official shoreline map.

A. Shoreline Environment Designations have been established and are delineated on the "City of University Place Shoreline Map" (Shoreline Map) hereby incorporated as a part of this Shoreline Program. The official copy of this map shall reside with the Washington State Department of Ecology. Additional copies are available at the City of University Place Planning and Development Services Department for public use.

B. The Shoreline Map identifies shoreline environment designations and the approximate extent of shoreline jurisdiction within City boundaries. The map depicts, at a generalized level, the lateral extent of shoreline jurisdiction or associated wetlands and floodplains. The precise lateral extent of shoreline jurisdiction shall be determined on a case-by-case basis at the time a shoreline development is proposed. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the ordinary high water mark (OHWM) and associated wetlands and/or floodplains.

C. Where uncertainty or conflict occurs in the exact location of a shoreline designation boundary, the Administrator shall interpret the boundaries based upon:

1. Boundaries indicated as approximately following lot, tract, or section line shall be so construed;

2. Boundaries indicated as approximately following roads or railways shall be construed to follow their centerlines; or

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

D. Whenever existing physical features are inconsistent with boundaries on the Shoreline Map, the Administrator shall interpret the boundaries, with deference to actual conditions. Appeals of such interpretations may be filed pursuant to the applicable appeal procedures described in Chapter 22.10 UPMC.

E. In the event of a mapping error, the City will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

(Ord. 652 § 1 (Exh. A), 2015).

18.20.030 Shoreline environment designations.

This section sets forth the purpose, designation criteria, and management policies for the five shoreline environment designations established in this Shoreline Program. Areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned an Urban Conservancy environment designation until the shoreline can be re-designated through a Shoreline Master Program amendment. General boundaries for each shoreline environment are illustrated in Figures 1 and 2, and summarized, below:

Marine Deepwater: Areas waterward of the intertidal shorelines of Puget Sound delineated by the - 10 MLLW line;

Natural: Water portions of Chambers Creek extending to the centerline and shorelands located east of the Section 28/Section 29 line, Township 20 North, Range 2 East, excluding Kobayashi Park;

Urban Conservancy: Kobayashi Park, those portions of Chambers Creek Properties abutting the Chambers Bay estuary and Puget Sound, the BNSF ROW, and residential properties abutting the BNSF ROW located adjacent to Puget Sound. Also, aquatic zones on that portion of Chambers Creek to the center line fronting Kobayashi Park; aquatic zones on the Chambers Creek properties, BNSF ROW and residential properties fronting the ROW; and the waters to the middle of Chambers Bay and to the -10 MLLW line along Puget Sound.

Shoreline Residential: Day Island and Sunset Beach residential neighborhoods and those lands/waters extending out to the -10 MLLW line and the center of the Day Island waterway; and

Day Island Medium Intensity: Existing marinas, mixed use and yacht club properties abutting the Day Island waterway and those lands/waters extending out to the -10 MLLW line and the center of the Day Island waterway.

A. Marine Deepwater Environment.

1. Purpose. The purpose of the Marine Deepwater environment is to protect and manage the unique characteristics and resources of the areas waterward of the intertidal shoreline. Although not a WAC designated environment designation, the Marine Deepwater environment has been established by the City to address concerns with activities that are anticipated to occur only in deep water marine areas such as dredge and mooring buoys.

2. Designation Criteria. The Marine Deepwater Environment shall apply to all marine waters and underlying submerged lands between the -10-foot MLLW line and the center of the waterway.

3. Management Policies. In addition to the other applicable policies and regulations of this Shoreline Program, the following management policies shall apply:

a. All developments and uses on navigable waters and submerged lands should be located and designed to minimize interference with surface navigation, to reduce impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

b. Uses that adversely impact the ecological functions of critical saltwater habitats should not be authorized except where necessary to achieve the objectives of RCW 90.58.020, and then only when all potential impacts are mitigated as necessary to assure maintenance of shoreline ecological functions and processes.

c. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural conditions. New over-water structures should only be authorized for water-dependent uses, public access, or ecological restoration. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use. To reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of the same over-water facility should be encouraged.

B. Natural Environment.

1. Purpose. The purpose of the Natural environment is to protect those shoreline areas, specifically associated with Chambers Creek, that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low-intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, the City should include planning for restoration of degraded shorelines within this environment.

2. Designation Criteria. The Natural environment designation shall be assigned to shoreline areas if any of the following characteristics apply:

a. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity.

b. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

c. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

3. Management Policies. In addition to the other applicable policies and regulations of this Shoreline Program, the following management policies shall apply:

a. Any use or modification that would substantially degrade the ecological functions or natural character of the Chambers Creek shoreline area should not be allowed.

b. Non-water-oriented uses shall be highly restricted and generally limited to low-intensity, passive uses subject to conditional use permit approval.

c. New single-family residential development may be allowed as a conditional use within the natural environment if the development is located outside of the vegetation conservation area and if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

d. Structures, parking areas and associated infrastructure should be located outside of shoreline jurisdiction unless there is no practicable alternative.

e. Scientific, historical, cultural, educational research uses, walking/hiking trails, and low-intensity water-oriented recreational access uses may be allowed; provided, that no significant ecological impact on the area will result.

f. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. The subdivision of property should not be allowed when the configuration will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. Each new parcel must be able to support its intended development without significant ecological impacts to the shoreline function.

4. Management Policies – Aquatic Zone. In addition to the other applicable policies and regulations of this Shoreline Program, the following management policies shall apply to areas waterward of the ordinary high water mark:

a. All developments and uses on the waters of Chambers Creek should be located and designed to reduce impacts to public views and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

b. Uses that adversely impact the ecological functions of habitats associated with Chambers Creek should not be authorized except where necessary to achieve the objectives of RCW 90.58.020, and then only when all potential impacts are mitigated as necessary to assure maintenance of shoreline ecological functions and processes.

c. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural conditions. New over-water structures should only be authorized for public access or ecological restoration. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

C. Urban Conservancy Environment.

1. Purpose. The purpose of the Urban Conservancy environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses including residential development. An additional purpose is to protect, restore and manage the unique characteristics and resources of the areas between the ordinary high water mark and the -10-foot MLLW line adjacent to upland Urban Conservancy areas.

2. Designation Criteria. The Urban Conservancy environment designation shall be applied to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, which are not generally suitable for water-dependent uses, if any of the following characteristics apply:

a. Shoreline areas are suitable for water-related or water-enjoyment uses.

b. Shoreline areas are open space, flood plain or other sensitive areas that should not be more intensively developed.

c. Shoreline areas have potential for ecological restoration.

d. Shoreline areas retain important ecological functions, even though partially developed; or

e. Shoreline areas have the potential for development that is compatible with ecological restoration.

3. Management Policies. In addition to the other applicable policies and regulations of this Shoreline Program, the following management policies shall apply:

a. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or critical areas either directly or over the long term should be the primary allowed uses. Where lawfully established residential structures exist within shoreline jurisdiction, residential uses and activities that are compatible with the purpose of the Urban Conservancy Environment and do not result in significant impacts to ecological functions may be considered a primary allowed use. Uses that result in the restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the Urban Conservancy environment and the physical characteristics of the setting.

b. Buffers, shoreline stabilization limitations, water quality measures, and vegetation conservation or enhancement measures should be used to regulate and inform the design of the proposed use or development and ensure that it does not result in a net loss of shoreline ecological functions or degrade other shoreline values.

c. Public access, including walking/hiking trails, should be provided whenever feasible and significant ecological impacts can be avoided or mitigated.

d. A variety of recreational uses as established by the Comprehensive Plan, Zoning Code, Chambers Creek Properties Master Site Plan and this Shoreline Program, should be allowed where the development of such uses is done in a manner that protects or enhances shoreline ecological functions.

e. Water-oriented uses should be given priority over non-water-oriented uses.

f. New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.

g. The size of new over-water structures should be the minimum necessary to support the structure's intended use.

h. Uses that adversely impact the ecological functions of critical saltwater habitats should not be authorized except where necessary to achieve the objectives of RCW 90.58.020, and then only when all potential impacts are mitigated as necessary to assure maintenance of shoreline ecological functions and processes.

i. Residential uses that preserve the natural character of the area, maintain shoreline vegetation buffers and/or promote preservation of open space, floodplains or sensitive lands, either directly or over the long term, should be allowed. Residential development should be authorized only:

(1) When adequate setbacks or buffers are provided to protect shoreline ecological functions;

(2) Where there is adequate access, infrastructure and public services; and

(3) Where the environment can support the proposed use or development in a manner which protects, enhances, or restores ecological functions.

j. The rights of navigation should be protected.

4. Management Policies – Aquatic Zone. In addition to the other applicable policies and regulations of this Shoreline Program, the management policies in UPMC 18.20.030(A)(3) shall apply to areas waterward of the ordinary high water mark.

D. Shoreline Residential Environment.

1. Purpose. The purpose of the Shoreline Residential environment is to accommodate residential development and appurtenant structures that are consistent with this Shoreline Program. Additional purposes are to provide public access and recreational uses, and to protect, restore and manage the unique characteristics and resources of the areas between the ordinary high water mark and the -10-foot MLLW line adjacent to upland Shoreline Residential areas.

2. Designation Criteria. The Shoreline Residential environment designation shall be applied to shoreline areas if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

3. Management Policies. In addition to the other applicable policies and regulations of this Shoreline Program, the following management policies shall apply:

a. Land division and development should be authorized only:

(1) When adequate setbacks or buffers are provided to protect shoreline ecological functions;

(2) Where there is adequate access, infrastructure and public services; and

(3) Where the environment can support the proposed use or development in a manner which protects, enhances, or restores ecological functions.

b. Multifamily residential development and subdivisions of land into more than four parcels should provide public access to the shoreline and joint use for recreational facilities.

c. Development (including expansion of existing structures) should be located and designed so that shoreline stabilization is not needed, to the extent practicable, either at the time of development/expansion or in the future.

d. Vegetation conservation measures should be utilized for new development and expansions to existing structures to protect, enhance or restore shoreline areas.

e. Water-oriented recreational uses should be allowed.

f. New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.

g. The size of new over-water structures should be the minimum necessary to support the structure's intended use.

h. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

i. Uses that adversely impact the ecological functions of critical saltwater habitats should not be authorized except where necessary to achieve the objectives of RCW 90.58.020, and then only when all potential impacts are mitigated as necessary to assure maintenance of shoreline ecological functions and processes.

j. The rights of navigation should be protected.

4. Management Policies – Aquatic Zone. In addition to the other applicable policies and regulations of this Shoreline Program, the management policies in UPMC 18.20.030(A)(3) shall apply to areas waterward of the ordinary high water mark.

E. Day Island Medium Intensity Environment.

1. Purpose. The purpose of the Day Island Medium Intensity environment is to accommodate marinas, yacht clubs with boat moorage and related facilities and activities, water-oriented commercial, transportation and light industrial uses, and moderate density residential uses within mixed use projects, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Additional purposes are to provide public access to the shoreline and recreational uses oriented toward the waterfront, to accommodate non-water-oriented uses on a limited basis where appropriate, and to protect, restore and manage the unique characteristics and resources of the areas between the ordinary high water mark and the -10-foot MLLW line. The intent of the Day Island Medium Intensity environment is similar to that of a High Intensity Environment as

described in WAC 173-26-211 except that development intensities are to be limited to those consistent with the Comprehensive Plan designation and zoning classification for the area.

2. Designation Criteria. The Day Island Medium Intensity environment shall be assigned to shoreline areas that currently support a mix of uses related to commerce, industry, transportation or navigation, recreation, and moderate density housing; or are suitable and planned for medium- intensity water-oriented uses.

3. Management Policies. In addition to the other applicable policies and regulations of this Shoreline Program, the following management policies shall apply:

a. The shoreline abutting the Day Island Lagoon is characterized by a variety of urban uses and activities, including commercial, light industrial, marina, residential, and recreational uses. Together, these uses and activities have the potential to create a vibrant shoreline that is consistent with and supportive of University Place's character and quality of life. These types of uses should be allowed within the Day Island Medium Intensity environment, with preference given to water-oriented uses.

b. Non-water-oriented uses should not be allowed except as part of mixed use development that is predominantly water-oriented in terms of use.

c. The redevelopment and renewal of substandard and degraded shoreline areas should be encouraged. Future development of these areas should include restoration and/or enhancement of degraded shorelines and the provision of public access to the shoreline.

d. Where feasible, public access should be provided in accordance with WAC 173-26-221(4)(d).

e. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

f. All development and use on navigable waters and submerged lands should be located and designed to minimize interference with navigation, reduce impacts to public views, and to allow for the passage of fish and wildlife, particularly those species dependent on migration.

g. Uses that adversely impact the ecological functions of critical saltwater habitats should not be authorized except where necessary to achieve the objectives of RCW 90.58.020, and then only when all potential impacts are mitigated as necessary to assure maintenance of shoreline ecological functions and processes.

h. Improvements to water quality and sediment transport within the Day Island Lagoon should be given high priority. Such improvements may occur in conjunction with development proposals that require mitigation or as part of a voluntary restoration project.

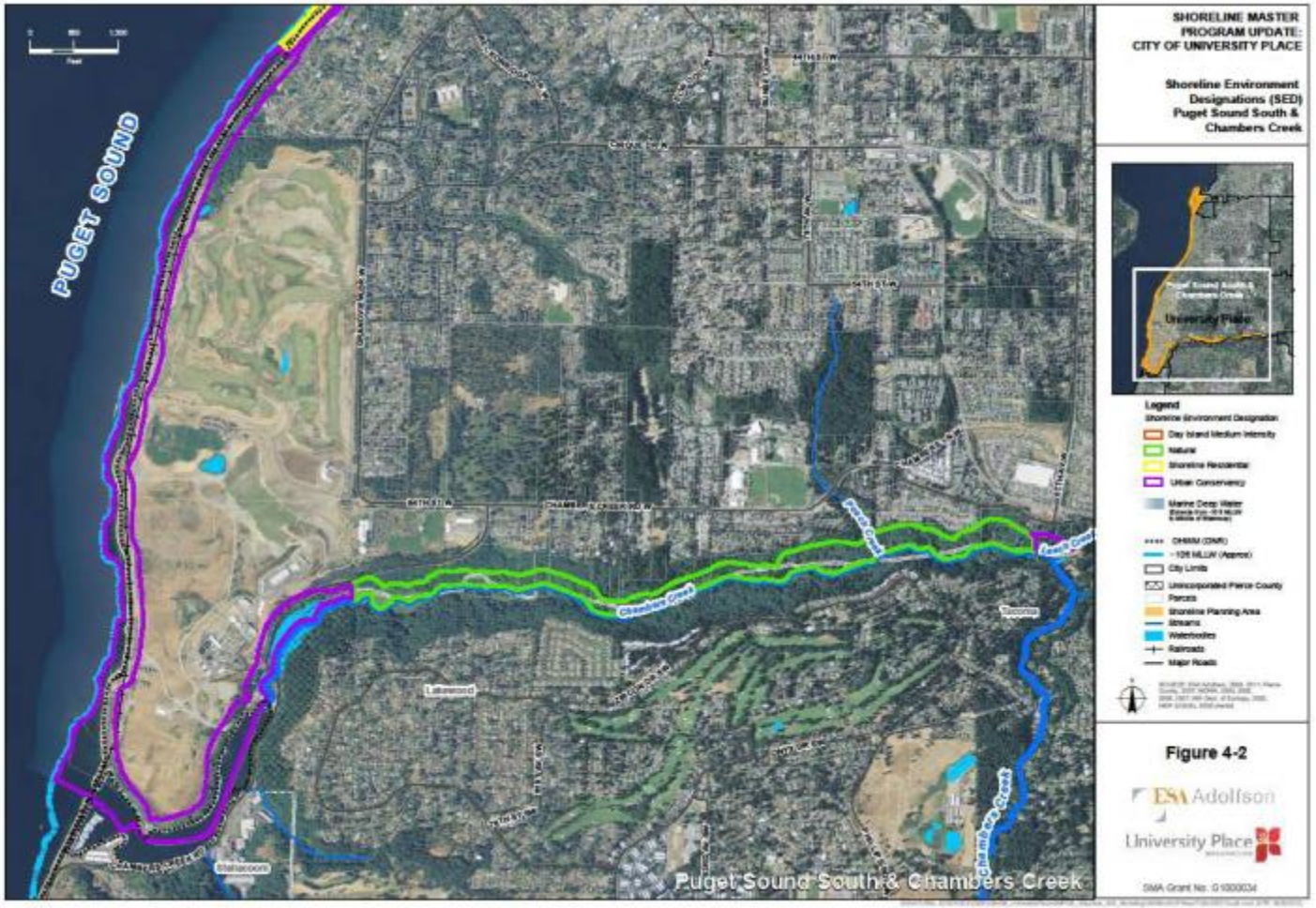
i. New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.

j. The size of new over-water structures should be the minimum necessary to support the structure's intended use.

4. Management Policies – Aquatic Zone. In addition to the other applicable policies and regulations of this Shoreline Program, the management policies in UPMC 18.20.030(A)(3) shall apply to areas waterward of the ordinary high water mark.

FIGURE 1 – SHORELINE ENVIRONMENT DESIGNATIONS – PUGET SOUND NORTH AND DAY ISLAND

FIGURE 2 – SHORELINE ENVIRONMENT DESIGNATIONS – PUGET SOUND SOUTH AND CHAMBERS CREEK



(Ord. 652 § 1 (Exh. A), 2015).

Chapter 18.25
GENERAL POLICIES AND REGULATIONS

Sections:

18.25.010 General policies and regulations – Intent.

18.25.020 Archaeological, historic, and cultural resources.

18.25.030 Flood hazard reduction.

18.25.040 Parking.

18.25.050 Public access.

18.25.060 Scientific and educational activities.

18.25.070 Shoreline ecological protection and mitigation.

18.25.080 Shoreline restoration and enhancement.

18.25.090 Signage.

18.25.100 Vegetation conservation.

18.25.110 View protection.

18.25.120 Water quality.

18.25.010 General policies and regulations – Intent.

Based on the governing principles of the SMP Guidelines, the following policies and regulations apply to all uses, developments, and activities in the shoreline areas of the City, regardless of whether or not a permit is required. General policies and regulations are broken into different topic headings and arranged alphabetically. Topics begin with descriptions of their intent and/or applicability, followed by general policy statements and regulations that are more specific. The intent of these provisions is to be inclusive, making them applicable to all environments, as well as particular shoreline uses and activities. These policies and regulations are to be used in conjunction with the policies and regulations in Chapters 18.30 and 18.35 UPMC, and the administrative provisions, specifically including UPMC 18.15.070, Nonconforming development.

These provisions address the elements of an SMP as required by RCW 90.58.100(2) and implement the governing principles of the SMP Guidelines as established in WAC 173-26-186.

(Ord. 652 § 1 (Exh. A), 2015).

18.25.020 Archaeological, historic, and cultural resources.

A. Applicability. The following provisions apply to archaeological and historic resources, which may include sites, buildings, structures, districts, or objects, that either are recorded at the Washington State Department of Archaeology and Historic Preservation (DAHP) and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside the shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites

and Records) and development or uses that may affect such sites shall comply with Chapter 25-48 WAC as well as the provisions of this Shoreline Program.

B. Policies.

1. The destruction or damage to any site having any archaeological, historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian Tribes, and the State Department of Archaeology and Historic Preservation (DAHP), should be prevented.

2. Ensure that new development is designed to avoid damaging significant archaeological and historic resources and enhance and/or be compatible with such resources.

C. Regulations.

1. Developers and property owners shall immediately stop work and notify the City, the DAHP and affected Native American tribes if archaeological resources are uncovered during excavation.

2. A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources. Failure to comply with this requirement shall be considered a violation of the shoreline permit.

3. Significant archaeological and historic resources shall be preserved permanently for scientific study, education and public observation. When the City determines that a site has significant archeological, natural scientific or historical value, a shoreline substantial development permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The City may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential, potential for adaptive new uses or management practices, retrieval and preservation of significant artifacts, or another course of action appropriate for the location and circumstances.

4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the notification and evaluation regulations, above. The City shall notify Ecology, the State Attorney General's Office and the DAHP of such a situation in a timely manner.

5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Records) and shall comply with Chapter 25-48 WAC or its successor as well as the provisions of this Shoreline Program.

6. Park, open space, public access, and site planning shall consider identified historical or archaeological resources when designing and managing access to such areas in order to give maximum protection to the resource and surrounding environment.

7. Clear interpretation of significant archaeological and historic resources shall be provided through the use of signage or other improvements or facilities when and where appropriate.

(Ord. 652 § 1 (Exh. A), 2015).

18.25.030 Flood hazard reduction.

A. Applicability. The following provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that could increase flood hazards. Flood hazard reduction measures can consist of nonstructural measures such as setbacks, land use controls, wetland restoration, relocation of uses, biotechnical measures, or stormwater management programs, and structural controls such as dikes, levees, revetments, bulkheads, floodwalls, channel realignment, or elevation of structures consistent with the National Flood Insurance Program.

B. Policies.

1. Where feasible, nonstructural flood hazard reduction measures should be given preference over structural measures.

2. Flood hazard reduction provisions should be based on applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts, provided those measures are consistent with the SMA and this Shoreline Program.

3. Flood hazard reduction measures should not result in a net loss of ecological functions.

4. When evaluating flood control measures, the removal or relocation of structures in flood- prone areas should be considered.

5. Development and shoreline modifications that would result in interference with the process of channel migration and may impact property or improvements or result in a net loss of ecological functions should not be allowed.

C. Regulations.

1. New development or new uses in shoreline jurisdiction, including subdivision of land, shall not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

2. New structural flood hazard reduction measures in the shoreline jurisdiction shall be allowed only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5) and this Shoreline Program.

3. New structural flood hazard reduction measures shall be placed landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration. In order for such flood hazard reduction projects to be authorized, it must be determined that no other alternative is feasible to protect existing development. The need for and analysis of feasible alternatives to structural improvements shall be documented through a geotechnical analysis.

4. New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable

significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

5. New development within a channel migration zone or floodway shall be limited to the uses and activities listed in WAC 173-26-221(3)(b) and (3)(c)(i). Removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

6. The City's flood damage prevention regulations, codified under UPMC Title 14, apply to areas of special flood hazards in the shoreline jurisdiction. Chapter 14.15 UPMC is herein incorporated into this SMP, except for the variance provisions contained in UPMC 14.15.030(D).

(Ord. 652 § 1 (Exh. A), 2015).

18.25.040 Parking.

A. Applicability. The following provisions apply to off-street parking located within shoreline jurisdiction.

B. Policies for Off-Street Parking Provided for Uses Other Than Detached Single-Family Dwellings.

1. Parking should be allowed within the shoreline jurisdiction only for approved uses listed in Table 18.30.A.

2. Parking for shoreline uses should be located in areas outside the shoreline jurisdiction, where feasible; otherwise parking should be located as far landward of the ordinary high water mark as feasible.

3. The use of low-impact construction methods, such as pervious pavement, should be encouraged and used to the extent practicable within the shoreline environment.

4. Parking should be designed and constructed to be compatible with adjacent uses and avoid impacts to the shoreline environment.

5. Walkways should be provided between parking areas and the buildings or uses they serve; walkways should be located as far landward of the ordinary high water mark as feasible.

6. The use of the variance process authorized in UPMC 19.60.130 to increase the number of parking stalls should be discouraged in the shoreline jurisdiction in order to minimize impervious surface.

7. Parking provided in excess of the maximum parking standards per UPMC 19.60.130 should be constructed of pervious pavement.

C. Policies for Off-Street Parking Provided for Detached Single-Family Dwellings.

1. Parking should be located as far landward of the ordinary high water mark as feasible.

2. The use of low-impact construction methods, such as pervious pavement, should be encouraged and used to the extent practicable within the shoreline environment.

3. Parking should be designed and constructed to avoid impacts to the shoreline environment.

D. Regulations for Off-Street Parking Provided for Uses Other Than Detached Single-Family Dwellings (See Figure 3 Below).

1. Parking facilities within the shoreline jurisdiction shall only be allowed to support an authorized use.

2. Parking provided as a stand-alone primary use, rather than in support of a primary use, is prohibited within the shoreline jurisdiction.

3. Parking facilities shall be located landward of the principal building, except when:

a. The parking facility is within or beneath the structure and adequately screened;

b. The City's design standards or guidelines would encourage or require the parking facility to be located to the side of a principal building in order to encourage a pedestrian orientation for new development; or

c. An alternate orientation would have less adverse impact on the shoreline.

4. Over-water parking facilities are prohibited.

5. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. Landscaping shall comply with Chapter 19.65 UPMC and the vegetation conservation standards in UPMC 18.25.100.

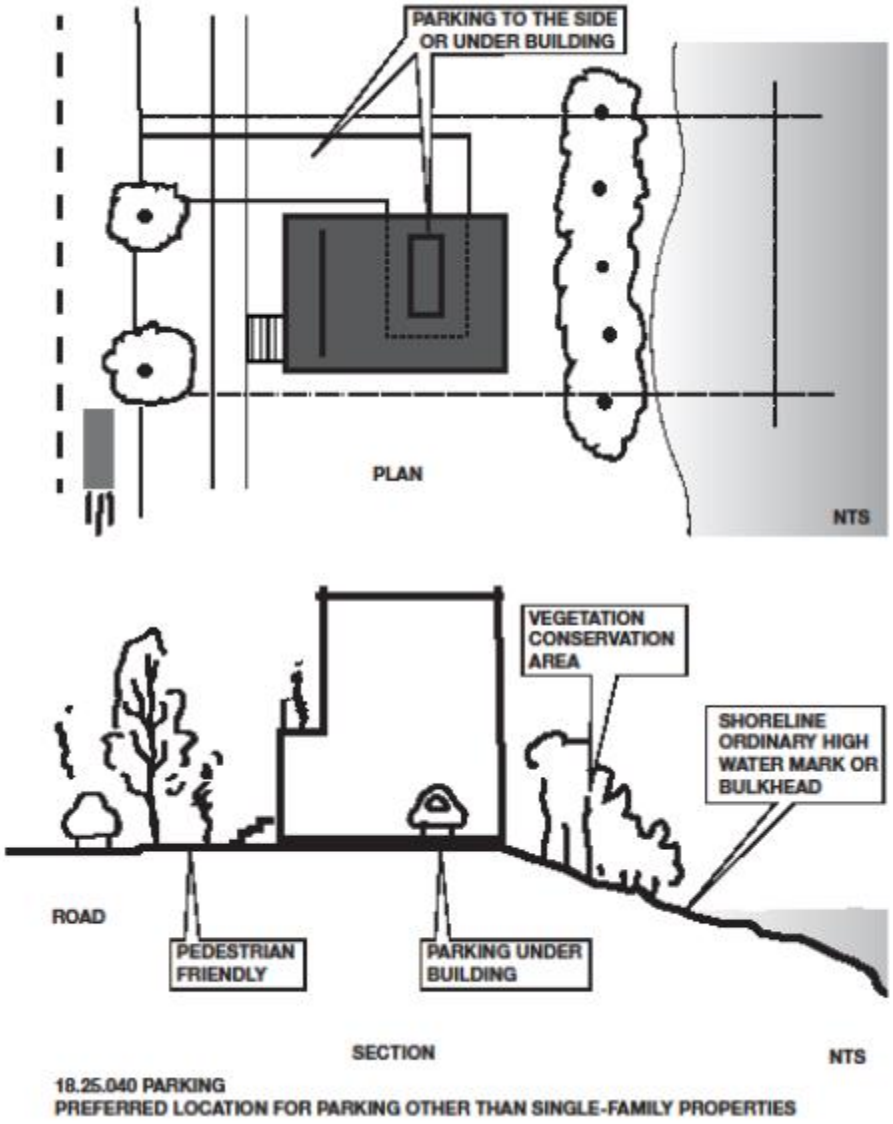
6. Parking facilities shall provide safe and convenient pedestrian circulation within the parking area to the building or use it serves, and shall be located as far landward of the ordinary high water mark as feasible.

7. Parking associated with boat ramps and other areas of shoreline access shall be located a minimum of 35 feet from the ordinary high water mark within the Day Island Medium Intensity Shoreline Environment and 50 feet from the ordinary high water mark in all other shoreline environments except when located within a public street right-of-way.

8. Parking provided in excess of the maximum parking standards per UPMC 19.60.130 shall be constructed of pervious pavement.

9. Parking facilities shall comply with the water quality development standards in UPMC 18.25.120.

FIGURE 3 – PARKING LOCATIONS



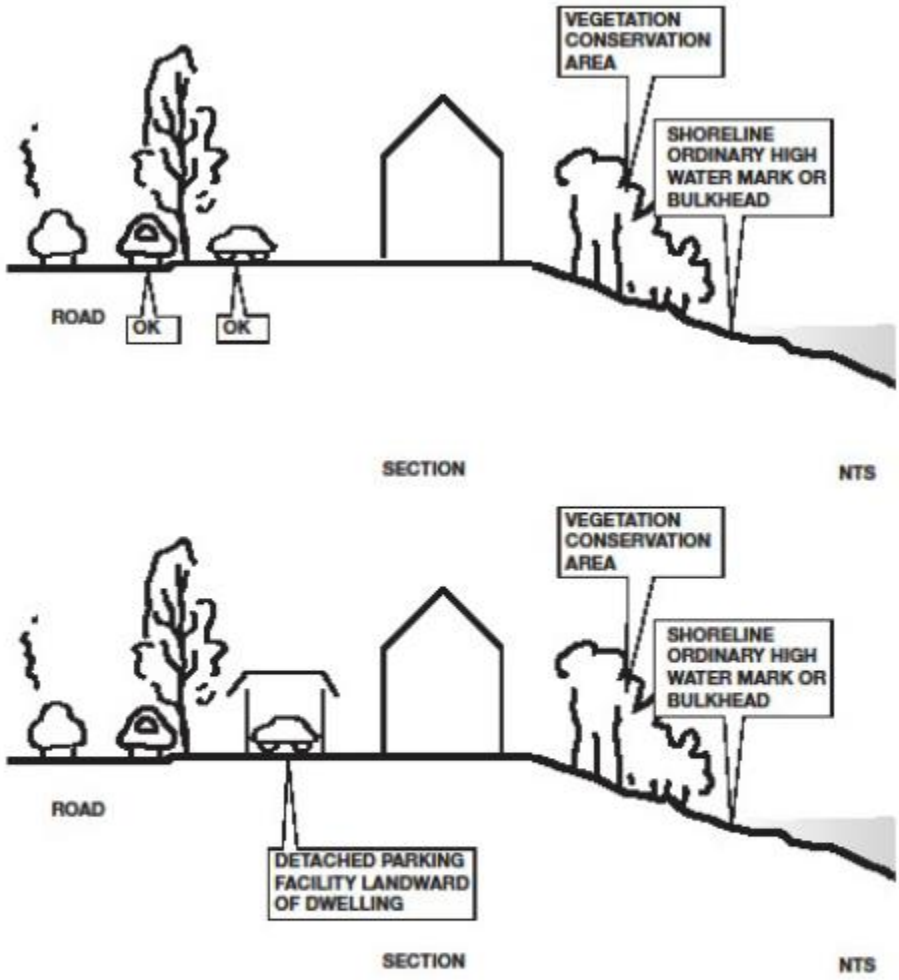
E. Regulations for Off-Street Parking Provided for Single-Family Dwellings (See Figure 4 Below).

1. Parking facilities within the shoreline jurisdiction shall only be allowed in conjunction with a single-family dwelling.

2. Detached garages, carports, driveways and other parking facilities shall be located outside of the VCA and landward of the waterward side of the dwelling.

3. To the extent feasible, attached garages and carports shall be designed and located to provide the most direct vehicular access from the street, minimize impervious driveway surface and minimize adverse impacts on the shoreline.

FIGURE 4 – SINGLE-FAMILY PARKING LOCATIONS



18.25.040 PARKING
PREFERRED LOCATION FOR DETACHED GARAGES FOR SINGLE FAMILY PROPERTIES

(Ord. 652 § 1 (Exh. A), 2015).

18.25.050 Public access.

A. Intent and Applicability. Shoreline public access is the physical ability of the general public to reach and touch the water's edge or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access, including docks and piers, boat launches, pathways and trails, promenades, street ends, picnic areas, beach walks, viewpoints and others. An important goal of the Shoreline Management Act is to protect and enhance public access to the State's

shorelines. The public's ability to enjoy the physical and aesthetic qualities of natural shorelines of the State is to be preserved to the greatest extent feasible consistent with the overall best interest of the State and its citizens. Alterations of the natural conditions of the shorelines of the State, in those limited instances when authorized, shall be given priority for development that will provide an opportunity for substantial numbers of people to enjoy these shorelines.

Public access and use of the shoreline is supported, in part, by the Public Trust Doctrine. The essence of the doctrine is that the waters of the State are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses, and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of tidelands and other shorelands to protect the public's right to use the waters of the State. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access the tidelands. It does, however, protect public use of navigable waterbodies.

Standards for the dedication and improvement of public access, as noted in the SMP guidelines found in WAC 173-26-221(4)(d)(iii), apply in shoreline jurisdiction as provided in this section.

B. General Policies.

1. Developments, uses, and activities should be designed and operated to avoid or minimize blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines.

2. Public access should be a primary use in its own right or a secondary use that is created or enhanced as development or redevelopment occurs; provided, that private property rights and public safety are protected. Public access elements may include, but should not be limited to, the following:

a. Bicycle and other shared use pathways along or adjacent to the shoreline;

b. Shoreline parks;

c. Beach areas;

d. Piers, wharves, docks, and floats;

e. Transient moorage;

f. Trails, promenades, boardwalks, pedestrian overpasses or underpasses over or under the railroad ROW, or other pedestrian ways along or adjacent to the shoreline edge.

3. New development should avoid or minimize conflict with existing public access or planned public access projects and provide mitigation if impacts cannot be avoided.

4. Impacts to public access from new development should be mitigated through the provision of on-site visual and physical public access, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline.

5. Development projects on public property or proposed by public entities should be required to incorporate public access features except where access is incompatible with safety, security, or environmental protection.

6. Public access provisions should be consistent with all relevant constitutional and other limitations that apply to regulations that are placed on private property, including the nexus and proportionality requirements.

7. Public access requirements on privately owned lands should be commensurate with the scale of the development and should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.

8. Public access should not compromise, in any significant manner, the rights of navigation and space necessary for water-dependent uses to prevail.

9. Where maintenance of views from adjacent properties and water-dependent uses or physical public access conflict, water-dependent uses and physical public access should prevail.

10. The City should continue working with private property owners, the City of Lakewood and Pierce County to develop shoreline trail systems and other means of shoreline access in accordance with the Chambers Creek Properties Master Site Plan and the City's Park, Recreation and Open Space Plan.

11. Shoreline access improvements within the Chambers Creek Properties should be developed in accordance with the Chambers Creek Properties Master Site Plan.

C. Access Preferences and Alternatives Policies.

1. Preference should be given generally to provision of on-site public access. Off-site public access is appropriate where it would provide more meaningful public access, prevent or minimize safety or security conflicts, or where off-site public access is consistent with an approved public access plan.

2. Public and private property owners should use a variety of techniques, including acquisition, leases, easements and design and development innovations, in order to achieve the public access goals and to provide diverse public access opportunities.

3. Where public access cannot be provided on-site, the City should consider innovative measures to allow permit applicants to provide public access off-site, including contributing to a public access fund to develop planned shoreline access projects.

4. Water-enjoyment and non-water-oriented uses that front on the shoreline should provide continuous public access along the water's edge.

5. Developments within shoreline jurisdiction that do not have shoreline frontage should provide public access by providing trails or access corridors through or from their sites or by providing view improvements, including viewing platforms.

6. Where new development occurs in a location where access along or to the shoreline already exists, the new development should either contribute additional recreation or access facilities to enhance the existing access, or consider view improvements.

7. An applicant may construct public access improvements before site development as a part of an overall site master plan, which may be phased. The applicant would receive credit for those improvements at time of development.

D. Design Policies.

1. Public access should be designed and located in such a way that does not result in a net loss of ecological functions.

2. Public access associated with marinas, boat ramp/launch facilities, private and public docks for public moorage, and similar water-dependent uses should be provided as close as possible to the water's edge without significantly adversely affecting a sensitive environment or resulting in significant safety hazards. Improvements should allow physical contact with the water where feasible.

3. Public spaces should be designed to be recognizable as "public" areas and to promote a unified access system, including the design and location of site details and amenities, and to provide a safe and welcoming experience for the public.

4. Public spaces should be designed for the greatest number and diversity of people and for a variety of interests.

5. Public spaces should be designed and located to connect to other public areas, street ends and other pedestrian or public thoroughfares.

6. New public access should be sited and appropriately designed to avoid causing detrimental impacts to the operations of existing water-dependent and water-related uses.

E. General Regulations.

1. Where feasible, new development, uses and activities shall be designed and operated to avoid and minimize blocking, reducing, or adversely interfering with the public's physical access to the water and shorelines.

2. Public access provided by street ends, public utilities, and public rights-of-way shall not be diminished without full mitigation for those impacts.

3. Existing public access shall not be eliminated unless the applicant shows that there is no feasible alternative and replaces the public access with access of comparable functions and value at another location, consistent with subsection (G)(2) of this section.

4. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, or security.

5. Public access easements and shoreline permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition of approval. Said recording with the County Auditor's Office shall occur at the time of shoreline permit approval. Future actions by the applicant and/or successors in interest or other parties shall not diminish the usefulness or value of the public access provided, unless a new shoreline permit is secured.

6. Required public access improvements shall be fully developed and available for public use at the time of occupancy of the use or activity unless there are mitigating circumstances and an agreement setting forth an alternative schedule acceptable to the Examiner is in place.

F. Regulations – Design of Public Access.

1. Public access trails and shared use pathways shall be located, designed and maintained in accordance with all of the following:

a. Where open space is provided along the shoreline and public access can be provided in a manner that will not adversely impact shoreline ecological functions and/or processes, a trail or other shared use pathway generally parallel to the ordinary high water mark of the property may be authorized subject to the following:

(1) The trail or shared use pathway shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate; and

(2) Fencing may be provided to control damage to plants and other sensitive ecological features, where appropriate.

(3) Landscaping associated with trail or pathway development shall be native and drought tolerant or site appropriate.

(4) Enhancement of shoreline functions, including native plantings, shall be incorporated into trail designs as mitigation for development impacts where necessary and where a clear benefit can be demonstrated.

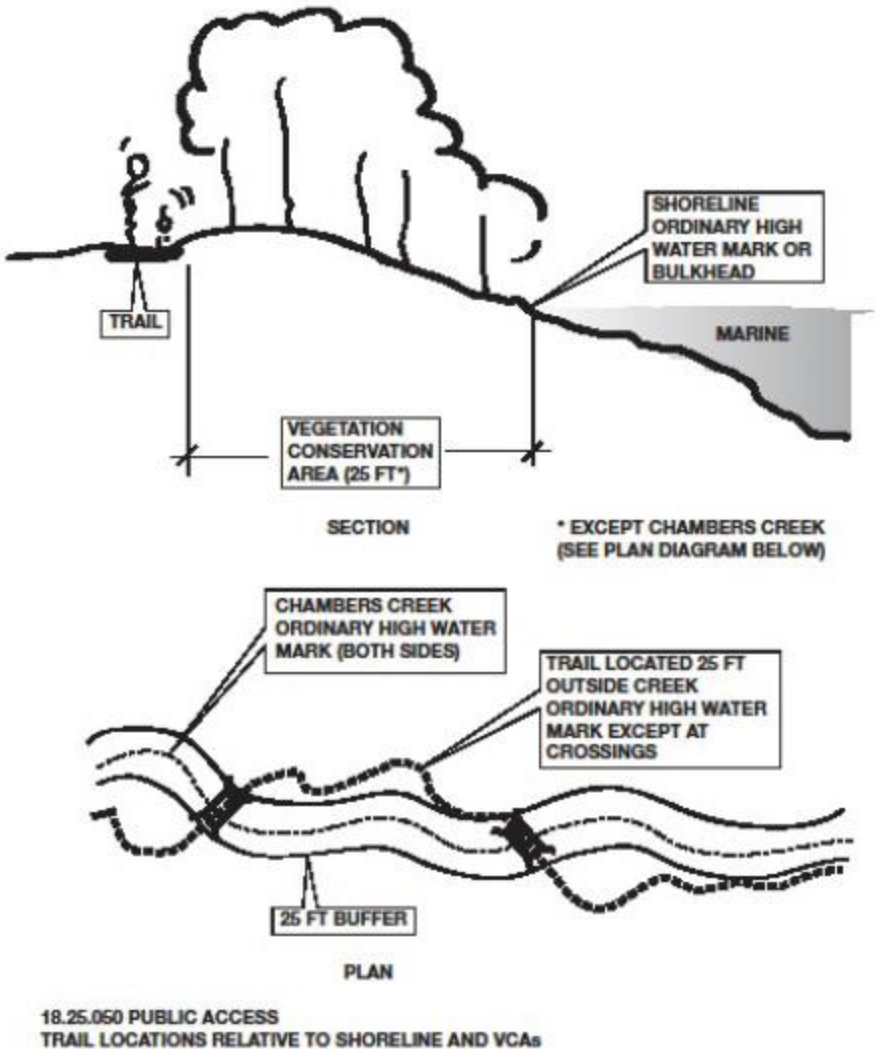
b. Trails or shared use pathways located within a Natural shoreline environment shall be no greater than six feet in total improved width, which may include up to four feet of surface and one-foot shoulders. Not including landscaping, no more than four feet of improved surface is preferable in most cases.

c. Trails or shared use pathways located in other shoreline environments shall be the minimum width necessary to safely accommodate the proposed use and to avoid and minimize impacts to ecologically sensitive resources. In no case shall they be more than 18 feet in total improved width, which may include up to 14 feet of surfaced trail and two-foot shoulders.

d. Trails or shared use pathways shall be located outside of the vegetation conservation area except when providing access from an upland area to the shoreline, within a public park, or in conjunction with marinas, boat ramp/launch facilities, private and public docks for public moorage, and similar water-dependent uses.

e. Trails or shared use pathways may be located within the shoreline setback and vegetation conservation area when providing an integral link for the Chambers-Leach Creek regional trail system where topography or other physical constraints make it impractical to locate the trail or pathway segment outside of these areas. Such trails or pathways shall be placed at least 25 feet from the ordinary high water mark, except for bridges, limited spurs to physical access points and overlooks comprising no more than 10 percent of the overall lineal length of the proposed trail (see Figure 5 below).

FIGURE 5 – PUBLIC ACCESS TRAIL LOCATIONS



f. Gravel, woodchips, or pervious pavement shall be used for trails or shared use pathways within a vegetation conservation area unless the Administrator determines that such material is not in the public interest because of safety, durability, aesthetic or functionality concerns.

g. Trails or shared use pathways shall be subject to compliance with specific design standards or guidelines as described in the Chambers Creek Properties Master Site Plan, the City of University Place Park, Recreation and Open Space Plan, or other trail or recreation plans, when applicable.

2. Public access shall be located adjacent to other public areas, accesses and connecting trails, with connections to the nearest public street; provisions for handicapped and physically impaired persons shall be provided unless infeasible due to site conditions such as steep slopes.

3. Where views of the water or shoreline are available and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.

4. Design shall minimize intrusions on privacy by avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or other separation techniques.

5. Design shall provide for the safety of users, including the control of offensive conduct through public visibility of the public access area, or through provisions for oversight. The Administrator may authorize a public access to be temporarily closed in order to develop a program to address offensive conduct. If offensive conduct cannot be reasonably controlled, alternative facilities may be approved through a permit revision.

6. Public amenities appropriate to the use of a public access area such as a covered shelter, benches, or picnic table shall be provided.

7. Commercial or mixed use developments that attract a substantial number of persons, and developments by government/public entities, may be required to provide public restrooms, facilities for disposal of animal waste and other appropriate public facilities.

8. Public access facilities may be developed over water subject to the mitigation sequencing priorities in UPMC 18.25.070(C)(4) and all other applicable provisions of this Shoreline Program. All ecological impacts shall be mitigated to achieve no net loss of shoreline ecological functions and system-wide processes.

G. Public Access – When Required.

1. Public access shall be required to the extent allowed by law in the review of all shoreline substantial development permits and shoreline conditional use permits in the following circumstances:

a. The project is publicly funded or on public lands;

b. The project consists of new or reconstructed publicly funded dikes or levees, jetties, and groins (other than those associated with detached single-family dwellings);

c. Where any of the following conditions exist:

(1) The project increases or creates demand for public access;

(2) The project impacts or interferes with existing access by blocking access or discouraging use of existing access;

(3) The project impacts or interferes with public use of waters subject to the Public Trust Doctrine;

(4) The project includes a non-water-dependent use, or a nonpreferred use under the SMA; or

(5) The project involves the creation of more than four residential lots or dwelling units within shoreline jurisdiction.

2. If public access is required pursuant to subsection (G)(1)(c) of this section, the City shall impose permit conditions requiring public access that is roughly proportional to the impacts caused by the proposed use or development.

3. When public access is required pursuant to subsection (G)(1)(c) of this section, the Examiner shall make specific findings that the use or development satisfies one or more of the conditions in subsection

(G)(1)(c) of this section and that the permit conditions requiring public access are roughly proportional to the impacts caused by the proposed use or development.

4. Public access shall not be required for the following uses or activities:

a. Single-family residential developments consisting of four or fewer residential lots or dwelling units;

b. Agricultural activities;

c. Dredging;

d. Landfill and excavation;

e. Private docks serving four or fewer dwelling units;

f. Instream structures, unless publicly funded;

g. Shoreline stabilization, unless publicly funded;

h. Utility projects; or

i. Ecological restoration or enhancement activities not associated with development.

H. Access Preferences and Alternatives.

1. On-site, physical access is preferred.

2. The Examiner may approve alternatives to on-site, physical access to the shoreline if the applicant can demonstrate with substantial and credible evidence that one or more of the following conditions exist:

a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;

b. The configuration of existing parcels and structures block potential access areas in such a way that cannot be reasonably remedied by the proposed development;

c. Public access will jeopardize inherent security requirements of the proposed development or use and the impacts on security cannot be satisfied through the application of alternative design features or other solutions;

d. The cost of providing on-site access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;

e. Environmental impacts that cannot be mitigated, such as damage to spawning areas or nesting areas, will result from the public access; or

f. Public access is infeasible due to incompatible adjacent uses where the incompatibility cannot be mitigated.

3. Prior to approving alternatives to on-site physical access due to one or more of the conditions listed in subsection (H)(2) of this section, the Examiner should first consider on-site access alternatives such as limiting hours to daylight use, using alternative site configurations, or incorporating design elements such as fences, terraces, hedges, and/or other landscaping to separate uses and activities.

4. When public access is required pursuant to subsection (G)(1) of this section, the Examiner may approve public access under subsection (H)(2) of this section that includes the preservation of shoreline views consistent with UPMC 18.25.110, the establishment of public access easements to and along the shoreline, and/or enhancement of an adjacent street end, park, or other public access feature commensurate with the degree of impact caused by the development. These alternative forms of public access shall not be required by the Examiner when public access is not required pursuant to subsection (G)(1) of this section.

5. A project applicant may participate in "advance mitigation" by providing public access improvements prior to the time a project is constructed.

(Ord. 652 § 1 (Exh. A), 2015).

18.25.060 Scientific and educational activities.

A. Intent and Applicability. It is the intent of the City to preserve and prevent the destruction of or damage to any site having scientific or educational value, excluding schools, museums or similar facilities, and to support scientific and educational efforts when appropriate ecological safeguards are utilized. Examples may include, but are not limited to, water quality testing, stream flow monitoring, and the installation of interpretive signage.

B. Policies.

1. Encourage scientific and educational activities related to shoreline ecological functions and processes.

C. Regulations.

1. Scientific and educational uses and activities are limited to those that will not:

a. Jeopardize existing wildlife populations or organisms;

b. Permanently alter the character of biological habitats; and

c. Degrade the character of the shoreline environment in which they are located.

2. Temporary disruption of biological systems may be authorized when a scientific activity will result in their restoration or improvement, and only when a restoration plan is approved by the City and other agencies with jurisdiction.

3. Permits encompassing a variety of scientific or educational activities over an extended period of time may be granted; provided, that limits on the duration of approval are established. Temporary facilities necessary for the conduct of a scientific project shall be removed at the conclusion of the prescribed research activity period.

4. Temporary facilities used in conjunction with the scientific or educational project shall be removed at the conclusion of the project.

(Ord. 652 § 1 (Exh. A), 2015).

18.25.070 Shoreline ecological protection and mitigation.

A. Intent and Applicability.

1. The Shoreline Management Act and the Shoreline Master Program Guidelines place a primary emphasis on the protection of shoreline ecological functions and system-wide processes. In accordance with Chapter 173-26 WAC, this Shoreline Program must ensure that shoreline uses, activities, and modifications will result in no net loss to these processes and functions.

2. The protection, restoration and enhancement of shoreline ecological functions and system-wide processes are high priorities of this Shoreline Program. The policies and regulations established herein are to be applied to all uses, developments and activities that may occur within the shoreline jurisdiction.

B. Policies.

1. All shoreline use and development should be carried out in a manner that avoids or minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas that are located within the shoreline jurisdiction.

2. Natural features of the shoreline and nearshore environments that provide ecological functions and should be protected include marine and freshwater riparian habitat, banks and bluffs, beaches and backshore, critical saltwater and freshwater habitat, and wetlands and streams. Shoreline processes that should be protected include erosion and accretion, sediment delivery, transport and storage, organic matter input, and large woody debris recruitment.

3. Important habitat that provides the shoreline's unique value, including estuaries and critical saltwater habitats that include intertidal wetlands, kelp beds, eelgrass beds and spawning areas for forage fish such as sand lance, sand spits, mud flats, and areas with which priority species have a primary association, should be preserved and protected.

4. Protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

5. Direct and indirect cumulative impacts of proposed actions should be considered for all use and development of the shoreline.

6. Development standards for density, setbacks, impervious surface, shoreline stabilization, vegetation conservation, critical areas, and water quality should protect existing shoreline functions and processes. During review, the Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.

7. Where a proposed use or development creates environmental impacts not otherwise avoided or mitigated by compliance with this Shoreline Program, mitigation measures should be required to ensure no net loss of shoreline ecological functions and system-wide processes.

8. The City should work with other local, State, and Federal regulatory agencies, tribes, and nongovernment organizations to ensure that mitigation actions carried out in support of this Shoreline Program are designed to be successful and achieve beneficial ecological outcomes. This includes such measures as mitigation banks, fee-in-lieu programs, and assisting applicants/proponents in planning, designing, and implementing mitigation.

9. The City should develop a program to periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore shoreline ecology to ensure no net loss of ecological functions.

C. Regulations – No Net Loss and Mitigation.

1. All shoreline uses and development, including preferred uses and uses that are exempt from shoreline permit requirements, shall be located, designed, constructed, and maintained in a manner that results in no net loss of shoreline ecological functions and processes.

2. To comply with the policies in subsection (B) of this section, applicants/proponents of new shoreline use and development shall demonstrate that all reasonable efforts have been taken to avoid adverse impacts. Mitigation shall occur in the following order of priority. In determining appropriate mitigation measures, lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable.

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

b. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or taking affirmative steps to avoid or reduce adverse impacts;

c. Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;

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

e. Compensating for the adverse impacts by replacing, enhancing, or providing similar substitute resources or environments; and

f. Monitoring the impact of the compensatory projects and taking appropriate corrective measures.

3. Mitigation actions shall not have a significant adverse impact on other shoreline ecological functions.

4. When compensatory mitigation measures are required, all of the following shall apply:

a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources;

b. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time;

c. The mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory and Characterization Report, the Shoreline Restoration Plan and other background studies prepared in support of this Shoreline Program;

d. The mitigation plan shall include contingencies should the mitigation fail during the monitoring/maintenance period;

e. The mitigation shall replace the functions as quickly as possible following the impacts to ensure no net loss;

f. The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values; and

g. The applicant shall post a financial surety equal to the estimated cost of the mitigation in order to ensure the mitigation is carried out successfully. The surety shall be refunded to the applicant upon completion of the mitigation activity and any required monitoring.

5. Mitigation measures shall occur in the immediate vicinity of the impact or at an alternative location within the same watershed or appropriate section of marine shoreline that provides greater and more sustainable ecological benefits. When evaluating these benefits, the City shall consider limiting factors, critical habitat needs, and other factors identified in the Restoration Plan (Appendix A), or an approved watershed or comprehensive resource management plan. The City may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches, provided they have been approved and sanctioned by the Department of Ecology, the Department of Fish and Wildlife or the Army Corps of Engineers. When uses or activities are proposed along shorelines that also contain critical areas, vegetation management plans may be consolidated with habitat management plans required under UPMC 17.25.025.

D. Regulations – Critical Areas.

1. The City's critical areas regulations, codified under UPMC Title 17, apply to critical areas in the shoreline jurisdiction. Chapters 17.05, 17.10, 17.15, 17.20, 17.25, 17.30 and 17.35 UPMC are herein incorporated into this SMP, except as noted in subsection (D)(5) of this section. The critical areas regulations being incorporated into the SMP are those referenced in Ordinance No. 630, effective October 28, 2013, and Ordinance No. 670, effective June 27, 2016. In the event these regulations are amended, the edition referenced herein will still apply in shoreline jurisdiction. Changing this reference to recognize a new edition will require a master program amendment.

2. If there are any conflicts or unclear distinctions between this Shoreline Program and the critical areas regulations, the requirements that are the most specific shall apply.

3. All uses and development occurring within the shoreline jurisdiction shall comply with the City's critical area regulations as adopted herein.

4. Nonconforming structures and uses within critical areas that are within shoreline areas shall be subject to the provisions of this Shoreline Program.

5. Critical areas provisions that are not consistent with the SMA, Chapter 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction, as follows:

a. Critical area provisions do not extend shoreline jurisdiction beyond the limits specified in this Shoreline Program. For regulations addressing critical area buffer areas that are outside shoreline jurisdiction, see UPMC Title 17.

b. Provisions relating to variance procedures and criteria in Chapter 17.10 UPMC do not apply in shoreline jurisdiction. Variance procedures and criteria have been established in UPMC 18.15.050 and in WAC 173-27-170.

c. Reasonable uses exceptions in Chapter 17.10 UPMC are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance.

d. Provisions relating to the substitution of Army Corps of Engineers Section 404 individual permits for City of University Place wetland reviews do not apply in shoreline jurisdiction, as the Section 404 individual permit review process may not fully address requirements of this Shoreline Program.

e. In shoreline jurisdiction, identification of wetlands and delineation of their boundaries shall be done in accordance with the approved Federal wetland delineation manual and applicable regional supplements, per WAC 173-22-035. Specifically, the delineation and wetland analysis requirements in UPMC 17.35.025(A) do not apply.

f. In shoreline jurisdiction, the wetland point scale used to separate wetland categories in UPMC 17.35.020(A) through (D) does not apply. Category I wetlands are those that score 23 or more points, Category II wetlands are those that score between 20 and 22 points, Category III wetlands are those that score between 16 and 19 points, and Category IV wetlands are those that score between nine and 15 points.

g. In shoreline jurisdiction, fish and wildlife habitat areas as defined in UPMC 17.10.005 shall not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

E. Regulations – Critical Saltwater Habitats.

1. Docks, piers, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human- made structures shall not intrude into or over critical saltwater habitats except when all of the conditions below are met:

a. The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

b. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

c. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat; and

d. The project is consistent with the State's interest in resource protection and species recovery.

2. Private, noncommercial docks, including piers, ramps and floats, for individual residential or community use may be authorized; provided, that:

a. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and

b. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.

3. Until an inventory of critical saltwater habitat has been done, the City shall require all over-water and near-shore developments in marine and estuarine waters to perform an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. The methods and extent of the inventory shall be consistent with accepted research methodology. At a minimum, the City and applicant should consult with Department of Ecology technical assistance materials for guidance.

F. Regulations – Geologically Hazardous Areas.

1. New development or the creation of new lots that would cause foreseeable risk from geological conditions during the life of the development is prohibited.

2. New development that would require structural shoreline stabilization over the life of the development, except where stabilization is needed to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result, is prohibited.

G. Regulations – Cumulative Impacts.

1. In the granting of all conditional use permits and variances, 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.

2. When determining whether a proposed use or development could cause a net loss of ecological functions, the cumulative impacts of individual uses and developments, including preferred uses and uses that are exempt from permit requirements, shall be considered.

3. The City may require the applicant/proponent to prepare special studies, assessments and analyses as necessary to identify and address cumulative impacts including, but not limited to, impacts on fish and wildlife habitat, public access/use, aesthetics, and other shoreline attributes.

4. Proponents of shoreline use and development shall take the following factors into account when assessing cumulative impacts:

a. Current ecological functions and human factors influencing shoreline natural processes;

b. Reasonably foreseeable future use and development of the shoreline;

c. Beneficial effects of any established regulatory programs under other local, State and Federal laws; and

d. Mitigation measures implemented in conjunction with the proposed project to avoid, reduce, and/or compensate for adverse impacts.

e. Any use or development that will result in or contribute to unmitigated cumulative impacts is prohibited.

(Ord. 670 § 1 (Exh. A), 2016; Ord. 652 § 1 (Exh. A), 2015).

18.25.080 Shoreline restoration and enhancement.

A. Intent and Applicability. Restoration refers to the reestablishment or upgrading of impaired ecological shoreline processes or functions. The following policies and regulations are intended to guide actions that are designed to achieve improvements in shoreline ecological functions over time in shoreline areas where such functions have been degraded. The overarching purpose is to achieve overall improvements over time when compared to the condition upon adoption of this Shoreline Program, as detailed in the Shoreline Inventory and Characterization Report.

Restoration is distinct from mitigation measures necessary to achieve no net loss of shoreline functions, and the City's commitment to plan for restoration will not be implemented through regulatory means. This Shoreline Program recognizes the importance of restoration of shoreline ecological functions and processes and encourages cooperative restoration efforts and programs between local, State, and Federal public agencies, tribes, nonprofit organizations, and landowners to address shoreline with impaired ecological functions and/or processes.

B. Policies.

1. Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted towards meeting the needs of sensitive and/or locally important plant, fish and wildlife species as well as the biologic recovery goals for local species and populations.

2. Restoration and enhancement should be integrated with other natural resource management efforts such as the Puget Sound Salmon Recovery Plan and the University Place Comprehensive Plan.

3. Restoration actions outside of the shoreline jurisdiction that have a system-wide benefit should be considered.

4. When prioritizing restoration actions, the City should give highest priority to measures that have the greatest chance of re-establishing shoreline ecological functions and processes.

5. Restoration and enhancement measures should be incorporated into the design and construction of new uses and development, public infrastructure (e.g., roads and utilities), and public recreation facilities.

C. Regulations.

1. Restoration and enhancement shall be allowed on all shorelines, and carried out by the applicant/proponent in accordance with an approved vegetation management plan. This plan shall be designed, constructed and maintained in accordance with the requirements of UPMC 18.25.100(G).

2. Restoration/enhancement projects shall be designed to increase quality, width and diversity of native vegetation riparian habitats to provide safe migration pathways for fish and wildlife, food, nest sites, shade, perches, and organic debris, where appropriate. Projects should strive to control nonindigenous plants or weeds that adversely affect native vegetation or habitats.

3. In accordance with RCW 90.58.580, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Program.

4. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.

(Ord. 652 § 1 (Exh. A), 2015).

18.25.090 Signage.

A. Signage Policies.

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

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

B. Signage Regulations.

1. Signage shall be regulated in conformance with Chapter 19.75 UPMC, Signs, except that the following provisions shall apply within the shoreline jurisdiction:

a. All off-site signs, except for directional signs, shall be prohibited;

b. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline;

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

d. Over-water signs and signs on overwater structures or pilings, except as needed for navigational purposes, shall be prohibited; and

e. Lighted signs shall be designed to reduce glare when viewed from surrounding properties or water courses and avoid the direct shining of light into bodies of water.

(Ord. 652 § 1 (Exh. A), 2015).

18.25.100 Vegetation conservation.

A. Intent and Applicability. Vegetation conservation includes activities to protect and restore vegetation, specifically native trees and shrubs, along or near marine or freshwater shorelines to minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas.

The provisions of this section establish vegetation conservation areas (VCAs), and set forth policies and regulations to limit the removal of native vegetation, encourage the restoration of native vegetation, control invasive weeds and nonnative species, and provide for appropriate tree pruning and

maintenance. Vegetation conservation provisions apply to shoreline uses and developments, even if they are exempt from the requirement to obtain a permit.

B. Policies.

1. Developments and activities within the shoreline jurisdiction should be planned and designed to protect, conserve and restore native vegetation in order to protect and restore shoreline ecological functions and system-wide processes performed within riparian and nearshore areas, which include but are not limited to:

a. Providing shade necessary to maintain conditions suitable for nearshore aquatic biota and habitats;

b. Regulating microclimate in riparian and nearshore areas;

c. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates;

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

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

f. Improving water quality through filtration and vegetative uptake of nutrients and pollutants;

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

h. Providing habitat for wildlife, including connectivity for travel and migration corridors.

2. Clearing and grading within VCA setbacks and VCAs should be restricted in order to maintain the functions and values of the shoreline environment, including protection of habitat, steep slopes and shoreline bluffs. Applicants should demonstrate that such alterations are the minimum necessary to accommodate a proposed use or development.

3. Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning to avoid existing vegetation, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods.

4. Shoreline uses and development should establish native shoreline vegetation so that the composition, structure and density of the vegetation resemble a natural, unaltered shoreline to the greatest extent possible.

5. Maintaining a well-vegetated shoreline with native species is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns, or for safety, may be allowed when slope stability and ecological functions are not compromised, but landowners should not assume that an unobstructed view of the water is guaranteed. Trimming and pruning are preferred over removal of native vegetation. Property owners are encouraged to avoid or minimize the use of fertilizers, herbicides and pesticides.

6. New lawns should not be established within the VCA due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.

7. Property owners are encouraged to preserve and enhance woody vegetation and native groundcovers to stabilize soils and provide habitat. Maintaining native plant communities is preferred over nonnative ornamental plantings because of their ecological value.

8. Educational materials should be provided and a public outreach program that educates landowners adjacent to shorelines about the importance of maintaining and enhancing vegetation along the shoreline should be established.

C. Regulations – General.

1. Parcels with frontage on marine waters, streams or wetlands shall preserve existing native vegetation, or where the development footprint is increased within a VCA, native vegetation shall be restored or enhanced within the following VCAs:

a. Within the Day Island Medium Intensity shoreline environment, the minimum width of the VCA shall be 25 feet measured landward of and perpendicular to the ordinary high water mark.

b. Within the Shoreline Residential shoreline environment, the minimum width of the VCA shall be 25 feet measured landward of and perpendicular to the ordinary high water mark. Properties within Sunset Beach and Day Island South Spit, and properties within other areas of Day Island that have an existing single-family dwelling located within 10 feet of the ordinary high water mark or which have at least 50 percent of the VCA occupied by an existing single-family dwelling and other primary structures, shall be exempt from the VCA restoration and enhancement requirements in UPMC 18.25.100(F)(1) due to the physical characteristics of the existing built environment, which make it impracticable to enhance or restore VCAs.

c. Within the Urban Conservancy shoreline environment, the minimum width of the VCA shall be 40 feet measured landward of and perpendicular to the ordinary high water mark.

d. Within the Natural shoreline environment, the minimum width of the VCA shall be 150 feet measured landward of and perpendicular to the ordinary high water mark.

2. Where structural shoreline stabilization such as a bulkhead is present, the VCA shall be measured from the landward edge of the stabilization structure to the width required by the designated shoreline environment.

3. A building setback of at least 10 feet from the landward edge of the VCA shall be required as per Table 18.30.B.

4. Development on parcels located within or adjacent to critical areas and critical area buffers must include vegetation in accordance with the provisions of UPMC Title 17, as incorporated into this SMP. Where conflicting standards are present, the more restrictive shall apply.

5. Except as provided herein, applicants for new development, expansion, or redevelopment within the VCA shall protect existing native vegetation within the VCA. If native vegetation within the VCA has been destroyed or significantly degraded, the applicant shall mitigate by restoring or enhancing the VCA in

accordance with the provisions of this section and mitigation sequencing priorities in UPMC 18.25.070(C)(2).

6. Nonconforming and water-dependent uses that cannot provide a VCA due to the nature of the use or activity shall provide an equivalent area of vegetation elsewhere on the subject property. If it is not feasible to provide vegetation on site due to constraints such as lot size, lot configuration, topography, or existing site improvements, vegetation shall be provided off site in accordance with the provisions of UPMC 18.25.070(C)(5).

D. Regulations – Allowed Uses and Activities.

1. The following uses and activities may be authorized within the VCA if also allowed within the associated shoreline environment designation. Uses or activities listed in subsections (D)(1)(a) through (j) of this section shall be located in the outer half of the required VCA to the greatest extent feasible. If an allowed nonresidential use or activity requires more area than the allowed percentage outlined in subsection (D)(2) of this section, such as transportation facilities, utilities and public recreation trails, the applicant shall ensure that the proposed use or activity will not result in a net loss to shoreline ecological functions and plant vegetation in an equivalent area elsewhere on-site within the shoreline area. The Administrator shall utilize mitigation sequencing priorities in UPMC 18.25.070(C)(2) when considering intrusions into VCAs.

a. Transportation facilities and utilities only when it has been determined that alternative upland locations are not feasible;

b. Pedestrian access from upland areas to the shoreline, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water-oriented uses in accordance with UPMC 18.25.050(F)(1);

c. Public access viewpoints;

d. Public recreation trails and shared use pathways in accordance with UPMC 18.25.050(F)(1);

e. Educational facilities such as viewing platforms, wildlife viewing blinds and interpretive sites;

f. Water-dependent uses and equipment necessary for conducting water-dependent uses such as boat travel lifts for boat maintenance and upland storage;

g. Improvements that are part of an approved enhancement, restoration, or mitigation plan;

h. Shoreline stabilization only when it is part of an approved project.

i. Uncovered single-family residential decks, patios, access paths and play surfaces utilizing pervious materials and designs;

j. Benches, tables, hot tubs, fire pits, play equipment and other similar accessory structures or equipment provided in conjunction with a single-family residence; and

k. Removal of noxious weeds or hazardous trees.

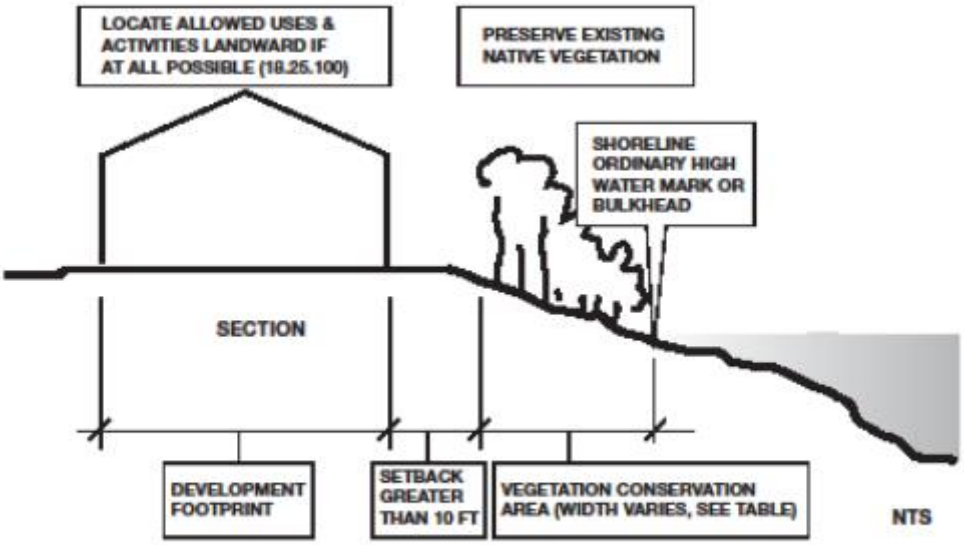
2. Up to 25 percent of the VCA in a Shoreline Residential, Urban Conservancy, or Day Island Medium Intensity shoreline environment, and up to 10 percent of the VCA in a Natural shoreline environment, may be utilized for authorized uses and activities listed in subsections (D)(1)(a) through (j) of this

section. Portions of the VCA occupied by primary structures, accessory structures, and other uses and activities that are not permitted under subsections (D)(1)(a) through (j) of this section, but which exist as of the effective date of this Shoreline Program, shall count toward these limits.

E. Regulations – Single-Family Residential Provisions.

1. Construction of new single-family residential structures and alterations to existing single- family residential properties, including primary structures, accessory structures and other improvements listed in subsections (D)(1)(i) and (j) of this section, shall protect existing native vegetation within the VCA.

FIGURE 6 – ALLOWABLE USES AND ACTIVITIES IN VEGETATION CONSERVATION AREA



SEE 18.25.100.C.1.b FOR EXEMPTIONS FROM VCA RESTORATION AND ENHANCEMENT REQUIREMENTS

SED	WIDTH	AREA*
SR, DIMI	25'	25%
N	150'	10%
UC	40'	25%

* Percent of VCA that may be used for the following uses and activities within the outer half of the VCA if also allowed within the associated shoreline environment designation:

a. Transportation facilities and utilities only when it has been determined that alternative upland locations are not feasible;

b. Pedestrian access from upland areas to the shoreline, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water-oriented uses;

c. Public access viewpoints;

d. Public recreation trails and shared use pathways;

e. Educational facilities such as viewing platforms, wildlife viewing blinds and interpretive sites;

f. Equipment necessary for conducting water-dependent uses such as boat travel lifts for boat maintenance and upland storage;

g. Improvements that are part of an approved enhancement, restoration, or mitigation plan;

h. Shoreline stabilization only when it is part of an approved project.

i. Uncovered single-family residential decks, patios, access paths and play surfaces utilizing pervious materials and designs;

j. Benches, tables, hot tubs, fire pits, play equipment and other similar accessory structures or equipment provided in conjunction with a single-family residence;

18.25.100 VEGETATION CONSERVATION DIMENSIONS AND ALLOWED USES AND ACTIVITIES

2. New single-family residences and other primary residential structures are not allowed within the VCA.

3. Within the Shoreline Residential shoreline environment, improvements listed in subsections (D)(1)(i) and (j) of this section, and pedestrian access authorized in UPMC 18.25.050(F), are allowed within the VCA subject to the following limitations:

a. Accessory structures and access paths shall cover no more than 25 percent of the VCA or 400 square feet, whichever is less;

b. Pervious materials and designs are used for walking or outdoor activity surfaces such as decks, patios, access paths and play surfaces;

c. Accessory structures, improvements and equipment allowed under this section shall maintain a minimum setback of 15 feet from the ordinary high water mark, except where an existing single-family residence is located within the VCA, this setback may be reduced by one foot for every foot the existing single-family residence encroaches into the VCA, to a minimum of five feet from the ordinary high water mark; and

d. The walking surface of decks or patios is no more than two feet above grade and is not covered.

4. Within the Day Island Medium Intensity, Urban Conservancy or Natural shoreline environments, new accessory structures and improvements not listed in subsections (D)(1)(i) and (j) of this section are not allowed within the VCA.

5. The development footprint shall not be increased within the VCA except in accordance with subsections (D) and (E) of this section. Expansions of existing primary structures and uses and activities not listed in subsections (D)(1)(a) through (j) of this section are not permitted within the VCA.

6. Where a nonconforming single-family residential property cannot provide the full width of the VCA plus an additional 10-foot building setback from the landward edge of the VCA, an equivalent area of vegetation shall be provided elsewhere on the site within shoreline jurisdiction at a location as close to the VCA as feasible. If it is not feasible to provide vegetation on site due to constraints such as lot size, topography, or existing site improvements, off-site enhancement should be considered, or the Administrator may waive some or all of the VCA requirements on a case-by-case basis. The applicant shall have the burden of proving that complying with the provisions of this section is not feasible. The Administrator shall consider the following criteria when determining feasibility and reviewing alternative enhancement, including, but not limited to:

a. An existing home and other primary structures located within and encompassing more than 50 percent of a VCA may be considered sufficient justification for demonstrating infeasibility;

b. Accessory structures and other improvements located within a VCA that are of a relatively temporary nature or that may be relatively easily removed such as landscaping and outdoor recreation improvements (decks, patios, sport courts and walkways) are not sufficient justification for demonstrating infeasibility;

c. The applicant can establish that a proposal for vegetation enhancement in areas outside of the VCA will result in no net loss of shoreline functions; and

d. Shoreline enhancement would be provided in lieu of vegetation enhancement, such as replacing hard armoring with soft armoring, removal of existing groins, etc.

F. Development Standards.

1. If the development footprint within the VCA would be increased by an allowed alteration, and if the VCA does not contain native vegetation or the native vegetation within the VCA has been significantly degraded, vegetation shall be required as follows:

VCA Enhancement and Restoration Requirements	
Percentage Increase in Development Footprint within VCA	**Percent of VCA Required to Be Enhanced or Restored**
20 percent or less	20 percent
20.1 – 30 percent	40 percent
30.1 – 40 percent	60 percent
40.1 – 50 percent	80 percent
50.1 percent or more	100 percent

Where sufficient area for enhancement or restoration is not available within the required VCA, other portions of the site or off-site enhancement opportunities should be considered, as described in subsection (E)(6) of this section.

2. Unauthorized clearing, grading, or vegetation removal is prohibited. Clearing, grading and vegetation removal within shoreline setbacks and VCAs shall be the minimum necessary for the intended use or development.

3. The width of a VCA may be averaged to account for variation in site conditions and to create a more natural arrangement of plantings (see Figure 7 below). The total square footage of landscaped area shall be calculated based on the minimum width area specified for each shoreline environment in subsection (C)(1) of this section. Area lost through reduction of the VCA width must be added to another portion of the VCA, which will result in no loss of VCA area. The minimum reduced width of the averaged area shall be no less than 50 percent of the minimum width specified in subsection (C)(1) of this section. The averaged VCA shall be configured to include all existing trees over six inches' diameter breast height to the extent feasible.

4. When restoring or enhancing shoreline vegetation, applicants shall use native species that are of a similar diversity, density and type commonly found in riparian areas of western Washington. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time. The preferred location of replacement vegetation is generally abutting, and parallel to, the OHWM or bulkhead rather than along a side property line or other location that is generally running perpendicular to the OHWM or bulkhead.

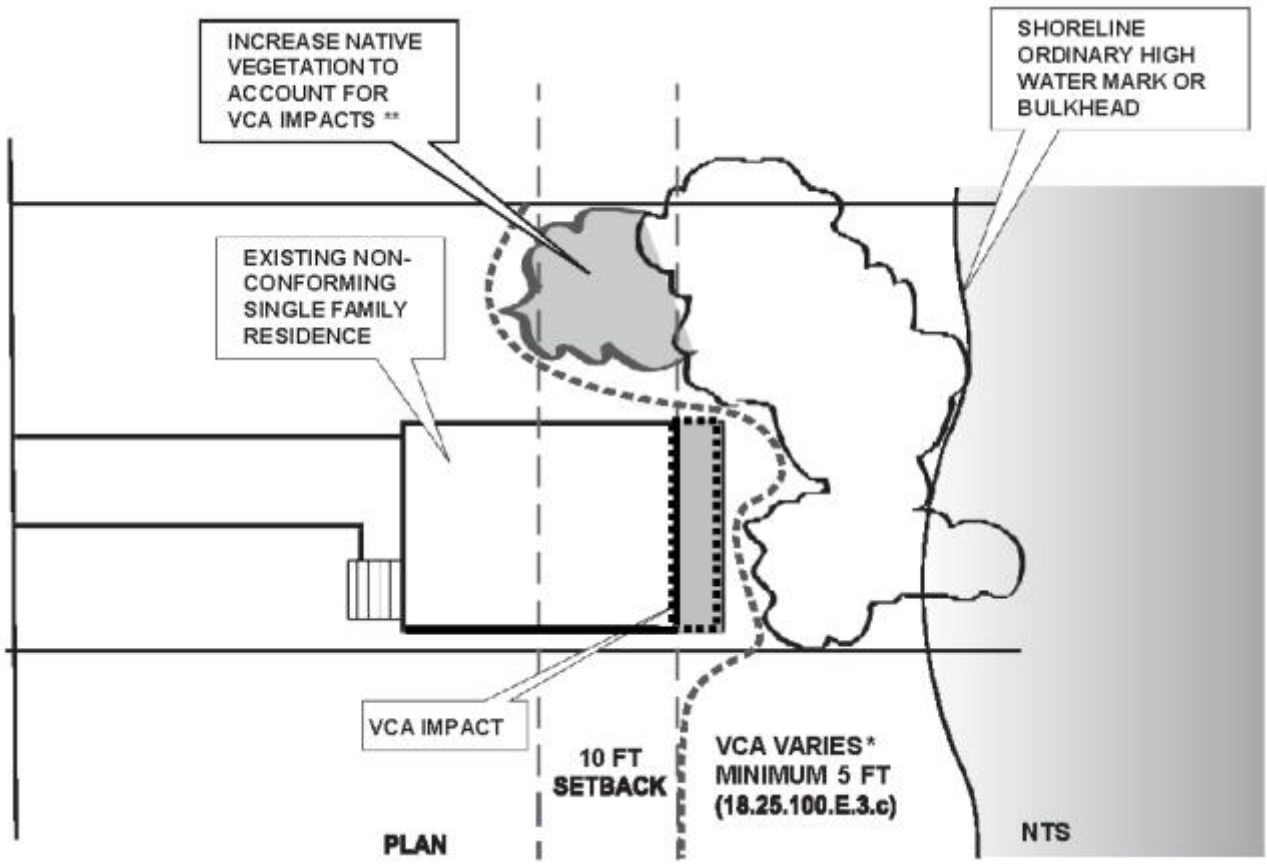
5. Trimming of trees and vegetation is allowed within the VCA subject to the following:

a. The limbing or crown thinning of trees larger than three inches' dbh shall comply with International Society of Arboriculture Best Management Practices: Tree Pruning and ANSI A300 Standards. No more than 25 percent of the limbs on any single tree may be removed and no more than 25 percent of the canopy cover in any single stand of trees may be removed for a single view corridor. Trees determined

to be damaged, diseased or safety hazards in accordance with UPMC 19.65.270, Tree retention, are exempt from these standards.

b. The trimming shall not directly impact the nearshore functions and values including fish and wildlife habitat;

FIGURE 7 – VEGETATION CONSERVATION AREA AVERAGING



*THE WIDTH OF A VCA MAY BE AVERAGED TO ACCOUNT FOR VARIATION IN SITE CONDITIONS AND TO CREATE A MORE NATURAL ARRANGEMENT OF PLANTING.

** INCREASED NATIVE VEGETATION IS ONLY REQUIRED WHERE THERE IS AN INCREASE IN THE DEVELOPMENT FOOTPRINT WITHIN THE VCA (UPMC 18.25.100(F)).

UPMC 18.25.100(F)(3) VCA AVERAGING FOR DECK OR PATIO ENCROACHMENT

c. The trimming is not located within a critical area or associated buffer, unless such activity is exempt from the requirements of UPMC 17.15.030;

d. The trimming retains branches that hang over the water when feasible;

e. The trimming does not include tree topping, which is prohibited; and

f. The trimming does not include clearing of trees or vegetation.

6. Vegetation shall be maintained over the life of the use or development.

7. VCAs for uses other than single-family residences shall be placed in a separate tract in which development, other than public access facilities, is prohibited; protected by execution of an easement dedicated to a conservation organization or land trust; or similarly preserved through a permanent protective mechanism acceptable to the City.

8. Construction of new single-family residences or alterations to existing single-family residences that trigger restoration or enhancement of VCAs shall require a title notice to be recorded with the Pierce County Auditor, on forms provided by the City, describing development limitations and preservation requirements within the VCA.

9. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including Washington Department of Fish and Wildlife and Department of Ecology requirements.

G. Regulations – Vegetation Management Plan.

1. Clearing, grading and construction within the VCA shall only be authorized upon approval of a vegetation management plan, except when a proposal is deemed exempt from this plan requirement in accordance with subsection (G)(2) of this section. The vegetation management plan shall include or be subject to the following:

a. A map illustrating the distribution of existing plant communities in the area proposed for management. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, tree diameter at breast height; any natural or manmade disturbances, overhanging vegetation, and the functions served by the existing plant community (e.g., fish and wildlife values, slope stabilization);

b. A description of how mitigation sequencing in UPMC 18.25.070(C)(2) was used and how the plan achieves no net loss of shoreline ecological functions the vegetation is providing;

c. A description of the shade conditions created by existing vegetation. This description shall include an inventory of overhanging vegetation as well as a determination of how much shade is created by standing trees in order to assess the level of function that overhanging vegetation may be providing in terms of shade, cover, food resources and other functions;

d. A detailed landscape map indicating which areas will be preserved and which will be cleared, including tree removal;

e. Drawings illustrating the proposed landscape scheme, including the species, distribution, and density of plants. Any pathways or nonvegetated portions and uses shall be noted;

f. A description of any vegetation introduced for the purposes of fish and wildlife habitat;

g. Loss of wildlife habitat shall be mitigated on site. If on-site mitigation habitat is not possible, off-site mitigation shall be authorized in accordance with UPMC 18.25.070(C)(5); and

h. Installation of vegetation shall meet the following standards:

(1) Native species that are of a similar diversity, density and type commonly found in riparian areas of western Washington, and of a similar diversity and type to that occurring in the general vicinity of the site prior to any shoreline alteration, shall be used unless nonnative substitutes are authorized by the Administrator based on limited availability of native materials and the appropriateness of nonnative vegetation relative to soil and climate conditions;

(2) At the time of planting, plant materials shall be consistent with the standards in Chapter 19.65 UPMC, Landscaping/Trees, where applicable;

(3) The applicant may be required to install and implement an irrigation system to ensure survival of vegetation planted. For remote areas lacking access to a water system, an alternative watering method may be approved;

(4) Planting in the fall or early spring is preferred over summer for purposes of plant establishment; and

(5) For a period of five years after initial planting, the applicant shall replace any unhealthy or dead vegetation as part of an approved vegetation management plan. A landscaping maintenance guaranty equal to the cost of the landscaping less any irrigation system may be required prior to final project approval or release of any landscape performance bond that may also be required for the project. At the end of the five-year period, the applicant shall request that the City inspect the landscaping to ensure all planted material is alive and healthy. Any plant material needing replacement shall be replaced during the spring or fall growing season following plant loss, but not greater than 180 days from time of loss, and inspected prior to the release of the maintenance guaranty.

2. The Administrator may waive the requirement for a vegetation management plan for clearing, grading, construction, the installation of improvements listed in subsections (D)(1)(i) and (j) of this section, and the installation of pedestrian access authorized in UPMC 18.25.050(F), within the shoreline jurisdiction of a single-family residential property when all of the following standards are met:

a. The amount of shoreline jurisdiction that would be affected by the alteration does not exceed 100 square feet;

b. The cumulative total of shoreline jurisdiction that would be affected by the proposed alteration plus the shoreline area for which a vegetation management plan has previously been waived by the Administrator does not exceed 100 square feet;

c. The alteration would not result in the removal of any existing woody vegetation within the VCA;

d. The alteration would result in no net loss of shoreline function;

e. Where the development footprint would be increased by the proposed alteration, vegetation within the VCA will be enhanced or restored in accordance with subsection (F)(1) of this section.

3. The Administrator may waive some, but not all, of the vegetation enhancement or restoration requirements when the applicant proposes to improve shoreline ecological functions of the shoreline, through the removal of invasive species, shoreline restoration/enhancement, or removal of hard armoring. The applicant must demonstrate:

a. The proposed alternative(s) to vegetation enhancement or restoration would achieve the same or greater benefit to shoreline ecology as vegetation enhancement or restoration than would otherwise be required; and

b. The alteration, when considered in conjunction with the proposed alternatives to vegetation enhancement or restoration, would result in no net loss of shoreline function.

(Ord. 652 § 1 (Exh. A), 2015).

18.25.110 View protection.

A. Intent. Over four miles (65 percent) of University Place's marine shoreline is under public ownership (Pierce County) or owned by the Burlington Northern Santa Fe Railroad. The County's Chambers Creek Properties provide opportunities for the public to enjoy views of Puget Sound and the Olympic Mountains beyond. The Railroad effectively maintains an unobstructed linear corridor that preserves views from upland areas east of the tracks to the shoreline west of the tracks, due to the nearly complete absence of structures and substantial vegetation within the right-of-way. With the 2010 completion of the North Dock pedestrian overpass, which connects upland areas of the Chambers Creek Properties to several miles of beach on the waterward side of the railroad right-of-way, visual access to the shoreline has been greatly expanded. In addition, most of the freshwater shorelands within the Chambers Creek Canyon are publicly owned, either by Pierce County or the City of University Place. Future expansion of regional trail facilities within the canyon will expand opportunities for the public to enjoy the scenic qualities of the area.

The preservation and/or protection of scenic vistas, public views of the water and adjoining shoreline, and other aesthetic qualities of shorelines for public enjoyment is an important objective of this Shoreline Program. Protection of vistas and views can be achieved through multiple strategies including public ownership and use of shorelands, the inclusion of public access and viewpoints in private development, establishing key view corridors, establishing height limits and design standards, encouraging shoreline uses to orient towards the City's shoreline resources, and requiring visual assessments where views may be impacted.

B. View and Aesthetic Policies.

1. Views and vistas to and from the water, by public and private entities, should be preserved to ensure that the public may continue to enjoy the physical and aesthetic qualities of the shoreline, including views of the water and views of shoreline areas from the water. Shoreline use and development activities should be designed and operated to minimize obstructions to the public's visual access to the water and shoreline. Views and the physical form of the waterfront should be preserved by maintaining low structures near the water and at the tops of the bluffs, and by allowing non-view-blocking vertical development at the base of the bluffs.

2. New development should emphasize the water as a unique community asset.

3. To the extent feasible and consistent with the overall best interest of the State and the people generally, the public's opportunity to enjoy the aesthetic qualities of shorelines of the State, including views of the water, should be advanced.

4. Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities that are derived from natural or cultural features, such as shoreforms, vegetative cover and historic sites/structures.

5. New uses and developments in shoreline areas should be designed and constructed for a “human scale” and pedestrian orientation. View and public access corridors should be designed and developed to encourage pedestrian uses. The development of viewing areas should be encouraged wherever appropriate and feasible. Paths, benches, and picnic areas should be located to take full advantage of marine views. The use of rooftop surfaces for open space and public recreation purposes should be considered.

6. Shoreline use and development activities should be oriented to take the greatest advantage of shoreline views. Buildings should be designed to provide maximum view opportunities from within. Shoreline use and development that are adjacent to pedestrian accessways should orient building facades to those pedestrian routes and utilize facade treatments that maximize the enjoyment of shoreline areas.

7. Building design details such as form, scale, proportion, color, materials and texture should be encouraged to be compatible within shoreline areas wherever feasible. Buildings should incorporate architectural features that reduce scale such as increased setbacks, building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.

8. Uniform and recognizable design and signage elements should be provided for in public access and recreational areas.

D. View and Aesthetic Regulations.

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

2. Private uninterrupted views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of uninterrupted views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

3. Public shoreline views shall be protected by the use of measures, including, but not limited to, maintaining open space between buildings, clustering buildings to allow for broader view corridors, and minimizing building height, building lot coverage and floor area ratios.

4. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

5. Buildings for which a shoreline substantial development permit, conditional use permit, or variance is required shall incorporate architectural features that reduce scale such as increased setbacks, building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.

6. All signs shall be located in such a manner that they minimize interference with public views. Freestanding signs which may disrupt views to the water, excluding traffic control signs, directional, and incidental signs, shall be placed on the landward side of development.

7. Where lighted signs and illuminated areas are authorized, such illuminating devices shall be shaded and directed so as to minimize, to the extent feasible, the negative impact of light and glare on neighboring properties, streets, public areas or water bodies. Signage shall comply with the illumination standards specified in UPMC 19.75.070(A)(6).

8. New development, uses and activities shall locate and screen trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers and other appurtenances to minimize interference with public views. Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent feasible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment but not the shoreline.

9. Utilities and accessory structures shall be designed and installed in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.

10. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology and the standards contained in Chapter 23.45 UPMC.

11. Fences, walls, hedges and other similar accessory structures shall be limited to four feet in height within the required building setback area from the shoreline, measured landward from the ordinary high water mark, except as otherwise permitted under this Shoreline Program, so as to not preclude or significantly interfere with the public's view of the water.

12. Protection and/or enhancement of critical areas and their associated buffers shall be preferred over provisions for visual access, when there is an irreconcilable conflict between the two.

13. View protection does not justify the excessive removal of vegetation to create views or enhance partial existing views. Retaining vegetation and "windowing" or other pruning techniques shall be preferred options over vegetation removal. Tree thinning to enhance views shall be in accordance with UPMC 18.25.100(F)(5).

14. New development shall be located and designed to mitigate adverse impacts to views from public vistas, viewpoints, parks and scenic drives.

15. View corridors, as specified in Table 18.30.B, shall be provided concurrent with any new use or development. Modifications to existing use or development shall preserve existing view corridors whether or not they fully comply with the standard listed in Table 18.30.B.

16. Structures are not permitted in any required view corridor, except that weather protection features, public art, and areas provided primarily for public access, such as pedestrian bridges, may be located in or over these areas.

17. Buildings for which a shoreline substantial development permit, conditional use permit, or variance is required, when located on or adjacent to the water, shall employ materials that minimize reflected light.

E. Regulations – Visual Impact Assessment.

1. The applicant of a building or structure in excess of 35 feet above average grade level shall prepare and submit a visual analysis in conjunction with any development permit. Rooftop mechanical equipment and other structures that exceed the height limit of the underlying zoning classification pursuant to UPMC 19.45.050(C) are exempt from the visual analysis requirement provided the width of the equipment or structure does not exceed 20 percent of the length of the roof section of the building on which it is located. At a minimum, the analysis shall include an assessment of the following factors:

a. The nature, significance, and extent of existing public shoreline views across the property to include:

(1) The number of points from which such views exist, and the size and location of each;

(2) The content and quality of the particular view available from each such point, to include any territorial components that may be an integral part of the view; and

(3) The extent to which any views might be obscured or lost by seasonal or other changes in existing or anticipated vegetation or by like development on other property in the immediate area.

b. The nature, significance, and extent of public shoreline view loss or gain that would likely result from the proposed development to include:

(1) The number of existing viewpoints that would be impacted and the extent of view loss reasonably anticipated for each;

(2) Whether or not any existing views will be enhanced or new viewpoints created by the project; and

(3) Whether or not it appears that there will be a net gain or net loss of public shoreline views.

c. The extent to which public shoreline views are already being preserved or enhanced by the owner's election, for whatever reason, to propose less than the full measure of development rights available to the subject.

d. The extent to which development on other properties in the immediate area has already degraded or preserved public shoreline views.

e. The extent to which public shoreline views from residences will be enhanced, preserved or degraded.

2. In evaluating the significance of existing public shoreline views, the following shall apply:

a. Public shoreline views from streets, sidewalks, parks or other public property shall be presumed of greater value than public shoreline views from privately owned property.

b. Public shoreline views of greater expanse shall be presumed of more value than those of significantly lesser expanse.

c. Public shoreline views from traveled portions of streets, not including sidewalks, shall be presumed of lesser value than those from other public areas.

d. New developments subject to visual impact assessment that cause full loss of public views shall be required to provide publicly accessible viewpoint/platforms. Such structures shall be located, designed, constructed and maintained in accordance with UPMC 18.25.050.

3. If the proposed structure would block or significantly compromise the view of a substantial number of residences in adjoining areas, the Examiner may limit the height of the structure or require design revisions or relocation to prevent the loss of views.

(Ord. 652 § 1 (Exh. A), 2015).

18.25.120 Water quality.

A. Intent and Applicability. Water quality is affected in numerous ways by human occupation and development of shoreline areas. Typically, the increase in impermeable surfaces as a result of development increases stormwater runoff volumes, causing higher stormwater discharges at higher velocities that cause scouring and erosion of stream banks. The degradation of water quality adversely affects wildlife habitat and public health. Policies and standards for managing water quality within shoreline jurisdiction are provided in this section.

B. Policies.

1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts that alter water quality, quantity, or hydrology.

2. The City should require reasonable setbacks, buffers, and stormwater management and encourage appropriate low-impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.

3. Reasonable measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade the existing water quality and quantity.

4. As a general policy, the City should seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within shoreline jurisdiction. The City should implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, State, and Federal water quality regulations and programs.

5. Measures to treat runoff in order to maintain or improve water quality should be conducted on site before shoreline development creates impacts to water.

6. Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.

7. New developments in the shoreline jurisdiction should connect to the sanitary sewer system in areas where sewer service is available in accordance with City and Pierce County sanitary sewer regulations.

C. Regulations.

1. New developments in the shoreline jurisdiction shall connect to the sanitary sewer system and are prohibited from installing an on-site sewage system unless Pierce County determines that a sanitary sewer connection is infeasible and the Tacoma-Pierce County Health Department determines that an on-site sewage system may be designed and installed in accordance with the department's regulations.

2. The City shall work cooperatively with Pierce County and the Tacoma-Pierce County Health Department to identify and correct sanitary sewer system failures.

3. Stormwater management facilities for new uses and development shall be designed, constructed, and maintained in accordance with NPDES permit requirements and the most current edition of the King County Surface Water Design Manual.

4. All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to runoff-intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and fugitive dust controls. Regional or significant public control structures shall be placed outside of shoreline jurisdiction where feasible, and when such location is not feasible, such structure shall be placed outside of the minimum required building setback, where feasible.

5. Wood treated with creosote or pentachlorophenol may not be used in any hydraulic project. Wood treated with other preservatives may be used, provided it meets industry post-treatment standards and is sufficiently cured to minimize leaching into the water or bed.

6. All structures that come in contact with water shall be constructed of materials, such as wood, rock, concrete, approved plastic composites or steel that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable State agencies for contact with water to avoid discharge of pollutants from wave splash, rain or runoff.

7. The application of pesticides, herbicides, fertilizers and other chemicals that could adversely affect water quality is prohibited except for those chemicals specifically approved by the Department of Ecology for aquatic applications, aquatic uses and development.

(Ord. 652 § 1 (Exh. A), 2015).

Chapter 18.30
SHORELINE USE POLICIES AND REGULATIONS

Sections:

18.30.010 Shoreline use and development – Intent.

18.30.020 General provisions.

18.30.030 Regulations.

18.30.040 Use and development standards tables.

18.30.050 Agriculture.

18.30.060 Aquaculture.

18.30.070 Boating facilities.

18.30.080 Commercial.

18.30.090 Forest practices.

18.30.100 Industrial.

18.30.110 Mining.

18.30.120 Recreation.

18.30.130 Residential.

18.30.140 Transportation.

18.30.150 Utilities.

18.30.010 Shoreline use and development – Intent.

The purpose of this chapter is to set forth policies and regulations for specific common uses and types of development that occur within University Place's shoreline jurisdiction. Where a use is not listed in Table 18.30.A, the provisions of UPMC 18.15.060, Unclassified uses, shall apply in addition to the general provisions in this chapter. All uses and activities shall be consistent with the provisions of the shoreline environment designation in which they are located.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.020 General provisions.

A. Applicability. The provisions in this section apply to all uses and development types that may be allowed within the shoreline jurisdiction.

B. Policies.

1. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the State's shoreline areas.

2. The City should ensure that all proposed shoreline development will not diminish the public's health, safety, and welfare, as well as the land or its vegetation and wildlife, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.

3. The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the State's shoreline. In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.

4. Proposed use of the shoreline should be consistent with the City's Comprehensive Plan. Conversely, upland uses on adjacent lands outside of immediate SMA jurisdiction (in accordance with RCW 90.58.340) should be consistent with the purpose and intent of this Shoreline Program as they affect the shoreline.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.030 Regulations.

A. Developments that include a mix of water-oriented and non-water-oriented uses shall be considered water-oriented uses if the Administrator finds that the proposed development gives preference to uses that avoid impacts to shoreline ecological functions and processes, are dependent on a shoreline location, and enhance the public's ability to enjoy the shoreline. Consistent with WAC 173-26-241(3)(d), commercial uses authorized as water-oriented shall incorporate appropriate design language and operational elements to meet such definition.

B. All uses not explicitly allowed in this Shoreline Program shall require a conditional use permit. The Hearing Examiner may impose conditions to ensure that the proposed development meets the policies of this Shoreline Program.

C. All development and uses must conform to all of the provisions of this Shoreline Program.

D. All development and uses shall conform to the shoreline use table and the development standards table in UPMC 18.30.040 unless otherwise stated.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.040 Use and development standards tables.

Tables 18.30.A and 18.30.B indicate the allowable uses and development standards for allowed uses or activities. These tables shall be used in conjunction with the written provisions for each use. Footnotes provide additional clarification or conditions applicable to the associated use or shoreline environment designation.

TABLE 18.30.A – USES AND ACTIVITIES

Shoreline Uses	**Shoreline Environment Designation**				
P – Permitted[1] **C – Conditional Use** **X – Prohibited**	**Day Island Medium Intensity**	**Shoreline Residential**	**Urban Conservancy**	**Natural**	**Marine Deepwater**
Agriculture					
	X	X	X	X	X
Aquaculture					
Recovery of Native Populations[2]	P	P	P	P	P
Commercial Aquaculture	C	C	C	X	C
Boating Facilities					
Marinas / Yacht Clubs	P	X	P[4]	X	C
Launch Ramps, Private	P[6]	P[6]	P[4, 6]	X	X
Launch Ramps, Public and Yacht Club	P[7]	P[7]	P[4, 7]	X	X
Covered Moorage	P[5]	P[5]	X	X	X
Commercial					
Water-Dependent	P[3]	X	X	X	X
Water-Related	P[3]	X	X	X	X
Water-Enjoyment	P[3]	X	X	X	X
Non-Water-Oriented	C[3]	X	X	X	X
Forest Practices					
	X	X	X	X	X
Industrial					
Water-Dependent	P[3]	X	X	X	X
Water-Related	P[3]	X	X	X	X
Non-Water-Oriented	C[3]	X	X	X	X
Mining					
	X	X	X	X	X
Recreation					
Water-Dependent	P	P	P	P[8]	P
Water-Related	P	P	P	P[8]	P
Water-Enjoyment	P	P	P	P[8]	P
Non-Water-Oriented	C[3]	X	C[4]	C[4, 8]	X

TABLE 18.30.A – USES AND ACTIVITIES

Shoreline Uses	**Shoreline Environment Designation**				
P – Permitted[1] **C – Conditional Use** **X – Prohibited**	**Day Island Medium Intensity**	**Shoreline Residential**	**Urban Conservancy**	**Natural**	**Marine Deepwater**
Residential					
Single-Family Attached/Detached	P[9,10]	P[9,11]	P[9,11]	P/C[9,12]	X
Multifamily	P[3,9]	X	X	X	X
Transportation and Parking Facilities					
Roads and Railroads	C[16] P[17]	C[16] P[17]	C[16] P[17]	X	X
Parking[13]	P	P	P	C	X
Utilities					
Solid Waste Disposal or Transfer Sites	X	X	X	X	X
Transmission Lines	P	P	P	C	C[15]
Other Facilities[14]	C	C	C	C	C[15]

Notes for Table 18.30.A – Uses and Activities

1 = Permitted uses may require a shoreline substantial development permit or shoreline exemption letter.

2 = Aquacultural activities may be authorized only for the recovery of native populations when authorized by the Department of Fish and Wildlife and/or other State or Federal agencies having jurisdiction.

3 = May be authorized when part of a mixed use development that is predominantly water-oriented.

4 = May be authorized only in accordance with Chambers Creek Properties Master Site Plan, when applicable.

5 = Covered moorage lawfully established prior to adoption of this Shoreline Program is a permitted use; no new covered moorage may be authorized. Existing covered moorage may be modified or replaced, but not extended in terms of cumulative footprint and shading of water.

6 = Hand launch only. Ramp made of planks or rails, only. Concrete ramps prohibited.

7 = Hand launch or licensed trailer. Ramp made of planks, rails, graded slope or concrete.

8 = Only low intensity, passive uses allowed.

9 = New/expanded development waterward of OHWM prohibited.

10 = Caretaker unit only.

11 = Remodels, additions and new units; additions and new units are not allowed within a VCA or VCA setback.

12 = Remodels and additions permitted; new units require CUP; additions and new units are not allowed within a VCA or VCA setback.

13 = Commercial parking as a primary use is prohibited. See UPMC 18.25.040(D)(7) for location requirements.

14 = On-site utilities serving a primary use, such as a water, sewer, or gas line to a residence, are accessory utilities and shall be regulated as part of the primary use rather than a separate utility facility.
15 = Underwater or underground, only.
16 = New facilities.
17 = Alterations to existing facilities.

TABLE 18.30.B – DEVELOPMENT STANDARDS

Building Height, Density, Lot Coverage, VCA Buffer and Setback, and View Corridor Standards					
	Day Island Medium Intensity[4]	**Shoreline Residential**	**Urban Conservancy[10]**	**Natural[10]**	**Marine Deepwater**
Building Height[1, 2, 3]					
Boating Facilities[5]	35'[6] 45 – 65'[7]	N/A	35'	N/A	N/A
Covered Moorage and Other Over-Water Structures[11]	25' for covered moorage; See UPMC 18.35.050 for other structures	See UPMC 18.35.050	See UPMC 18.35.050	See UPMC 18.35.050	See UPMC 18.35.050
Commercial	35'[6] 45' – 65'[7]	N/A	N/A	N/A	N/A
Industrial	35'[6] 45' – 65'[7]	N/A	N/A	N/A	N/A
Residential	35'[6] 45' – 65'[7]	30'[8] 35'[9]	35'	35'	N/A
Accessory Structures	N/A	15'	15'	15'	N/A
All Others[12]	35'[6] 45' – 65'[7]	30'[8] 35'[9]	35'	25'	N/A
Density					
	4 – 6, 30 – 35 Du/Acre[13]	4 – 6 Du/Acre[14]	4 – 6 Du/Acre[14]	4 – 6 Du/Acre[14, 15]	N/A
Lot Coverage (Impervious Surface) [16]					
	50% – 65%[17] 75% – 90%[18]	35% – 40%[19] 50% – 55%[20]	N/A	N/A	N/A
Vegetation Conservation Area (VCA)					
	25'	25'[21]	40'	150'	N/A
Building Setback from Landward Edge of VCA Buffer					
	10'	10'	10'	10'	N/A
View Corridor					
	30%[22]	N/A	N/A	N/A	N/A

Minimum Building and Structure Setbacks from Ordinary High Water Mark for Non-Water-Dependent Uses					
	Shoreline Environment Designation				
Primary Use of Building or Structure[23]	**Day Island Medium Intensity**	**Shoreline Residential**	**Urban Conservancy**	**Natural**	**Marine Deepwater**
Boating Facilities					
Marinas / Yacht Clubs	35'	N/A	50'	N/A	N/A
Commercial					
Water-Related and Enjoyment	35'	N/A	N/A	N/A	N/A
Non-Water-Oriented	60'	N/A	N/A	N/A	N/A
Industrial					
Water-Related and Enjoyment	35'	N/A	N/A	N/A	N/A
Non-Water-Oriented	60'	N/A	N/A	N/A	N/A
Recreation					
Water-Related and Enjoyment:					
Viewing Platforms/ Wildlife Blinds	10'	10'	10'	10'	N/A
Trails and Shared Use Pathways[24]	Variable[25]	25'	Variable[25]	Variable[25]	N/A
All Other Water- Related	35'	35'	50'	160'	N/A
Pedestrian Bridges	N/A	0'[26]	0'[27, 28]	0'[27]	N/A
Non-Water-Oriented	60'	N/A	50'	160'	N/A
Residential[29]					
Day Island	60'	35'[30]	N/A	N/A	N/A
Day Island South Spit	N/A	5'[31]	N/A	N/A	
Sunset Beach	N/A	5'[30]	N/A	N/A	
Chambers Creek Canyon	N/A	N/A	125'	160'	
Puget Sound Marine	N/A	N/A	125'	N/A	
Transportation					
Roads	35'	35'	50'	160'	N/A
Utilities					

Minimum Building and Structure Setbacks from Ordinary High Water Mark for Non-Water-Dependent Uses					
	Shoreline Environment Designation				
Primary Use of Building or Structure[23]	**Day Island Medium Intensity**	**Shoreline Residential**	**Urban Conservancy**	**Natural**	**Marine Deepwater**
Utility Buildings/Facilities[32]	60'	35'	50'	160'	N/A
All Other Building and Structures					
Uses Not Listed Above	60'	35'	125'	160'	N/A

Notes for Table 18.30.B – Development Standards

1 = Where a structure is located within two or more environmental designations, each segment of the structure shall conform to the specific applicable limit.

2 = Height limits do not apply to structures and improvements listed as exceptions in UPMC 19.45.050(C).

3 = Some listed uses are not allowed as new uses in particular environment designations. See Table 18.30.A.

4 = See UPMC 18.25.110 regarding view protection requirements.

5 = Marinas and other facilities located upland of OHWM.

6 = Maximum height for properties located west of the centerline of the Day Island Waterway or within 100 feet of the OHWM.

7 = Maximum height for properties located both east of the centerline of the Day Island Waterway and more than 100 feet from the OHWM or when located on the upland (easterly) side of 91st Avenue West (see Figure 11 in UPMC 19.45.100), subject to approval of visual impact assessment, per UPMC 18.25.110(E).

8 = Day Island South Spit Overlay Zone height limit.

9 = Day Island and Sunset Beach height limit.

10 = For development located within the Chambers Creek Properties, see the Master Site Plan design standards and guidelines for specific limits.

11 = Overwater structure height may be limited for specific structures, per UPMC 18.35.050.

12 = Where no specific maximum height is indicated for a particular use within an environmental designation the “all others” use category shall apply. This may include institutional or recreational uses, depending on the project intent.

13 = Four to six du/acre density range based on R1 Day Island Overlay zoning for conventional SFD and small lot development; 30 to 35 du/acre density range based on MU-M zoning for multifamily development on the mainland side of the Day Island Waterway.

14 = Density range based on R1 zoning for conventional SFD and small lot development.

15 = Critical area standards in UPMC 17.15.055 require structures to provide geologic hazard buffers and buffer setbacks from the top of Chambers Creek Canyon slopes. Compliance with these standards would place new dwellings outside of the 150' VCA required in the Natural SED, and for most properties, the dwelling would be located outside of shoreline jurisdiction. No further subdivision allowed within shoreline jurisdiction.

16 = Calculations are based on upland area only. Submerged tidal lands are not included in calculations.

17 = Impervious area located within 100 feet of the OHWM; may be increased from 50 percent to 65 percent by restoring or enhancing the VCA in accordance with the provisions of UPMC 18.25.100.
18 = Impervious area located more than 100 feet from the OHWM; may be increased from 75 percent to 90 percent by restoring or enhancing the VCA in accordance with the provisions of UPMC 18.25.100.
19 = Day Island lot coverage limit; impervious area may be increased to 40 percent by restoring or enhancing the VCA in accordance with UPMC 18.25.100. Day Island South Spit is exempt from lot coverage limits.
20 = Sunset Beach lot coverage limit; may be increased to 55 percent by restoring or enhancing native vegetation in an area equal to the additional impervious surface area above 50 percent, consistent with UPMC 18.25.100.
21 = Properties on Sunset Beach and Day Island South Spit are exempt from VCA requirements. Properties on Day Island that have an existing SFD located within 10 feet of the OHWM or have at least 50 percent of the VCA occupied by an existing SFD and other primary structures are exempt from VCA requirements.
22 = A view corridor of not less than 30 percent of the width of the property when viewed from the water and any upland street ROW shall be maintained between the abutting street and waterway. See Figure 8.
23 = Some uses listed are not allowed as new uses in particular environment designations. See Table 18.30.A.
24 = Trails and shared use pathways shall comply with UPMC 18.25.050(F).
25 = Boardwalks may be allowed over-water in the Day Island Medium Intensity shoreline environment, and within the Urban Conservancy and Natural shoreline environments when authorized in accordance with Chambers Creek Properties Master Site Plan (when applicable).
26 = Pedestrian crossings over the BNSF railroad ROW may be authorized at Sunset Beach.
27 = Pedestrian crossings over the BNSF railroad ROW may be authorized in accordance with the Chambers Creek Properties Master Site Plan.
28 = Pedestrian bridge crossings over Chambers Creek may be authorized where they provide an integral link for the Chambers-Leach Creek regional trail system and comply with UPMC 18.25.070(F).
29 = Applies to primary structures and accessory structures, except for those accessory structures listed in UPMC 18.30.130(C)(4) for which reduced setbacks may be authorized.
30 = Setbacks from OHWM for new construction and additions; existing lawfully established structures located closer to OHWM than specified setback shall be considered “conforming” structures. These may be expanded, provided all new building volume (vertical and horizontal) is located outside of the VCA and building setback.
31 = Setbacks from OHWM for new construction and additions; existing lawfully established structures located closer to OHWM than specified setback shall be considered “conforming” structures. These may be expanded provided dwelling floor area, including any attached structures such as garages, carports and the like, does not exceed 1,600 square feet inclusive of addition(s).
32 = Utilities may be allowed within setbacks where necessary to connect upland utility lines with in-water utility lines.

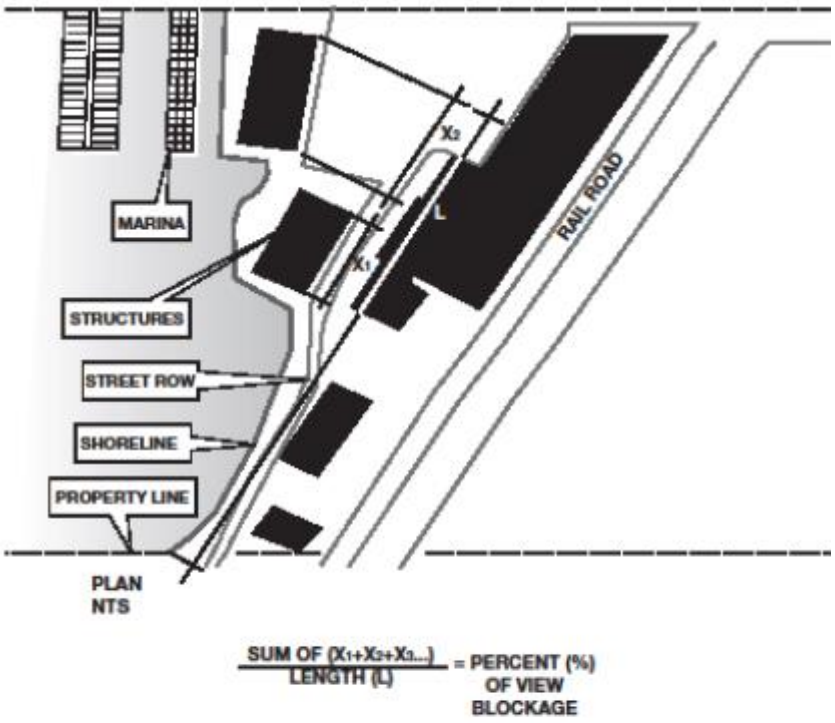


FIGURE 8 – VIEW CORRIDOR

(Ord. 652 § 1 (Exh. A), 2015).

18.30.050 Agriculture.

A. Applicability. Agriculture includes, but is not limited to, the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140; or livestock, that has long-term commercial significance as well as the other definitions of agricultural use found in WAC 173-26-020(3). In all cases, the use of agriculture-related terms shall be consistent with the specific meanings provided in WAC 173-26-020. There are no agricultural lands or operations within the City's shoreline jurisdiction.

B. Policies.

1. Commercial agriculture is not compatible with the City's shoreline environment designations.

2. New agricultural uses should be prohibited.

C. Regulations.

1. The creation or establishment of new agricultural land, operations or activities is prohibited.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.060 Aquaculture.

A. Applicability. Aquaculture is the farming or culturing of fish, shellfish or other aquatic plants and animals in lakes, streams, marine waters and other natural or artificial water bodies. Aquaculture does not include the harvest of wild geoduck associated with the State-managed wildstock geoduck fishery or activities on private property for personal consumption.

There are no aquaculture activities existing within the shoreline jurisdiction. Aquaculture activities are not anticipated to occur within shoreline jurisdiction; in the southern half of University Place, the sale for human consumption of commercial shellfish is currently prohibited by the State Department of Health.

B. Policies.

1. Some forms of aquaculture are dependent on the use of the water area; when consistent with control of pollution and prevention of damage to the environment, water-dependent aquaculture is an acceptable use of the water area. Future aquaculture uses are not anticipated within the City's shoreline jurisdiction; however, some scale or form of aquaculture may be appropriate in locations within the City of University Place.

2. Aquaculture related to the recovery of native populations should be encouraged.

3. Development of aquaculture facilities and associated activities should assure no net loss to shoreline ecological functions or processes. Aquaculture facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline or views from upland properties.

4. The City may support aquaculture uses and developments that:

• Protect or improve water quality; and

• Avoid and minimize damage to forage fish spawning areas and important nearshore habitats such as eelgrass and macroalgae; and

• Minimize interference with navigation and normal public use of surface waters; and

• Minimize the potential for cumulative adverse impacts, such as those resulting from in-water structures/apparatus/equipment, land-based facilities, and substrate disturbance/modification (including rate, frequency and spatial extent).

5. Aquaculture use and development should locate in areas where biophysical conditions, such as tidal flow, currents, water temperature and depth, will minimize adverse impacts to shoreline ecological functions.

C. Regulations.

1. Aquaculture may be authorized when part of an approved restoration or habitat management plan and when it complies with the provisions of UPMC 18.25.070.

2. Aquaculture for the purpose of recovering native populations may be authorized when authorized by the Department of Fish and Wildlife and/or other State or Federal agencies having jurisdiction. Fish

hatchery facilities are a permitted use in all shoreline environment designations when they comply with all other applicable provisions of this Program.

3. Commercial shellfish and net pen/finfish aquaculture is prohibited in the Natural designation. In all other instances, commercial aquaculture shall be a conditional use.

4. Commercial aquaculture involving development of mini-seed nurseries, including those which use FLUPSY2 technology, are limited in size to those which can be installed in a marina slip or within an existing boathouse. No more than 10 percent of the slips at a marina shall be occupied by commercial aquaculture to ensure conflicts with existing water-dependent recreational uses are minimized.

5. Commercial aquaculture is allowed as a conditional use as outlined in Table 18.30.A where it can be located, designed, constructed, and managed to avoid all of the following:

• A net loss of shoreline ecological functions.

• Spreading diseases to native aquatic life.

• Adversely impacting native eelgrasses and macroalgae species.

• Significantly conflicting with navigation and public access.

6. Aquaculture facilities shall identify and use best management practices to minimize impacts such as light and noise from the construction and management of the facilities.

7. New aquatic species that are not previously cultivated in Washington State shall not be introduced into City waters without prior written approval of the Washington Department of Fish and Wildlife, including import and transport permits under WAC 220-76-100 and 220-72-076.

8. Aquaculture wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards, including but not limited to the Federal Clean Water Act, Section 401, and Chapter 90.48 RCW, Water Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.

9. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the project proponent and the affected tribe(s) through the permit review process.

10. Applicants shall include in their shoreline permit applications all information required by State and Federal permit applications for new and expanded aquaculture uses and development. Additional studies or information may be required by the City, which may include but are not limited to monitoring and adaptive management plans and information on ecological and visual impacts. For floating and above-water facilities, the City shall reserve the right to require that a visual impact analysis be conducted using a method approved by the City. Generally, the methods for identifying and analyzing potential visual and cumulative impacts will follow the principles in the Aquaculture Siting Study, Washington State Department of Ecology publication number 86-10-000 (October 1986).

11. Aquaculture structures and activities that are not water-dependent (e.g., warehouses for processing or storage of products and parking lots) shall be located landward of vegetation conservation areas and

critical area buffers, and shall be located, designed and constructed to avoid and minimize detrimental adverse impacts to the shoreline.

12. Aquaculture activities and facilities shall be located where they do not adversely impact forage fish spawning areas, native eelgrass and microalgae species, or other critical saltwater habitats, priority species or species of concern, or habitat for such species as outlined in UPMC 18.25.070(D) and (E).

13. When a shoreline permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and planting or stocking of the facility or farm. Authorization to conduct such activities shall be valid for a period of five years with a possible extension. After the aquaculture use or development is established under the shoreline permit, continued operation of the use or development, including, but not limited to, maintenance, harvest, replanting, restocking or changing the culture technique or species cultivated shall not require a new, renewed or revised permit unless otherwise provided in the conditions of approval or this Program. Permit revisions shall proceed in accordance with WAC 173-27-100. Changing of the species cultivated shall be subject to applicable standards of this Program.

14. A new permit is required when:

a. The physical extent of the use or development or associated overwater coverage is expanded by more than 10 percent compared to the conditions that existed as of the effective date of this SMP. If the amount of expansion or change in overwater coverage exceeds 10 percent, the revision or sum of the revision and any previously approved revisions shall require that the applicant apply for a new permit; or

b. The use or development proposes to cultivate a species not previously cultivated within University Place's jurisdictional waters; or

c. New chemicals not previously approved as part of the existing permit are proposed for use.

15. Floating/hanging aquaculture structures and associated equipment, except navigational aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts.

16. Aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations through potential contribution of antibiotic-resistant bacteria, or escapement of nonnative species, or other adverse effects on ESA-listed species shall not be permitted.

17. Additional standards for commercial geoduck aquaculture:

a. In addition to the standards above, commercial geoduck aquaculture shall only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.

b. All permits shall take into account that commercial geoduck operators have the right to harvest geoduck once planted.

c. All subsequent cycles of planting and harvest shall not require a new CUP, subject to WAC 173-27-100.

d. A single CUP may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the Program's jurisdiction.

e. Commercial geoduck aquaculture workers shall be allowed to accomplish on-site work during low tides, which may occur at night or on weekends. Where such activities are necessary, noise and light impacts to nearby residents shall be mitigated to the greatest extent practicable.

f. Where an applicant proposes to convert existing non-geoduck aquaculture to geoduck aquaculture, a conditional use permit shall be required.

g. In addition to the requirements in WAC 173-26-241(3)(b), proposals and applications for commercial geoduck aquaculture shall comply with and contain all of the items identified in WAC 173-26-241(3)(b)(iv).

(Ord. 652 § 1 (Exh. A), 2015).

18.30.070 Boating facilities.

A. Applicability. The University Place community has had a long and continuous history of investing in and utilizing boating facilities located in the vicinity of Day Island. These facilities and activities are expected to continue. In addition, the construction of new boating facilities is anticipated to occur in accordance with the Chambers Creek Properties Master Site Plan. The provisions in this section apply to boating facilities allowed within the Day Island Medium Intensity, Urban Conservancy, and Shoreline Residential shoreline environments. These provisions do not, however, apply to boating facilities serving four or fewer single-family residences.

B. Policies.

1. Boating facilities that are water-dependent uses, including marinas and launch ramps, should be given priority for shoreline location.

2. Boating facilities and their accessory uses should be located, designed, constructed and maintained to achieve the following:

a. Protection of shoreline ecological functions and system-wide processes. When impacts cannot be avoided, mitigate to assure no net loss to shoreline ecological functions;

b. Maintenance and use of navigable waters, public access areas, and recreational opportunities, including over-water facilities;

c. Minimization of adverse impacts to adjacent land uses such as noise, light and glare, aesthetics, and public visual access; and

d. Minimization of adverse impacts to other water-dependent uses.

3. Development of new boating facilities should be coordinated with public access and recreation plans and should be co-located with other compatible water-dependent uses where feasible. Affected parties and potential partners should be included in the planning process.

4. New and expanded boating facilities should provide public shoreline access in accordance with UPMC 18.25.050 and provide for multiple uses including water-related uses, to the extent compatible with shoreline ecological functions and processes.

5. Upland boat storage is preferred over new in-water moorage.

6. New covered moorage should be prohibited.

7. Pilings treated with creosote or other similarly toxic materials should be replaced with steel or concrete pilings to minimize adverse impacts to water quality. Unused or derelict pilings should be removed in order to minimize continuing contamination of shoreline waters, consistent with the water quality provisions in UPMC 18.25.120.

8. Live-aboard vessels should only be permitted where adequate marina facilities exist to prevent impacts to water quality.

C. Regulations – General.

1. Marinas and launch ramps shall be designed not to retard or negatively influence flushing characteristics.

2. Marinas and boat launch ramps shall be located only on stable shorelines where water depths are adequate to avoid the net loss of shoreline ecological functions and processes, and eliminate or minimize the need for additional offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other river, harbor, and channel maintenance activities.

3. All boating facilities, including marinas and boat yards, shall utilize effective measures to prevent the release of oil, chemicals, or other hazardous materials into the water.

4. New and expanded marinas and boat launches shall provide public access in accordance with UPMC 18.25.050.

5. Boating facilities shall be located where parking and access can be provided without causing adverse impacts to adjacent properties or shoreline ecological functions.

6. Garbage/recycling facilities shall be provided at marinas and boat launching facilities.

7. Restroom facilities shall be provided at marinas and boat launching facilities during hours of operation.

8. Lighting for boating facilities shall be designed to minimize light and glare, especially where it is visible to adjacent properties and properties across the water. Illumination levels shall be the minimum necessary for the intended use. All light fixtures shall be fully shielded and oriented to prevent spillover off site. Lighting shall not be pointed directly at or into the water.

9. Impacts to navigation shall be avoided to the maximum extent feasible.

10. To preserve views of the water and minimize impacts on wildlife, fences shall have a visually open design (e.g., post and rail, or picket design) with at least 50 percent of the fence open for the continuous length of the fence. In exception to this requirement, the decision-maker may authorize fencing that is

less than 50 percent open when such fencing is intended to screen refuse, recycling or storage facilities where such screening would enhance project aesthetics and not unduly compromise views of the water.

D. Regulations – Boat Launch Ramps.

1. Boat launch ramps shall be located, designed, constructed and maintained in accordance with the mitigation sequence and to reduce impacts to the shoreline. Preferred ramp designs, in order of priority, are:

a. Open grid designs with minimum coverage of beach substrate;

b. Seasonal ramps that can be removed and stored upland;

c. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to change in beach profile; and

d. Concrete or compacted slope.

2. Ramps shall be located, constructed and maintained where alterations to the existing foreshore slope are not required, whenever feasible.

E. Regulations – Marinas.

1. New marinas and modifications to existing marinas are allowed only when the new or modified facilities are consistent with this Shoreline Program and only when the proponent demonstrates to the City's satisfaction that all of the following conditions are met:

a. The proposed location or modification is the least environmentally damaging alternative, and areas of intact shoreline ecological functions and processes are avoided;

b. Hard armoring is not used;

c. Potential adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss;

d. The project restores or enhances native vegetation within the VCA adjoining the new or modified marina to the extent practicable in accordance with UPMC 18.25.100;

e. The area has adequate water circulation and flushing action and the marina is designed so that it does not negatively influence flushing characteristics;

f. The proposed location will not require excavation and/or filling of wetlands or stream channels; and

g. Suitable public infrastructure is available, or can be made available by project completion, to support the marina.

2. Where authorized, new marinas and modifications to existing marinas shall be designed, constructed and operated as follows:

a. Floating structures shall be designed to prevent grounding on tidelands. Floats shall not rest on the substrate at any time. Stoppers or stub pilings shall be used to keep the bottom of the float at least one foot above the level of the substrate;

b. Piers and other structures shall be located, sized, and designed to minimize shading of nearshore aquatic habitats and species pursuant to the requirements set forth in UPMC 18.35.050;

c. Solid structures shall be designed to provide fish passage through and along the shallow water fringe;

d. Public access amenities shall be provided pursuant to UPMC 18.25.050, consistent with all relevant constitutional and other limitations that apply to regulations that are placed on private property, including the nexus and proportionality requirements. The location and design of public access shall be determined based on a given location and the public access needs in the vicinity of the marina. Existing public access shall not be adversely impacted;

e. Vessels are prohibited from extended mooring on waters of the State except as allowed by applicable State regulations and unless a lease or permission is obtained from the State and impacts to navigation and public access are mitigated;

f. Marinas shall provide restrooms and solid waste receptacles to accommodate marina users during business hours, and shall have facilities and established procedures for the discharge of solid waste or sewage, other than discharge into the water;

g. Marinas shall provide pump-out, holding and/or treatment facilities for sewage contained on boats or vessels;

h. Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel and oil or toxic materials where they can be easily read by all users; and

i. Marinas shall have facilities and established procedures for the containment and recovery of spilled petroleum or toxic products.

3. New marinas and modifications to existing marinas that involve breakwaters shall meet all of the following design criteria:

a. Breakwaters built waterward in a perpendicular plane to the shoreline shall not be allowed as a continuous one-piece structure unless space limitations preclude the construction and use of a breakwater comprised of two or more segments;

b. The toe of a shore breakwater (jetty) may extend seaward to the MLLW, but shall not extend seaward more than 250 feet from mean higher high water;

c. Shore breakwaters shall have a minimum slope of one and one-half feet horizontal to one foot vertical throughout; slope restrictions do not apply to isolated breakwaters beyond the line of extreme low tide;

d. The breach (opening) between a shore breakwater and a detached breakwater shall not be less than 20 feet in width measured at the toe of the slope;

e. Breaches shall be maintained at or below marina depth to provide adequate fish passage;

f. Breaches may also be used as navigational channels;

g. Marina openings shall be sized (depth and/or width) so as to ensure proper circulation inside the marina configuration and exchange with the outside bay. To facilitate this exchange, the volume of the

tidal prism (water present between mean low and mean high tide) shall be not less than 50 percent of the total volume of the basin;

h. The depth of the openings shall be at least as deep as the average depth of the marina; and

i. Openings may be baffled to protect the marina against wave action but in no instance should the baffling impede water circulation or fish movement.

F. Regulations – Dry Upland Storage.

1. New marinas and modifications to existing marinas that provide dry upland storage shall minimize the use of shoreline area for such storage unless:

a. No suitable upland locations exist for such facilities outside of the shoreline area;

b. It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; or

c. It can be demonstrated that wet moorage would enhance public use of the shoreline.

2. New and modified marinas shall use a launch mechanism that protects shoreline ecological functions and processes.

3. Dry upland storage shall comply with the following:

a. The structure shall not exceed the maximum height set forth in Table 18.30.B;

b. The facility shall be visually compatible with the surrounding environment; and

c. The facility shall comply with VCA buffer and VCA setback requirements, be located away from the shoreline to the greatest extent practicable, and be landscaped with native vegetation to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas.

G. Regulations – Covered Moorage.

1. New over-water covered moorage and the expansion of existing covered moorage is prohibited.

2. Existing over-water covered moorage may be modified or replaced, but not extended in terms of cumulative footprint, shading of water, and average height.

3. Covered moorage shall be located, designed, constructed and maintained in accordance with the mitigation sequence in UPMC 18.25.070(C)(2) and to reduce impacts to the shoreline.

H. Regulations – Live-Aboard Vessels.

1. No vessel berthed in a marina or yacht club shall be used as a place of residence except as authorized by the marina operator or yacht club in conjunction with a permit from the City.

2. No more than 15 percent of the slips at a marina or yacht club shall be occupied by live-aboard vessels. Any marina or yacht club with live-aboard vessels shall require:

a. That all live-aboard vessels are connected to utilities that provide sewage conveyance to an approved disposal facility; or

b. That marina operators, yacht clubs or live-aboard vessels are contracted with a private pump-out service company that has the capacity to adequately dispose of live-aboard vessel sewage; or

c. That a portable pump-out facility is readily available to live-aboard vessel owners; or

d. That a fixed pump-out facility approved by the local sewer service provider is located within the marina or yacht club;

e. That all live-aboard vessels shall have access to utilities that provide potable water;

f. That live-aboard vessels are of the cruising type, and are kept in good repair and seaworthy condition.

3. Marinas or yacht clubs with live-aboard vessels shall only be permitted where compatible with the surrounding area and where adequate sanitary sewer facilities exist (as listed in subsections (H)(2)(a), (b), (c) and (d) of this section) within the marina or yacht club and on the live-aboard vessel.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.080 Commercial.

A. Applicability. The provisions in this section apply to all commercial uses and development types allowed within the Day Island Medium Intensity shoreline jurisdiction. Commercial use provisions apply to business uses or activities at a scale greater than a home occupation involving retail or wholesale marketing of goods and services. Examples include, but are not limited to, hotels, motels, grocery stores, restaurants, shops, offices, and indoor recreation facilities.

B. Policies.

1. Preference should be given to water-dependent commercial uses, then to water-related, and then water-enjoyment commercial uses in shoreline jurisdiction. Non-water-oriented commercial uses should be prohibited unless they are integrated into mixed use development that includes water-oriented uses or navigation is severely limited, and the use provides a significant public benefit consistent with the objectives of the Act.

2. The preferred location for non-water-oriented commercial uses is in mixed use areas as far from the shoreline as possible.

3. Commercial development should be located, designed, and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes. Unavoidable impacts should require mitigation.

4. Commercial development should provide public access to shoreline beaches, docks, walkways, and viewing areas, unless such improvements are demonstrated to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

5. Commercial development should be designed to be visually compatible with adjacent and upland properties and so that the height, bulk, and scale do not impair views.

6. Commercial development should implement low-impact development techniques to the maximum extent feasible.

C. Regulations – General.

1. The construction of new over-water commercial buildings or the expansion of existing over-water commercial buildings is prohibited.

2. Public access shall be provided for commercial use and development pursuant to UPMC 18.25.050.

3. All commercial use and development shall preserve and enhance native shoreline vegetation; or if vegetation is degraded or none is present, restore or enhance in accordance with the vegetation conservation requirements in UPMC 18.25.100.

4. A visual impact assessment shall be prepared for commercial buildings proposed to be greater than 35 feet in height from average grade level in accordance with UPMC 18.25.110(E).

5. Home occupations, as defined in UPMC 19.10.030, are not considered to be commercial uses.

6. The following information shall be required at the time of shoreline development permit application or shoreline conditional use permit application for commercial uses:

a. Evidence of water orientation or integration with mixed use development;

b. Demonstration of cooperative use of service facilities by multiple users, where feasible;

c. Information on transportation and utility service corridors, traffic circulation, access to the facility, and the impacts of the proposed project on transportation, circulation and navigation in the area;

d. The design and location of public access;

e. Analysis of the impact upon and alteration to land forms;

f. Methods for treatment and control of waste disposal including any proposed storm or sanitary sewer outfalls;

g. Analysis of the impact of the proposed project upon ground water, hydrology, drainage patterns and soil erosion;

h. Analysis of air quality, noise levels, and light pollution impacts;

i. Analysis of impacts to shoreline ecological functions and processes; and

j. Mitigation plan to address any unavoidable adverse impacts to the shoreline environment.

7. To preserve views of the water and minimize impacts on wildlife, fences shall have a visually open design (e.g., post and rail, or picket design) with at least 50 percent of the fence open for the continuous length of the fence. In exception to this requirement, the decision-maker may authorize fencing that is less than 50 percent open when such fencing is intended to screen refuse, recycling or storage facilities where such screening would enhance project aesthetics and not unduly compromise views of the water. No fence shall extend waterward of the ordinary high water mark.

D. Regulations – Water-Oriented Use and Development.

1. Water-oriented commercial use and development shall be allowed when the applicant demonstrates that:

a. There will be no net loss of shoreline ecological functions or processes;

b. There will be no significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation, public access, and design compatibility; and

c. The design, layout, and operation of the use or development meet the definition of water-oriented uses per the definitions of the Shoreline Program.

2. Water-enjoyment and water-related commercial uses shall provide public access and ecological restoration where feasible and avoid impacts to existing navigation, recreation, and public access.

E. Regulations – Non-Water-Oriented Use and Development.

1. Non-water-oriented commercial uses are not allowed unless they meet one of the following criteria:

a. The use is part of a mixed-use project that includes water-oriented uses and provides a significant public benefit in the form of public access and ecological restoration.

b. Navigability is severely limited at the proposed site and the commercial use provides a significant public benefit in the form of public access and ecological restoration.

c. The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use. For the purposes of this Shoreline Program, public access trails and facilities do not constitute a separation.

2. Non-water-oriented commercial buildings or uses shall be set back a minimum of 60 feet from the ordinary high water mark in the Day Island Medium Intensity shoreline environment. The area between these buildings or uses and the ordinary high water mark shall be used for water- oriented use and development, additional public access or shoreline restoration. Buildings that contain a mix of non-water-oriented uses and water-oriented uses may be set back a minimum of 35 feet from the ordinary high water mark in the Day Island Medium Intensity shoreline environment, provided the use of the building is predominantly water-oriented.

3. The applicant shall demonstrate that the proposed non-water-oriented commercial or mixed use will not:

a. Result in a net loss of shoreline ecological functions or processes; or

b. Have significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation, public access, and design compatibility.

4. The construction of new non-water-oriented commercial buildings or uses or the expansion of existing non-water-oriented commercial buildings or uses shall require a shoreline conditional use permit.

5. Non-water-dependent commercial uses over water are prohibited except in existing structures, and where necessary to support water-dependent uses.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.090 Forest practices.

A. Applicability. Forest practices are incompatible with goals for shoreline areas within the City boundaries.

B. Policies.

1. Forest practice activities should be prohibited within all shoreline environment designations.

C. Regulations.

1. Forest practices are prohibited in all shoreline environment designations.

2. For the purpose of this Shoreline Program, preparatory work associated with the conversion of land to nonforestry uses and/or developments shall not be considered forest practices. Such work shall be reviewed in accordance with the applicable provisions for the proposed non-forestry use and the general provisions of this Shoreline Program, including vegetation conservation.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.100 Industrial.

A. Applicability. The provisions in this section apply to all industrial uses and development types allowed within the Day Island Medium Intensity shoreline environment in accordance with Table 18.30.A. Industrial use provisions apply to activities involving the production, processing, storage, movement, servicing, or repair of goods and materials.

B. Policies.

1. Preference should be given to water-dependent industrial uses first, then to water-related industrial uses over non-water-oriented industrial uses.

2. The preferred location for non-water-dependent industrial uses is within mixed use areas as far from the shoreline as feasible.

3. Water-dependent or water-related industrial marine uses should be located in areas already established or zoned for mixed use.

4. Industrial use and development should be located, designed, and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.

5. Transportation and utility corridors serving industrial uses should be located away from the water's edge to minimize ecological impacts and reduce the need for waterfront signs and other infrastructure.

6. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be accomplished.

7. The cooperative use of docking, parking and storage facilities on mixed use properties should be encouraged.

C. Regulations.

1. Water-dependent or water-related industrial development shall be authorized when the applicant demonstrates that:

a. It will not cause a net loss of shoreline ecological functions or processes;

b. It will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation, recreation and public access; and

c. The design, layout, and operation of the use or development meet the definition of water-dependent or water-related uses per the definitions of this Shoreline Program.

2. Non-water-oriented industrial uses are not allowed unless they meet one or more of the following criteria:

a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit in the form of public access and ecological restoration;

b. Navigability is severely limited at the proposed site and the industrial use provides a significant public benefit in the form of public access and ecological restoration; or

c. The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use, and provides a significant public benefit with respect to the public access and restoration goals of this Shoreline Program. For the purposes of this Shoreline Program, public access trails and facilities do not constitute a separation.

3. Public access shall be provided for industrial use and development pursuant to UPMC 18.25.050.

4. All industrial use and development shall preserve and enhance native shoreline vegetation; or if vegetation is degraded or none is present, restore or enhance in accordance with the vegetation conservation requirements in UPMC 18.25.100.

5. The construction of new non-water-oriented industrial buildings or uses or the expansion of existing non-water-oriented industrial buildings or uses shall require a shoreline conditional use permit.

6. Non-water-oriented industrial buildings or uses shall be set back a minimum of 60 feet from the ordinary high water mark. The area between these buildings or uses and the ordinary high water mark shall be used for water-oriented use and development, additional public access or shoreline restoration. Buildings that contain a mix of non-water-oriented uses and water-oriented uses may be set back a minimum of 35 feet from the ordinary high water mark provided the use of the building is predominantly water-oriented.

7. The cooperative use of docking, parking and storage facilities on mixed use properties is required, where feasible.

8. Industrial use or development shall be located and designed to minimize the need for initial or recurrent dredging, filling or other harbor and channel maintenance activities.

9. Industrial use or development shall include the capability to contain and clean up spills, leaks, discharges, or pollutants, and shall be responsible for any water or sediment pollution they cause.

10. The following information shall be required at the time of shoreline development permit application or shoreline conditional use permit application for industrial uses:

a. Evidence of water orientation or integration with mixed use development;

b. Demonstration of cooperative use of service facilities by multiple users, where feasible;

c. Information on transportation and utility service corridors, traffic circulation, access to the facility, and the impacts of the proposed project on transportation, circulation and navigation in the area;

d. The design and location of public access;

e. Analysis of the impact upon and alteration to land forms;

f. Methods for treatment and control of waste disposal including any proposed storm or sanitary sewer outfalls;

g. Demonstration that the location of storing chemicals or other hazardous materials is as far from the shoreline as feasible;

h. Analysis of the impact of the proposed project upon ground water, hydrology, drainage patterns and soil erosion;

i. Analysis of air quality, noise levels, and light pollution impacts;

j. Analysis of impacts to shoreline ecological functions and processes; and

k. Mitigation plan to address any unavoidable adverse impacts to the shoreline environment.

11. The construction of new over-water industrial buildings or the expansion of existing, over-water industrial buildings is prohibited.

12. To preserve views of the water and minimize impacts on wildlife, fences shall have a visually open design (e.g., post and rail, or picket design) with at least 50 percent of the fence open for the continuous length of the fence. In exception to this requirement, the decision-maker may authorize fencing that is less than 50 percent open when such fencing is intended to screen refuse, recycling or storage facilities where such screening would enhance project aesthetics and not unduly compromise views of the water. No fence shall extend waterward of the ordinary high water mark.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.110 Mining.

A. Applicability. Chambers Creek Properties was the site of extensive gravel mining for over a century until commercial mining operations ceased in 2003. Site work associated with the conversion of this formerly mined land is authorized to continue under the Chambers Creek Properties Master Site Plan in order to support redevelopment and reclamation. Such activities, when conducted in accordance with the Mining Reclamation Plan approved by the Washington State Department of Natural Resources, shall not be considered mining. New mining is incompatible with goals for shoreline areas within the City boundaries.

B. Policies.

1. New mining should be prohibited.

C. Regulations.

1. Mining is prohibited in all shoreline environment designations.

2. For the purpose of this Shoreline Program, site work associated with the redevelopment and reclamation of the previously mined Chambers Creek Properties site is authorized to continue under the Chambers Creek Properties Master Site Plan and shall not be considered mining. Such work shall be reviewed in accordance with the applicable provisions for the proposed nonmining use and the general provisions of this Shoreline Program, including vegetation conservation.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.120 Recreation.

A. Applicability. Recreational uses include passive activities, such as walking, viewing and fishing. Recreational development also includes facilities for active uses, such as swimming, boating, and other outdoor recreation uses. This section applies to both public and private noncommercial shoreline recreational facilities (excluding that which is incidental to private residences) in the City.

B. Policies – General.

1. Public recreation is a preferred use of the shoreline. Recreational uses and developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the State, and to view the water and shoreline are preferred. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment for a substantial number of people.

2. Water-oriented recreational uses, such as boating, swimming beaches, and wildlife viewing, should have priority over non-water-oriented recreation uses, such as sports fields. A variety of compatible recreation experiences and activities should be encouraged to satisfy diverse recreational needs.

3. Recreational developments and plans should promote conservation of the shoreline's natural character, ecological functions and processes.

4. Shoreline recreational development should be planned, designed and implemented consistent with the growth projections, level-of-service standards, and goals established in the City's Comprehensive Plan, the Chambers Creek Properties Master Site Plan, and the Parks, Recreation and Open Space Plan.

5. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, sidewalks, bicycle paths, easements, and/or scenic drives.

6. Recreation facilities should incorporate public education and interpretive signs regarding shoreline ecological functions and processes, historic and cultural heritage.

7. Recreation facilities should be designed to preserve, enhance, or create scenic views and vistas.

8. Commercial recreation facilities should be consistent with the provisions for commercial development (see UPMC 18.30.080).

C. Policies – Shoreline Environments.

1. Marine Deepwater. New recreational uses and structures should be limited to public access/recreational improvements designed to provide access to the shoreline for a substantial number

of people. New over-water structures should be authorized only when they will provide significant public benefits.

2. Natural. Private and/or public enjoyment of natural shoreline areas should be encouraged and facilitated through low-intensity recreational uses such as walking/hiking trails; provided, that no significant ecological impact on the area will result. The Chambers Creek Canyon should be retained in its natural state with only those minimal improvements necessary to support public access. Protection of ecological functions should have priority over public access, recreation and other development objectives whenever a conflict exists. New over-water structures should be authorized only when they will provide significant public benefits. Non-water-related or enjoyment recreation uses should be allowed only when the use is passive and consistent with the Chambers Creek Properties Master Site Plan, when applicable.

3. Urban Conservancy. Public access and public recreation objectives should be implemented whenever feasible and adverse ecological impacts can be avoided. Public access along the marine shoreline should be provided, preserved, or enhanced consistent with this policy and the Chambers Creek Properties Master Site Plan, when applicable. New over-water structures should be authorized only when they will provide significant public benefits. Non-water-related or enjoyment recreation uses should be allowed only when consistent with the Chambers Creek Properties Master Site Plan, when applicable.

4. Shoreline Residential. Public outdoor recreation facilities should be encouraged if compatible with the character of the area. Preferred uses include water-enjoyment recreation facilities that provide opportunities for people to access and enjoy the shoreline. New over-water structures should be authorized only when they will provide significant public benefits.

5. Day Island Medium Intensity. A mix of private and public park and recreation facilities, linked by a comprehensive public access system, should be encouraged. Pedestrian and bicycle paths should be permitted as public access opportunities, where appropriate. Non-water-related or enjoyment recreation uses should be allowed only when the use is part of a mixed use project that includes water-oriented uses and provides a significant public benefit in the form of public access and ecological restoration.

D. Regulations – General.

1. Park and recreation facilities may be used for events and temporary uses when the applicant can demonstrate that the proposed use will not damage the shoreline. Structures associated with such uses shall be located as far landward as feasible and shall be removed immediately after the event is over. Shoreline areas shall be returned to pre-event conditions.

2. Recreational use and development shall include appropriate mitigation to minimize light and noise impacts on adjoining properties. Such measures shall include, but not be limited to, fencing, vegetative screening, increased setbacks, limited hours of operation, and other appropriate measures. Where lighting is used, the illumination levels shall be the minimum needed for the intended use. Cut-off fixtures shall be used, where necessary, to prevent spillover of light.

3. Fragile and unique shoreline areas with valuable ecological functions, such as wildlife habitats, shall be used only for nonintensive recreation activities that do not involve the construction of structures.

4. Recreation developments such as playfields that require periodic use of fertilizers, pesticides or other chemicals, or that support high-intensity activities as a primary use, such as sporting events, shall be located outside of shoreline jurisdiction, when feasible.

5. A new or expanded shoreline recreational development or use that does not provide on-site public access may be authorized, provided the applicant has demonstrated, and the City has determined, that one or more of the conditions listed in UPMC 18.25.050(H)(2) exist.

6. All recreation use and development shall preserve and enhance native shoreline vegetation or if vegetation is degraded or none is present, restore or enhance in accordance with the vegetation conservation requirements in UPMC 18.25.100.

7. Recreation buildings proposed to be greater than 35 feet in height from average grade level shall prepare a visual impact assessment in accordance with UPMC 18.25.110(E).

8. The following information shall be required at the time of shoreline development permit application or shoreline conditional use permit application for recreation uses, when applicable:

a. Information on transportation and utility service corridors, traffic circulation, access to the facility, parking, and the impacts of the proposed project on transportation, circulation and navigation in the area;

b. The design and location of public access;

c. Analysis of the impact upon and alteration to land forms;

d. Methods for treatment and control of waste disposal including any proposed storm or sanitary sewer outfalls;

e. Analysis of the impact of the proposed project upon ground water, hydrology, drainage patterns and soil erosion;

f. Analysis of air quality, noise levels, and light pollution impacts;

g. Analysis of impacts to shoreline ecological functions and processes; and

h. Mitigation plan to address any unavoidable adverse impacts to the shoreline environment.

9. To preserve views of the water and minimize impacts on wildlife, fences shall have a visually open design (e.g., post and rail, or picket design) with at least 50 percent of the fence open for the continuous length of the fence. In exception to this requirement, the decision-maker may authorize fencing that is less than 50 percent open when such fencing is intended to screen refuse, recycling or storage facilities where such screening would enhance project aesthetics and not unduly compromise views of the water. No fence shall extend waterward of the ordinary high water mark.

10. Commercial recreational development shall be consistent with the provisions for commercial development in UPMC 18.30.080.

E. Regulations – Water-Related and Enjoyment.

1. Water-related or enjoyment recreation uses and development are preferred shoreline uses and shall be allowed when the applicant demonstrates that:

a. There will be no net loss of shoreline ecological functions or processes;

b. There will be no significant adverse impacts on other shoreline uses, resources and/or values such as navigation and public access;

c. Public access to the shoreline, including nonmotorized and pedestrian access, will be provided pursuant to UPMC 18.25.050; and

d. The proposal will protect existing native vegetation in the shoreline area and restore vegetation impacted by development activities.

F. Regulations – Non-Water-Oriented.

1. Non-water-oriented recreation uses are not allowed unless they meet one of the following criteria:

a. The use is part of a mixed use project located in the Day Island Medium Intensity shoreline environment that includes water-oriented uses and provides a significant public benefit in the form of public access and ecological restoration;

b. The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use. For the purposes of this Shoreline Program, public access trails and facilities do not constitute a separation;

c. The use is passive when located in the Natural shoreline environment; or

d. The use is consistent with the Chambers Creek Properties Master Site Plan, when applicable and located in the Urban Conservancy or Natural shoreline environment.

2. Non-water-oriented recreation buildings or uses shall be set back from the ordinary high water mark in accordance with the distances specified in Table 18.30.B. The area between these buildings or uses and the ordinary high water mark shall be used for water-related and enjoyment use, additional public access or shoreline restoration. Buildings that contain a mix of non-water-oriented and water-related and enjoyment uses may be set back from the ordinary high water mark in accordance with the distance specified in Table 18.30.B for “all other water-related recreational structures,” provided the use of the building is predominantly water-related and enjoyment.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.130 Residential.

A. Applicability. Residential development means one or more buildings, structures, lots, parcels, or portions thereof, which are designed for and used or intended to be used to provide a place of abode for human beings. This includes the creation of new residential lots through land division and single-family, two-family and multifamily residences together with accessory uses and structures normally applicable to residential uses located landward of the ordinary high water mark including, but not limited to, a swimming pool, garages, a shed, fences, decks, driveways, utilities, a hot tub, a sauna, and grading that does not exceed 250 cubic yards and does not involve placement of fill in any wetland or waterward of the ordinary high water mark (WAC 173-27-040(2)(g)). Single-family and multifamily

development is limited to those underlying zones that allow it and also subject to the requirements therein.

B. Policies.

1. All residential developments should be located, designed, and properly managed to avoid damage to the shoreline environment and avoid cumulative impacts associated with shoreline armoring, over-water structures, stormwater runoff, septic systems, vegetation clearing, and introduction of pollutants.

2. The overall density of development, lot coverage, setbacks, volume and height of structures should be designed to be compatible with adjoining uses and the physical capabilities of the shoreline and water.

3. Residential development, including the division of land and the construction of residential units, should be designed and located so that new or additional shoreline armoring will not be necessary to protect land or structures.

4. Dwelling units and accessory structures should be clustered to preserve natural features and minimize overall disturbance of the site.

5. New dwelling units and accessory structures, and additions thereto, should be set back from eroding shoreline areas so that the shoreline is not further eroded and structural improvements are not required to protect property.

6. New dwelling units and accessory structures, and additions thereto, should be set back from the top of steep slopes in accordance with the requirements of UPMC 17.15.055, so that structural improvements are not required to protect property.

7. New residential development of more than four lots or units should provide opportunities for public access.

8. New residential development should minimize impacts upon views to adjacent residential areas, in keeping with the Shoreline Management Act.

9. The City should encourage the use of alternative paving products for walkways, driveways, and patios, such as pervious pavers, as a mechanism for reducing impervious surfaces and surface water runoff.

10. New or expanded over-water residential development should be prohibited.

11. Limited expansion of existing overwater residential development should be allowed where the expansion is located to the landward side of the existing structure and does not increase over- water coverage.

12. Residential development should result in no net loss of ecological function.

13. Whenever possible, nonregulatory methods to protect, enhance and restore shoreline ecological functions should be encouraged for residential development.

14. Single-family residences should be identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

C. Regulations.

1. New residential development, including additions to existing structures, shall meet the development standards set forth in Table 18.30.B.

2. Residential development, including new subdivisions, shall be designed to:

a. Maintain or improve ecological functions and processes;

b. Preserve and enhance native shoreline vegetation; or if vegetation is degraded or none is present, restore or enhance in accordance with the vegetation conservation provisions of UPMC 18.25.100;

c. Control erosion and impacts to slope stability;

d. Avoid the use of shoreline armoring;

e. Minimize structural obstructions to normal public use and views of the shoreline and the water; and

f. Comply with critical area regulations in UPMC Title 17 as incorporated into this Shoreline Program, when applicable.

3. New primary residential structures are not allowed within a VCA.

4. Within the Shoreline Residential shoreline environment, new accessory structures and improvements are not allowed within a VCA except for pedestrian access authorized in UPMC 18.25.050(F), and uncovered single-family residential decks, patios, benches, tables, hot tubs, play equipment and other similar structures, and access paths subject to compliance with the vegetation conservation standards in UPMC 18.25.100.

5. Within the Day Island Medium Intensity, Urban Conservancy or Natural shoreline environments, new accessory structures and improvements are not allowed within the VCA.

6. New over-water residential development, including floating homes, shall be prohibited.

7. New residential development of more than four lots or units within shoreline jurisdiction shall provide public access for use by residents of the development and the general public and joint use for community recreational facilities. Public access shall be located, designed and managed in accordance with the provisions of UPMC 18.25.050.

8. Development proposals that exceed 35 feet in height must include an analysis of how the proposed structure(s) would impact the views of surrounding residents or the protected views set forth in UPMC 18.25.110. If the proposed structure(s) would block or significantly compromise the view of a substantial number of residences in adjoining areas, the City shall limit the height to 35 feet (30 feet for Day Island South Spit), or require design revisions or relocation to prevent the loss of views.

9. To preserve views of the water and minimize impacts on wildlife, residential fences are not allowed within VCAs located in the Natural environment. Fences located within the shoreline setback specified for each upland shoreline environment shall not exceed four feet in height and shall have a visually open design (e.g., post and rail, or picket design) with at least 50 percent of the fence open for the continuous length of the fence. If an existing dwelling encroaches into the shoreline setback, fence height may be increased to six feet for that portion of the fence that does not extend waterward of the existing building footprint. Fences located outside of the shoreline building setback may be increased to six feet

in height, provided they comply with the fence height standards specified in UPMC 19.45.070 or other applicable design standards. No fence shall extend waterward of the ordinary high water mark.

10. When two or more undeveloped single-family legal building sites are contiguous within a shoreline, only a single joint-use dock with a common access easement may be authorized for use by those two or more residential units or lots.

11. For new multi-unit residential developments, only one single joint-use dock shall be allowed for the entire development.

12. Residential development shall result in no net loss of ecological function.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.140 Transportation.

A. Applicability. Transportation facilities are those structures and developments that aid in land, air, and water surface movement of people, goods, and services. They include roads and highways, bridges (including pedestrian bridges), bikeways, railroads, public transportation facilities, and other related facilities. In the City, these uses (other than railroads) account for a minimal percentage of the shoreline land inventory. However, the impact of these facilities on shorelines can be substantial.

B. Policies.

1. All new or expanded transportation facilities should be designed and located to minimize impacts to shoreline ecological functions including riparian and nearshore areas, stream outfalls, steep slopes and natural vegetation.

2. The location and design of new or expanded roadways should not compromise:

a. Existing and planned shoreline public access; and

b. Existing and planned habitat restoration and enhancement projects.

3. Maintenance and repair of existing roads in shoreline jurisdiction should use all reasonable methods to minimize adverse impacts on nearby shorelines.

4. New and expanded transportation facilities should be designed and located to minimize the need for the following:

a. Structural shoreline protection measures;

b. Modifications to natural drainage systems; and

c. Waterway crossings.

5. Planning for transportation and circulation corridors should consider location of public access facilities, and be designed to promote safe and convenient access to those facilities.

6. Pedestrian trails and bicycle paths are encouraged where they are compatible with the natural character, resources, and ecology of the shoreline.

7. Piers and bridges for roads, pedestrian trails, bicycle paths, and railroads are preferred over the use of fill within the shoreline jurisdiction.

8. When transportation corridors are necessary within the shoreline jurisdiction, joint use corridors are preferred and encouraged for roads, utilities, and all forms of transportation/circulation.

C. Regulations.

1. New or expanded transportation facilities shall be kept to the minimum width necessary and located as far landward as possible.

2. Proponents of new or expanded roads shall demonstrate the following:

a. The need for a shoreline location and that no reasonable upland alternative exists;

b. The construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction;

c. The proposed width is the minimum necessary for the intended purpose;

d. The project will be planned to fit the existing topography as much as possible, thus minimizing alterations to the natural environment;

e. That streams or natural drainage ways within the road corridor will be protected, and fish passage will not be impaired;

f. All debris, overburden and other waste materials from construction will be disposed of to prevent their entry into the adjoining water body;

g. The location and design of new roadways will not compromise existing and planned shoreline public access and existing or planned water-dependent uses, or compromise existing and planned habitat restoration or enhancement projects; and

h. The project will not result in the net loss of shoreline ecological functions or system-wide processes.

3. Transportation facilities shall be designed to cross shoreline areas by the shortest, most direct route feasible.

4. Access roads and/or drive lanes serving shoreline parcels shall be the minimum width necessary.

5. Bridges may be authorized within sensitive fish and wildlife habitat only if the following conditions are met:

a. An alternative alignment is not feasible;

b. The project is located or designed to minimize its impacts on the environment;

c. Adverse impacts are mitigated to achieve no net loss of shoreline ecological functions and system-wide processes;

d. Open-piling and piers required to construct the bridge may be placed waterward of the ordinary high water mark if no alternative method is feasible; and

e. All other applicable provisions of this Shoreline Program are met, including critical area regulations in UPMC Title 17 as incorporated into this Shoreline Program.

6. Trails or shared use paths, including boardwalks and pedestrian overpasses, may be allowed within a VCA or the required setback from the ordinary high water mark when constructed in accordance with UPMC 18.25.050(F). Restoration and enhancement shall be required to mitigate the impacts of such uses on the shoreline.

(Ord. 652 § 1 (Exh. A), 2015).

18.30.150 Utilities.

A. Applicability. Utilities include, but are not limited to, services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, sewage, and communications. The provisions of this section apply to primary use and activities such as solid waste handling and disposal, water transmission lines, water reclamation plants, sewage treatment facilities and mains, power-generating or high voltage transmission facilities, gas distribution lines and storage facilities, stormwater mains and regional stormwater treatment facilities. On-site utilities serving a primary use, such as a water, sewer, or gas line to a residence, are accessory utilities and shall be regulated as part of the primary use rather than a separate utility facility.

B. Policies.

1. Utility facilities should be designed, located and maintained to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses.

2. Expansions to existing sewage treatment and water reclamation plants should be compatible with recreational, residential, or other public uses of the water and shorelands.

3. Where water crossings are unavoidable, they should be located where they will have the least adverse ecological impact.

4. New primary utilities should be located outside of the shoreline jurisdiction unless no other feasible option exists. Where allowed, they should use existing transportation and utility sites, rights-of-way and corridors, rather than creating new corridors.

5. Utilities should be located and designed to avoid impacts to public recreation and public access areas, as well as significant historic, archaeological, cultural, scientific or educational resources.

6. The use of utility rights-of-way for public access to and along shorelines should be encouraged.

7. Utilities should be designed and installed in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.

C. Regulations.

1. Utility facilities and transmission lines shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with adjacent uses.

2. New public or private utilities, including non-water-oriented utility production and processing facilities, and all utility transmission facilities, shall be located as far landward of the ordinary high water mark as possible, preferably outside of the shoreline jurisdiction, unless:

a. The utility requires a location adjacent to the water;

b. Alternative locations are infeasible; or

c. Utilities are required for uses and activities authorized in this Shoreline Program.

3. Utility facilities shall avoid disturbance of unique and fragile areas, as well as wildlife spawning, nesting and rearing areas. Utility facility development shall result in no let loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement.

4. On-site utilities serving a primary use, such as a water, sewer, or gas line to a residence, are accessory utilities and shall be considered part of the primary use.

5. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenches, is the preferred method of utility water crossings.

6. Where no other options exist, in-water utility corridors may be allowed, provided the corridor is located and designed to minimize impacts to shoreline ecology and processes, and adverse impacts are mitigated.

7. When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new parallel corridors in all shoreline areas.

8. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill.

9. New utility installations shall be planned, designed and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.

10. Vegetation clearing during utility installation and maintenance shall be minimized, and disturbed areas shall be restored or enhanced following project completion.

11. Pipes that outfall directly into the water shall be located to minimize adverse impacts on shoreline ecological functions and processes.

12. Utility corridors shall be located and designed to protect scenic views. Where feasible, utilities shall be placed underground or alongside or under bridges, unless doing so would cause greater ecological impact or harm.

13. Stormwater facilities serving allowed uses should be located outside of the shoreline jurisdiction unless it can be demonstrated that no other feasible alternative exists.

14. To the greatest extent feasible, new utility systems shall be co-located with other existing or planned utilities, roadways and/or railways and/or placed within already-disturbed corridors whenever possible.

15. Through coordination with local government agencies and among utility providers, utility development shall provide for compatible, multiple uses of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.

(Ord. 652 § 1 (Exh. A), 2015).

Chapter 18.35
SHORELINE MODIFICATIONS

Sections:

18.35.010 General provisions.

18.35.020 Allowed shoreline modifications.

18.35.030 Dredging and dredge material disposal.

18.35.040 Fill.

18.35.050 Moorage – Moorage buoys, docks (piers, ramps and floats) and recreational floats.

18.35.060 Restoration and enhancement.

18.35.070 Shoreline stabilization.

18.35.080 Breakwaters, jetties, groins and weirs.

18.35.010 General provisions.

Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to, structures such as dikes, breakwaters, piers, docks, weirs, dredge basins, fill, bulkheads, or other actions such as clearing, grading, application of chemicals, or vegetation removal. Generally, shoreline modifications are undertaken to prepare for a shoreline use, support an upland use, or to provide stabilization or defense from erosion.

Proposals for shoreline modifications are to be reviewed for compliance with the applicable use policies and regulations in Chapter 18.30 UPMC and the applicable modification policies and regulations of this chapter. Deviations from the minimum development standards may be approved under a shoreline variance unless specifically stated otherwise. Shoreline modifications listed as prohibited are not eligible for consideration as a shoreline variance.

A. General Policies.

1. All new development should be located and designed in a manner that prevents or minimizes the need for shoreline modifications.

2. Shoreline modifications should be regulated to assure that individually and cumulatively, the modifications do not result in a net loss of shoreline ecological functions.

3. Preference should be given to those types of shoreline modifications that have a lesser impact on ecological functions.

4. Compensatory mitigation of impacts resulting from shoreline modifications should be required.

5. The enhancement of impaired ecological functions should be planned for while accommodating authorized uses. All feasible measures to protect ecological functions and ecosystem-wide processes

should be incorporated in the placement and design of shoreline modifications. To avoid and reduce ecological impacts, mitigation sequencing set forth in UPMC 18.25.070(C)(2) should be used.

B. Regulations.

1. Shoreline modifications that do not support an authorized shoreline use are not allowed by the Shoreline Program, unless it can be demonstrated to the satisfaction of the Administrator that such activities are necessary and in the public interest for the maintenance of shoreline environmental resource values.

2. Shoreline modifications shall not result in the loss of shoreline ecological functions or ecosystem-wide processes. All proposals for shoreline modifications shall take measures to avoid or reduce ecological impacts in accordance with the mitigation sequencing priorities set forth in UPMC 18.25.070(C)(2).

3. Shoreline modifications individually and cumulatively shall not result in a net loss of shoreline ecological functions and ecosystem-wide processes. This shall be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impact resulting from said modifications.

4. Shoreline modifications shall comply with critical area and vegetation conservation standards in this Shoreline Program.

(Ord. 652 § 1 (Exh. A), 2015).

18.35.020 Allowed shoreline modifications.

Shoreline modifications may be allowed by shoreline environment designation as listed in Table 18.35.

TABLE 18.35 – SHORELINE MODIFICATIONS

Shoreline Modifications	**Shoreline Area Designation**				
P – Permitted[1] **C – Conditional Use** **X – Prohibited** **N/A – Not Applicable**	**Day Island Medium Intensity**	**Shoreline Residential**	**Urban Conservancy**	**Natural**	**Marine Deepwater**
Dredging and Dredge Material Disposal					
	C	C	C	X	C
Fill					
Ecological Restoration Projects	P	P	P	C	C
Flood Reduction Projects	C	C	C	X	N/A
Water-Dependent Uses and Public Access	C	C	C	C	C
Other Permitted Use or Development	P	P	P	X	C
Moorage					
Docks (piers, ramps and floats)	P	P	P	X	P
Buoys	P	P	P	X	P/X[2]

TABLE 18.35 – SHORELINE MODIFICATIONS

Shoreline Modifications	**Shoreline Area Designation**				
P – Permitted[1] **C – Conditional Use** **X – Prohibited** **N/A – Not Applicable**	**Day Island Medium Intensity**	**Shoreline Residential**	**Urban Conservancy**	**Natural**	**Marine Deepwater**
Recreational Floats	X	P	X	X	X
Restoration and Enhancement (including instream structures)					
	P	P	P	P	P
Structural Shoreline Stabilization					
Maintenance and Repair of Existing Shoreline Stabilization[3]	P	P	P	P	N/A
Soft Shoreline Stabilization[4]	P	P	P	P	N/A
Hard Shoreline Stabilization[5]	C	C	C	X	N/A
Breakwaters, Jetties, Groins, Weirs					
Maintenance and Repair of Existing Structures[6]	P	P	P	X	P
New Structures[7]	C	C	C	X	C

NOTES

1 = Permitted uses may require shoreline exemption letter or substantial development permit.

2 = Navigation buoys are permitted uses; moorage buoys are prohibited.

3 = See UPMC 18.35.070(D) and 18.35.070(E) for limitations and requirements.

4 = Examples include a mix of gravel, cobbles, boulders, logs and native vegetation placed to provide stability in a nonlinear, sloping arrangement.

5 = Examples include bulkheads, rip-rap, groins, revetments and similar structures constructed of concrete, boulders, dimensional lumber, or other materials used to create linear, vertical, or near-vertical faces.

6 = See UPMC 18.35.080(C) for limitations and requirements.

7 = New groins are allowed only when necessary to support specific public purposes such as water-dependent uses, public access or public shoreline stabilization. New private groins are prohibited.

(Ord. 652 § 1 (Exh. A), 2015).

18.35.030 Dredging and dredge material disposal.

A. Policies.

1. Design and locate new development to minimize the need for dredging.

2. Allow dredging for water-dependent uses and/or essential public facilities only when necessary and when significant ecological impacts are minimized and mitigation is provided.

3. Allow dredging in locations where a comprehensive management plan has been evaluated and authorized by local and State governmental entities.

4. Plan and conduct dredging to minimize interference with navigation and adverse impacts to other shoreline uses and properties.

5. Allow maintenance dredging of established navigation channels and basins.

6. Conduct dredging and disposal in a manner that minimizes damage to natural systems, including the area to be dredged and the area where dredged materials will be deposited. Disposal of dredge spoils on land away from the shoreline is preferred over open water disposal.

7. Re-use of dredge spoils is encouraged for beneficial uses such as restoration and enhancement.

8. Dredging and dredge disposal should not occur where they would interfere with existing or potential ecological restoration activities.

9. Allow dredging for ecological restoration or enhancement projects, beach nourishment, public access or public recreation, provided it is consistent with the policies and regulations of the Shoreline Program.

B. Regulations.

1. New development shall be located and designed to avoid or, if avoidance is not possible, to minimize the need for new dredging and maintenance dredging. Where authorized, dredging shall be limited to the minimum necessary for the proposed use.

2. Dredging shall only be authorized for the following activities:

a. In conjunction with a water-dependent use of water bodies or adjacent shorelands;

b. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;

c. Maintenance of drains and other conveyance facilities for stormwater purposes;

d. Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses;

e. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width;

f. Restoration or enhancement of shoreline ecological processes and functions benefiting water quality and/or fish and wildlife habitat;

g. Public access and public water-oriented recreational development and uses, including the construction of piers, docks, and swimming beaches for public use;

h. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:

(1) Impacts to fish and wildlife habitat are avoided to the maximum extent possible;

(2) The utility installation does not increase or decrease the natural rate, extent or opportunity of channel migration; and

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

3. Dredging and dredge disposal is not allowed on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.

4. Dredging for the primary purpose of obtaining material for landfill is prohibited. Dredging may be authorized when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project, or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

5. The disposal of dredge spoils in open water or on upland sites within shorelands is not allowed unless for beneficial uses such as shoreline restoration or enhancement.

6. Dredging that will damage shallow water habitat used by fish species for migration corridors, rearing, feeding and refuge shall be prohibited unless the project proponent demonstrates that all of the following conditions are met:

a. An alternative alignment or location is not feasible;

b. The project is designed to minimize its impact on the environment to the extent feasible; and

c. The facility is in the public interest.

7. Dredging projects shall be conducted in a manner that avoids and minimizes significant ecological impacts. Impacts that cannot be avoided shall be mitigated by creating in-kind habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required. Mitigation shall be in accordance with the mitigation sequencing priorities set forth in UPMC 18.25.070(C)(2).

C. Shoreline Environment Regulations.

1. Marine Deepwater. Dredging and dredge disposal may be authorized subject to a shoreline conditional use permit.

2. Natural. Dredging and dredge disposal are prohibited.

3. Urban Conservancy. Dredging and dredge disposal may be authorized for the activities outlined in subsection (B)(2) of this section.

4. Shoreline Residential. Dredging and dredge disposal may be authorized for the activities outlined in subsection (B)(2) of this section.

5. Day Island Medium Intensity. Dredging and dredge disposal may be authorized for the activities outlined in subsection (B)(2) of this section.

(Ord. 652 § 1 (Exh. A), 2015).

18.35.040 Fill.

Fill is the deposition or stockpiling of earth materials such as soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands or other critical areas, or on shorelands in a manner that raises the elevation or creates dry land. Any fill activity conducted within the shoreline jurisdiction must comply with the following provisions:

A. Policies.

1. Fill should be located, designed, and constructed to protect shoreline ecological functions and system-wide processes. The quantity and extent of fill should be the minimum necessary to accommodate an authorized shoreline use or development.

2. Fill landward of the ordinary high water mark should be authorized when necessary to support authorized uses, and when significant impacts can be avoided or mitigated.

3. Fill should be allowed to accommodate berms or other structures to prevent flooding caused by sea level rise when other flood prevention methods or alternatives are not feasible and in accordance with UPMC 18.25.030.

4. Fill for the maintenance, restoration, or enhancement of beaches or mitigation projects should be authorized.

5. Fill waterward of the ordinary high water mark should be authorized only to accommodate water-dependent uses, public access and recreational uses, cleanup of contaminated sites, restoration activities, or other water-dependent uses that are consistent with the goals and policies of this Shoreline Program.

6. Fill should not adversely impact navigation.

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

8. Fill may be authorized where existing developed properties within Sunset Beach and Day Island South Spit experience periodic flooding from extreme high tides and/or storm surges, provided the fill does not result in displacing the flood water or increasing saturated soil conditions further upland or on neighboring properties.

B. Regulations – Shoreland Fill.

1. Fill shall be the minimum necessary to accommodate the proposed use or development, and allowed only in conjunction with approved shoreline use and development activities that are consistent with the Shoreline Program.

2. Fill shall be authorized only when it can be demonstrated that the proposed action will not:

a. Result in significant damage to water quality, fish, shellfish, and wildlife habitat;

b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities; or

c. Alter channel migration, geomorphic, or hydrologic processes.

3. Except for beach feeding, fill shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.

4. Fill for the construction of transportation facilities is allowed only when there is a demonstrated purpose and need, and there are no feasible alternatives.

5. Fill shall not be used as a means to increase the allowable building height by increasing the natural average or finished grade, except as authorized to meet the flood elevation requirements of Chapter 14.15 UPMC, and only when other nonstructural measures are not feasible.

6. Fill intended to raise the elevation of properties that experience periodic flooding due to extreme high tides and/or storm surges shall be authorized when all of the following are met. Fill that meets these conditions does not require a shoreline conditional use permit:

a. The property is an existing lot of record developed with a single-family residence located within Sunset Beach or Day Island South Spit;

b. There is a demonstrated need to reduce the extent to which the property experiences saturated soil conditions due to extreme high tides and/or storm surges;

c. The fill will not result in displacing flood waters or increasing saturated soil conditions further upland or on neighboring properties;

d. The fill will not increase the elevation of any portion of a site by more than two feet or increase the average elevation of a property by more than one foot;

e. The fill will be stabilized or covered in such a manner as to resist erosion from future high water events.

7. Impacts associated with fill activities shall be mitigated in accordance with mitigation sequencing priorities in UPMC 18.25.070(C)(2).

8. Fill for the sole purpose of creating additional land area is prohibited.

9. The excavation of beach material for fill is prohibited.

10. Fill within critical areas and/or critical area buffers shall comply with the critical areas provisions of UPMC Title 17 as incorporated into this Shoreline Program.

11. Perimeters of fill shall be designed to eliminate the potential for erosion, be natural in appearance, and avoid the use of structural stabilization unless demonstrated to be infeasible. Perimeter slopes shall not exceed one foot vertical for every three feet horizontal unless an engineering analysis has been provided, and the Administrator determines that the landfill blends with existing topography.

12. Fill shall consist of clean material including sand, gravel, soil, rock or similar material approved by City. The use of contaminated material or construction debris shall be prohibited.

13. Fill shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated to avoid erosion and sedimentation.

C. Regulations – Fill Waterward of Ordinary High Water Mark.

1. Fill waterward of the ordinary high water mark shall be authorized for the following purposes only, with due consideration given to specific site conditions and only as part of an approved use or development:

a. Water-dependent uses where other upland alternatives or structural solutions, including pile or pier supports, are infeasible;

b. Expansion or alteration of transportation facilities of Statewide significance where there are no feasible upland alternatives; bridging is the preferred alternative to fill;

c. Ecological restoration or enhancement such as beach nourishment, habitat creation, or bank restoration when consistent with approved restoration or mitigation plan;

d. Construction of protective berms or other structures to prevent the inundation of water resulting from sea level rise when consistent with the flood hazard reduction provisions in UPMC 18.25.030;

e. Public access and water-dependent recreational uses;

f. Cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan;

g. Disposal of dredged material in accordance with DNR Dredged Material Management Program; or

h. Maintenance of lawfully established development, if all other alternatives are infeasible.

2. Fill shall be the minimum necessary for the intended use or activity.

3. Impacts associated with fill activities shall be mitigated in accordance with mitigation sequencing priorities in UPMC 18.25.070(C)(2).

D. Shoreline Environment Regulations.

1. Marine Deepwater. Fill activities meeting all of the criteria listed in UPMC 18.35.040(C) may be authorized with a shoreline conditional use permit.

2. Natural. Fill associated with a restoration and/or enhancement project or a public access trail or shared use path may be authorized with a shoreline conditional use permit.

3. Urban Conservancy. Fill associated with restoration and/or enhancement projects or with a permitted use or development may be authorized with a shoreline substantial development permit.

4. Shoreline Residential. Fill associated with restoration and/or enhancement projects or with a permitted use or development may be authorized with a shoreline substantial development permit.

5. Day Island Medium Intensity. Fill associated with restoration and/or enhancement projects or with a permitted use or development may be authorized with a shoreline substantial development permit.

(Ord. 652 § 1 (Exh. A), 2015).

18.35.050 Moorage – Moorage buoys, docks (piers, ramps and floats) and recreational floats.

A. Policies.

1. New moorage, excluding docks accessory to single-family residences, should be authorized only when it can be demonstrated that there is a specific need to support a water-dependent or public access use.

2. Moorage associated with a single-family residence is considered a water-dependent use, provided it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible.

3. Moorage facilities should be allowed in the following order of preference:

a. Preference should be given to buoys over docks (piers, ramps and floats); however, the placement of moorage buoys should be discouraged where sufficient dock facilities exist; and

b. Preference should be given to shared moorage facilities over single-user moorage where feasible.

4. The cooperative use of moorage facilities should be encouraged. New residential development of two or more dwelling units or lots should provide joint use moorage facilities when access is provided.

5. Moorage facilities should be sited and designed to avoid adversely impacting shoreline ecological functions and processes, and should mitigate for unavoidable impacts to ecological functions.

6. Moorage facilities should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights including, but not limited to, boating, swimming, and fishing.

7. The cooperative use of docking, parking, cargo handling and storage facilities in mixed use areas should be encouraged over the addition of new facilities.

8. Moorage facilities should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of piers, docks and floats should be no greater than required for safety and practicality for the primary use.

9. Design elements that increase light penetration to the water below existing or new moorage facilities, such as increasing the structure's height, modifying orientation and size, and use of grating as a surface material, should be encouraged. No new or expanded covered moorage should be allowed.

10. Moorage facilities should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

11. New or expanded moorage facilities should be located to avoid impacts to critical saltwater habitat.

B. General Regulations.

1. All new, reconstructed, or modified structures shall be allowed only in support of an allowed water-dependent or public access use and must comply with all applicable local, State and Federal regulations.

2. New docks (piers, ramps and floats) shall be located, designed and constructed in accordance with the mitigation sequencing priorities in UPMC 18.25.070(C)(2).

3. Moorage shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water.

4. The length, width, and height of docks (piers, ramps and floats) shall be no greater than that required for safety and practicality of the intended use. They shall be spaced and oriented in a manner that avoids shading of substrate below and does not create a "wall" effect that would impair wave patterns, currents, littoral drift or movement of aquatic life forms.

5. All moorage facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or promptly repaired by the owner.

6. Docks (piers, ramps and floats) shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials for any portions of the structure that come in contact with the water shall be approved by the appropriate State agency.

7. Lighting associated with moorage facilities shall be beamed, hooded, or directed to avoid glare on adjacent properties or water bodies. Illumination levels shall be the minimum necessary for safety. Artificial nighttime lighting shall be the minimum necessary for public safety.

8. New over-water covered moorage and the expansion of existing covered moorage is prohibited. Existing over-water covered moorage may be modified or replaced, but not extended in terms of cumulative footprint, shading of water, and average height.

9. The design, construction and maintenance of docks (piers, ramps and floats) shall not restrict the public's ability to walk along the shoreline. If unavoidable, alternate means of access, such as stairs and/or upland pathways, shall be provided.

10. Decks, gazebos or similar structures shall not be constructed on top of moorage facilities.

C. Regulations – Moorage Buoys.

1. Moorage buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other State-approved designs that have minimal adverse effects on aquatic ecosystems.

2. In marine waters, moorage buoys shall not be located waterward of the outer harbor line, or within designated navigation channels where established by the Washington Department of Natural Resources or the U.S. Coast Guard.

3. Only one moorage buoy or recreational float shall be allowed per waterfront lot except that a shoreline variance may be sought for additional buoys or floats for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.

4. Moorage buoys must be discernible under normal daylight conditions at a minimum distance of 100 yards and must have reflectors for nighttime visibility.

5. Applicants shall contact the Washington Department of Natural Resources to inquire on the need for an aquatic lease for locating moorage buoys within State aquatic areas.

D. Regulations – Residential Docks (Piers, Ramps and Floats).

1. Prior to approval of a residential dock (pier, ramp or float), the applicant shall demonstrate why the use of a moorage buoy or shared moorage is not feasible.

2. Where moorage is proposed for new subdivisions or residential development of two or more dwelling units, it shall be shared.

3. Shared moorage proposed for lease to upland property owners and serving five or more boats shall be reviewed as a boating facility in accordance with the provisions of UPMC 18.30.070.

4. To prevent the proliferation of moorage facilities, only one type of moorage facility shall be allowed per waterfront lot.

5. A new, joint use dock (pier, ramp or float) may be authorized on a community recreation lot shared by a number of waterfront or upland lots. Individual recreational floats (not for moorage) may be authorized subject to the requirements of subsection (G) of this section.

6. If community moorage is anticipated after initial residential development (including plats, multifamily developments, and mixed use developments), the applicant shall identify and reserve an area for the future moorage.

7. All docks (piers, ramps and floats) shall be painted, marked with reflectors, or otherwise identified so that they are visible during day or night.

8. Placing fill waterward of the ordinary high water mark for purposes of constructing a dock (pier, ramp or float) is prohibited.

E. General Development Standards – Docks (Piers, Ramps and Floats). The general provisions in this section apply to location, design and construction of docks (piers, ramps and floats) whether permanent, seasonal, or temporary, in freshwater and saltwater areas.

1. Location and Design Criteria.

a. Docks (piers, ramps and floats) shall be designed to avoid or minimize impacts to fish migration corridors, fish spawning habitat, and fish nursery and settlement areas.

b. Docks (piers, ramps and floats) shall be located a minimum of 25 feet (measured horizontally from the edge of the structure) in all directions from intertidal vascular plants, seagrass, kelp in saltwater and native aquatic vegetation in freshwater.

c. Docks (piers, ramps and floats) shall be designed and constructed to allow maximum light penetration.

d. Docks (piers, ramps and floats) shall be designed so that no grounding of the floats occurs.

e. Skirting is prohibited.

2. Materials. Flotation for the structure shall be fully enclosed and contained in a shell (tub) that prevents breakup, or loss of the flotation material into the water, and is not readily subject to damage by ultraviolet radiation and abrasion.

3. Pilings.

a. The structure shall use the minimum number of pilings necessary, consistent with safety and resource protection, using large spans on fewer pilings rather than small spans on more pilings.

b. Replacement or new piling can be steel, concrete, recycled plastic or untreated or treated wood. Wood treated with creosote or pentachlorophenol shall not be used in any hydraulic project.

F. Saltwater Area Development Standards – Docks (Piers, Ramps and Floats) (See Figures 9 and 10 Below). The provisions in this section apply to new or expanded docks (piers, ramps and floats) whether permanent, seasonal, or temporary, in saltwater areas.

1. Piers.

a. Residential piers shall not exceed six feet in width.

b. If the width of the pier is greater than four feet (up to six feet), it shall have grating installed on at least 30 percent of the surface or as required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife.

c. If the pier is oriented in a north/south direction the grating shall be installed along the length of the pier for the entire length. If the pier is oriented in an east/west or other direction, the grating shall be installed along the width of the pier, evenly spaced along the entire length of the pier.

2. Ramps.

a. Residential ramps shall not exceed four feet in width.

b. Ramps shall be constructed entirely of grated material, or as required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife.

3. Floats.

a. Residential floats shall not exceed eight feet in width.

b. For a single-family structure, a float shall not exceed 30 feet in length.

c. For a residential joint-use structure, a float shall not exceed 60 feet in length.

d. If the float is positioned perpendicular to the ramp, the float installed to accommodate the movement of the ramp due to tidal fluctuations shall not exceed six feet in width and 10 feet in length.

e. If the width of the float(s) is six feet or less it shall have grating on at least 30 percent of the surface. If the width of the float(s) is greater than six feet (up to eight feet) it shall have grating on at least 50 percent of the surface. Flotation shall be located under the solid decked area only.

f. All grating shall have at least 60 percent open area. Grating shall be oriented so the lengthwise opening is in the east-west direction to maximize the amount of light penetration. Light penetration should not be blocked by any objects on, above or below the grating.

g. If anchors are used to hold the float in place, anchor lines shall not rest on the substrate at any time. Floats may be held in place with lines anchored with a helical screw or “duckbill” anchor, piling, piling with stoppers and/or float support/stub pilings.

FIGURE 9 – PIER STANDARDS

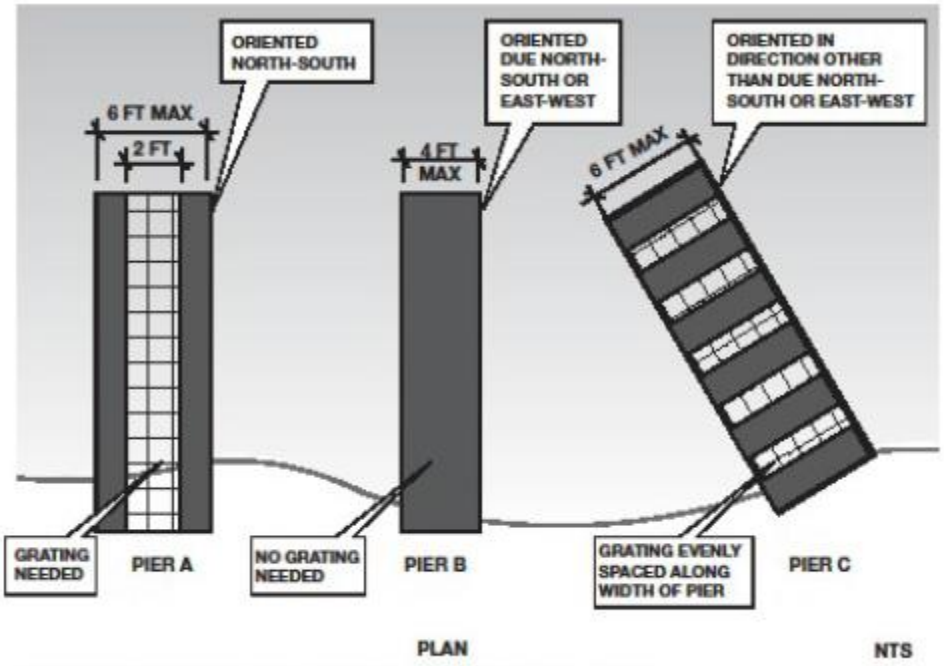
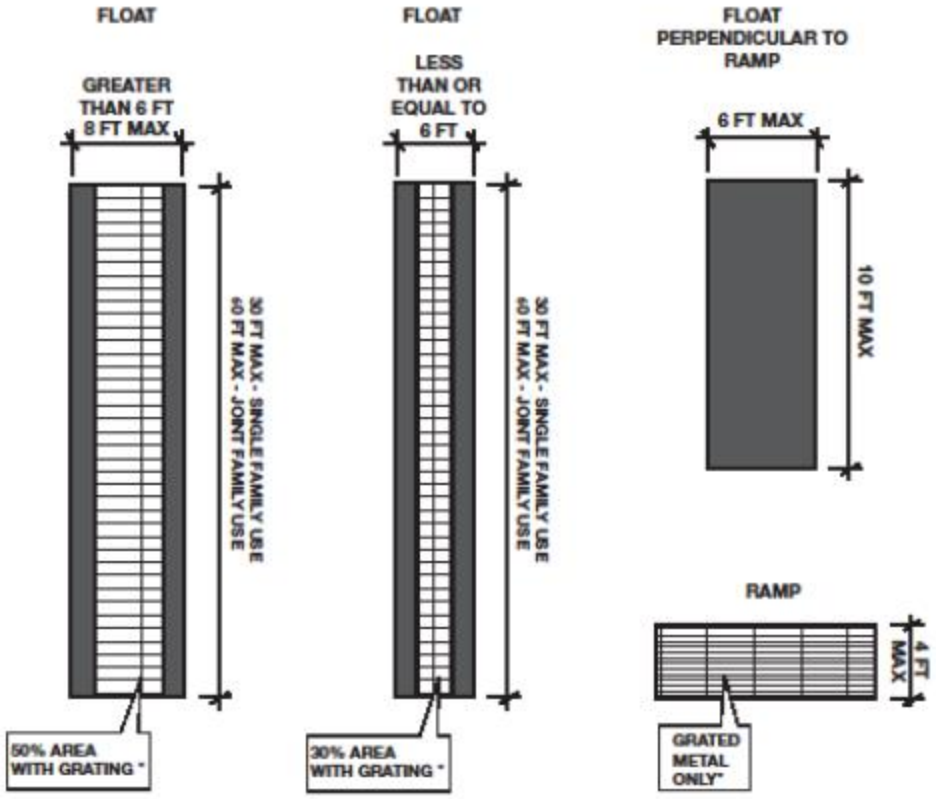


FIGURE 10 – FLOAT AND RAMP STANDARDS



* GRATING = 60% OPEN SPACE (GAPS) AND ORIENTED WITH LENGTHWISE OPENING IN EAST-WEST DIRECTION TO MAXIMIZE GETTING SUNLIGHT INTO WATER

ANCHOR OPTIONS
- -HELICAL SCREW / DUCK BILL
- -PILING
- -PILING WITH STOPPERS / FLOAT SUPPORT / STUB PILINGS

NOTE: LINES SHALL NOT REST ON SUBSTRATE AT ANY TIME

18.35.050.F.2 & 18.35.050.F.3 SALTWATER AREA DEVELOPMENT STANDARDS - RAMPS AND FLOATS

G. Development Standards – Recreational Floats.

1. Single property owner recreational floats shall not exceed 64 square feet. Multiple property owner recreational floats shall not exceed 96 square feet.

2. The standards for private recreational floats are as follows:

a. Floats anchored offshore and used for residential recreational uses shall comply with the following standards:

(1) Applicants shall contact the Washington Department of Natural Resources to inquire on the need for an aquatic lease for locating recreational floats within State aquatic areas; and

(2) When feasible, floats shall be removed seasonally and placed in an appropriate unvegetated upland location.

3. Floats shall be located as close to shore as possible without interfering with natural beach processes or negatively affecting aquatic vegetation.

4. Floats shall not rest on the substrate at any time. Floats shall be located (anchored) at sufficient depth to maintain a minimum of one foot of draft between the float and the beach substrate at low tide.

5. Public recreational floats shall be the minimum size and dimensions necessary for the intended use, e.g., boat moorage, swimming area, public access.

6. Public and private recreational floats' width shall comply with the following standards:

a. Floats with a width of six feet or less shall incorporate a minimum of 30 percent functional grating into the dock surface area;

b. Floats with a width greater than six feet or more shall incorporate a minimum of 50 percent functional grating into the dock surface area; and

c. Recreational floats shall be anchored utilizing either helical screw or "duckbill" anchor; anchor lines shall not rest on or disturb the substrate.

7. Recreational floats must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for nighttime visibility.

H. Shoreline Environment Regulations.

1. Marine Deepwater. Docks (piers, ramps and floats) and navigation buoys may be authorized subject to the provisions of this Shoreline Program. Moorage buoys are not allowed.

2. Natural. Docks (piers, ramps and floats) and buoys are not allowed.

3. Urban Conservancy. Docks (including piers, ramps and floats) and buoys may be authorized subject to the provisions of this Shoreline Program.

4. Shoreline Residential. Docks (piers, ramps and floats), buoys and recreational floats may be authorized subject to the provisions of this Shoreline Program.

5. Day Island Medium Intensity. Docks (piers, ramps and floats) and buoys may be authorized subject to the provisions of this Shoreline Program.

(Ord. 652 § 1 (Exh. A), 2015).

18.35.060 Restoration and enhancement.

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

Enhancement includes actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing

wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing nonindigenous plant or animal species.

Restoration and enhancement projects may include shoreline modification actions such as modification of vegetation, shoreline stabilization, dredging, and filling.

A. Policies.

1. Shoreline restoration and enhancement should be considered as an alternative to structural stabilization and protection measures where feasible.

2. All shoreline restoration and enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.

3. Restoration and enhancement projects should be designed, constructed, and maintained in keeping with restoration priorities and other policies and regulations set forth in UPMC 18.25.080.

4. Restoration and enhancement projects should be designed to minimize maintenance over time.

5. Fill associated with shoreline restoration and enhancement should not extend waterward more than necessary to achieve the intended results.

B. Regulations.

1. Shoreline restoration and enhancement may be authorized if the applicant demonstrates that no significant change to sediment transport will result and that the restoration or enhancement will not adversely affect shoreline ecological processes, water quality, properties, or habitat.

2. Shoreline restoration and enhancement projects shall use best available science and management practices. Restoration shall be carried out in accordance with the restoration framework principles and concepts contained within the City's Restoration Plan and in accordance with the policies and regulations of this Shoreline Program.

3. Restoration and enhancement projects shall be designed to minimize maintenance over time.

4. Restoration and enhancement projects shall be designed, constructed, and maintained to avoid the use of shoreline stabilization measures. Where such measures cannot be avoided, bioengineering shall be used rather than bulkheads or other structural stabilization measures, unless it can be demonstrated that there are no feasible options to achieve the intended result. The primary purpose of restoration and enhancement projects including shoreline modification actions must clearly be restoration of the natural character and ecological functions of the shoreline. These projects must address legitimate restoration needs and priorities.

5. Fill for restoration and enhancement projects shall not extend waterward more than the minimum necessary to achieve the intended result and shall not result in the creation of additional upland area, to the extent feasible.

6. Restoration and enhancement projects shall not significantly interfere with the normal public use of the navigable waters of the State without appropriate mitigation.

7. Instream structures may be authorized only when necessary for a restoration or enhancement project, to improve fish passage, or for authorized road or utility crossings and subject to the following requirements:

a. Projects shall be evaluated for their potential adverse impacts upon the physical, hydrological, and biological characteristics as well as effects on instream/riparian habitat;

b. Instream structures and associated facilities shall be designed, constructed and maintained in a manner that will not degrade the quality of affected waters or instream/riparian habitat value, and minimizes adverse impacts to surrounding areas;

c. The location and design of instream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species;

d. Instream structures shall be designed based on an analysis of the reach or reaches to avoid the need for structural shoreline armoring; and

e. Instream structures and associated facilities shall provide for the protection and preservation of natural and cultural resources including, but not limited to, sensitive areas such as wetlands, waterfalls, erosion/accretion shore forms, and natural scenic vistas.

C. Shoreline Environment Regulations.

1. Restoration and enhancement projects that include shoreline modification actions may be authorized in all shoreline environments, provided:

a. The project's primary purpose is the restoration of natural character and ecological functions of the shoreline; and

b. The project is consistent with the implementation of a comprehensive restoration plan approved by the City and/or Department of Ecology, or the Administrator finds that the project provides an ecological benefit and is consistent with this Shoreline Program.

(Ord. 652 § 1 (Exh. A), 2015).

18.35.070 Shoreline stabilization.

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or structures caused by natural processes such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization.

Structural methods include "hard" and "soft" measures, defined as follows:

• Hard structural shoreline stabilization (also referred to as "hard" armoring) means erosion control measures using hardened structures that armor and stabilize the shoreline from further erosion. Examples of hard armoring include concrete, boulders, dimensional lumber or other materials to

construct linear, vertical or near-vertical faces. These include bulkhead, rip-rap, groins, revetments, and similar structures.

• Soft structural shoreline stabilization (also referred to as “soft” armoring) means erosion control and restoration practices that rely on less rigid materials and may contribute to restoration, protection or enhancement of shoreline ecological functions. Examples of soft armoring include a mix of gravel, cobbles, boulders, logs and native vegetation placed to provide stability in a nonlinear, sloping arrangement.

Generally, the harder the construction measure the greater the impacts on shoreline processes and biological functions.

A. Policies.

1. Remaining unarmored shorelines should be preserved and the proliferation of bulkheads and other forms of shoreline armoring should be prevented.

2. New development requiring structural shoreline armoring should not be allowed. Shoreline use and development should be located and designed in a manner so that structural stabilization measures are not likely to become necessary in the future.

3. Structural shoreline armoring should only be authorized when there are no feasible alternatives, and when it can be demonstrated that it can be located, designed, and maintained in a manner that minimizes adverse impacts on shoreline ecology and system-wide processes, including effects on the project site, adjacent properties, and sediment transport.

4. The reconstruction or expansion of existing hard armoring should only be authorized where necessary to protect an existing primary structure and land supporting this structure that is in danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes.

5. The removal of bulkheads and other hard armoring and the restoration of the shoreline to a more natural condition should be encouraged. Where stabilization is necessary for the protection of private property, alternative measures that are less harmful to shoreline ecological functions should be employed.

6. Nonstructural stabilization measures, including relocating structures, increasing buffers, enhancing vegetation, and managing drainage and runoff are preferred over structural shoreline armoring.

7. Failing, harmful, unnecessary, or ineffective structures should be removed. Shoreline ecological functions and processes should be restored using nonstructural methods.

8. Shoreline stabilization and shoreline armoring for the purpose of leveling or extending property, or creating residential lawns, yards, or landscaping should not be allowed.

9. Shoreline stabilization measures, individually or cumulatively, should not result in a net loss of shoreline ecological functions or system-wide processes. Preference should be given to structural shoreline stabilization measures that have a lesser impact on ecological functions, and requiring mitigation of identified impacts resulting from said modifications.

10. The City should promote nonregulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources. Examples of such methods include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, land acquisition and restoration, and other incentive programs.

11. Publicly financed or subsidized shoreline erosion control measures should 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.

B. Regulations – New Development.

1. New shoreline use and development, including subdivision of land, shall be located and designed to eliminate the need for concurrent or future shoreline stabilization. If this is not feasible based upon a geotechnical analysis, soft structural protection measures shall be given preference over hard structural protection measures. The use of hard structural stabilization measures will only be allowed when it is demonstrated that soft structural measures are not feasible and that they will not result in significant impacts to adjacent or down-current properties.

2. Structural stabilization shall be located, designed, and constructed to minimize adverse impacts to shoreline ecological functions and processes. Protection of adjacent property and existing development shall also be considered in the design and location of structural stabilization measures.

3. Structural stabilization shall be located and designed in compliance with the vegetation conservation standards and critical area requirements in UPMC 18.25.100.

4. Structural shoreline stabilization measures to support new development will not be allowed unless all of the conditions below can be met:

a. The need to protect the development from damage due to erosion is demonstrated through a geotechnical report. For non-water-dependent development, including single-family residences, the damage must be caused by natural processes such as tidal action, currents, and waves;

b. The erosion is not being caused by upland conditions such as loss of vegetation and drainage;

c. Nonstructural measures such as placing the development further from the shoreline for non-water-dependent development, planting vegetation, or installing on-site drainage improvements are not feasible or sufficient;

d. The structure will not result in a net loss of shoreline ecological functions or processes;

e. Impacts to sediment transport will be avoided or minimized;

f. The structure will not cause adverse impacts to adjacent or down-current properties and shoreline areas; and

g. Publicly financed or subsidized shoreline erosion control measures will 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 will be incorporated into the project.

5. New development on steep slopes or bluffs shall be set back so that shoreline stabilization will not be needed for the life of the structure.

C. Regulations – New or Expanded Shoreline Stabilization Measures.

1. New or enlarged structural stabilization measures are not allowed except where necessary to protect or support existing or approved development, for human safety, for restoration or enhancement activities, or remediation of contaminated sites.

2. Structural shoreline armoring for the sole purpose of leveling or extending property or creating residential lawns, yards, or landscaping is not allowed. Where hard shoreline armoring already exists, property owners are encouraged to remove it and replace with soft armoring, or if conditions allow, return the shoreline to a natural condition.

3. New or enlarged structural shoreline stabilization measures for an existing, lawfully established development or primary structure are not allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents, waves, or tidal action. In addition, all of the following provisions shall apply:

a. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not a demonstration of need; the geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization;

b. The design of the stabilization structure shall take into consideration erosion rates, on-site drainage issues, vegetation enhancement, and low-impact development measures as a means of reducing erosion;

c. The shoreline stabilization measures shall be designed, located, sized, and constructed to assure no net loss of ecological functions; and

d. In geologically hazardous areas, new stabilization structures are allowed only where no alternatives, including relocation or reconstruction of existing structures, are feasible, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result.

4. The use of hard structural stabilization measures, such as bulkheads, is not allowed unless demonstrated in a geotechnical analysis that soft structural stabilization measures (vegetation) or nonstructural measures (increased setbacks) are not effective.

5. Where structural shoreline stabilization measures are necessary, the size of the stabilization structure shall be the minimum necessary. The Administrator may require that the size and design of the structure be modified to reduce impacts upon shoreline ecology.

6. Where hard armoring measures are necessary, materials shall be used in the order of priority listed in subsection (E)(7) of this section.

7. Where adverse impacts to shoreline ecological functions cannot be avoided, mitigation shall be required in accordance with mitigation sequencing priorities set forth in UPMC 18.25.070(C)(2).

8. In order to determine appropriate mitigation measures, the Administrator may require environmental information and analysis, including existing conditions, ecological functions and anticipated impacts, along with a vegetation management plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.

9. Shoreline stabilization measures that incorporate ecological restoration or enhancement through the placement of rocks, sand or gravel, and native shoreline vegetation are strongly encouraged. Soft shoreline stabilization that restores ecological functions may be authorized waterward of the ordinary high water mark.

10. Following completion of shoreline modification activities, disturbed areas shall be restored in accordance with vegetation conservation measures set forth in UPMC 18.25.100.

D. Regulations – Replacement and Repair.

1. For purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which no longer adequately serves its purpose. Additions to or increase in size of existing shoreline stabilization measures shall be considered new structures.

2. An existing shoreline stabilization structure may be replaced with a similar functioning structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. If a primary structure is located less than 25 feet from the ordinary high water mark, the property owner/applicant is not required to demonstrate need.

3. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of shoreline ecological functions.

4. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. Where a net loss of ecological function associated with critical saltwater habitats would occur by leaving the existing structure, it shall be removed as part of the replacement measure.

5. Soft shoreline stabilization measures that provide restoration or shoreline ecological functions may be authorized waterward of the ordinary high water mark.

E. Design of Shoreline Stabilization Measures.

1. Shoreline stabilization measures shall be designed by a State-licensed engineer and shall conform to all applicable City and State policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of bulkheads.

2. The size of shoreline stabilization structures shall be the minimum necessary to protect the primary use or structure.

3. To protect their structural integrity, shoreline stabilization measures shall be designed, constructed, and maintained to allow drainage of surface or groundwater away from the structures.

4. Shoreline stabilization structures shall be located to tie in flush with existing bulkheads on adjacent properties, except when adjoining bulkheads do not comply with the standards set forth in the Shoreline Program.

5. Stairs may be built as an integral component of a bulkhead but shall not extend waterward of the bulkhead unless necessary to access the shoreline or an over-water use or structure that is authorized under the Shoreline Program.

6. Materials used for shoreline stabilization structures shall be durable, erosion-resistant, and not harmful to the environment. The following materials shall be prohibited: demolition debris, derelict vehicles, tires, concrete rubble, or any other materials that contain toxic substances or create visual blight along the shoreline.

7. Where hard armoring is approved, materials shall be used in the following order of priority:

a. Large stones, with vegetation planted in the gaps. Stone should not be stacked any steeper than a 2:1 slope;

b. Timbers or logs that have not been treated with toxic materials;

c. Stacked masonry block;

d. Pre-cast or cast-in-place reinforced concrete.

Other materials approved for use by the Department of Fish and Wildlife, Department of Ecology, or other agency with jurisdiction may be used in lieu of the materials in subsections (E)(7)(a) through (d) of this section.

8. Bioengineering is a preferred method of protecting upland property and structures or to maintain access to an authorized shoreline use.

9. Bioengineering shall be used when a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years.

10. Bioengineering projects shall incorporate all of the following:

a. All bioengineering projects shall use a diverse variety of native plant materials, including trees, shrubs, and grasses, unless demonstrated infeasible for the particular site;

b. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that all vegetation is fully reestablished within three years. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable;

c. The VCA setback established in Table 18.30.B shall be managed to allow bank protection plantings to become established for a minimum of three years. The setback shall exclude vehicles and activities that could disturb the site. Pedestrian access to the shoreline may be authorized in accordance with UPMC 18.25.100(D)(1)(b);

d. All bioengineering projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired; and

e. All construction and planting activities shall be scheduled to minimize impacts to water quality, fish and wildlife, aquatic and upland habitat, and to optimize survival of new vegetation.

F. Required Reports.

1. Geotechnical reports prepared pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.

2. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft armoring.

G. Shoreline Environment Regulations.

1. Hard structural shoreline stabilization may be authorized with a shoreline conditional use permit in the Day Island Medium Intensity, Shoreline Residential, and Urban Conservancy shoreline environments. Hard structural shoreline stabilization is not allowed in the Natural shoreline environment.

2. Soft shoreline structural stabilization may be authorized in the Day Island Medium Intensity, Shoreline Residential, Urban Conservancy and Natural shoreline environments subject to the provisions of this Shoreline Program.

3. Normal repair and maintenance of existing shoreline stabilization may be authorized in the Day Island Medium Intensity, Shoreline Residential, Urban Conservancy and Natural shoreline environments subject to the provisions of this Shoreline Program.

(Ord. 652 § 1 (Exh. A), 2015).

18.35.080 Breakwaters, jetties, groins and weirs.

A. Policies.

1. Jetties, breakwaters, groin systems or weirs should not be authorized unless no other practical alternative exists. If allowed, they should be located, designed, and maintained to avoid, then minimize, impacts to shoreline ecological functions and system-wide processes.

2. Existing private residential groins are critical structures for stabilizing shoreline areas at Sunset Beach and along the west side of Day Island. Maintenance and repair of these groins is supported in accordance with subsections (B) and (C) of this section.

B. Regulations – General.

1. Jetties and breakwaters are not allowed except as an integral component of a water- dependent use such as marina, and only when there is a documented need for the protection of navigation, water-dependent uses, public access, fisheries or habitat enhancement project, or a comprehensive beach management plan or other specific public purpose.

2. Where authorized, floating, portable, or submerged breakwater structures, or smaller discontinuous structures, shall be used only when it has been demonstrated that they will not impact shoreline ecology or processes such as littoral drift or cause erosion of down-drift beaches.

3. The location and design of breakwaters, jetties, groins, and weirs shall be subject to mitigation sequencing outlined in UPMC 18.25.070(C)(2).

4. The design of breakwaters, jetties, groins and weirs shall conform to all applicable requirements established by the Washington Department of Fish and Wildlife and the U.S. Army Corps of Engineers.

5. The design of breakwaters, jetties, groins and weirs shall be certified by a registered civil engineer.

6. Breakwaters, jetties, groins and weirs shall not intrude into critical salt water habitats, salmon and steelhead habitats, or critical areas unless the following conditions are met:

a. An alternative location or alignment is not feasible;

b. The project is designed to minimize its impacts on critical salt water habitats and the environment;

c. All adverse impacts will be mitigated;

d. The project, including any required mitigation, will result in no net loss of ecological functions associated with the critical salt water habitat;

e. The facility is in the public interest and consistent with the State's interest in resource protection and species recovery; and

f. If the project results in significant unavoidable adverse impacts, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required as a substitute.

7. Breakwaters, jetties, groins and weirs shall be constructed of suitable materials. The use of solid waste, junk or abandoned automobiles, asphalt or any building demolition debris is not allowed.

8. The movement of sand and beach materials resulting from breakwaters, jetties, groins and weirs shall be evaluated as a part of the permit review. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties, or artificial beach feeding in the case of breakwaters, groins, and weirs.

9. Breakwaters, jetties, groins and weirs shall incorporate provisions for public access except where such structures are intended to protect existing single-family residences.

C. Regulations – Maintenance and Repair.

1. Maintenance and repair work shall comply with the general regulations provided in UPMC 18.35.080(B). An existing structure may be replaced with a similar structure if there is a demonstrated need to protect primary uses or structures from erosion caused by currents, tidal action, or waves. If a primary structure is located less than 25 feet from the ordinary high water mark, the property owner/applicant is not required to demonstrate there is a need for the maintenance or repair. For properties where the primary structure(s) are located more than 25 feet from the ordinary high water

mark, the owner/applicant will need to demonstrate there is a need for the proposed maintenance or repair.

2. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of shoreline ecological functions.

D. Shoreline Environment Regulations.

1. New breakwaters, jetties, groins and weirs are not allowed in the Natural shoreline environment designation.

2. New breakwaters, jetties, and weirs may be authorized in the Marine Deepwater, Urban Conservancy, Shoreline Residential, and Day Island Medium Intensity shoreline environments subject to a shoreline conditional use permit. New groins are allowed in the Marine Deepwater, Urban Conservancy, Shoreline Residential, and Day Island Medium Intensity shoreline environments only when necessary to support specific public purposes such as water-dependent uses, public access or public shoreline stabilization. New private groins are prohibited in all shoreline environments.

3. Maintenance and repair of existing breakwaters, jetties, groins and weirs may be authorized in the Marine Deepwater, Natural, Urban Conservancy, Shoreline Residential, and Day Island Medium Intensity shoreline environments subject to the provisions of this Shoreline Program.

(Ord. 652 § 1 (Exh. A), 2015).