



# City of Everett Shoreline Master Program

Effective July 11, 2016

City of Everett

Shoreline Master Program

**Effective July 11, 2016**

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A.3	Comprehensive Plan Goals, Objectives, and Policies for Critical Areas
A.4	EMC 19.33D.360-590 Environmentally Sensitive Areas and Applicable Definitions in EMC 19.04
A.5	Planning Director Interpretation No. 2-2000: Interim Procedures, Endangered Species Act (ESA) Listing for Chinook Salmon and Bull Trout
A.6	Planning Director Interpretation No. 01-005: Standard Buffer Width Reduction
A.7	EMC 19.37 Critical Areas (Applicable in Marshland Subarea only)

### **Shoreline Documents Bound Separately:**

- A. Snohomish Estuary Wetland Integration Plan, April 1997
- B. Salmon Overlay to the Snohomish Estuary Wetland Integration Plan, March 2001
- C. City of Everett Shoreline Public Access Plan, May 2003
- D. Marshland Subarea Plan, March 2011

# Section 1

## Introduction



## 1.1 Community Vision

**Growth and Change.** As Everett grows, change is inevitable, and the city's shoreline areas will experience significant redevelopment. With change comes the opportunity for the community to influence the character of its shoreline areas. Everett is the job center for a rapidly growing county, and with an active port and a large number of underutilized waterfront properties, it is likely to witness a transformation of its shoreline areas. Everett will promote a balance between economic diversification, recreational opportunities, and environmental protection and restoration in its shoreline areas.

**Public Access.** Miles of shoreline that many residents have been able to see but not touch or walk beside will become more accessible. Shoreline areas that have been home to industrial uses will be redeveloped with a variety of new activities that allow more people to enjoy views and access to the water's edge. Other areas will continue to be used for water dependent industries that do not allow direct public access. Population growth in the Everett area will increase the demand for water oriented recreation. This demand will result in the City working with the Port of Everett, shoreline property owners, and other interested persons to provide additional public access improvements. Eventually, the City will complete a continuous and interconnected system of parks, trails, pedestrian walkways and bicycle paths in and between shoreline areas, including the Silver Lake area.

**Shoreline Development.** The urbanized parts of Everett's shoreline will experience development and redevelopment in areas where the community has invested and committed capital expenditures for transportation and utility infrastructure. Such development will diversify Everett's economic base with water oriented businesses, recreational activities, open space areas, and a mix of urban uses. Non-water dependent uses, where allowed, will be of a high quality that enhances the built environment and protects the natural environment. Shoreline redevelopment will diversify the local economy and create greater opportunities for the public to enjoy the shoreline.

**Environmental Protection.** Although most of Everett's shoreline areas have been highly modified over a century of urbanization, there remain areas providing important shoreline ecological functions. Fish and wildlife species use Everett's shoreline areas for habitat, migration, feeding, and resting. Challenges related to the protection of endangered salmon species have made protection and enhancement of shoreline habitat more critical. Most of Everett's shoreline areas containing quality habitat will be protected and enhanced. In certain areas where development occurs, shoreline ecological functions must be improved as a condition of permit approval. Over time, there will be a net improvement in ecological functions along Everett's shorelines.

## **1.2 Shoreline Management Act**

The Shoreline Management Act (RCW 90.58) was passed by the Washington State Legislature in 1971 and adopted by the public in a 1972 referendum. The Act states, “It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.”

The Act provides for the state and local governments to engage in a coordinated effort for the planning and administration of the Act. The cities and counties are the primary regulators, while the Washington State Department of Ecology provides technical assistance, approves local master programs, and assures that local government actions are consistent with the master programs and the Act.

The Act encourages full opportunity for citizen involvement in permit decisions as well as in preparing the plan itself, which is expected to contribute to the success of the Shoreline Management Program.

The Act makes each city and county affected by the Act responsible for:

1. Administration of a shoreline permit system for proposed substantial development within shoreline areas.
2. Development of an inventory of natural characteristics and land use patterns along designated water bodies.
3. Preparation of a Master Program to best determine the future uses of local shorelines.

### **Scope of Shoreline Management Act**

The requirements of the Shoreline Management Act apply to the following “shorelines of the state” and “shorelands”:

#### Shorelines of the State (in Western Washington)

- All marine waters.

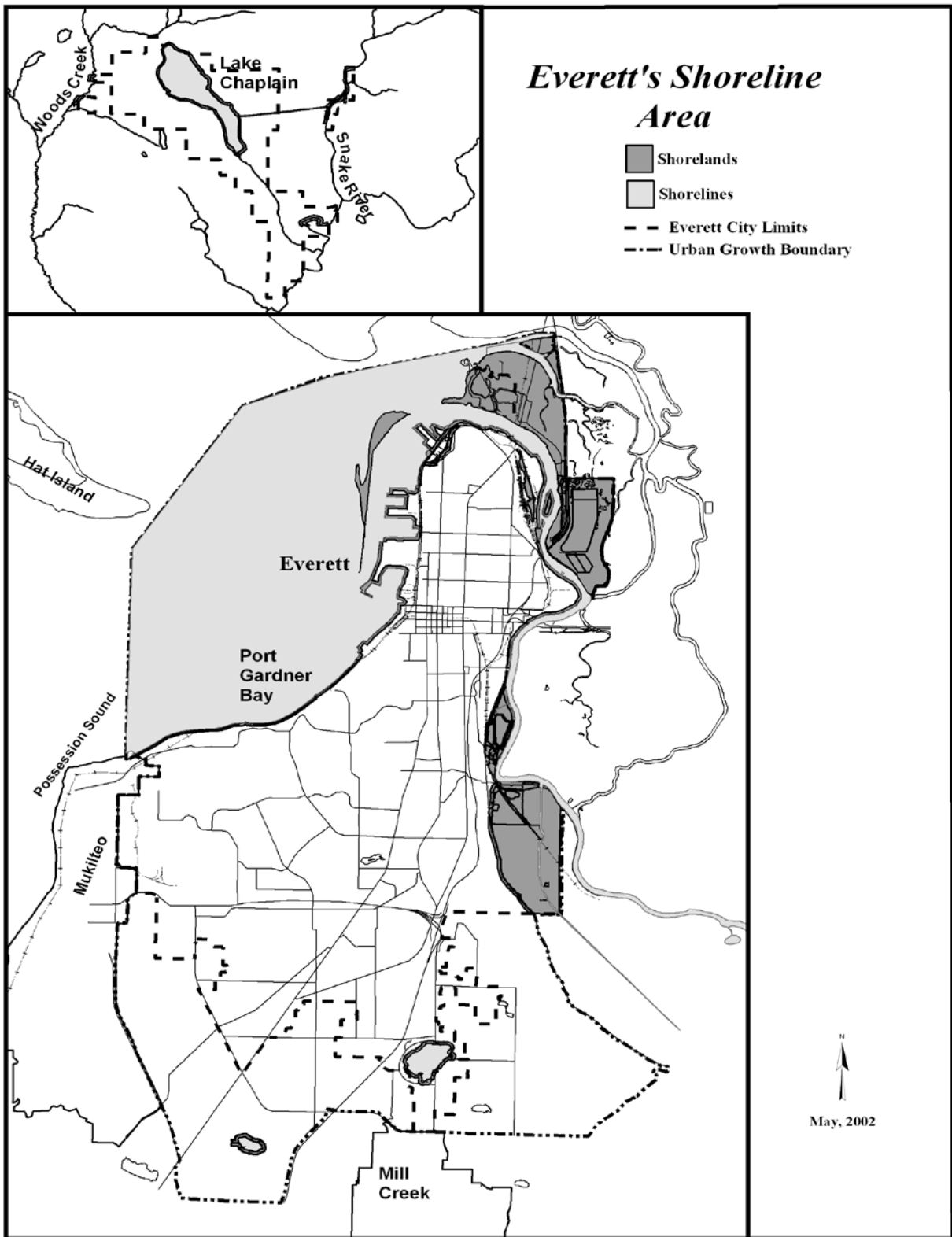
- All streams and rivers from a point where the mean annual flow is twenty cubic feet per second or greater.
- All lakes, including reservoirs, which are twenty surface acres or larger in size.

Shorelands

- All 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 two hundred feet from such floodways.
- All wetlands and river deltas associated with the shorelines described above.
- Some or all of the 100-year floodplain. The City may determine the portion of a 100-year floodplain to be included as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

Figure 1.1 shows Everett's Shoreline Areas (shorelines and shorelands).

Figure 1.1 Everett's Shoreline Area



## Shorelines of State-wide Significance

The Shoreline Management Act designates certain shorelines of the State as "shorelines of state-wide significance." Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the State derive benefit, the City of Everett Shoreline Master Program must give preference to uses which favor public and long-range goals.

Accordingly, the Act established that in the development of Master Programs, preference shall be given to uses along "shorelines of state-wide significance" which meet principles listed below in the order of preference.

1. Recognize the state-wide interest over local interest
2. Preserve the natural character of the shoreline
3. Result in long-term over short-term benefit
4. Protect the resources and ecology of shorelines
5. Increase public access to publicly owned areas of the shorelines
6. Increase recreational opportunities for the public on the shorelines
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary

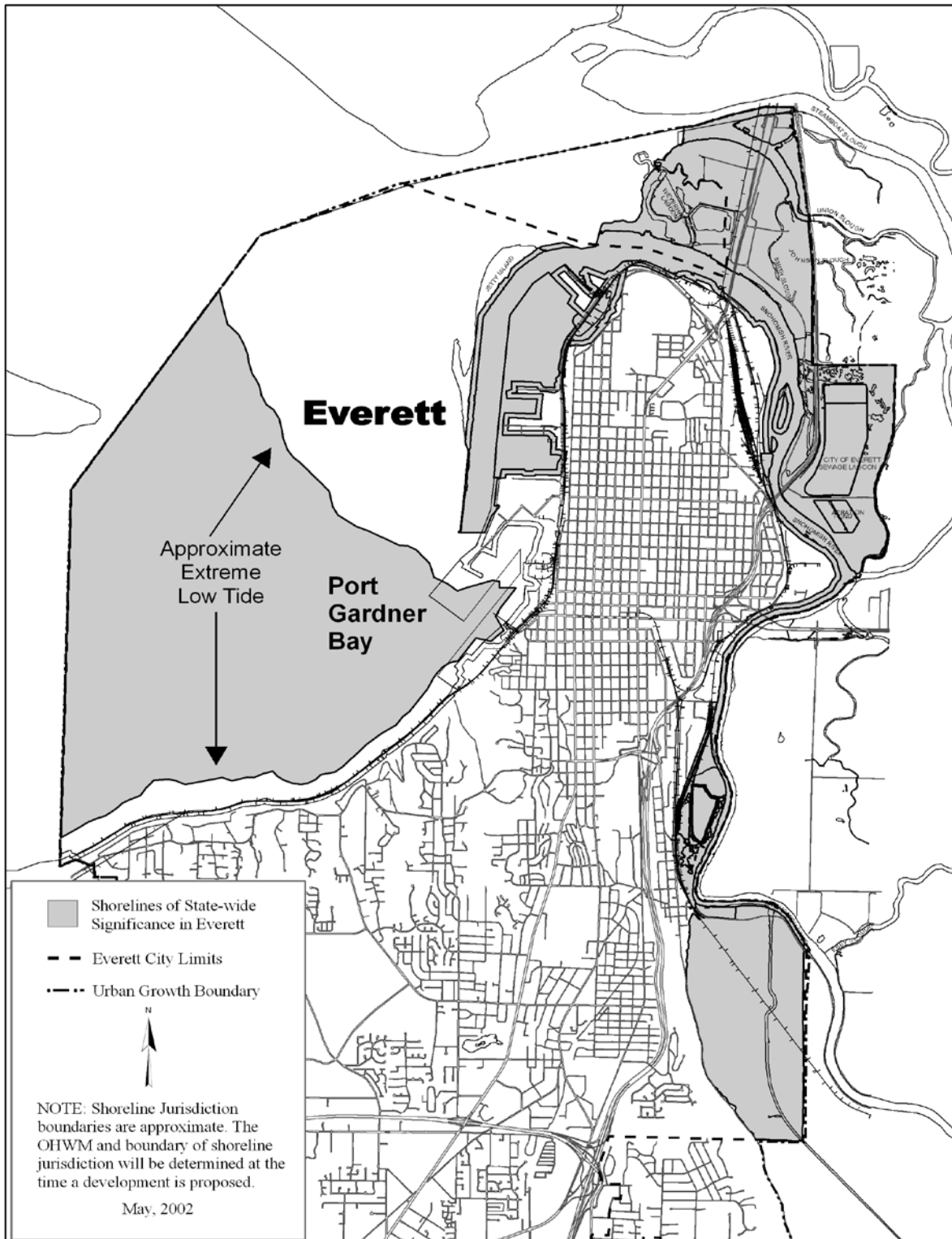
The Act requires more extensive coordination of planning efforts with State agencies, affected Tribes, and the public for shorelines of statewide significance.

The shorelines under the jurisdiction of the city which have been designated as having state-wide significance include:

1. That area of Port Gardner Bay lying seaward from the line of extreme low tide.
2. The Snohomish River and the associated estuary areas, including Steamboat lough and Union Slough, and their shorelands.

Figure 1.2 shows Everett's shorelines of statewide significance.

**Figure 1.2 Everett's shorelines of statewide significance**



## **State Administrative Provisions**

Washington State Administrative provisions that implement the Shoreline Management Act (RCW 90.58) include:

- WAC 173-18 Shoreline Management Act – Streams and Rivers Constituting Shorelines of the State.
- WAC 173-20 Shoreline Management Act – Lakes Constituting Shorelines of the State.
- WAC 173-22 Adoption of Designations of Shorelands and Wetlands Associated with Shorelines of the State.
- WAC 173-26 State Master Program Approval/Amendment Procedures.
- WAC 173-27 Shoreline Management Permit and Enforcement Procedures.

These administrative guidelines/requirements were reviewed and implemented in this update of Everett's Shoreline Master Program.

### 1.3 Purpose of Shoreline Master Program Update

Everett adopted its Shoreline Master Program (SMP) in 1976 and the SMP has not been comprehensively revised since then. The City chose to update its SMP for a number of important reasons, including:

- Many circumstances have changed in Everett and its shoreline areas since 1976.
- Shoreline areas annexed to Everett since 1976 were subject to Snohomish County's SMP, until the City updated its SMP to address those areas. This resulted in the City using two different SMPs adopted at different times with different policies and regulations. Annexed areas reviewed under Snohomish County's SMP include portions of the Silver Lake area, Smith and Spencer Islands, and the City's Lake Chaplain properties.
- The City needed to integrate its SMP with its Growth Management Act Comprehensive Plan. The SMP should apply to shorelines within Everett's Growth Management Planning Area, but outside the current City limits, including Lake Stickney
- "Critical area" or "environmentally sensitive area" issues were not adequately addressed in the 1976 SMP. Critical areas such as wetlands were thought of in a different light in 1976. The City has invested significant resources to classify wetland and aquatic functions in the Snohomish River estuary for the *Snohomish Estuary Wetland Integration Plan*. The knowledge gained from this study and other new watershed resource information has been incorporated in the updated SMP.
- Chinook salmon were listed as a threatened species under the Endangered Species Act by National Marine Fisheries Service. In addition, bull trout were listed by the U.S. Fish and Wildlife Service as a threatened species. There may be additional listings under the Endangered Species Act in the future.
- Certain shoreline issues, such as public access, needed to be addressed in more detail.
- New Department of Ecology guidelines for Shoreline Master Programs required major revisions to existing SMPs (WAC 173-26).

## **1.4 Master Program Update Process and Citizen Involvement**

### **2001 Update to Shoreline Master Program**

In June of 1998, Mayor Ed Hansen formed a 24 member Shorelines Citizens Advisory Committee to guide formulation of the Shoreline Master Program update. The Committee met approximately two times per month over a two year period. After holding public workshops and hearings, the Committee delivered their recommendation to the Planning Commission on September 5, 2000. The Planning Commission and City Council also conducted public hearings and considered the recommendations of the Citizens Advisory Committee and those of property owners, resource agencies, and citizens in rendering their decision to adopt the updated SMP.

Public notice was accomplished through a WEB site, mailing of a brochure to interested citizens, displays in the City libraries, presentations to neighborhood groups and other organizations, newspaper articles and legal advertisements, and mailing notices of meetings to interested citizens and organizations.

### **Future Updates to the SMP - Documentation of Project Review Actions, Monitoring and Adaptive Management**

The city's master program, as required by Section 6 of the Act, shall be available for public inspection at the planning and community development department.

The City shall compile all permits and letters of exemption issued annually. In addition, the City shall compile all monitoring reports received annually. Subject to funding by the Department of Ecology or the State Legislature, every five years in conjunction with the Comprehensive Plan review and evaluation program required by RCW 36.70A.215, the City will compile new information regarding shoreline resources, review the development that occurred within shoreline areas during the previous five years, evaluate compliance of those developments with permit conditions, evaluate the cumulative impacts of the developments, and identify recommended changes to the SMP to address cumulative impacts.

The planning and community development department and planning commission shall review all administrative and management policies, regulations, plans and ordinances relative to lands in the city adjacent to the shorelines of the city and recommend appropriate action to the council so as to achieve a use policy on said land consistent with the policy of this chapter, the Shoreline Management Act of 1971, the guidelines, and the city's master program.

The planning and community development department shall submit a report to the commission on the permit activity and recommended changes to the master program. The commission shall make a recommendation to the council, with council's actions conveyed to the Department of Ecology. Public notice will be provided as required by state guidelines.

The planning and community development department may make application to the Department of Ecology or other appropriate agency for such funds as are deemed necessary for updating the master program.

When necessary to achieve implementation of the master program, the council may either alone or in concert with other governmental entities acquire land and easements within the city by purchase, lease or gift.

## **1.5 Relationship to the Comprehensive Plan**

In 1994, the City adopted a Comprehensive Plan per the requirements of the Growth Management Act. The recommendations of the Shoreline Citizens Advisory Committee, Planning Commission, and City Council for the Shoreline Master Program update resulted in the need to revise the Comprehensive Plan to make the two documents consistent. Portions of the Comprehensive Plan were repealed upon adoption of this SMP. Additional revisions to the Comprehensive Plan will be reviewed and adopted after adoption of the Shoreline Master Program to ensure that the documents are consistent. The policies in this Shoreline Master Program (those provisions not designated as regulations) are adopted as an element of Everett's Comprehensive Plan.

## 1.6 Shoreline Inventory

The shoreline inventory is an evolving process. Inventory information was compiled over the two years of meetings with the Citizens Advisory Committee, and continued through Planning Commission and City Council hearings. New information was continually generated in response to listings under the endangered species act and revisions to the State shoreline guidelines. For example, the Snohomish Estuary Wetland Integration Plan was updated to address listing of salmon and bull trout as endangered species. However, the update was not complete at the time the Citizens Advisory Committee delivered their recommendations to the Planning Commission. Information will continue to be compiled to ensure the use of “best available science” during project review. In addition, the City will continue to develop plans to implement the Master Program. For example, following adoption of the Shoreline Master Program, the City plans to develop a citywide public access plan.

Information compiled includes, but is not limited to, a historic survey of Everett’s shorelines, existing land and transportation facilities, existing and potential public access, an economic assessment of waterfront land uses, and environmental resource information. The Snohomish Estuary Wetland Integration Plan (SEWIP) provides detailed information concerning fish habitat, other wildlife habitat and water quality attributes for substantial portions of Everett’s shoreline. The inventory information is available for review in the Planning and Community Development Department.

## 1.7 Overview of Everett's Shoreline Resources

This section summarizes some of the inventory information available for Everett's shoreline resources. Additional inventory information and more detailed information is available from the City of Everett Planning and Community Development Department.

Detailed environmental inventory and analysis of the estuary, including the nearshore areas along Port Gardner Bay, was completed and presented in the Snohomish Estuary Wetland Integration Plan (1993) and the Salmon Update to the Snohomish Estuary Wetland Integration Plan (2000). Significantly less existing inventory information is available for Silver Lake, Lake Stickney and the City's Lake Chaplain Reservoir properties.

### Snohomish River and Port Gardner Bay<sup>1</sup>

The Snohomish estuary is approximately 9 miles long and 3 to 4.5 miles broad at its widest point, encompassing six major islands within its 19.5 square miles. The estuary is at the mouth of the Snohomish River, which has the second largest Puget Sound watershed (1,780 square miles). The Snohomish River runs from Monroe, 23 miles upstream from the mouth of the river to the estuary at a gradient which averages 1 ft./mile. The lower portion of the Snohomish River basin, including the portion in Everett's jurisdiction, is flood protected with a series of levees built and maintained by independent diking and drainage districts. Figure 1.3 shows the Snohomish estuary and nearshore area.

### Ecological Management Units (EMUs)

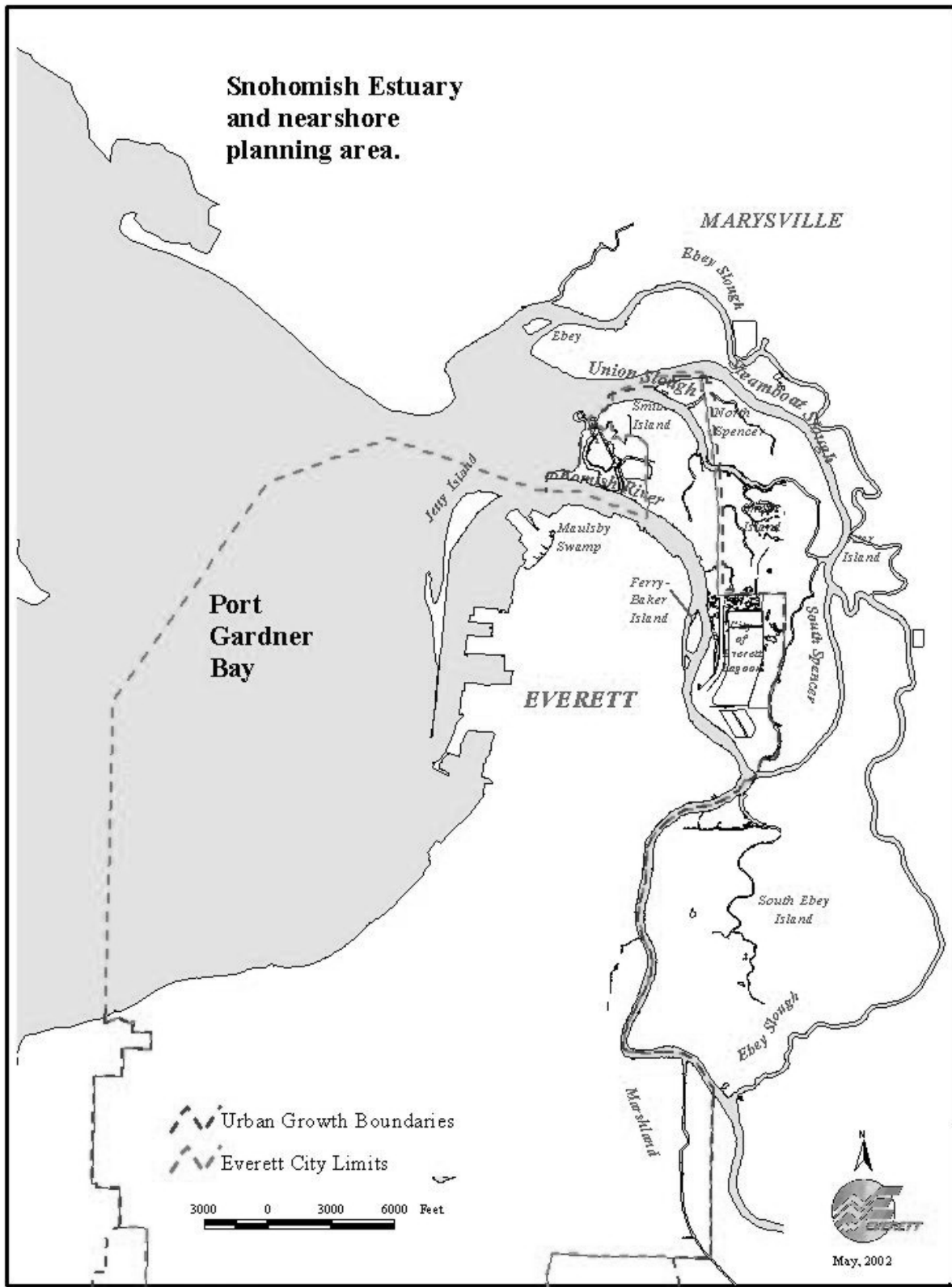
The estuary has been divided into Ecological Management Units (EMUs) based on indicators of the degree of fresh water and marine influence.<sup>2</sup> The indicators include plants (vascular and algae) and invertebrates. Figure 1.4 shows the EMU boundaries. The EMUs cross jurisdictional limits with Snohomish County and Marysville. The following information regarding the EMUs is primarily taken from the Snohomish Estuary Wetland Integration Plan Salmon Overlay (Pentec Environmental).

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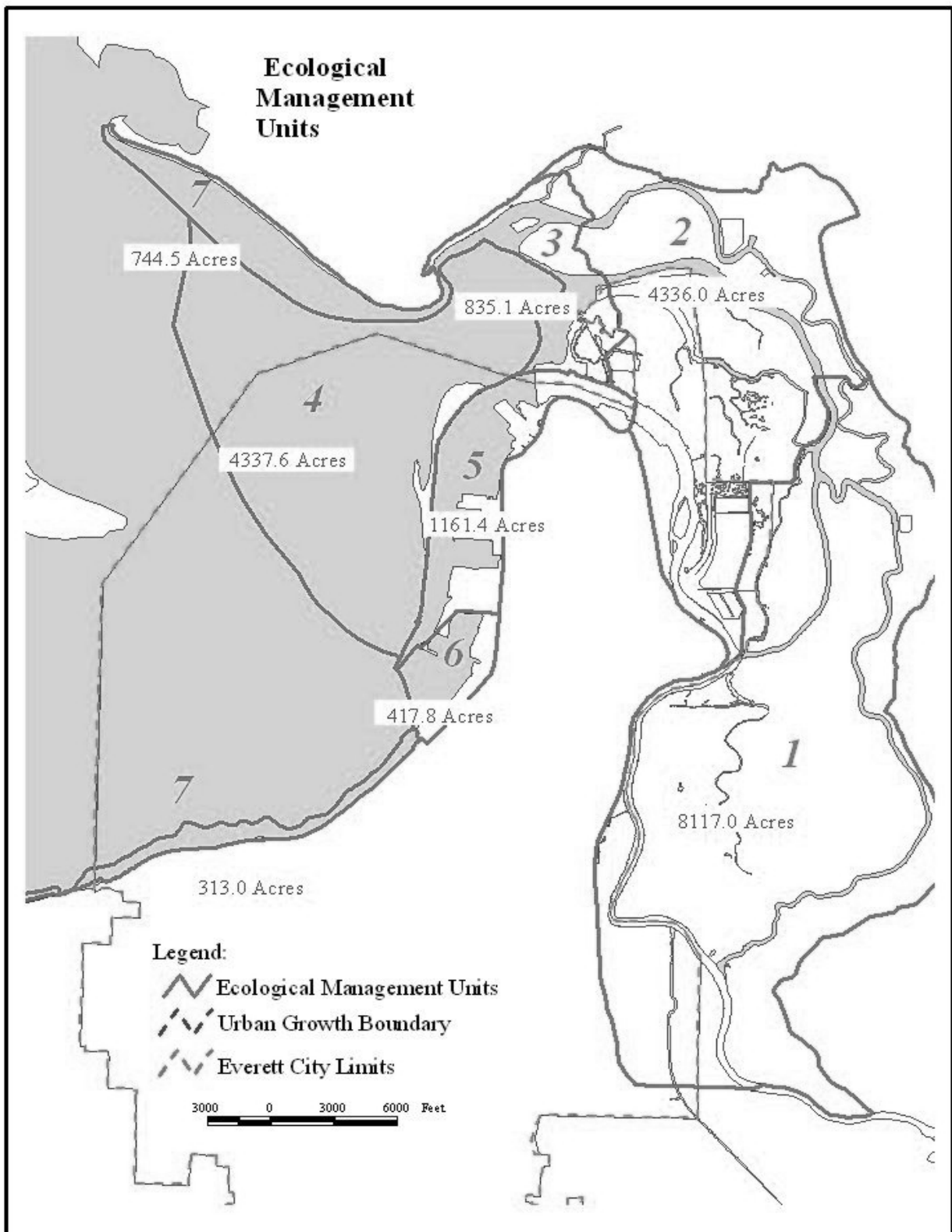
<sup>1</sup> The description of the Snohomish estuary is excerpted from the Snohomish Estuary Wetland Integration Plan Salmon Update (Pentec, 2000).

<sup>2</sup> The concept of Ecological Management Units (EMUs) is adapted from Pentec (1992a). Pentec's EMUs were modified in *The Snohomish Estuary Wetland Integration Plan*, 1997 and further modified in the Salmon Update to the Plan. The EMUs described here are as defined in the Salmon Update.

Figure 1.3 Snohomish Estuary and Nearshore Planning Area



**Figure 1.4 Ecological Management Units**



### EMU 1 - Fluvial Freshwater (Forested Riverine/Tidal)

EMU 1 generally includes freshwater wetlands in the southern portion of the estuary. Salt sensitive plant species that distinguish this area include skunk cabbage, yellow marsh marigold, and red osier dogwood. Historically the area was a mosaic of tidal marshes, forested wetlands, and sloughs that were flooded daily. However, today the majority of wetlands within this unit are diked and in agricultural production. Two notable exceptions are Otter Island, which was never diked, and South Spencer Island, which has been partly restored to intertidal influence. Two dead-end sloughs, Deadman and Deadwater, are hydrologically connected to the River.

River and slough banks are typically steep in EMU 1 and consist mainly of sands with rock riprap and occasional pilings present on the Snohomish River. A narrow shoreline of sandy silts (mud) is present throughout most of the EMU.

EMU 1 is predominantly within unincorporated Snohomish County, with only the left bank of the Snohomish River and a portion of Smith Island in Everett's jurisdiction. Agriculture has been the predominant land use in this unit. Uses along the river within Everett's City limits include log yards, heavy equipment storage, and aggregate storage. Tidal restoration to improve salmon rearing habitat has occurred at a breached dike wetland site at South Spencer Island. Rotary Park and pedestrian paths occur at the south bend in the River.

### EMU 2 – Fluvial Brackish Water (Emergent/Forested Transitional)

EMU 2 generally includes the northern portion of the estuary immediately east and west of I-5. The area is comprised of brackish tidal marshes and diked palustrine marshes. Salt tolerant and moderately tolerant plant species in this area include Lyngby's sedge, Baltic rush, seaside arrowgrass and Pacific silverweed.

River and slough banks are moderately sloped and sandy with rock riprap and pilings dominating banks along much of the Snohomish River mainstem. A narrow shoreline of sandy silts (mud) is present throughout most of the EMU. Wider shoreline mudflats are found primarily along Steamboat and Ebey Sloughs at lower tides. Prior to diking this EMU was dominated by extensive tidal marshes with dendritic channel systems, interspersed with islands of forested wetlands.

Historical industrial uses in this unit include the closed Weyerhaeuser mills, the Burlington Northern Railroad delta yard in the southwest portion of the EMU, as well as the Buse Mill, log yards, St. Regis building materials supplier (now BMC West), boat storage, sand and gravel barge facilities (Lone Star/Glacier), and wood chip facilities on Smith Island. The middle portion of the unit, including the Biringer Farm on North Spencer Island and the central portion of Smith Island are in agricultural use. Other uses

include the City of Everett Water Pollution Control Facility and Treatment Ponds, and Langus Park on the southern portion of Smith Island.

This unit differs from EMU 1 in that the majority of the eastern islands located outside Everett's City limits (Mid-and North Ebey and Mid-Spender Islands) have broken dikes and are subject to tidal inundation. These islands have reverted to a condition more closely resembling the pre-development condition of the EMU. Additionally tidal restoration has occurred at the Marysville sewer treatment mitigation site.

#### EMU 3 – River and Slough Mouths (Estuarine Emergent Marsh)

This EMU extends southwest along Quilceda Creek tidal wetlands toward Priest Point, and south from the mouth of Quilceda Creek across salt marsh and sandflats to the right bank of the Snohomish River west of SR 529. Aquatic habitat consists of a combination of brackish wetlands, saltmarsh, and low gradient mud and sand flats. While considerable mixing of river and marine water occurs in this area, the saltwater influence results in the presence of marine species such as eelgrass, brown and green algae, and eastern soft shell clam. Salt-tolerant plant species, including Lyngby's sedge, Baltic rush, seaside arrowgrass, and seaside plantain dominate the marsh vegetation

Relative to EMU 1 and 2, diking is limited in EMU 3 and confined to the west end of Smith Island. In contrast, the undiked portions of the unit at the mouths of Quilceda Creek and Ebey and Steamboat Sloughs are close to the natural historical condition of this part of the estuary.

Log raft storage has been and continues to be the major industrial use in this unit. However, recent declines in timber harvest have resulted in substantial reductions in the intensity of log raft storage over the delta area in this EMU.

#### EMU 4 – Delta Sand Flats

This EMU encompasses the extensive sand and mudflats of the inner and outer Snohomish River delta and Jetty Island. Because the area is subject to the waves and currents of Puget Sound and salinities exceeding 30 parts per thousand, it is predominantly marine in character. Small brackish marshes and salt marshes are found on Jetty Island and extensive eelgrass beds are present west of the Island. Salinities are affected by freshwater flows from the estuary; however, Jetty Island channels the majority of this flow west of the Island and south into Port Gardner Bay. High river flows during winter months result in significant sediment accretion in this unit. The shorelines and shallow areas surrounding Jetty Island are highly productive, supporting many species of fish and invertebrates.

The creation of Jetty Island from dredge spoils and material has been the major impact upon this unit. Prior to the creation of Jetty Island, this area consisted of intertidal and subtidal sand and mudflats with meandering channels but lacked shoreline and island habitat. Deflection of approximately 50% of the Snohomish River flow and sediment down the Lower Snohomish Channel (EMU 5) likely has allowed expansion of eelgrass within EMU 4. A joint Corps of Engineers/Port of Everett project constructed a 2,500 foot long berm of dredged material on the west side of the island, greatly enhancing habitat for juvenile salmon, surf smelt and shorebirds.

#### EMU 5 - Lower Snohomish Channel

EMU 5 contains highly modified or artificially created habitats in the Snohomish River channel. This EMU includes the industrialized area of the Everett waterfront, extending from Preston Point southward to Naval Station Everett, and the east shore of Jetty Island. Prior to the construction of Jetty Island, this EMU resembled the extensive mud and sand flats that persist today in EMUs 3 and 4. Other emergent marshes similar to Maulsby swamp likely were present along the base of the bluff south toward the Naval base. Farther south, the littoral area was probably comprised of mixed sands, silt and mud. The mainstem Snohomish River likely meandered out over the delta, but certainly was shallower and wider than its present configuration.

Much of the Everett waterfront shoreline has been modified by hard structures, including rock riprap, pilings, concrete bulkheads, docks and adjacent roads, parking lots and industrial yards and buildings. This area has been extensively dredged and filled, primarily for timber related industries, since the inception of the City of Everett. Filling has occurred just south of Preston Point, at the 10<sup>th</sup> Street boat launch, the North and South marinas, and the Naval Base. It is estimated that this activity has reduced the area of historical intertidal mudflats by approximately 50% (Pentec, 1992). Extensive mudflats do persist waterward of Maulsby swamp and along the east side of Jetty Island, but have been extensively used for log raft storage.

#### EMU 6 – Everett Harbor (East Waterway)

The East Waterway was transformed into a deepwater port by dredging and filling in the early part of the last century and has provided shipping and processing facilities for timber, pulp and alumina. As a result, this EMU consists primarily of highly modified deepwater and some limited shallow subtidal and intertidal habitat. Littoral habitats largely are associated with fill, as nearly all mudflat areas have been eliminated by dredging, fill, riprap or bulkheads. This area is primarily marine in nature.

Prior to alteration, this area was probably comprised of beaches consisting of cobbles and mixed sands and silts similar to those that currently line the Mukilteo shoreline to the south.

### EMU 7 – Port Gardner Nearshore, Tulalip Nearshore

This EMU includes intertidal beach habitat and subtidal areas to –30 feet MLLW. Mid- and upper-intertidal areas are comprised of cobble and gravel, while lower intertidal and subtidal areas are predominantly mixed sands and silts. The EMU stretches from the entrance to Tulalip Bay south to Priest Point and from the mouth of Pigeon Creek No. 1 southwest towards Mukilteo. This EMU is primarily marine, but is influenced by freshwater from the Snohomish River and local streams. Sediment flows from these creeks have created small to moderate sized deltas along the southern shoreline. The upper beach in the Everett portion is highly modified by railroad lines. The Tulalip shoreline is less affected by single family residential development and associated losses to riparian habitat from bulkheading, and substantial reaches of feeder bluffs remain in the Mission Beach.

### **Salmonids**

The Snohomish River supports seven species of anadromous salmonids: chinook, coho, chum, pink, steelhead, cutthroat and Dolly Varden/bull trout. Chinook salmon and bull trout were listed as threatened with extinction under the Endangered Species Act in 1999. Coho salmon are listed as a candidate species for federal protection. All salmonid species spawn in freshwater upstream from the estuary. Adult salmonids use of the estuary is largely limited to migration and physiological transition. Adults may return to fresh water during every month of the year, and spawning times vary by species and stock. There is considerable variation in length of residence by juveniles in estuaries by species, stock type, and life stage. Juvenile salmonids are dependent on the estuary for feeding, physiological transition, migration and refuge from predation or displacement as they migrate from freshwater to marine habitats.

### **Other Fish**

In the Snohomish Estuary, the most abundant non-salmonid species include juvenile starry flounder (*Platichthys stellatus*), peamouth chub (*Mylocheilus caurinus*), the Pacific staghorn sculpin (*Leptocottus armatus*), and prickly sculpin (*Cottus asper*). Three spined sticklebacks (*Gasterosteus aculeatus*), shiner perch (*Cymatogaster aggregata*), juvenile smelts, and lampreys are also found in the study area. Less abundant species include candlefish (*Thaleichthys pacificus*), Pacific herring (*Clupea pallasii*), and pumpkinseed (*Lepomis gibbosus*).

In the more marine EMUs 6 and 7, in Port Gardner and Possession Sound, starry flounder and English sole (*Parophrys vetulus*) are common flatfish. Surf smelt (*Hypomesus pretiosus*) and sand lance (*Ammodytes hexapterus*) are both very important forage fish

that are abundant in the shallow waters of EMUs 3, 4, 5, 6, and 7. Numerous other species, typically associated with estuarine habitats for at least part of their life history, are also found in Port Gardner. These species include: tadpole sculpin (*Enophrys bison*), striped seaperch (*Embiotoca lateralis*), Pacific tomcod, (*Microgadus proximus*), saddleback gunnel (*Pholis ornata*), sand sole (*Psettichthys melanostictus*), Pacific hake (*Merluccius productus*), walleye pollock (*Theragra chalcogramma*), copper rockfish (*Sebastes caurinus*), spiny dogfish (*Squalus acanthias*), snake pricklyback (*Lumpenus sagitta*), and bay goby (*Lepidogobius lepidus*).

## **Invertebrates**

Common invertebrate species present in EMUs 3, 4, 5, 6, and 7 include: snails (*Littorina* spp.), mussels (*Mytilus* cf. *edulis*), clams (*Macoma balthica*, *Macoma* spp., *Cryptomya* spp.), cockles (*Clinocardium* sp.), jingle shells (*Pododesmus macroschisma*), polychaetes (*Nereis* spp., *Notomastus* spp., *Nephtys* spp., *Glycera* spp.), barnacles (*Balanus glandula*), shore crabs (*Hemigrapsus* spp.), isopods (*Gnoringosphaeroma oregonensis*), ghost shrimp (*Callinassa* sp.), blue mud shrimp (*Upogebia pugettensis*), Dungeness crab (*Cancer magister*), and red crab (*Cancer productus*). Anemones (*Mertridium senile*) are present in EMUs 3, 5, 6, and 7. Of these invertebrate species, Dungeness crab is the most significant commercially and is considered a priority species because of the limited habitat available in both the Everett area and Puget Sound.

## **Other Wildlife**

The Snohomish Estuary is important as wildlife habitat on several geographic scales. Estuary habitats function locally as a corridor/refuge within the lower Snohomish River watershed for small mammals, amphibians, reptiles, and invertebrates, and function regionally in the extended Snohomish River basin for medium and large mammals and birds. The estuary links urban and rural open space from the Puget Sound lowlands to the Cascade Crest. Estuary wetland habitats also function regionally, nationally and internationally as a stop-over and wintering area in the Pacific Flyway for migratory waterfowl, including ducks, geese, and swans; and neotropical migrants, such as certain passerines and raptors.

A variety of rare and uncommon species are present in addition to the great diversity of common species. During the field inventory process for SEWIP (City of Everett 1997), 63 species of birds, 15 species of mammals, and four species of herpetiles were observed in the estuary. During a 1978 to 1980 US Fish and Wildlife study of the estuary, 116 species of migratory and resident birds were identified (Zeigler 1996). An example of the large numbers of individuals using the estuary is provided by a 1980 survey in which 17,524 ducks and geese were recorded in a single day.

Of the 62 “wetland associated” Priority Species listed by the state, approximately 40 occur in the estuary (Priority Habitat and Species Program [WDFW 1993]). The status of these species ranges from federally endangered or threatened to state monitored (surveillance of a given species).

## **Birds**

The Snohomish Estuary is a staging and stop-over area for bird migration along the West Coast Flyway. Snohomish Estuary habitats are also important to Puget Sound and resident bird populations.

The lower estuary supports a variety of marine birds, waterbirds, waterfowl, and raptors. Observed species in EMUs 2, 3, and 4 include red-breasted mergansers, loons, goldeneyes, scoters, western grebes, cormorants, pigeon guillemots, brants, eagles, ospreys, peregrine falcons, merlins, gulls, and terns (Carroll and Pentec 1992). Most species are more common in the winter than in other seasons of the year. The SEWIP field team counted over 60 active cormorant nests near the mouth of Union Slough during the summer of 1994 (City of Everett 1997). Ospreys also nest on pilings, with about 15 nests located in the lower estuary (Meehan-Martin, pers. comm., 1996). Marbled murrelets use Port Gardner Bay and Possession Sound for foraging (Carroll, pers. comm., 1996).

Shorebirds use the estuary during both the spring and fall migrations, and some species are present nearly year-round. Spring migration is dominated by shorebirds, and fall migration by waterfowl and raptors. During spring migration the number of shorebirds passing through the estuary is greater than during the fall migration, but there are fewer species except on Jetty Island (Carroll 1992). Dunlin and western sandpipers are the most common species in the spring. Baird’s, sharp-tailed and pectoral sandpipers, and golden plovers, though uncommon, are sometimes observed during fall migration. Dowitchers, dunlin, black-bellied plovers, western sandpiper, and yellowlegs are common in both spring and fall (Meehan-Martin, pers. comm., 1996).

Because shorebirds feed on benthic invertebrates in fine sediment and mud, several mudflats within the study area are used heavily by shorebirds. These include: the Maulsby Mudflats, especially the area directly north of the 10th Street boat launch, which has less log rafting activity than the rest of the flats; the Jetty Island berm and west Jetty Island, where 18 species of shorebirds have been observed and over 8,700 individuals were reported on April 27, 1995 (Pentec 1996); South Spencer Island, where more than 50 western sandpipers have been observed at one time (Carroll pers. comm., 1996); and

the mudflat area south of the sunken barges (breakwater) at the mouth of the estuary. The recent construction of Naval Station, Everett, has eliminated the Caspian and Artic

tern colonies in the estuary and significantly reduced the number of Caspian terns present.

Other water birds common throughout the estuary are American bittern, sora (breeding season), wintering common snipe, Virginia rails and greater yellowlegs. Fourteen Virginia rails were observed at Spencer Island during the 1995 Christmas Bird Count.

A wide variety of waterfowl use the estuary including Northern shoveler ducks, American coots, ruddy ducks, northern pintail ducks, and several species that breed in the estuary, including Canada geese, mallard and gadwall ducks. The flooded agricultural pastures and fields in EMUs 1 and 2 provide significant overwintering habitat for thousands of dabbling ducks and several trumpeter swans. Great blue heron use the drier portions of agricultural fields when higher tides reduce hunting opportunities outside of the dikes (Meehan-Martin, pers. comm., 1996). A flock of snow geese and a rare emperor goose have been reported along the lower Snohomish Channel (Pentec 1996). Brant feed on eelgrass west of Jetty Island (100 to 290 individuals in January through March). Over 25 species of waterfowl have been observed on and just off shore of Jetty Island, including American wigeon (1,000 to 3,000 individuals in the October/November peak) which use the west shore of Jetty Island as a resting place at night (Carroll, pers. comm., 1996; Pentec 1996).

Raptor species are widely dispersed throughout the estuary habitats, including mudflats, emergent marshes, agricultural fields and forested swamps. Species that nest in the estuary include red-tail hawks, northern harriers, ospreys, Cooper's hawks, great horned owls, screech owls, and bald eagles. Bald eagles use the estuary because of the abundance of food available on the mudflats. Seven nesting pairs of bald eagles are confirmed in the estuary, and two additional pairs may be present (Carroll 1996; Carroll and Pentec, pers. comm., 1992). Eagles prey on gulls and probably on stranded fish and crabs in the estuary mudflat areas. Eagles use mudflats year round, with the highest concentration occurring during April through June (due to the presence of sub-adults).

Osprey have been observed in the brackish marsh areas of the estuary, including southern EMU 2 and northern EMU 1, but are more common in the marine areas, where they nest on pilings. Peregrine falcons are present most of the year in the lower estuary and prey on shorebirds, waterfowl, and gulls (Carroll 1996). Occasional turkey vultures, which are cliff nesters and come from upland forested areas, have been seen scavenging in the estuary (Meehan-Martin 1996).

Seasonally flooded agricultural fields attract northern harriers, red-tail hawks, peregrine falcons, rough-legged hawks, and merlin. The northern harriers, red-tail hawks, and

rough-legged hawks primarily hunt small mammals, while peregrine falcons prey on shorebirds, waterfowl, and gulls. Merlins prey on smaller birds. The Cooper's hawk and sharp-shinned hawk find refuge in the hedgerows and forested areas in the estuary (Meehan-Martin 1996).

Warblers and passerines migrate through the estuary in spring and fall, traveling as far north as Alaska. In the estuary, they are attracted to riparian corridors, scrub/shrub, and forested habitats. Numerous warblers have been observed at Spencer and Smith islands in the remaining riparian vegetation along the public access paths. Marsh wrens are common, as are red-winged blackbirds. Uncommon species include the Harris' sparrow and a nesting pair of purple martins near the 10th Street boat launch.

## **Mammals**

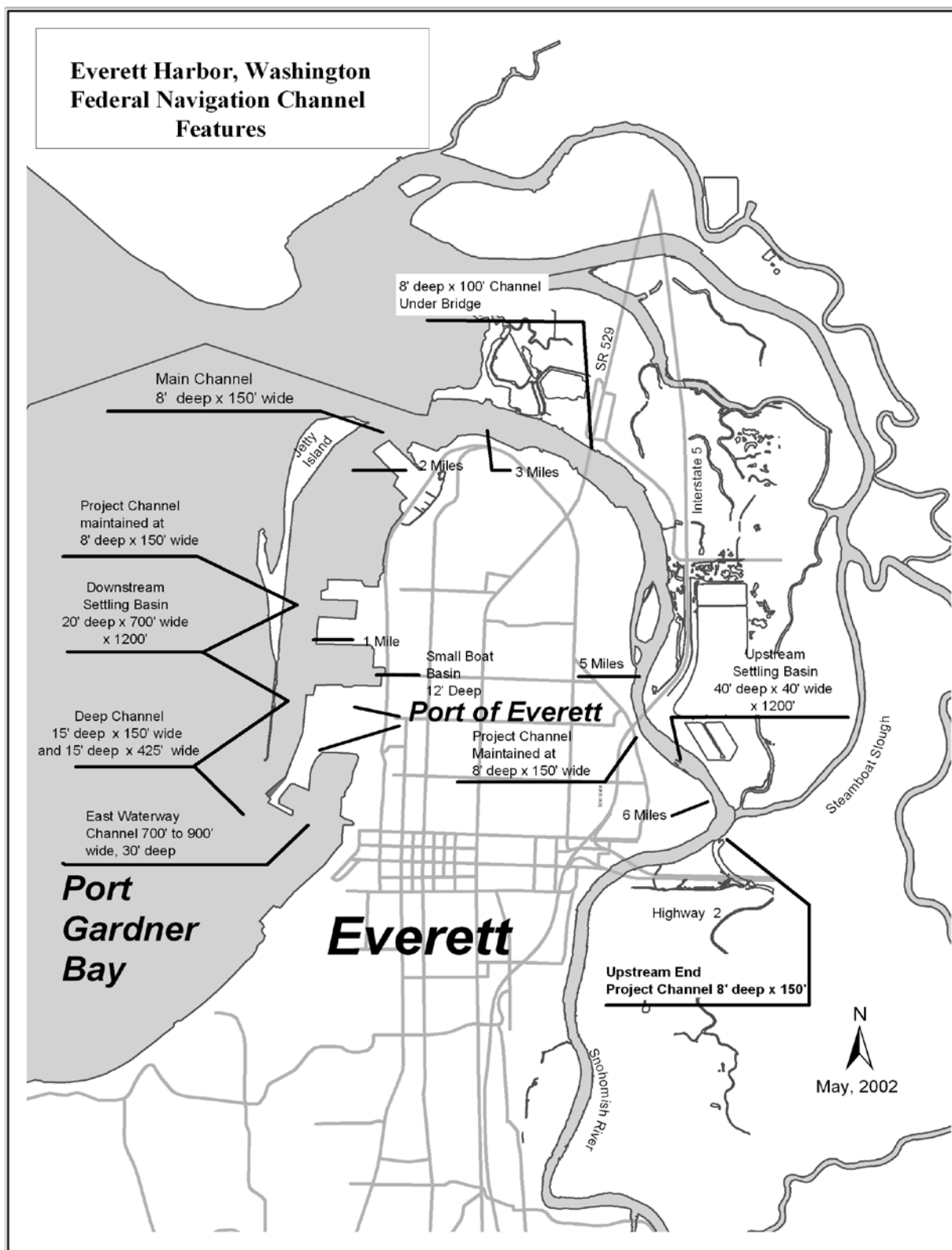
River otters, mink, muskrats, weasels, beavers, coyotes, raccoons, and deer are all common throughout the estuary. Larger mammals, such as cougar or bear, are rarely observed in the estuary. This reflects the loss of upland habitat, the loss of forested habitat within the estuary, and the loss of corridors connecting the estuary to upland habitat.

Jetty Island observations include coyote (which cross over from Smith Island on the mudflats at low tide), river otter, Townsend's voles, and rats. Marine mammals in the estuary include California and Steller sea lions and harbor seals (Carroll, J.R., pers.comm., 1996). In spring and summer, migratory or resident gray whales are typically seen on the estuary delta front. A March 1995 aerial survey resulted in a count of 689 California sea lions on the East Waterway log boom adjacent to the Navy pier (Lambourn, D., WDFW Marine Mammal Investigations, pers. comm., 1995). Gray whales are a common spring migrant along the outer reaches of the Snohomish delta and north into Port Susan. Gray whales feed on benthic invertebrates and remained in the SEWIP study area through at least July 2000 (Houghton, J., Pentec, pers. obs.).

## **Snohomish River Federal Navigation Channel**

The Port of Everett operates an active deep water port facility served by a federal navigation channel which runs six miles upstream. See Figure 1.5. The channel is maintained by the US Army Corps of Engineers through sponsorship of the Port of Everett. Approximately 150,000 cubic yards of dredged materials are removed from the navigation channel on an average annual basis. In addition, the Port carries out its own dredging activities in waterways under its jurisdiction, including those waterfront areas along the east side of the navigation channel from 4<sup>th</sup> Street south to the end of the deep water terminal. In addition, smaller property owners have dredged to gain access to the navigation channel and operate water dependent businesses. Maintenance dredging is also required for these activities.

Figure 1.5 Snohomish River Federal Navigation Channel.



Shallow Draft: BST Associates completed an Economic Assessment of Waterfront Land Uses in the City of Everett, which describes limitations to navigation based on channel depth and width and bridge height. The majority of the navigation channel is maintained at a depth of 8 feet. This limits boat traffic primarily to barges that can operate with the tides. Taking into account loaded draft and the vessels' fixed heights, only 31.8% of the commercial vessels operating in Washington State can transit the channel during the average low tide. During the average high tide, 90% of the commercial vessels can transit the channel.

The BST report concluded that there is a cumulative demand for approximately 75 acres of waterfront industrial land in the shallow draft area through 2020. They anticipated demand for 17 acres between 1999 and 2005, 18 acres between 2005 and 2010, 19 acres between 2010 and 2015, and 21 acres between 2015 and 2020. Most of the demand is expected to occur in manufacturing (small boat repair), wholesale trade (aggregate distribution) and construction. There are currently about 71 acres of vacant industrial zoned lands within 200 feet of the shoreline, and an additional 61 acres that are underutilized and could be redeveloped if the owners were willing.

In addition to the 75 acres needed for waterfront industrial uses, there is also strong demand for increased wet moorage space, as evidenced by the current waitlist at the Port of Everett's Marina, which consistently stands at 530 (or more) boats. The demand for moorage for longer vessels is especially strong.

## **East Waterway**

The Corps of Engineers maintains the East Waterway to a depth of approximately 30 feet MLLW. This area is primarily used for the US Navy base and port-related deep water shipping operations. The east waterway is also used by Kimberly Clark for barging of wood chips and hog fuel. Along the marine terminal shipping berths in the East Waterway, the Port of Everett maintains water depths to approximately 40 feet MLLW. The Port of Everett facilities are utilized for a variety of uses, which include, but are not limited to, coastwise and international trade, vessel repair, fishing vessel resupply, and temporary lay-up. The US Navy maintains its berths and turning basins at approximately 55 feet MLLW. In addition to the commercial activity of the Port of Everett and the presence of the US Navy, the East Waterway is used for mooring barges, log rafts, and small commercial vessels.

## Silver Lake

Silver Lake is an approximately 110 acre lake located in southeast Everett south of 112<sup>th</sup> St. SW and south/west of SR 527. A lily pond located east of SR 527 and north of 116<sup>th</sup> St. SE is connected to Silver Lake by a 30 inch culvert and was likely cut off from the lake by the initial construction of SR 527. Wetlands within shoreline jurisdiction are located at the south end of the lake and east of SR 527 south of Lake Heights Drive. Silver Lake is located within the North Creek watershed, which drains to the Sammamish River and Lake Washington. Surface water drains southeast to Ruggs Lake, then south to Thomas Lake and Penny Creek, a tributary to North Creek. Silver Lake Creek collects drainage from properties to the north of the lake and enters Silver Lake at an outfall at Thornton A. Sullivan Park near the City beach (and through an outfall at 19<sup>th</sup> Ave. SE). Silver Lake Outlet Creek exits the south end of the lake and drains towards Ruggs Lake. See Figure 1.6.

During the year, Silver Lake receives considerable recreational use including swimming, boating, fishing, and specialized events such as mini-hydro races. Most of the lake shoreline has been developed. Land uses along the shoreline include single family, multiple family, commercial (restaurant), SR 527, and public recreation, including Thornton A. Sullivan Park, Hauge Homestead Park, and public access between SR 527 and the shore.

Silver Lake has mean/maximum depths of 6.6m/15m. The lake bottom drops off relatively quickly beyond the shoreline, with bottom slopes of about 15 percent on the southeast side of the lake and about 25 percent on the north end of the lake. A relatively thick layer of peat-like soils has accumulated on the bottom of the lake since it was formed by glacial action approximately 10,000 years ago. These deposits may reach depths of 20-25 feet or more at the middle of the lake.<sup>3</sup>

## Water Quality

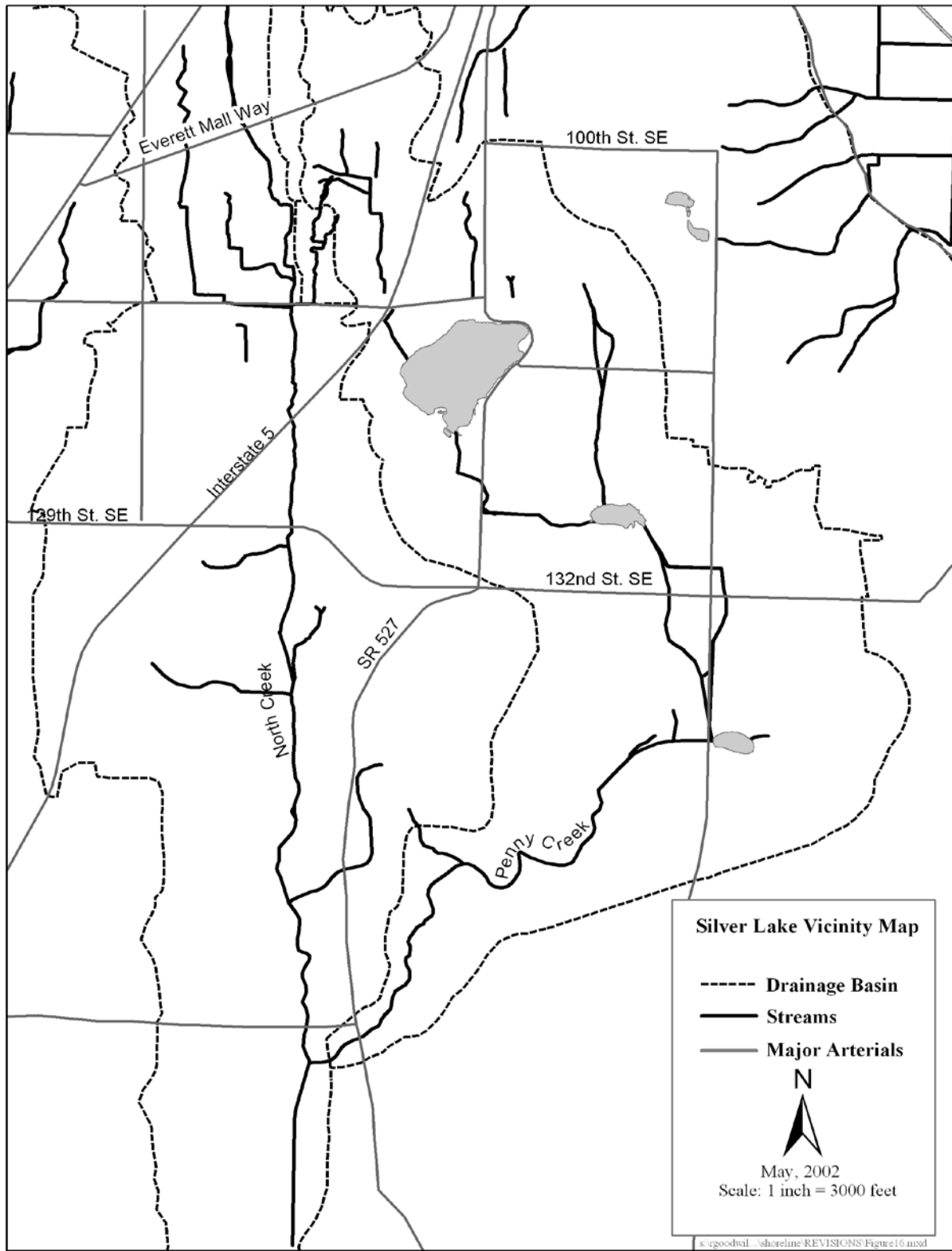
### Nutrients

All lakes naturally go through a process called eutrophication, and gradually fill in with plants and sediments in response to nutrient enrichment. Lakes can be oligotrophic (have low nutrient levels needed for basic plant and animal production), mesotrophic (intermediate in fertility, neither notably high nor notably low in its total productivity), or eutrophic (well-provided with the basic nutrients required for plant and animal production). Eutrophication can be greatly accelerated by human activity in the

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<sup>3</sup>Entranco. *SR 527/Silver Lake Final EIS*. August, 1995.

Figure 1.6 Silver Lake Vicinity Map



watershed of a lake. Due to the urban nature of its watershed, Silver Lake is at risk for premature eutrophication. A 1986-87 study by the University of Washington<sup>4</sup> found that Silver Lake is currently oligotrophic, which means that nutrient concentrations (phosphorus) in the lake are low, that growth of algae is correspondingly low, and water clarity is high.

The University of Washington Study concluded that thermal stratification in Silver Lake is very strong due to its relatively great depth-to-surface area and considerable protection from strong southwesterly winds. Such pronounced stability may account for the lake's rather high quality, considering the extent of development in its watershed. The temperature profile of the lake segregates into 3 layers. The surface layer is the epilimnion. Water temperatures are fairly constant in the epilimnion which is the warmest of the three layers. Beneath the epilimnion is the metalimnion. Water temperatures cool rapidly with depth through the metalimnion. Beneath the metalimnion is the hypolimnion, which extends to the lake bottom. The hypolimnion is the coolest of the three layers. Similar to the epilimnion, water temperatures are fairly constant in the hypolimnion, with gradually decreasing water temperatures with depth. During stratification the cooler, denser hypolimnetic water does not mix with the warmer, less dense epilimnetic water. This reduces the supply of oxygen to the hypolimnion, causing the hypolimnion to become anoxic. During anoxic conditions, phosphorus is typically released from the lake sediments into the hypolimnion. Thermal stratification prevents the hypolimnion from contributing to algal growth in the epilimnion during the warmer summer recreational season.

Phosphorus is present at higher concentrations in the epilimnion, primarily during the spring months, apparently due to the input of stormwater runoff. The increased phosphorus at these times has resulted in algae blooms in the lake in February and March, before the lake stratifies, if the weather is sunny and warm. However, once the lake stratifies, phosphorus concentrations in the epilimnion decrease, chlorophyll a concentrations (a measure of the amount of algae in the water) decrease, and the water clarity increases.

Urban development which results in more impervious surface and increased stormwater runoff has the potential to greatly increase phosphorus inputs into the lake. The City has implemented several measures to limit the impacts of development on eutrophication of the lake including construction of a regional stormwater treatment facility, as well as more stringent runoff treatment standards<sup>5</sup>, nutrient source control measures<sup>6</sup>, and

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<sup>4</sup> Eugene B. Welch, Jory S. Oppenheimer, Richard R. Horner, Dimitris E. Spyridakis, University of Washington Department of Civil Engineering, Environmental Engineering and Science. *Silver Lake Water Quality, Nutrient Loading and Management*, Water Resources Series Technical Report No. 106, May, 1988.

<sup>5</sup> In the Silver Lake drainage basin development projects must provide runoff treatment by a wetpond in series with a biofiltration swale if infiltration is not an option.

wetland protection/mitigation standards<sup>7</sup> in the Silver Lake drainage basin. In addition, the City began monitoring of Silver Lake in 1989 following the University of Washington study. The City monitors lake stratification by measuring temperature and dissolved oxygen at 5 foot depth intervals. In addition, samples from specific depths are analyzed for chlorophyll a concentrations, total phosphorus and ortho-phosphate concentrations; and lake clarity is measured through use of a secchi disc<sup>8</sup>. The samples collected by the City generally show that Silver Lake continues to remain oligotrophic, though it hovers near the oligotrophic threshold. Monitoring of the lake's trophic status will continue, in order to detect any declines in the lake and to allow the implementation of additional measures should they be needed.

### Fecal Coliforms

In 1998, the Department of Ecology recommended to the Environmental Protection Agency that Silver Lake be included in the 303(d) list of water bodies not complying with state water quality standards. This listing was due to fecal coliform concentrations in 1984 along the lake shore that exceeded state water quality standards. Fecal coliform bacteria are associated with the feces of warm-blooded animals and are measured as indicators of the potential presence of diseases such as cholera and hepatitis. Fecal coliform contamination could be caused by waterfowl, failing septic tanks, pet waste, and/or stormwater runoff. The City is now collecting and analyzing water samples for fecal coliforms. Over the past year, each of six shoreline locations have been sampled and analyzed for fecal coliforms twelve times. Sampling has occurred during summer and fall when biological activity is high and fecal coliform counts would also be expected to be high. Two of the sampling stations have average fecal coliform counts less than one-fifth of the state water quality standard (WQS) of 50 colonies per 100 milliliters with no exceedances of the WQS. Two other stations have average fecal coliform counts approximately one-half of the WQS, with one or two WQS exceedances. One sampling station has an average fecal coliform count approximately 30% above the WQS, with one WQS exceedance. The remaining sampling station has an average fecal coliform count approximately twice the WQS with 5 WQS exceedances. However, this sampling station is located at the lake outlet. The lake is very shallow, the water is typically turbid and there is an extensive wetland at the lake outlet. Under these conditions, fecal coliform concentrations would be expected to be high. Furthermore, bacteria naturally associated with vegetation, such as *Klebsiella*, could account for many of the fecal coliform colonies found in samples collected at the lake outlet. Finally, all of the sampling stations have

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<sup>6</sup> Source control measures include best management practices for Vegetation Management/Integrated Pest Management, Maintenance of Storm drainage Facilities, and Street Sweeping of Impervious Areas.

<sup>7</sup> The size of wetlands that may be altered is reduced, and compensatory mitigation is required even for very small wetland alterations.

<sup>8</sup> Secchi depth is determined by lowering a 20 cm disk into the lake until the disk disappears. The disk is then raised slowly until it just becomes visible again. That depth is recorded as the secchi depth and is indicative of water clarity.

average fecal coliform counts well below the Snohomish County Health District threshold for closing public beaches (200 fecal coliform colonies per 100 milliliters).

### Metals

The City also collects stormwater samples from two lake inlets. One of these inlets, 19th Avenue SE consistently has exceeded state water quality standards for copper, lead and zinc. Given these results, the City decided to begin sampling for metals at the in-lake station to determine if water within the lake also exceeds state water quality standards for copper, lead and zinc. Sampling showed that, except for lead, in-lake samples did not exceed state water quality standards. For lead, the laboratory detection limit exceeds the water quality standard. Since lead was below the detection limit for all but one sample, it was not possible to determine if the water samples exceeded the water quality standard for lead. Given the very low concentration of metals in the water samples, metals sampling was discontinued.

### Sedimentation

Sedimentation is occurring at the City beach at Thornton A. Sullivan Park near the outlet of Silver Lake Creek. Parks Department representatives stated that approximately 2 feet of sedimentation has occurred since the early 1970's when the Parks Department did some clam shell dredging at the beach. The diving platform has been frequently relocated to deeper water, and the City may prohibit diving next year. The Parks Department is considering additional dredging to deepen the swimming area in the future.<sup>9</sup> A draft Silver Lake Public Access Plan recommended that the outfall to Silver Lake be extended so that it discharges at a greater depth. This would reduce sedimentation at the beach and could slightly reduce the potential for nuisance algae blooms.<sup>10 11</sup>

## **Vegetation**

Submersed, rooted aquatic macrophytes existing in a narrow ring along most of the shoreline in Silver Lake. Canada waterweed (*Elodea canadensis*) occurs most frequently. Other species include water lilies (*Nymphaea* sp.), *Brasenia* sp., *Potamogeton berchtoldii*,

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<sup>9</sup> Personal Communication with Daryl Bertholet, Parks Department.

<sup>10</sup> Nuisance algae blooms generally occur during the warm time of the year. The water in the City Beach inlet during the warm time of the year is cooler than the lake water. If the City Beach inlet is extended to a depth below the thermocline, there would likely be less mixing of the hypolimnion and epilimnion. This would reduce the potential for nuisance algae blooms.

<sup>11</sup> It is unlikely that the sediment deposition at the City beach is related to the erosion on the northeast portion of the lake, since the particle size being eroded is sand and would drop out of the water close to shore. In addition, winds are predominantly from the SW so it is unlikely eroded sediments at the north and east portions of the lake would be carried to the west.

and *Vallisneria* sp.<sup>12</sup> The shallow cove near the outlet has the most aquatic vegetation, largely because it is shallow. Plants on the north, east and west sides of the lake are more restricted in area due to the smaller nearshore area that is shallow. The UW study concluded that plant growth is limited by low nutrient levels and the organic content of the nearshore sediment.

In 1991 Eurasian watermilfoil (*Myriophyllum spicatum* L.) was found in Silver Lake. The milfoil was concentrated in a narrow band around the lake at water depths between 4 – 10 feet. Milfoil was most likely introduced into Silver Lake as fragments carried on boats, trailers or fishing gear that entered the lake. The Eurasian water milfoil is a notoriously aggressive competitor and is capable of crowding out native vegetation in a short period of time. It can form dense mats that can obstruct water flow, interfere with recreational and other water uses, and seriously affect existing aquatic habitat and organisms. The City developed a management plan for control of Silver Lake. After initial dredging operations to remove large concentrations of milfoil, for the last 3 or 4 years, milfoil has been handpicked by divers.

Much of the Silver Lake shoreline has been modified by development. The largest area of native vegetation remains in and adjacent to wetlands at the south end of the lake. Smaller patches of vegetation occur around the lake. The City beach area is devoid of vegetation in large areas. At the north end of the lake, single family homes have lawns planted to the shoreline. Most of the shoreline along the northeast and east side of the lake includes a narrow band of land between the lake and SR 527. These areas are thinly vegetated with some soft rush, sweet gale, and cottonwood trees. Emergent wetlands sparsely dotted along the shoreline extend out into the lake only a few feet. Much of the area is either gravel shoreline or exposed soils due to high pedestrian traffic, uncontrolled roadside parking, and the impacts of wind and wave erosion. Planned road and public access improvements for SR 527 will stabilize the shoreline and prevent further erosion by concentrating public access in hardened pedestrian corridors, anchoring logs and/or downed trees at the shoreline edge parallel to the shoreline, and planting of beach, wetlands and remaining areas between the trail and the lake with native plantings. Large portions of the north and east shore have been hardened with bulkheads.

## **Wildlife**

### Priority/Endangered Species

There is no existing or historic use of Penny Creek or its tributaries by Chinook salmon or bull trout. However, seasonal use by bull trout during periods of cooler water temperatures is possible. Coho salmon use North and Penny Creeks. Coho are presently restricted to areas downstream of Thomas Lake in the Penny Creek system. However,

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<sup>12</sup> Welch et.al. *Silver Lake Water Quality, Nutrient Loading and Management*

review of historic records indicate that coho salmon once used Penny Creek all the way up to Silver Lake, including the Silver Lake Outlet Creek.<sup>13</sup>

Silver Lake is used regularly by bald eagles as a forage site. The primary diet of the bald eagles at Silver Lake is likely water fowl and salmonids. No nests or roosts are known to occur in the area, though up to three eagles have been seen perching in trees around the lake.<sup>14</sup>

The Washington Department of Fish and Wildlife lists Silver Lake as priority habitat for providing important over winter food resources for diving ducks, herons and cormorants and loafing habitat for other waterfowl. Other waterfowl on the lake include, but are not limited to, mallards and Canada geese.

The USFWS reports that Northern red-legged frogs, a Candidate species for listing under the Endangered Species Act, are likely to inhabit the wetlands and lake environs in the Silver Lake area.<sup>15</sup>

### Other Wildlife

Beavers living in Silver Lake build dams in the outlet creek that restrict flows from the lake and cause high lake water levels. The City has tried many methods to control the beavers and relocate them from the lake, but none have been entirely successful.

Silver Lake is managed by WDFW for trout. The Washington Department of Fish and Wildlife 2000 Hatchery Trout Stocking Plan included placement of 980 Triploid Rainbow trout in early April and 4,500 Rainbow trout in early May.<sup>16</sup> Stunted yellow perch also are well established in Silver Lake. Kokanee salmon (landlocked sockeye salmon) also occur in Silver Lake.<sup>17</sup>

The City does not know of any wildlife surveys that have occurred at Silver Lake. Other wildlife expected to occur in the area include raptors, songbirds, and small mammals.

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<sup>13</sup> Entranco. *SR 527 Roadway Widening Project Biological Assessment for Chinook Salmon, Coho Salmon, and Bull Trout*. October 2000.

<sup>14</sup> Entranco. *SR 527 Roadway Widening Project Biological Assessment for Bald Eagles*. October 2000.

<sup>15</sup> SR 527/Silver Lake FEIS. August, 1995.

<sup>16</sup> Washington Department of Fish and Wildlife Internet Site.

<sup>17</sup> SR 527/Silver Lake Final EIS.

## Lake Stickney<sup>18</sup>

Lake Stickney is an approximately 25.7 acre<sup>19</sup> lake located south of Everett's current City limits, but within Everett's Urban Growth Area. The lake has a volume of approximately 280 acre-feet and a maximum depth of 34 feet. Lake Stickney is located within the Swamp Creek watershed. Swamp Creek flows into the northwest portion of Lake Stickney and out the southwest portion. Large wetland areas associated with Swamp Creek are also in shoreline jurisdiction.

Most of the Lake Stickney shoreline is developed with single family residential use, except that the wetlands associated with Swamp Creek are relatively undeveloped. In addition, a Department of Fish and Wildlife boat launch area is located on the northern portion of the lake.

Lake Stickney's watershed (drainage area) is approximately 3.56 square miles and is highly urbanized. The watershed extends north to Casino Road, and includes portions of Paine Field and Highway 99/Evergreen Way. As of 1995, Snohomish County estimated that 80% of the watershed was developed, with much of the development consisting of industrial, commercial, and high density residential uses.

As of 1994, there were 45 homes near the lake shore, and 29% of the homes had bulkheads or fill. Forty percent of lake front homes had some native vegetation near shore. Significant native vegetation still occurs in the Swamp Creek wetland areas to the northwest and west of the lake.

### Aquatic Vegetation

The near shore aquatic areas that are less than 5 feet deep are primarily vegetated with dense stands of yellow water-lily (*Nuphar polysepalum*) with associated common bladderwort (*Utricularia vulgaris*), common elodea (*Elodea canadensis*), thin-leaf pondweed (*Potamogeton* sp.), stonewort/muskgrass (*Chara* sp.), water moss (*Fontinalis* sp.), tapegrass (*Vallisneria americana*), and false loosestrife (*Ludwigia palustris*). Several concentrations of dense fragrant water-lily (*Nymphaea odorata*) are interspersed on the west side of the lake.

Aquatic areas between 5 and 10 feet deep are moderately densely vegetated primarily by common elodea (*Elodea canadensis*), common bladderwort (*Utricularia vulgaris*), and coontail (*Ceratophyllum demersum*). Other plants in this area include thin-leaf

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<sup>18</sup> Information on Lake Stickney is primarily based on computer printouts of data compiled by Snohomish County.

<sup>19</sup> WAC 173-20-640 states the acreage as 25.7 acres. Snohomish County's *Swamp Creek Watershed Management Plan Final Technical Supplement* states the acreage as 19 acres. The City has not attempted to locate the OHWM to determine the actual lake size.

pondweed (*Potamogeton* sp.), stonewort/muskgrass (*Chara* sp.), brittlewort (*Nitella* sp.), and water moss (*Fontinalis* sp.).

Purple loosestrife (*Lythrum salicaria*), a noxious invasive plant, is widespread around the lake shore.

### Water Quality

Based upon limited water quality data provided by Snohomish County<sup>20</sup>, it appears that Lake Stickney could be considered a mesotrophic lake.

The trophic status of lakes is typically determined based upon three water quality parameters: secchi disc depth, total phosphorus concentration and chlorophyll a concentration. All three of these water quality parameters can be indicative of the tendency of a lake to experience nuisance algae blooms during the summer. Nuisance algae blooms can interfere with recreation, decrease the aesthetic value of a lake, negatively impact fisheries resources and, in extreme cases, render the lake toxic to wildlife and humans.

There are three trophic classifications for lakes, oligotrophic, mesotrophic and eutrophic. Oligotrophic lakes have good water clarity (high secchi disc values), low phosphorus concentrations (normally the limiting nutrient for algae growth) and low concentrations of chlorophyll a (an indication of primary productivity or algae growth). Nuisance algae growth is rare in oligotrophic lakes due a low supply of nutrients. Lakes with a trophic status indicator (TSI) below 40 are considered oligotrophic. (Lake Chaplain is an example of an oligotrophic lake.)

Eutrophic lakes have poor water quality, high total phosphorus concentration and high chlorophyll a concentrations. Eutrophic lakes have a TSI greater than 50. Nuisance algae growth is common due to an ample supply of nutrients either from sources within the watershed or from sources within the lake itself.

Mesotrophic lakes have water clarities and nutrient loadings that are between the oligotrophic and eutrophic classifications with a TSI between 40 and 50. Silver Lake has TSI near 40, so it is an example of a lake at the mesotrophic threshold.

Lake Stickney TSIs are in the mid to upper portion of the mesotrophic range (Secchi Disc – 45, Total phosphorus – 48, Chlorophyll a – 55). Based upon this data, Lake Stickney likely commonly experiences algae blooms in the summer.

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<sup>20</sup> Data was collected by Citizen Volunteers and Snohomish County Surface Water Management Staff between 1993 and 1999.

The bottom of the lake was anoxic (little or no dissolved oxygen in the water) just a few meters below the surface in 1996, 1997 and 1998. When a lake becomes anoxic, phosphorus can be released from the sediment which can supply nutrients for algae growth in the surface water. The dissolved oxygen data, therefore, supports the idea that nuisance algae growth could be common during the summer in Lake Stickney.

From July 1990 to October 1991, Snohomish County monitored water quality in Swamp Creek at the Lake Stickney outlet at Jefferson Way as part of a monitoring program for the urban portions of Snohomish County. The Swamp Creek Watershed Management Plan Final Technical Supplement January, 1994 stated, "Samples were collected monthly, except when the sites were dry in the summer. The samples were analyzed for fecal coliform bacteria, turbidity, alkalinity, conductivity, ammonia, nitrate-nitrite ( $\text{NO}_2\text{NO}_3$ ), total Kjeldahl nitrogen (TKN), total phosphorus (TP), soluble reactive phosphate (SRP), oil and grease, total petroleum hydrocarbons (TPH), total suspended solids (TSS), hardness, and total organic carbon. Field measurements were made for dissolved oxygen, temperature, and pH. In addition, samples were analyzed every two months for the following metals: arsenic, antimony, aluminum, cadmium, chromium, copper, lead, manganese, mercury, nickel, silver, and zinc." The results were compared to the criteria for State Class AA surface waters.

The samples at the Lake Stickney outlet exceeded the State Class AA criteria for fecal coliform. The geometric mean was 58 colonies/100ml versus the standard of 50 colonies/100ml. The mean dry season temperature never exceeded 16 C, the criteria for Class AA waters. Mean values of dissolved oxygen met the Class AA criteria of at least 9.5 mg/l during the wet season. However, the mean standard during the dry season was 8.2, falling below the Class AA criteria.

No problems were found with excess nutrients as indicated by nitrogen or phosphorus levels, turbidity and suspended solids, oil and grease, or total petroleum hydrocarbons.

Six samples were taken for metals at the outlet from Lake Stickney. One of the samples violated state standard for copper, one violated the state standard for mercury, and four samples violated the state standard for lead. None of the six samples violated state standards for zinc or aluminum.

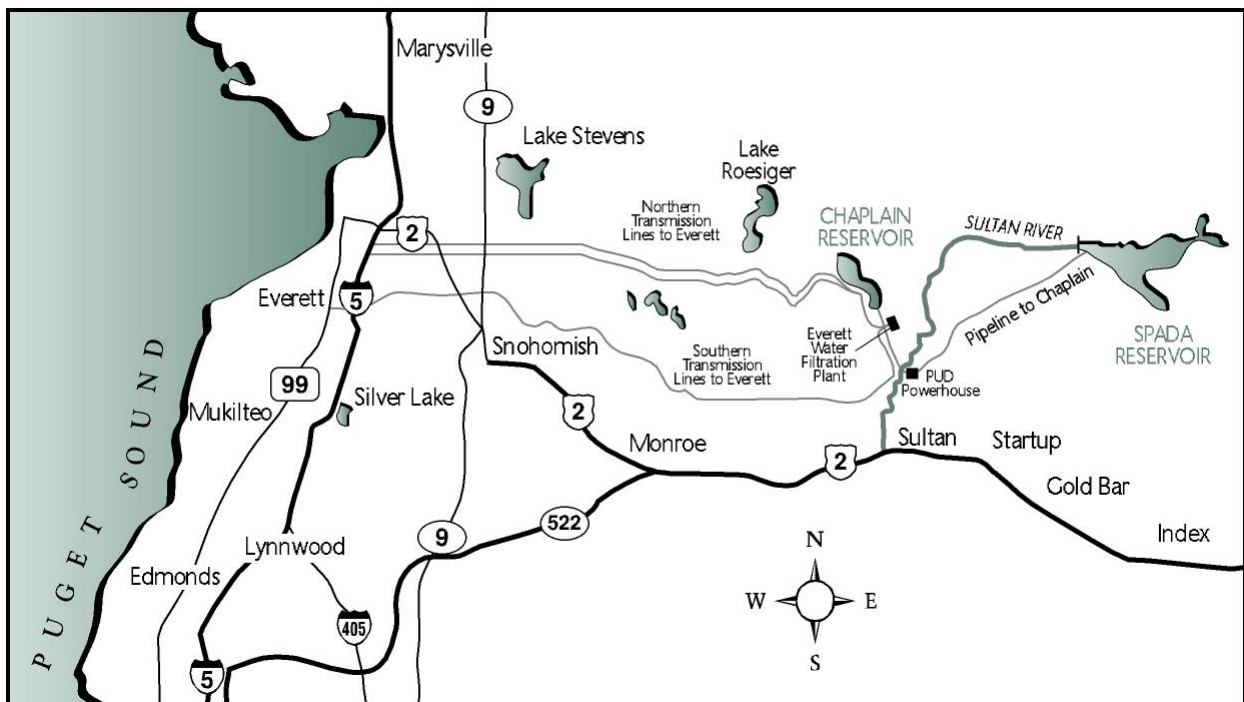
## Lake Chaplain Reservoir, Sultan River and Woods Creek

The City of Everett and Snohomish County PUD are co-licensees under the Federal Energy Regulatory Commission (FERC) for the construction and operation of the Henry M. Jackson Hydroelectric Project on the Sultan River. The project supplies water for Everett's water utility, and Spada Lake Reservoir, which was built as part of the project, is the main water reservoir for the City of Everett. Spada Lake Reservoir is located approximately 7 miles east of Lake Chaplain Reservoir. It is about 1,870 acres and holds about 50 billion gallons of water. See Figure 1.7. Spada Lake Reservoir is not in Everett City limits and is regulated under Snohomish County's Shoreline Master Program.

### Lake Chaplain Reservoir

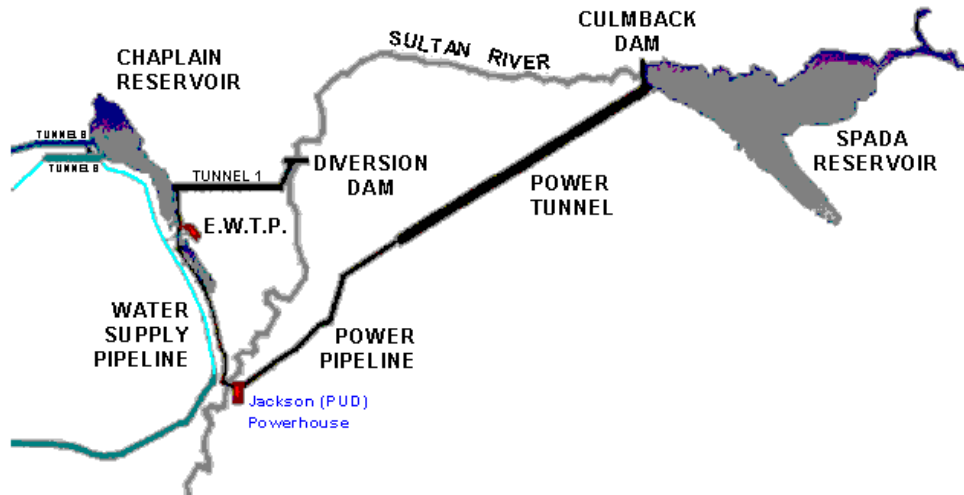
Lake Chaplain Reservoir is located approximately 6 miles north of Sultan, Washington. It is an approximately 441 acre reservoir and holds about 4.5 billion gallons of water. The surrounding tract and watershed property are owned by the City of Everett and are within Everett City limits.

**Figure 1.7: Lake Chaplain Reservoir Vicinity Map**



Lake Chaplain Reservoir was formed by construction of two dams in a side valley near the Sultan River. A concrete diversion dam constructed in the Sultan River originally diverted water to the Reservoir. However, since construction of the Jackson Hydropower project and raising of Spada Lake Reservoir, water is routed from Spada Reservoir to the Jackson powerhouse. Then part of the water is routed back to Portal 2 (west end of tunnel 1), where the water is split. Part of it goes into Lake Chaplain Reservoir where it is held for treatment. The rest goes back through tunnel 1 to the diversion dam where it is released into the Sultan River for fish flows. The City's water filtration plant is located at the south end of the Lake Chaplain Reservoir.

**Figure 1.8 Lake Chaplain Reservoir**



The protection of water quality for public water supply is the primary concern around Lake Chaplain Reservoir. Public access is prohibited in the watershed and limited in surrounding areas. Facilities located around the reservoir and within shoreline jurisdiction include logging roads, water pipelines, telephone and electrical utilities, a chlorine solution line, dams, a backwash solids drying bed, and the water filtration plant. Many of the utilities and pipelines are located in the roadways, but the water pipelines extend into the reservoir. Most of the water filtration plant is located outside of shoreline jurisdiction. The primary activities expected to occur in shoreline jurisdiction in and around the reservoir in the future include utility and road construction and maintenance; forest practices, including construction and retrofitting of drainage improvements on existing roads; and sampling and monitoring activities.

The Federal Energy Regulatory Commission (FERC) license for the Jackson Hydropower project requires the implementation of a Wildlife Habitat Management Plan to mitigate for the impacts resulting from the construction and operation of the Jackson Project. Except for the water filtration plant site, including the adjacent grass field, the 2,216 acres of City-owned lands around Lake Chaplain Reservoir (Lake Chaplain Tract) are managed under the Wildlife Habitat Management Plan. The existing vegetation on the Lake Chaplain Tract is predominantly second growth coniferous forest; with lesser amounts of old-growth forest, mixed forest, deciduous forest, wetland and permanent shrub/brush. Approximately 55 acres along the east shore of Lake Chaplain have never been harvested and now support old growth forest. The Wildlife Habitat Management Plan calls for the preservation of existing old-growth, mixed forest, deciduous forest and wetland habitats, and the management of second growth coniferous forest on a 60 year rotation to maximize habitat value for a wide range of wildlife species. See Figure 1.9.

## **Sultan River**

The City owns and operates a diversion dam in the Sultan River. Originally the dam diverted water from the Sultan River to Lake Chaplain Reservoir for water supply, but today water is diverted from the Jackson powerhouse back to the Sultan River to supplement flows for fish. Facilities associated with the dam include a logging/access road, small operations/maintenance building, parking area, grassy area between the building and the road, and monitoring equipment.

At this location, the Sultan River is a Type 1 stream, meaning it is a shoreline of the state. The diversion dam results in a complete blockage to upstream migration of fish in the river. Downstream of the dam, the River supports chinook salmon, recently listed as threatened under the Endangered Species Act by the National Marine Fisheries Service. Approximately 36 acres of small coniferous and mixed forest surrounding the diversion dam site will be managed for old-growth under the Wildlife Habitat Management Plan, and no timber harvesting will occur in this area. Maintenance of existing facilities is the primary activity expected to occur in and adjacent to the River in the future, unless actions to allow fish passage are required.

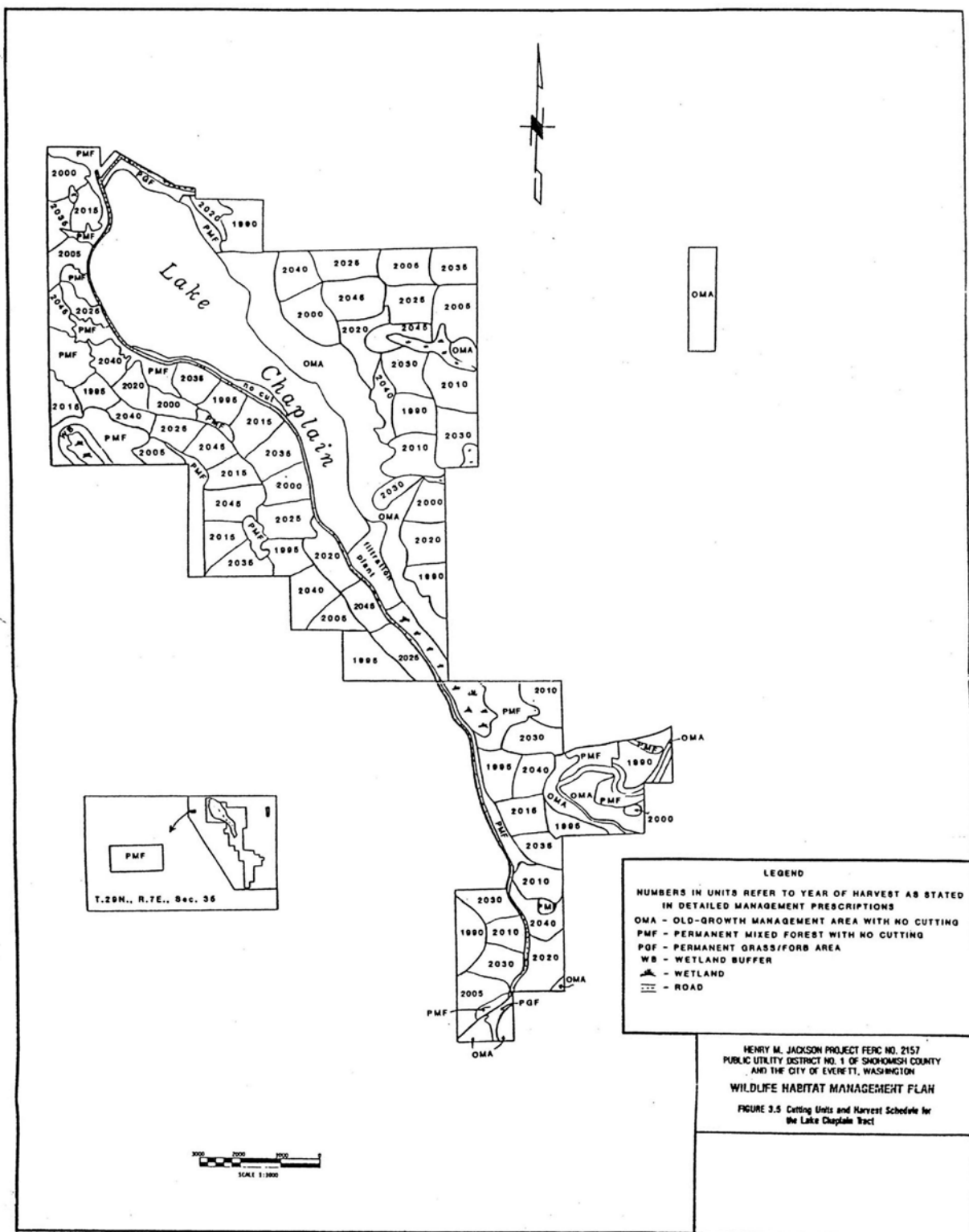
## **Woods Creek**

The City owns an area near Lake Chaplain within City limits adjacent to Woods Creek that includes two tunnel portals for water transmission pipelines, small valve house buildings, and a logging road. The piping and valves send water to town through three large transmission lines. The area has not been surveyed, so it is not clear if Woods Creek and/or an associated wetland are actually in the City limits. This analysis assumes that it is in Everett City limits. A survey may be needed at the time any development

activity is proposed in the area to determine whether the City or County shoreline master program applies.

Woods Creek in this area is also classified as a Type 1 stream by DNR, meaning it is a shoreline of the state. The area surrounding the tunnel portal and associated facilities will be managed for Permanent Mixed Forest under the Wildlife Habitat Management Plan. No forest practices activity is expected in this area, except for snag monitoring and maintenance.

Figure 1.9 Lake Chaplain Tract Wildlife Habitat Management Plan



## Section 2

# User's Guide and Basic Program Requirements



## 2.1 Components of the Shoreline Master Program

Three components of the Shoreline Master Program. WAC 173-26 requires the City to include the following in its master program:

- Master program policies
- Master program regulations
- Administrative provisions

Contents of Everett Shoreline Master Program. The Everett Shoreline Master Program (SMP) contains the following:

- Section 1 - Community Vision and Introduction
- Section 2 – User’s Guide and Basic Program Requirements
- Section 3 - General Goals, Objectives, Policies and Regulations
- Section 4 - Shoreline Environment Designations and Management Policies
- Section 5 - Shoreline Use Policies and Regulations
- Section 6 - Shoreline Modification Activities Policies and Regulations
- Section 7 – Definitions
- List of Figures
- Appendix A - Documents Incorporated by Reference, including:
  - A.1 EMC 19.38 Nonconforming Uses, Buildings and Lots
  - A.2 EMC 19.30 Floodplain Overlay Districts and Regulations
  - A.3 Comprehensive Plan Goals, Objectives, and Policies for Environmentally Sensitive Areas
  - A.4 EMC 19.33D.360-590 Environmentally Sensitive Areas and Applicable Definitions in EMC 19.04
  - A.5 Planning Director Interpretation No. 2-2000: Interim Procedures, Endangered Species Act (ESA) Listing for Chinook Salmon and Bull Trout
  - A.6 Planning Director Interpretation No. 01-005 Standard Buffer Width Reduction
  - A.7 EMC 19.37 Critical Areas in Ordinance No. 2909-06 adopted by City Council on April 12, 2006; see SMP Section 3.9 Regulation 25 for exceptions (Applicable in Marshland Subarea only) (*March, 2011*)
- The Snohomish Estuary Wetland Integration Plan (SEWIP) including the SEWIP Salmon Overlay.
- Marshland Subarea Plan

Master Program Policies. The portions of the SMP that are not shoreline use regulations or administrative provisions are incorporated as the shoreline element of the Comprehensive Plan. These policies shall provide guidance in the interpretation of the use regulations in Section 33D – Shoreline Overlay District of the Everett Zoning Code.

Master Program Regulations. The following Sections of the SMP shall constitute Section 33D – Shoreline Overlay District in the Everett Zoning Code:

- Section 2
- Those provisions designated as “regulations” in Sections 3 through 6
- Figures 4.1 through 4.23
- Definitions in Section 7

Revisions to Section 33D of the Zoning Code shall be processed as shoreline master program amendments.

In addition, the following development regulations have been incorporated by reference and included in Appendix A of the SMP:

- EMC 19.30 Floodplain Overlay Districts and Regulations
- Comprehensive Plan Goals, Objectives, and Policies for Environmentally Sensitive Areas
- EMC 19.37 Environmentally Sensitive Areas and Applicable Definitions in EMC 19.04
- Planning Director Interpretation No. 2-2000: Interim Procedures, Endangered Species Act (ESA) Listing for Chinook Salmon and Bull Trout
- Planning Director Interpretation No. 01-005 Standard Buffer Width Reduction
- EMC 19.37 Critical Areas (Applicable in Marshland Subarea only)

Generally, revisions to the development regulations in Appendix A that are intended to apply in the city’s shoreline zone shall be processed as shoreline master program amendments. Otherwise, the version of a development regulation in Appendix A that has been approved through shoreline master program adoption process shall apply in shoreline zones. In the event the city adopts revisions to these development regulations, the city may apply regulations that offer the greatest protection of sensitive shoreline resources, even if the revised regulations are not formally incorporated into Appendix A of the SMP. The City may at its discretion process such revisions as shoreline master program amendments. The intent is to update Appendix A formally at the time substantial updates to the SMP are processed.

In addition to the requirements of the development regulations, which have been specifically designated as shoreline regulations or incorporated by reference into the shoreline master program, shoreline developments shall be subject to the following, where applicable:

- City regulations and standards, including but not limited to zoning and related performance standards, subdivision, landscaping, stormwater management, noise, building codes, and fire codes, utility, street, parking and transportation codes.

- State agency permits and requirements, such as water quality certifications (Department of Ecology), hydraulic project approvals (Department of Fish and Wildlife), rights-of-way on state-owned aquatic lands (Department of Natural Resources).
- Federal agency permits, such as Corps of Engineers Section 10/404 permits for work affecting wetlands and in navigable waters.

Shoreline Inventory. The following inventory information shall be considered along with more detailed site-specific studies when making regulatory decisions.

The Snohomish Estuary Wetland Integration Plan (SEWIP) including the SEWIP Salmon Overlay published in March 2001. Except for specific policies adopted as regulations in Section 3.9, the SEWIP work will serve as the primary inventory information and “Best Available Science” for those areas included in the SEWIP study area.

Administrative Provisions. The following constitute the administrative provisions for the shoreline master program:

- The provisions relating to the shoreline permit processing in EMC Title 15 EMC – Project Permit Processing, which provides integrated processing of all city land use permits.
- The provisions relating to the enforcement of City permits and codes in EMC 2.23 – Enforcement Procedures.

This section of Section 33D of the Zoning Code provides the criteria for processing shoreline substantial development, conditional use and variance permits. The procedures for permit processing, including SEPA and public review, are in EMC Title 15 – Project Permit Processing.

Although revisions to EMC Title 15 are generally not required to be processed as SMP amendments, any revision to the designation of the type of review process required for shoreline permits in EMC Title 15 shall be processed as shoreline master program amendments.

## 2.2 Applicability

**Basic Requirements.** Development and use of the shorelines of Everett shall be subject to the following basic requirements:

1. **Consistency.** No development shall be undertaken on the shorelines of Everett except those which are consistent with the goals, policies and use regulations of Everett's shoreline master program and the Shoreline Management Act.
2. **Substantial development permit.** No substantial development shall be undertaken on the shorelines of Everett without first obtaining a shoreline permit from the city. Substantial development is defined in RCW 90.58.030(3)(e). Both the definition and exemptions have changed over time and are likely to change in the future. As of September, 2000, substantial development generally includes any development of which the total cost or fair market value exceeds \$2,500.00 (two thousand five hundred dollars), or any development which materially interferes with the normal public use of the water or shorelines of the state.
3. **Conditional use permit.** Any development or use that is listed as a conditional use in the SMP or is an unlisted use, must obtain a conditional use permit even though the development is otherwise listed as exempt.
4. **Variance.** When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a shoreline variance.
5. **Exemptions.** Exemptions are 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. Exceptions include development such as normal maintenance or repair of existing structures, construction of most single family residences, and some watershed restoration projects.

All exempt uses and developments must be consistent with the policies and provisions of the SMP and the Shoreline Management Act. The city may attach conditions of the approval of exempt development or uses as necessary to assure consistency of the project with the SMP and the Act.

6. Where provisions of the shoreline master program conflict, the more restrictive provisions shall apply, unless specifically stated otherwise.

## **2.3 Criteria for Issuance of Permits**

### **Criteria for issuance of any shoreline permit.**

A shoreline permit shall be granted only when the proposed development is consistent with:

1. The policies and procedures of the Shoreline Act of 1971, as amended;
2. Everett's Shoreline Master Program; and
3. The State Environmental Policy Act.

### **Criteria for issuance of a conditional use shoreline permit.**

The conditional use provision allows greater flexibility in the implementation of the SMP by permitting the expansion of the range of uses permitted within the environments. The use regulations indicate which uses are conditional. In authorizing a conditional use, special conditions may be attached to the permit by the City or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the SMP and the Act.

Conditional use permits will be granted only after the applicant can demonstrate all of the following:

1. That the proposed use is consistent with the policies of RCW 90.58.020 and Everett's Shoreline Master Program.
2. That the use will not interfere with the normal public use of public shorelines.
3. That the use of the site and design of the project will be compatible with other authorized uses in the area and with uses planned for the area under the Comprehensive Plan and Shoreline Master Program.
4. That the proposed use will cause no significant adverse effects to the Shoreline environment in which it is to be located.
5. That the public interest suffers no substantial detrimental effect.

In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

Other uses which are not classified or set forth in the Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the

requirements of this section and any applicable requirements for conditional uses contained in the master program.

Uses which are listed as prohibited in the Master Program may not be authorized as a conditional use.

### **Criteria for issuance of a shoreline variance**

A variance deals with specific requirements of the Master Program and its objective is to grant relief from specific bulk, dimensional or performance standards when there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

#### Landward of the Ordinary High Water Mark and/or Landward of Any Wetland

Variance permits for development and/or uses that will be located landward of the ordinary high water mark and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards in Everett's Master Program precludes, or significantly interferes with, reasonable use of the property.
2. That the hardship which serves as the basis for granting of the variance is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size or natural features, and the application of the master program, and not, for example from deed restrictions or the applicant's own actions.
3. That the design of the project will be compatible with other authorized uses in the area and with uses planned for the area under the Comprehensive Plan and Shoreline Master Program and will not cause adverse effects to adjacent properties or the shoreline environment.
4. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area.
5. That the variance will be the minimum necessary to afford relief.
6. That the public interest will suffer no substantial detrimental effects.

Waterward of the Ordinary High Water Mark or Within Any Wetland

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

1. That the strict application of the bulk or dimensional criteria in Everett's Master Program precludes all reasonable use of the property.
2. That the hardship which serves as the basis for granting of the variance is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicants own actions.
3. That the design of the project will be compatible with other authorized uses in the area and with uses planned for the area under the Comprehensive Plan and Shoreline Master Program and will not cause adverse effects to adjacent properties or the shoreline environment.
4. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area.
5. That the variance will be the minimum necessary to afford relief.
6. That the public rights of navigation and use of the Shoreline will not be adversely affected by the granting of the variance.
7. That the public interest will suffer no substantial detrimental effects.

In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

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

## Section 3

# General Goals, Objectives, Policies, Regulations and Restoration Element



### **3.1 Shoreline Master Program Elements**

The guidelines issued to implement the Shoreline Management Act of 1971 require that eight elements, when appropriate, be included in local master programs. These are shoreline use, economic development, public access, circulation, recreation, conservation, historical/cultural/educational, and flood hazard prevention. In addition, we have included an implementation element.

This section of the Shoreline Master Program includes a broad goal statement for each element and objectives that are intended to indicate how the goal would be achieved. The goals and objectives form the basis for developing the use/activity policies and regulations, as well as the shoreline use environment designations.

This section also includes general policies and regulations that apply to all shoreline uses and activities.

### **3.2 Shoreline Use Element**

The shoreline use element deals with the pattern of distribution and general location and extent of various land uses in and abutting shoreline areas.

How should the various uses be distributed? To what extent should shorelines be utilized for port activity, marinas, industrial, commercial and other uses?

It should be remembered that the distribution and extent of the various uses along shorelines will be influenced to a great extent by the overall development of the city and adjoining neighborhoods.

The shoreline use element also addresses the compatibility of shoreline uses with other shoreline uses and nearby neighborhoods.

#### **Goal**

To plan and foster all reasonable and appropriate uses while protecting and enhancing the quality of the shorelines of Everett and nearby neighborhoods and preserving special opportunities for water dependent, water related and water enjoyment uses.

## Objectives

1. Permit land uses as encouraged by the Comprehensive Plan and which are dependent upon or enhanced by a shoreline location, and/or which provide for increased public access to Everett's shorelines.
2. Provide performance and development standards for shoreline uses which achieve compatibility among shoreline activities and nearby neighborhoods.
3. Provide for multiple uses of the shoreline where location and existing or proposed uses make this feasible.
4. Shoreline and water areas on navigable waterways particularly suited for water dependent and water related uses should be reserved for such uses even if there is no current demand for such uses.
5. Consider all inventory information when establishing shoreline use environment designation policies, boundaries and use provisions.
6. Define and identify reasonable and appropriate uses, and establish development or performance standards to ensure consistency with the Shoreline Management Act.
7. Plan for and encourage the relocation, where feasible, of those existing uses identified as being inappropriate uses in shoreline areas.
8. Consider the overall development pattern of the City, including neighborhoods adjoining shoreline areas, and the Puget Sound region in planning for shoreline uses and development.
9. For shorelines of statewide significance, recognize and protect state-wide interests when establishing shoreline environment designation policies, boundaries, and use provisions, and when establishing development standards
10. Provide an appropriate shoreline use environment designation for the City-owned Lake Chaplain Reservoir properties, with policies and regulations that ensure a safe and adequate water supply, and protect the public health, safety and welfare.
11. Provide appropriate shoreline use environment designations for shoreline areas within Everett's Urban Growth Boundary that could be annexed to the City of Everett.
12. Provide standards that will minimize impacts of development on nearby properties and neighborhoods.

## **Policies**

1. Exterior lighting should not impact other shoreline properties or nearby neighborhoods.
2. All shoreline development should be designed and operated to minimize noise impacts to other shoreline properties or nearby neighborhoods.
3. Screening of outdoor storage areas should be provided.

## **Regulations**

1. All exterior lighting, including lighting of signs, shall be directed downward onto the site and away from other shoreline properties or nearby neighborhoods.
2. All shoreline development shall comply with the City's noise ordinance (EMC 20.08), both during and after construction. The City may require the applicant to prepare noise studies to determine if a proposal is in conformance with the ordinance.
3. Warning devices on vehicles (back up beepers) are exempt from the City's noise ordinance, but are perceived as irritating by most people. When feasible, developments that abut residential zones must be designed to shield vehicle maneuvering and loading areas from residential areas by placement of buildings, berms, etc.
4. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
5. Shoreline sites shall have a landscaping plan which is in scale and harmony with proposed structures and serves to provide some screening and buffering of the activities where this is appropriate.
6. For water dependent uses and water dependent portions of water related uses located on the shoreline, the setback is 0. However, the Planning Director may require a setback to address environmental impacts and ensure consistency with other requirements of this SMP.

### **3.3 Economic Development Element**

The economic development element encourages commercial and industrial activities, such as manufacturing, warehousing, port facilities, tourist facilities, and other activities that are appropriate for urban shoreline locations.

It must be recognized that the type of economic development along the shorelines will be determined to a great extent by the overall economic activities within the city and larger Puget Sound region.

#### **Goal**

To foster appropriate economic development along the shorelines of Everett, recognizing and protecting private property rights, abutting neighborhoods, and areas of high environmental value, consistent with the public interest.

#### **Objectives**

1. Develop criteria for the location of water dependent/water related, water enjoyment, and appropriate economic activities, and regulate their use accordingly.
2. Identify shoreline environments that are appropriate for water related/water dependent, water enjoyment, and non-water oriented economic activity and permit temporary, short-term interim uses of such land that would not foreclose or discourage appropriate future uses. Non-water oriented uses should not be permitted in areas appropriate for water dependent uses.
3. Facilitate the development and/or relocation of water dependent and water related industrial and commercial uses in appropriate locations.
4. Facilitate the relocation of non-water oriented activities to areas away from shorelines in cooperation with business and property owners, governmental agencies, and private agencies.
5. Provide for a multi-use concept by increasing public access to the shoreline while maintaining the economic viability of desirable shoreline uses.
6. Provide incentives for property owners to provide public access amenities on private property.

7. Consider overall city and regional economic development needs as well as potential impacts on abutting upland areas when establishing shoreline use environments, policies and regulations.
8. Preserve opportunities for future water oriented industrial and commercial development.
9. Recognize and encourage the economic benefits derived from wildlife and fish habitats, public access, and tourism.

### **3.4 Circulation Element**

The circulation element addresses the location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other transportation facilities within the shoreline use environments.

A large number of land-based transportation facilities currently exist in Everett's shoreline areas, including the Burlington Northern Railroad, I-5, SR 529, SR 2, SR 527, city arterials and local access roads. In addition, major Port of Everett shipping facilities are located along Port Gardner Bay.

It is unlikely that any of these major facilities will be relocated outside of shoreline areas. Some of the facilities will likely require expansion. In addition, new roads may be located in shoreline areas.

#### **Goal**

To achieve safe, convenient, pedestrian friendly, and diversified circulation systems to provide public access to the shoreline, efficient movement of people and goods, with minimum disruption to the shoreline environment and minimum conflict among shoreline uses and between shoreline users and abutting upland areas.

#### **Objectives**

1. Provide for recreational boating facilities, including terminals, moorage, and service facilities.
2. Coordinate all transportation planning to provide efficient use and transfer between modes while minimizing, to the greatest extent possible, the adverse environmental impacts of such facilities.
3. Require transportation facilities to comply with air, noise, stormwater and water quality regulations.
4. Minimize the visual impacts of transportation facilities proposed in shoreline areas.
5. Provide for bicycle and pedestrian circulation as a means of personal transportation and recreation, and connect bicycle and pedestrian trails to shoreline public access features.

6. Encourage water-borne transportation to be linked to land based public transportation.
7. Include public access to the shoreline whenever possible and appropriate in the design and construction of transportation improvements in shoreline areas.
8. Discourage the expansion of railroad facilities along Port Gardner Bay in the Urban Conservancy Environment.
9. Consider the location and characteristics of roads, railroads, navigable waterways, transportation terminals and public utilities when designating shoreline environments.

### 3.5 Cultural Resources Element

Cultural resources are those tangible and intangible aspects of cultural systems, both living and dead, that are valued by or representative of a given culture or that contain information about a culture. These resources are finite and nonrenewable and include, but are not limited to, sites, structures, districts, objects, and historic documents associated with or representative of peoples, cultures, and human activities and events either in the present or in the past. Cultural resources can also include the primary written and verbal data for interpreting and understanding those tangible resources.

Cultural resources are valuable links to our past and because of their limited and irreplaceable nature should be considered whenever a development is proposed along Everett's shorelines. The cultural resources element is intended to provide a guide for the identification, protection and restoration of buildings, sites, and areas having historic, archaeological, cultural, educational, or scientific values

Indian villages, military forts, early settlers' homes, as well as significant initial industrial and commercial activity were located along Everett's shoreline because of the proximity of food resources and water being an important means of transportation. Unfortunately, Everett's shoreline has a limited number of surviving historical structures or archaeological sites.

Everett's Historic Resources Ordinance, EMC 2.96, established a historical commission to identify and encourage the conservation of the City's historic resources. A City-wide inventory of historic resources has been completed - *Historic Resource Survey Everett, Washington*. The only structure with shoreline significance listed in the survey is the Weyerhaeuser Office Building. It is also listed on the National Historic Register.

Washington State regulates archaeological excavations on all nonfederal lands. The existing state laws protect from knowing disturbance and establish a permit process for the excavation and removal of Native American human remains (Chapter 27.44 RCW - Indian Graves and Records) and Native American archaeological and significant historic archaeological resources (RCW 27.53 - Archaeological Sites and Resources) on both public and private lands. The rules that implement these laws are codified as WAC 25-48. Detailed archaeological surveys have not been completed for a large portion of the Everett waterfront. The City has a Memorandum of Understanding with the Washington State Office of Archaeological and Historic Preservation (OAHP). OAHP has forwarded to the Everett Planning Department copies of all archaeological site forms for the City of Everett. Everett is responsible for providing a secure location for the records and can only release the information to the affected property owner. When a known site would be impacted and when a new archaeological resource is encountered during construction, or other activity, the City is responsible for notifying the Tulalip Tribes, ensuring that a

professional archaeologist is retained to investigate and report the location and extent of the site, and requiring mitigation for possible impacts.

## **Goal**

To identify, protect and/or document areas having significant historic, archaeological, cultural, or educational.

## **Objectives**

1. Formulate programs of cultural resource identification, evaluation, restoration, preservation, enhancement, interpretation, and maintenance, and integrate these programs with the Capital Improvement Program and budget.
2. Apply the City's historic ordinance, EMC 2.96, as amended, as a part of the plan to protect and preserve significant cultural resources as consistent with RCW 27.53 and 27.54.
3. Provide opportunities for educational and scientific uses in appropriate shoreline areas.

## **Policies**

1. The City should encourage and seek financial support for the completion of an archaeological survey of the Everett Shoreline area in order to establish its archaeological significance, this survey to be conducted by a recognized archaeological authority.
2. In processing shoreline permits in non-surveyed areas, the City should require the applicant to consult with professional archaeologists, where appropriate, as to the significance of the specific area involved.
3. The City should require recognition and consideration of identified archaeological, cultural, or historical areas which may exist. In areas documented to contain archaeological artifacts and data, the City should require a site inspection and evaluation by an archaeologist in coordination with the Tulalip Tribes. The evaluation should identify the impacts of the proposal and recommend mitigation measures.
4. The City should require developers to stop work immediately and notify the Planning and Community Development Department of the City of Everett, if during excavation in the shoreline area, anything of possible archaeological

interest is uncovered. The City should subsequently notify the Tulalip Tribes and the State Office of Archaeology and Historic Preservation.

5. When archaeological artifacts are discovered during development, the City should require the applicant to hire a qualified archaeologist to investigate and report to the City upon the location, condition, and extent of the site; impacts associated with the proposal; and any recommended mitigation necessary.
6. The City should encourage the development of interpretive facilities, the rehabilitation of existing shoreline historical markers, and the installation of new markers that document the history of shoreline activity in Everett.

## **Regulations**

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City and the Tulalip Tribes if anything of possible archaeological interest is uncovered during excavations or development and consult a professional archaeologist to inspect and evaluate the site. Failure to comply with this requirement shall be considered a violation of the Shoreline Permit.
2. An archaeological survey shall be required for any development that includes excavation into native soils (i.e., below any fill) unless an acceptable archaeological survey has previously been completed for the area. Archaeological survey reports and site investigation reports shall be made available to the Tulalip Tribes.
3. All permits issued for development in areas known to contain archaeological artifacts and data shall include requirements for the developer to provide for a site inspection and evaluation by a qualified archaeologist. The archaeologist report must include an analysis of the impacts of the development on the artifacts and data, and recommended mitigation measures. The report and mitigation measures must be approved by the City prior to the initiation of any development activity. Significant archaeological data or artifacts shall be reported to the State Office of Archaeology and Historic Preservation and shall be recovered before work resumes or begins on a project.
4. All development proposed for location on or adjacent to historic sites which are registered on the state or national historic register or have been recommended for such in the Shoreline Historic Survey shall provide interpretive signs or other method of documenting the historic character of such sites.

5. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archaeological, cultural, scientific or historical value based upon consultations with the State Office of Archaeology and Historic Preservation and the Tulalip Tribes, a substantial development permit shall not be issued which would pose a threat to the site. The City may require that development be postponed in such areas to allow investigation of or public acquisition and/or retrieval and preservation of significant artifacts.
6. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 27-44 (Indian Graves and Records) and RCW 27-53 (Archaeological Sites and Records) and shall comply with WAC 25-48, as well as the provisions of this master program.
7. Access to identified historical or archaeological resources shall be designed and managed so as to give maximum protection to the resource and surrounding environment.

### **3.6 Flood Hazard Reduction Element**

Flood hazard reduction measures are actions taken to prevent and/or reduce adverse impacts caused by current flooding, wake or wave action. Structural flood hazard reduction measures include, but are not limited to, dikes, levees, revetments, floodwalls, elevation of structures, biotechnical measures, and channel realignment. Nonstructural measures include planning and zoning requirements, such as setbacks, wetland restoration, dike removal, use relocation, and stormwater management programs. Structural flood hazard reduction measures such as diking can reduce inundation in a portion of the watershed, but can also intensify flooding elsewhere. Flood hazard reduction measures can also damage ecological functions crucial to fish and wildlife species, bank stability, and water quality. Measures, such as those that modify littoral drift, can result in impacts beyond the project boundaries.

**Exemptions.** The Shoreline Management Act exempts from the requirement to obtain a Substantial Development Permit the normal maintenance and repair of existing shoreline stabilization and flood protection works and emergency construction-necessary to protect property from damage by the elements. The Act also exempts the operation and maintenance of dikes, ditches, drains or other facilities existing as of September 1975, which were created, developed or utilized as part of an agricultural drainage or diking system. Although these structures are exempt from obtaining a Substantial Development Permit, compliance with all other prohibitions, regulations and development standards of this chapter is still required.

#### **Incorporation by Reference**

Consistent with WAC 173-26-190 the City hereby incorporates into the Shoreline Master Program the Floodplain Overlay Districts and Regulations (EMC 19.30) in effect as of August 13, 2005. (Ordinance 2857-05 and Ordinance 3053-08, effective 12/24/09)

The following goals, objectives, policies and regulations are in addition to those incorporated above.

#### **Goal**

To prevent or minimize flood damage while protecting shoreline ecological functions and ecosystem-wide processes.

## **Objectives**

1. Discourage new development in shoreline areas that would be harmed by flood conditions, or which would create or intensify flood hazard impacts on other properties.
2. Use existing regulations and other appropriate means to evaluate and prevent flood damages.
3. Update floodplain development regulations as needed to ensure compliance with FEMA standards.
4. Minimize impact to shoreline ecological functions and ecosystem-wide processes when flood protection measures are necessary to prevent flood damages.
5. Give preference to nonstructural flood hazard reduction measures over structural measures when feasible.

## **Policies**

1. Flood hazard reduction planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider entire systems or sizable stretches of rivers, lakes or marine shorelines. This planning should consider the off-site erosion, accretion or flood damage that might occur as a result of stabilization or protection structures or activities.
2. Flood hazard reduction structures should be located, designed, constructed and maintained to not significantly impact ecological functions or ecosystem-wide processes.
3. Nonstructural flood control solutions should be used wherever feasible, including limiting development in historically flood-prone areas, regulating structural design, and encouraging dike breach projects in appropriate locations. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not provide equal damage reduction, while still achieving the project purpose. Shoreline modifications for flood hazard reduction should comply with the Shoreline Modification requirements in Section 6.
4. Substantial stream channel direction modification, realignment and straightening should be prohibited, unless proposed as part of an ecosystem restoration project.

## Regulations

1. Structural flood hazard reduction activities must be in support of an allowable shoreline use that is in conformance with the provisions of this master program.
2. All development in the Flood Fringe and Floodway overlay zones shall comply with EMC 19.30, as applicable. In addition, all development located downriver from SR 529, shall be floodproofed in accordance with the provisions in EMC 19.30.040C, as applicable.
3. Structural flood hazard reduction activities must comply with the requirements for Shoreline Modification Activities in Section 6 of this SMP.
4. Structural flood hazard reduction measures shall only be permitted when nonstructural measures are not feasible. When structural flood hazard reduction measures are permitted, all impacts to the existing shoreline functions and priority species and habitats shall be mitigated to the extent feasible.
5. All new structural flood hazard reduction measures and improvements to existing structures shall include measures to restore ecological functions whenever feasible.
6. Many of the 2001 SEWIP assessment units designated Aquatic Conservancy in Section 4 of this SMP as well as the aquatic area west of Smith Island (assessment unit 3.05) received high rankings partially due to high quality marsh edge and/or riparian vegetation along dikes adjacent to the aquatic areas. Where structural flood hazard reduction measures are needed to protect development inland from these dikes, when feasible, new dikes or other stabilization structures shall be constructed inland of the existing dikes, and the high quality vegetation shall be preserved and enhanced along the existing dike.
7. New structural flood hazard reduction measures shall be placed landward of the channel migration zone, except
  - a) when necessary to accommodate development allowed under this Shoreline Master Program, where existing structures prevent active channel movement;
  - b) when necessary to accommodate actions that protect or restore ecological functions or ecosystem-wide processes, such as wetland restoration;
  - c) bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists;
  - d) repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts;

- e) development on a previously altered site where it is demonstrated that the development returns ecological functions and processes of the applicable section of the watershed or drift cell to a more natural condition;
  - f) development consistent with a management plan approved by the department of ecology that is directed toward protecting and restoring ecological functions and ecosystem-wide processes;
  - g) modifications to or additions to an existing legal use, provided that channel migration is not further limited and that the new development includes appropriate ecological restoration;
  - h) existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur; or
  - i) when the applicant demonstrates that no other alternative to reduce flood hazard to existing development is feasible.
8. River and stream channel direction modification, realignment and straightening shall be prohibited, unless proposed as part of an ecosystem restoration project.
9. All flood hazard reduction structures shall be constructed and maintained in a manner which does not degrade the quality of affected waters.
10. Removal of gravel for flood management purposes shall be prohibited unless associated with an ecosystem restoration project that does not result in significant ecological impacts to fish and wildlife. Note that this does not apply to dredging projects that meet the requirements of Section 6.4.
11. Marshland Subarea.
- a. When flood protection structures in the Marshland Subarea are rebuilt, or undergo major renovation, best available fish passage technology must be incorporated when feasible.
  - b. Relocation of structural flood protection measures in the Marshland Subarea for restoration purposes must be consistent with the Snohomish River Comprehensive Flood Control Management Plan, and coordinated with Snohomish County, the Marshland Flood Control District, the Coordinated Diking Council, Natural Resources Conservation Service, affected utilities and property owners.
  - c. Sufficient protections must be in place to ensure that properties outside the restoration areas continue to be protected from flooding to at least the extent they are protected under pre-restoration conditions.
  - d. Restoration projects must incorporate design features to preserve or improve drainage in areas outside restoration areas.
  - e. Dikes must be designed to ensure they will not impact utility operations or access. Any dikes that would affect access to power lines or liquid petroleum product lines must be constructed to accommodate the expected access needs of the utility owner, including loading generated by typical utility vehicles. Dikes should be designed to withstand water loading to be considered accessible.

- f) Adequate access to adjacent agricultural fields must be maintained or provided.
12. New flood control structures such as dikes and levees shall dedicate and improve public access pathways unless public access improvements would result in a safety hazard to the public, inherent and unavoidable security problems, or significant ecological impacts.

### **3.7 Public Access Element**

The public access element addresses the provision of shoreline access to the general public. Shoreline public access is the ability of the public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, or to view the water and the shorelines from adjacent locations. There are a variety of types of public access including picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking and others.

#### **Goals**

To achieve safe, convenient, and diversified access for the public to the shorelines of Everett.

The first 100 years of Everett's history, public access to shorelines was limited by industrial and railroad development. Everett's citizens have indicated that public access is among their highest priorities. The goal of this section shall be to protect and maintain existing public access, to restore and reclaim public access, and to provide safe and meaningful public access, use and enjoyment of Everett's shorelines.

#### **Objectives**

1. Promote and enhance the public interest in access to waters held in public trust by the state while protecting private property rights and public safety.
2. To the greatest extent feasible, protect the public's opportunity to enjoy the physical and aesthetic qualities of the shorelines of the state, including views of the water.
3. Protect and, as appropriate, seek to enhance existing public access including expansion of trails, trail networks, and substantial public viewing areas.
4. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize any interference with the public's use of the water
5. Develop (a) citywide public access plan(s) that identifies(y) potential shoreline public access projects, such as park acquisition and development; observation and view points; interpretive displays for areas of significant historic, cultural, educational, or scientific value; trails, including trails connecting public access areas; and other appropriate means of providing public access to the shoreline. The plan(s) should include a list of public access improvements and design

standards that provide direction for public and private improvements. Adopt the plan as an element of the Comprehensive Plan. Include appropriate public improvements in the Capital Facilities Element of the Comprehensive Plan.

6. Indicate by use of signs and graphics all publicly owned and controlled accessible shoreline areas.
7. Continue the cooperative public access efforts between the Port, the City and the County.
8. Protect the rights of navigation.

## **Policies**

1. Public access to shorelines should be required of all developments in shoreline jurisdiction to the extent allowed by law.
2. Preference should be given to provision of on-site public access. Off-site public access is appropriate where it would provide more meaningful improvements, or where off-site public access is consistent with an approved public access plan.
3. On-site public access shall not be required in the Deep Water Port Environment so long as public access requirements are met or fulfilled by off-site public access. Public access requirements for development in the Deep Water Port Environment may be met or fulfilled by off-site public access improvements, or on-site improvements at the request of the applicant/property owner.
4. Public access should be prohibited in the Municipal Watershed Environment.
5. Where off-site public access is necessary, construction of trails or trail improvements that link shoreline areas or other improvements that further the objectives of an adopted public access plan should be allowed in meeting public access requirements.
6. Public access improvements should be generally consistent with adopted public access plans and the non-motorized transportation (trail) plan if the project area is covered by the plans. However, an alternative proposed by the Applicant may be approved if it is consistent with the goals, objectives, and policies in this SMP.
7. Additional studies should be completed to determine if the shoreline trails identified as “Needs Further Study” in the Non-Motorized Transportation Plan are feasible. If not feasible, alternative locations should be identified and evaluated.

8. Public access 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.
9. Water enjoyment uses and non-water oriented uses that front on the shoreline should provide continuous public access.
10. Developments within shoreline jurisdiction that do not have shoreline frontage should provide public access by providing trails or access corridors through their sites.
11. Public access improvements should be allowed in buffers, but should be designed to mitigate any significant impacts to environmentally sensitive areas.
12. 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.
13. Public access requirements should be completed in a timely manner and assurance devices should be used to provide meaningful and timely public access.
14. Signs identifying publicly accessible shorelines should be required at such locations.
15. Public access provided by street-ends, utility corridors, and public rights-of-way should be addressed in public access plans and should be preserved, maintained and improved.
16. Utility rights-of-way leading to or along Everett's waterfront should provide linear public access.
17. Transportation corridors should be designed to be pedestrian and bicycle friendly and to provide safe circulation through and to the shoreline. Pedestrian and bicycle routes should be connected to each other and neighborhoods throughout greater Everett, and should be constructed in such a manner as to provide both recreational and commuting options for pedestrians and bicyclists.
18. Developments should be designed to reduce or minimize impacts on scenic vistas of shoreline areas, while accommodating a proposal's objective. Public views of shoreline areas should be preserved.

19. Public access improvements should include provisions for disabled and physically impaired persons where reasonably feasible.
20. Public access improvements should be designed and maintained to provide for public safety and comfort.
21. Public access improvements should be designed and managed to avoid or minimize potential impacts to private property and individual privacy.
22. Public access improvements should include physical separation or other means of clearly delineating public and private space in order to avoid user conflict and enhance public safety.
23. The City should encourage the multiple use of jetties and groins to increase public access and enjoyment of the shoreline.

## **Regulations**

1. Public access shall be required to the extent allowed by law in the review of all shoreline substantial development and conditional use permits (including land division), except for projects which meet the following criteria:
  - a. Projects in the Municipal Watershed Environment.
  - b. Environmental remediation projects involving no proposed use of the property.
  - c. Projects involving only ecological enhancement and restoration, except that new dikes shall incorporate public access per regulation 17.
  - d. In-water proposals with no demonstrated impact on public access or with a demonstrated increase in public access, such as dredge material disposal at an approved site and removal of existing pilings or other obstructions.
  - e. Projects in shoreline jurisdiction, with no waterfront, and no identified trail connections to existing or potential public access sites.

The remaining public access regulations in Section 3.7 do not apply to the exceptions listed above.\*

\* Please note that regulations 21 through 23 apply to all developments.

2. Public access shall be provided on-site, except for projects which meet the following criteria as determined by the Planning Director or Hearing Examiner:
  - a. The project is in the Deep Water Port Environment.
  - b. The provision of public access would result in an unavoidable health or safety hazard to the public that cannot be prevented by any practical means. The applicant must demonstrate that the health or safety hazards cannot be mitigated through the application of alternative design features or other solutions, such as regulating access by such means as maintaining a gate and/or limiting hours of use; designing separation of uses and activities (e.g., bridges, pedestrian overpasses or underpasses, fences, terracing, use of one-way glazing, hedges, landscaping, etc.).
  - c. The provision of public access would result in significant environmental harm, and the impact cannot be mitigated.
  - d. The provision of on-site public access is not practical (e.g., small or odd shaped lots, lots where functional requirements of primary use would hinder access).
  - e. More meaningful access that is better than that provided by the application of the goals, objectives and policies of this plan can be provided off-site.
3. Projects which meet the criteria in Regulation 2 listed above, must either construct off-site improvements or, if approved by the Planning Director, contribute to a public access fund established by the City to construct off-site public access improvements of comparable value.
4. Water enjoyment uses and non-water oriented uses that front on the shoreline shall provide continuous public access along the entire site's shoreline. Continuous access does not mean the access is equidistant from the ordinary high water mark or within a buffer.
5. A project proponent may participate in "public access banking" by providing public access improvements prior to the time a project is constructed.
6. Where a project is located within an area covered by an adopted public access plan, public access improvements shall be generally consistent with the adopted plan. However, the City may approve an alternative proposed by the Applicant that meets the goals, objectives and policies in this SMP. Adopted public access plans include, but are not limited to, An Urban Design Plan for Everett Harborfront, Everett Harborfront Public Access Plan, Everett Central City Development Plan, a Pedestrian and Bicycle Access Plan for Everett's Snohomish

Riverfront, the Non-Motorized Transportation Plan, or as such shall be superceded or amended.

7. Except where clearly not feasible, public access improvements shall include construction of trails to implement the Non-Motorized Transportation Plan, or as such shall be superceded or amended.
8. Where the required public access improvements are part of an integrated system to be accomplished through a public/private effort, the City may permit the applicant to pay an amount equal to the construction cost of the required improvements in lieu of developing the improvements at the time of development. The funds from this permit will be designated by the City for a programmed capital improvement project which includes the public access improvements required by the project permit. The intent of this provision is to allow greater flexibility and cost effectiveness in creating a public access system than could be achieved if elements of the system were constructed individually.
9. Where feasible, development uses and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's physical access to the water and shorelines.
10. Public access provided by shoreline street ends, public utilities and public rights-of-way shall not be diminished.
11. Public access sites shall be connected directly to the nearest public street or trail.
12. Roads and railroads along public shoreline areas shall provide for safe pedestrian and bicycle circulation through the shoreline. Pedestrian circulation shall be provided to the shoreline unless the access meets the criteria in Regulation 2.
13. Public access improvements shall include provisions for persons with disabilities, where reasonably feasible.
14. 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 assurance device acceptable to the Planning and Community Development Director is in place.
15. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use. Said recording with the County Auditor's Office shall occur at the time of 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.

16. The standard state approved logo or other signs approved by the Planning and Community Development Director that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant. Signs may control or restrict public access as a condition of permit approval.
17. Public access improvements shall be designed to minimize impacts to environmentally sensitive areas, ecological functions, or ecosystem-wide processes. A biological assessment (Planning Director's Interpretation), and potentially a habitat management plan (EMC 19.37 – Environmentally Sensitive Areas), shall be required for each project in shoreline jurisdiction. The City may require that buffers be increased based upon the results of that assessment. Mitigation of impacts shall be required as appropriate.
18. The City may require that parking facilities be provided in conjunction with required public access improvements.
19. Pedestrian access shall be required along new and reconstructed dikes, jetties and groins, except where the access would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigated significant ecological impacts, significant unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
20. 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. Public access improvements shall be incorporated into such projects except when exempted by Regulations 1 or 2.
21. Existing public access shall not be eliminated unless the Applicant shows that there is no feasible alternative and replaces the public access at another location.\*
22. The placement and design of structures on shoreline sites shall be done in a manner which is least detrimental to shoreline views and vistas. In certain instances this may be accomplished by orienting the length axis of the building and/or operation parallel to the view line. This regulation applies even if off-site public access is provided.\*
23. Any building or structure within 200 feet of the ordinary high water mark, in excess of 35 feet in height shall provide data showing that it will not obstruct the

view of a substantial number of residences on the areas adjoining such shorelines. This regulation does not apply to cranes, utility poles or other devices required to carry on water dependent operations. (The intent of this regulation is not to reduce the height limitation presently allowed in any multi-family zone.) This regulation applies even if off-site public access is provided.\*

\* Please note that regulations 21 through 23 apply to all developments.

## **3.8 Recreation Element**

The recreational element addresses the preservation and expansion of recreational opportunities through programs of acquisition, development, and dedication.

### **Goal**

To provide opportunities for diverse and convenient water oriented recreational experiences for the public where appropriate.

### **Objectives**

1. Locate only water dependent, water related or water enjoyment recreational facilities at shoreline locations wherever possible and appropriate.
2. Promote public awareness of the existing and potential recreational uses of the shoreline.
3. Relate and link shoreline recreation to the overall recreational pattern of the city.
4. Explore appropriate means to provide public recreation at the shoreline and on the water.
5. Identify, protect, and reserve for public use and/or enjoyment those shoreline areas containing special qualities that cannot be easily duplicated.
6. Inventory all existing shorelines for unique attributes and assign public acquisition priorities accordingly.
7. Utilize submerged lands for underwater recreation where it is safe, feasible and appropriate.
8. Ensure retention of opportunities for passive recreation (e.g., natural areas, open space).
9. Utilize recreational sites as opportunities to educate the public to the value of Everett's shoreline water bodies and historic/cultural resources, (e.g., interpretive signage, "touch tanks", etc.).
10. Wherever feasible, use City-owned utility properties in shoreline areas for recreational purposes.

### 3.9 Conservation Element

The conservation element addresses the protection, preservation, enhancement and restoration of Everett's natural shoreline resources, including scenic vistas, parkways, wetlands, estuarine areas, fish and wildlife habitat, beaches, geologically hazardous areas, and other valuable natural and aesthetic features.

In the early 1900's, Everett's waterfront was heavily impacted by mills and other industry. Since the 1970's and adoption of the Shoreline Management Act and other environmental laws, shoreline conditions in the City have been improving. The City is committed to the continued environmental enhancement and restoration of shoreline areas. The City's first Environmentally Sensitive Areas ordinance was adopted in 1989, and amended in 1991 to comply with Growth Management Act requirements. This ordinance requires protection and/or mitigation of impacts to critical areas and gives special consideration to Fish and Wildlife Conservation Areas. As Everett's heavily impacted shoreline sites are (re)developed, compliance with City regulations and this SMP will result in improved environmental conditions.

#### Incorporation by Reference

Consistent with WAC 173-26-190, and in response to the listing of salmon under the federal Endangered Species Act, the City hereby incorporates the following plans, goals, policies and studies into this Shoreline Master Program only insofar as they apply to areas within shoreline jurisdiction. These documents comprise the substance and procedures for regulating development in critical and sensitive areas within the City of Everett including development within the shoreline jurisdiction. While these documents have broader applications within the City of Everett, they are applied here as an essential element of the regulatory structure to address development proposals within shoreline jurisdiction. These regulations apply to all activities and uses in all environmental designations of the Shoreline Master Program.

For the purposes of this Shoreline Master Program, EMC 19.33D.360-590, Planning Director's Interpretation (PDI) 2-2000, PDI 05-005 and the Snohomish Estuary Wetland Integration Plan (SEWIP) are the versions in existence on March 21, 2001 unless otherwise noted. EMC 19.37 is the version that became effective on April 28, 2006. The Comprehensive Plan is the version that becomes effective in August 2005. The City's Comprehensive Plan, EMC 19.33D.360-590, 19.37, PDI 01-005 and PDI 2-2000 were adopted under the City's general land use authority and police powers. The SEWIP document has not been previously adopted by the City and is incorporated herein as the inventory work that meets the best available science required under RCW 36.70A.172 of the Growth Management Act. (Rev. 11/17/05)

In the event the City should subsequently amend these regulations, the City may apply regulations which offer the greatest protection of sensitive shoreline resources even if the regulations are not formally incorporated within the City's Shoreline Master Program. The City may, at its discretion, submit the amended version(s) of the regulations to the Department of Ecology as an amendment to the Shoreline Master Program consistent with WAC 173.26.190.

The plans, regulations, policies and studies incorporated by reference are as follows:

- **The City's Comprehensive Plan** Goals, Objectives and Policies for Critical Areas. These policies provide the basic framework for the protection of sensitive features within the City of Everett and are in compliance with the State's Growth Management Act as well as the Shoreline Management Act. (Rev. 11/17/05)
- **EMC 19.33.D.360-590 Environmentally Sensitive Areas Ordinance** and applicable definitions in EMC 19.04. EMC 19.33.D.360-590 regulates development in sensitive areas including wetlands, streams, rivers, and steep slopes. These regulations prescribe buffers and setbacks, and provide for the protection of "priority species" such as those "threatened or endangered" species protected under the Endangered Species Act. (These definitions and regulations are applicable in all areas of shoreline jurisdiction, except the Marshland Subarea.)
- **Planning Director's Interpretation 2-2000**, (PDI 2-2000) Interim Procedures, Endangered Species Act Listing for Chinook salmon and Bull Trout, or a subsequent procedure consistent with National Marine Fisheries Service (NMFS) 4d rule. The PDI 2-2000 sets forth a procedure for reviewing projects that emulates the Section 7 consultation procedures practiced by NMFS. PDI 2-2000 requires a biological evaluation to be performed on all projects within shoreline jurisdiction and may require a more detailed biological assessment if circumstances warrant. Projects may be conditioned and or mitigation measures prescribed that exceed those in the City's critical areas ordinance (EMC 19.37).
- **Planning Director's Interpretation 01-005**, (PDI 01-005). Standard Buffer Width Reduction. (Rev. 11/17/05)
- **EMC 19.37 Critical Areas** and applicable definitions in EMC 19.04 in effect on April, 28, 2006 (Applicable in Marshland Subarea only)
- **The Snohomish Estuary Wetland Integration Plan** (SEWIP) including the SEWIP Salmon Overlay published in February 2001. The SEWIP work will serve as the primary inventory information and best available science for those areas included in the SEWIP study area.
- **Marshland Subarea Plan**

As stated above, these policies and regulations apply to all activities and uses in all environmental designations of the Shoreline Master Program (SMP). Where conflict exists between any of these documents, the most protective of shoreline resources shall apply. This may mean that every parcel is not developable or fully developable as desired by a project proponent. Project proponents will be responsible for providing sufficient scientific information to document the environmental impacts and appropriate mitigation measures for their proposals. The City may deny projects that will result in significant ecological impacts that are not fully mitigated, even though the project is consistent with the use provisions of this SMP. The following goals, objectives, policies and regulations are in addition to those incorporated above.

### Goals

1. To protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life.

2. To promote and enhance the public interest by protecting, enhancing, restoring, and preserving ecological functions and ecosystem-wide processes, while allowing development in Everett's Urban Growth Boundary.
3. To preserve and enhance scenic elements.
4. To educate the public to the ecological value of Everett's shoreline areas.
5. It is the short-term goal that there be no net loss of the acreage or functional values of shoreline habitat. The long term goal is an increase in the acreage and functional values of shoreline habitat.
6. To protect and restore proposed, threatened or endangered species and their habitat.

### **Objectives**

1. Implement area-wide and watershed-based studies and management plans cooperatively with other local, state, and federal resource agencies and the Tulalip Tribes. Identify areas which should be preserved, enhanced, or restored to protect and restore ecological functions and ecosystem-wide processes, and prohibit or severely restrict development in those areas.
2. Require that developments address their impacts on scenic views and vistas and that impacts be mitigated to the extent practicable.

Also see Public Access Policy 17 and Regulations 20 and 21 in Section 3.7.

3. Require that all shoreline uses comply with all applicable local, state, and federal regulations protecting critical areas.
4. Through the application of the City's development regulations and this Shoreline Master Program, closely scrutinize the alteration of and prevent long-term degradation of submerged lands, except as permitted for water dependent uses or placement of dredged materials.
5. Inform the public about shoreline conservation practices.
6. Maintain an updated inventory of the shoreline natural resources and ecosystems by which to judge the impact of any proposed action in shoreline areas.
7. Program funds for the preservation, restoration and/or beautification of valuable shoreline resources as a part of the Capital Improvement Program to apply towards projects that will result in a net increase in ecological functions.
8. Modify management practices and regulations over time to address changing conditions and new knowledge gained from monitoring activities and research.

9. Encourage restoration by limiting impacts on properties that are not being restored.

**Policies**

1. Best available science should be used when identifying, evaluating, and mitigating impacts to critical areas.
2. The adverse impacts of shoreline uses and activities on the environment should be identified, mitigated, and monitored as appropriate, for all phases of development (e.g. design, construction, and management). (See definition of mitigation in Section 7.)
3. Highest priority should be given to the protection and restoration of fish and wildlife conservation areas as defined in EMC 19.37 and 19.33.D360-590. These include
  - Habitats of primary association (A critical component(s) of the habitats of federally or state-listed endangered, threatened, candidate, sensitive, priority, and monitored wildlife or plant species which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. (Partial definition))
  - Riparian corridors
  - Continuous vegetative corridors linking watersheds
  - Significant biological areas. (Plant associations of infrequent occurrence; commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; state natural area preserves and natural resource conservation areas; Maulsby Swamp; the Category 1 wetlands on the Simpson Lee site; and Jetty Island)

Except within the Marshland Subarea, development proposed in these areas should comply with EMC 19.33D.360-590 and Planning Director Interpretation No. 2-2000, Interim Procedures, Endangered Species Act Listing for Chinook Salmon, as applicable. In the Marshland Subarea, development should comply with EMC 19.37.

4. New development on geologically hazardous areas should only be approved if consistent with the City's Environmentally Sensitive Areas (Critical Areas) Ordinance, and when the new development will not result in the need for new shoreline stabilization over the life of the project.
5. As sites are redeveloped, unnecessary improvements within shoreline jurisdiction should be removed. Permeable surfaces and buffers along rivers, wetlands, lakes and Port Gardner Bay should be restored to the extent practicable. Buffers and restoration should be provided consistent with EMC 19.33.D.360-590 or 19.37, as applicable.
6. Existing hydrologic connections between water bodies, water courses, and associated wetlands should be protected.
7. Shoreline developments should provide detention and treatment of stormwater runoff as necessary to prevent adverse impacts to receiving waters and shore properties from increased flows, erosion, sedimentation, and pollutants.

8. The City should encourage shoreline property owners to take actions, where appropriate, to enhance the shoreline with native vegetation that will improve the condition of fish and wildlife habitat, even if no shoreline development is proposed.
9. All developments should comply with existing local, state and federal regulations relating to water quality and critical areas.
10. Clearing and grading activities that will have an adverse impact on shoreline resources should be limited to the minimum necessary to accommodate shoreline development. Mitigation of adverse impacts should be required.
11. Maintenance activities that include disposal of landslide debris from bluffs should consider impacts to fish and wildlife conservation areas.
12. Research activities and educational facilities should be allowed in or near critical areas if the activities and facilities will not significantly adversely impact the area.
13. The City should encourage and actively seek funding for the restoration of properties identified as high priority for restoration in the Snohomish Estuary Wetland Integration Plan.
14. The City should require clear performance standards, monitoring, and provision for contingency measures based upon best available science for all projects that include compensation for impacts to environmentally sensitive areas and restoration projects.
15. The City should monitor and analyze the cumulative impacts of development permitted in shoreline areas, including development exempt from Shoreline Substantial Development Permit requirements. Where impacts are occurring beyond that anticipated, the City should revise the SMP to address the cumulative impacts, and/or revise the conditions of approval of developments as allowed by EMC 19.33D.360-590 and 19.37 (including buffers, compensation ratios, the detailed design of compensation and restoration projects, etc.) to address the new information.
16. Restoration should be encouraged by reducing hardships on property owners caused when a shoreline restoration project shifts shoreline management act jurisdiction into areas that had not previously been regulated under the act or shifts the location of required shoreline buffers.

### **Regulations**

1. Except for within the Marshland Subarea, all development activities shall comply with the City's Environmentally Sensitive Area Ordinance, EMC 19.33D. 360-590, in effect on March 21, 2001; Planning Director Interpretation No. 2-2000, Interim Procedures, Endangered Species Act Listing for Chinook salmon and Bull Trout; and Planning

Director Interpretation No. 01-005 unless more stringent requirements are adopted by City Council subsequent to that date.

2. All developments shall comply with other local, state and federal regulations relating to critical areas, as applicable.
3. Best available science shall be used in identifying, evaluating and mitigating impacts of development proposals. The City shall require sufficient geological, hydrological and biological studies to determine the impacts of the proposal. (See EMC 19.37 and Planning Director Interpretation No. 2-2000 in Appendix A.)
4. Area-wide and watershed-based plans adopted by City Council shall be given substantial weight in determining whether impacts to wetlands and aquatic areas are adequately evaluated and compensated.
5. When analyzing proposed development on geologically hazardous areas, geotechnical reports must address stabilization required over the life of the project. The geotechnical report must address the method of conveying stormwater to the nearest established, stable drainage course, within the naturally occurring drainage (or sub-drainage) basin, by pipe or by other approved method that will not result in erosion or flooding. Sufficient information and analysis must be provided to enable the City to determine that this requirement is being met. Appropriate easements will be required if conveyance must occur across private property.
6. Existing hydrologic connections between water bodies, water courses, and associated wetlands shall be protected and maintained.
7. All developments shall mitigate impacts to water quality using best available science. Compliance with City stormwater regulations consistent with state stormwater regulations shall be required. Water quality monitoring during construction and operation may be required by the Planning and Community Development Director or Hearing Examiner on a project by project basis based upon specific characteristics of the proposal.
8. Projects that would cause significant ecological impacts to water quality, quantity, or flows, including impacts to aesthetic qualities or recreational opportunities, shall be prohibited.
9. Existing vegetation along the shoreline in the area designated Urban Conservancy located north and west of the railroad tracks along Port Gardner Bay shall not be removed, except to replace non-native vegetation as permitted by the Planning Director through a buffer management plan or to allow construction of a permitted use when impacts to vegetation are mitigated.
10. When disposing of landslide debris along Port Gardner Bay, the railroad and other property owners shall avoid eelgrass beds.

11. As existing shoreline properties are redeveloped, impervious surfaces not needed for current or planned uses shall be removed and shoreline buffers shall be enhanced and/or restored to the buffer width required by the SMP, except as necessary to accommodate access to the water necessary for the operation of water dependent and water related uses and/or public access. The Planning Director and Hearing Examiner shall have the authority to require redesign of the site and structures to minimize impacts to existing aquatic and buffer vegetation and to provide for buffer enhancement.
12. Land clearing, grading, filling and alteration of natural drainage features and land forms, where permitted, shall be limited to the minimum necessary for permitted development.
13. When this SMP requires mitigation, the mitigation sequence identified in Section 7 shall be used.
14. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with state and federal requirements.
15. Interpretive signs shall be required for new developments with public access to explain the ecological resources on the development site.
16. Fencing shall be prohibited when significant wildlife movement in wildlife corridors would be impaired.
17. Where buffers are restored or enhanced, plantings shall generally be spaced and composed to mimic native buffer communities. However, plantings shall also be designed to take into account impacts to views and scenic vistas. Measures to protect views and scenic vistas may include, but not be limited to:
  - grouping large trees in clusters,
  - selecting species that grow to heights that allow views without requiring maintenance pruning, and
  - planting evergreens in clusters.
18. When public access is incorporated into buffers, buffer plantings shall be preserved and/or restored to the extent practicable. However improvements such as, paved trails, non-motorized public access bridge structures, overlooks, limited grassy recreational areas, and limited areas of hardened surfaces for direct access to the water may be permitted.
19. All plantings within environmentally sensitive areas and their required buffers shall be native species or native hybrids. The City shall encourage developers to use native species for all landscaping within 100 feet of the shoreline, except for areas permitted for grass in conjunction with public access, recreational developments, or dike maintenance.

20. When restoring and enhancing buffers along the Snohomish River and its estuary, overhanging vegetation shall be provided along dikes and shoreline stabilization structures when feasible.
21. Buffers shall be maintained to eliminate invasive non-native species when practicable. Assurance devices shall be required for restored and enhanced buffers.
- 22A. Minimum 200 foot buffers shall be required adjacent to areas designated Aquatic Conservancy (SEWIP SO AUs 2.21, 2.28, 2.30, 2.31, 2.32, 2.41, 2.44) and SO AU 3.05 on Smith Island north of 12<sup>th</sup> St. NE and on North Spencer Island (see Figure 3.9-1). A function assessment must be completed for all projects to demonstrate that these buffers result in no net loss of wetland or stream function. A wider buffer will be required when necessary to protect wetland and stream ecological functions. The buffers may be reduced in accordance with PDI 01-005 where there has been prior substantial legal alteration to the buffer and when the project applicant: (1) completes an approved function assessment, and (2) prepares an approved habitat management plan that includes buffer enhancement that would improve the functional performance of the buffer and the associated critical area. In no case shall buffers be reduced below 100 feet, except
- When a significant action that restores salmonid rearing habitat is incorporated into the proposal, including actions such as reconnection of a blind tidal channel, a dike breach, or removal of fill to create tidal marsh area.
  - Public access improvements such as trails and interpretive facilities may be included in portions of the buffer when the biological assessment and habitat management plan (if required) demonstrate no significant adverse impacts or that significant adverse impacts are mitigated.
  - Buffers may be reduced to provide a reasonable use of a property as specified in EMC 19.37.050.D.
  - Expansion of existing facilities such as SR 529 and I-5 may be allowed when mitigation is provided for buffer impacts.

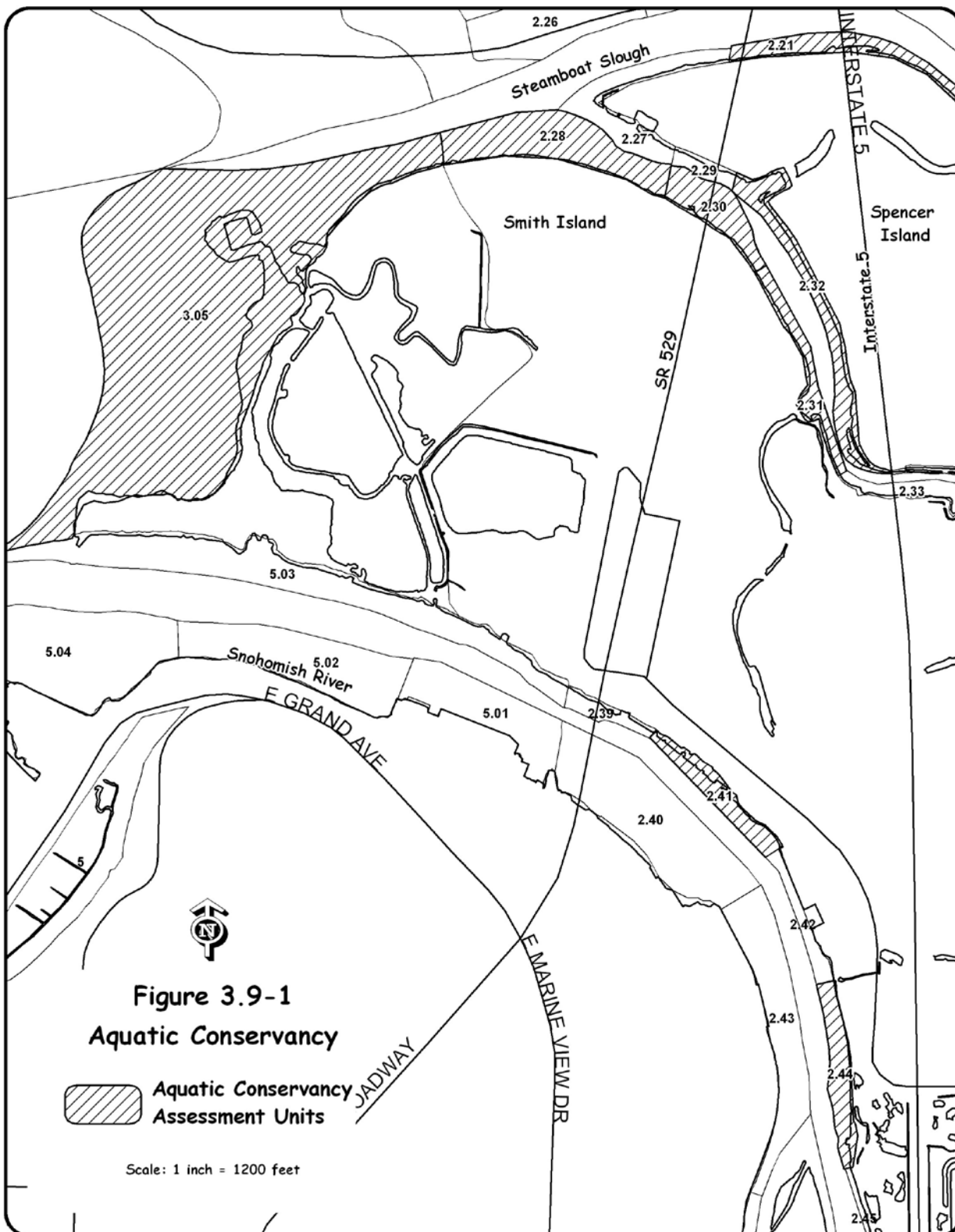
The City shall ask the appropriate resource agencies to review and comment on the function assessment and management plan. (Rev. 11/17/05)

- 22B. Palustrine wetlands on Smith Island north of 12<sup>th</sup> Street, on North Spencer Island, and on the city-owned property southwest of Weyco Island (AU 256) shall be categorized per Figure 3.9-2 (based upon SEWIP Wildlife Function). Category 1 wetlands shall have a minimum buffer of 200 feet. Category 2 wetlands shall have a minimum buffer of 100 feet. Category 3 wetlands shall have a minimum buffer of 50 feet. A function assessment must be completed for all projects to demonstrate that these buffers result in no net loss of wetland and stream function. A wider buffer will be required when necessary to protect wetland and stream functions. The buffers may be reduced in accordance with PDI 01-005 where there has been prior substantial legal alteration to the buffer and when the project applicant: (1) completes an approved function assessment, and (2) prepares an approved habitat management plan that includes buffer enhancement that would improve the functional performance of the buffer and associated critical area. In no case shall the buffers be reduced by more than 50 percent except:

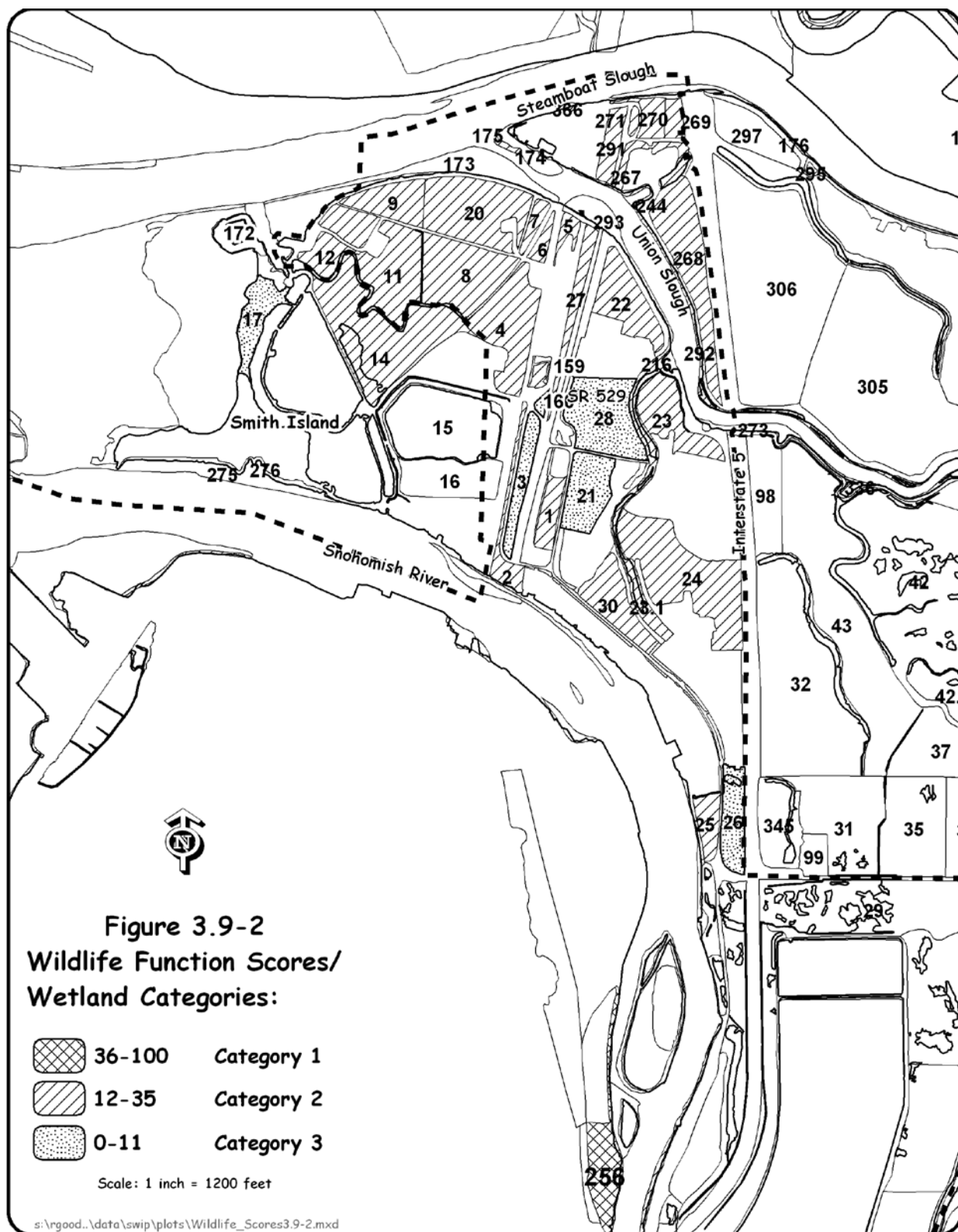
- When a significant action that restores salmonid rearing habitat is incorporated into the proposal, including actions such as reconnection of a blind tidal channel, a dike breach, or removal of fill to create tidal marsh area.
- Public access improvements such as trails and interpretive facilities may be included in portions of the buffer when the biological assessment and habitat management plan (if required) demonstrate no significant adverse impacts or that significant adverse impacts are mitigated.
- Buffers may be reduced to provide a reasonable use of a property as specified in EMC 19.37.050.D.
- Expansion of existing facilities such as SR529 and I-5 may be allowed when mitigation is provided for buffer impacts.

The City shall ask the appropriate resource agencies to review and comment on the function assessment and management plan. (Rev. 11/17/05)

23. Where dike setbacks are proposed or required, the wetland area within the setback area (i.e., between the waterward toe of the existing dike and the waterward toe of the setback dike) shall be delineated per the state wetland delineation manual. Areas not presently functioning as wetland will be credited toward the required buffer area.
24. The buffer on the south side of the Category 1 wetland north of the Simpson development pad shall be determined by a wetland analysis per Sections 37.100 and 37.170 of the Everett Municipal Code. This analysis shall include a Habitat Management Plan and Buffer Enhancement Plan. Buffers recommended in the wetland analysis cannot be less than 100 feet unless significant improvements are made to the wetland and buffer functions. In no case shall the buffer be reduced below 75 feet, and the trail shall be relocated outside of that buffer except where it connects to the trail along the river. The buffer shall be enhanced to provide for the potential for large woody debris recruitment into the wetland. Provided however that a spur trail to the wetland may be provided in the buffer to provide views into the wetland. Associated interpretive facilities such as signs, a viewing platform, and benches may also be provided in the buffers.



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25. Except as provided herein, all new development in the Marshland Subarea shall comply with the requirements of EMC 19.37 Critical Areas. The wetland compensation requirements of SMP Section 3.9 Regulation 35 shall apply in the Marshland area, rather than the compensation requirements in EMC 19.37.120C.
- EMC 19.37.050.B (Reasonable Use Exception) is not applicable. (Revised March 2011)
  - Except as provided in the following bullet, a Shoreline Variance is required to modify the standards in EMC 19.37. (Rev. March 2011)
  - The Marshland Subarea Plan recommends significant tidal restoration within the subarea that would result in moving the ordinary high water mark further inland. The Subarea Plan also proposes significant nontidal wetland and riparian restoration that will result in new wetland areas, higher habitat scores for existing wetlands, and fish access to streams and drainages where it may currently not exist. Pursuant to the process identified in RCW 90.58.580, the City may grant relief from Shoreline Master Program regulations if the proposed relief is the minimum necessary to relieve the hardship; the restoration project will result in a net environmental benefit; and the granting of the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the master program. This shall not apply to shoreline restoration projects created as mitigation to obtain a development permit. A shoreline substantial development permit is not required on land in the urban growth area that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark. (Rev. March 2011)
26. Stormwater facilities are prohibited in Category 1 stream and wetland buffers. In lower rated wetlands and streams, stormwater management facilities are permitted only within the outer twenty-five percent of the buffer, provided that:
- a) The buffer area has been previously substantially and legally altered and is degraded as defined by PDI 01-005.
  - b) Native vegetation and soils at the site should be protected and low impact development techniques should be used to promote infiltration of stormwater at the source. Stormwater facilities shall be integrated into the wetland buffer as a natural drainage system. The slopes and all areas that are disturbed shall be planted with native vegetation consistent with a buffer enhancement/mitigation plan. Above ground concrete walls and structures are not permitted. Below grade structures may be permitted only if it can be shown to the satisfaction of the planning director that the use of such materials fits with the natural design of the proposed facility and does not interfere with wildlife passages or adversely impact biological functions of the buffer or the adjacent critical area.
  - c) The facilities must include a buffer enhancement and management plan that would improve the functional performance of the buffer and associated critical area.

- d) The location of such facilities will result in no net loss of wetland ecological functions.

For Category II, III, and IV wetlands and streams, the Planning Director may grant an exception to the outer twenty-five percent limitation when the applicant demonstrates that the project would significantly increase wetland or stream function. (Rev. 11/17/05)

- 27. To the extent feasible, projects shall be designed to shield environmentally sensitive areas and their buffers from high noise generating activities such as vehicle loading and maneuvering areas and loud industrial activities through site design, use of fencing and berms, etc.
- 28. Lighting shall be directed downward onto the site and away from environmentally sensitive areas and their buffers.
- 29. The buffer along Port Gardner Bay at the tank farm site shall be determined at the time redevelopment of the site is proposed. The requirements for buffer/shoreline treatment shall be determined based upon the biological assessment for the redevelopment.
- 30. Whenever feasible, construction staging areas shall be located outside of environmentally sensitive areas and buffers as defined in the SMP.
- 31. Best available science shall be used in the design and implementation of compensation and restoration projects.
- 32. Monitoring shall be required for all projects where compensation is required for impacts to environmentally sensitive areas, and for projects where buffer enhancement and/or restoration is required. Monitoring requirements shall be based upon the performance standards defined for the project. Provisions shall be made for contingency measures to take in case the compensation does not meet performance standards within specified timeframes.
- 33. For all mitigation proposals incorporating buffer enhancement, a 5-year set-aside shall be required to cover the costs of monitoring, maintenance, and contingencies, including 50 percent of the cost of the plantings. The applicant's biologist shall submit a letter to the City upon installation of the buffer enhancement. Monitoring reports shall be submitted at the end of years 1, 3, and 5 following installation, unless more frequent reports are required in the approval. Contingencies must be implemented based upon the findings of the monitoring. The City may release the set-aside sooner than 5 years if the enhancement is determined by the City to be successful.

34. Construction sites and on-going activities involved in the handling and storage of fuel, chemicals, oil and other substances with the potential for spillage into adjacent waters, shall have operational procedures to prevent and handle potential spills. In addition physical structures which would contain any potential spills shall also be provided. Procedures shall meet applicable local, state and federal requirements.
35. Snohomish Estuary Wetland Integration Plan (SEWIP) Regulations

When compensatory wetland mitigation is required for development in the estuary, the applicant must comply with the following regulations unless an alternative that provides equal or greater compensation is approved by state and federal resource agencies.

A. SEWIP Salmon Overlay

Exception for Maulsby Mudflats: The compensation ratios in Regulations 35.A. 3, 6, and 7, however, will not apply to the Maulsby Mudflats due to the high natural resource value of the mudflats and the higher uncertainty of successfully mitigating impacts to this site. Compensation ratios for development at that site will be determined at the time a development is proposed based upon specific mitigation proposals and input from appropriate state and federal agencies.

1. Unavoidable Impacts. Unavoidable adverse impacts to tidal habitat functions that result from loss of littoral habitat functions or area in the Snohomish River Estuary (including Port Gardner) shall be compensated by restoring or enhancing historic tidal aquatic habitat functions and littoral area in the estuary.

Top priority is assigned to compensatory mitigation through tidal restoration in areas identified in the restoration plan (SO Section 6), and within the same EMU, where possible (Regulation 35.A.5). In cases where loss of function does not have an associated loss of littoral habitat area, mitigation can be provided in the form of restoration or enhancement of existing littoral habitat area, or by provision of new habitat area.

2. Mitigation Timing. Compensatory mitigation for unavoidable adverse impacts to tidal habitat functions shall be provided, either in advance of the impact or concurrently with the actions resulting in impact. (See Regulation 35.A.7 for a definition of concurrent mitigation.) No temporal lag shall occur between the time of loss of functions to the impact and the time when at least equivalent salmonid habitat functions are provided through mitigation actions.

3. Minimum Compensation Requirements. The minimum requirements for compensation shall be:

- 1 acre (or fraction thereof) of restored littoral habitat for each acre (or fraction thereof) of littoral habitat lost from diking, dredging, and/or filling. Littoral habitat includes all area from -10.0 ft MLLW to at least OHW (where discernible; otherwise MHHW); area of both impact and mitigation sites is extended landward to the extent of the riparian zone as defined in SO Section 2.4.
- 1 acre (or fraction thereof) of tidal or palustrine habitat for each acre (or fraction thereof) of palustrine habitat lost to development (see also Regulation 35.A.15).
- 1.3 IVA-acres of habitat function for the limiting taxon (chinook or coho/bull trout) for each IVA-acre lost. This 30 percent increase in function accounts for uncertainty in the habitat assessments provided by the model as described above, and is intended to ensure that the SEWIP goal of a net increase in habitat function is achieved.

Minimum acreage compensation regulations do not apply to habitat restoration and enhancement projects that are not used for compensatory mitigation. Mitigation credit for log raft storage restrictions that remove a stressor from a tideflat are only allowed as mitigation for lost habitat function, not area. Note that loss of riparian function above OHW should be scored by the model, and should be compensated.

4. Out-of-Kind Compensation.

- Development impacts to tidal or tidally influenced habitats shall not be compensated for with palustrine wetland enhancement, restoration, or creation.
- Development impacts to palustrine wetland habitats may be compensated for with tidal habitat restoration or creation on an acre-for-acre basis. If nontidal mitigation is proposed for loss of nontidal palustrine wetlands in the SEWIP planning area, it should be reviewed to ensure that opportunities to recover tidal function would not be foreclosed. To replace palustrine wetland functions with palustrine wetland functions, the original SEWIP process and vegetated wetland model applies (City of Everett et al. 1997).

- The Tidal Habitat Model shall be used to ensure that adequate replacement of salmonid habitat function is provided (i.e., it is assumed that within the regulations of SEWIP, the model will provide for replacement of habitat for salmonids, except that impacts to eelgrass will be evaluated and compensated for in accordance with WDFW mitigation policies).
- Out-of-kind compensation for the two watershed process-based functions identified in the Tidal Habitat Model (e.g., LWD recruitment, feeder bluffs) shall be prohibited, except for cases where tree removal is required for maintenance of the integrity of functional dikes.

5. Where Compensation Can Occur.

- Compensation for impacts to vegetated palustrine wetlands may occur within any EMU, with either created, enhanced, or restored tidal habitat. However, to replace palustrine wetland functions with palustrine wetland functions, the original SEWIP process and vegetated wetland model applies. See the 1997 SEWIP Regulations after Regulation 35.A.15 below.
- Compensation for impacts to tidal (i.e., anadromous fish) habitats must occur with tidal habitat creation, enhancement, or restoration, preferably within the same EMU (SO Figure 3.1) or secondarily within the adjacent downstream EMU, with the following exceptions:
- Because the nature of salmonid habitat functions provided by the salmonid habitat in EMU 7 (Port Gardner shoreline) is somewhat different from those provided in EMUs upstream in the estuary, impacts in EMU 7 shall be compensated only in EMUs 4 or 7.
- Opportunities for habitat restoration in the highly modified habitats in EMUs 5 and 6 are limited; therefore, impacts in EMUs 5 and 6 may be compensated in EMUs 2, 3, 4, 5, or 6. Because EMUs 1, 2, and 6 have the smallest proportions of their total acreage that is salmon habitat (SO Table 4.2) within their boundaries, further reduction of habitat area and function should be avoided.
- Impacts in EMU 3 may be compensated in EMUs 2, 3, or 4.

6. How Compensation is Calculated. The SEWIP assumes that in all cases there will be no temporal loss of cumulative salmonid habitat function as calculated by the model. Where mitigation is provided in advance of project impacts (e.g., the performance standards established for Year 5 have been met at the mitigation site), the acreage of compensation shall be calculated from the IVA function performance scores (Year 5) using the following ratio, provided that a minimum compensation requirement of 1:1 acres (“no net loss”) of area is met and provided that the minimum functional replacement compensation requirement of Regulation 35.A.3 is met.

$$\frac{\text{IVA score per acre function lost} \times \text{acres lost}}{\text{IVA score per acre function gained at mitigation site}} = \text{Acres of compensation}$$

7. How Compensation is Calculated (Concurrent Mitigation). The acreage of compensation for concurrent mitigation (mitigation that is constructed but may not be fully functioning at the time impact is incurred) shall be calculated from the IVA function performance scores at the time of impact, provided that the minimum compensation requirements of Regulation 35.A.3 are met at all times (see Table 5.1 in the Salmon Overlay for example):

$$\frac{\text{IVA score per acre function lost} \times 1.3 \times (\text{acres lost})}{\text{IVA score per acre function gained (at the time of impact)}} = \text{Acres of compensation}$$

8. Compensation Based on Limiting Function. Under Regulations 35.A. 6 and 7, the acreage needed for compensation shall be calculated separately for the chinook and coho/bull trout functions. Whichever function requires the greater acreage for compensation (i.e., which is the limiting function) will determine the required overall compensation acreage in order to ensure that the limiting function is adequately compensated for. Excess compensation acreage for the non-limiting function shall not be available as compensation for other habitat impacts.
9. Use of Average Restoration Potential Per Acre. An average restoration potential per acre shall be used to establish the compensation requirements in cases where several AUs are restored simultaneously (as in a compensation bank) or where several individual project impacts are to be mitigated in a single restoration project. This average is calculated by summing the potential increase in IVA-acre points and dividing by the total acreage of the site. This average shall then be used to determine the acres of compensation required according to Regulations 35.A. 3 and 6 or 7.
10. Guidelines for Developing Compensatory Mitigation Plans. Compensatory mitigation and monitoring plans (CMMPs) with applicable performance

standards submitted under the SEWIP plan should follow the interagency “Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals” (Department of Ecology Publication #94-29) which is subject to amendment by Department of Ecology and future acceptance by the City. CMMPs shall be circulated to the SSOTAC for review and comment and for adaptive management purposes as provided in Salmon Overlay Section 5.6. Applicants should consider the overall restoration objectives set forth in SO Chapter 6. (Rev. 11/17/05)

11. Performance Criteria. Standards and performance criteria shall be established for each mitigation action as described in SO Section 5.6 and stated in the CMMP.
12. Monitoring Requirements. Each compensation site shall be monitored over a period of up to 10 years as described in SO Section 5.6.
13. Threatened, Endangered, or Commercially Important Species. All tidal and associated riparian areas within the SEWIP planning area are designated critical habitat for Chinook salmon and are likely to also constitute important habitat for coho salmon and anadromous native char. If areas in the UGA have other threatened, endangered or commercially important species, then the compensation plan shall incorporate design measures to mitigate any impacts to these species and their habitats.
14. Projects with Impacts Outside of the Estuary Study Area. Projects with impacts outside of the SEWIP study area may be compensated for within the SEWIP study area, consistent with the SEWIP restoration and/or enhancement goals and objectives.
15. Loss of Palustrine Wetlands. Compensation is required where existing palustrine wetlands will be converted to tidal habitat for compensatory mitigation. The acreages calculated per this regulation are set aside within the restored mitigation site and may not be considered as compensatory mitigation. However, to provide an incentive to developers to undertake tidal restoration as compensatory mitigation, while recognizing the range of functions provided by different types of isolated palustrine wetlands, the following ratios shall apply for wetlands, based on existing scores from the SEWIP freshwater model (SO Figure 5.1). Alternatively, a project proponent may rescore the site using that model to reflect existing conditions:
  - Fourth quartile (highest quality) – 0.75 acre for each acre lost
  - Third quartile (moderate quality) – 0.5 acre for each acre lost
  - Second quartile (fair quality) – 0.3 acre for each acre lost

- First quartile (lowest quality) – 0.1 acre for each acre lost
- No compensation shall be required for vegetated freshwater wetlands lost through restoration of tidal functions, if the restoration project is not used as compensatory mitigation.

B. 1997 SEWIP Regulations (Apply to palustrine compensation only)

The following mitigation ratios apply only to the development footprint identified in Figure 2.3A in SEWIP.

- 1a. Unavoidable Impacts. Unavoidable impacts to wetland functions in the Snohomish River Estuary shall be compensated by restoring historic wetlands in the Estuary identified in the restoration plans (Table 2.1 and Chapter 5 in the 1997 SEWIP).
- 1b. Where Compensation Can Occur. Compensation for impacts to vegetated palustrine wetlands may occur within the same Ecological Management Unit or within the adjacent Ecological Management Unit (See EMU Map, Figure 2.2 in the 1997 SEWIP).
- 1c. Impacts to palustrine wetlands inside the SETAC approved development footprint (SEWIP Figure 2.3A). Prior to issuance of Certificate of Occupancy or Public Works Permit Final Inspection, the applicant must submit (1) an as-built signed by the wetland biologist documenting that the wetland mitigation has been constructed per plans; and (2) performance guarantees for monitoring, maintenance, and contingency. (Rev. 11/17/05)
- 1d. Impacts to palustrine wetland mitigation outside the SETAC approved development footprint (SEWIP Figure 2.3A). Mitigation for impacts to palustrine wetlands outside the development footprint shall be completed concurrently or in advance of the impact to the wetland. Concurrent mitigation is defined as mitigation that has been constructed and has met the ratios established in Regulation 35B.3.a by the time impact is incurred. Advanced mitigation is mitigation that meets the 5-year performance standards at the time of impact. (Rev. 11/17/05)
2. Minimum Compensation Requirements. The minimum requirements for compensation will be one acre of restored wetland for one acre of wetland lost.
- 3a. How Compensation is Calculated. The acreage of compensation shall be calculated from the IVA function performance scores using the following

ratio, provided that the minimum compensation requirement of regulation 35.B.2 is met (see 1997 SEWIP Figure 2.4 for example):

$$\frac{\text{IVA score for per acre function lost}}{\text{IVA score for per acre function gained}} \times (1.25) \times (\text{acres lost}) = \text{Acreage of compensation}$$

This regulation applies when the restoration credits are less than the impact debits and the calculated “Acreage of Compensation” will not be less than the acreage loss; otherwise regulation 35.B.2 should be applied. The 1.25 multiplier is included in this ratio calculation to compensate for the temporal loss of wetland functions at the impact site during the time required for the functions at the compensation site to approach the “pre-impact” level of performance.

- 3b. How Compensation is Calculated When Regulations 35.B. 2 and 8 are Met. In cases where the performance standards established for “year 5” have been met (see 35.B.9), the acreage of compensation shall be calculated from the IVA function performance scores using the following ratio, provided that the minimum compensation requirement of regulation 35.B.2 is met:

$$\frac{\text{IVA score for per acre function lost}}{\text{IVA score for per acre function gained}} \times (\text{acres lost}) = \text{Acreage of Compensation}$$

This regulation is intended to provide incentive to developers for the creation of large wetland compensation banks. The 1.25 “temporal” multiplier is not included in this ratio calculation because the compensation site has demonstrated through monitoring (Regulation 35.B.8) that wetland functions are performing as proposed in the compensatory mitigation plan.

4. Compensation is Based on Limiting Function. Under Regulations 35.B. 3.a and 3b, the acreage needed for compensation shall be calculated separately for the Water Quality Improvement and Habitat groups of functions. Whichever group of functions requires the greater acreage for compensation (i.e. which is the limiting group of functions<sup>1</sup>) shall determine the required “overall compensation acreage”<sup>2</sup> in order to ensure that the limiting function is adequately compensated for. Excess compensation acreage<sup>3</sup> for the non-

<sup>1</sup> The “limiting group of functions” group of functions (e.g. Water Quality Improvement or Habitat) which exhibits the least average increase in IVA score per acre for a particular restoration site.

<sup>2</sup> “Overall Compensation Acreage” required acreage of compensation calculated from regulation G.3 for the limiting group of functions (e.g., either Water Quality Improvement or Habitat).

<sup>3</sup> “Excess Compensation Acreage” the calculated acreage of compensation for the “non-limiting” group of functions subtracted from the “Overall Compensation Acreage.”

limiting function shall not be available as compensation for other wetland impacts.

5. When to Use Average Restoration Potential Per Acre. An average restoration potential per acre shall be used to establish the compensation requirements in cases where several wetland complexes are restored simultaneously (as in a compensation bank). This average is to be calculated by summing the potential increase in IVA acre-points for each group of functions and dividing by the total acreage of the site. This average shall then be used to determine the acres of compensation required according to regulations 35.B. 2 or 3.
6. SEWIP Restoration Plan is a Guide for Objectives and Goals. The SEWIP restoration plan for an individual site must be used as the basis for setting the goals and objectives of any compensation proposed.
7. Guidelines for Developing Compensatory Mitigation Plans. Compensatory mitigation plans with applicable performance standards submitted under the SEWIP plan should follow the interagency “Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals” (Department of Ecology Publication #94-29, pg. 40).
- 7a. Threatened, Endangered or Commercially Important Species. If areas in the development footprint have SEWIP-mapped “threatened, endangered or commercially important species,” then the compensation plan shall incorporate design measures to mitigate any impacts to these species. (See 1997 SEWIP Figures 2.5 and 2.6) The compensation plan will be amended to incorporate any new mapped areas of threatened, endangered or commercially important species. If an Army Corps of Engineers regional permit is adopted, then the amendment process must meet the requirements of that permit<sup>4</sup>.
8. Monitoring Requirements. Each compensation site shall be monitored over a period of 10 years. The wetland compensation plan shall establish a set of applicable performance standards. Additionally, the compensation plan shall include post-project assessment of the site using the IVA model to determine if the projected increase in the IVA scores (restoration potential) for the compensation site has been achieved. When the performance standards established for year five are met (which may occur during any year of the monitoring period) and the increase in IVA points projected for the compensation site has occurred, then regulation 35.B. 3.b may be applied.

9. Projects With Impacts Outside of the Estuary Study Area. Projects with impacts outside of the SEWIP study area may be compensated for within the SEWIP study area, consistent with the SEWIP restoration and/or enhancement goals and objectives.
36. In implementing EMC 19.33D.460E and 500 E, the City of Everett will require protective covenants for all development proposals on properties that contain environmentally sensitive areas, except where an easement is obtained for infrastructure projects and the easement does not contain required mitigation.  
(Rev. 11/17/05)

### **3.10 Implementation Element**

This element deals with the relationship of the Master Program, the Substantial Development Permit Process, the Shoreline Inventory, existing land use regulations, and the need to keep these up-to-date.

#### **Goal**

To implement the Comprehensive Plan and achieve a fair, balanced, and impartial administration of the Shoreline Permit Process and other legal requirements.

#### **Objectives**

1. Provide for a review and written report by staff to the Planning Commission at least every five years to assess the performance of and the need for modifications to the Master Program and related land use policies and regulations.
2. Process shoreline permits consistent with the City's Procedural ordinance and assure complete coordination with and review by affected agencies, neighborhoods, and parties.
3. Continue to work towards a 1-stop permit system both within the City government and between appropriate federal, state, and local agencies responsible for regulating development in shoreline areas.

### **3.11 Shoreline Restoration Element** (new 11/17/05)

The purpose of this restoration element is to compile the potential shoreline restoration actions that have been identified in the City of Everett, and to describe the City's strategy for restoration. The information is based primarily on the analysis of ecological functions and potential for ecological restoration described in the Snohomish Estuary Wetland Integration Plan (SEWIP) and the Salmon Overlay. These documents were developed in cooperation with other local, state, and federal agencies; consultants; and the Tulalip Tribes. The information is also based on more detailed restoration planning that was completed for the Marshland Subarea addressed in the Marshland Subarea Plan. (Revised 3/17/2011) This element also includes information from the planning efforts of the Snohomish Basin Salmon Recovery Forum<sup>1</sup> and other organizations, including the Port of Everett, Sound Transit, and Puget Sound Nearshore Ecosystem Restoration Project.

SEWIP and the Salmon Overlay used a landscape approach to evaluate the estuary as a whole, without regard to jurisdictional boundaries. Therefore, this element also includes information on restoration actions in the Snohomish estuary outside of Everett. It also shows how potential restoration actions in Everett fit within the priorities for tidal restoration in the estuary established in the Salmon Overlay. This landscape context is important to understand the City's overall restoration strategy; however, this element's focus is on land in the City's boundaries that are subject to the City's shoreline jurisdiction.

This element describes to the general public the City's restoration strategy for shoreline areas. An important component is to present information regarding public sector activities, primarily City and Port projects. Because of public planning and budgeting, there is an opportunity to provide information regarding timing and status. Private property is governed by distinct legal principles. In addition, the City has limited information regarding plans for private property. Nevertheless, property owners planning for the future can use this information to determine how to use their property. Where a site is identified as a potential tidal restoration site, they may decide to sell their property for restoration, restore part of their property, or develop the property. Project proponents can use the information to determine what types of restoration are possible on their site, and what types of mitigation may be required in the permitting process. Project proponents seeking mitigation sites can find potential opportunities here. Conservation groups or agencies with restoration funding can use this information to purchase restoration sites from willing sellers that will result in the highest gains in habitat.

Section II of this element provides an overview of high priority tidal restoration opportunities based upon the Salmon Overlay. The information ranks the various opportunities based on the restoration potential and degree of technical difficulty. Section III describes the City's approach for restoration on private properties. The

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<sup>1</sup> Snohomish Basin Salmon Recovery Forum. 2004. Draft Snohomish River Basin Salmon Conservation Plan, July 2004. Snohomish County Surface Water Management Division. Everett, WA.

remainder of this restoration element is divided into sections by shoreline area, and into subsections that address restoration for publicly and privately owned lands respectively.

Each section identifies a) sites with potential for ecological restoration; b) restoration goals based on SEWIP and the Salmon Overlay; and c) mechanisms or strategies to ensure restoration projects will be implemented and review effectiveness. Restoration mechanisms or strategies are again based on SEWIP and the Salmon Overlay, policies in the SMP, and permitting practices of the City of Everett and other agencies such as the State of Washington (Washington Department of Fish and Wildlife [WDFW] in administering the State Hydraulic Code), and the federal government (Corps of Engineers and Environmental protection Agency in administering the Clean Water Act Section 404 and the Endangered Species Act).

The subsections on publicly owned lands include in addition a) existing and ongoing projects that are being implemented or are reasonably assured of being implemented, b) additional projects and programs needed to achieve local restoration goals and implementation strategies including potential funding sources, and c) timelines and benchmarks for these projects. These additional sections regarding public property synthesize existing plans and provide the information in a readable document. All timelines and funding information are based on available information at this time and are subject to change based on future events.

SEWIP and the Salmon Overlay express goals based on the Indicator Value Assessment (IVA) rating as measured by habitat models. Restoration goals in this element are expressed in IVA units. The SEWIP IVA model is used for palustrine wetland mitigation. The Salmon Overlay IVA model is used for tidal habitat mitigation/restoration. Since the priority of the SEWIP documents is tidal mitigation/restoration, this restoration element refers to Salmon Overlay IVA habitat gains, unless otherwise stated.

## **Prioritization of Potential Restoration Sites and Actions**

Table 1 ranks potential restoration sites, based on total IVA acre-points per site, existing functions, landscape position, and technical difficulties anticipated. A detailed discussion of the prioritization model is included in Section 6.4 and Appendix D of the Salmon Overlay. Table 1 only includes sites where restoration of tidal action can occur. These sites are shown in Salmon Overlay Figure 3.11-1. The table does not include all sites where restoration of tidal action may be possible or other types of potential restoration actions, including log storage removal enhancement. Tidal restoration ranks higher than other types of restoration since it restores historic estuarine and freshwater tidal wetland area and creates new habitat areas for salmonids versus enhancement of existing habitat areas.

Figure 3.11-2 identifies potential log storage removal enhancement areas and a fish barrier removal enhancement. Additional potential enhancement/restoration actions are

identified in this element. Other actions may be added over time, as new information is available.

Table 1, a portion of the Salmon Overlay Table 6.2 is reproduced below, along with the current status of each property, when known. The model used two different ranking scenarios. In the first, sites near the top generally had a combination of high salmon habitat restoration potential, moderate to low existing values for wildlife and water quality functions, and low technical difficulty. The second scenario (right-hand column scores) used the subtotal ranking score before inclusion of the technical difficulty factor. The sites are ordered in the Table based upon the first scenario that considered technical difficulty.

The timing of restoration on specific sites is not dependent upon the priority identified below. Factors that will affect timing include existing land uses, property owner willingness to participate in restoration or sell their properties, property acquisition and restoration costs, and funding opportunities.

SEWIP and the Salmon Overlay used a landscape approach to the estuary. This approach evaluates the estuary as a whole, without regard to jurisdictional boundaries. Therefore, the table identifies opportunities within city and county jurisdiction. The landscape context is important to understand the City's overall restoration strategy; however, the rest of this element primarily focuses on land in the City's boundaries that are subject to the City's shoreline jurisdiction.

**EVERETT SHORELINE MASTER PROGRAM**

**Table 1 Restoration Priorities**

Restoration Sites	Site No. <sup>1</sup>	New Tidal Habitat (acres)	Salmon Score Acre-Points <sup>2</sup>	Total Score	Total Score <sup>3</sup>	Subtotal without Technical Difficulty	In City of Everett	Current Status If Known <sup>4</sup>
North Tip, South Ebey Island	1	418	36,926	22.06	100	96		Snohomish County owns several hundred acres. Feasibility and design work have not been started..
Biringer Farm	2	340	20,613	21.39	97	92		Owned by Port of Everett. The Port's proposed 2005 - 2009 CIP calls for planning and permitting to begin in 2005, with construction in 2007.
Mid-Smith Island	3	484	26,217	20.56	93	88		Snohomish County has acquired 280 acres. A restoration plan is being developed. An application has been submitted for SRF Board funding for additional property acquisition.
South Spencer Island WDFW	4	297	30,288	20.28	92	81		Dikes are failing. Application submitted for SRF Board funding for restoration.
Poortinga Property, now Qwuloolt Estuary Project	5	355	16,750	19.83	90	84		Currently called the Qwuloolt Estuary project. Tulalip Tribes have acquired 334 acres of property. Additional acquisition and funding are needed prior to construction. Planning is underway, and construction could begin in 2006, if additional funds are obtained. Application submitted for SRF Board funding for design.
SW tip South Ebey Island	6	44	1,293	17.93	81	68		
Marshlands 1	7	354	20,804	17.87	81	89	X	Subarea Plan to address restoration feasibility.
Swan Slough	8	62	4,315	17.58	80	72		
Ferry Baker Island	9	6	714	17.19	78	80	X	
Deadwater Slough	10	621	27,259	17.13	78	75		
Simpson Lee Cat. I	11	35	2,591	16.96	77	69	X	
								The western portion of this site was purchased by Cedar Grove and a composting facility is under construction. Cedar Grove has established a 200 foot buffer that it is enhancing to improve buffer functions. Potential restoration actions still include reconnection of tidal action to the slough and construction of a setback dike.
Smith Island Delta Front	12	143	8,178	16.16	73	75	X	
Sunnyside North	13	182	10,774	15.56	71	66		
Marshlands 2	14	476	20,884	15.45	70	76	X	Subarea Plan to address restoration feasibility.
Sunnyside South	15	321	19,407	15.41	70	76		
Nyman Farm	16	50	6,670	15.18	69	64		
So. Ebey Island, NW Corner	17	147	4,973	15.08	68	69		
Langus Park #50	18	26	1,201	14.86	67	73	X	
So. Ebey Island, NE Corner	19	182	8,708	14.42	65	71		
Diking District 6	20	225	11,804	14.29	65	60		Snohomish County owns this property and has developed a restoration plan..
N. Smith Is, Union Slough	21	13	761	14.15	64	70	X	
SR 529 Spencer	22	4	385	14.07	64	69	X	
Smith Slough, Smith Island	23	7	400	14.06	64	69	X	
								City of Everett and US Army Corps of Engineers. Dike breach project is currently under construction. Breach expected in 2005
Upper Union Slough	24	82	3,287	13.89	63	58	X	
South Ebey Island WDFW	25	517	32,801	12.88	58	52		
<b>Totals</b>		5,391	318,003					

1 See Salmon Overlay Figure 4.16

2 Mean of maximum and minimum restoration potential (IVA points per acre x salmon overlay acres)

3 Normalized score, where the highest score = 100.

4 Much of this information comes from the Draft Snohomish River Basin Salmon Conservation Plan.

Figure 3.11-1 Potential Tidal Restoration Sites

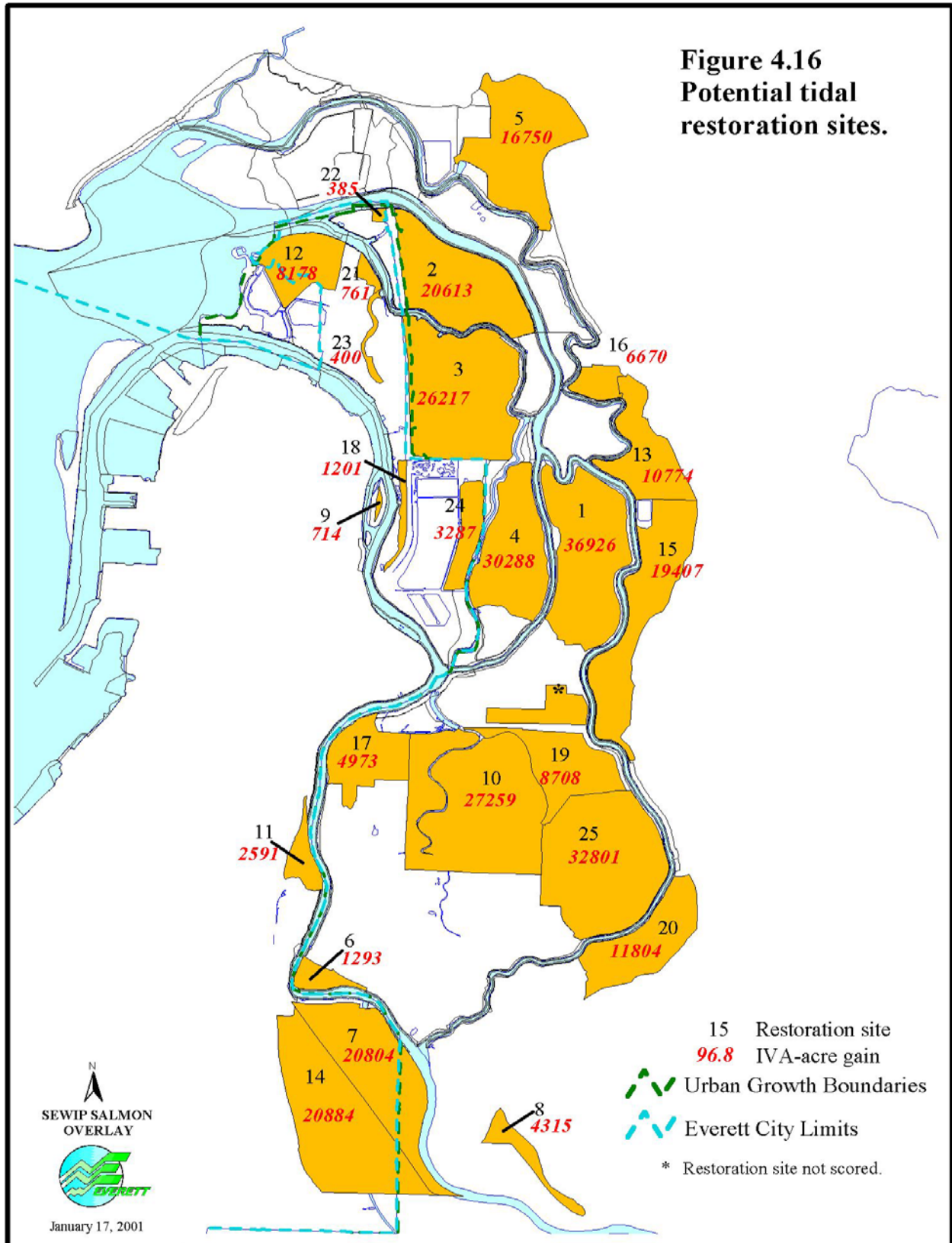
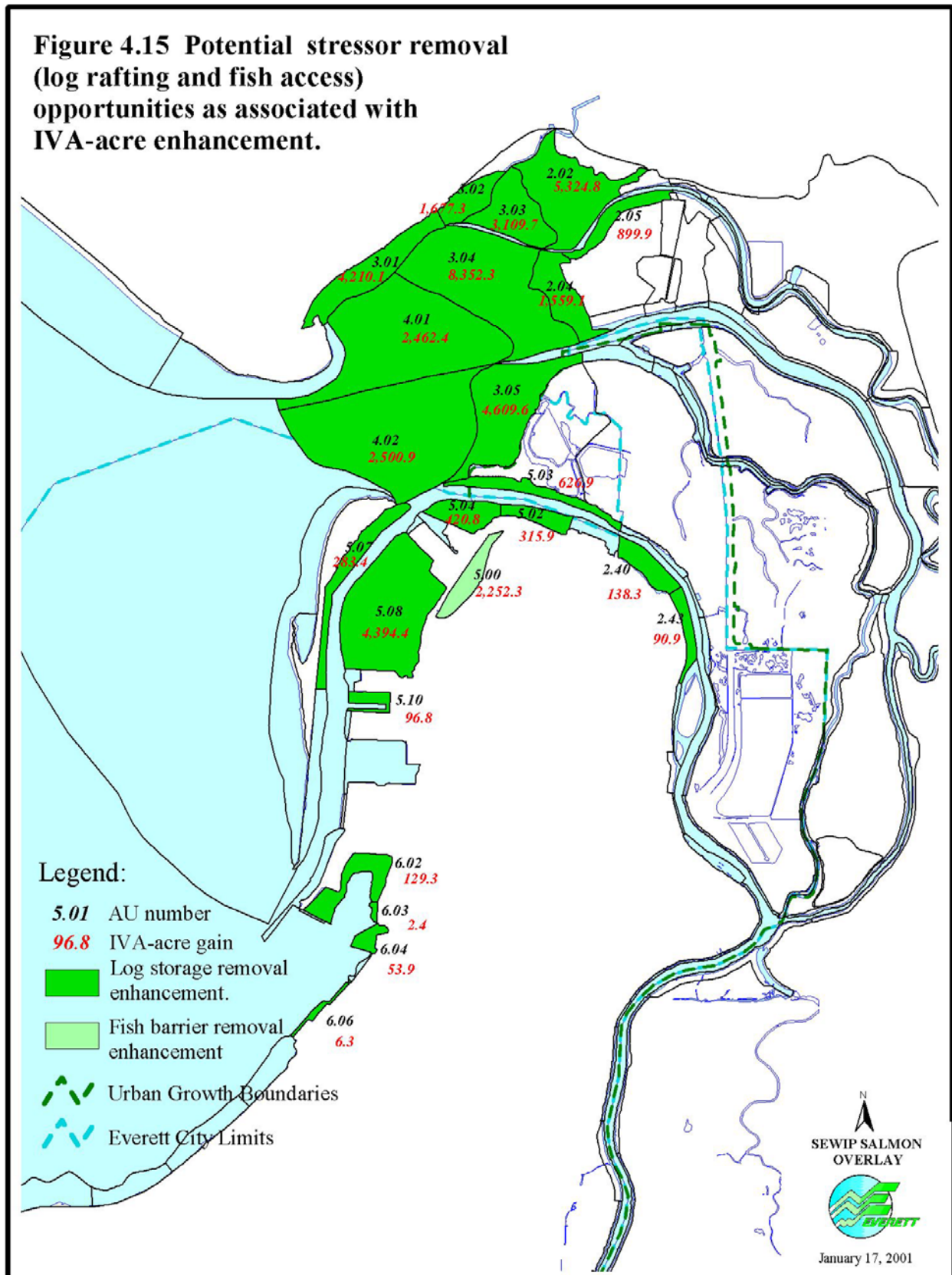


Figure 3.11-2 Potential Fish Access Improvement Projects



## **Approach to Restoration on Private Property**

Restoration is an action, or actions that reestablish or upgrade ecological shoreline functions through measures that rehabilitate or reestablish physical, chemical, or biological site characteristics. Examples include revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. Restoration does not imply returning the shoreline area to aboriginal, or pre-European settlement conditions.

Consistent with WAC 173-26-186, the SMP strategy for achieving the restoration potential on private properties is to require or encourage applicants to include activities that restore shoreline functions as components of redevelopments to the extent allowed by constitutional and other legal limits. Many actions that restore shoreline functions on private property are beyond the City's regulatory powers because they are not sufficiently related to impacts caused by property development. Therefore, the schedule and extent of restoration on private properties is a function of timing and other decisions made by the private sector. In some cases private property owners may be willing to sell properties to public agencies or other groups for restoration actions. (Rev. 3/17/2011)

A number of the SMP regulations require actions that restore shoreline functions in conjunction with development that impacts shoreline functions. The SMP regulations that promote restoration of shoreline functions are provided at the end of this element. The SMP regulations include requirements such as:

- restoration of the shoreline where non-water dependent uses are proposed;
- provision of buffers and buffer enhancement;
- incentives for gaining restoration of tidally influenced salmonid habitat by allowing reduced buffers on Smith Island and North Spencer Islands;
- reviewing nontidal mitigation to ensure that opportunities to recover tidal function are not foreclosed;
- requiring that unnecessary impervious surfaces be removed and buffers be enhanced/restored as properties redevelop, and.
- provisions for mitigation to occur at or before the time of project construction, bonding, monitoring and adaptive management.

In order to increase awareness of potential restoration opportunities, the City will provide this restoration element to property owners owning properties that have been identified as presenting restoration opportunities. It will also be included in pre-application materials provided to potential applicants for shoreline permits. The City also participates in the open space tax program pursuant to Chapter 84.43 RCW. This program provides the benefits to owners that keep their property undeveloped or in certain less intensive uses. The City will also work with Snohomish County to develop a "public benefit rating system" that can be used as a strategic shoreline protection tool by assigning relative benefit to open space properties based on the link between natural resource features on the property and their ecological function within the City's shoreline jurisdiction.

## **Smith Island, North Spencer Island, and Ferry Baker Island**

The overall goal for restoration in the Smith/North Spencer/Ferry Baker Islands area is restoration of historic tidally influenced estuarine wetland and to increase the IVA rating by at least 7,500 IVA acre-points. Additional restoration opportunities include buffer restoration and log storage removal enhancement.

### **Summary of Restoration Opportunities and Goals on Publicly Owned Sites**

- a. City of Everett and Corps of Engineers - Dike Breach East of Sewer Lagoons (Site 24 in Salmon Overlay Figures 4.14, 4.16) - Goal: 4,292 IVA acre-points of tidal habitat gained from mitigation 2,590 IVA acre-points of tidal habitat gained from restoration.
- b. Slough Reconnection in Langus Park (Site 18 in Salmon Overlay Figures 4.14, 4.16). Goal: 1,370 IVA acre-points.
- c. Port of Everett Expansion of Union Slough dike breach. Goal: 248 IVA acre-points of habitat for Chinook, 215 IVA acre-points of habitat for bull trout.
- d. Port of Everett - Removal of Dredge Materials on Ferry Baker Island (Site 9 in Salmon Overlay Figure 4.14) Approximately 714 IVA acre-points could be gained from removal of the fill on the site.

### **Description of Individual Projects**

#### Dike Breach East of Sewer Lagoon (Site 24 in Salmon Overlay)

This Dike Breach Project is projected to restore approximately 93 acres of tidal habitat along Union Slough. The southern 35 acres is restoration that is not tied to any redevelopment project. The northern 58 acres is compensatory mitigation for dike enhancements and future wetland impacts. The approximately 58 acres of compensatory mitigation provides 0.41 acres of compensatory mitigation credit for past dike maintenance projects; 36.59 acres of advanced compensatory mitigation credit for future City of Everett dike improvements and wastewater treatment plant projects; approximately 7.8 acres is considered compensation for the conversion of freshwater wetlands to tidal wetlands, and approximately 13.1 acres is considered compensatory mitigation for the 8.23 acres of wetlands impacted by the project. (Advanced Wetland Mitigation Agreement for Smith Island Habitat Restoration Project, February 21, 2003)

Schedule: The project is being constructed by the US Army Corps of Engineers. Construction started in August 2003. The restoration project construction will occur over 3 construction seasons (years), with the dike breach scheduled to occur in 2005.

Costs/Funding Sources: Project total - \$5 million  
City of Everett - \$2.54 million  
SRF Board - \$ 0.16 million (used as part of City's matching funds)  
US Army Corps - \$2.4 million

Habitat Function Benchmark Gain:

8.23 acres of diked freshwater wetlands filled for dike improvements to protect the treatment plant and construction of dikes around the mitigation site.

55.86 acres of diked freshwater wetlands converted to intertidal wetlands.

Approximately 4,292 IVA acre-points of tidal habitat gained from mitigation.

Approximately 2,590 IVA acre-points of tidal habitat gained from restoration.

Note - the IVA-acre gain is more than shown in Table 4.5 because the City/Corps are restoring 93 acres instead of the 82 acres assumed in Salmon Overlay Table 4.5. In addition, based upon the detailed plans, the City expects that the site will develop marsh vegetation over 25% of the site. This amount of vegetation results in a higher IVA score.

Mechanisms to insure implementation and to measure effectiveness:

The project is being constructed/managed by the US Army Corps. The advanced mitigation agreement helped assure that the full opportunity to restore this area would occur. The Project includes a monitoring and management program that addresses vegetation, fish, wildlife, soils, hydrology, water quality, and benthic invertebrates.

Slough Reconnection in Langus Park (Restoration Site 18 in Salmon Overlay)

The site consists of a narrow complex of isolated freshwater wetlands and riparian scrub shrub vegetation. The proposed project would reconnect these wetlands to the river creating excellent lower river off-channel habitat. Lack of this habitat on the lower mainstem of the Snohomish River has been identified in the Salmon Overlay as a significant potential limiting factor for juvenile salmonid function in the estuary.

To ensure the protection of I-5, the project would likely require internal diking on City property along I-5; this diking may make restoration of the southernmost portion of the site impractical. Also, a bridge or large culvert would be needed under Smith Ave. Road and measures would be required to protect Smith Ave. Road and other features of Langus Riverfront Park. Within the site, new channeling would be designed to provide circulation and fish access to all portions of the site. To the south, an existing channel would serve this purpose, to the north, existing connections would be enhanced and channels would be excavated to provide access through generally higher elevation wetlands. Existing trees and shrubs would be left in place as riparian vegetation. Following site construction, the dike would be breached downstream of existing Langus Park facilities, restoring tidal connection to the river.

Schedule: This project could be constructed in conjunction with park improvements to Langus Park. It is anticipated that the park improvements will require some fill or other

impact to low quality palustrine wetlands. As was the case with the Sewer Treatment facility, the reconnection of the restoration site with the river would result in an overall increase in shoreline function. Therefore, the most likely scenario for restoring this area is at the time of park improvements. For planning purposes, it is assumed that this project will occur after 2014. If funding were available prior to park improvements, Parks would be willing to have the connection made sooner, assuming that an agreement regarding advanced mitigation could be reached with regulatory agencies. It may also be possible to structure an approach that would allow the Parks Department to sell mitigation credits to private developers.

**Costs and Funding:** Funding has not been identified for the park improvements or the restoration. The ability to implement this project and the actual timing of any restoration is contingent on securing funding (i.e., grants, development mitigation) for park improvements and funds for restoration.

**Habitat Function Benchmark Gain:** The model indicates that a high level of function would be provided. A major factor that contributes to this function is the large and deep tidal slough that would be wetted at all tide stages, thus providing fish with refuge from river flows and allowing them to remain in the site over multiple tidal cycles.

A gain of approximately 1,201 IVA acre-points was projected in the Salmon Overlay for a moderately conservative restoration scenario (mean of minimum and maximum effort). Additional value could be added by increasing channelization and connectivity, maintaining and enhancing riparian vegetation. If only 24 acres of the 26-acre site were restored and the calculated score of 57 IVA points per acre achieved, the restoration would yield approximately 1,370 IVA acre-points.

**Mechanisms to insure implementation and to measure effectiveness:** If the project is constructed, it will include a monitoring and management program similar to those described above.

#### Union Slough Dike Breach Expansion- North Spencer Island

In February 2001, the Port of Everett breached a dike along Union Slough on North Spencer Island to create an approximately 24-acre tidal area. The objective was to create mudflat and saltmarsh estuarine habitat to replace the habitat and ecological functions lost as part of Port improvements at the South Terminal. The South Terminal properties that were impacted scored approximately 2.7 to 4.7 IVA points per acre. By November 2002, monitoring showed that the Union Slough site was providing approximately 58.5 IVA points per acre, a large gain compared to the impacted areas. The score could increase in the future if marsh develops over more than 25% of the site, if riparian buffer is established, and as the site accumulates more large woody debris along its shoreline.

The Port of Everett is planning a 4.6 acre expansion of their Union Slough mitigation site. 3.49 acres of the expansion will be mitigation for dredging and improvements at the

12<sup>th</sup> Street Marina. Expansion will be accomplished by building an internal dike north along the existing site public access area, east along the existing Biringer Farm access road, and south along the site property line to join into the existing dike. Material within this diked perimeter will be excavated and contoured to form a channel system. The northern dike of the existing site will then be breached and the existing northeast channel connected into the new portion of the site. To resist erosion forces during sustained south winds during high tides, south-facing portions of the new dike will be faced with rounded river gravel/cobble. Over time, marsh vegetation is expected to colonize these areas to provide dike face stability.

Schedule: Construction is expected to occur in the fall/winter of 2004/2005, subject to obtaining the necessary permits.

Costs/Funding Sources: This project is funded by the Port of Everett as mitigation for other projects, including the 12<sup>th</sup> St. Marina project.

Habitat Function Benchmark Gain: The expansion is projected to result in approximately 248 IVA-acre-points of functional area for Chinook salmon and 215 for bull trout. Mitigation at the 12<sup>th</sup> St. Marina site almost makes up for the IVA - acre losses at that site. However, the Salmon Overlay requires a minimum of 1 acre of mitigation area for each acre of littoral habitat area lost in the tidal range from -10 feet MLLW to ordinary high water, regardless of whether the loss results from filling to uplands or dredging to create deeper water, as proposed at the 12<sup>th</sup> St. Marina. The overall mitigation ratios for ecological functions, therefore, will be 11.1 and 10 for Chinook and bull trout, respectively.

Mechanisms to insure implementation and to measure effectiveness: A monitoring and contingency plan has been prepared. Performance guarantees are required per the SMP. In addition, the project must comply with federal and state agency requirements.

#### Dredge Material Removal on Ferry Baker Island (Salmon Overlay Restoration Site 9)

Ferry Baker Island is currently owned by the Port of Everett; however, the Port currently has no plans for the property. The Salmon Overlay estimated that approximately 6 acres of intertidal area could be created by removing dredged material/fill that was previously placed on the site. The fill may include wood waste.

Schedule: This restoration is not currently planned by the Port of Everett. The Port may be willing to sell or donate the property to developers for a mitigation site or to other parties who may have funding for restoration.

Costs/Funding Sources: The cost of removal is uncertain, but could be high. Funding has not been identified for restoration. Grants and development mitigation are possibilities for funding sources. The ability to implement this project and the actual

timing of any restoration is contingent on securing funding for this restoration and/or mitigation.

Habitat Function Benchmark Gain: Approximately 714 IVA acre-points could be gained from removal of the fill on the site.

Mechanisms to insure implementation and to measure effectiveness: If the project is constructed it will include a monitoring and management program similar to that described for the Sewer Lagoon Dike breach.

### **Summary of Restoration Opportunities on Privately Owned Property**

- a. North Spencer: Tidal restoration on Moser property on Steamboat Slough west of I-5. (Salmon Overlay Site 22 on Figures 4.15 and 4.16) Potential gain of 385 IVA acre-points.
- b. Smith Island: Tidal restoration of Cedar Grove/SI Investments/Kimberly Clark/Weyerhaeuser properties along Union Slough (Salmon Overlay Site 12 on Figures 4.15 and 4.16). Potential gain of 8,178 IVA acre-points identified in Salmon Overlay. Current potential gain is significantly lower due to development on a portion of the site. Restoration opportunities still include dike setbacks and restoration of tidal action to the slough.
- c. Smith Island: BMC West Property Tidal Restoration (Salmon Overlay Site 21 on Figures 4.14 and 4.16). Potential gain of 761 IVA acre-points.
- d. Smith Slough tide gate removal. (Salmon Overlay Site 23 on Figures 4.14 and 4.16). Potential gain of 400 IVA acre-points.
- e. Potential log storage removal enhancement on south side of Smith Island. Potential gain of 627 IVA acre-points points.

### **Description of Individual Restoration Opportunities**

North Spencer Tidal Restoration on Steamboat Slough (Salmon Overlay Site 22 on Figures 4.14 and 4.16).

This site is west of I-5 and adjacent to SR 529, which are both on bridges next to the dike. The property is privately owned and known as the Moser property. Dikes could be breached to restore tidal action to this area. Internal dikes would be required to protect adjacent areas from flooding. Over half of the site has been filled with considerable amounts of concrete so testing for contamination would be required. The project has a potential gain of 385 IVA acre-points.

Smith Island Tidal Restoration along Union Slough along Cedar Grove/SI Investments/Kimberly Clark/Weyerhaeuser properties (Salmon Overlay Site 12 on

Figures 4.14 and 4.16). The Salmon Overlay identified a large potential dike breach restoration in this area. That action would have required internal dikes adjacent to the Weyerhaeuser Lagoon and the BNSF rail line. The project has a potential gain of 8,178 IVA acre-points. After publication of the Salmon Overlay, Cedar Grove obtained a permit for a composting operation on the western portion of this property. The composting project, which is currently being developed, includes restoration of a 200-foot buffer along Union Slough and creation of a 4-acre wetland along the interior slough. Tidal restoration of the part of the site where the compost facility is located is no longer feasible during the lifetime of that operation. Potential restoration actions include: Restoration of tidal action to the interior slough, with plantings of additional riparian vegetation along the slough. This will require dikes along both sides of the slough. Construction of a setback dike along Steamboat/Union Sloughs. This would allow the area waterward of the new dike to revert to tidal action. The dikes would have to protect adjacent properties. Technical difficulties include removal of wood waste in the buffer along the western part of the site.

Smith Island BMC West Property (Salmon Overlay Site 21 on Figure 4.16)

Potential gain of 761 IVA acre-points. Technical difficulties on this site include potential conflicts with power lines, relatively long dike needed for area restored, and protection of the highway. This could result in a high cost for dikes relative to the area restored.

Smith Slough tide gate removal (Salmon Overlay Site 23 on Figure 4.16)

This tributary slough once connected the Snohomish River mainstem and Steamboat Slough. This project would require an approximately 9,200 foot dike on the outer edge of this slough, and removal of the tide gate on Union Slough. Potential gain of 400 IVA acre-points.

Smith Island log storage removal (northwest and south sides)

Potential gain of 627 IVA acre-points on south side of Smith Island. Only a part of assessment unit 3.05 on the northwest side of Smith Island is in the City limits. The potential gain has not been assessed separately for the portion in the City limits. A gain of 4,609 IVA acre-points could be gained if log storage was removed from all of AU 3.05.

**Regulations to Promote Restoration of Shoreline Functions (apply to both public and private property)**

1. Water dependent and water related development is not allowed adjacent to AUs designated Aquatic Conservancy and AU 3.05 on West side of Smith Island.
2. Where non-water dependent/related uses are proposed, restoration of the shoreline and public access are required as the water oriented component of the proposal.

3. Where structural flood hazard reduction measures are needed to protect development inland from Aquatic Conservancy areas and AU 3.05, when feasible, new dikes or other stabilization structures shall be constructed inland of the existing dikes.
4. As properties redevelop, buffers must be enhanced/restored. Buffers are based on a biological evaluation to assure no net loss of function and must be a minimum of 200 feet on or adjacent to areas designated Aquatic Conservancy and AU 3.05.
5. Interior wetlands on Smith Island north of 12<sup>th</sup> Street, on North Spencer Island, and the city-owned property southwest of Weyco Island are categorized based on SEWIP Wildlife Function. Buffers are based on a biological evaluation to assure no net loss of function. Minimum buffer widths range from 200 to 50 feet.
6. Buffers are based on a biological evaluation to assure no net loss of function and a 100 foot buffer is required from Smith's Slough. (Buffer requirements)
7. If nontidal mitigation is proposed for loss of nontidal palustrine wetlands, it should be reviewed to ensure that opportunities to recover tidal function would not be foreclosed.
8. As redevelopment occurs, unnecessary impervious surfaces shall be removed and shoreline buffers enhanced/restored, except as necessary for access to the water. The Planning Director can require redesign to minimize impacts to existing vegetation and to provide for buffer enhancement.

Other mechanisms. Permits for properties adjacent to Smith Slough will include provisions that preserve the opportunity to reconnect the slough.

Figure 3.11-3 North Smith Island and North Spencer Island

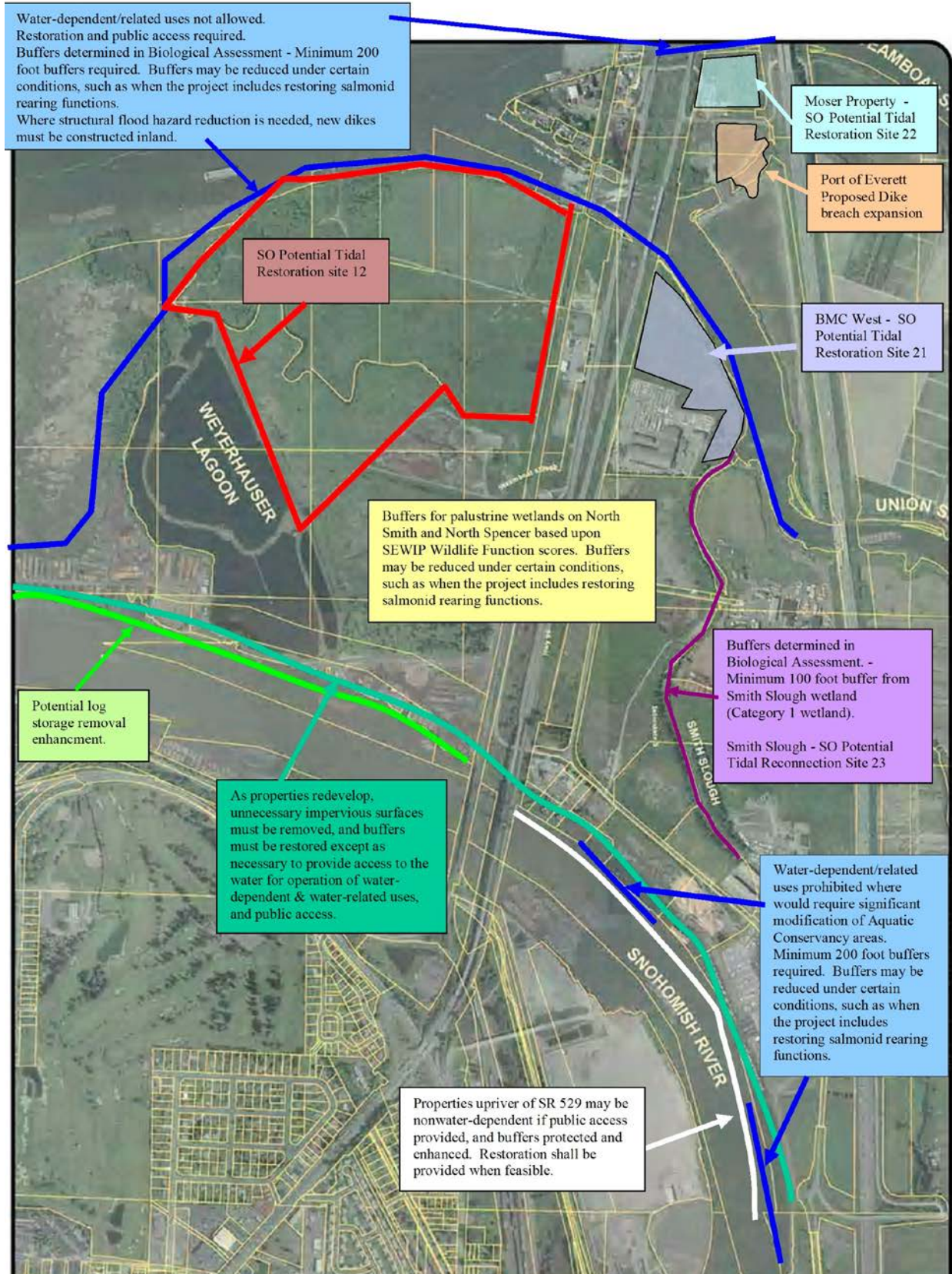
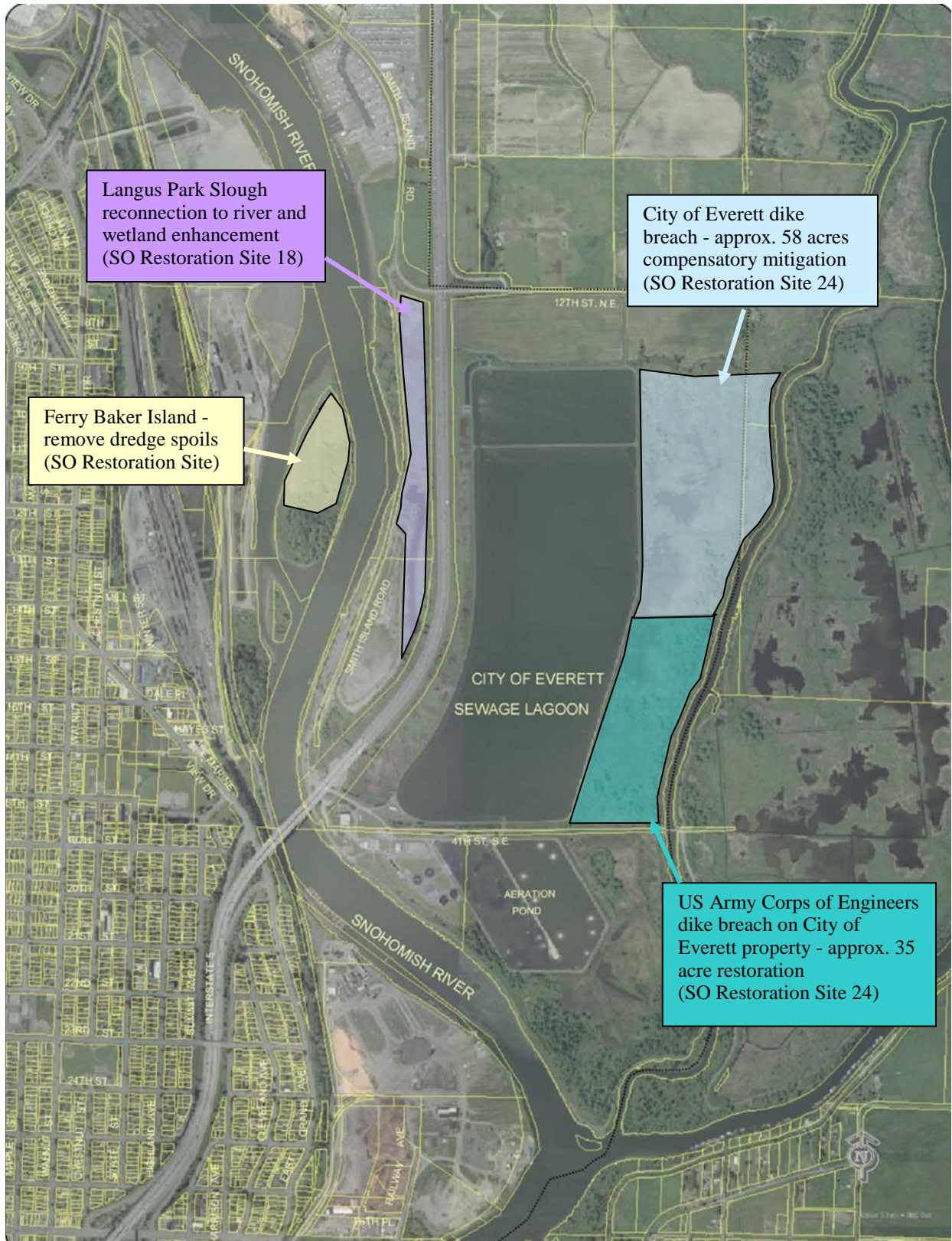


Figure 3.11-4 South Smith and Ferry Baker Islands



## **Nearshore and Port Area**

The Salmon Overlay did not focus on potential enhancement/restoration actions in this area, since the area is highly developed and opportunities are limited. Recent proposals by the Port of Everett and PSNERP to do beach enhancements along the BNSF line and ongoing consideration of replacing culverts under the BNSF rail line have focused more attention on this area. Enhancement/restoration actions in this area are likely to be very expensive, and are not likely to result in significant new habitat area, but have the potential to enhance the existing habitat.

Because of the uncertainty related to the long-term success of potential nearshore beach enhancements along the BNSF rail line, and the high costs associated with these projects, the gains in IVA acre-points over the next 20 years are expected to be modest. Approximately 300 IVA acre-points could be reasonably anticipated.

Although this area is highly developed, there are small enhancement / restoration actions that can be completed as properties redevelop. Examples include enhancing buffers, improving connections from the shoreline to streams, log storage removal, recontouring riprapped slopes to create intertidal benches at elevations that would support saltmarsh vegetation, and creating small pocket beaches by placing fine-grained sediments in front of existing riprap at low angle slopes to create low gradient beaches. The Draft Snohomish River Basin Salmon Conservation Plan recommends that a habitat restoration strategy be developed for nearshore urban shorelines in Everett and Mukilteo. The Plan states, "Although habitat gains in the nearshore are limited by shoreline development, the location of these urban areas increases their importance for maintaining and enhancing shorelines where possible." The examples of opportunities discussed below could provide information to help agencies and stakeholders formulate an appropriate strategy.

### **Restoration Opportunities on Public Property**

As noted above, restoration opportunities in this area have not been studied or evaluated to the extent of other areas of the shoreline because of constraints in this area. The following projects provide examples of the types of restoration activities that might be feasible and beneficial for the shoreline between the Mukilteo Tank Farm Property and Port of Everett South Terminal (EMU 7). Further analysis and review will be necessary to determine if this type of work should be more widely considered for the nearshore and Port areas.

- a. Mukilteo Tank Farm and WSDOT Properties (EMU 7). 2.3 acres of degraded beach could be restored to natural profile. 0.4 acres of the project area will be planted with riparian vegetation to create a new 15- to 30-foot wide riparian buffer between the railroad and the intertidal zone. The habitat gained from restoration: 6.0 IVA acre-points. This is not identified in the SEWIP or Salmon Overlay, but is an on-going proposal by the Port of Everett.

- b. Public lands between the Mukilteo Tank Farm Property and Port of Everett South Terminal (EMU 7) - Replace existing culverts under the BNSF railroad that limit transport of sediment and woody debris from the small coastal streams to the beach. While BNSF owns the right-of-way, access from and/or improvements to adjacent properties would likely be required.
- c. Port of Everett, Kimberly-Clark, and Naval Station Everett: Log raft restrictions in this area could result in an additional 191.9 IVA-acre gain. (Salmon Overlay Figure 4.15)
- d. Port of Everett Properties on Snohomish River Channel: Naval Station Everett to 10th Street Boat Launch (EMU 5 partial). Cutting back steep riprapped slopes to a slope of flatter than 5H:1V and planting of a saltmarsh bench near the MHHW line could increase the function by approximately 25 percent, however, the areas where such changes can be implemented are limited by adjacent land uses.
- e. Jetty Island: Create a full beach profile along the exposed riprap in the southern portion of the AU could result in an increase of over 2400 IVA acre-points. The gain in function for salmonids from construction of a second berm is unknown, but monitoring of the existing berm demonstrated that the gain more than offset the loss of intertidal beach to the berm.

### **Individual Restoration Projects and Goals**

#### **Mukilteo Tank Farm and WSDOT Properties (EMU 7)**

This shoreline reach includes a part of the former Mukilteo Tank Farm and tidelands to the east which have been conveyed from the US Government to WSDOT and is part of EMU 7. This property is the site of a proposed new Rail/Barge Transfer Facility for which permits are being sought by the Port of Everett. As part of the planned project, the Port will conduct an experimental beach restoration project. The restoration will use in-water fill to restore a more natural beach profile and backshore along 1,000 feet of shoreline that is currently degraded by riprap at the tank farm, fill in an existing parking area, and the BNSF railroad fill. A 15- to 30-foot wide riparian buffer will be planted between the railroad and the intertidal zone. This project will be closely monitored and will serve as a pilot study for possible future similar project, along the shoreline from Seattle to Everett. This restoration action was not identified in the SEWIP.

**Schedule:** The project is planned for construction by the Port beginning in mid 2005 and is scheduled for completion in early 2006.

**Costs/Funding Sources:** A detailed cost estimate is being developed for the restoration and monitoring related to the rail barge facility. Initial estimates are in the range of

\$800,000 - \$1,000,000. The project will be funded by Washington State and the Port of Everett.

**Habitat Function Benchmark Gain:** The project area analyzed is a part of assessment unit (AU) 7.10 in the Salmon Overlay which was scored at 13.0 points per acre.<sup>2</sup> The rating of this AU was reduced by the presence of riprap over 50 percent of the shoreline, and extending below MSL over the majority of the area. The portion of AU 7.10 that represents the project area (called AU 7.10A), when evaluated independently of the larger AU, was rated somewhat higher (16.8 points per acre), due primarily to the lesser extent of riprap (not extending below MSL) and the presence of forage fish spawning habitat in AU 7.10A that was unknown at the time of the Salmon Overlay field work.

The same AU 7.10A was also scored as it would appear following pier construction and beach restoration. In this condition, the adverse effect of the riprapped shoreline would be removed, raising the score, but a different stressor, overwater coverage would be added, reducing the score. The restoration would include additional forage fish spawning habitat (not reflected in the model sensitivity) and a buffer of riparian vegetation, assumed to be about 25 feet wide and extending over more than 25 percent of the shoreline. This positive indicator, and the lesser influence of overwater structures (added) compared to riprap (eliminated) results in the relative post construction function being a bit higher than that calculated for the present condition (19.2 points per acre vs. 16.8 points per acre). Under the Salmon Overlay assumptions regarding habitat area for use in calculating impacts and gains as change in functional score times change in area, the area of the project site would not be substantively reduced by the in-water fill that creates the 25 to 30-foot wide backshore. This is because a vegetated riparian zone of up to 25 feet in width is considered to be habitat, in that it provides ecological functions (shade, leaf litter, insect fall) to adjacent areas below ordinary high water.

Components of the project could be revised during the permitting process.

2.3 acres of degraded beach will be restored to natural profile.

0.4 acres of the project area will be planted with riparian vegetation to create a new 15- to 30-foot wide riparian buffer between the railroad and the intertidal zone. Habitat gained from restoration: 6.0 IVA acre-points.

**Mechanisms to insure implementation and to measure effectiveness:** The project will be a condition of permits issued for the rail/barge transfer facility by the US Army Corps and WDFW. The Project includes a 20-year monitoring and adaptive management program that addresses vegetation, fish, wildlife, benthic invertebrates, beach stability, and requirements for renourishing to offset sediment losses from the restored beach.

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<sup>2</sup> Forage fish spawning habitat was not known to be in this area when the SO was completed. Adding that into the model, AU 7.10 should have been scored at 14.0- IVA points per acre.

Culvert Replacement on public land between Mukilteo Tank Farm Property and Port of Everett South Terminal (EMU 7)

At least nine streams discharge to Port Gardner Bay through culverts under the BNSF railroad in this area. These streams include Edgewater Creek, Powder Mill Gulch Creek, Narbeck Creek, Merrill and Ring Creek, Phillips Creek, Glenwood Creek, Seahurst/Glenhaven Creek, Pigeon Creek No. 2, and Pigeon Creek No. 1. Potential restoration opportunities include replacing the existing culverts under the BNSF railroad that limit transport of sediment and woody debris from these small coastal streams to the beach. In some cases, these culverts also restrict access by anadromous salmonids to those streams. Culvert replacement would be in the form of either a bridge, or a larger, less restrictive culvert designed to allow both upstream and downstream passage of salmonids as well as free delivery of stream-born sediments and wood to the nearshore.

Schedule: No culvert replacement is currently scheduled. It is most likely that this activity would occur in conjunction with a large scale public project.

Costs/Funding Sources: Cost of culvert replacement is unknown but expected to be high. A primary factor in construction costs is the affect it could have on operating the BNSF rail line during certain portions of the work. Culvert replacement in this area has been deemed to provide only minimal habitat benefits for the cost incurred; however, in certain circumstances this action may make sense.

Prospective Funding Sources: Grants and development mitigation are possibilities for funding sources. The ability to implement this project and the actual timing of any restoration is contingent on a significant public works project, securing funding for this restoration and feasibility challenges.

Habitat Function Benchmark Gain: A culvert replacement would theoretically improve access by anadromous fish to one of the small freshwater streams entering the sound along this beach reach. Unless the stream mouth upstream of the railroad tracks has tidal habitat, the potential improvement in habitat conditions could not be calculated using the City's model.

Mechanisms to insure implementation and to measure effectiveness: Because of the costs involved culvert replacement is most likely to occur in conjunction with significant public works projects.

Port of Everett, Kimberly Clark, and Naval Station Everett

Salmon Overlay Figure 4.15 shows areas where log rafting could be eliminated to reduce stressors.

Schedule: Log storage removal is most likely to occur in conjunction with redevelopment proposals for these properties.

Costs/Funding Sources: Unknown. Prospective Funding Sources: Grants and development mitigation are possibilities for funding sources. The ability to implement this project and the actual timing of any restoration is contingent on securing funding for this enhancement and/or redevelopment proposals.

Habitat Function Benchmark Gain: 191.9 IVA acre-points

Mechanisms to insure implementation and to measure effectiveness: log storage in these areas is currently a legally nonconforming use. When the owner abandons this use under the City code, the SMP would prohibit future log storage. If log storage removal is offered as mitigation for another project, then the City would require covenants to protect the area.

Port of Everett Snohomish River Channel: Naval Station Everett to 10th Street Boat Launch (EMU 5 partial)

The shoreline of the lower Snohomish River upstream from Naval Station Everett is owned by the Port of Everett up to the Maulsby Mudflat (AU 5.08). The shoreline is fully armored and has significant moorage for smaller vessels in and downstream of the existing Everett Marina.

Shorelines along the east side of the Snohomish River channel are fully developed and have little opportunity for restoration or enhancement. In a few localized areas, redevelopment can achieve some habitat gains. As part of the planned North Marina redevelopment project, the Port will remove overwater, creosote-treated structures and clean up industrial debris from shorelines. New structures will be of non-toxic concrete or steel.

Within the Everett Marina, limited opportunities exist to enhance the eastern and southern shorelines by resloping existing riprap to create benches upon which salt marsh vegetation may be encouraged.

Schedule: The Port's North Marina Redevelopment and 12th Street Marina projects are in the permitting process. No schedule exists for other projects in this area.

Costs/Funding Sources: The costs of individual projects will be born by the Port as part of the cost of redevelopment of adjacent properties.

Habitat Function Benchmark Gain: Potential habitat gains in this area are small. For a typical reach of shoreline along the lower Snohomish Channel that is riprapped at approximately 2H:1V slope, cutting back to a slope of flatter than 5H:1V and planting of a saltmarsh bench near the MHHW line could increase the function by approximately 25 percent, however, the areas where such changes can be implemented are limited by adjacent land uses.

Mechanisms to insure implementation and to measure effectiveness: Monitoring, and adaptive management would be required as part of any permit requirement.

### Jetty Island

Jetty Island was formed between 1900 and 1970 by the disposal of dredged sands from the Snohomish River navigation channel. The Port owns the island. The shoreline of the lower Snohomish River along Jetty Island, because it is sheltered by the island, is a fine, silty sand at mid to upper intertidal elevations and mud at lower elevations. Areas along the inside of Jetty Island (EMU 5) have historically been used for log raft storage, with rafts grounding on the sand and mudflats and low tides. The west side of the island (EMU 4) is exposed to considerable wave action from Port Susan and Saratoga Passage and thus is medium to fine sand; the north end of the island appears to be accreting sands from the Snohomish River while the middle and south end appear to be losing sediment.

In 1990, as a demonstration of a beneficial use of dredged materials, the Port and the Corps of Engineers constructed a berm on the west side of the island across the intertidal to shelter an embayment of about 19 acres from wave action. A 5-year monitoring program conducted by the Port showed that this project met all of its ecological goals and resulting in a substantial net increase in salmon habitat function. The project has since been renourished on three occasions to maintain habitat benefits created.

Two types of new projects are possible on the west side of Jetty Island. Either could be accomplished with hydraulic placement of clean dredged materials from routine navigation channel maintenance dredging. The first type of project would be to expand the existing dune and marsh habitat southward by placing new dredged sand along the southern portion of the rock jetty. At present the beach in this area intersects the jetty at approximately +4 to +6 feet MLLW such that no beach exists at tides above that level. The benefits of having a complete beach profile, as occurs along the northern two thirds of the west side of the island could be gained by this project. The second type of project would be to construct a second berm, to create a second protected embayment on the west side of the island.

Schedule: No schedule exists for either of these projects. Ideally, the beach construction would occur before the second berm construction so that the berm could shelter a portion of the new beach.

Costs/Funding Sources: The cost of either of these projects would likely be borne by the Port and the Corps as cooperating agencies that maintain the federal navigation channel.

Prospective Funding Sources: Grants and development mitigation are possibilities for funding sources. The ability to implement this project and the actual timing of any restoration is contingent on securing funding for this restoration and/or mitigation.

Habitat Function Benchmark Gain: In the Salmon Overlay, the habitat function of the west side of Jetty Island (AU 4.03) was relatively low (20.5 IVA points per acre) because of the exposed riprap in the southern portion of the assessment unit (AU). Creating a full beach profile in this region would remove this stressor and is projected to result in a score of 32.0 IVA points per acre. Given the substantial size of this AU, this change is projected to produce an increase of over 2400 IVA acre-points, by far the largest potential functional gain in the nearshore waters in the City.

Constructing a second berm would increase habitat benefits in part of the area benefited by new beach construction described above. While the function of the area sheltered by the berm would be increased because of its change to a depositional environment and because of the probable development of a saltmarsh fringe within the sheltered embayment, some function would be lost in the area of present intertidal sand beach that would be converted to uplands in the berm. Monitoring of the existing berm demonstrated that the loss of area to uplands in the berm is more than offset by the increased productivity within the mudflat created inside the berm. Monitoring and adaptive management would be required by permits for shoreline restoration and/or berm construction.

#### Mukilteo Tank Farm to Pigeon Creek No. 1 (EMU 7)

The shoreline reach between the western City limit and the Pigeon Creek No. 1 delta includes a mix of public and private ownership. BNSF is by far the largest private landowner and any project in this reach of shoreline would require at least access through their right-of-way. Numerous private waterfront lots also extend onto tidelands. The nature of projects that could occur here is fully described under the Public Property section. Further information based on the Port's project is necessary to determine whether this approach has broader applicability.

#### **Regulations in the SMP that Promote Restoration of Shoreline Functions**

1. Buffers will be restored along the Snohomish River as properties redevelop. The extent of buffer restoration will depend upon whether uses are water dependent or non-water dependent.
2. Where non-water dependent/related commercial and industrial uses are proposed, environmental restoration is required, when feasible. Existing native shoreline vegetation must be preserved and enhanced per the requirements of the SMP.
3. As redevelopment occurs, unnecessary impervious surfaces shall be removed and shoreline buffers enhanced/restored, except as necessary for access to the water. The Planning Director can require redesign to minimize impacts to existing vegetation and to provide for buffer enhancement.

Figure 3.11-5

Nearshore

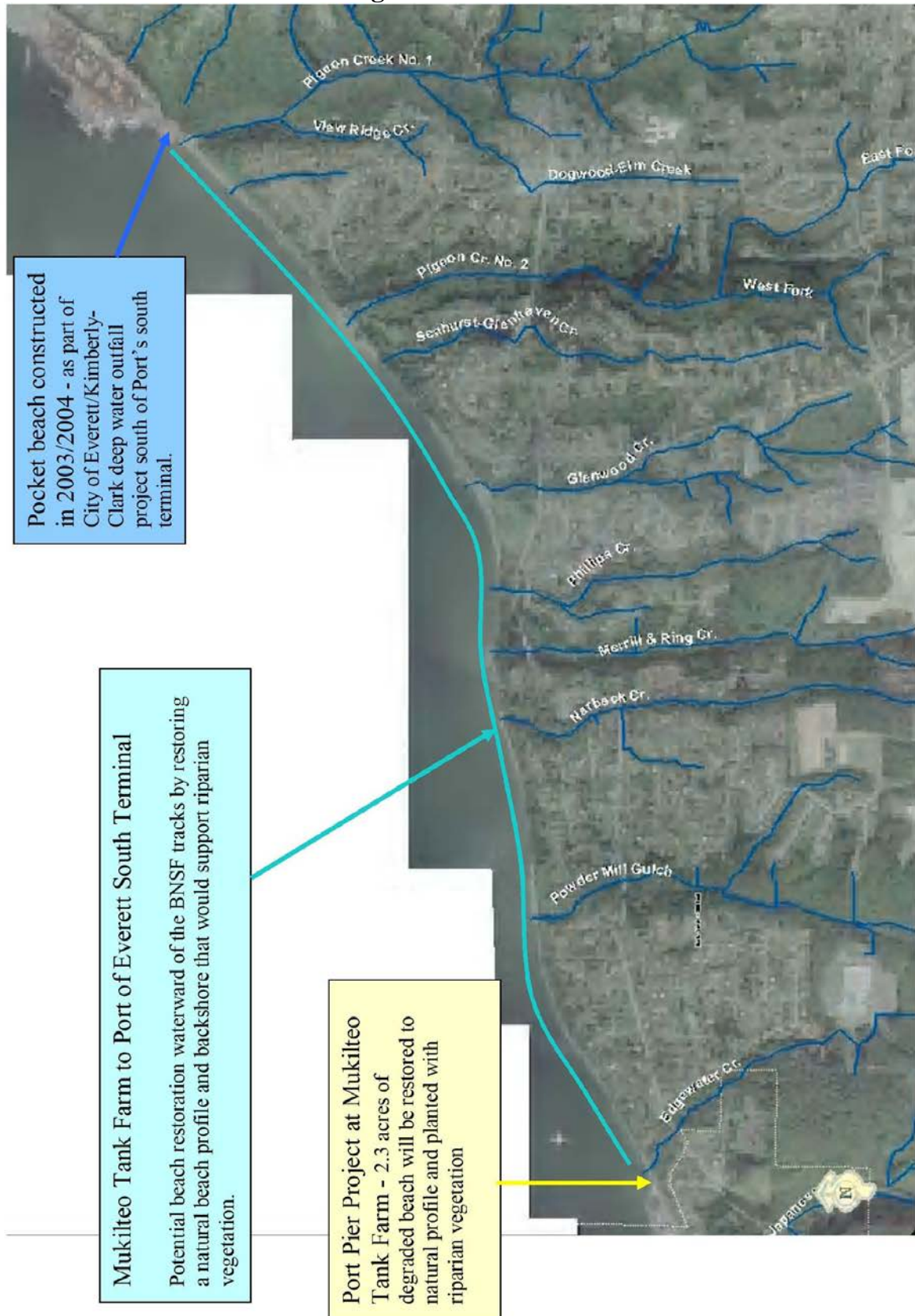


Figure 3.11-6 Port Area

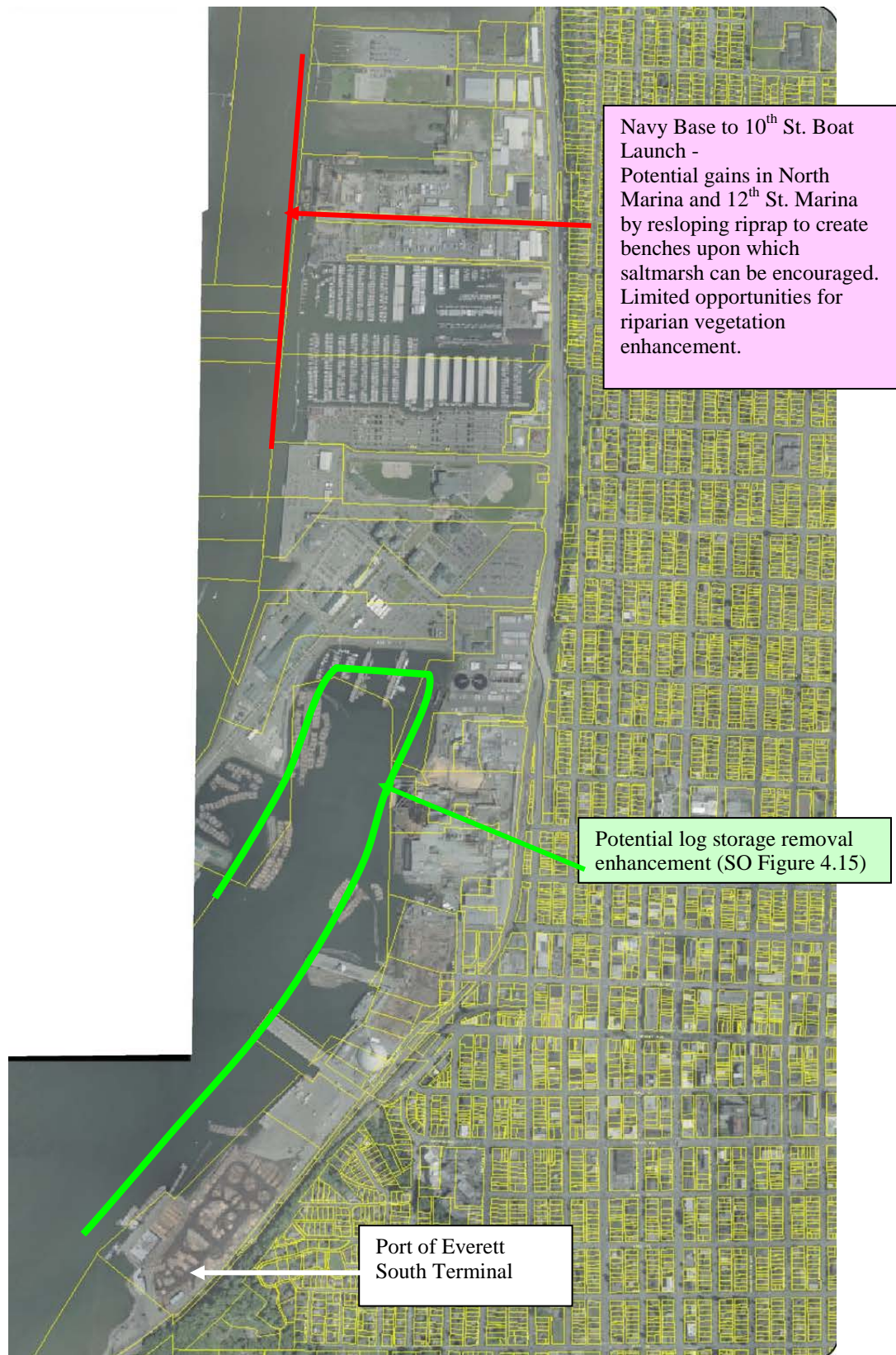
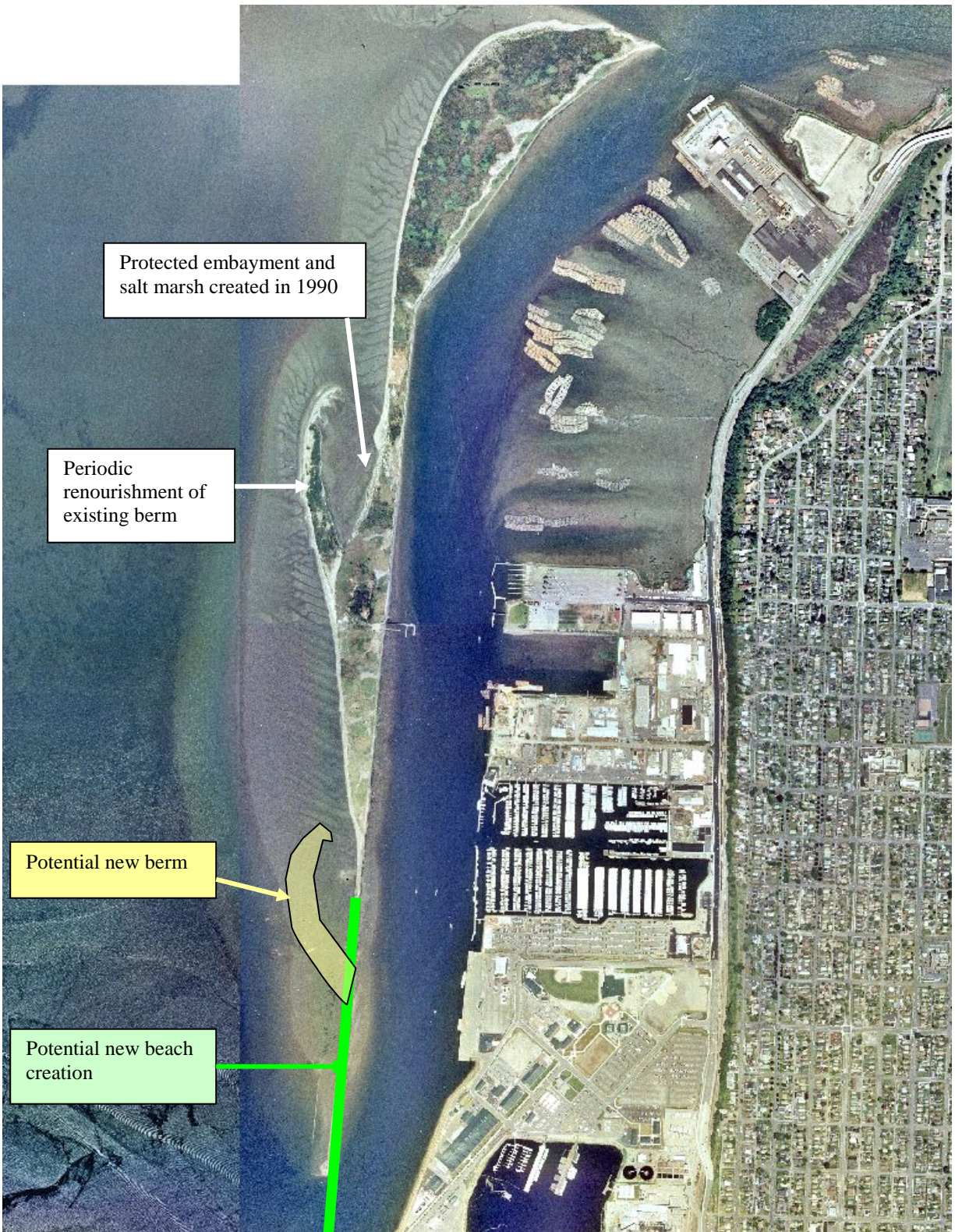


Figure 3.11-7 Jetty Island



## **Maulsby Mudflats**

Potential restoration opportunities in Maulsby Mudflats will be addressed in the Subarea Plan required by the SMP. The Salmon Overlay identifies log storage removal as an enhancement activity in this area (Figures 3.11-1 and 3.11-2). This could result in a gain of 4,394.4 IVA acre-points.

### Maulsby Marsh fish barrier removal enhancement

Maulsby Marsh is a tidal marsh located east of West Marine View Drive. It is separated from the Maulsby Mudflats by the road and BNSF rail line. A culvert at the south end of the marsh extends under the BNSF rail line and West Marine View Drive to connect the marsh to the mudflats. The 36" concrete culvert is approximately 200 foot long.

Removal of fish barriers is identified as a potential enhancement in Salmon Overlay Figures 4.14 and 4.15. The project design could include additional connections, and/or retrofit of the existing culvert. This action could result in a gain of 2,252.3 IVA acre-points.

The vast majority of Maulsby Marsh is owned by BNSF and one other private owner. In addition, the residential lots and City park property on the bluff may extend into the marsh. Therefore, opportunities to restore the area are subject to the caveats regarding private property presented in Section C,

## **Everett Mainland - Jeld-Wen to South Side of Highway 2**

Potential restoration activities in this area include log storage removal and enhancing buffers along the Snohomish River. Ecological restoration, including removal of intrusive shoreline structures and removal of contaminants could also occur as properties redevelop. This area is primarily in private ownership, though the Port of Everett owns property at Preston Point (Baywood) and the Port and City of Everett own properties upriver of SR 529.

Non-water dependent uses are allowed upriver of SR 529 if buffers are protected and enhanced. Restoration is required when feasible. Restoration is defined as significantly reestablishing or upgrading shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. The City's Shoreline Public Access Plan contains an example of a project that falls in this category. The Plan includes a potential over-water trail connection around the north end of the Everett peninsula on Kimberly-Clark property. The project would include removal of existing creosoted piling and other enhancements, including buffer enhancement. The project is contingent upon the property owner's willingness to participate or sell the property, as well as the results of additional design and environmental analysis. Alternatively, the property owner could undertake a proposal to remove the pilings as an enhancement or restoration project.

## **Summary of Restoration Opportunities and Goals**

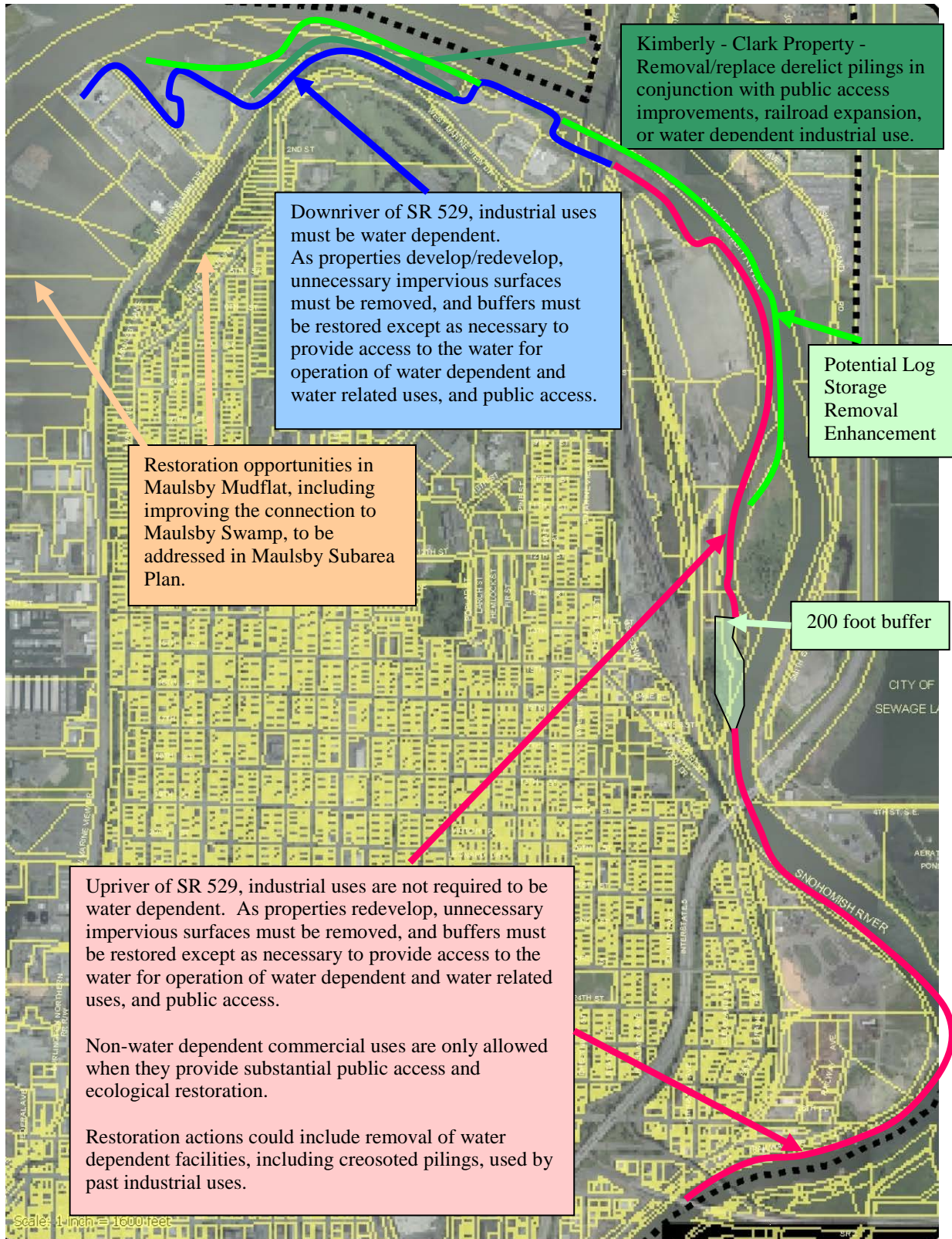
Log storage removal enhancement in Salmon Overlay Assessment Units 2.43, 2.40, 5.04, and 5.02 (See Figure 3.11-2). Goal - Potential gain of 965.9 IVA acre-points. These properties are owned by Kimberly-Clark and the Port of Everett.

Other potential restoration actions in this area include removal of derelict shoreline structures constructed for historic water-dependent uses and removal of contaminants, similar to the cleanup on the Port of Everett's Riverside Industrial Park. For example, the City's Shoreline Public Access Plan includes a potential overwater trail connection around the north end of the peninsula on Kimberly-Clark property. The project could include removal of existing creosoted piles and other enhancements.

## **Regulations in the SMP that Promote Restoration of Shoreline Functions**

1. Buffers will be restored along the Snohomish River as properties redevelop. The extent of buffer restoration will depend upon whether uses are water dependent or non-water dependent. Restoration is required for non-water dependent uses.
2. Water dependent and water related commercial and industrial developments are not allowed adjacent to AUs designated Aquatic Conservancy if they would require new dredging, fill, piers, or other significant modifications.
3. Where non-water dependent/related commercial and industrial uses are proposed, environmental restoration is required, when feasible. Existing native shoreline vegetation must be preserved and enhanced per the requirements of the SMP.
4. As redevelopment occurs, unnecessary impervious surfaces shall be removed and shoreline buffers enhanced/restored, except as necessary for access to the water. The Planning Director can require redesign to minimize impacts to existing vegetation and to provide for buffer enhancement.

**Figure 3.11-8 Everett Mainland - Jeld-Wen to Highway 2  
Urban Industrial Area**



## **Highway 2 to South End of Simpson Site**

### **Summary of Restoration Opportunities and Goals on Publicly Owned Property**

Simpson site - Tidal Restoration (Salmon Overlay Restoration Site 11)

Restoration action would be to maximize tidal range in the Category 1 wetland, with a potential increase of 2,591 IVA acre-points.

Simpson Site - Stream, Wetland, and Buffer Enhancement at Bigelow Creek

A Habitat Enhancement Plan will be completed to determine the feasibility of restoration opportunities on the site, and the increase in functions that can be obtained.

### **Individual Restoration Projects and Goals**

Simpson Site - (Salmon Overlay Restoration Site 11)

Description of Proposal, Schedule, and Costs/Funding Sources:

The City has Settlement Agreements with the Tulalip Tribes (dated February 19, 2004) and Pilchuck Audubon Society and Public Employees for Environmental Responsibility (dated April 21, 2004). These agreements provide the strategy, timing and approach to funding restoration activities in this area. Copies of these documents are available from the Planning and Community Development Department upon request.

Mechanisms to Insure Implementation and to Measure Effectiveness:

See the Final Agreement between the Tulalip Tribes of Washington and the City of Everett, February 19, 2004, and the Final Agreement with Pilchuck Audubon Society and Public Employees for Environmental Responsibility dated April 21, 2004.

### **Summary of Restoration Opportunities on Private Property**

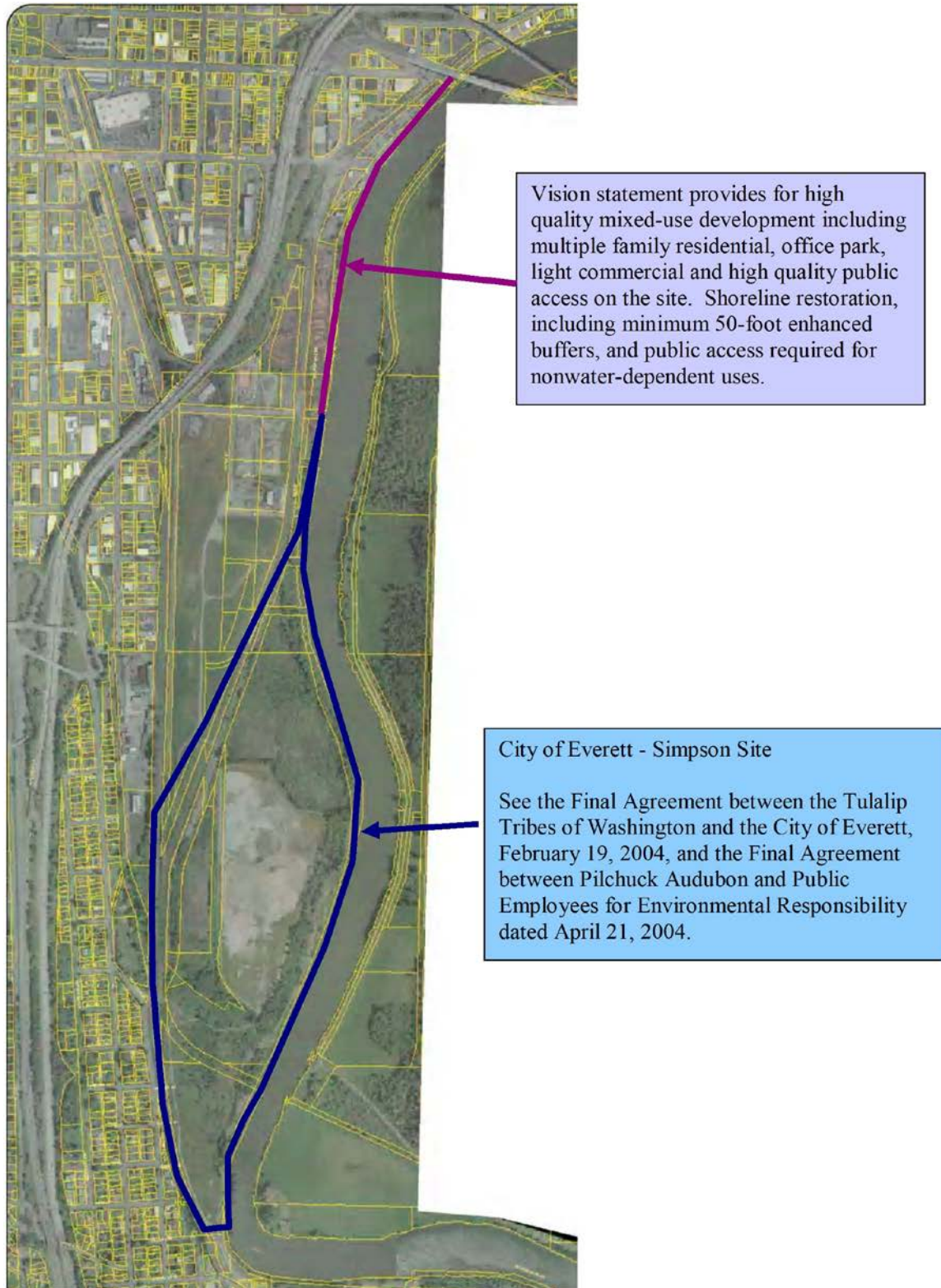
This area has historically been used for heavy industry, and little buffer exists along the river. As properties redevelop, buffers will be enhanced consistent with SMP requirements. Buffer restoration should result in a net increase in a number of functions.

### **Regulations in the SMP that Promote Restoration of Shoreline Functions**

1. Where non-water dependent/related commercial uses are proposed, restoration of the shoreline and public access are required as the water oriented component of the proposal.
2. For non-water dependent residential, recreational, and industrial uses, the biological assessment and buffer width/enhancement requirements of EMC 19.37 apply to the river and any associated wetlands. Buffers can be no less than 50 feet when enhanced. Public access may be located in buffers.

3. As redevelopment occurs, unnecessary impervious surfaces shall be removed and shoreline buffers enhanced/restored, except as necessary for access to the water. The Planning Director can require redesign to minimize impacts to existing vegetation and to provide for buffer enhancement.
4. When restoring and enhancing buffers along the Snohomish River, overhanging vegetation shall be provided when feasible.
5. Stormwater facilities such as wetponds are prohibited in buffers for the Snohomish River (Category 1 streams and wetlands).

**Figure 3.11-9 Highway 2 to Simpson--Urban Multi-Use Shoreline Environment**



## **Marshland Area** (Revised 3/17/2011)

The overall goal for restoration in the Marshland area is restoration of historic tidally influenced estuary wetland to increase the IVA rating by at least 30,800 IVA acre-points. Additional restoration opportunities include non-tidal wetland enhancement, connecting hillside tributaries and Wood Creek into tidally restored areas, and riparian buffer enhancement.

### **Summary of Restoration Opportunities**

The Salmon Overlay identifies two potential tidal restoration sites in this area (Restoration Sites 7 and 14), with a potential gain of approximately 41,600 IVA acre-points. Both sites are a mix of private and public properties. Public property owners include the City of Everett, Snohomish County, and the Marshland Flood Control District. Site 7 is located east of the BNSF rail line, and site 14 is located west of the rail line. The Salmon Overlay estimated that tidal restoration could result in a gain of over 20,800 IVA-acre-points on each site.

The Salmon Overlay documents that there are technical difficulties on both sites. The Marshland Subarea Plan was prepared to address the feasibility of restoration considering factors such as protection of power lines and other utilities, the BNSF line, the Lowell Snohomish River Road, the Marshland pump station and associated drainage, and the desires of multiple private and public property owners. While the Subarea Plan addresses the protection or modification of these features, a significant number of engineering, hydraulic, and hydrologic studies are required to determine if the conceptual plan is feasible. The Subarea Plan is incorporated by reference in this SMP. The Subarea Plan includes proposed restoration outside the Everett City limits within Snohomish County jurisdiction. The policies and regulations in this SMP are not applicable to that area.

Potential restoration areas are shown on the Marshland Subarea Conceptual Land Use Plan and the Conceptual Post-Restoration Tidally Influenced Wetland Zones Figures. Restoration opportunities include tidal restoration, non-tidal wetland enhancement, connecting hillside tributaries and Wood Creek into tidally restored areas, and riparian buffer enhancement.

### **Description of Marshland Restoration Goals and Phasing Plan**

**Marshland Subarea Plan** Implementation of the Subarea Plan could result in an increase in 30,800 IVA-acre points at a cost of over \$60,000,000.00, including the cost of required studies. The Subarea Plan includes a potential phasing strategy that is summarized below. Note that this is only an example and phasing may occur differently than shown. The sequence of phasing could be based on a number of factors including, but not limited to: property ownership, degree/complexity of infrastructure change, ecological benefit, proximity to the river edge, the results of technical studies, design and implementation cost, and grant funding sources. The results of technical studies,

property owner willingness to participate, and the restoration design process may result in changes to the proposed restoration boundaries and phasing. The Habitat Restoration/Recreation Phasing Figure 3.11-12 shows four phases of implementation, with the lowest cost and least complex portions of the restoration occurring soonest. For example, Phases 1 - 3 can be implemented without relocating the Marshland Flood Control District pump station.

**Phase 1:** The Phase 1 area is close to the river, on existing public land, and requires no changes to the flood control infrastructure (Marshland canal and pump station). It would require a new connection to the river that would include a new bridge through the existing river levee on Lowell Snohomish Road. It would also require two new dikes, one paralleling the Marshland canal on the east side and one bordering private property on the south side. The dike on the east side of the Marshland canal would be temporary until Phase 4 is implemented; however, all of the material to build the dike could be reused in Phase 4. Phase 1 also includes low cost riparian habitat enhancement along the river shoreline. This phase's habitat improvements would provide high ecological benefit to fish and wildlife including substantial tidal marsh restoration. Phase 1 should include development of an unsteady hydraulic model for the entire subarea to understand how water flow will occur with the subarea. The portion of Phase 1 located outside the City limits would be implemented by Snohomish County as mitigation for County Public Works projects.

**Phase 2:** The second phase is shown on private land that provides another substantial tidal marsh restoration opportunity without changes to the Marshland canal and pump station. It requires acquisition of private agricultural land by a public agency prior to implementation. The current owner of this property is supportive of the restoration plan and is willing to sell. A new permanent dike would be required around the perimeter of the Phase 2 property; a portion of this dike adjacent to the existing Marshland canal would be temporary. This tidal restoration would require a new connection to the river that would include a new bridge through the existing river levee on Lowell Snohomish Road and a channel under an existing BNSF Railway trestle. A connection to Wood Creek would occur in Phase 4. Excavation for the relocated Marshland canal (implemented with the Flood Control Structure Relocation in Phase 4) could occur during Phase 2. Material excavated for the future canal could be used as material for the temporary dike. This material could again be reused for the permanent dike along the western edge of the restoration proposed in Phase 4. Phase 2 would nearly double the ecological benefit from restoring high value tidal marsh habitat included in Phase 1.

**Phase 3:** This phase occurs on mostly private land and is one of largest phases in terms of acreage. This phase would require acquisition of private agricultural land by a public agency prior to implementation, except for lands owned by Puget Sound Energy. No changes to the Marshland canal or pump station are required for Phase 3 to be implemented. The scope of this phase entails mostly restoring non-tidal freshwater marsh to areas that are currently agriculture. In cases where existing wetlands occur they would be preserved and enhanced. These restoration actions are low cost and mainly

involve decommissioning of drain tile systems and protecting adjacent lands from hydrologic changes. Phase 3 also includes recreation amenities, such as trails, small parking areas, and passive open space, along Lowell Larimer Road.

**Phase 4:** The greatest changes to infrastructure are included in this phase. It also covers the largest area; however, it mostly occurs on publicly owned land. The major infrastructure changes include relocation of the pump station to the southern boundary of the site and relocation of the Marshland canal through the southern tidal wetland area implemented during Phase 2. Other elements of this phase include a hydraulically controlled culvert connection to the land in the northwest portion of the site, two water channels below existing BNSF Railway trestles, improvements to the lower Wood Creek channel, and a flume connection conveying Wood Creek to the an expanded tidal marsh. Phase 4 involves extensive dike construction to protect adjacent private lands, and relatively limited private property acquisition. Phase 4 has high ecological benefit, but requires significant costs to implement major infrastructure changes.

**Schedule:** Implementation of the project will occur as funding allows. The subarea plan could be implemented in phases as described above. Phase 1 would occur as funding is received and the appropriate environmental investigations and technical issues are resolved. Phase 2 requires acquisition of private agricultural land and is part of another restoration opportunity. Phase 3 involves the most land of all the phases and also requires the acquisition of private agricultural land for restoration and/or voluntary property owner restoration/mitigation. Phase 4, the final phase, includes recreation and changes to the infrastructure in the project vicinity. Due to the changes in infrastructure, this phase involves substantial costs and would therefore be dependent on funding opportunities.

It is understood that private landowner willingness may change over time. It is the intent of the City to be opportunistic about landowners shifting their decisions as the project moves forward. Such changes may provide more land for restoration and aid various project objectives.

**Costs/Funding Sources:**

The scope of the habitat restoration proposed in the subarea plan is sufficiently large to necessitate phasing. For planning purposes, a feasibility planning level cost opinion estimate for the phased implementation of the Preferred Plan was developed. Table 2 summarizes the expected magnitude of project costs associated with general requirements, earthwork, structures, restoration and enhancement, recreation, and land acquisition for each proposed phase of implementation. These are planning level opinions of probable cost developed for comparative assessment of alternatives. These cost opinions should be re-evaluated and updated once funding is secured, previously described studies are completed, and detailed engineering designs are developed.

**Table 2 Marshland Subarea Plan Project Costs by Phases<sup>1</sup>**

<b>Cost Summary</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>	<b>Phase 4</b>	<b>Total</b>
<i>General Requirements</i>	\$900,000	\$1,113,000	\$573,000	\$4,717,000	\$7,303,000
<i>Earthwork</i>	\$2,361,366	\$4,080,872	\$212,650	\$9,947,580	\$16,602,468
<i>Structures</i>	\$1,235,000	\$1,397,500	\$0	\$13,229,500	\$15,862,000
<i>Restoration/Enhancement/Preservation</i>	\$908,600	\$94,600	\$0	\$410,800	\$1,414,000
<i>Recreation</i>	\$0	\$351,019	\$777,300	\$215,141	\$1,343,460
<b>Subtotal</b>	<b>\$5,404,966</b>	<b>\$7,036,991</b>	<b>\$1,562,950</b>	<b>\$28,520,021</b>	<b>\$42,524,928</b>
<b>Sales Tax</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>Estimated Construction Subtotal</b>	<b>\$5,404,966</b>	<b>\$7,036,991</b>	<b>\$1,562,950</b>	<b>\$28,520,021</b>	<b>\$42,524,928</b>
<b>Undefined Items at Planning-Level Estimate</b>	<b>\$540,497</b>	<b>\$703,699</b>	<b>\$156,295</b>	<b>\$2,852,002</b>	<b>\$4,252,493</b>
<b>Construction Contingency at Planning-Level Estimate (10.0%)</b>	<b>\$1,621,490</b>	<b>\$2,111,097</b>	<b>\$468,885</b>	<b>\$8,556,006</b>	<b>\$12,757,478</b>
<b>Estimated Construction Total (30.0%)</b>	<b>\$7,566,952</b>	<b>\$9,851,788</b>	<b>\$2,188,130</b>	<b>\$39,928,029</b>	<b>\$59,534,899</b>
<i>Land Acquisition</i>	\$0	\$351,019	\$777,300	\$215,141	\$1,343,460
<b>Engineering, Design, Permitting, Construction Management Costs (25.0%)</b>	<b>\$1,891,738</b>	<b>\$2,462,947</b>	<b>\$547,033</b>	<b>\$9,982,007</b>	<b>\$14,883,725</b>
<b>Total Estimated Implementation Cost</b>	<b>\$9,458,691</b>	<b>\$12,665,754</b>	<b>\$3,512,463</b>	<b>\$50,125,177</b>	<b>\$75,762,084</b>

1 Estimated construction costs are in May 2009 dollars. Costs are planning level estimates without sales tax for improvements on City-owned properties.

No committed funding sources to implement the subarea plan currently exist; however, there are many potential sources from which funding may be derived. The majority of funding for the subarea plan will likely originate from private and public grant funds. Additional funding for elements of the subarea plan may also come from special levees or bonds, from tax incentives for landowners, or through the establishment of public or private mitigation banks. Where possible, federal, state, and local funding sources or land resources will be used to match grant funds and maximize funding opportunities throughout all phases of the project.

A portion of the Phase 3 non-tidal restoration in the center of the subarea is on property owned by Puget Sound Energy (PSE). PSE will give priority to using this property for its own restoration and mitigation activities, and retains the right to operate existing transmission lines and perform any necessary upgrades and maintenance activities.

Habitat Function Benchmark Gain: Potential habitat gains in this area include 30,800 IVA-acre points in tidally restored areas.

Monitoring and adaptive management would be required as part of any permit requirement. See the Marshland Subarea Plan for monitoring mechanisms to review implementation and effectiveness described in the Snohomish River Basin Salmon Conservation Plan (2005) and the SEWIP SO. Projects should incorporate monitoring elements as they are developed by the Snohomish Basin Technical Committee and Estuary Working Group.

Figure 3.11-10 Marshland Habitat Opportunities

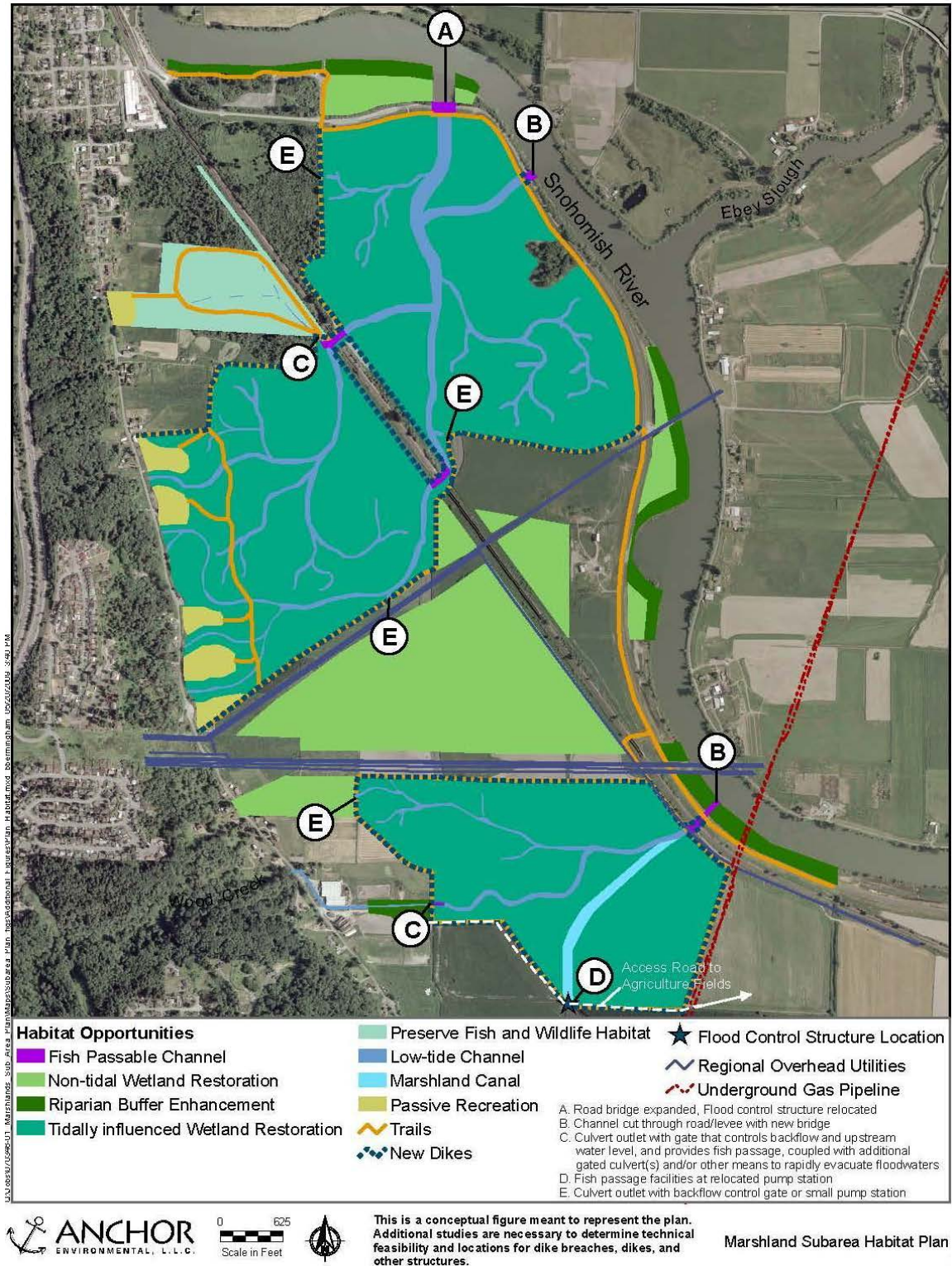
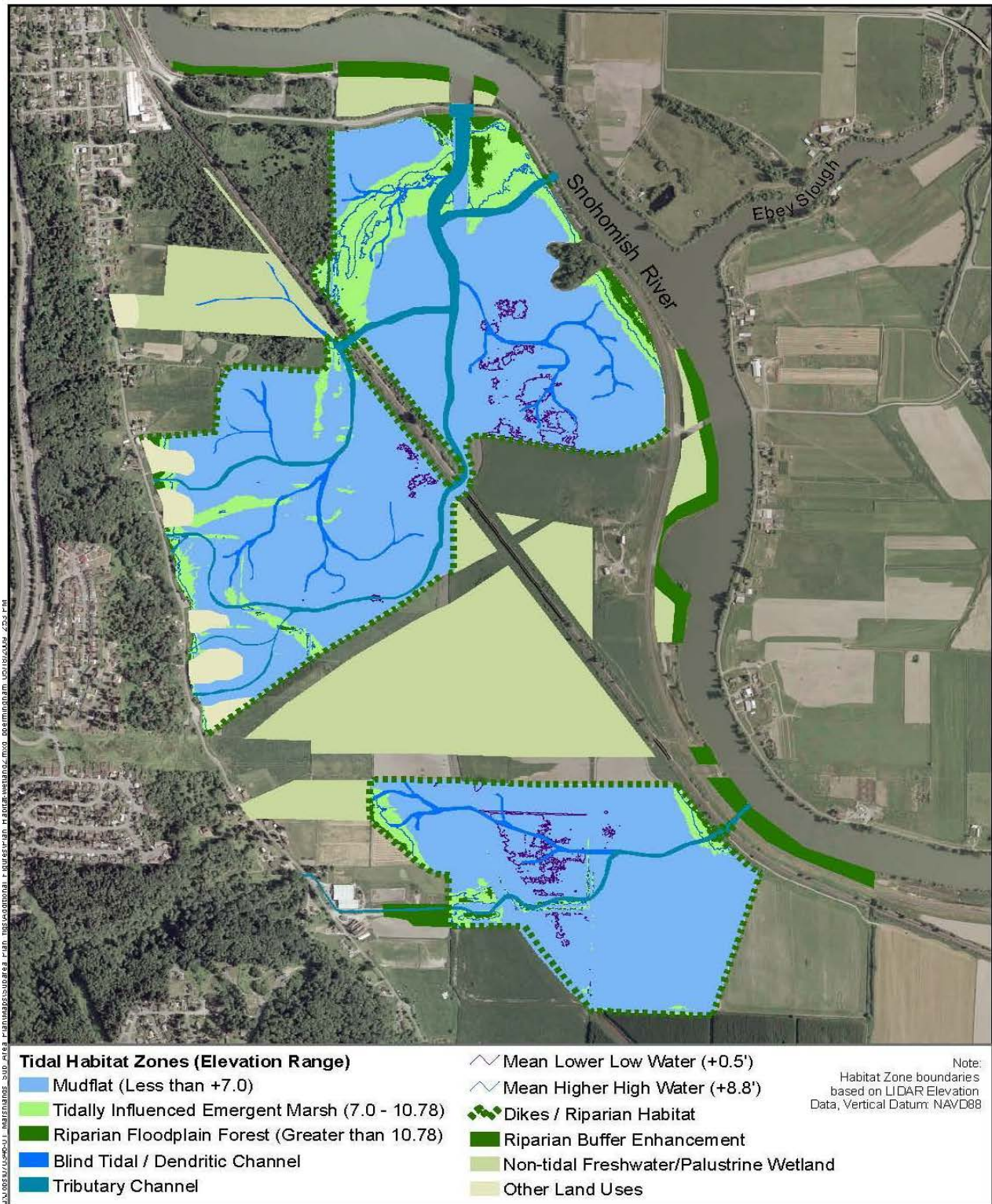


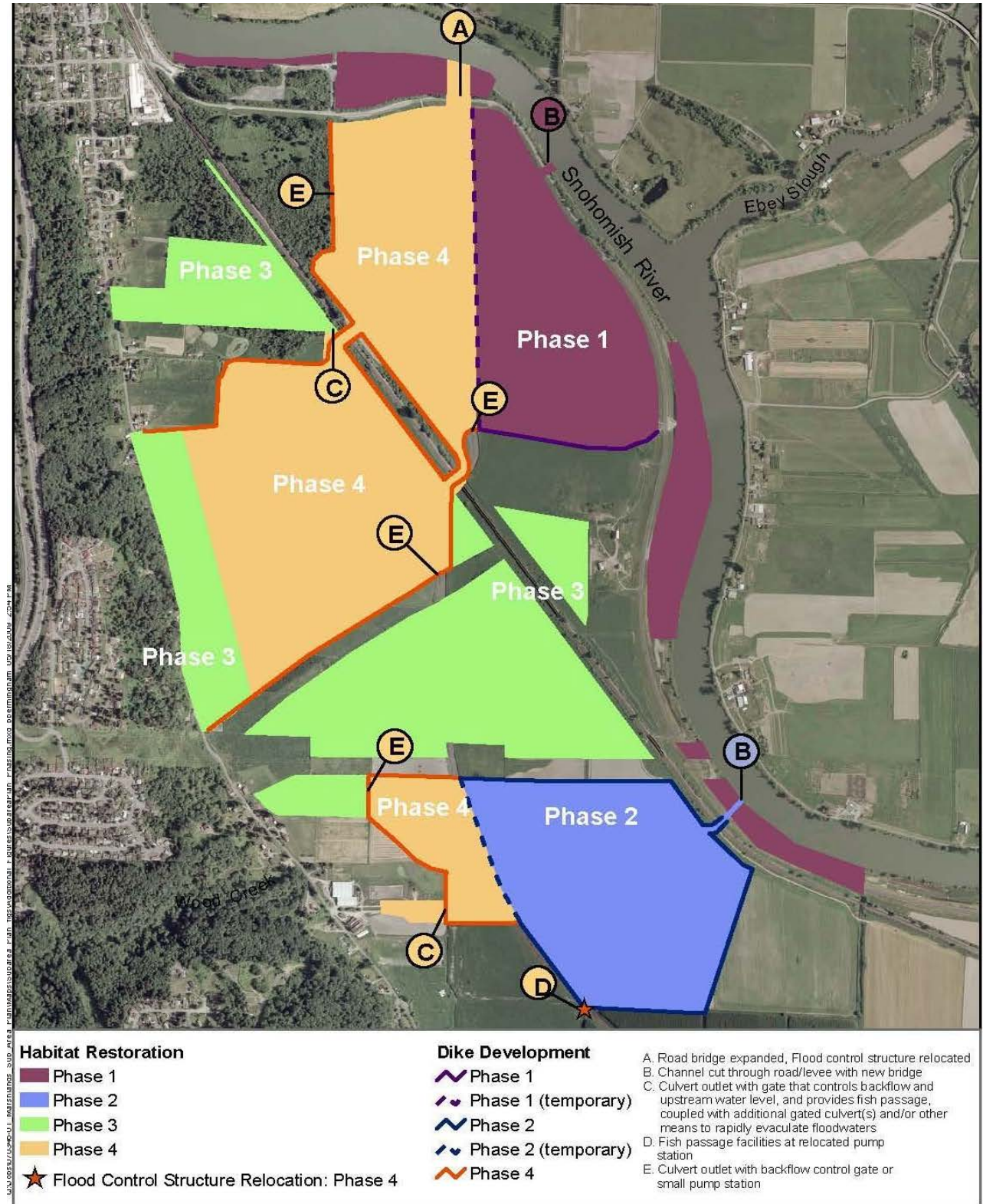
Figure 3.11-11 Marshland Tidal Habitat Zones



This is a conceptual figure meant to represent the plan. Additional studies are necessary to determine technical feasibility and locations for dike breaches, dikes, and other structures.

Subarea Plan - Tidally Influenced Wetland Zones based on Existing Topography

Figure 3.11-12 Marshland Restoration Phases



## Other Restoration Projects in the Snohomish Estuary

Snohomish County, the City of Marysville, and the Tulalip Tribes are currently planning and implementing significant restoration projects in the estuary.

**The City of Marysville** is completing a wetland mitigation project at their Ebey Slough Waterfront Park. The project includes removal of a creosote timber bulkhead regrading and cutting back the vertical bank to expand tidal habitat and wetland area; installation of a boat ramp, floating docks, restrooms, picnic areas, and parking, and construction of a stormwater management system. The project was designed to maximize the gain in habitat as measured by the THM. Prior to construction, the site scored 9.1 IVA points per acre for Chinook salmon and 13.3 IVA points per acre for coho and bull trout. One year after construction, the site is expected to score 27.9 IVA points per acre for both species; and 10 years after construction, the site is expected to score 57.6 IVA points per acre for both species. The current 0.32 acres of littoral habitat is being expanded to 0.47 acres, so after 10 years, the total function is expected to be 27.1 IVA acre-points.

**The Tulalip Tribes** are planning the Qwuloolt Estuary project, a proposed dike breach along Ebey Slough at the mouth of Allen Creek (Salmon Overlay Restoration site 5 on Figure 4.16). The Tribes has been purchasing property up to the 500-year flood elevation (10 feet NGVD), and has currently acquired about 334 acres. Additional acquisition and funding are needed prior to construction. Planning is underway, and construction could begin in 2006 if additional funds are obtained. An application was recently submitted for SRF Board funding for design work.

The Salmon Overlay assumed the area restored to tidal action would be approximately 354.5 acres after removing the estimated setback levee footprint. The design being pursued would limit levee construction, so restored acreage may be higher. The Salmon Overlay estimated a gain of 8,811 to 22,876 IVA acre-points would result from this project.

Funding for the restoration started with about \$2.5 million that businesses contributed for wastes that had been placed in the Tulalip landfill, a past federal Environmental Protection Agency Superfund site. Approximately \$3 million in grants was leveraged with those funds. The final cost of the project is not currently known.

**Snohomish County** has purchased a large portion of central Smith Island for tidal restoration (Salmon Overlay site 3 on Figure 4.16). The County currently owns about 280 acres east of I-5 along Union Slough. A large area of the site fronts on Union Slough, and the site contains several large isolated channels. The Salmon Overlay assumed that dikes would be required along I-5 and along the southern boundary, and that approximately 484 acres of new tidal habitat would be created. The project was estimated to result in a gain of approximately 26,217 IVA acre-points. The County

recently submitted an application for SRF Board funding for additional property acquisition. A restoration plan is being developed.

**Washington Department of Fish and Wildlife (WDFW)** owns the northern portion of South Spencer Island (Salmon Overlay Restoration Site 4). The area is currently being managed as a non-tidal wetland for waterfowl. However, the dikes are failing so WDFW and Snohomish County are considering adding two large dike breaches at the northern end of the island. The project has a very low estimated cost (\$100,000) compared to other projects in the estuary. Snohomish County previously breached dikes just south of this site. The Salmon Overlay estimated the project would include 297 new acres of tidal habitat and a gain of approximately 30,288 IVA acre-points.

**The Port of Everett** purchased the Biringer Farm property on North Spencer Island as a potential mitigation site (Salmon Overlay site 2). This site is currently farmed. A conceptual restoration plan has been developed that takes advantage of remnants of natural sloughs on the property and leaves a small piece of the property in its existing state as a forested wetland. The project will require dikes along I-5. The project is in the Port's draft 2005 - 2009 Capital Improvement Program (CIP), which is expected to be adopted in October 2004. The draft CIP calls for planning and permitting to begin in 2005, with construction to occur in 2007. The Salmon Overlay estimated that approximately 340 acres of new tidal habitat would be created, resulting in a gain of approximately 20,613 IVA acre-points.

**Snohomish County** developed a restoration plan for Diking District 6 property located along Ebey Slough (Salmon Overlay Restoration site 20). PSE's power lines were rebuilt in 2009 to be compatible with future restoration actions. The Salmon Overlay estimated that approximately 225 acres of new tidal habitat would be created, with a gain of approximately 11,804 IVA acre-points.

**Snohomish County's** designated Marshland Restoration Site is owned by Snohomish County Public Works and the Marshland Flood Control District, and includes the area between the existing setback dike and the Snohomish River, from the current Everett city limits upstream approximately two miles to the point where the setback dike rejoins the dike on the river bank. The 34-acre site was developed in association with the Lowell-Snohomish River Road and Marshland Dike Relocation project, and provides compensatory mitigation for this project. The County has also completed compensatory mitigation for a number of other Public Works projects at the site, and will continue to use this area for compensatory mitigation projects in the future.

(Salmon Recovery Funding Board Fifth Round 2004 Grant Cycle, Snohomish River Basin (WRIA 7) Snohomish Lead Entity, Scored Project List, May 10, 2004. Snohomish Basin Salmon Recovery Forum. 2004. Draft Snohomish River Basin Salmon Recovery Plan. July 2004. Snohomish County Surface Water Management Division. Everett, WA. Emails from Mac McKinsey, Tulalip Tribes, 2/11/2004 and 2/12/2004. Email from Stephanie Kaknes 2/6/2004.)

## Key Regulations for Restoration Projects

### Regulations in SMP Section 3.9 pgs. 3-30 thru 3-41

11. As existing shoreline properties are redeveloped, impervious surfaces not needed for current or planned uses shall be removed and shoreline buffers shall be enhanced and/or/restored to the buffer width required by the SMP, except as necessary to accommodate access to the water necessary for the operation of water dependent and water related uses and/or public access. The Planning Director/Hearing Examiner shall have the authority to require redesign of the site and structures to minimize impacts to existing aquatic and buffer vegetation and to provide for buffer enhancement.
20. When restoring and enhancing buffers along the Snohomish River and its estuary, overhanging vegetation shall be provided along dikes and shoreline stabilization structures when feasible.
- 22A. Minimum 200 foot buffers shall be required adjacent to areas designated Aquatic Conservancy (SO AUs 2.21, 2.28, 2.30, 2.31, 2.32, 2.41, 2.44) and SO AU 3.05 on Smith Island north of 12<sup>th</sup> St. NE and on North Spencer Island (see Figure 3.9-1). A function assessment must be completed for all projects to demonstrate that these buffers result in no net loss of wetland or stream function. A wider buffer will be required when necessary to protect wetland and stream ecological functions. The buffers may be reduced in accordance with PDI 01-005 where there has been prior substantial legal alteration to the buffer and when the project applicant: (1) completes an approved function assessment, and (2) prepares an approved habitat management plan that includes buffer enhancement that would improve the functional performance of the buffer and the associated critical area. In no case shall buffers be reduced below 100 feet, except:
  - When a significant action that restores salmonid rearing habitat is incorporated into the proposal, including actions such as reconnection of a blind tidal channel, a dike breach, or removal of fill to create tidal marsh area.
  - Public access improvements such as trails and interpretive facilities may be included in portions of the buffer when the biological assessment and habitat management plan (if required) demonstrate no significant adverse impacts or that significant adverse impacts are mitigated.
  - Buffers may be reduced to provide a reasonable use of a property as specified in EMC 19.37.050.D.
  - Expansion of existing facilities such as SR529 and I-5 may be allowed when mitigation is provided for buffer impacts.

The City shall ask the appropriate resource agencies to review and comment on the function assessment and management plan.

22B. Palustrine wetlands on Smith Island north of 12<sup>th</sup> Street, on North Spencer Island, and on the city-owned property southwest of Weyco Island shall be categorized per Figure 3.9-2 (based upon SEWIP Wildlife Function). Category 1 wetlands shall have a minimum buffer of 200 feet. Category 2 wetlands shall have a minimum buffer of 100 feet. Category 3 wetlands shall have a minimum buffer of 50 feet. A function assessment must be completed for all projects to demonstrate that these buffers result in no net loss of wetland and stream function. A wider buffer will be required when necessary to protect wetland and stream functions. The buffers may be reduced in accordance with PDI 01-005 where there has been prior substantial legal alteration to the buffer and when the project applicant: (1) completes an approved function assessment, and (2) prepares an approved habitat management plan that includes buffer enhancement that would improve the functional performance of the buffer and associated critical area. In no case shall the buffers be reduced by more than 50%, except:

- When a significant action that restores salmonid rearing habitat is incorporated into the proposal, including actions such as reconnection of a blind tidal channel, a dike breach, or removal of fill to create tidal marsh area.
- Public access improvements such as trails and interpretive facilities may be included in portions of the buffer when the biological assessment and habitat management plan (if required) demonstrate no significant adverse impacts or that significant adverse impacts are mitigated.
- Buffers may be reduced to provide a reasonable use of a property as specified in EMC 19.37.050.D.
- Expansion of existing facilities such as SR529 and I-5 may be allowed when mitigation is provided for buffer impacts.

The City shall ask the appropriate resource agencies to review and comment on the function assessment and management plan.

25. Except as provided herein, all new development in the Marshland Subarea shall comply with the requirements of EMC 19.37 Critical Areas. The wetland compensation requirements of SMP Section 3.9 Regulation 35 shall apply in the Marshland area, rather than the compensation requirements in EMC 19.37.110C.
- EMC 19.37.050.B (Reasonable Use Exception) is not applicable. (Revised March 2011)
  - Except as provided in the following bullet, a Shoreline Variance is required to modify the standards in EMC 19.37. (Rev. March 2011)

The Marshland Subarea Plan recommends significant tidal restoration within the subarea that would result in moving the ordinary high water mark further inland. The Subarea Plan also proposes significant nontidal wetland and riparian restoration that will result in new wetland areas, higher habitat scores for existing wetlands, and fish access to streams and drainages where it may currently not

exist. Pursuant to the process identified in RCW 90.58.580, the City may grant relief from Shoreline Master Program regulations if the proposed relief is the minimum necessary to relieve the hardship; the restoration project will result in a net environmental benefit; and the granting of the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the master program. This shall not apply to shoreline restoration projects created as mitigation to obtain a development permit. A shoreline substantial development permit is not required on land in the urban growth area that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark. (Rev. March 2011)

26. Stormwater facilities are prohibited in Category 1 stream and wetland buffers. In lower rated wetlands and streams, stormwater management facilities, are permitted only within the outer twenty-five percent (25%) of the buffer, provided that:
- a. The buffer area has been previously substantially and legally altered and is degraded as defined by PDI 01-005;
  - b. Native vegetation and soils at the site should be protected and low impact development techniques should be used to promote infiltration of stormwater at the source. Stormwater facilities shall be integrated into the wetland buffer as a natural drainage system. The slopes and all areas that are disturbed shall be planted with native vegetation consistent with a buffer enhancement/mitigation plan. Above ground concrete walls and structures are not permitted. Below grade structures may be permitted only if it can be shown to the satisfaction of the planning director that the use of such materials fits with the natural design of the proposed facility and does not interfere with wildlife passages or adversely impact biological functions of the buffer or the adjacent critical area.
  - c. The facilities must include a buffer enhancement and management plan that would improve the functional performance of the buffer and the stream or wetland.
  - d. The location of such facilities will result in no net loss of wetland ecological functions.

For Category II, III, and IV wetlands and streams, the Planning Director may grant an exception to the outer 25% limitation when the applicant demonstrates that the project would significantly increase wetland or stream function.

33. For all mitigation proposals incorporating buffer enhancement, a 5-year Set-Aside shall be required to cover the costs of monitoring, maintenance, and contingencies, including 50 percent of the cost of the plantings. The applicant's biologist shall submit a letter to the City upon installation of the buffer enhancement. Monitoring reports shall be submitted at the end of years 1, 3, and 5 following installation, unless more frequent reports are required in the approval. Contingences must be implemented based upon the findings of the monitoring. The City may release the Set-Aside sooner than 5 years if the enhancement is determined by the City to be successful.

35.A.4. Out-of-Kind Compensation

- Development impacts to tidal or tidally influenced habitats shall not be compensated for with palustrine wetland enhancement, restoration, or creation.
- Development impacts to palustrine wetland habitats may be compensated for with tidal habitat restoration or creation on an acre-for-acre basis. If nontidal mitigation is proposed for loss of nontidal palustrine wetlands in the SEWIP planning area, it should be reviewed to ensure that opportunities to recover tidal function would not be foreclosed. To replace palustrine wetland functions with palustrine wetland functions, the original SEWIP process and vegetated wetland model applies (City of Everett et al. 1997).
- The Tidal Habitat Model shall be used to ensure that adequate replacement of salmonid habitat function is provided (i.e., it is assumed that within the regulations of SEWIP, the model will provide for replacement of habitat for salmonids, except that impacts to eelgrass will be evaluated and compensated for in accordance with WDFW mitigation policies).
- Out-of-kind compensation for the two watershed process-based functions identified in the Tidal Habitat Model (e.g., LWD recruitment, feeder bluffs) shall be prohibited, except for cases where tree removal is required for maintenance of the integrity of functional dikes.

**Regulation in SMP Section 5.5 Commercial Development pg. 5-26**

2. Non-water oriented commercial uses shall only be permitted within 200 feet of the ordinary high water mark when they provide substantial public access and they provide ecological restoration, if appropriate and feasible, and when at least one of the following criteria is met:
  - a. The site is physically separated from the shoreline by another property, public right-of-way, or significant environmentally sensitive area.
  - b. The use is part of a mixed-use project or area that includes water dependent uses.
  - c. The site is upriver from the SR 529 bridge, or is located along Union or Steamboat Sloughs.

Water dependent and water related commercial uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas

designated Aquatic Conservancy, or in the aquatic area west of Smith Island (AU 3.05).

**Regulation in SMP Section 5.7 Industry pgs. 5-31 thru 5-32**

1. The Shoreline rules clearly provide for a priority of shoreline uses with the highest priority given to environmental restoration and water dependent and water related uses (see WAC 173.26.200 (2)(d) Preferred uses, 173.26.240 (3)(f) Shoreline Use Standards – Industry, and 173.26.250 (3)(c) Shorelines of state-wide significance - Priority uses).

.....

- b. Urban Industrial and Urban Mixed Use Industrial shoreline areas along the main channel of the Snohomish River upriver from the SR 529 bridge are also located adjacent to the federally maintained navigation channel, and may be commercially viable. However, these areas are to some degree constrained due to the restrictions of the SR 529 bridge and also the presence of significant environmental features along certain sections of the Snohomish River (see the SEWIP resources inventory and the WDFW Priority Habitats map).

In these areas, non-water dependent and non-water related uses shall be permitted within 200 feet of the ordinary high water mark provided such uses provide substantial public access and public enjoyment of the shoreline. Water dependent and water related uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy. All non-water dependent and non-water related uses shall preserve and enhance existing native shoreline vegetation per the requirements of EMC 19.37 and shall provide environmental restoration, when feasible.

- c. The Urban Mixed Use Industrial Properties along Union and Steamboat Sloughs are not located adjacent to a federally maintained navigation channel.

In these areas, non-water dependent and non-water related uses shall be permitted within 200 feet of the ordinary high water mark provided such uses provide substantial public access and public enjoyment of the shoreline. Water dependent and water related uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy, or in the aquatic area west of Smith Island (AU 3.05). All non-water dependent and non-water related uses shall preserve and enhance existing native shoreline vegetation per the requirements of the SMP and shall provide environmental restoration, when feasible.

**Regulations in SMP Section 6 Shoreline Modification Activities pg. 6-9**

13. Many of the 2001 SEWIP assessment units designated Aquatic Conservancy in Section 4 of this SMP as well as the aquatic area west of Smith Island (AU 3.05) received high rankings partially due to high quality marsh edge and/or riparian vegetation along dikes adjacent to the aquatic areas. Where structural flood hazard reduction measures are needed to protect development inland from these dikes, when feasible, new dikes or other stabilization structures shall be constructed inland of the existing dikes, and the high quality vegetation shall be preserved and enhanced along the existing dike.

**Regulations in EMC 19.33D.450 Standard wetland buffer width requirements.**

- A. Standard Buffer Width. The following minimum buffers of native vegetation shall apply to wetlands based upon the wetland category. Buffers shall be measured from the wetland boundary delineated as required by subsection 37.090A. If the designated buffer contains significant vegetation with drip lines extending beyond the edge of the buffer, the buffer shall be extended to five feet beyond the outside edge of the drip line. For purposes of this section, “significant vegetation” means a healthy evergreen tree, ten inches in diameter or greater, measured 4.5 feet above existing grade.
1. Category I: one hundred feet;
  2. Category II: seventy-five feet;
  3. Category III: fifty feet;
  4. Category IV: twenty-five feet.

**EMC 19.33D.490 Standard stream buffer requirements.**

- A. Standard Buffer Width. It is the goal of this chapter to preserve streams and their buffers in a natural condition to the maximum extent possible. Buffers shall be measured from the top of the upper bank or, if that cannot be determined, from the ordinary high-water mark as surveyed in the field. In braided channels and alluvial fans, the top of the bank or ordinary high-water mark shall be determined so as to include the entire stream feature. Except for category IV streams, if the designated buffer contains significant vegetation with drip lines extending beyond the edge of the buffer, the buffer shall be extended to five feet beyond the outside edge of the drip line. For purposes of this section, significant vegetation means a healthy evergreen tree, ten inches in diameter or greater, measured 4.5 feet above existing grade. Except as otherwise provided by Section 33D.400 of this chapter, the following minimum buffers of native vegetation shall apply to streams based upon category:
1. Category I Streams. Category I streams shall have a minimum buffer of one hundred feet on each side of the stream, except that properties under the jurisdiction of the shoreline master program which abut category I streams may have a minimum buffer of less than one hundred feet when shoreline public access improvements may otherwise be permitted or required during the shoreline permit review process; or when a water dependent or water

related use which requires a lesser buffer standard is approved during the shoreline permit review process.

.....

- C. **Standard Buffer Width Increase.** The city shall require increased buffer widths as necessary to protect streams when the stream is particularly sensitive to disturbance, or the development poses unusual impacts and the increased buffer width is necessary to protect the environmentally sensitive areas described in this subsection. Circumstances which may require buffers beyond minimum requirements include, but are not limited to, the following:
1. The stream reach affected by the development proposal serves as critical fish habitat for spawning or rearing as determined by the city using information from resource agencies including, but not limited to, the Washington State Departments of Fisheries or Wildlife, U.S. Fish and Wildlife Service, and native tribes;
  2. The stream or adjacent riparian corridor is used by species listed by the federal government or the state as endangered, threatened, rare, sensitive, or monitored, or provides critical or outstanding actual or potential habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting or lookout trees;
  3. The land adjacent to the stream and its associated buffer is classified as a geologically hazardous or unstable area;
  4. Increased buffer width is necessary to effectively include the riparian corridor of the stream;
  5. A trail or utility corridor, as provided by Section 33D.400, is proposed within the buffer;
  6. A drainage or water quality improvement, approved by the city, is proposed within the buffer;
  7. When the minimum buffer for a stream extends into an area with a slope of greater than twenty-five percent, the buffer shall be the greater of:
    - a. The minimum buffer for that particular stream; or
    - b. Twenty-five feet beyond the point where the slope becomes twenty-five percent or less.
- D. **Standard Stream Buffer Width Reduction.** The planning director may, using Review Process II.C, reduce the standard stream buffer width only when there has previously been substantial legal alteration of the stream and/or buffer on the subject lot or adjoining lots. The planning director shall require buffer width averaging rather than allowing a buffer width reduction except when the proposal includes a stream and buffer enhancement plan that improves the functional values of the buffer and the stream. An enhanced buffer shall not result in more than a fifty percent reduction in buffer width, and the reduced buffer shall not be less than the minimum dimension allowed by buffer width averaging.

- E. Riparian Wetland. Any stream adjoined by a riparian wetland shall have the buffer which applies to the wetland, unless the stream buffer requirement is more protective, in which case the stream buffer requirement shall apply. Riparian wetland and associated stream buffers shall not be reduced except as provided in Section 33D.400 of this chapter.
- F. Standard Buffer Width Averaging. The city may allow buffer width averaging, provided that the total area on the lot contained within the averaged buffer is not less than that required within the standard buffer. The city may require buffer width averaging in order to provide protection to a particular portion of a stream which is especially sensitive or to incorporate existing significant vegetative or habitat features into the buffer. Averaging shall not adversely impact the functions and values of the stream system. In either case, the adjusted minimum buffer width shall not be less than fifty percent of the standard buffer width or ten feet, whichever is greater.

### **Other Agency Requirements**

All actions undertaken by public or private parties within waters of the state lying within the City of Everett that have a potential to affect fish, shellfish or their habitat require a Hydraulic Project Approval under the provisions of WAC 220-110. A requirement of this program, administered by WDFW is that there is no net loss of the productive capacity of these waters. In addition, any project in the waters of the US that would affect navigation (almost all in-water construction) or result in dredging or fill placement require permits from the Corps of Engineers under Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act. Any Corps permit decision must be determined, through consultation with NOAA Fisheries and the Fish and Wildlife service, to not jeopardize the continued existence of ESA listed species. Meeting this test also requires that there be no net loss of habitat area or function and, again, in practice requires that measures be taken to enhance local habitat function as part of conservation measures to ensure a project is not likely to adversely affect listed species.

## Section 4

# Shoreline Environment Designations and Management Policies



## 4.1 Authority

The Washington State Shoreline Management Act of 1971 through WAC 173-16-040(4) requires that a land use categorization system for shoreline areas be developed by the local governments in preparation of their master programs. The amendments to Chapter 173-26 WAC provide further guidance in the designation of shoreline use environments, which have been incorporated herein. The Shoreline Use Environment Designation System is intended to provide a uniform basis for applying use activity policies and use regulations within distinctly different shoreline areas. This is accomplished by basing the environmental designations for any specific area on the following:

The existing development pattern, the biophysical capabilities and limitations of the site, and the goals and aspirations of the community.

In addition, for Shorelines of Statewide Significance, the master program designations must give preference to uses which favor public and long-range goals. The Act requires “optimum implementation” of the policy of the Act to satisfy the state-wide interest in these areas.

The Shoreline Management Act requires that when developing Shoreline Master Programs for shorelines of statewide significance, local governments shall give preference to uses in the following order of preference which

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

The shoreline use environment classification system is intended to work in conjunction with local comprehensive planning and zoning existing along Everett's shoreline. The environmental designations are aimed at more accurately reflecting the existing intensity of development and identifying any bio-physical capabilities, potentials, and limitations along our shoreline, within the context of Everett's social values and economic characteristics. Consequently, the type of activity which occurs in a specific use environment must be designed and located so that the objectives of the use environment, as stated in the SMP, are achieved.

## 4.2 Classification Methodology

Shorelines in Everett and Everett's Urban Growth Area consist of the water bodies and shorelands associated with

- Port Gardner Bay,
- the Snohomish River and associated sloughs (Union Slough and Steamboat Slough),
- Silver Lake,
- Lake Stickney,
- Lake Chaplain Reservoir, and portions of Woods Creek and the Sultan River near the Reservoir.

Shorelines of Statewide Significance in Everett include

- Possession Sound/Port Gardner Bay lying seaward from the line of extreme low tide,
- the Snohomish River, including the associated sloughs, and
- the shorelands associated with the Snohomish River and sloughs, including the portion of Jetty Island within 200 feet of the ordinary high water mark on the river (east) side.

As part of the update to the Shoreline Master Plan, a comprehensive inventory was completed that identifies the resources of Everett's shoreline areas. See Section 1 for more information regarding the inventory.

Over a two year period, the Shoreline Committee was provided the inventory information, existing regulations, and draft guidelines. Based upon this information, and the policies and guidelines in RCW 90.58, WAC 173-16, the draft Guidelines (WAC 173-26), and public comment, the Shoreline Committee developed "vision statements" and shoreline designations for Everett's shoreline areas. Planning Commission also held public hearings, heard new information on the Snohomish Estuary Wetland Integration Plan (SEWIP) Salmon Overlay, reviewed the Shoreline Master Program Guidelines adopted by the Department of Ecology on November 29, 2000, and made revisions to the Shoreline Committee's designations. The designations include:

- Urban Deep Water Port
- Urban Maritime
- Urban Industrial
- Urban Mixed-Use Industrial
- Urban Multi-Use
- Shoreline Residential
- Urban Conservancy - Recreation
- Urban Conservancy
- Municipal – Water Quality

- Municipal – Watershed
- Aquatic
- Aquatic Conservancy

Except for those areas associated with Lake Chaplain Reservoir, most of the shorelines in Everett have been highly modified over the last 100 years. Given Everett's urban context documented by the comprehensive inventory, and Everett's inclusion within a Growth Management Act urban growth area, it was concluded that a large segment of Everett's shoreline would fit the "High-intensity" designation of the draft Shoreline Guidelines. To recognize the varying levels of existing development, the potential for influencing future development, and the diverse biological, ecological and economic values of the shorelines, the following more specific "high-intensity" or urban designations were developed – Urban Deep Water Port, Urban Maritime, Urban Industrial, Urban Mixed-Use Industrial, and Urban Multi-Use.

A new "Municipal Watershed" shoreline use environment designation was established for the City's Lake Chaplain Reservoir watershed that is within the jurisdiction of the SMP and for the portions of the Sultan River and Woods Creek within the City's jurisdiction.

A new "Municipal Water Quality" shoreline use environment designation was established for the City's Water Pollution Control Facility.

The "Aquatic" shoreline use environment designation is applied to certain water areas and to their underlying lands. The "Aquatic Conservancy" shoreline use environment designation was applied to areas that scored highly for salmonid habitat in the 2001 Snohomish Estuary Wetland Integration Plan Salmon Overlay. The sites included all assessment units that ranked in the top quartile of sites within the urban growth boundary<sup>1</sup>, and all sites except the Maulsby Mudflats and AU 5.03 that ranked in the top quartile within each ecological management unit (EMU) or EMU pair<sup>2</sup>. In addition, all of the nearshore areas between the Mukilteo tank farm site and the Port of Everett's south terminal were designated Aquatic Conservancy.

The "Shoreline Residential" designation applies to the existing residential areas abutting Lake Stickney and Silver Lake, as well as the residential properties above Port Gardner Bay and Maulsby Swamp.

The "Urban Conservancy" designation encompasses protection and restoration of important ecological resources, as well as provision of public access. The 1997 Snohomish Estuary Wetland Integration Plan inventory was the primary basis for designating sites Urban Conservancy. Most of the non-tidal sites that ranked in the top

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<sup>1</sup> Figure 4.11 in the 2001 Snohomish Estuary Wetland Integration Plan Salmon Overlay.

<sup>2</sup> Figure 4.10 in the 2001 Snohomish Estuary Wetland Integration Plan Salmon Overlay.

wetland group for Water Quality and Wildlife Attributes <sup>3</sup> were designated Urban Conservancy. In addition, the Urban Conservancy designation was applied to wetlands above Port Gardner Bay, a wetland in the floodplain in the Delta Yard, the “Spane” wetland mitigation site in the Marshland area, the wetland area along the Snohomish River east of Rotary Park, and two planned tidal restoration sites (the Port of Everett’s Union Slough property and the remnant tidal channel at Langus Riverfront Park). The Urban Conservancy – Recreation designation encompasses the protection and restoration of ecological resources and the provision of public access, but also provides for active recreation facilities.

Figure 4.1 shows all of the shoreline designations within Everett and Everett’s urban growth boundary. The remainder of this Section provides details for each environment, including the purpose of the environment, classification criteria, management policies, the areas designated, and more detailed maps for each area. In the event of a mapping error, the City will rely upon common boundary descriptions and the criteria contained in chapter 173-22 WAC pertaining to shorelands and wetlands, as amended, rather than the incorrect or outdated map. Any areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned the category of the contiguous shoreline environment designation until the shoreline can be redesignated through a master program amendment. In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction (e.g., is more than 200 feet from the ordinary high water mark or floodway, is no longer in floodplain jurisdiction as documented by a Letter of Map Revision from FEMA, and does not contain associated wetlands) shall not be subject to the requirements of this Shoreline Master Program. Note that the actual location of the ordinary high water mark, flood plain boundaries, and wetland boundaries must be determined at the time a development is proposed.

Note: The maps provided here may change after FEMA’s analysis of Everett’s floodplain boundaries and regulations. (Everett has the option of including “floodplains” in shoreline jurisdiction. However, shoreline jurisdiction extends to 200 feet beyond the “floodway” boundary. If FEMA changes Everett’s boundaries, shoreline jurisdiction may change.)

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<sup>3</sup> Figure 4.3 in the 1997 Snohomish Estuary Wetland Integration Plan.

## **4.3 Urban Deep Water Port**

### **Purpose**

To provide areas for large scale water dependent industries, port facilities, and supporting services that require proximity to navigable waters that can accommodate deep draft ocean-going vessels, and to ensure optimum use of shorelines that are presently industrial in nature while protecting and restoring ecological functions.

### **Classification Criteria**

1. Areas proximate to navigable channels approximately 25' MLLW or greater in depth, with arterial roadway and/or rail services, and with sufficient space to support water dependent or water related industrial activities.
2. Areas currently developed with water dependent and water related industrial use, military use, and support facilities.

### **Area Designated (See Figure 4.2, 4.10)**

That area in Section 25, Township 29 North, Range 4 East, W.M. contained within the following lines and a line located 200 feet landward from the ordinary high water mark. Beginning at a point 200 feet from the ordinary high water mark in a straight line with the fence separating the Port of Everett South Terminal from the public access beach to the south, then following the fence line to the northwest corner; thence North 49°36'22" West to the State Outer Harbor Line; thence following the Washington State Outer Harbor Line along the west side of the Port of Everett South Terminal, within the East Waterway and south of the Naval Station Everett piers; then on the west side of Naval Station Everett following the Washington State Side Harbor line; then the west boundary of Parcel F1, the west boundary of the Land Use and Occupancy Area, the northern boundary of the Land Use and Occupancy Area, and the northern boundary of Parcel D1 to a point 200 feet landward of the ordinary high water mark as shown on the Record of Survey for US Navy recorded under Snohomish County Auditor's File No. 200811125002. (Ordinance No. 3451-15, effective 7-11-16)

### **Vision Statement**

This area shall be reserved for water dependent marine commerce and heavy industry, military use, and supporting activities. Because of the nature of these activities, public access may be provided elsewhere, consistent with the plan for creating a comprehensive system of publicly accessible sites and trails.

## Management Policies

1. Use of this land should be for port-related water dependent uses, water dependent and water related industrial uses, water dependent military use, and accessory supporting facilities and services. New non-water dependent/non-water related use activities that provide direct support for the water dependent uses should only be permitted within 200 feet of the ordinary high water mark when the applicant shows the use is an incidental part of the business, such as an office use, and the location is necessary for proper operation of the business.
2. Encourage expansions and re-development within areas that are already developed. Non-water dependent uses should be encouraged to expand outside shoreline jurisdiction when feasible. When expansions of non-water dependent uses occur in shoreline jurisdiction, public access and restoration of the shoreline shall be provided where feasible.
3. Encourage landscaping and screening of existing activities which have the potential for adversely affecting nearby properties. Landscaping and screening should be required for new activities which have the potential for adversely affecting nearby properties.
4. Require uses to limit and screen lighting to minimize impacts on views and nearby single family neighborhoods.
5. Encourage continued efforts by public and private industries to improve the quality of air and water.

## 4.4 Urban Maritime

### Purpose

To provide an area for the intense development of maritime activities such as marinas, boating and fishing businesses, and supporting heavy commercial and industrial uses, along with a wide mix of compatible water oriented commercial and recreational uses, and public access while protecting and restoring ecological functions. Limited non-water oriented commercial uses should be allowed when part of a mixed-use development that incorporates public access and ecological restoration. (Ordinance No. 2766-04, effective 5-18-04; Ordinance No. 3445-15, effective 9-27-15)

### Classification Criteria

1. Areas used for intensive water oriented port activity, including commercial, industrial and recreational uses, but excluding those areas used primarily for deep-draft, ocean going vessels.
2. Areas that have adequate utilities and access to support intensive urban shoreline development.

### Area Designated (See Figure 4.3)

The area extending from the north property line of the US Naval Station Everett to the south property line of Parcels 0729 054 001 00 (Jeld-Wen), 0729 051 004 00 (Jeld-Wen) and 0729 051 012 00 (Sterling Asphalt/CSR). The west boundary is the East Government Pierhead Line/Harbor Line and the landward boundary is located 200 feet from the ordinary high water mark, except where the area abuts Maulsby Swamp where the east boundary is the east edge of the Burlington Northern right-of-way.

### Vision Statements

**Existing Marina Area:** This area shall retain working waterfront components, with priority given to a mix of maritime uses that support the marina. A wide mix of compatible water oriented commercial uses, public access, recreational use, and supporting activities will also be encouraged. Any large-scale redevelopment of this area shall be guided by a master plan that gives priority to preservation and enhancement of the marina and its supporting uses. The master plan shall also encourage public access to and enjoyment of the shorelines and emphasize attractive, people oriented mixed-use development with significant public access, abundant public parking, a plaza or public center area, and separation between pedestrians and automobiles encouraging public movement. The master plan shall orient buildings and facilities to maximize visual access to the river channel, marina and shoreline pathway system. The mix of uses may include both water oriented and non-water oriented commercial/retail, office, hotel, a limited area for multiple family residential, public facilities, public access and ample public

pathways and walkways. (Ordinance No. 2713-03, 2766-04, effective 5-18-04; Ordinance No. 3445-15, effective 9-27-15)

North of Boat Launch to South End of Sterling Asphalt/CSR Property: Because of its proximity to existing public services, this area should be reserved for future urban development. A wide mix of compatible water dependent industrial, commercial, and recreational uses will also be encouraged here.

### **Management Policies**

1. Give priority to maritime uses and services, and encourage a mix of compatible water dependent and associated water related and marina support and recreational uses, and water oriented commercial uses. Non-water oriented commercial and office uses shall only be permitted when they provide public access and are part of a master plan guided mixed-use project that includes water dependent uses. (Ordinance No. 2713-03, effective 5-18-04)
2. Encourage public access, both physical and visual, and develop public attractions that provide the opportunity for people to enjoy the shoreline.
3. Encourage expansions and re-development within already developed areas.
4. Redevelopment of the mud flats area shall be allowed only for water-dependent industrial, commercial, or recreational activities, and when substantial environmental enhancement and restoration of ecological functions is included as part of the development process.
5. Encourage landscaping and screening of existing activities which have the potential for adversely affecting nearby properties. Require landscaping and screening of new activities which have the potential for adversely affecting nearby properties.
6. Encourage uses to limit and screen lighting to minimize impacts on views and nearby single family neighborhoods.
7. Encourage continued efforts by public and private industries to improve the quality of air and water.

## **4.4A Urban Maritime Interim**

### **Purpose**

To provide an interim designation for a shoreline area that is characterized by high natural and economic resources of statewide importance that will allow the City and the Port, in cooperation with Ecology, interested agencies and members of the public, to conduct special area planning for the Maulsby Mudflats. This planning will commence within six months of the approval of the City's updated SMP, with the goal of completing the subarea plan in 18 months.

### **Area Designated – Urban Maritime Interim**

Salmon Overlay assessment unit (AU) 5.08 known as Maulsby Mudflats as depicted on Figure 4.3.

### **Management Policies**

In addition to those policies that apply to the Urban Maritime Designation the following policies shall apply:

1. The subarea planning process will result in a subarea plan and/or shoreline use regulations that will be incorporated into the City's and Port's comprehensive plans, including the Shoreline Master Program and zoning code as applicable.
2. While the plan is being prepared, the City and Port of Everett will not take actions that will limit the choice of reasonable alternatives in the planning for, or that will result in any significant impact to shoreline resources in, the Maulsby Mudflat (AU 5.08). The City will review applications for development by applicants in AU 5.08 to assure that such development would not limit the choice of reasonable alternatives that are being considered in the subarea planning process or that will result in any significant impact to shoreline resources in the planning area.
3. The State of Washington may exercise independent authority including but not limited to, the Coastal Zone Management Act and Section 401 of the Clean Water Act, consistent with the authority granted thereby, either alone or in concert with action pursuant to the Shoreline Management Act to assure that any development proposed within the study area is consistent with the purpose of this interim environment designation and the policy of the Shoreline Management Act including provisions related to Shorelines of Statewide Significance.

## **Contents of Subarea Plan**

The plan will address the following, applying the data and analysis of SEWIP and the SEWIP Salmon Overlay, consideration of best available science and cumulative impact analysis, water dependent uses, and other applicable GMA/SMP elements:

1. specific areas to be preserved (or whose functions cannot be impaired or replaced), if any;
2. types of uses that could be appropriate or would not be appropriate, in portions or all of the Maulsby Mudflat area;
3. opportunities and priorities for restoring or enhancing ecological functions in the Maulsby Mudflat area and the Maulsby Swamp, or functionally connected habitats in the estuary, and cumulative benefits that could be achieved by a comprehensive approach to the navigational and ecological values in this harbor area;
4. consistency with the Shoreline Management Act including Shorelines of Statewide significance criteria, the comprehensive plan, harbor area designations, and other applicable designations;
5. the appropriate shoreline environment designation for the area, based on the above analysis, including evaluating whether a new designation is needed and whether the entire area should have the same designation;
6. policies and use regulations in the SMP, critical area regulations, and other development regulations; and
7. measures or methods to monitor implementation of the plan and the cumulative effects of any future development.

## **Integrated document.**

It is the intent to use the GMA/SEPA integration option to prepare a combined plan and nonproject environmental document to assist in planning, public and agency review, and decision making, as encouraged by Ecology rules and policy.

## 4.5 Urban Industrial

### Purpose

To provide areas for high intensity water dependent and water related industrial uses along navigation channels accessible to shallow draft vessels, and to ensure optimum use of shorelines that are presently industrial in nature while protecting and restoring ecological functions.

### Classification Criteria

1. Shorelines that front on navigable waters of varying depth and have varying levels of upland access.
2. Areas highly modified by past industrial activities.

### Area Designated

1. The area south and west of the Snohomish River extending from the north boundary of the Urban Maritime Environment to the southernmost edge of the SR 2 right-of-way, except for the City-owned property located north of the I-5 crossing of the Snohomish River (parcel number 1629 053 002 00). The waterward boundary is the ordinary high water mark. The landward boundary is 200 feet from the ordinary high water mark or 200 feet from the floodway, whichever is further inland. (See Figures 4.4, 4.5, and 4.6) (Ordinance No. 3053-08, effective 12-24-09)
2. The area within 200 feet of the ordinary high water mark of Maulsby Swamp located west of the east line of the Burlington Northern right-of-way and north of the Urban Maritime environment. (See Figure 4.4)
3. The M-2, Heavy Manufacturing and B-2, Community Business with contract zoned property within shoreline jurisdiction located in south Lowell near the River bend. All M-2 zoned property within the floodplain and/or within 200 feet landward of the floodway or OHWM located west of the BNSF right-of-way. (See Figure 4.20) (Ordinance No. 3053-08, effective 12-24-09)

### Vision Statement

This traditionally heavy manufacturing area should continue to be used for heavy industrial purposes. Lands adjacent to the river (within 200 feet of the shoreline) shall be reserved for water-dependent uses and water-related activities, while other lands

within the area may be used for non-water dependent uses. Public access may be provided where it does not conflict with safety and security (see Condition 2 on page 3-22). When public access cannot be provided in this area, it will be provided elsewhere consistent with the plan for creating a comprehensive system of publicly accessible sites and trails.

Future SMP and Comprehensive Plan changes should consider allowing multiple family residential use in the area south of I-5.

## **Management Policies**

1. For that portion of the area which is downriver of the SR 529 bridge, shorelands should be reserved for water dependent and associated water related heavy industrial and commercial uses, habitat preservation, and public access.
2. Urban Industrial shorelands which are upriver from the SR 529 bridge may be used for non-water dependent industrial, heavy commercial, and recreational uses, provided that public access, buffers and rehabilitation of ecological functions is provided along the river shoreline.
3. Encourage expansions and re-development within already developed areas.
4. Give priority to existing industries and those new industries which are dependent on a shoreline location.
5. Encourage landscaping and screening of existing and new activities which have the potential for adversely affecting nearby properties.
6. Encourage uses to limit and screen lighting to minimize impacts on views and nearby residential neighborhoods.
7. Encourage continued efforts by public and private industries to improve the quality of air and water.

## **4.6 Urban Mixed-Use Industrial**

### **Purpose**

To provide area for new commercial, industrial, and recreational activities which are dependent upon waterfront locations on navigable waters, or for non-water dependent uses on parcels not contiguous to the shoreline; and to provide for protection and restoration of suitable estuarine environments.

### **Classification Criteria**

1. Areas north of the main Snohomish River channel which are tidally connected to the estuary and/or within the 100-year floodplain.
2. Areas north of the main Snohomish River channel with existing industrial and commercial uses.
3. I-5 right-of-way on Smith and North Spencer Islands.

### **Area Designated (See Figure 4.7)**

Smith and Spencer Islands: Those areas of Smith and North Spencer Islands located west of the I-5 city limits and north of the City-owned Langus Riverfront Park, but excluding the Port of Everett mitigation site that is designated Urban Conservancy. The waterward boundary is the ordinary high water mark. The western boundary is the City's Urban Growth Boundary. Exception: Properties located more than 200 feet landward from the OHWM and the floodway, that do not contain associated wetlands, and that are not in the floodplain are not in shoreline jurisdiction. (Ordinance No. 3053-08, effective 12-24-09)

#### **Vision Statement**

These islands contain significant opportunities for both economic development and environmental restoration. Areas that make the most sense based on scientific studies should be set aside for salmon habitat restoration and wetland mitigation. Lands adjacent to the Snohomish River should be reserved for a compatible mix of water dependent industrial, commercial, and recreational uses.

### **Management Policies**

1. For that portion of the area which is located along the main channel of the Snohomish River and downriver from the SR 529 bridge, shorelands should be

reserved for water dependent and water related heavy industrial, commercial, and recreational uses; habitat preservation; and public access.

2. Shorelands which are located along the main channel of the Snohomish River upriver from the SR 529 bridge, or along Union or Steamboat Sloughs may be used for non-water dependent industrial and heavy commercial uses, and recreational uses, provided that such uses shall provide public access and buffers, and shall provide rehabilitation of ecological functions along the shoreline as applicable.
3. Non-water dependent uses should be allowed on properties that do not have frontage of the water's edge. Such uses shall provide public access and environmental restoration, as applicable.
4. Based upon the Snohomish Estuary Wetland Integration Plan and other best available science, encourage projects that enhance habitat for endangered species, and return the estuary to a more natural state.
5. Encourage expansions and re-development within already developed areas.
6. Encourage landscaping and screening of existing activities which have the potential for adversely affecting nearby properties. Require landscaping and screening for new activities which have the potential for adversely affecting nearby properties.
7. Encourage uses to limit and screen lighting to minimize impacts on views.
8. Encourage continued efforts by public and private industries to improve the quality of air and water.

## 4.7 Urban Multi-Use

### Purpose

To ensure optimum use of shorelines within urbanized areas by providing for water oriented public and commercial activities, recreational and residential uses, and public access, and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses, while protecting and restoring ecological functions.

### Classification Criteria

1. Areas not contiguous to portions of the river containing the maintained navigation channel, and therefore not ideal for water dependent or water related industrial and commercial uses.
2. Multiple family and commercially zoned properties located north and east of Silver Lake and abutting SR 527. In most cases the developable portions of these properties are separated from Silver Lake by SR 527.
3. The portion of the Mukilteo Tank Farm site located within Everett City limits. This area is currently planned to be developed cooperatively with lands in the City of Mukilteo for a mixed-use development to include some combination of recreational use, pedestrian paths/promenades, and commercial uses.

### Area Designated

1. **Former Mukilteo Tank Farm Site (See Figure 4.8):** This approximately 3 acre area is bounded on the west by the City limits. The waterward boundary is the ordinary high water mark. The southern boundary is 200 feet from the ordinary high water mark.

#### **Vision Statement**

The City of Everett shall redevelop its lands cooperatively and consistently with adjacent jurisdictions so that the entire site is an attractive and active waterfront with integrated commercial, transportation, and recreational components.

2. **Lands Along the SR 527 Corridor Contiguous to Silver Lake (See Figure 4.11):**
  - a. The area to the north and east of the west right-of-way line of 19<sup>th</sup> Ave. SE within 200 feet of the ordinary high water mark of Silver Lake, from the

east property line of parcel number 4943 005 001 00 to the edge of shoreline jurisdiction between Lake Heights Drive and 120<sup>th</sup> Street SE.

- b. All land within 200 feet of the ordinary high water mark of the lily pond located north of 116<sup>th</sup> Street SE.
- c. Emory's Lakehouse Restaurant: The area included in parcel 3028 051 032 00. The western boundary is the ordinary high water mark.

**Vision Statement**

Development of commercial lands and multiple family zoned lands in this area should require high quality site development and building design standards, taking advantage of the view of Silver Lake, and should provide improvements to the pedestrian trail system surrounding the lake.

- 3. **Lands located along the Snohomish River south of the SR 2 bridge and north of 36<sup>th</sup> Street (See Figure 4.12) :** That area extending from the southernmost property line of the SR 2 right-of-way to the center line of the 36<sup>th</sup> Street right-of-way. The eastern boundary is the ordinary high water mark. The western boundary is 200 feet from the ordinary high water mark or 200 feet from the floodway, whichever is further inland. (Ordinance No. 3053-08, effective 12-24-09)

**Vision Statement**

This area shall be developed with high quality mixed-use development including multiple family residential, office park, light commercial and high quality public access on the site.

- 4. **Tire Fire/Landfill Site (See Figure 4.13, 4.14):** That area extending from the centerline of 36<sup>th</sup> Street to a buffer a minimum of 50 feet from Bigelow Creek and associated wetlands. For the northern 400 feet, the eastern boundary is the ordinary high water mark of the Snohomish River. For the remaining area, the eastern boundary is the west edge of the BNSF right-of-way or the west edge of any wetlands that extends west of the BNSF right-of-way, whichever is further inland. (edge of Urban Conservancy environment). The western boundary is 200 feet from the ordinary high water mark or 200 feet from the floodway, whichever is further inland. (Note that most of the tire fire/landfill site is outside of shoreline jurisdiction.) (Ordinance No. 3053-08, effective 12-24-09)

**Vision Statement**

The tire fire/landfill site shall be developed as a high quality, master planned "lifestyle entertainment center". The master plan shall encourage public enjoyment of the river and shorelines and emphasize

- an attractive, people oriented mixed-use commercial center with significant public access, abundant parking, a plaza or public center area, and separation between pedestrians and automobiles encouraging pedestrian movement. The master plan shall orient buildings and facilities to maximize visual access to the river, estuary and mountain views and provide visual and direct access to the river and prominent riverfront trails. Examples from which to draw design and land use concepts include but are not limited to: Granville Island and Nanaimo in British Columbia, Portland's Riverfront, Pickering Farms in Issaquah, and Carillon Point in Kirkland. However, the design master plan should be tailored to Everett's needs and overall vision for the riverfront. The mixed uses may include commercial/retail, office, multifamily residential, public access to the shoreline, and ample trails and walkways.
4. **Developable Portion of Simpson Site (See Figure 4.14):** The area in the center of the Simpson site that is in or within 200 feet of the floodway or the OHWM and that is not buffer required by the SMP around the surrounding wetlands. (Ordinance No. 3053-08, effective 12-24-09)

**Vision Statement**

The vision for the 45-acre "development pad" on the 136-acre Simpson site is an attractive, master planned campus-like office park or high quality mixed use office/residential development. A possible use for this site could be the headquarters for a high quality high tech company. The remainder of the Simpson site will be for conservation and park purposes except for transportation and utility access. The riparian corridor along the river will be preserved with public access including a trail. The southern portion of the site should be open space and park use. A road connecting the River Road with the 41<sup>st</sup> interchange via the development pad may be located on the southern portion of the site.

**Management Policies**

1. **Mukilteo Tank Farm Site.** This site shall be planned and developed cooperatively as part of a water oriented mixed-use development per the memorandum of understanding between the City of Everett, City of Mukilteo, Port of Everett, Department of Transportation Ferry System, and Sound Transit.
2. **Silver Lake.** Water oriented uses, such as restaurants with views of the waterfront are encouraged in commercially zoned areas. However, non-water oriented commercial, and/or multiple family residential uses should be allowed in this area, provided the development provides views to Silver Lake from and through the

site. Public access should be provided along the entire shoreline with linkages from all new development to the shoreline trails.

3. Area south of Highway 2. Encourage high quality mixed-use development, including multiple family residential, office park, and light commercial uses. Water oriented uses, such as restaurants with views of the waterfront are encouraged. However, non-water oriented commercial, and/or multiple family residential uses should be allowed in this area, provided the development provides views to the Snohomish River from and through the site. High quality public access should be provided along the entire shoreline. Access shall be located so that it does not significantly impact habitat for endangered species.
4. Simpson and Tire Fire/Landfill Sites. Development of these sites should be of a high quality design and should only occur after approval of a master plan involving a public review of the site plans through the Planned Development Overlay Process.
5. Except as necessary to accommodate access to the water necessary for water dependent and/or water related uses, all uses shall provide buffers and rehabilitation of ecological functions along the shoreline, when the property fronts on the shoreline. Public access may be provided in portions of the buffer.
6. Extension of the existing trail system and connection to other public access improvements and park amenities shall be required as properties within this area are developed.
7. Land uses and activities that are incompatible with and discourage high quality waterfront redevelopment shall be prohibited.
8. Commercial and multiple family developments around Silver Lake shall be of a high quality design and shall take advantage of views of the lake.
9. Enhance public recreational activities at Silver Lake by providing public facilities such as picnic areas, habitat settings, fishing and boating docks that supplement park activities at Thornton A. Sullivan and Hauge Homestead Parks.
10. Encourage landscaping and screening of existing activities which have the potential for adversely affecting nearby properties. Require landscaping and screening of new activities which have the potential for adversely affecting nearby properties.
11. Encourage uses to limit and screen lighting to minimize impacts on views and residential areas when applicable.

## 4.8 Shoreline Residential

### Purpose

The purpose of the Shoreline Residential use environment is to:

- provide for a continuation of residential and accessory uses,
- protect steep slope areas that are unsuitable for further development, and
- provide for compatible shoreline public access activities.

### Classification Criteria

Properties abutting Silver Lake in Sections 30 and 19, Township 28N, Range 4E; Maulsby Swamp, Port Gardner Bay, and Lake Stickney that are designated single or multiple family residential on the Comprehensive Plan, except for the Swamp Creek wetland and buffer located at the northwest portion of Lake Stickney, and except for the property located south of Thornton A. Sullivan Park acquired in 1999 by the City of Everett for park purposes.

### Area Designated

**1. The residential properties abutting Silver Lake that are located west of SR 527 (See Figure 4.11):**

- The area located north of Silver Lake extending from the east property line of Thornton A. Sullivan Park to the east property line of parcel number 4943 005 001 00. The shoreline jurisdiction includes the land within 200 feet of the ordinary high water mark of Silver Lake.
- The area south and west of Silver Lake extending from the south property line of the recently purchased city-owned park land (the north property line of parcel number 5749 000 013000) to the west boundary of Hauge Homestead Park. The shoreline jurisdiction includes the land within 200 feet of the ordinary high water mark of Silver Lake.

#### **Vision Statement**

Residential and park use will continue in this area.

**2. Lake Stickney (See Figure 4.15):** All lands on the north, east and south portions of Lake Stickney between the west property line of parcel number 3740 000 027 00 (lot 27 of the Replat of Lots 5 & 6 Block 7 Alderwood Manor No. 11) to the northwest property line of parcel number 4939 000 055 00 (lot 55 of Lake Stickney Tracts) . The shoreline jurisdiction includes the land within 200 feet of

the ordinary high water mark of Lake Stickney and associated wetlands.

**Vision Statement**

Single family use around Lake Stickney will continue. The public access, wetlands and streams at the north and west portions of the lake will be preserved.

3. **Lowell-Larimer Road: (See Figure 4.20)** The properties designated residential on the Comprehensive Plan that are located in the floodplain along Lowell-Larimer Road south of Lowell. (Ordinance No. 3053-08, effective 12-24-09)
4. **Above Mulsby Swamp: (Figure 4.3, 4.17)** The properties designated residential on the Comprehensive Plan that are located within 200 feet of the ordinary high water mark of Mulsby Swamp.
5. **Above Port Gardner Bay: (Figures 4.8, 4.9 and 4.10)** All of the properties designated residential on the Comprehensive Plan that are located south and east of the BNSF south and east property lines above Port Gardner Bay, except for the Mukilteo Tank Farm site and the associated wetlands in shoreline jurisdiction which are designated Urban Conservancy.

**Management Policies**

1. Residential and accessory uses, recreation facilities, and public access shall be the preferred uses.
2. Steep slopes shall be protected per the requirements of EMC 19.37 and this SMP.

## 4.9 Urban Conservancy - Recreation

### Purpose

The purpose of the Urban Conservancy - Recreation environment is to:

- provide public access for enjoyment of marine, lake and river shorelines,
- allow for the development of public recreational facilities,
- provide for protection of important ecological resources and rehabilitation of significant wetland and habitat areas. (Rev. 11/17/05)

### Criteria for Designation

Areas which include one or more of the following characteristics:

1. Areas suitable for public access, water-enjoyment recreational uses, and active recreation developments.
2. Floodplains that have been altered by agricultural activities.
3. Areas developed at a very low density or used at a low to moderate intensity, including, but not limited to residences, agriculture, and outdoor recreation development.
4. Areas not planned for intensive urban development that have the potential for ecological rehabilitation.

### Areas Designated

1. **Park zoned properties located south and southeast of the BNSF southeast property lines between the Mukilteo Tank farm site and the Port of Everett's south terminal (See Figure 4.10):** All of the park zoned properties located south and southeast of the BNSF property lines, except for the wetlands designated Conservancy. This includes portions of Howarth Park and Forest Park.
2. **Park zoned properties located above Maulsby Swamp (See Figure 4.17):** All of the park zoned property within 200 feet of the ordinary high water mark of Maulsby Swamp.
3. **Langus Riverfront Park (See Figure 4.19):** All of the city-owned property located east of the ordinary high water mark of the Snohomish River and west of the east edge of the I-5 right-of-way, except for the cut-off tidal channel. The waterward boundary is the ordinary high water mark.

4. **South Simpson Site (See Figure 4.14):** All of the Simpson site/BNSF right-of-way located south of the development pad in shoreline jurisdiction, except for Bigelow Creek and the Category 1 wetlands and their associated buffers required by the SMP and the buffer along the Snohomish River required by the SMP. The west boundary is 200 feet from the OHWM; 200 feet from the floodway; or the western floodplain boundary (but extending no further than the west edge of the BNSF right-of-way), whichever is further west. (Ordinance No. 3053-08, effective 12-24-09)
5. **Rotary Park (See Figure 4.20):** All of Rotary Park. The north boundary is the OHWM of the Snohomish River, the south boundary is the northern edge of Lowell Snohomish River Road, the east and west boundaries are the City of Everett Rotary Park property lines. (Rev. 11/17/05)

**Vision Statement**

The Category 3 wetlands on the Simpson site will be for conservation and park purposes, except for transportation and utility access. The southern portion of the site should be open space and park use. A road connecting the River Road with the 41<sup>st</sup> interchange via the development pad may be located on the southern portion of the site.

**Vision Statement**

Rotary Park will be used for public parks and public access, and restoration/mitigation. (Rev. 11/17/05)

6. **Silver Lake (See Figure 4.11):** The City-owned Thornton A. Sullivan Park on Silver Lake and the property recently purchased by the City for park expansion. (Parcels 3028 051 002 00, 3028 051 008 00, 3028 051 036 00, 3028 051 038 00). The waterward boundary is the ordinary high water mark. The western boundary is 200 feet from the ordinary high water mark.
7. **Silver Lake (See Figure 4.11):** The City-owned Hauge Homestead Park property in the southeast corner of Silver Lake. The waterward boundary is the ordinary high water mark. The east boundary is 200 feet from the ordinary high water mark.

## **Management Policies**

1. Active recreation facilities, transportation and utility facilities, and public access improvements should be allowed on lands designated Urban Conservancy – Recreation. During development, all reasonable efforts should be taken to protect and/or mitigate impacts to wetlands and other sensitive shoreline resources. In

carrying out this policy, consideration should be given to promoting functional connectivity and other landscape ecology principles and recognizing that the function of some patches of remnant or artificially-created critical areas may be improved by relocating or consolidating them into larger or more connected systems with higher resource values.

2. Shoreline rehabilitation and public access should be required of all non-water dependent development.
3. Water dependent recreational uses will be given priority in locations contiguous to navigable waters.
4. Allow development of non-water dependent public recreation facilities on publicly owned lands that are located within the floodplain of the Snohomish River.
5. The wetlands and buffer vegetation on the Rotary Park property should be protected.
6. Ballfields or other active recreation facilities should be allowed in the southern portion of the Simpson site.
7. New construction of structures in the floodplain areas should be limited to structures with low flood damage potential. When development is allowed within floodplain areas, necessary measures shall be taken to protect property from damages that could be caused by flooding. New development in floodplain areas should reflect the character of the surrounding area by limiting residential density, providing permanent open space, and maintaining adequate building setbacks from the water to protect shoreline resources.
8. Manage City park lands on Silver Lake for a wide variety of public access opportunities. Connect City-owned park lands with the pedestrian trail system and private property public access improvements that are developed as private properties develop.
9. Manage Langus Riverfront Park for recreation and shoreline public access, and as an interim dredged materials handling facility.
10. Manage the steep slope areas in park zones above the BNSF railroad above Port Gardner Bay by requiring development to comply with the City's regulations for geologically hazardous areas.
11. Manage City park facilities to preserve shoreline vistas and public access to the shoreline.

12. Provide safe pedestrian access improvements over or under the railroad tracks to the beach wherever possible.
13. Allow uses and activities, including public access, which result in educational and scientific benefits for the community.

## 4.10 Urban Conservancy

### Purpose

The purpose of the Urban Conservancy use environment is to:

- provide public access for enjoyment of marine, lake and river shorelines, and to
- provide for protection of important ecological resources and rehabilitation of significant wetland and habitat areas,

### Criteria for Designation

Areas which include one or more of the following characteristics:

1. Areas suitable for public access.
2. Areas not planned for intensive urban development that have the potential for ecological rehabilitation.
3. Areas with important ecological resources that should be protected from further development activities.
4. Areas along Port Gardner Bay modified by railroad activities.
5. Areas that ranked high in the 1997 SEWIP for water quality and wildlife functions.

### Areas Designated

1. **Jetty Island (See Figure 4.16):** All of Jetty Island above the ordinary high water mark.
2. **Adjacent to Maulsby Swamp (See Figure 4.17):** All of the property within 200 feet of the ordinary high water mark of Maulsby Swamp located west of the east Burlington Northern right-of-way line, except for the properties zoned Residential or Park.
3. **The Port of Everett Property west of I-5 (See Figures 4.7 and 4.18):** Parcel 0429 053 005 00 and the portion of Parcel 0429 052 005 00 located south of a line connecting the north side of the pond and north side of the slough extension into the site. Along Union Slough, the waterward boundary is the ordinary high water mark. The eastern boundary is the city limit.

4. **Langus Riverfront Park (See Figure 4.19):** The cutoff tidal channel below the ordinary high water mark.
5. **Ferry Baker Island and Weyco Island in the Snohomish River (See Figure 4.19):** All of Ferry Baker Island and Weyco Island above the ordinary high water mark. (Ordinance 3053-08, effective 12-24-09)
6. **City-owned parcel located southwest of Weyco Island and north of I-5 (See Figure 4.19):** That area owned by the City of Everett contiguous to the west bank of the Snohomish River in the SW-1/4 of Section 16-29-5 (parcel number 1629 053 002 00) within 200 feet of the OHWM or 200 feet of the floodway, whichever is further inland. (Ordinance 3053-08, effective 12-24-09)
7. **Simpson Site (Figure 4.14):** Bigelow Creek and the Category 1 wetlands and their buffers required by the SMP, along with the riparian corridor along the entire east edge of the property required by the SMP.

The waterward boundary is the ordinary high water mark of the Snohomish River provided that any portion of the northern Category 1 wetland between the OHWM and the Aquatic Conservancy area is also Urban Conservancy. The western boundary for the northern Category 1 wetland and Bigelow Creek is the line that corresponds to the existing west edge of the Burlington Northern right-of-way and any wetlands that extend beyond the west edge of the right-of-way. Interior boundaries are the edge of the buffers adjacent to Bigelow Creek and the Category 1 wetlands required by the SMP. The western/interior boundary for the riparian corridor along the River is 200 feet from the floodway, or 200 feet from the OHWM, or the buffer required by the SMP for the wetlands in the corridor, whichever is further west. (Ordinance No. 3053-08, effective 12-24-09)

#### **Vision Statement**

The Category 1 wetlands and the riparian corridor on the Simpson site will be for conservation, except for transportation and utility access. The riparian corridor along the river will be preserved with public access including a trail.

8. **East of Rotary Park and north of Lowell-Larimer Road (See Figure 4.20):** The waterward boundary is the ordinary high water mark. The southern boundary is the north edge of the Lowell – Snohomish River Road. The west boundary is Rotary Park. The east boundary is the City limit.
9. **Portions of the Marshland Site (See Figure 4.20):** The Spane wetland mitigation site; the forested wetlands in 1997 SEWIP AUs numbered 193, 196, 202; and the Simpson Paper Co. landfill surrounded by SEWIP AU 196. (Ordinance No. 3129-09, effective 3-17-11)
10. **Lake Stickney (See Figure 4.15):** All lands on the north and west portions of Lake Stickney between the west property line of parcel number 3740 000 027 00 (lot 27 of the Replat of Lots 5 & 6 Block 7 Alderwood Manor No. 11) to the northwest property line of parcel number 4939 000 055 00 (lot 55 of Lake Stickney Tracts). The waterward

boundary is the ordinary high water mark. The outer boundary is 200 feet of the ordinary high water mark of Lake Stickney or the edge of associated wetlands, whichever is greater.

11. **City-owned parcels located between SR 527 and the east shoreline of Silver Lake (See Figure 4.11):** The area on the lake side of SR527/19<sup>th</sup> Ave. SE extending from the east property line of parcel number 4943 005 001 00 to the north property line of parcel 3028 051 032 00 (Emory's Lakehouse Restaurant). The waterward boundary is the ordinary high water mark. The landward boundary is the south and west right-of-way line for SR 527/19<sup>th</sup> Ave. SE.
12. **Mukilteo Tank Farm to Port of Everett South Terminal. (See Figures 4.2, 4.8, 4.9, 4.10):** Those areas between the Mukilteo Tank Farm (Urban Multi-Use Shoreline Environment) and the Port of Everett South Terminal (Deep Water Port Shoreline Environment) located between the ordinary high water mark and the south/southeasterly BNSF right-of-way line, along with all wetlands in shoreline jurisdiction along the streams draining to Port Gardner Bay. (Ordinance No. 3451-15, effective 7-11-16)

### Management Policies

1. Lands designated Urban Conservancy should be protected, restored, and enhanced to the extent feasible, while allowing necessary transportation and utility facilities and public access improvements. During development, all reasonable efforts should be taken to preserve, restore and/or enhance ecological functions, and prevent further degradation of shoreline resources. In carrying out this policy, consideration should be given to promoting functional connectivity and other landscape ecology principles and recognizing that the function of some patches of remnant or artificially-created critical areas may be improved by relocating or consolidating them into larger or more connected systems with higher resource values.
2. Shoreline rehabilitation and public access should be required of all development when feasible.
3. Protect important habitat areas and ecological resources from further intensive development. Allow uses and activities, including public access, ecological enhancement and restoration, research, and public interpretive facilities which result in educational and scientific benefits for the community.
4. Land contiguous to the Snohomish River should be developed with trails, while protecting and enhancing important shoreline resources.
5. New construction of structures in the floodplain areas should be limited to structures with low flood damage potential. When development is allowed within floodplain areas, necessary measures shall be taken to protect property from damages that could be caused by flooding.

6. Manage Jetty Island for passive public recreation and wildlife habitat value.
7. Allow the placement of dredged materials for the purposes of habitat enhancement, beach enhancement, and public recreation when not harmful to the ecological functions of the Jetty Island shoreline.
8. Allow for the continued use, maintenance, expansion and relocation of railroad facilities, public roads and highways within the shoreline jurisdiction, except that the expansion of railroad facilities along Port Gardner Bay south and west of the Port of Everett's south terminal should be discouraged.
9. Manage City park facilities to preserve shoreline vistas and public access to the shoreline.
10. Provide safe pedestrian access improvements over or under the railroad tracks to the beach wherever possible.
11. Manage Ferry Baker Island and Weyco Island for passive recreational opportunities and wildlife habitat value.
12. Manage Maulsby Swamp for wildlife habitat and educational values.
13. Manage the Simpson wetlands and Bigelow Creek for wildlife habitat, water quality, and educational values. Restoration of the Category 1 wetlands and stream corridor should be encouraged.
14. Manage the Lake Stickney wetlands for wildlife habitat and water quality values.
15. Encourage restoration and enhancement of the Urban Conservancy designated areas in the Marshland consistent with the Marshland Subarea Plan. Encourage environmental remediation, as appropriate, and restoration of the Simpson Paper Company landfill. (Ordinance No. 3129-09, effective 3-17-2011)

## **4.11 Municipal – Water Quality**

### **Purpose**

To provide for the continued operation, maintenance, and expansion of the City's Water Pollution Control facility as necessary to protect the public health, safety and welfare, while encouraging public access and wetland restoration actions that will not conflict with the facility.

### **Classification Criteria**

Areas currently owned by the City of Everett containing the City's Water Pollution Control Facility.

### **Area Designated (See Figure 4.21)**

Portion of Smith Island within the City limits located east of the east right-of-way line of I-5. The waterward boundary is the ordinary high water mark. Provided that any area located more than 200 feet from the OHWM and floodway and that is not in the floodplain is not in shoreline jurisdiction. (Ordinance No. 3053-08, effective 12-24-09)

#### **Vision Statement**

The City's Water Pollution Control Facility will continue to operate and expand in this area. Activities associated with the operation and maintenance of the facilities will be permitted. Public access and environmental restoration will be encouraged to the extent they do not conflict with the operation and expansion of the sewage treatment facilities.

### **Management Policies**

1. Provide sewage treatment facilities if environmental impacts can be mitigated.
2. Maintenance, repair, and expansion or improvements to the City's water pollution control facility shall be a permitted activity.

## **4.12 Municipal - Watershed**

### **Purpose**

The Municipal Watershed Environment is an area in and around Chaplain Reservoir (within shoreline jurisdiction) that specifically functions as a municipal watershed supplying domestic and industrial water to the City of Everett and the majority of residents in Snohomish County. The quality of surface water and associated public health and safety are of paramount importance under this designation. Except for specific permitted activities, public access is to be prohibited. Activities are allowed under this designation only if they have little or no potential to degrade or contaminate water quality.

A shoreline shall be designated Municipal Watershed to ensure that uses are compatible with the stated City priority of public health and safety. Activities shall be consistent with the specific goal of the City to provide a safe and adequate supply of water to Everett and other purveyors. Activities shall also be consistent with the FERC approved Wildlife Habitat Management Plan.

### **Classification Criteria**

Areas to be designated Municipal Watershed should relate to two or more of the following:

1. Areas recognized as integral parts of the Chaplain Reservoir watershed;
2. Areas where development and increased human use will potentially jeopardize water quality;
3. Areas that, if specifically protected, would enhance the City's ability to provide a safe and adequate water supply;
4. Areas in which, through specific improvements such as erosion control structures, the City's ability to provide a safe and adequate water supply would be enhanced.

### **Areas Designated (See Figure 4.22)**

All areas of the Lake Chaplain Reservoir that are subject to shoreline jurisdiction as defined in RCW 90.58.030, including the surface of the reservoir and its water column.

Those portions of the Sultan River and Woods Creek within the Everett City limits. The boundaries shall include the water column and the land underneath the water and the lands extending to 200 feet beyond the ordinary high water mark and associated

wetlands.

### **Vision Statement**

This area shall be managed to provide a safe and adequate water supply to the City of Everett and other customers. Permitted uses should be limited to municipal water supply facilities, and uses and activities accessory to the provision of municipal water. In order to protect water quality, public access would be prohibited within the watershed hydrologic boundaries and limited within the remaining incorporated Chaplain Tract.

### **Management Policies**

1. Establish long-term water quality protection (public health and safety) as top priority within the Municipal Watershed Environment, including prohibiting public access.
2. Permit specific activities and development designed to provide adequate water supply and enhance and ensure water quality within the Municipal Watershed Environment.
3. Prohibit activities and uses of the Municipal Watershed Environment which may jeopardize water quality protection (public health and safety).
4. Allow activities required by the Federal Energy Regulatory Commission (FERC) License for the Jackson Hydroelectric Project and the Washington State Department of Health.
5. Allow modification of and additions to structures and pipes related to the Jackson Hydroelectric Project.

## 4.13 Aquatic

### Purpose

The purpose of this designation is to protect the unique characteristics and resources of the aquatic environment by managing use activities to prioritize preservation and restoration of natural resources, navigation, recreation, and commerce, and by assuring compatibility between shoreland and aquatic uses.

### Classification Criteria

1. All marine water areas seaward of the ordinary high water mark, except for the area within the Urban Deep Water Port Environment inside the outer harbor line, and except for the area within the Urban Maritime Environment landward of the government pier head line, and except for the SEWIP assessment units designated Aquatic Conservancy.
2. All lakes subject to this program below the ordinary high water mark, excluding the Lake Chaplain Reservoir;
3. All stream channels of rivers designated shorelines of the state, except for the portions of Woods Creek and the Sultan River in the Everett city limits, and except for the SEWIP assessment units designated Aquatic Conservancy.
4. The aquatic environment includes the water surface together with the underlying lands and the water column.

### Area Designated (See Figure 4.23)

All water bodies within the City limits of Everett and its Urban Growth Boundary under the jurisdiction of the Shoreline Management Act waterward of the shoreline environment designations established above, except for water bodies in the Municipal Watershed Environment and areas designated Aquatic Conservancy, Urban Deep Water Port, or Urban Maritime. This includes

- All water areas of Port Gardner Bay waterward of the ordinary high water mark, except for the portion inside the outer harbor line/pierhead line in the Urban Deep Water Port Environment, and the SEWIP assessment units designated Aquatic Conservancy.
- All water areas of the Snohomish and its sloughs waterward of the ordinary high water mark, except for the portion inside the pierhead line in the Urban Maritime Environments, and the SEWIP assessment units designated Aquatic Conservancy.
- All water areas waterward of the ordinary high water mark in Silver Lake, and

- All water areas waterward of the ordinary high water mark in Lake Stickney.

The aquatic environment includes the water surface together with the underlying lands and the water column of such areas.

## **Management Policies**

1. Overwater structures should be allowed only for water dependent uses, transportation and utility facilities, and public access. Except for public bridges and utilities, over water structures cannot extend beyond the harbor line/pierhead line. Overwater structures refer to structures that are located on or above the surface of the water.
2. The size of new overwater structures should be limited to the minimum necessary to support the structure's intended use.
3. Uses and activities within the Aquatic Environment should be compatible with the adjoining shoreline environments.
4. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of overwater facilities should be encouraged, provided that use conflicts can be avoided.
5. All developments and use activities on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
6. Uses that cause significant adverse impacts to critical saltwater and fresh water habitats should not be allowed. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts shall be mitigated according to the sequence defined under mitigation.
7. Diverse public access opportunities to water bodies should be encouraged and developed and should be compatible with the existing shorelines and water body uses.
8. For Lake Stickney and Silver Lake, fishing and recreational uses of the water should be protected against competing uses that would interfere with these activities.
9. Dredging should be allowed for environmental restoration, including milfoil removal, maintenance of existing water dependent uses, including recreational

uses, navigation channel maintenance, and for new water dependent uses to get from the shore to the dredged navigation channel.

New deep draft uses, if allowed, should not occur in areas requiring extensive initial or maintenance dredging.

10. With exceptions for boat launching areas and other permitted water dependent uses, motorized vehicular travel other than boats should be discouraged on all tideland areas.
11. Development of underwater pipelines and cables on tidelands should be discouraged, except where there would be short-term impact and overall benefit to shoreline and environmental quality. When permitted, such facilities should include adequate provisions to insure against substantial or irrevocable damage to the environment. Reconstruction or replacement facilities should maintain or improve shoreline and environmental quality.
12. Where the State owns the abutting shorelands, priority should be given to joint development of the shorelands and tidelands for public use.
13. Long-term off-shore boat moorage which causes adverse visual and/or environmental impacts should be discouraged.

## 4.14 Aquatic Conservancy

### Purpose

The purpose of this designation is to protect the unique characteristics and resources of the aquatic environment by managing use activities to prioritize preservation and restoration of natural resources, navigation, recreation, and commerce, and by assuring compatibility between shoreland and aquatic uses.

### Classification Criteria

1. Aquatic areas seaward of the ordinary high water mark that ranked in the top quartile of assessment units within the Urban Growth Boundary for salmonid habitat in the 2000 SEWIP Salmon Overlay, and all assessment units, except the Maulsby mudflats, that ranked in the top quartile within Ecological Management Unit pairs for salmonid habitat.
2. The nearshore SEWIP assessment units areas along Port Gardner Bay south and west of the Port's south terminal.
3. The aquatic environment includes the water surface together with the underlying lands and the water column.

### Area Designated

(See **Figure 4.23** and **Figures 4.2 through 4.21.**) Note that a map showing specific SEWIP assessment unit boundaries is available for review in the Planning and Community Development Department.)

1. **Maulsby Swamp (Also see Figure 4.17):** The western boundary is the east edge of the Burlington Northern right-of-way. The inland boundary is the ordinary high water mark.

For all of the following areas, the landward boundary is the ordinary high water mark, and the waterward boundary is the 2000 SEWIP Salmon Overlay assessment unit (AU) boundary.

2. **Nearshore:** AUs 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, except that portion of AU 7.04 designated Urban Deep Water Port. (Ordinance No. 3451-15, 7-11-16)
3. **Jetty Island Salt Marsh:** AU 4.04
4. **Mudflats west of Jetty Island:** AU 4.05

5. **Southeast side of Jetty Island:** AU 5.12
6. **Mudflats northwest of the Port's Bayside Property:** AU 5.05,
7. **Aquatic Areas adjacent to Ferry Baker and Weyco Islands:** AUs 2.46, 2.47, 2.49
8. **Other assessment units along the Snohomish River:** AUs 5.02, 5.03, 2.41, 2.44, 2.52, 1.18, 1.13, 1.15
9. **Assessment units along Union Slough:** AUs 1.05, 2.28, 2.30, 2.31,

The Aquatic Conservancy environment includes the water surface together with the underlying lands and the water column of such areas.

## **Management Policies**

1. New overwater structures should be limited and allowed only for public access and for public bridges and utilities with no practical alternative locations.. Over water structures cannot extend beyond the harbor line/pierhead line, except for public bridges, transportation facilities of statewide significance and utilities approved through a conditional use process. Overwater structures refer to structures that are located on or above the surface of the water.  
(Ordinance No. 2736-03, effective 12-09-03)
2. The size of new overwater structures should be limited to the minimum necessary to support the structure's intended use.
3. Uses and activities within the Aquatic Conservancy Environment should be limited to public access and necessary utility and transportation facilities. Non-water dependent utility facilities and all transportation facilities should only be allowed through a conditional use permit.
4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Diverse public access opportunities to water bodies should be encouraged and developed and should be compatible with the existing shorelines and water body uses.
6. Dredging should only be allowed for environmental restoration, maintenance of

existing water dependent uses, and for maintenance of the federal navigation channel.

7. Development of underwater pipelines and cables on tidelands should be discouraged, except where no feasible alternative exists (such as for deepwater outfalls). When permitted, such facilities should include adequate provisions to insure against significant ecological impacts. Mitigation shall be provided for all impacts.
8. Many of the SEWIP assessment units received high rankings partially due to high quality riparian vegetation along dikes adjacent to the aquatic areas. In such cases the high quality vegetation should be preserved along the dike. Where additional shoreline stabilization is needed to provide for development adjacent to these aquatic areas, where feasible, new dikes or other stabilization structures should be constructed inland of the existing dikes. In such instances, long-term maintenance of vegetation could be provided on the new inland stabilization structures, while vegetation on the outer dikes should be preserved and enhanced.
9. Public access structures and utilities shall not intrude into or over critical saltwater habitats except when the public's need for the facility is clearly demonstrated; when avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; the project is designed to minimize its impacts on critical saltwater habitats and significant ecological impacts are mitigated.

## 4.15 Urban Conservancy Agriculture

(New 11-17-05; Ordinance No. 3129-09, effective 3-17-11)

### Purpose

The Marshland is a shoreline area that has been identified as having significant tidal restoration potential and that is characterized by diverse property ownership, and floodplains/floodways that have been altered by diking, agricultural activities, transportation facilities, and utility corridors. The City, in cooperation with property owners, Ecology, scientists, interested agencies/organizations, and members of the public, conducted a subarea planning process for the Marshlands to address the feasibility of restoration, as well as appropriate land uses for the area. The resulting Marshland Subarea Plan is incorporated by reference in this Shoreline Master Program.

### Area Designated – Urban Conservancy Agriculture Interim

All portions of the Marshlands area within the floodplain of the Snohomish River in the Everett urban growth boundary located south of the north boundary of Lowell Snohomish River Road, except for those properties specifically designated Urban Conservancy and Shoreline Residential.

Provided that any portion of the Marshland Subarea that is restored to tidal habitat automatically is designated Aquatic in areas below the ordinary high water mark. (Aquatic designated areas include “All water areas of the Snohomish and its sloughs waterward of the ordinary high water mark, except for the portion inside the pierhead line in the Urban Maritime Environment, and the SEWIP assessment units designated Aquatic Conservancy.”)

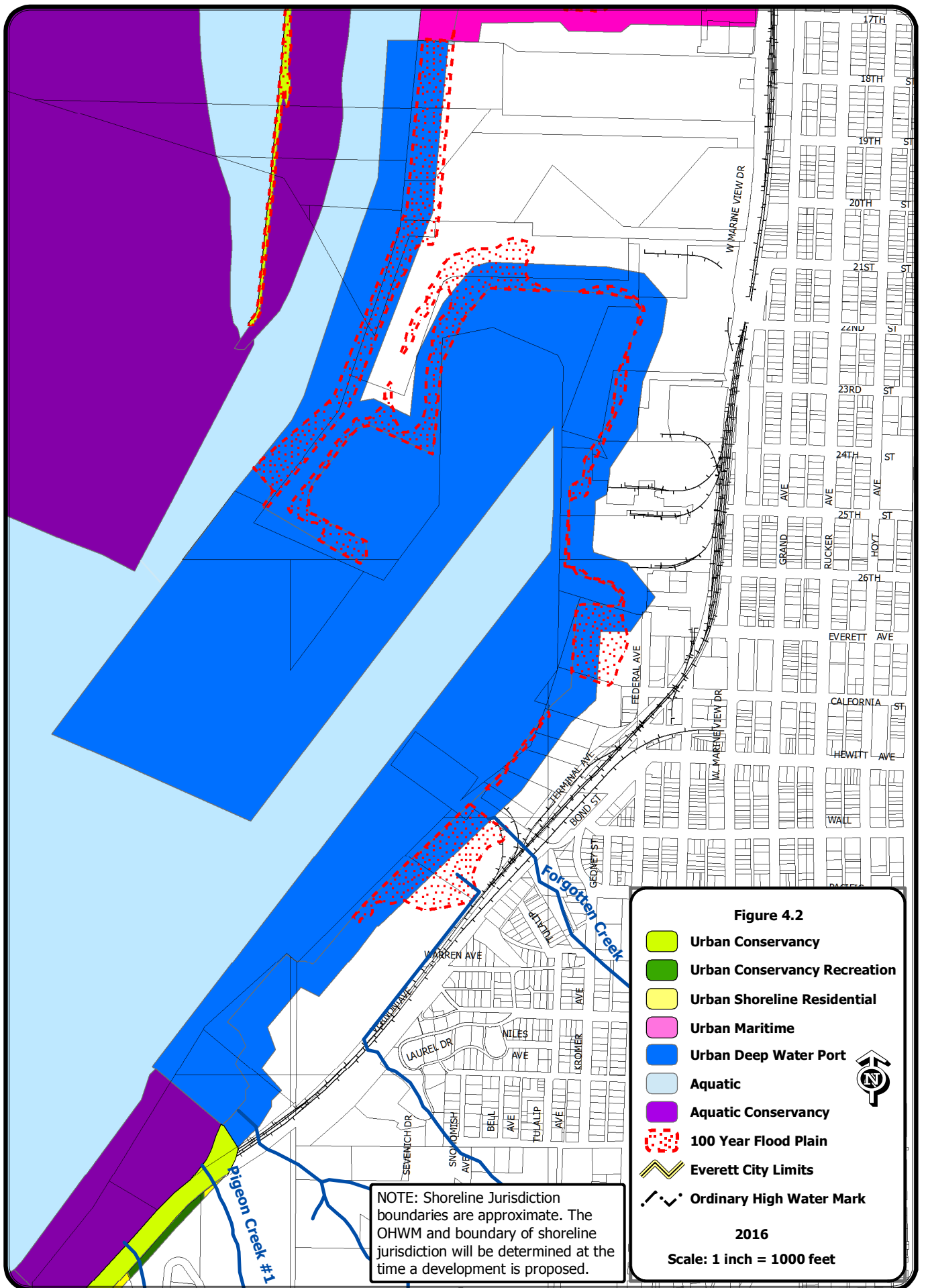
### Management Policies

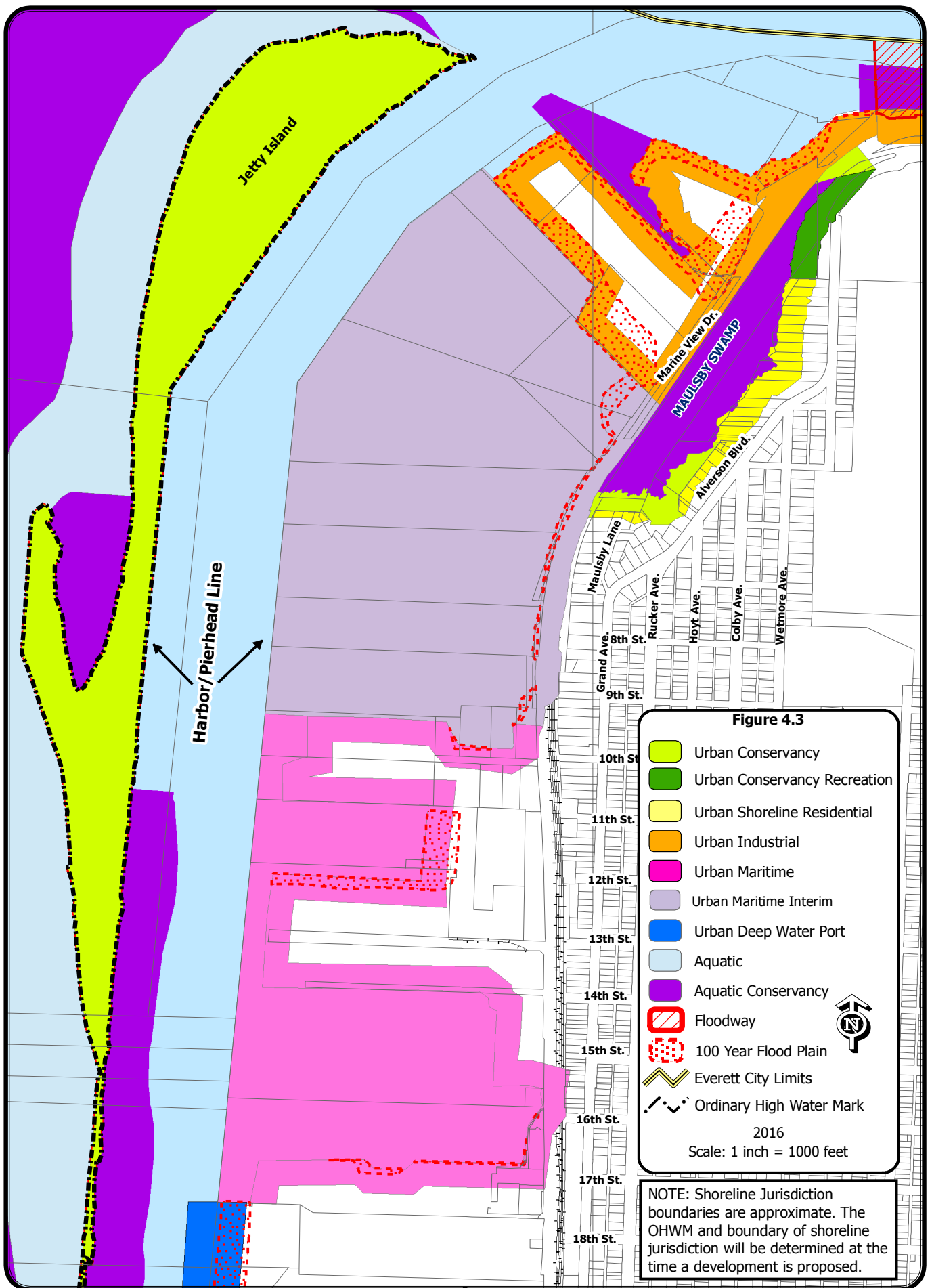
1. All development, including restoration should be consistent with the Marshland Subarea Plan. Until such time as restoration and enhancement actions are undertaken, agricultural use will continue to be the predominant use in the area. No development should be allowed that would preclude the restoration actions identified in the Subarea Plan.
2. Public access should be encouraged.
3. Agriculture and associated industry, forest practices, and transportation and utility facilities are permitted. Residential uses should be allowed in the rural flood fringe district along Larimer Road when applicants can meet all applicable City and Snohomish Health District codes and regulations.
4. New construction of structures in the floodplain areas should be limited to structures with low flood damage potential. When development is allowed within floodplain areas, necessary measures shall be taken to protect property from damages that could be caused by flooding, including compliance with the City’s floodplain regulations. New development in floodplain areas should reflect the character of the surrounding area by

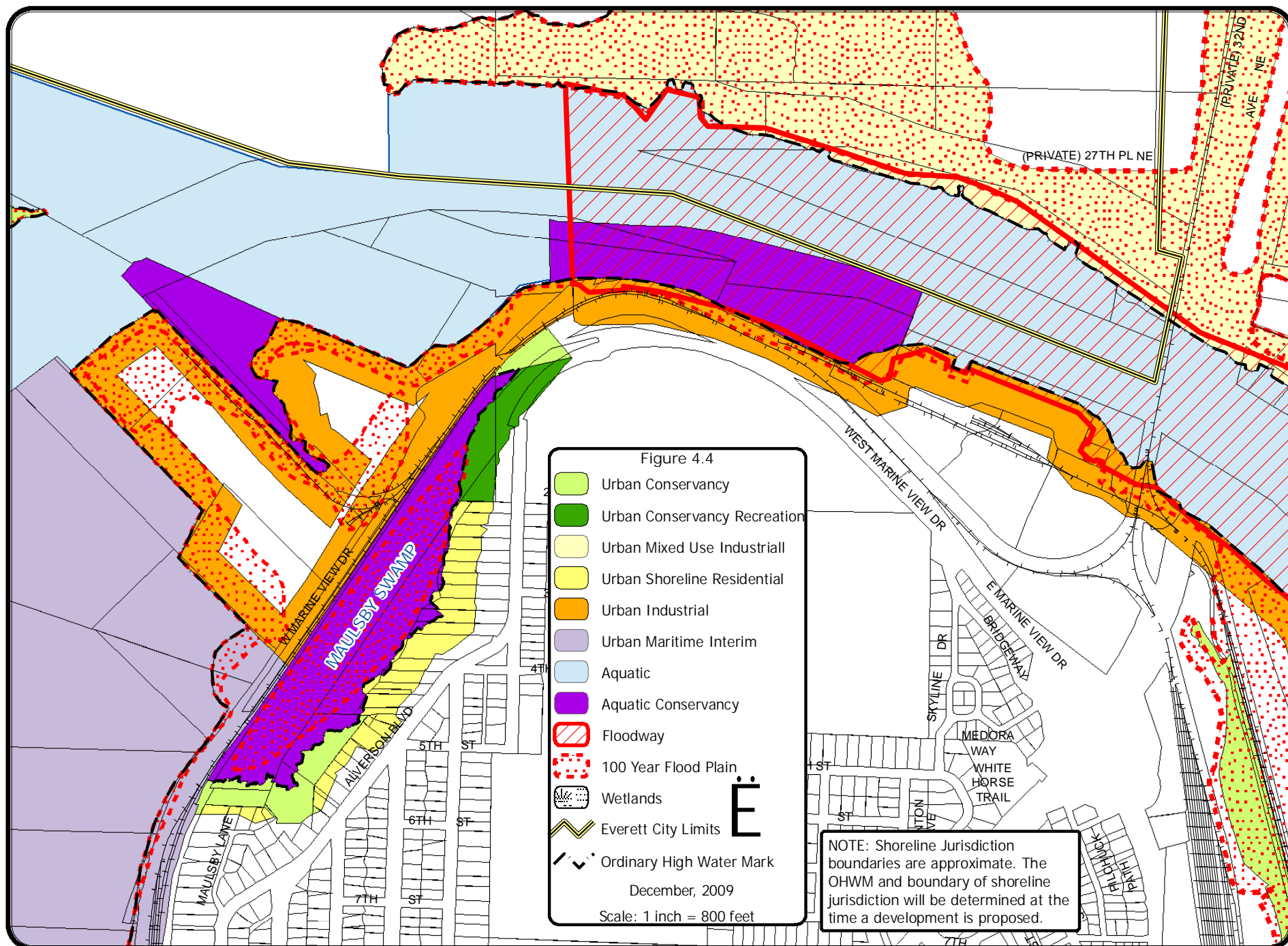
limiting residential density, providing permanent open space, and maintaining adequate building setbacks from the water to protect shoreline resources.

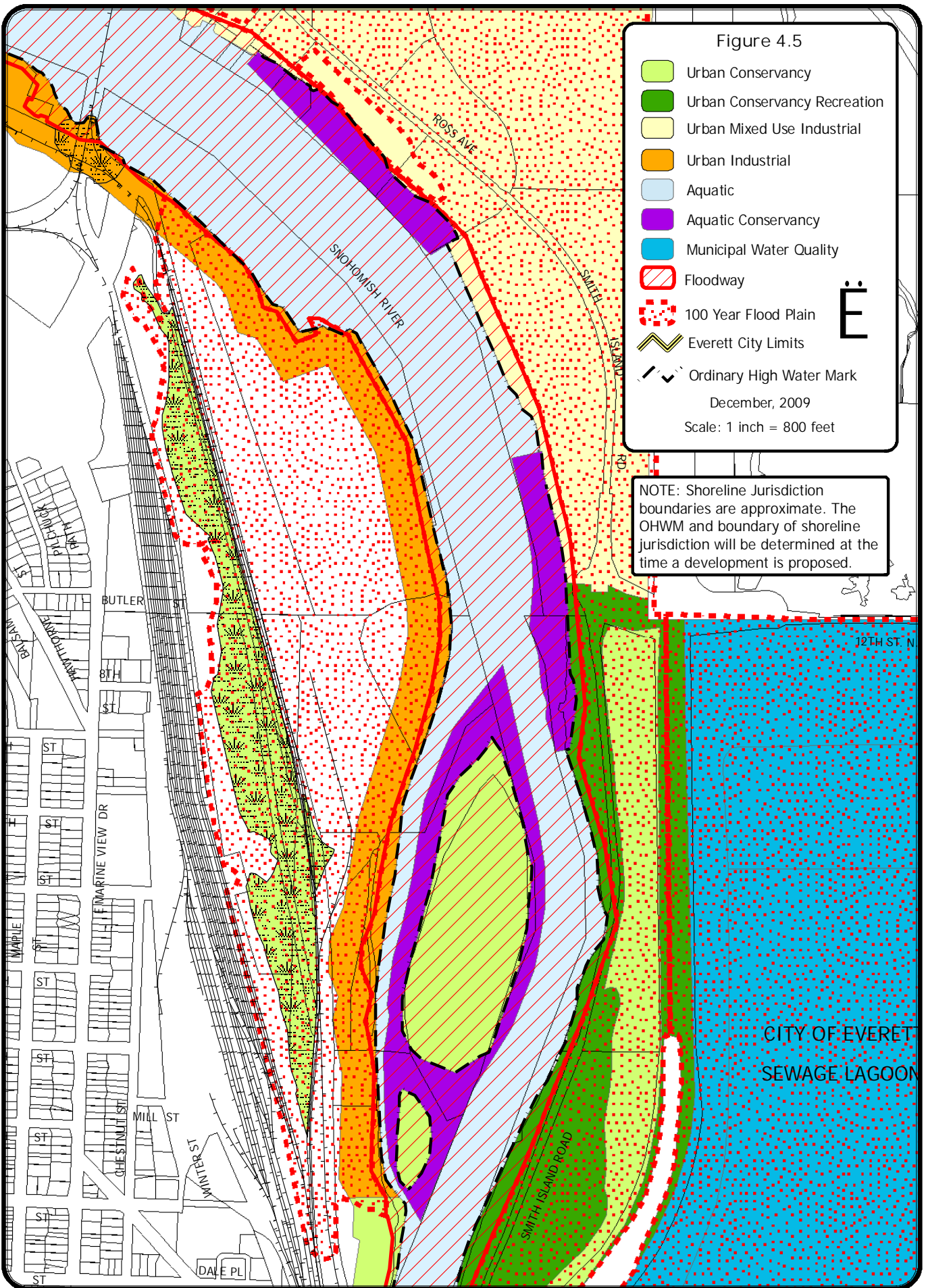
5. Allow uses and activities, including public access, which result in educational, passive recreational, and scientific benefits for the community.

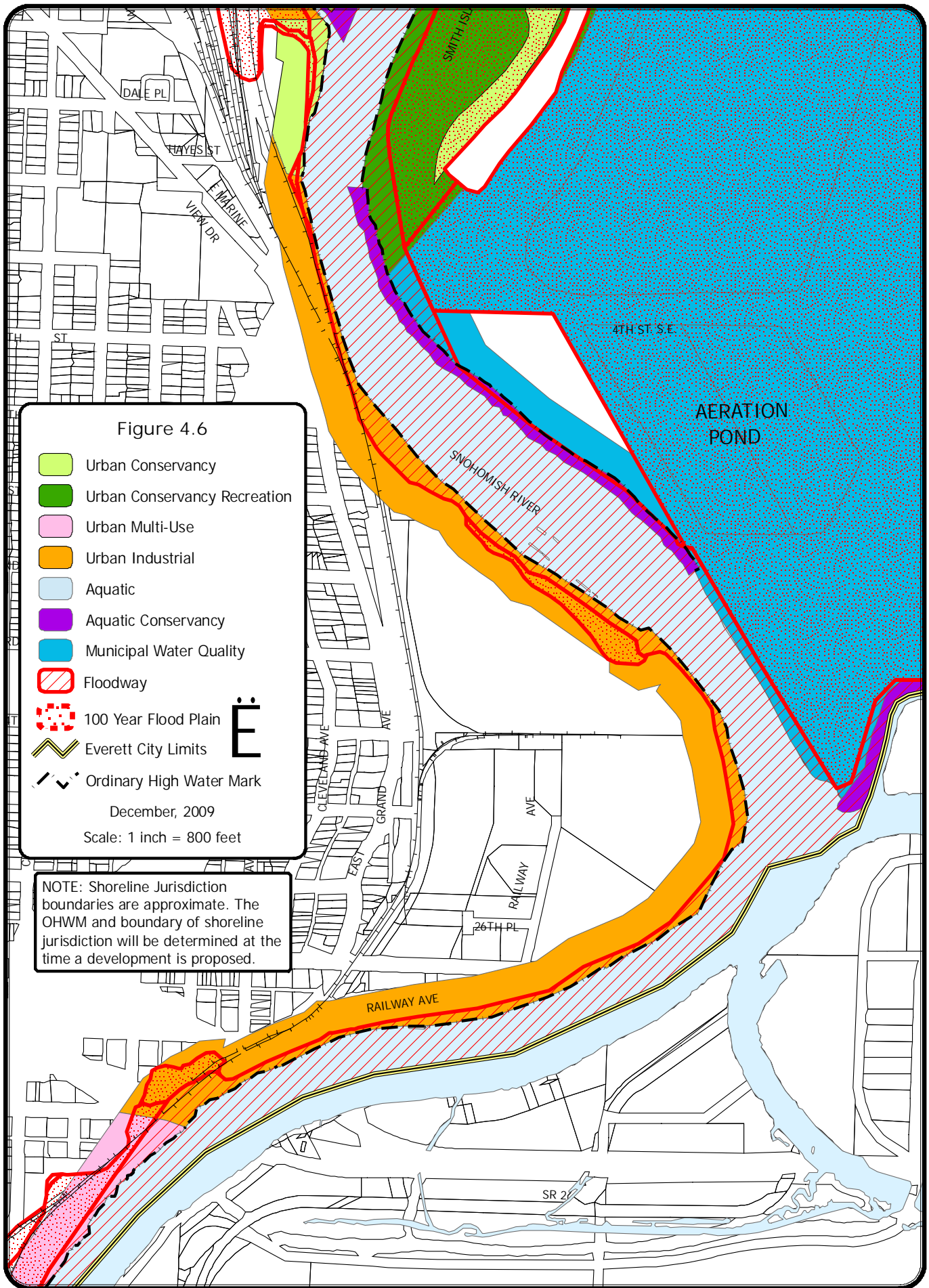


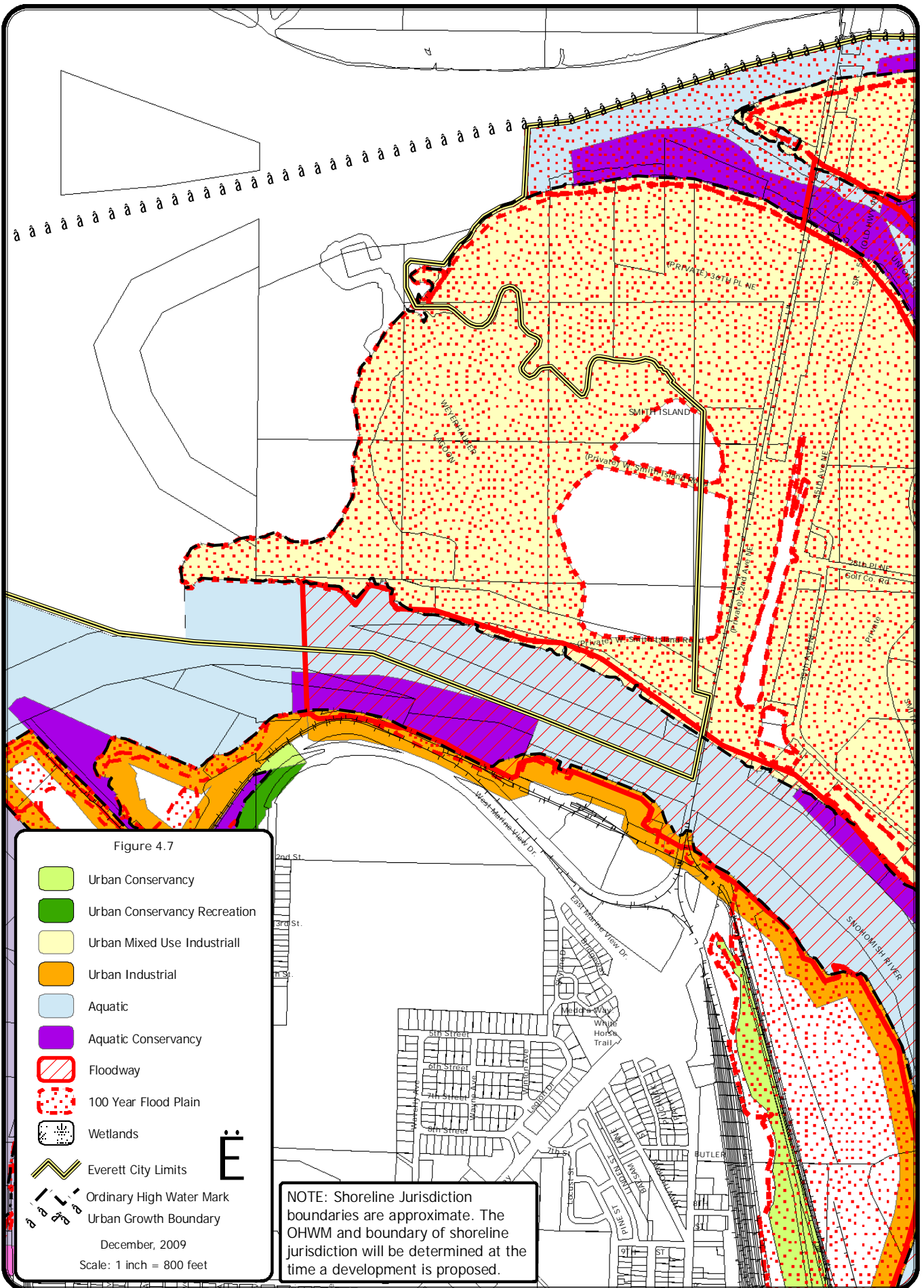












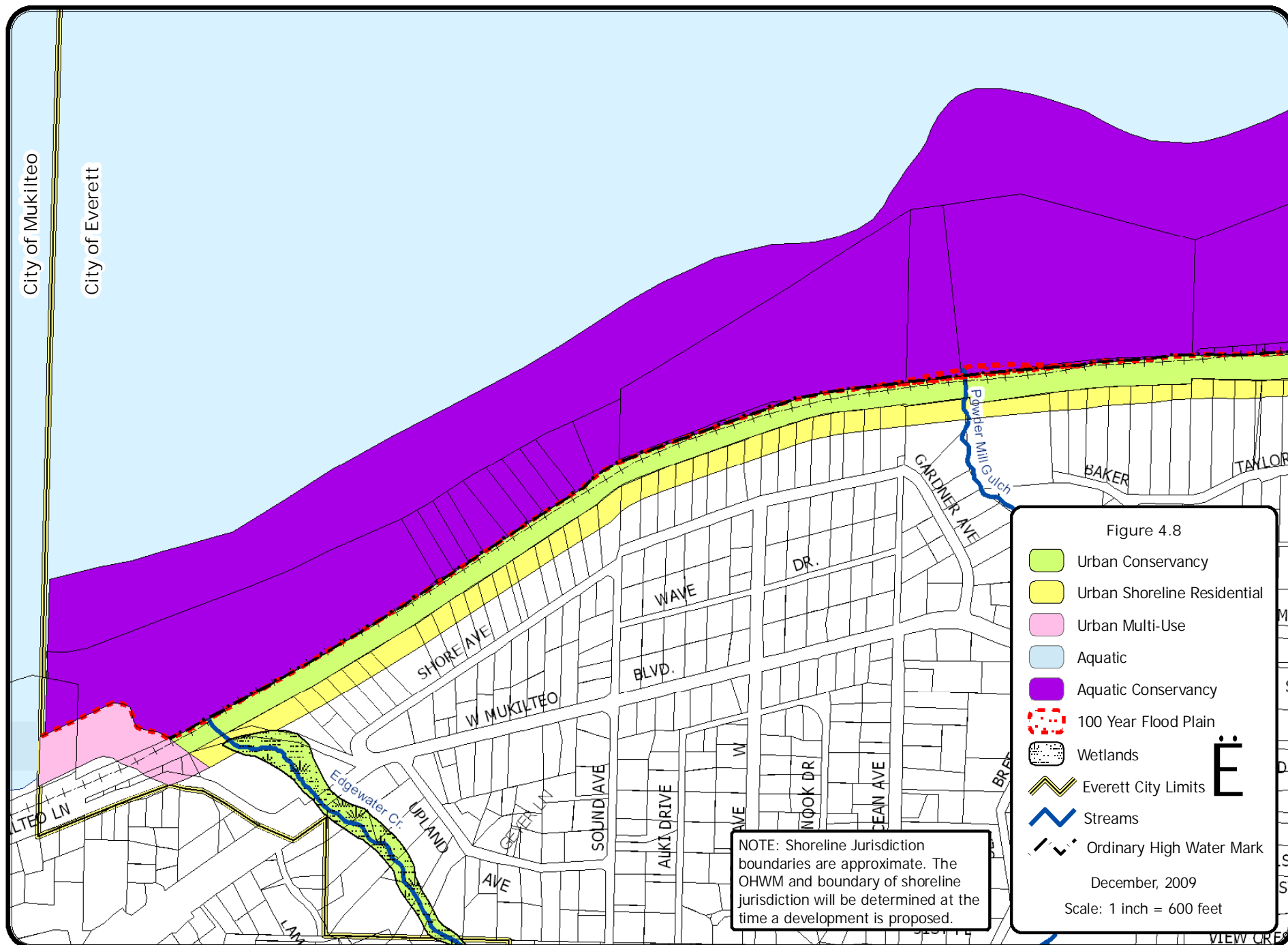


Figure 4.8

- Urban Conservancy
- Urban Shoreline Residential
- Urban Multi-Use
- Aquatic
- Aquatic Conservancy
- 100 Year Flood Plain
- Wetlands
- Everett City Limits
- Streams
- Ordinary High Water Mark



NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.

December, 2009

Scale: 1 inch = 600 feet

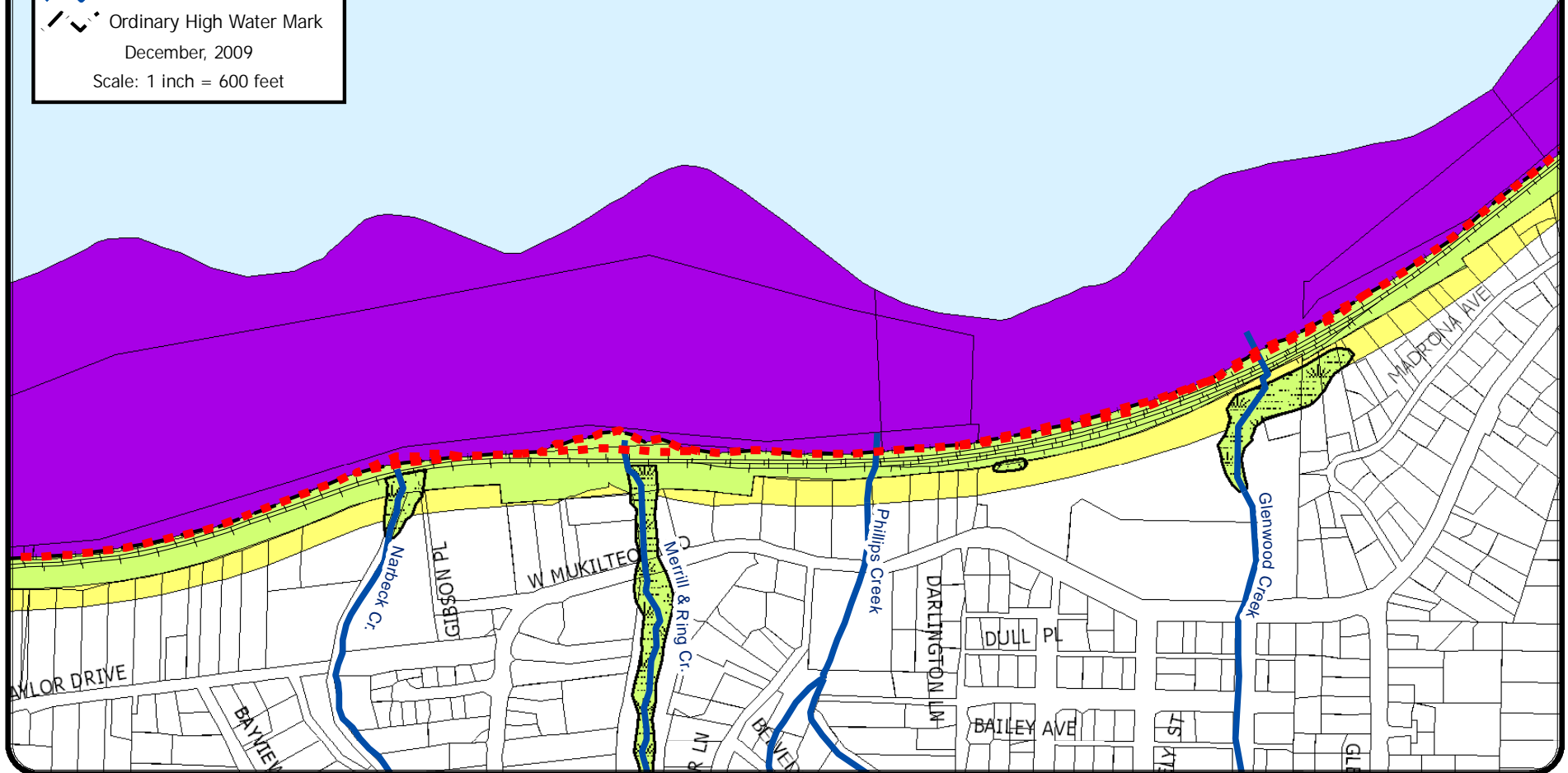
Figure 4.9

- Urban Conservancy
- Urban Shoreline Residential
- Aquatic
- Aquatic Conservancy
- 100 Year Flood Plain
- Wetlands
- Everett City Limits
- Streams
- Ordinary High Water Mark

December, 2009

Scale: 1 inch = 600 feet

NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.



**Figure 4.10**

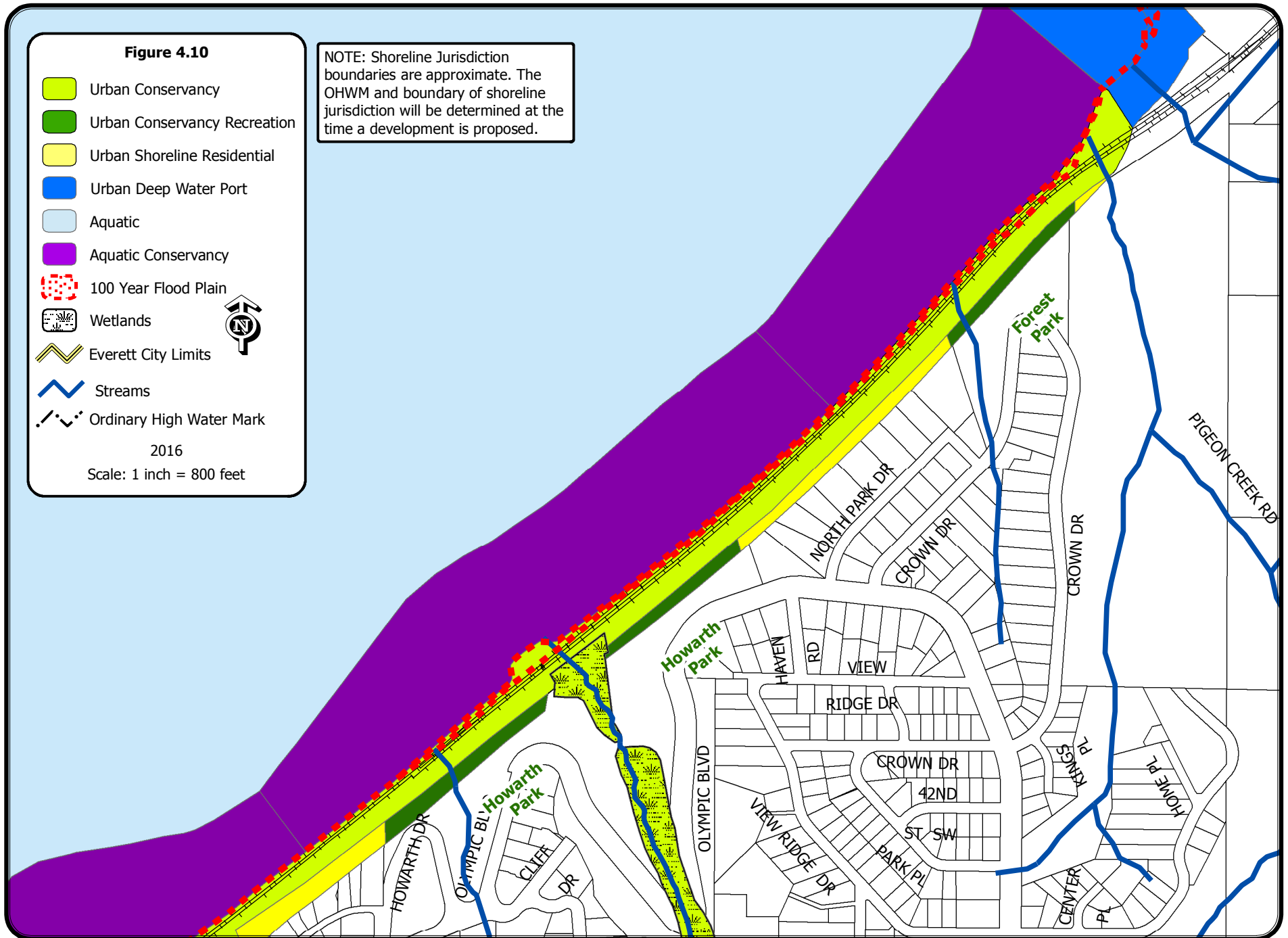
-  Urban Conservancy
-  Urban Conservancy Recreation
-  Urban Shoreline Residential
-  Urban Deep Water Port
-  Aquatic
-  Aquatic Conservancy
-  100 Year Flood Plain
-  Wetlands
-  Everett City Limits
-  Streams
-  Ordinary High Water Mark

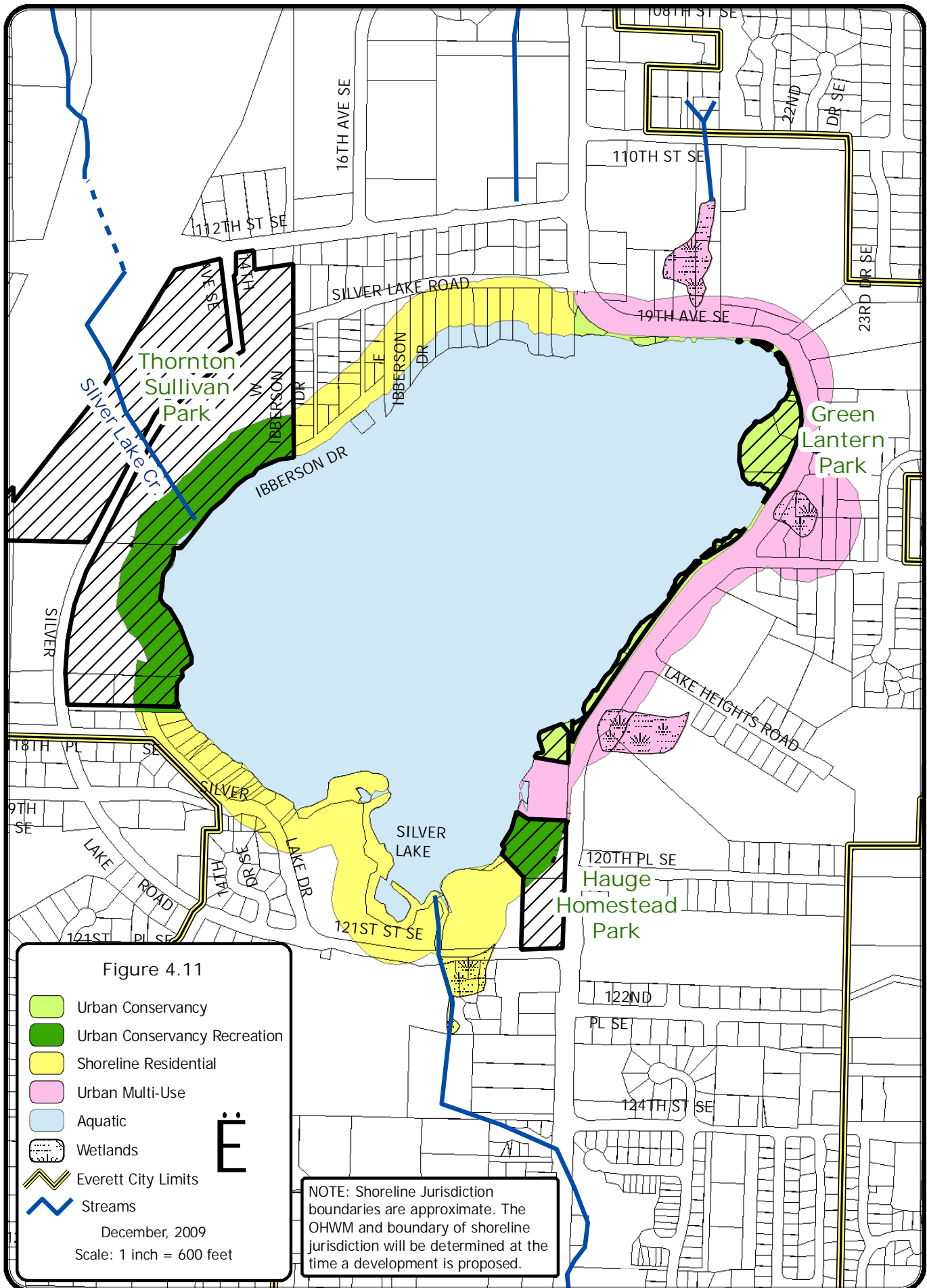


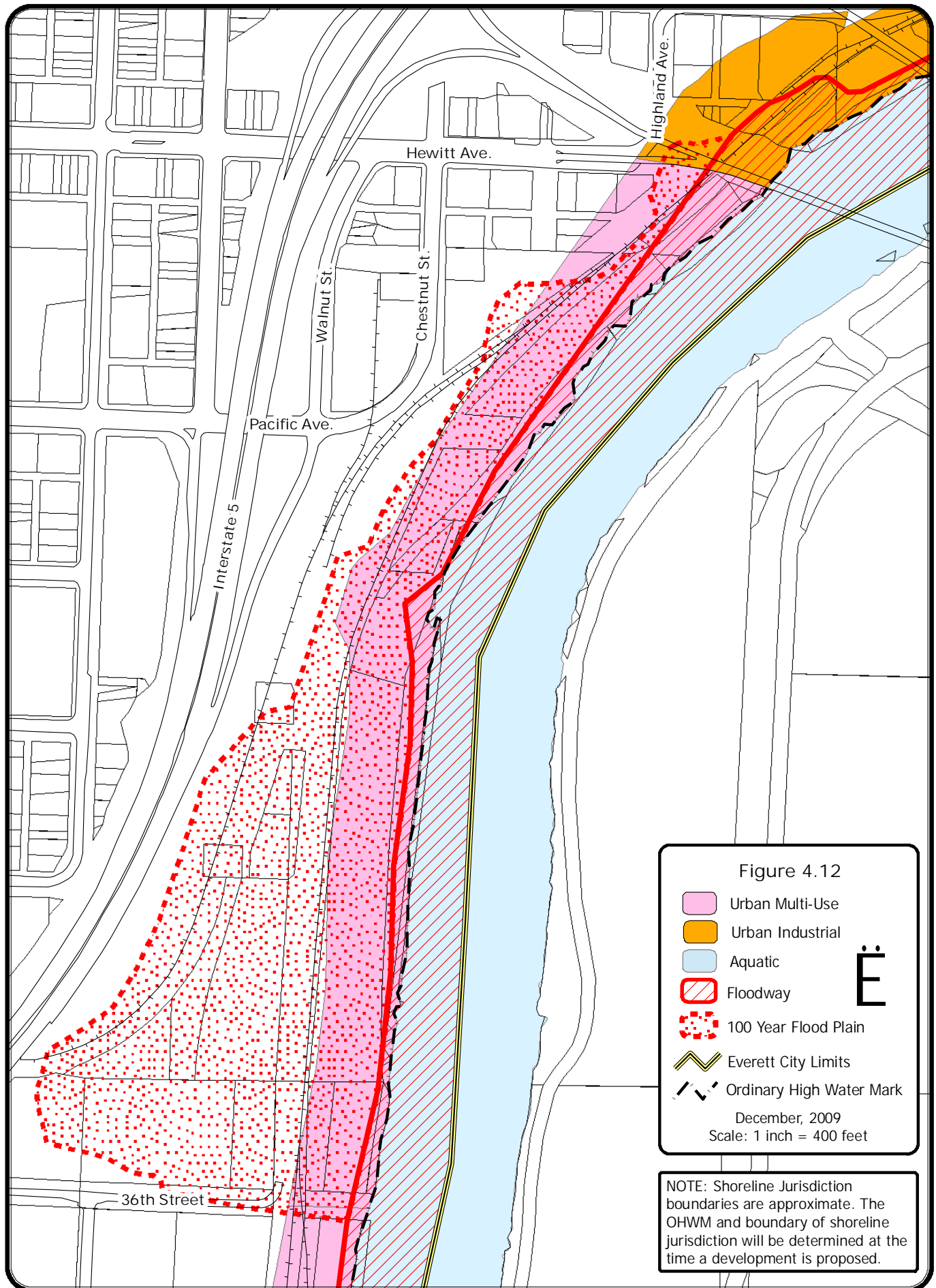
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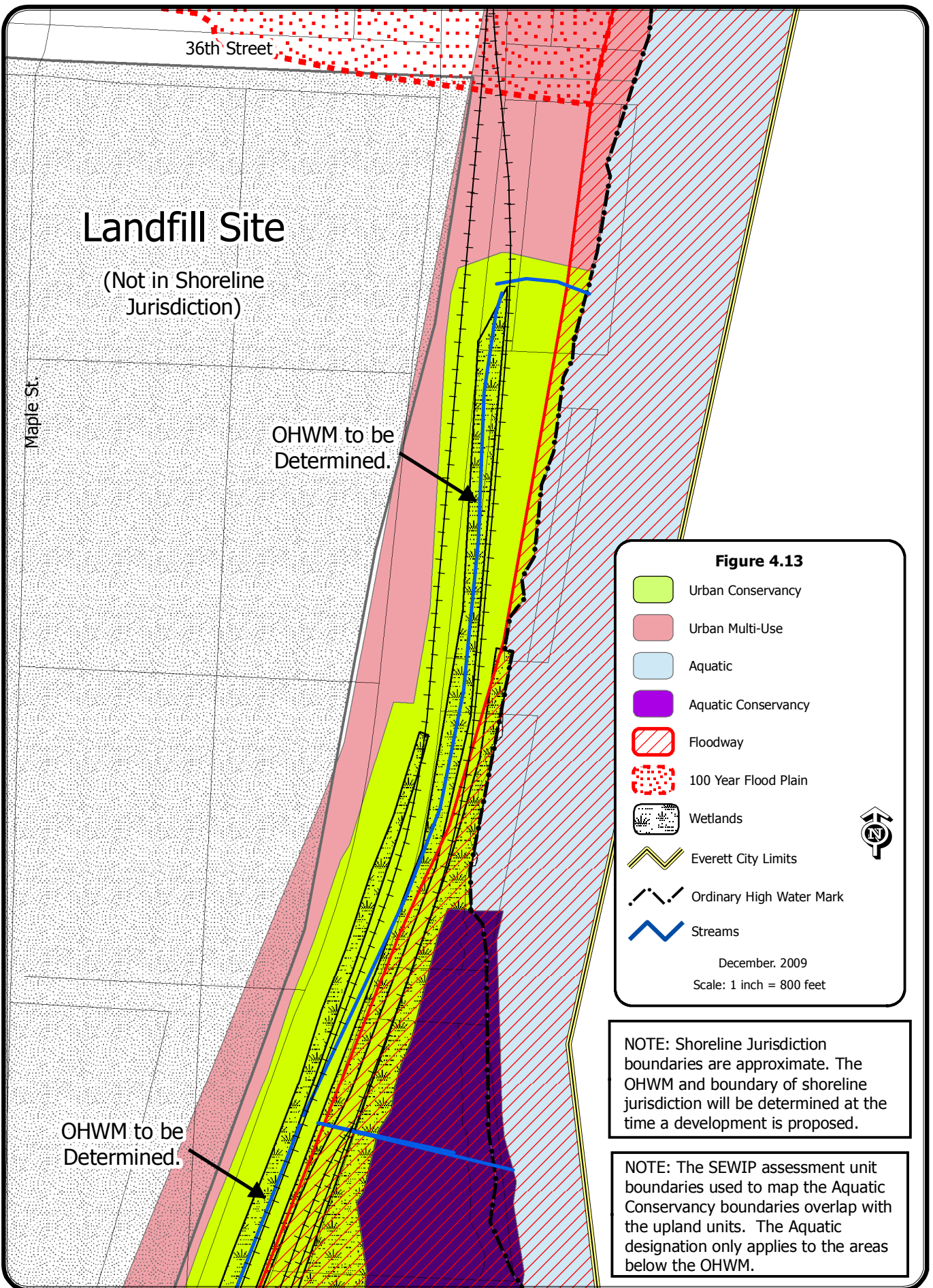
Scale: 1 inch = 800 feet

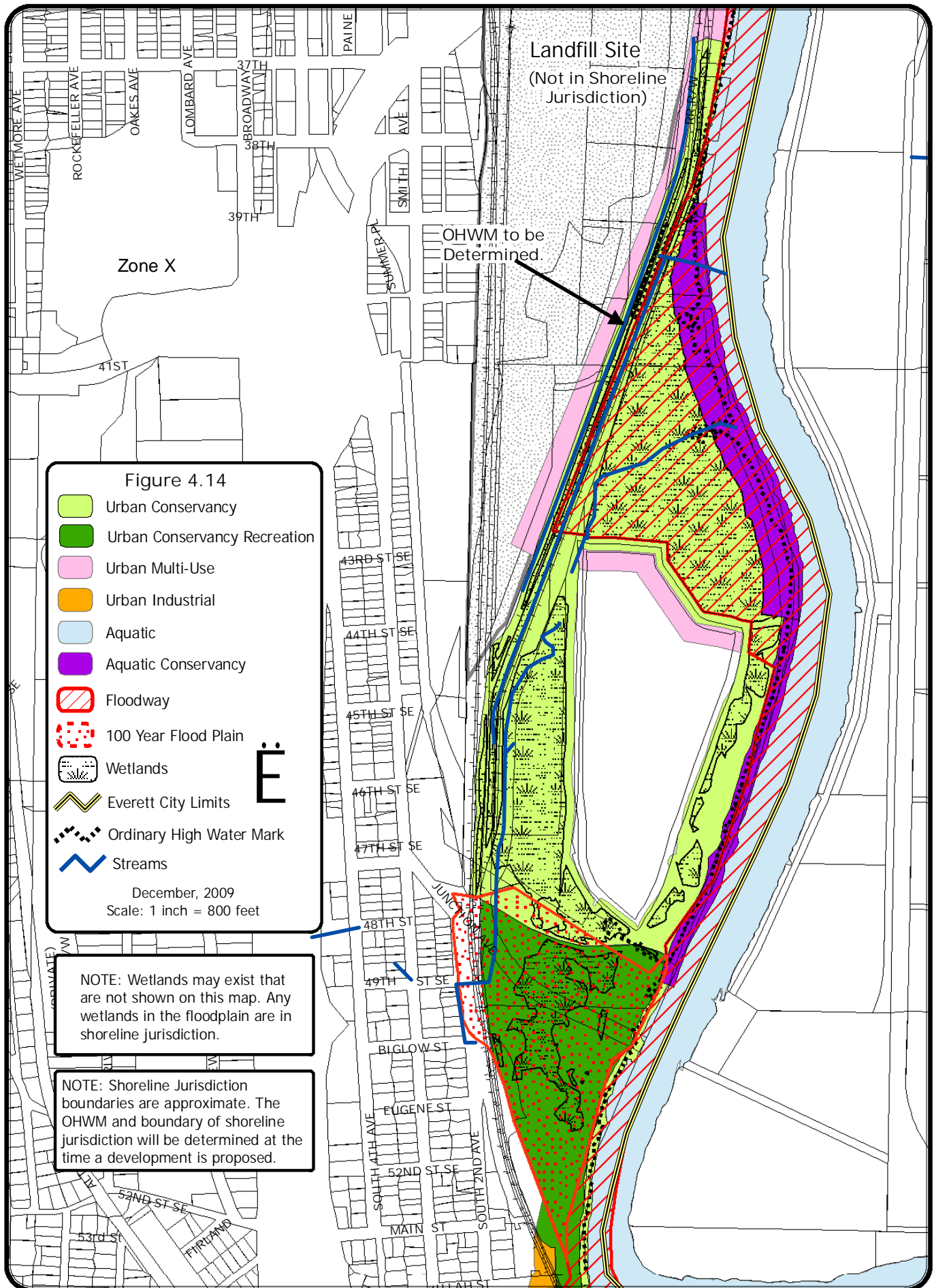
NOTE: Shoreline Jurisdiction boundaries are approximate. The OHW and boundary of shoreline jurisdiction will be determined at the time a development is proposed.

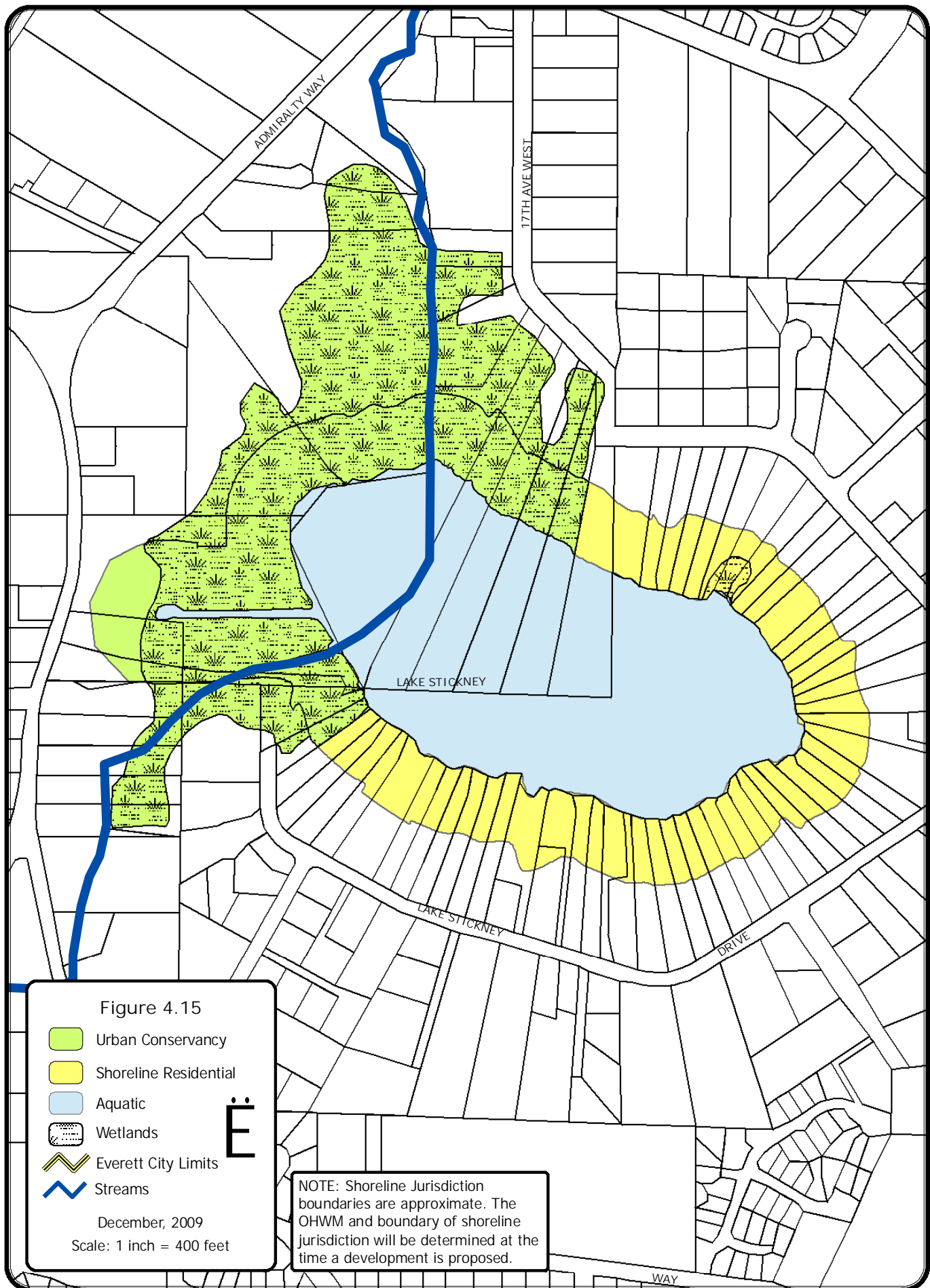


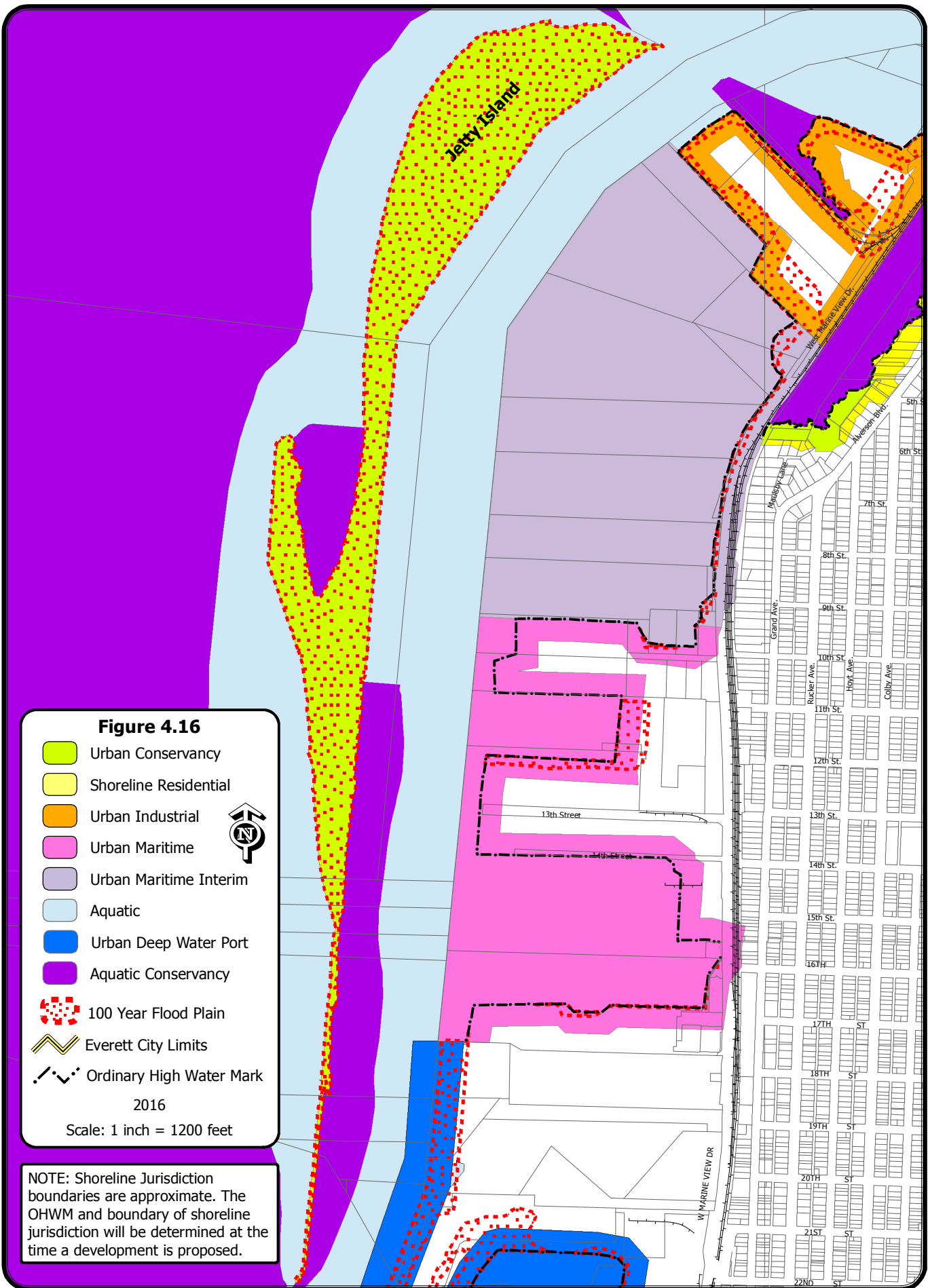


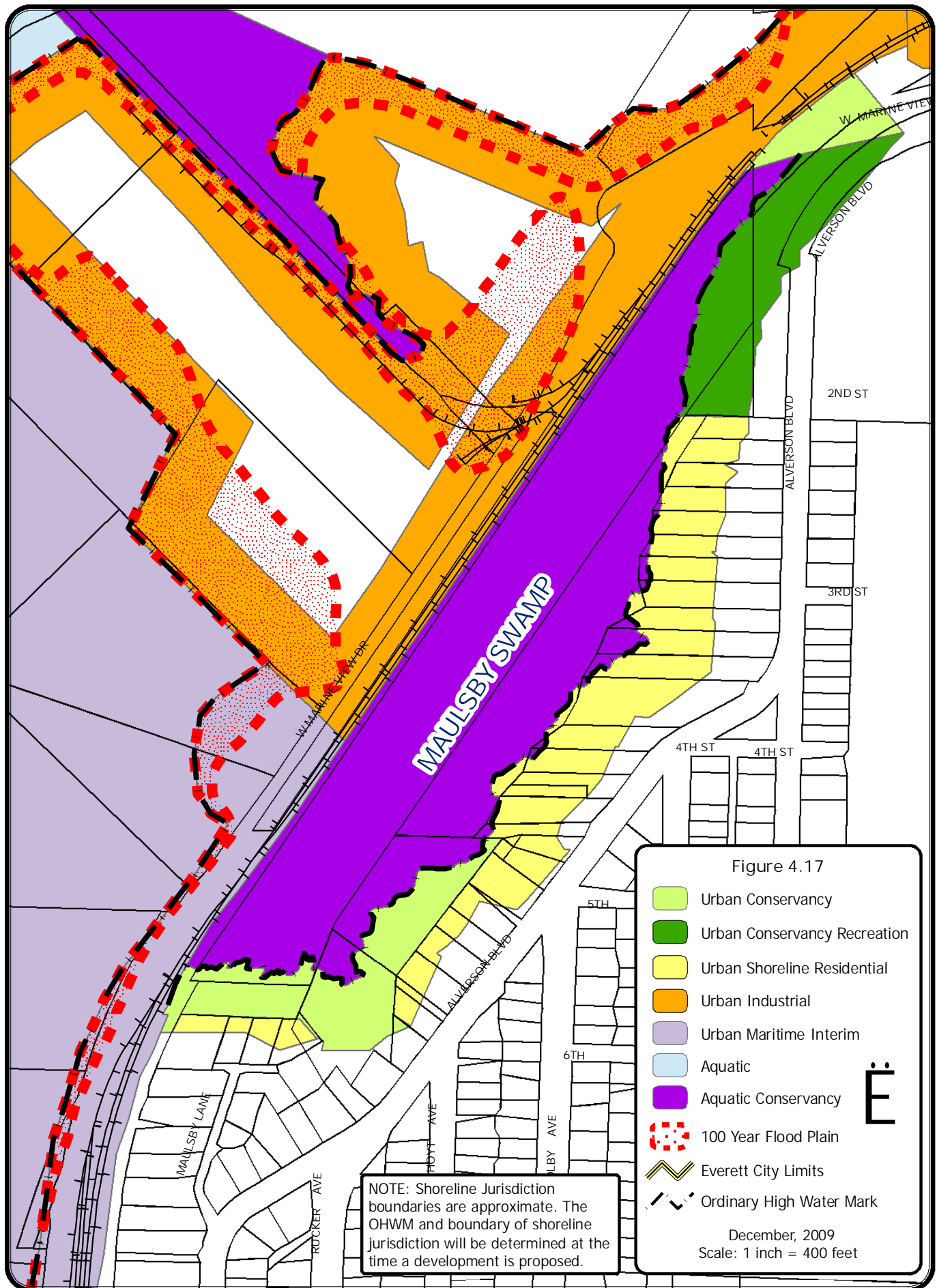


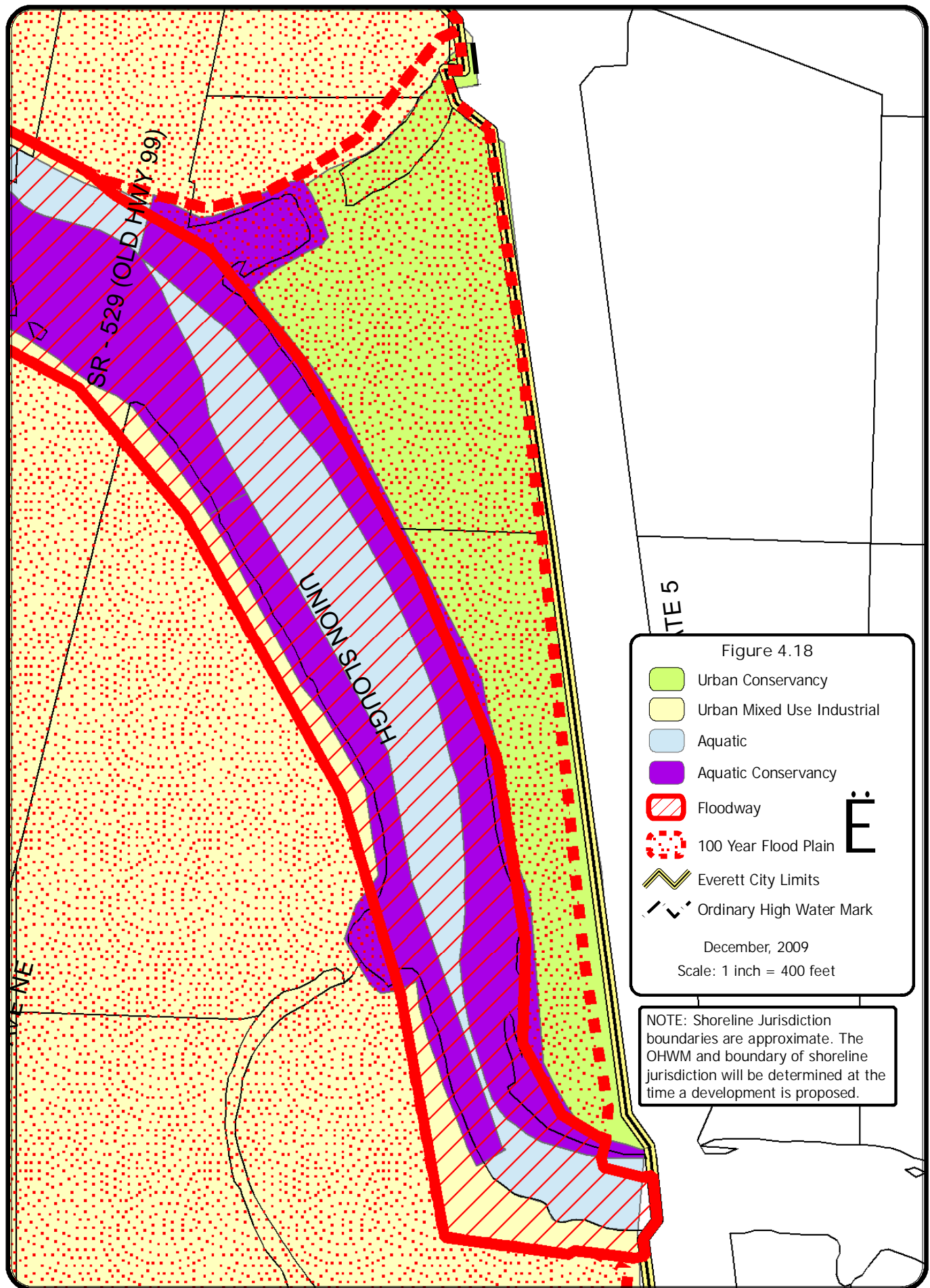


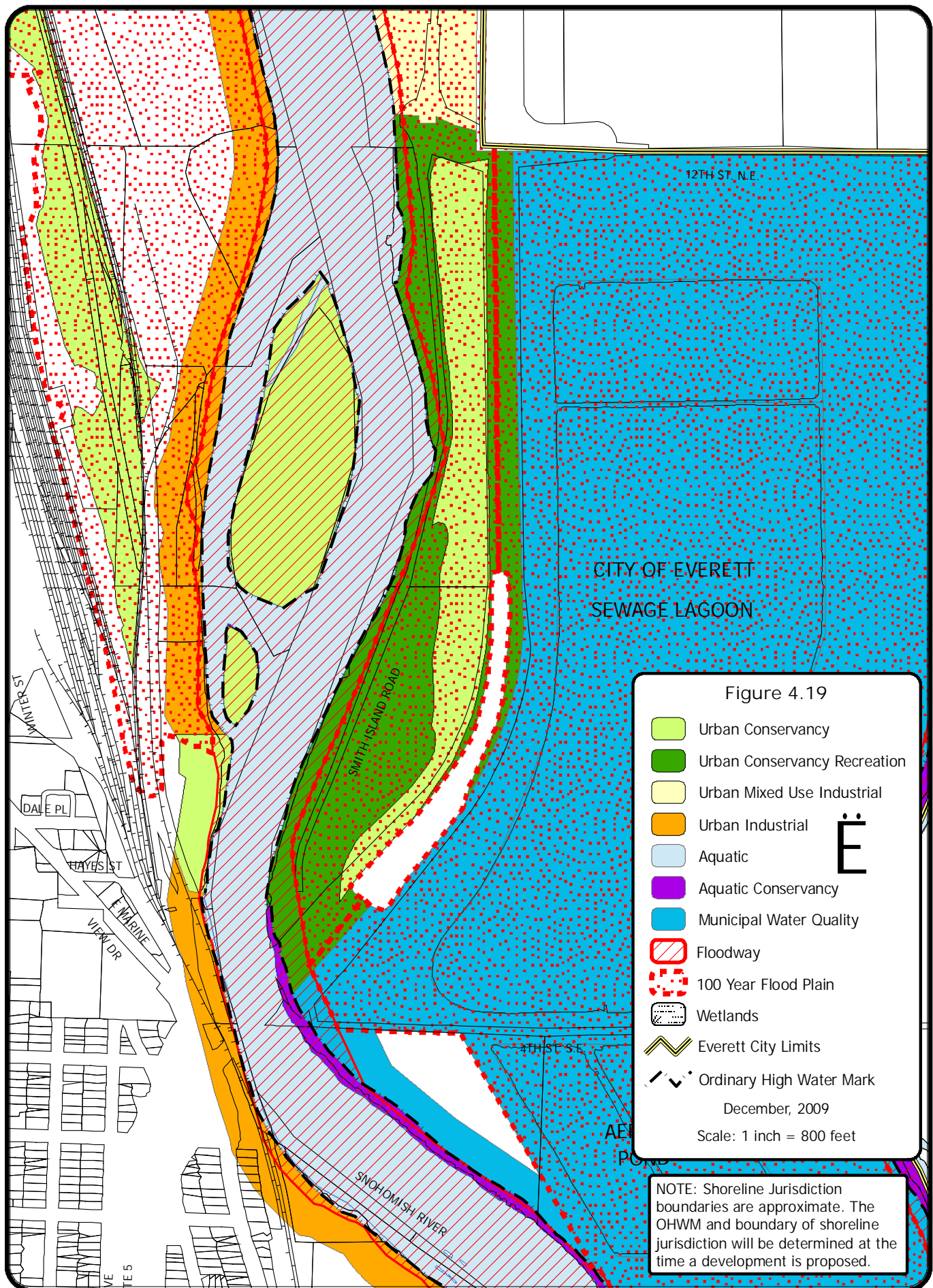




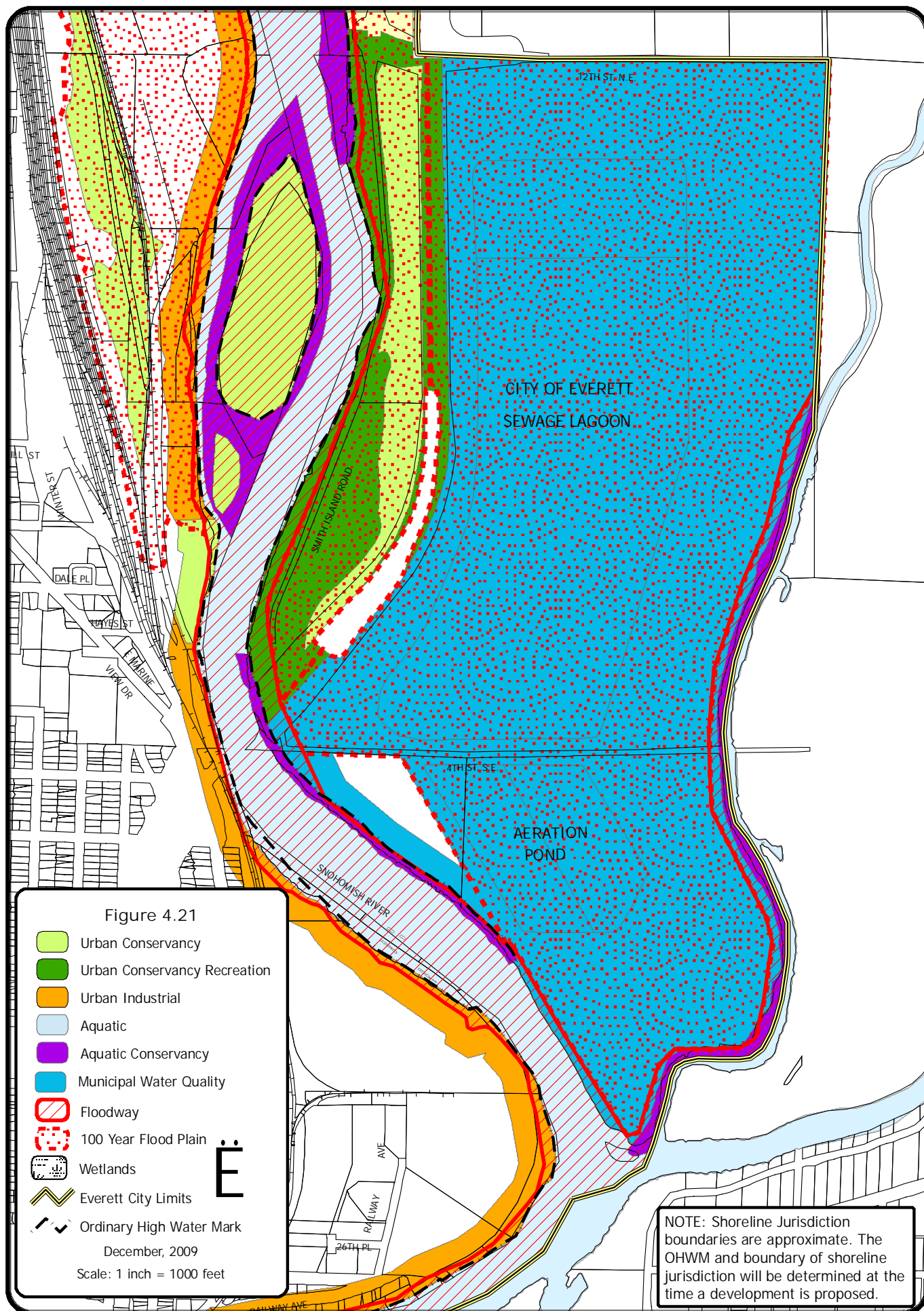


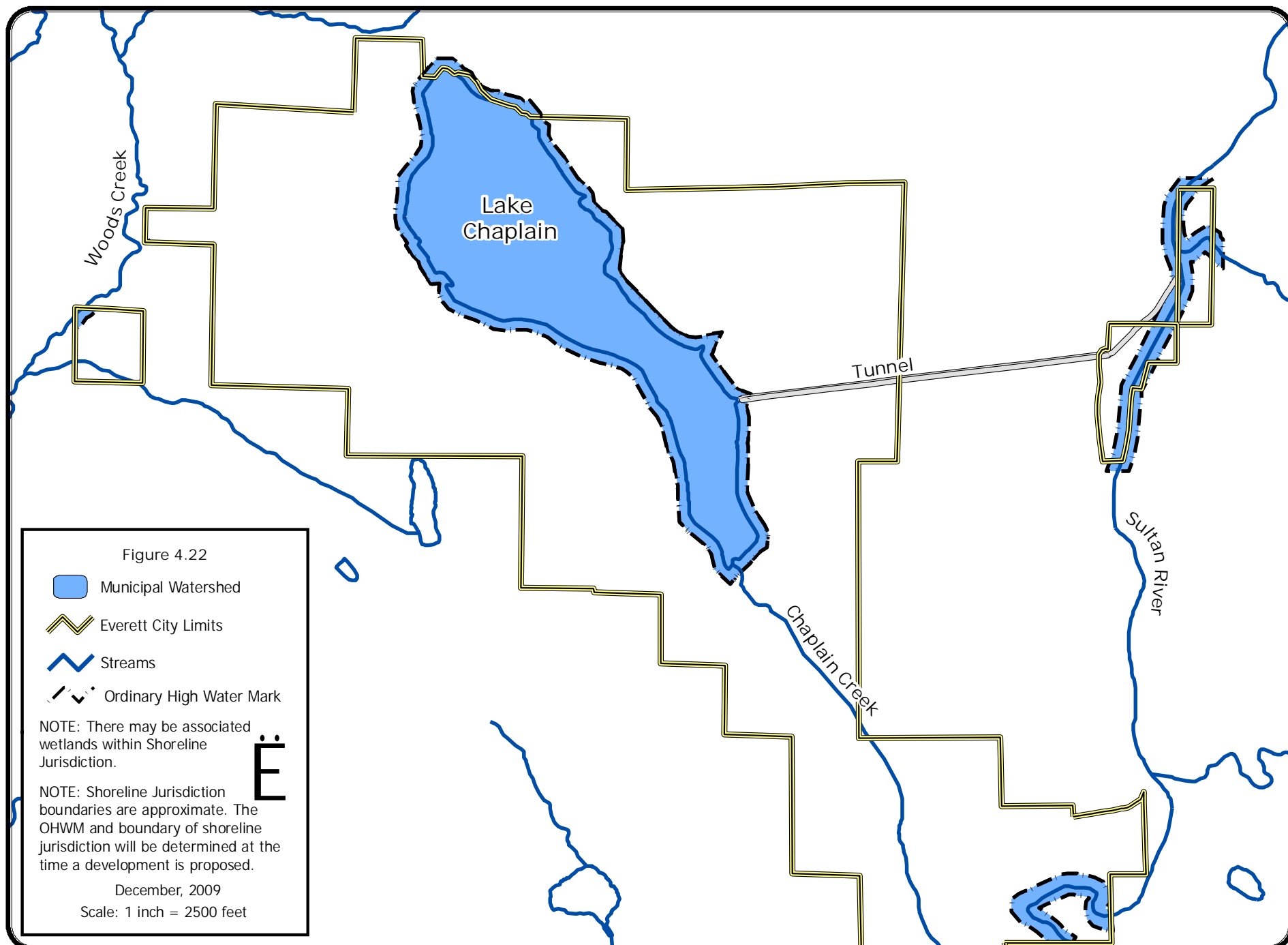


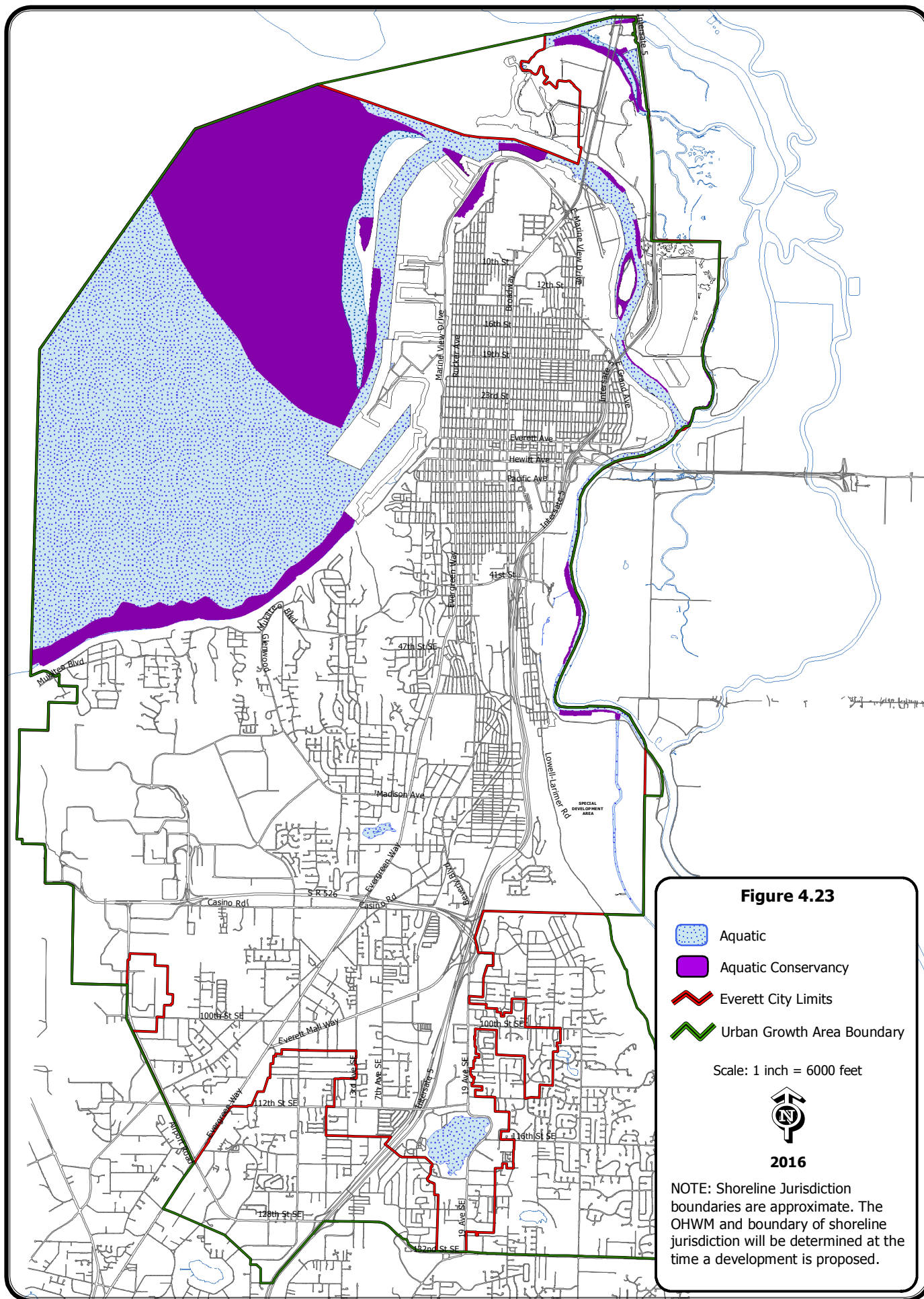












## Section 5

# Shoreline Use Policies and Regulations



## **Shoreline Use Policies and Regulations**

### **5.1 Uses Permitted Within Shoreline Environments**

Table 5.1, The Shoreline Use Table identifies uses permitted within specific environments. The table displays whether the use is permitted outright or as a conditional use in each environment. The numbers refer to special conditions and clarifications on the following page. See Section 2.3 for the review criteria for conditional uses.

Shoreline uses and activities not specifically identified, and for which policies and regulations have not been developed, will be evaluated as a conditional use activity. They will be required to meet the intent of the goals and objectives of Everett's Master Program, the policies of the Shoreline Management Act of 1971, as amended, and should be consistent with the management policy and character of the shoreline environment in which they are proposed to be located.

“Shoreline modification activities” are distinguished from “shoreline uses” in that they are specific construction actions taken in support of a use. Provisions for shoreline modification activities are covered in Section 6.

Specific regulations for shoreline uses are provided in the remaining portion of this section.

**Table 5.1 Shoreline Use Table**

Shoreline Environment Land Use/Activity	Urban Deep Water Port	Urban Maritime	Urban Industrial	Urban Mixed-Use Industrial	Urban Multi-Use	Shoreline Residential	Urban Conservancy Recreation	Urban Conservancy	Urban Conservancy Agriculture <sup>1</sup>	Municipal Water Quality	Municipal Watershed	Aquatic	Aquatic Conservancy
Agriculture	X	X	X	P	X	X	P	X	P	P	X	X	X
Aquaculture	P	P	P	P	P	X	X	X	X	X	X	P	C
Boating Facilities	P	P	P	P	P	P	P	X	X	P	X	P	X
<b>Commercial</b>													
Water dependent	P	P	P	P	P	X	P, 2	X	X	X	x	P, 12	X
Water related	P	P	P	P	P	X	P, 2	X	X	X	x	P, 12	X
Water enjoyment		P	P	P	P	X	P, 2	X	X	X	x	P	X
Non-water oriented	X	P, 15 <sup>2</sup>	P	P	P	X	P, 2	X	X	X	x	X	X
Forest Practices, 8	P	P	P	P	P	P	P, 3	X	P,3	P	P	NA	NA
Industry	P	P	P	P	P, 6	X	C, 1	X	C,1	X	X	P, 12	X
In-stream Structures	P	P	NA	NA	NA	NA	NA	NA	NA	P	P	P	C, 14
Log Storage and Rafting	P, 5	P, 5	P, 5	P, 5	X	X	X	X	X	X	X	X	X
Mining	X	X	X	X	X	X	X	X	X	X	P	X	X
Parking	P	P	P	P	P	P	P	X	P	P	P	X	X
Recreational Development	P	P	P	P	P	P	P	P, 9	P, 16 <sup>3</sup>	X	X	P, 12	X
Residential Development	X	P, 18 <sup>4</sup>	X	X	P	P	X	X	P, 17 <sup>5</sup>	X	X	X	X
Signs	P	P	P	P	P	P	P	P, 7	P,7	P, 4	P, 4	P, 10	X
Outdoor Advertising	X	X	X	X	X	X	X	X	X	X	X	X	X
Solid Waste Landfill and In-water Disposal	X	X	X	X	X	X	X	X	X	X	X	X	X
Solid Waste Collection Facilities	P	P	P	P	P	P	P	X	P	P	P	P	X

<sup>1</sup> Ordinance 2859-05, Effective 11/17/05<sup>2</sup> Ordinance 2713-03, Effective 5/18/04<sup>3</sup> Ordinance 3129-09, Effective 3/17/11<sup>4</sup> Ordinance 3445-15, Effective 9/27/15<sup>5</sup> Ordinance 3129-09, Effective 3/17/11

**EVERETT SHORELINE MASTER PROGRAM**

<b>Shoreline Environment Land Use/Activity</b>	<b>Urban Deep Water Port</b>	<b>Urban Maritime</b>	<b>Urban Industrial</b>	<b>Urban Mixed-Use Industrial</b>	<b>Urban Multi-Use</b>	<b>Shoreline Residential</b>	<b>Urban Conservancy Recreation</b>	<b>Urban Conservancy</b>	<b>Urban Conservancy Agriculture<sup>1</sup></b>	<b>Municipal Water Quality</b>	<b>Municipal Watershed</b>	<b>Aquatic</b>	<b>Aquatic Conservancy</b>
Solid Waste Transfer Stations	X	X	C	C	X	X	X	X	X	X	X	X	X
Transportation Facilities	P	P	P	P	P	P	P	P, 13	P	P	P	C, 11	C
Utilities and Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	C, 14

Please note that the proposed use must also be an approved use in the Zoning Code. For example, where industrial activities are permitted in the Shoreline Environment, the Zoning Code may limit permitted uses to certain kinds of industrial activities.

P = Permitted Use (Note that the Regulations in this Section contain limitations on permitted shoreline uses.

C = Conditional Use (See Section 2.3 for Conditional Use Criteria).

X = Prohibited (Not allowed under any circumstances. Limitations in regulations do not apply.)

1 = Permitted only in the Agriculture Zone for activities such as food processing.

2 = Permitted only in Public Parks for concessions.

3 = Permitted only in the Agriculture Zone.

4 = Directional signs only.

5 = New log storage activities are prohibited, except on dry land. Expansion of existing areas is prohibited where grounding will occur and in the Aquatic Environment.

6 = Permitted in the multi-use zones along the riverfront. However, industrial uses are limited to high tech, office-park-type, non-warehouse type activities.

7 = Only interpretive and public access signs

8 = Forest practices are allowed in any environment when completed as part of a public access or mitigation/restoration proposal.

9 = Only minor public access improvements such as trails, boardwalks, overlooks, interpretive signs, restrooms, and picnic shelters are permitted. Associated facilities such as parking, must be located outside of the Conservancy environment. (Revised 3/17/11)

10 = Permitted on structures allowed over water. (Rev. 11/17/05)

11 = Expansion of existing facilities does not require a conditional use.

12 = Permitted to the pierhead/harbor line when the use is permitted on the adjacent shoreline site.

13 = A conditional use permit is required for expansion of the railroad in the Urban Conservancy environment along Port Gardner Bay.

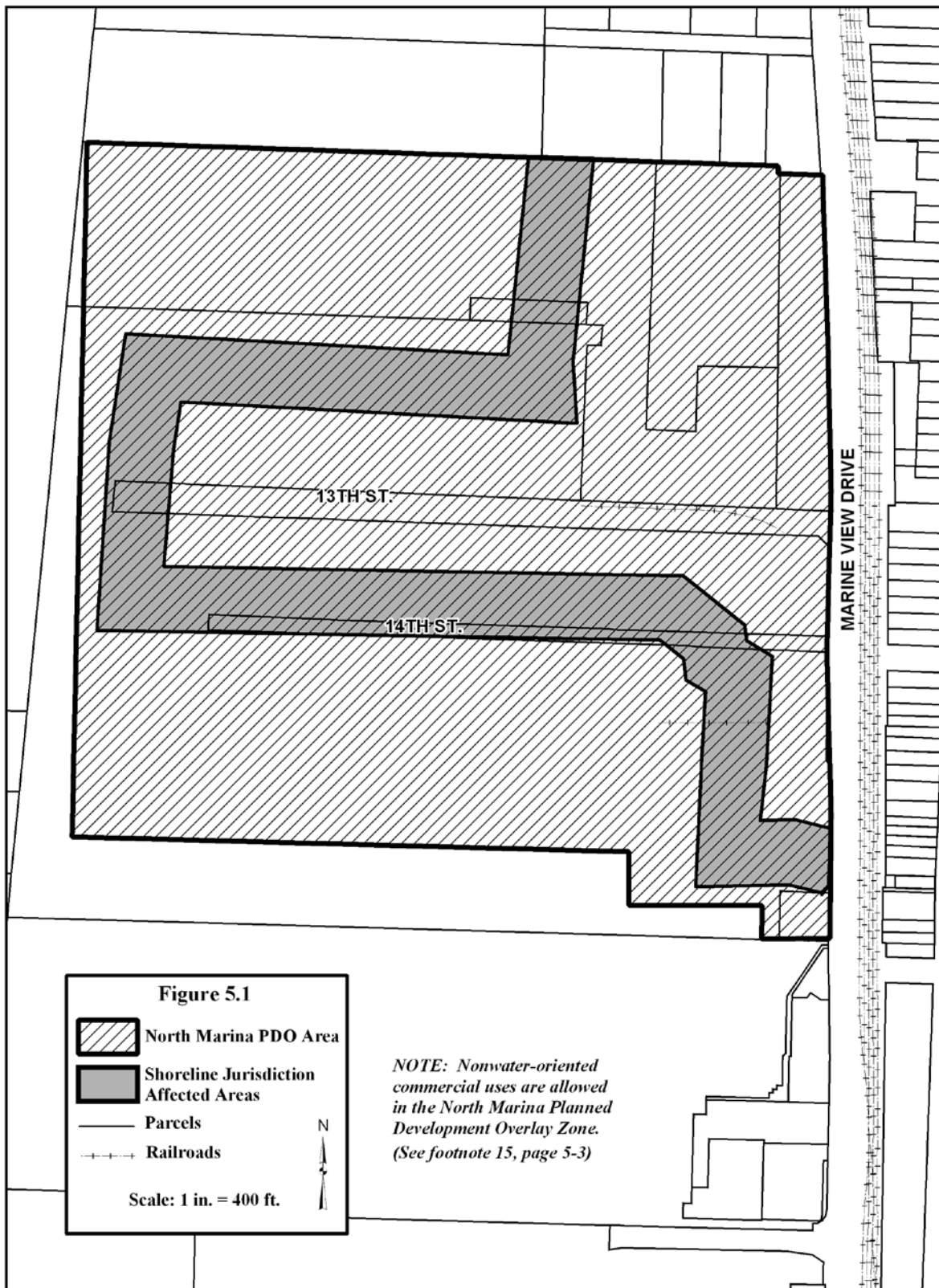
14 = A conditional use permit is not required for water dependent utilities.

15 = Non-water oriented commercial uses are only allowed in the North Marina Planned Development Overlay - WC zone area, shown on Figure 5.1. (Ordinance 2766-04)

16 = Passive recreation activities, such as trails, boardwalks, overlooks, interpretive signs, open space fields, picnic shelters, and associated facilities, such as parking and restrooms are permitted. Active recreation facilities, such as scheduled ball fields are not permitted. Community gardens are permitted uses. (Revised 3/17/11)

17 = Permitted only in the Rural Flood Fringe District along Larimer Road and in areas outside the 100-year floodplain. (Revised 3/17/11)

18 = Multi-Family Residential permitted between 100 feet and 200 feet from the Shoreline as shown on Figure 5.2 (Ordinance 3445-15)



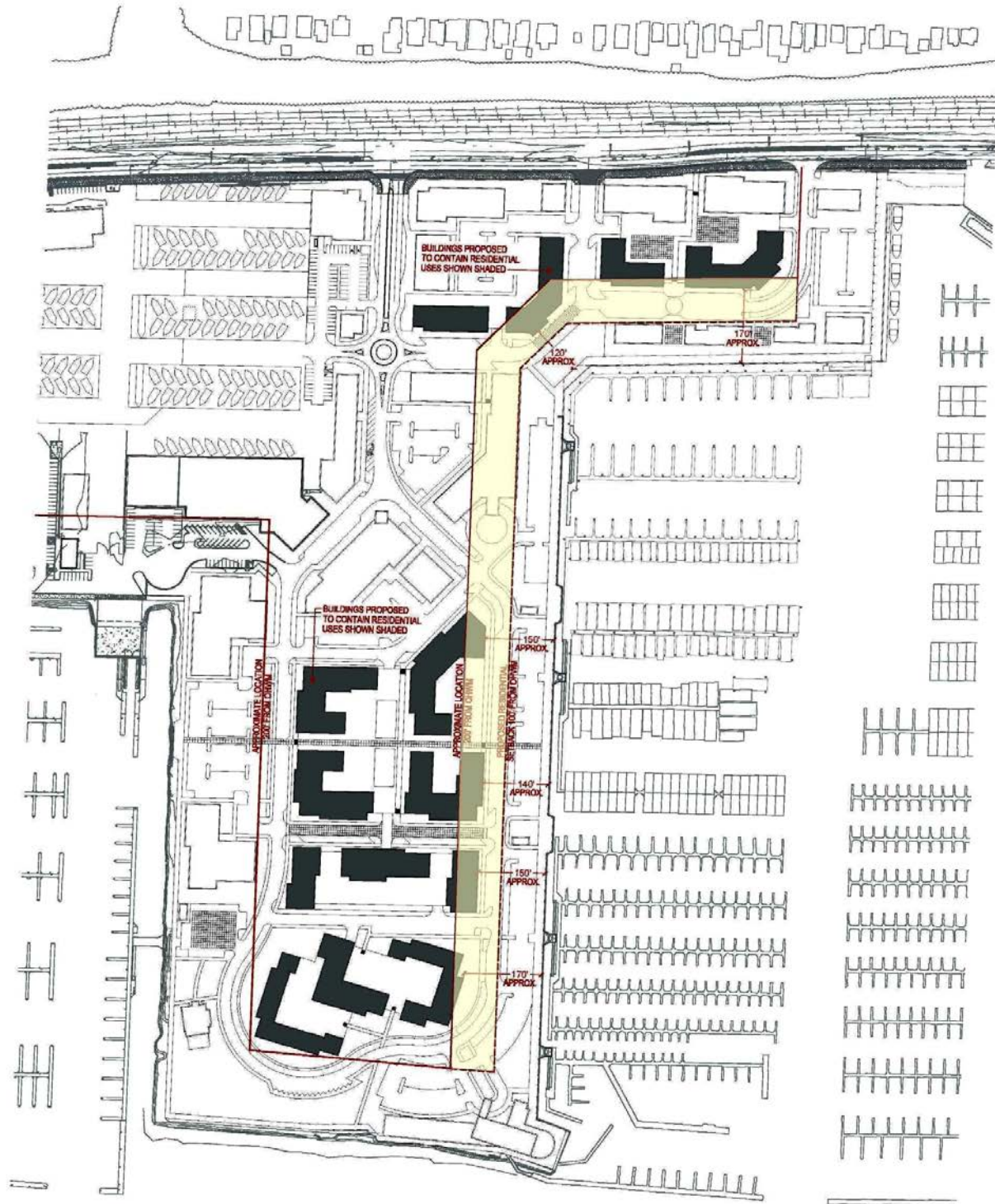


DIAGRAM OF REDUCED SETBACKS  
(FOR RESIDENTIAL USES)

FIGURE 5.2

## 5.2 Agricultural Practices

### Introduction

Agriculture includes, but is not limited to, the production of horticultural, viticultural, floricultural, livestock, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed or Christmas trees; the operation and maintenance of farm and stock ponds, drainage ditches, or irrigation systems; and the normal maintenance and repair of existing structures, facilities and lands currently under production or cultivation.

Associated activities such as farm bakeries, farm stands, farm product processing, agricultural education and promotion (including activities such as corn mazes), or demonstration farms are also considered to be agricultural activities. (Revised 3/17/11)

Agricultural practices are those methods used in livestock, crop vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance, and fertilization, as well as animal husbandry practice such as feeding, housing maintenance, and marketing. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in the fragile shoreline areas. Also, large quantities of mineral and organic sediments enter water bodies through surface erosion when proper land management techniques are not utilized.

Agriculture in the Everett area is limited to a portion of the Snohomish River floodplain in the southeast corner of the City, and to portions of Smith and North Spencer Islands. New agricultural activity is not currently a permitted use on Smith and North Spencer Islands, but should be allowed as an interim use subject to the provisions of this Section.

This section applies to new agricultural development. It does not apply to existing and ongoing agriculture. For the purposes of defining “existing and ongoing,” the City shall use the definition of agriculture in RCW 84.34.020(2), except that agricultural lands enrolled in set-aside programs administered by the Natural Resources Conservation Service or the Farm Services Administration of the US Department of Agriculture, or any other federal, state, or local agency, are considered to remain existing, ongoing agriculture. Activities which bring an area into agricultural use are not part of an ongoing operation.

RCW 90.58.030 (3)(e) defines substantial development for agricultural uses.

## **Policies**

1. New development, clearing, and grading in support of agricultural uses should be located and designed to avoid significant ecological impacts.
2. The City should require the maintenance of a buffer of permanent vegetation between tilled areas and associated water bodies or wetlands which will retard surface runoff and siltation, enhance water quality and provide habitat for fish and wildlife.
3. Comply with control guidelines prepared by the U. S. Environmental Protection Agency and state and local agencies for regulating the location of confined animal feeding operations, retention and storage ponds for feed lot wastes, and stockpiles of manure solids so that water areas will not be polluted.
4. Farm management techniques, operations and control methods should protect the productivity of the land base by maintaining or improving soil quality and minimizing soil losses through erosion in accordance with standards and guidelines established by the Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.
5. Appropriate farm management techniques should be utilized to prevent contamination of water bodies and adverse effects on valuable plant, fish and animal life from fertilizer and pesticide use and application.

## **Regulations**

1. New agricultural activities shall provide buffers adjacent to the Snohomish River and other water bodies consistent with the SMP.
2. Manure lagoons shall maintain a minimum of a one hundred (100) foot setback from any water body and shall be constructed to an elevation of two feet above the base flood level occurring at the site.
3. All liquid manure storage shall be diked and, if possible, covered.
4. The application of agricultural fertilizers, including animal waste, herbicides and pesticides shall be setback at least 100 feet from the shoreline. Aerial spraying of fertilizers, chemical pesticides or herbicides is permitted only when approved by a state agency.

5. Livestock confinement and/or feed lots, stock piles of manure solids, and storage of noxious chemicals are prohibited within two-hundred (200) feet landward of the ordinary high water mark (OHWM).
6. During the application of agricultural chemicals (including fertilizers and pesticides) direct runoff into adjacent water bodies or aquifer recharge areas shall be prevented. Adequate provisions shall be made to minimize their entry into any body of water.
7. Environmentally sensitive areas and required buffers shall be protected from damage due to concentration and overgrazing by livestock by providing the following:
  - a. Suitable bridges, culverts or ramps for stock crossing;
  - b. Ample supplies of clean fresh water in tanks for stock watering; and
  - c. Fencing or other grazing controls to keep livestock out of environmentally sensitive areas and their buffers.
8. Agricultural practices shall prevent and control erosion of soils within shoreline areas and minimize siltation, turbidity, pollution and other environmental degradation of watercourses and wetlands.

## 5.3 Aquaculture

### Introduction

Aquaculture is the culture of food fish, shellfish, or other aquatic plants and animals in lakes, streams, inlets, estuaries, and other natural or artificial water bodies. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas. When consistent with control of pollution and prevention of damage to the environment, aquaculture activities are a preferred shoreline use. Potential locations for aquacultural enterprises are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, nearby land uses, wind protection, commercial navigation, and in marine waters, salinity. The technology associated with some forms of aquaculture is still in its formative stages and experimental.

### Policies

1. Areas with high aquacultural use potential should be identified and encouraged for aquacultural use and protected from degradation by other types of land and water uses.
2. Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts. In general, projects that require no structures, submerged structures or intertidal structures should be given preference over those that involve substantial floating structures. Projects that require few land based facilities should be given preference over those that require extensive facilities. Projects that involve little or no substrate modification should be given preference over those that involve substantial modification.
3. Where a choice of aquacultural methods are available, or where two or more incompatible aquacultural projects are proposed in the same area, the relative environmental impacts of each method or proposal should be considered. In general, preference should be given to methods listed in subsection (a), below, over those listed in subsection (b):
  - a. Methods involving no submerged, intertidal, or floating structures or facilities and minimal substrate modification; methods involving submerged subtidal structures or facilities; methods involving intertidal structures or facilities.

- b. Methods involving floating structures or facilities; methods involving floating structures with artificial feeding and/or substantial substrate modification.
- 4. The citywide density of net-pen and raft culture operations should be limited as necessary to minimize cumulative environmental impacts.
- 5. Aquaculture activities should be given flexibility to experiment with new aquaculture techniques. However, experimental aquaculture projects should be limited in scale and should be approved for a limited period of time.
- 6. Aquaculture should not be permitted in areas where it would significantly degrade ecological functions or significantly conflict with navigation and other water dependent uses.
- 7. Aquacultural facilities should be developed and operated to minimize nuisance odor and noise impacts to surrounding properties.

## **Regulations**

- 1. Aquaculture activities shall be prohibited if it is determined that the proposed facility will have a negative impact on shoreline ecology or the habitat, abundance or genetic diversity of native species.
- 2. Applicants shall include in their applications all information needed to conduct thorough evaluations of their aquaculture proposals prepared by qualified professionals, including but not limited to the following:
  - a. Species to be reared;
  - b. Aquaculture method(s);
  - c. Potential for disease and escapement;
  - d. Anticipated use of any feed, pesticides, herbicides, antibiotics, or other substances, and their predicted impacts;
  - e. Manpower/employment necessary for the project;
  - f. Harvest and processing location, method and timing;

- g. Location and plans for any shoreside activities, including loading and unloading of the product, processing, crew quarters, etc;
  - h. Methods of waste management and disposal and odor control.
  - i. Environmental assessment, including best available background information on water quality, tidal variations, prevailing storm wind conditions, current flows, flushing rates, aquatic and benthic organisms, and probable impacts on water quality, biota, currents, littoral drift, and any existing shoreline or water uses. Further baseline studies may be required depending upon the adequacy of available information, existing conditions, the nature of the proposal, and probable adverse environmental impacts. Baseline monitoring shall be at the applicant's expense unless otherwise provided for;
  - j. Method of predator control;
  - k. Use of lights and noise generating equipment over water that minimizes interference with surrounding uses; and
  - l. Other pertinent information deemed necessary by the City.
3. The location of floating and submerged aquaculture structures shall not restrict navigation to or along the shoreline or interfere with general navigation lanes and traffic or “usual and accustomed fishing and shellfish harvest locations”. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body.
4. No aquatic organism shall be introduced into City salt or fresh waters without prior written approval of the Washington Department of Fish and Wildlife or the appropriate regulatory agency for the specific organism proposed for introduction. The required approval shall be submitted in writing to the City Planning and Community Development Department prior to the introduction or the granting of the permit, whichever comes first.

Unless otherwise provided in the shoreline permit issued by the City, the repeated introduction of an approved organism in the same location shall require approval by the City only at the time the permit is issued. Introduction for purposes of this section shall mean the placing of any aquatic organism in any area within the waters of City regardless of whether it is a native or resident organism and

regardless of whether it is being transferred from within or without the waters of City.

5. Aquacultural structures and activities that are not water dependent (e.g., warehouses for storage of products, parking lots) shall, be located inland of the ordinary high water mark, upland of water dependent portions of the project, and shall minimize detrimental impacts to the shoreline.
6. Aquacultural structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the City shall require the posting of a bond commensurate with the cost of removal or repair. The City may abate an abandoned or unsafe structure, following notice to the owner, if the owner fails to respond in 30 days and may impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.
7. Legally established aquacultural enterprises, including authorized experimental projects, shall be protected from incompatible uses which may seek to locate nearby. Demonstration of a high probability that such an adjacent use would result in damage to, or destruction of such an aquacultural enterprise shall be grounds for the denial of that use.
8. Operational monitoring may be required if and to the extent that it is necessary to determine, ensure or confirm compliance with predicted or required performance. Such monitoring requirements shall be established as a condition of the permit and shall be conducted at the applicant's or operator's expense.
9. No processing of any aquacultural product, except for the sorting or culling of the cultured organisms and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest, unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be governed by, in addition to these provisions, the policies and regulations of other applicable sections of this master program, in particular, provisions addressing commercial and industrial uses.
10. Aquacultural wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.
11. Aquacultural uses and facilities shall be located at least 600 feet from any habitats of special significance for birds or mammals, as determined by the Washington State Department of Fish and Wildlife, provided that fish net-pens and projects

involving substantial substrate modification shall be located 1,500 feet or more from such areas; provided further that lesser distances may be authorized if the applicant demonstrates that the wildlife resource will be protected. Greater distances also may be required if supported by the reviewing resource agencies.

12. Hatchery and other aquaculture operations shall be required to maintain a minimum fifty (50) foot wide vegetated buffer zone along the affected streamway, PROVIDED that clearing of vegetation shall be permitted for essential water access points.
13. Predator control shall not involve the killing or abusive harassment of birds or mammals. Approved controls include but are not limited to double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters. The use of other non-lethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.
14. Permit applications shall identify all pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemicals that the applicant anticipates using. No such materials shall be used until approval is obtained from all appropriate state and federal agencies, including but not limited to the U.S. Food and Drug Administration, the Washington State Department of Ecology, Fisheries and Agriculture, as required, and proof thereof is submitted to the city. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing, rather than chemical treatment and application.
15. For aquacultural projects using overwater structures, storage of necessary tools and apparatus seaward of the ordinary high water mark shall be limited to containers of not more than three feet in height, as measured from the surface of the raft or dock; provided that in locations where the visual impact of the proposed aquaculture structures will be minimal, the city may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored seaward of the ordinary high water mark.
16. Proposals for mechanical clam harvesting or other activities that involve substantial substrate modification through dredging, trenching, digging, or adverse sedimentation shall be prohibited in existing kelp beds or in beds of native eel grass (*Zostera marina*).

17. Fish net-pens shall meet, as a minimum, state-approved administrative guidelines for the management of net-pen cultures; where any conflict in requirements arises the more stringent requirement shall prevail.
18. Fish net-pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements.
19. Aquacultural proposals that include net pens or rafts shall not be located closer than one nautical mile to any other aquacultural facility that includes net pens or rafts, provided that a lesser distance may be authorized by the City if the applicant can demonstrate to the City satisfaction that the environmental and aesthetic concerns expressed in this master program will be protected. If a lesser distance is requested, the burden of proof shall be on the applicant to demonstrate that the cumulative impacts of the existing and proposed operations would not be contrary to the policies and regulations of this Shoreline Master Program.
20. Except as provided in regulation 18 above, aquacultural developments approved on an experimental basis shall not exceed five acres in area (except anchorage for floating systems) and five (5) years in duration; provided that the City may issue a new permit to continue an experimental project as many times as is deemed necessary and appropriate.
21. Where necessary to preserve the integrity of any research data collected, aquaculture developments which would be likely to jeopardize an experimental aquaculture development shall be prohibited within the same bay or within a mile of such a development until after the experimental project is granted non-experimental status or terminated.
22. For floating culture facilities the City shall require a visual impact analysis.

## 5.4 Boating Facilities

### Introduction

Boating facilities include marinas, either dry or wet moorage types; boat launch ramps; boat rental facilities; covered moorage; boat houses; mooring buoys; boat lifts; and services for pleasure craft and small commercial boats. Boating facilities do not include docks serving four or fewer single-family residences, a single dock provided at an apartment complex, or facilities provided for commercial or industrial uses, except as otherwise provided in marinas.

All boating facilities must also comply with the requirements of Section 6.7 Piers, Docks and Floats, as applicable.

“Boat launch ramps” are constructed of concrete or other material which extends onto the water and tidelands for boat launching. Associated improvements may include piers or docks on the sides of the ramps.

“Day use non-motorized boat rental facilities” include docks, buildings, and storage facilities associated with the rental of canoes, kayaks, small sailboats, paddle boats, and other non-motorized boats, usually on an hourly or daily basis. Because of the short-term nature of the use and the type of boats involved, facilities such as sewage pump-out stations are not necessary.

“Day use motorized boat rental facilities” include docks, buildings, fueling areas, and storage facilities associated with the rental of motorized boats on an hourly or daily basis. Motorized boat rental facilities may be allowed as an accessory use in marinas or as a stand alone use. Because of the short-term nature of the use and the type of boats involved, facilities such as sewage pump-out stations and fueling areas may not be necessary.

“Marinas” are facilities that provide wet and/or dry moorage for at least 5 boats, boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas: foreshore marinas and backshore marinas. Foreshore marinas are located in the intertidal or offshore zone and may require breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and/or landfill). Backshore marinas are located landward of the OHWM. There are two common types of backshore marinas, one with wet moorage that is dredged to artificially create a basin; and dry moorage, which has upland storage with a hoist, marine travel lift, or ramp for access. Marinas may also include facilities for commercial and industrial vessels, and rescue and law enforcement vessels. However,

commercial and industrial uses must also comply with the commercial and industrial requirements of this SMP and the Zoning Code.

Accessory uses found in marinas may include fueling facilities; boating equipment sales and rental; boat rental; repair services; public launching; potable water; waste disposal; administration; parking; yacht clubs; and retail sales of bait and tackle, groceries and dry goods. Activities associated with marinas, such as commercial uses, parking, boat repair (industrial), utilities, and transportation facilities are subject to the regulations established for those uses. Where an accessory use is not specifically addressed as a separate use, such as yacht clubs, the boating facility regulations shall apply. In addition, the shoreline modifications are subject to the regulations in Section 6.

Because of the effect marinas have on wildlife, fish and shellfish habitats "best management practices" should be implemented to prevent adverse impacts.

"Covered moorage" is wet or dry moorage and is an accessory use to marinas.

"Boat houses" are generally small covered wet or dry boat moorage buildings associated with a single use, such as a single family house or a rescue boat at a public beach.

## **Policies**

1. Local as well as regional "need" data should be considered as input to the development of marinas.
2. Priority will be given to marina development in developed areas.
3. Marinas should be located so as to minimize the consumption of limited shoreline resources by considering:
  - a. The expansion of existing marinas over the addition of new marinas;
  - b. Marinas and launch ramps are preferred over the development of individual docking facilities for private, non-commercial pleasure craft; and
  - c. The use of boat launch ramps and dry storage and other new technologies as alternatives to sheltered, year round wet moorage of water craft.
4. Areas which should not be considered for marina sites are embayments with poor flushing action or sites that are hazardous due to storm tides, high winds or flooding.

5. All boating facilities should be located, designed, and operated to minimize negative impacts to aquatic, littoral, or land life forms including animals, fish, shellfish, birds, and plants, their habitats and their migratory routes. To the extent possible, boating facilities should be located in areas of low biologic productivity. Mitigation of adverse impacts should be required.
6. Boating facilities should be located and designed to minimize adverse effects upon, and to enhance if possible, beneficial shoreline features and processes including erosion, littoral transport and accretion shoreforms, as well as scarce and valuable shore features including riparian habitat and wetlands.
7. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views.
8. New marina facilities should be designed to accommodate public access and enjoyment of the shoreline including provisions for walkways, view points, rest room facilities and other recreational uses according to the scale of the facility. (Also see Public Access in Section 3.7)
9. Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.
10. The multiple use concept should be a consideration of all local marina designs, including but not limited to such uses as public access, dock fishing, boat launching, wet and dry boat storage, as well as off-season utilization of the facility.
11. Installation and maintenance of sewage disposal (pump-out stations) should be required and available in convenient locations to all marina users.
12. Live-aboards should be permitted in marinas only if and when adequate measures are in place to protect water quality.
13. Boat launch ramps at Silver Lake and Lake Stickney should be limited, and new boat launch facilities should be designed and managed to prevent milfoil from entering the lake from boats.

## **Regulations - General**

### **All Boating Facilities**

1. Boating facility development and/or renovations shall comply with all other applicable local, state and federal agency policies and regulations, including, but not limited to, construction standards, water quality standards, shoreline modification standards, standards for the use and storage of fuels and toxic materials, and health standards.
2. Vessels shall not permanently moor on waters of the state unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
3. Boating facilities shall not adversely impact navigation channels.

### **Marinas**

1. The City shall require and utilize the following information in its review of marina proposals;
  - a. Biological resources and habitats for the backshore, foreshore and aquatic environments.
  - b. Existing natural shoreline and backshore features and uses, bathymetric contours (1-foot increments);
  - c. Geohydraulic processes and flushing characteristics, volume, rates and frequencies;
  - d. Area of surface waters appropriated and leased areas;
  - e. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary;
  - f. All information required for shoreline modification activities;
  - g. The design of the facilities, including sewage disposal, water quality controls, provisions for the prevention and control of fuel spillage;
  - h. A site plan showing all proposed site improvements, including public access, pedestrian circulation, and a landscaping plan.
  - i. An analysis of the impacts of proposed structures on views.
2. There shall be facilities available for handling all types of boat waste generated in the marina and adjacent uplands, including but not limited to holding tanks, bilge, oil, gas, and/or diesel fuels. If private or off-site facilities are used to meet this requirement, signs or brochures shall be available to marina users to advise them of appropriate disposal facilities.

3. Accessory uses at marinas shall be limited to those which are water oriented. Accessory uses shall be consistent in scale and intensity with the marina and surrounding uses.
4. Shoreline permits for marinas shall be conditioned to require boater education addressing boater impacts on water quality and other shoreline resources.
5. The discharge of sewage and/or toxic material from boats and/or shore installation shall be prohibited within any marina. Toxic material herein defined as any material damaging marine life includes but is not limited to paints, varnishes, detergents, petroleum, contaminated bilge waste water, etc.
6. Under the City of Everett Comprehensive Plan and Zoning Code, residential uses are not a permitted use in the industrial zones, maritime commercial zones or areas where the Port of Everett Marina facilities are located. The City is aware that the Port of Everett has adopted a policy that provides for persons to live on their boats (live-aboards) with certain conditions.

The City of Everett shall require the Port of Everett to establish a water quality monitoring program to determine what, if any, significant water quality effects may exist as a result of live-aboards in the Port Marina area.

Live-aboards shall be prohibited in any newly constructed or expanded portions of marina facilities unless all of the following are provided:

- Dockside gray water and sewage disposal facilities.
- Public access as otherwise required in this master program. Live-aboards will not be a reason to diminish public access.
- Actions necessary to avoid impacts to aquatic habitats.
- Actions necessary to avoid or mitigate impacts to upland development or services, including parking and access.
- Actions necessary to prevent incompatibility with water oriented uses. (Live-aboard residential activities are not a water oriented use).
- Marina management and operation actions to address issues related to live-aboards, including but not limited to security, compatibility with other marina activities, displacement of recreational boaters, and utility and service provision are in place. See section 5-4 Marina Management and Operations.

### **Boat Launch Ramps and Day Use Non-Motorized Boat Rental Facilities**

1. The City shall require and utilize the following information in its review of proposals for boat launch ramps and day use non-motorized boat rental facilities:
  - a. Biological resources and habitats for the backshore, foreshore and aquatic environments.
  - b. Existing natural shoreline and backshore features and uses.
  - c. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary;
  - d. All information required for shoreline modification activities;
  - e. A site plan showing all proposed site improvements, including pedestrian circulation, and a landscaping plan.
  - f. An analysis of the impacts of proposed structures on views.

### **Day Use Motorized Boat Rental Facilities**

1. The City shall require applications for day use motorized boat rental facilities to submit all of the information discussed for boat launch ramps and non-motorized day use boat rental facilities. In addition, the applicant shall submit information regarding the types of boats to be rented and analyze the need for and design of sewage disposal facilities and fueling areas.

### **Regulations - Location**

1. Marinas shall be sited to prevent any restrictions in the use of commercial and recreational shellfish beds. The specific distance shall be determined in conjunction with the Washington State Department of Health Services, the Washington State Department of Ecology and other agencies with expertise. Criteria for determining the specific distance may include:
  - a. The size of the water body;
  - b. Tidal flushing action in the project area;
  - c. Size of the marina and projected intent of use;
  - d. Whether fuel will be handled or stored;
  - e. Existence of a pump-out or sewer hook-up; and

- f. Expected or planned changes in adjacent land uses that could result in additional water quality or sanitary treatment requirements.
- 2. Marinas and launch ramps shall locate in areas where there is adequate water mixing and flushing to avoid violations of water quality standards and shall be designed so as not to retard or negatively influence flushing characteristics.

### **Marine Shores**

- 3. Boating facilities shall not locate at or along:
  - a. Significant littoral drift sectors, including resource material areas, such as accretion beaches, and points;
  - b. Significant fish and shellfish spawning and rearing areas; or
  - c. Poorly flushed backwaters.
- 4. Foreshore marinas and other boating facilities may be located on or along low energy drift sectors.
- 5. Backshore marinas and other boating facilities may be located behind low energy driftways. Connecting channels and their jetties should be designed to protect natural littoral drift processes.
- 6. Boating facilities shall not extend seaward of the pierhead or outer harbor line.
- 7. Boat houses are not permitted in the Urban Conservancy Designation.
- 8. Mooring buoys may be permitted through a conditional use permit. The conditional use process must include notification of agencies with jurisdiction.

### **Lake Shores**

- 9. Marinas shall be prohibited on Everett's lake shores.
- 10. Launch ramps are permitted in public developments.
- 11. Day use non-motorized boat rental facilities are permitted.
- 12. Launch ramps and day use non-motorized boat rental facilities shall be located to avoid and mitigate impacts to native aquatic and buffer vegetation.

13. Boat houses for residential use must be setback from the shoreline per the buffer requirements of the SMP. One boat house may be permitted for rescue boats at public recreation facilities. Such boathouse is not required to setback from the shoreline.
14. Mooring buoys shall be prohibited on Everett's lakes, except as allowed for safety purposes in EMC 8.44.050.

### **Rivers**

15. Boating facilities shall not locate along braided or meandering river channels where the channel is subject to change in direction or alignment, or on point bars and other accretion beaches.
16. Boating facilities shall be located so as not to adversely affect flood channel capacity in conformance with FEMA regulations.
17. Subject to compliance with Regulations 15 and 16 above, marinas, launch ramps, day use motorized boat rental facilities, and day use non-motorized boat rental facilities are permitted on the Snohomish River.
18. Boat houses and mooring buoys are prohibited along/on the Snohomish River.

### **Regulations - Design/Expansion/Renovation**

1. Boating facilities shall be designed in a manner that will minimize damage to ecological functions and ecosystem-wide processes.
2. Marina design shall provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water.
3. Boating facilities shall be designed so their structures and other features and operations will be aesthetically compatible with or will enhance existing shoreline features and uses, and so views from the uplands and the water are not significantly diminished.
4. Public Access, both visual and physical, shall be an integral part of all marina development and design and must include the following:
  - a. Marinas and public launch ramps shall be designed so that existing or potential public access along beaches is not unnecessarily blocked nor made dangerous and public use of the surface waters below the ordinary high water mark is not unduly impaired.

- b. Covered moorage shall not be constructed where it would block visual access from public access areas and/or a significant numbers of residences.
- c. Breakwaters constructed for protection of marinas shall be designed to allow public access along the top, where practical.

### **Regulations – Boating Facility Parking**

- 1. To the maximum extent possible, marinas and accessory uses shall share parking facilities.

### **Regulations - Utilities**

- 1. Where moorage is offered in new, expanded or renovated existing marinas, pump-out, holding and/or treatment facilities shall be provided for sewage contained on boats and/or vessels. Such facilities shall be located so as to be conveniently available to all boats. The responsibility for the adequate collection and disposal of marina originating sewage, solid waste and petroleum waste is that of the marina operator.
- 2. All marinas shall provide restrooms and showers for boater's use in conformance with applicable state and local regulations. They shall be kept clean and at a minimum be located within two hundred (200) feet from the dock or pier. Signs shall be posted so that the restrooms are easily identifiable to boating public.
- 3. All pipes, plumbing, wires and cables at a marina site shall be placed at or below ground and dock levels.
- 4. Public boat launch facilities, day-use motorized boat rental facilities, and day use non-motorized boat rental facilities shall provide and maintain rest rooms or portable toilets.

### **Regulations – Marina Management and Operations**

- 1. Marinas shall have adequate facilities and establish posted operational procedures for fuel handling and storage in order to prevent and minimize accidental spillage.
- 2. Marinas shall have facilities, equipment and established posted procedures for the containment, recovery and mitigation for spilled petroleum, sewage, and toxic products.
- 3. Marina operators shall provide the following information to all marina users:

- a. Regulations pertaining to handling and disposal of waste, sewage and toxic materials;
  - b. Regulations prohibiting the use of marine toilets while moored unless these toilets are self-contained or have an approved treatment device; and
4. Garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users in sufficient numbers to properly store all solid waste generated on site.
5. Dock facilities shall meet applicable regulations pertaining to lifesaving equipment such as life rings, hook and ropes.
6. Adequate fire protection shall be required as per the Uniform Fire Code.

### **Regulations - Boat Launches**

1. New boat launch ramps at Silver Lake and Lake Stickney shall provide signage and boat washing facilities to prevent the spread of milfoil into the lakes.

### **Regulations - Covered Moorage**

1. Marina developers are required to provide a detailed plan for covered moorage development. Such a plan must indicate: (a) covered moorage location, size and general design; and (b) impact on shoreline views in the marina and from adjacent private and public properties.
2. Covered moorages are prohibited in areas determined to be of high scenic value or where open water views are important.
3. All covered moorages at a specific marina shall be of similar and/or compatible design, materials, color, length and height (unless they exceed the present height limits); and shall be constructed in contiguous groups or modules as part of the overall project.
4. Where covered moorages are used, a public dock shall be provided for viewing the water and for fishing.
5. All covered moorages shall be constructed of non-reflective neutral material and colors.

## **Regulations – Boat Houses**

1. Boat houses for emergency rescue boats shall be permitted in public recreational developments. Such boat houses shall be limited to the size necessary to accommodate the rescue boat(s), and shall not significantly impact views from private properties and public shoreline vistas.

## **Regulations - Mooring Buoys**

1. Mooring buoys shall be located to minimize impacts on navigation.
2. Buoys must be discernible under normal daylight conditions at a minimum of one hundred (100) yards and must have reflectors for nighttime visibility.
3. The applicant must demonstrate the need for a mooring buoy.

## 5.5 Commercial Development

### Introduction

Commercial development are those uses which are involved in wholesale, retail trade, service and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, offices, and non-water oriented indoor recreation facilities, such as fitness clubs. Excluded from this category are residential uses, boating facilities, and industrial uses, which are discussed in other subsections in this Section. Commercial developments are intense users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them.

### Policies

1. New commercial development located in shoreline areas should emphasize those uses which are water oriented uses and activities as defined herein. Commercial development in shoreline areas should be encouraged in descending order of preference as follows:
  - a. Water dependent uses;
  - b. Water related uses;
  - c. Water enjoyment uses; and
  - d. Non-water oriented uses
2. Non-water oriented commercial uses should only be permitted when they provide public access and they provide ecological restoration, if appropriate and feasible, and they meet at least one of the following criteria:
  - a. The site is physically separated from the shoreline by another property, public right-of-way, or significant environmentally sensitive area.
  - b. The use is part of a mixed-use project or area that includes water dependent uses.
  - c. Navigability is limited at the site.
3. Non-water dependent commercial uses should not be allowed over water, except where they are auxiliary to and in support of water dependent uses and provided

the size of the overwater construction is not expanded for non-water dependent uses.

4. The City should encourage water oriented commercial development in the portion of the Urban Maritime environment south of the Maulsby Mudflats.
5. The City should encourage commercial development with a strong emphasis on public access to the shoreline in the Urban Multi-Use environment.
6. Non-water dependent commercial development should protect existing shoreline vegetation contributing to ecological functions and should enhance buffers as required by EMC 19.37. Water dependent commercial development should mitigate impacts to shoreline vegetation.
7. Multiple use concepts which include open space and recreation should be encouraged in commercial developments.
8. Commercial development should be an aesthetic improvement to the surrounding area. Structures should not significantly impact views from upland properties, public roadways or other public areas.
9. Where non-water oriented commercial uses are permitted, the development should provide views of the shoreline from and through the site.

## **Regulations**

1. The City of Everett shall require and use the following information in its review of commercial development proposals:
  - a. Nature of the commercial activity (e.g., water dependent, water related, water enjoyment, non-water oriented, mixed-use) including a breakdown of specific components;
  - b. Need for shoreline location;
  - c. Special considerations for enhancing the relationships of the activity to the shoreline;
  - d. Provisions for public visual and physical access to the shoreline;
  - e. Provisions to ensure that the development will not cause adverse environmental impacts; and

- f. For mixed-use proposals, present alternative mixes of water oriented and non-water oriented uses and activities, structural locations, site designs and bulk considerations, alternative enhancements for physical and visual public access to the shoreline (both public and private space), and other considerations which address the goals and policies of the SMP.
- 2. Non-water oriented commercial uses shall only be permitted within 200 feet of the ordinary high water mark when they provide substantial public access and they provide ecological restoration, if appropriate and feasible, and when at least one of the following criteria is met:
  - a. The site is physically separated from the shoreline by another property, public right-of-way, or significant environmentally sensitive area.
  - b. The use is part of a mixed-use project or area that includes water dependent uses.
  - c. The site is upriver from the SR 529 bridge, or is located along Union or Steamboat Sloughs.

Water dependent and water related commercial uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy, or in the aquatic area west of Smith Island (AU 3.05).

- 3. Commercial developments that are water oriented may be permitted as indicated in Table 5.1 Shoreline Use.
- 4. Priority shall be given to commercial development located in areas presently served by roads and utilities.
- 5. Commercial uses that are not water dependent shall be prohibited over the water, except where they are auxiliary to and in support of water dependent uses, and provided the size of the overwater construction is not expanded for non-water dependent uses.
- 6. Commercial development of public lands shall provide for public access, visual and physical, in accordance with an overall pedestrian circulation plan for the total development of that particular segment of shoreline.
- 7. All commercial loading and service areas shall be located on the upland side of the commercial activity or provisions must be made to screen the loading and service area from the shoreline and water body.

8. In all new and expanded commercial developments, the best available management practices and procedures shall be employed for safe handling of fuels and toxic or hazardous materials.
9. Commercial uses shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Operators shall take all actions necessary to insure that contaminants do not enter the water or storm drainage system. Development and operations shall comply with the City's Drainage Ordinance and Stormwater Management Manual.

## 5.6 Forest Practices

### Introduction

This section addresses Forest Practices in the Municipal Watershed shoreline environment. It does not regulate Forest Practices within the City's Urban Growth Area.

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

The City of Everett is a co-licensee (with the Snohomish County PUD) on FERC License #2157 (Jackson Hydroelectric Project). The license regulates activities within specific City-owned land at Lake Chaplain. This license requires mitigation for loss of wildlife habitat as a result of the completion of the hydroelectric project. The mitigation is guided by the "Wildlife Habitat Management Plan" that involves the management of five tracts of second growth coniferous forest on a 60 year harvest rotation (the Chaplain Tract is one of these tracts). Harvest rotations are designed to maximize habitat conditions for the wide range of wildlife species affected by the hydroelectric project.

### Policies

1. Ensure compliance with the State's Forest Practices Act (RCW 76.09) for all forest management activities. The Act covers all aspects of forest management activities including:
  - Watershed analysis (Chapter 222-22 WAC)
  - Road construction and maintenance (Chapter 222-24 WAC)
  - Timber Harvesting (Chapter 222-30 WAC)
  - Reforestation (Chapter 222-34 WAC)
  - Forest Chemicals (Chapter 222-38)
2. Ensure compliance with FERC License #2157 (i.e., Wildlife Habitat Management Plan), where applicable.
3. Special attention shall be directed in logging and thinning operations to prevent accumulation of slash and other debris in contiguous waterways.

4. Timber harvesting practices, including road construction and debris removal, should be closely regulated to protect water quality.
5. Timber harvesting practices in shorelines of the state should be conducted to maintain the State Board of Health standards for public water supplies (Chapter 248-54, Public Water Supplies).
6. Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.
7. Logging within shoreline areas should be conducted to ensure water quality, the maintenance of buffer strips of ground vegetation, brush, alder and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.

## **Regulations**

1. Where applicable, all forest practice activities shall be conducted in compliance with Washington State's Forest Practices Act (RCW 76.09) and FERC License #2157.

## **Road Construction and Maintenance**

2. All roads shall be constructed on stable soils and with a minimum of alteration of the natural topography. Roads shall be constructed and maintained in conformance with Chapter 222-24 WAC (Forest Practice Rules).

## **Timber Harvesting**

Timber harvesting covers all removal of timber from forest lands in commercial operations, thinning, salvage of timber, re-logging merchantable material left after prior harvests, post-harvest cleanup, and clearing of merchantable timber from lands being converted to other uses.

3. All timber harvesting within shoreline jurisdiction shall comply with Chapter 222-30 WAC (Timber Harvesting) regulations and any regulations adopted to implement the Forest and Fish Report dated April 29, 1999.
4. All timber harvesting within shoreline jurisdiction shall comply with FERC License #2157 regarding wildlife mitigation, where applicable. The Wildlife Habitat Management Plan shall be used as guidance.

## **5.7 Industry**

### **Introduction**

Industrial developments are facilities for processing, manufacturing and storage of finished or semi-finished goods. Ports are public enterprises providing services and facilities for waterborne commerce, and industrial development dependent upon waterfront locations or attracted to ports because of the variety of available transportation. Included in ports and industry are such activities as container ship terminals, transport and storage, ship repair and building, concrete and asphalt batching, tug and barge operations, etc. Excluded from this category and covered under other sections of the SMP are boating facilities, mining, log rafting and storage, utilities, solid waste disposal and transportation facilities.

Generally, the kinds of industries that seek locations at or near the shoreline may be grouped as:

1. Those dependent upon deep-water shipping for inbound and outbound materials and products;
2. Those closely linked to the foregoing by their dependence upon them for raw materials;
3. Those using shallow draft shipping such as barges and tugs;
4. Those using large volumes of water in industrial processing;
5. Those attracted to the shoreline because of availability of roads and rail, and attractiveness of the setting. (These have low priority.)

The master program aims to facilitate the development of water dependent/water related industrial activity in appropriate locations.

### **Policies**

1. Future expansion projects should conform with the adopted City of Everett Comprehensive Plan, including the Shoreline Master Program and the Parks and Recreation Comprehensive Plan, and the Port of Everett's Comprehensive Scheme of Harbor Improvements.
2. Water dependent/water related industries which require frontage on navigable water should be given priority over other industrial uses.

3. Non-water related/non-water dependent industry should be located on upland sites or provide for substantial ecological restoration of the shoreline and public access.
4. Cooperative use of docking, parking, cargo handling, and storage areas should be given consideration in future shoreline industrial development.
5. In designating shoreline areas for water-dependent/water-related uses, or permitting such uses, strong consideration should be given to the available data on what the future need for such use may be.
6. The determination as to which lands are best suited for water dependent/water related industry should be made on the basis of the following location criteria: (Listing is not a listing of priority, but rather a listing of characteristics that should be considered.)
  - a. Channel access
  - b. Rail access
  - c. Major road access
  - d. Size of land area
  - e. Physical characteristics of site (grade, soil, etc.)
  - f. Size of ownership units
  - g. Present use
  - h. Natural characteristics of site
7. Water dependent/water related industry should be planned so as to make industrial sites an attractive as well as an economically important use.

## **Regulations**

1. The Shoreline rules clearly provide for a priority of shoreline uses with the highest priority given to environmental restoration and water dependent and water related uses (see WAC 173.26.200 (2)(d) Preferred uses, 173.26.240 (3)(f) Shoreline Use Standards – Industry, and 173.26.250 (3)(c) Shorelines of state-wide significance - Priority uses).
  - a. The Urban Industrial, Urban Maritime, Urban Mixed Use Industrial, and Deep Water Port shoreline areas along the main channel of the Snohomish River down river from the SR 529 bridge are located along viable commercial waterways along the federally maintained navigation channel. These areas include the historic port area and shall be preserved primarily for water dependent and water related uses.

In this area, non-water dependent and non-water related uses shall be permitted within 200 feet of the ordinary high water mark only when the site is physically separated from the water's edge by another property, public right-of-way, or significant environmentally sensitive area. Water dependent and water related uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy.

In the event of a Model Toxic Control Act (MTCA) or federal "Superfund" remediation of a property, non-water dependent/non-water related uses may be allowed through a conditional use permit when the applicant demonstrates that the clean-up of the site is not reasonably feasible except upon providing a non-water dependent/non-water related use.

Non-water dependent and non-water related uses, when permitted, shall provide significant public access per the requirements of Section 3.7 of this SMP. Preference shall be given to public access uses and uses that provide substantial public enjoyment of the shoreline.

Non-water dependent and non-water related uses shall preserve and enhance existing native shoreline vegetation per the requirements of the SMP and shall provide environmental restoration, when feasible.

- b. Urban Industrial and Urban Mixed Use Industrial shoreline areas along the main channel of the Snohomish River upriver from the SR 529 bridge are also located adjacent to the federally maintained navigation channel, and may be commercially viable. However, these areas are to some degree constrained due to the restrictions of the SR 529 bridge and also the presence of significant environmental features along certain sections of the Snohomish River (see the SEWIP resources inventory and the WDFW Priority Habitats map).

In these areas, non-water dependent and non-water related uses shall be permitted within 200 feet of the ordinary high water mark provided such uses provide substantial public access and public enjoyment of the shoreline. Water dependent and water related uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy. All non-water dependent and non-water related uses shall preserve and enhance existing native shoreline vegetation per the requirements of EMC 19.37 and shall provide environmental restoration, when feasible.

- c. The Urban Mixed Use Industrial Properties along Union and Steamboat Sloughs are not located adjacent to a federally maintained navigation channel.

In these areas, non-water dependent and non-water related uses shall be permitted within 200 feet of the ordinary high water mark provided such uses provide substantial public access and public enjoyment of the shoreline. Water dependent and water related uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy, or in the aquatic area west of Smith Island (AU 3.05). All non-water dependent and non-water related uses shall preserve and enhance existing native shoreline vegetation consistent with SMP requirements and shall provide environmental restoration, when feasible.

2. Existing port or industrial development which is neither water dependent nor water related shall be permitted to expand inland from, but not along, shoreline areas. Waterward expansion of existing non-water oriented industry is prohibited unless consistent with regulation 1 above.
3. Cooperative use of docking, parking, cargo handling, and storage areas shall be given consideration in future shoreline industrial and Port development. Proposed developments shall maximize the use of legally established existing industrial facilities and avoid duplication of pier and dock facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial developments shall demonstrate the need for expansion into an undeveloped area.
4. The construction of facilities for water transport of bulk crude or other forms of petroleum in vessels over 125,000 dead weight tons is prohibited.
5. Offshore facilities, floating docks, and artificial islands for deep water port expansion shall not be permitted except by conditional use permit.
6. In all new and expanded port and/or industrial developments, the best available management practices and procedures shall be employed for safe handling of fuels and toxic or hazardous materials.
7. Ports and industry shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Operators shall take all actions necessary to insure that contaminants do not enter the water or storm drainage system. Development and operations shall comply with the City's Drainage Ordinance and Stormwater Management Manual.

8. All new or expanded industrial development shall be set back a minimum of 20 feet from adjacent shoreline properties which are located in non-industrial zones. A landscaped buffer shall be provided in the 20 feet, such buffer being of adequate width, height, and plant composition to protect views from shorelines and adjacent properties.

## 5.8 In-stream Structures

### Introduction

In-stream structures are structures placed by humans within a stream or river waterward of the bank full width that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures function for the impoundment, diversion or use of water for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), transportation, utility service transmission, recreation, fish habitat enhancement, or other purpose. Both the structures themselves and their support facilities are covered by this section. This applies to their construction, operation and maintenance, as well as the expansion of existing structures and facilities. Provided however, that the City will not require the removal of existing legal structures and facilities, such as tide gates, or prohibit their expansion when it is not feasible to meet all standards.

### Policies

1. To the extent reasonable, in-stream structures and associated facilities should provide for the protection and preservation of ecosystem-wide processes and ecological functions, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, and natural scenic vistas.
2. Proposals for in-stream structures and associated facilities should give careful consideration to the design, location, security and construction of access roads, impoundment structures and reservoirs, penstocks and power houses to minimize adverse impacts to the shoreline and the surrounding area.
3. Applications for in-stream structures should clearly document the need and purpose of the structure, environmental effects, and the suitability of the proposed site for the specific type of development.
4. All diversion structures should be designed to permit transport of bed load materials.
5. To minimize the potential for impacts to the shoreline environment, expansion of existing power generation facilities is preferred to construction of new power facilities within shoreline jurisdiction. When new sites are considered in shoreline jurisdiction, sufficient evidence should be presented to demonstrate that existing facilities are fully utilized or are not practically available.

6. Where reasonable, all non-water oriented facilities, such as staging and storage areas, switching yards, utility transmission lines should be located at least 200 feet landward of the ordinary high water mark.
7. Except for modifications to the City's Diversion Dam in the Sultan River, in-stream structures and associated facilities should be located and designed so they do not interfere with public navigation of the water course, including commercial and recreational navigation.
8. Except for modifications to the City's Diversion Dam in the Sultan River, in-stream structures and associated facilities should be designed and located so as to not significantly impact publicly owned lands or waters used extensively for recreation. Impacts that should be avoided or minimized include the visual impact of the structure or facility, the intrusion of roads or utility corridors into undeveloped areas used for recreation, and the aesthetic impacts of reduced water noise and visual impacts from reduced water flows.

## **Regulations**

1. All permit applications shall contain, at a minimum, the following information:
  - a. A site suitability analysis which provides sufficient justification for the proposed action and the site.
  - b. Proposed location and design of in-stream structures, accessory structures, utility corridors and access/service roads.
  - c. A hydraulic analysis prepared by a licensed professional engineer which sufficiently describes the project's effects on stream hydraulics, including potential increases in base flood elevation, changes in stream velocity and the potential for redirection of the normal flow of the affected stream.
  - d. Sufficient biological resource inventory and analysis to describe the impacts on ecological functions.
  - e. Provision for erosion control, protection of water quality and fishery and wildlife resources during construction, and proposed mitigation.
  - f. Long-term management plans which describe, in sufficient detail, provisions for protection of in-stream resources during construction, operation, and maintenance. The plan shall include monitoring, when applicable.

2. Erosion and drainage controls must be provided per the City's Drainage Ordinance, Design and Construction Standards and Specifications and Stormwater Management Manual.
3. Service roads shall be of a size which is minimally necessary to safely accomplish maintenance and repair of the facility.
4. All diversion structures shall be designed to permit the transport of bedload materials.
5. Except for expansions or modifications to the City's Diversion Dam in the Sultan River, in-stream structures shall provide for adequate upstream and downstream migration of resident and anadromous fish, where applicable.

## 5.9 Log Storage and Rafting

### Introduction

Available research findings show that log debris, bark, and wood leachates resulting from log handling in public waters can adversely affect water quality and fish and wildlife. The range of effects varies from mild to severe depending upon the specific characteristics of both the involved water body and log handling practices. Log storage and rafting can result in dense accumulations of wood debris, which can have a strong negative effect on benthic flora and fauna and result in significant changes to the substrate ecosystem. Also, grounding of log rafts at low tide can affect the benthic community by compacting sediments, smothering organisms, and precluding access to the underlying sediments. In most instances where logs depreciate water quality, there are a number of practicable changes that can be made to improve conditions.

The City should encourage land storage and handling; however, log storage along Everett shoreline is currently a necessary practice for the purpose of handling, transporting, and maintaining adequate inventories of logs for manufacturing and port operations.

### Policies

1. Easy let-down devices should be employed for placing logs in the water, thereby reducing bark separation and the generation of other wood debris.
2. Positive bark and wood debris controls, collection, and disposal methods should be employed at log dumps, raft building areas, and mill side handling zones. This should be required for both floating and sinking particles.
3. Log dumps should not be located in water zones where positive bark and debris controls cannot be made effective.
4. Accumulations of bark and other debris on the land and docks around dump sites should be kept out of the water.
5. New log storage areas should be on dry land and paved.
6. Expansion of existing log dumping, storage, or rafting areas should not be permitted if grounding will occur.
7. Where water depths will permit the floating of bundled logs, they should be secured in bundles on land before being placed in the water. Bundles should not be broken again except on land or at destination.

8. Dry land log storage facilities should provide measures for reducing potential impacts on adjacent areas resulting from dust, noise, lighting, and visual impact.

## **Regulations**

1. New log storage areas shall be on dry land and paved.
2. Expansion of existing log dumping, storage, or rafting areas is prohibited where grounding will occur.
3. Expanded facilities for water storage of logs shall have:
  - a. Easy let-down devices to reduce bark separation and generation of wood debris.
  - b. Practical and effective bark and wood debris controls.
4. New dry land log storage facilities shall provide practical and effective measures for addressing the anticipated adverse impacts on adjacent properties as a result of dust, noise, lighting, and visual impact.
5. New log storage, sorting, and loading areas must comply with the City's Stormwater Management Manual.
6. Accumulations of bark and other debris on the land and on docks shall be kept out of the water.

## **5.10 Mining**

### **Introduction**

Mining is the removal and primary processing of naturally occurring material from the earth for economic use. For purposes of this definition, “processing” includes screening, crushing, stockpiling, all of which utilize materials removed from the site where the processing activity is located. Mining activities also include in-water dredging activities related to mineral extraction, but not to dredging approved to accommodate permitted uses or navigation. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations or concrete batching operations (see “Industry” for standards relating to these uses). Mining can result in short-term and long-term significant ecological impacts to shoreline ecological functions or ecosystem-wide processes.

### **Policies**

1. Mining should be prohibited in Everett’s shorelines, except as allowed as an incidental activity in the Municipal Watershed Environment.

### **Regulations**

1. Mining shall be prohibited in Everett’s shorelines, except as allowed in Section 5.10A – Municipal Watershed Utilities.

## 5.11 Municipal Watershed Utilities

### Introduction

This section addresses the City's water system utility in the Municipal Watershed Environment separately from other utilities due to the unique nature of activities associated with provision of a public water supply, and the inevitable need for facilities within and adjacent to waters of the state. Activities within the Municipal Watershed environment must comply with all regulations other than those in Section 5.17 Utilities, including, but not limited to, In-stream Structures and Forest Practices.

The Sultan River is the source of water for Everett's water utility. Lake Chaplain Reservoir was formed by construction of two dams in a side valley near the Sultan River. A concrete diversion dam constructed in the Sultan River originally diverted water to the Reservoir. However, since construction of the Jackson Hydropower Project and raising of Spada Lake Reservoir, water is diverted to Lake Chaplain Reservoir via a pipeline from the powerhouse. Now, under normal operating conditions, water from the Jackson power house is directed back to the Sultan River through Tunnel No. 1 to the diversion dam to maintain in-stream flows for fish.<sup>6</sup> A pump station and a water filtration plant are located immediately south of the Lake Chaplain Reservoir. Four large-diameter transmission pipelines and two tunnels deliver water from the plant to customers throughout Everett's service area. Other facilities and activities associated with the water supply include, but are not limited to, roads, emergency power generation, a backwash solids drying bed,<sup>7</sup> and a disposal area for dried backwash solids.

The City plans many improvements to the City's water supply and treatment facilities over the next 20 years. Work in shoreline jurisdiction may include rehabilitation of Diversion Tunnel No. 1, Tunnels No. 2 and 3 and the Portals 1- 6<sup>8</sup>, and piping improvements at Chaplain Reservoir. Over the long term, from 2007-2020, the City will need to expand the capacity of the Water Filtration Plant, and rehabilitate/modify the Diversion Dam. A new transmission line, the cross-tie pipeline that will connect the north and south corridor transmission lines, will increase overall system capacity and improve the transmission system reliability. Other improvements that may be required include repair and maintenance of pipes; modifications of portals; modification of the screen house/intake structure; modification of the spillway on the Lake Chaplain

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<sup>6</sup> Water is routed from Spada Reservoir to the Jackson power house. Then part of the water is routed back to the west end of tunnel 1. There the water is split with part of it going into Chaplain Reservoir and the rest going back through Tunnel 1 and outletting at the diversion dam and released into the Sultan River for fish flows.

<sup>7</sup> For backwash solids from the filter plant wash water pond.

<sup>8</sup> Tunnel 1 runs through the mountain between the Sultan River and Lake Chaplain Reservoir. Portal No. 1 is on the east (Sultan River) end. Portal 2 is on the west (Lake Chaplain Reservoir) end. Tunnels No. 2 and 3 run between Lake Chaplain Reservoir and Woods Creek. Portals 3 and 5 are at the east (Lake Chaplain Reservoir) end. Portals 5 and 6 are at the west (Woods Creek) end.

Reservoir south dam; modification, repair and maintenance of the dam faces; repair and modification of the siphon in Lake Chaplain Reservoir, expansion of the backwash solids drying bed and the disposal site, and maintenance and repair of a road and pipeline that runs alongside the Sultan River from the diversion dam to Portal 1 of Tunnel 1. Many of the improvements will require work within Lake Chaplain Reservoir and the Sultan River, while other activities will be located away from the water's edge.

In the past, gravel extraction occurred within shoreline jurisdiction to construct a drying bed for backwash solids at Lake Chaplain Reservoir. The gravel removed was eventually placed over the north side of the north dam. A Substantial Development Permit was issued in 1995 to allow this material to be excavated. The permit also allowed mining to expand the backwash solids disposal site. The materials from both areas are to be used to construct roads associated with forest practice activities stipulated by the Wildlife Habitat Management Plan under the FERC license for the Jackson Hydroelectric Project (Article 53, Section 1.8). Future expansion of the backwash solids drying bed and the disposal site may be necessary. If so, it is likely that the gravel/materials in the expansion area would be mined a year or so before construction of the expansion, and the excavated materials used to construct or maintain roads associated with Forest Practices. Mining activity within shoreline jurisdiction should be permitted only as necessary to maintain an adequately sized backwash solids drying bed and disposal site at the filtration plant/Lake Chaplain Reservoir.

## **Policies**

1. Mining permitted in the Municipal Watershed environment should only be as necessary to maintain a safe and adequate water supply and to implement the Wildlife Habitat Management Plan.
2. A buffer strip should be provided to control runoff between a mining operation and any surface water, creeks, drainage ways, or swales which could be adversely affected. The buffer currently provided between Lake Chaplain Reservoir and the backwash solids drying bed should not be reduced.
3. New transmission lines should utilize existing transportation and utility sites, rights-of-way, and corridors whenever reasonably possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
4. Utilities should be located and designed to minimize harm and mitigate impacts to critical areas, ecological functions, and ecosystem-wide processes.

## Regulations

1. Mining is permitted in the Municipal Watershed environment only as necessary to expand the backwash solids drying bed and/or disposal area.
2. Mining is prohibited in or adjacent to Woods Creek and the Sultan River within the City limits.
3. A buffer is required between mining activities at the backwash solids drying bed area and Lake Chaplain Reservoir, and other surface waters, as shown on the existing Shoreline Substantial Development Permit.
4. Destruction of priority species habitat is prohibited during mining activities.
5. All above ground utility and communication facilities shall comply with EMC 19.41.150.D(2)c.
6. Where utility construction or maintenance activities will result in disruption of shoreline vegetation, development plans shall include provisions for temporary soil stabilization during construction and for restoration of the site to preconstruction appearance and function upon completion of the project. Buffers shall be re-established and/or enhanced as required by the SMP and/or the Wildlife Habitat Management Plan.
7. Utility facilities shall be located and designed so as to minimize or prevent the need for shoreline protective measures.
8. Structural abutments or landfill required for water crossings shall be located landward of the OHWM, unless no reasonable alternative exists.

## **5.12 Parking**

### **Introduction**

Parking is the temporary storage of automobiles or other motorized vehicles. Parking, loading, and service area requirements are found in the City of Everett Zoning Code and the Public Works Design and Construction Standards and Specifications Manual.

### **Policies**

1. Parking in shoreline areas should directly serve an approved shoreline use.
2. Parking facilities should be located and designed to minimize adverse impacts, including those related to stormwater run-off, water quality, visual qualities, public access, and vegetation and habitat maintenance.
3. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).
4. Parking should be located landward of the primary shoreline use.
5. The City should allow public viewing of shorelines from vehicles.

### **Regulations**

1. Parking is prohibited over water.
2. Parking in shoreline jurisdiction shall directly serve a shoreline use. Parking as a “primary” use and parking that serves a use not approved in the shoreline jurisdiction shall be prohibited.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall be provided per Zoning Code standards, unless a Landscape Modification is approved by the Planning Director or Hearing Examiner, per EMC 19.35.070.
4. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened, or where parking will serve public access provided as a part of a development, or in cases when an alternate orientation would have less adverse impact on the shoreline.

5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
6. Parking for the primary purpose of allowing people to view the shoreline from their car (public view parking) may be permitted subject to the following conditions.
  - a. Public view parking shall not interrupt, restrict, or diminish public access. Where possible, public access corridors, trails or other features shall occur waterward of the public view parking. Where possible, public view parking shall be separated from other public access features by a low hedge or screen.
  - b. Public view parking should be associated with other permitted recreation, public or Port of Everett related activity.

## **5.13 Recreational Development**

### **Introduction**

Outdoor recreation is any leisure activity that takes place within the out-of-doors or natural environment. Water oriented activity accounts for a very high proportion of outdoor recreation pursuits in the Puget Sound area. The natural resources of scenic vistas, lakes, rivers, and salt water areas provides endless opportunities for both active and passive leisure involvement.

Since the inception of Everett as a major urban center (1892), public water access and waterfront recreation have been severely restricted due to the industrial nature of the early development. The challenge now is to increase the availability of publicly accessible saltwater, river front, streams, and lakes.

This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, or association. It addresses both outdoor recreation and water oriented recreation buildings, such as the rowing facility at Langus Riverfront Park and interpretive centers. Non-water oriented indoor recreation facilities, such as fitness facilities are addressed under Section 5.5 Commercial Development.

### **Policies**

1. Priority should be given to developments which provide recreational uses and other improvements facilitating public access to the shorelines.
2. Water dependent recreational uses should be given priority over other types of recreational use. Where non-water oriented recreational uses are permitted, they should include public access and environmental restoration where appropriate.
3. Shoreline recreational uses should accommodate a balance of active and passive uses.
4. Shoreline recreational uses should be designed and managed to ensure that activities during peak use periods do not significantly degrade ecological functions.
5. In designating shoreline areas for recreation activity or permitting developments in shoreline areas, consideration should be given to the recommendations of the Everett Parks and Recreation Comprehensive Plan.

6. Shoreline parks, recreation areas, and public viewing points should be linked by an integrated system of paths and bicycle lanes which provide substantial public access.
7. Recreational uses should be permitted in floodplain areas.
8. All recreational developments should make adequate provisions for:
  - a. Vehicular and pedestrian access, and parking both on and off-site;
  - b. Proper water, solid waste, and sewage disposal methods;
  - c. Security and fire protection;
  - d. The prevention of trespass onto adjacent properties, including but not limited to landscaping, fencing and posting of property; and
  - e. Buffering of such development from adjacent private property.
9. The concentration of recreation use pressure at a few points along the shoreline should be avoided by encouraging the development of dispersed recreation areas.
10. The use of off-road all-terrain vehicles should be restricted or prohibited in shoreline jurisdiction where they would cause impacts to wildlife, erosion, and conflicts with other activities.

## **Regulations**

1. In designating shoreline areas for recreation activity or permitting developments in shoreline areas, consideration shall be given to the recommendations of the Everett Parks and Recreation Comprehensive Plan and other approved Comprehensive Public Access Plans.
2. Priority shall be given to recreational developments which increase the opportunity for public access and enjoyment to our urban shoreline areas.
3. Water dependent recreational uses shall be given priority over other types of recreational use. Water related and water oriented recreational uses shall be second priority. Non-water oriented recreational uses are permitted, provided they include public access and environmental restoration of the shoreline edge and buffers, and provided that they avoid significant ecological impacts.
4. Recreational facilities shall be provided with adequate sanitary facilities.

5. For recreation developments such as playfields and golf courses that require the use of fertilizers, pesticides, herbicides or other toxic chemicals, the applicant shall submit plans demonstrating the methods to be used to prevent damage to vegetation in critical areas, wildlife, surface and ground water quality. Buffers of native species shall be included in the plan. The City shall determine the required buffer width per the SMP, but in no case shall the buffer strip be less than fifty (50) feet. The developer shall also be required to leave a chemical-free swath at least one hundred (100) feet in width next to water bodies and wetlands, except as necessary for the control of noxious weeds.
6. Motorized vehicular access is prohibited on beaches, except for boat launching and maintenance activities.
7. Pedestrian and bicycle paths shall be provided unless clearly not appropriate.
8. The use of all-terrain and off-road vehicles shall be prohibited.
9. Minor overwater recreation buildings and structures are permitted for public access purposes provided significant adverse impacts are mitigated.
10. Proposals for recreational development shall provide adequate water supply, sewage and garbage disposal.
11. Recreational facilities shall provide adequate provisions to prevent the general public from trespassing and overflowing into adjacent properties.
12. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features, including unique and fragile areas, scenic views and aesthetic values. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements and setbacks, as deemed appropriate to achieve this intent.
13. Underwater parks and artificial reefs shall include safety provisions to warn boating traffic of their location.
14. Artificial reefs shall not contain materials toxic or otherwise hazardous to humans or fish and wildlife.

## 5.14 Residential Development

### Introduction

Residential development means one or more buildings or structures which are designed for or intended to be used to provide a place of abode for human beings, including single family residences, duplexes, and multiple family residential developments, together with accessory uses and structures normally applicable to residential uses including but not limited to garages, sheds, utility services, recreation facilities, and parking. Note that shoreline modification activities, including docks are addressed in Section 6 of this SMP and are not considered accessory structures.

Both single family and multiple family residential uses occur in Everett's shorelines. Single family uses in shoreline jurisdiction are located north and west of Silver Lake, around Lake Stickney, above Maulsby Swamp, along Port Gardner Bay, and along Lowell-Larimer Road. Multiple family development occurs south and east of Silver Lake. In the future, multiple family development may also occur in the Multi-Use Environment and the Urban Maritime in limited locations as a part of a master plan.<sup>9</sup>

Note that live-aboards are addressed under Section 5.4 Boating Facilities, rather than in this section.

In most cases, a substantial development permit is not required for the construction of an individual single family residence or normal appurtenances to a single family residence pursuant to WAC 173-27-040(2)(g). Although these structures are exempt, compliance with the Shoreline Master Program is still required. All multiple family developments, subdivisions, short subdivisions, and non-exempt accessory structures are not exempt, and require a Substantial Development Permit.

### Policies

1. In order to preserve and protect environmentally sensitive areas, planned residential developments or cluster developments should be considered.
2. Residential development over water should be prohibited.
3. Residential development should be designed to preserve and enhance existing shoreline vegetation, control erosion and protect water quality during and after construction.

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<sup>9</sup> Ordinance 3445-15, Effective 9/27/2015

4. Residential development should be designed to preserve views and normal public use of the shoreline.

## **Regulations**

1. Residential and accessory structure development overwater, including floating homes, shall be prohibited.
2. Shoreline stabilization for new residential structures is prohibited, except as allowed through EMC 19.37.050.B, Reasonable Use. (Also see Regulation 3 on page 6-6, Shoreline Stabilization.) The subdivision of properties into parcels that will require shoreline stabilization for development to occur shall be prohibited.
3. Where development activities will result in disruption of vegetation with a potential for increased run-off and erosion, development plans shall include provisions for temporary soil stabilization during development and for permanent stabilization upon completion of development. Buffers shall be provided as required by the SMP.
4. Multiple family developments shall orient buildings to views of the shoreline, when feasible, while protecting views of shorelines from other properties.
5. Residential development in the rural flood fringe district along Larimer Road is only permitted when consistent with all City codes and regulations, and with the requirements of the Snohomish Health District when septic systems are required.  
(Revised 3/17/11)

## **5.15 Signs**

### **Introduction**

Signs are any device, structure, fixture, placard, painted surface, awning, banner or balloon using graphics, lights, symbols and/or written copy designed specifically for the purpose of advertising, identifying or promoting the interest of any person, institution, business, event, product, goods or services: provided, that the same is visible from any street, way, sidewalk or parking area open to the public. Signs may be pleasing or distracting, depending upon their design and location. A sign, in order to be effective, must attract attention; however, a message can be clear and distinct without being offensive. There are areas where signs are not desirable, but generally it is the design that is undesirable, not the sign itself. The provisions of this Section do not apply to publicly owned signs whose purpose is safety, direction, or information.

### **Policies**

1. Off-premise outdoor advertising signs and billboards should not be considered as an appropriate use of the shoreline area.
2. Signs should not block or otherwise interfere with visual access to the water or shorelines. Signs should be placed against sides of buildings whenever possible to minimize the visual obstruction of the shoreline.
3. The design of signs should not reduce vehicular or pedestrian safety.

### **Regulations**

1. Off-premise outdoor advertising signs are prohibited in shoreline areas.
2. All signs shall comply with EMC 19.36, Signs.
3. Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.
4. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
5. When feasible, signs shall be mounted flush with the building or awning. No sign, other than directional signs, shall be placed in a required view corridor or vista unless mounted flush against the building

6. Overwater signs or signs on floats or pilings shall be permitted only when related to water dependent uses.
7. Signs marking historical or cultural sites must be approved by the Historic Commission.
8. Lighted signs shall be hooded, shaded, or directed downward onto the site and away from surrounding properties or watercourses.
9. Except for public advisory signs, no sign shall have blinking, flashing fluttering, or other illumination devices which have a changing light intensity or brightness, or which are so constructed and operated as to create an appearance of animated writing or printing, including changing message signs.

## **5.16 Solid Waste Disposal and Collection**

### **Introduction**

This section covers solid waste landfill and in-water disposal, transfer stations, and incidental refuse collection.

Solid waste landfill and in-water disposal activity means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any exposed solid or hazardous waste on any land area or in the water. Solid waste includes all putrescible and non-putrescible solid and semi-solid wastes, including but not limited to garbage, rubbish, ashes, industrial waste, wood wastes, swill, demolition and construction wastes, abandoned cars and parts, household appliances, and other discarded commodities. Solid waste does not include sludge, sewage, energy recovery, dredge material or agriculture wastes.

Solid waste transfer stations are facilities where non-hazardous solid waste is delivered by public agencies, businesses or individuals and transferred and/or sorted into other containers to be transported to another location of ultimate disposal. A solid waste transfer station may include provisions for extraction of recyclable or reusable materials, as well as collection facilities for recyclable materials.

Solid waste collection facilities are normal and incidental to permitted shoreline activities and include garbage containers, dumpsters, and recycle containers.

### **Policies**

1. Solid waste landfill and in-water disposal activities and facilities should be prohibited in shoreline areas.
3. Solid waste collection facilities should be required for all shoreline uses. Garbage containers, dumpsters and recycling facilities should be sited and designed to prevent impacts to water quality, aesthetics and surrounding uses.
3. Solid waste transfer stations should be permitted in shoreline jurisdiction only when designed to eliminate contact of the refuse with the ground, to avoid impacts to water quality, to be compatible with adjacent shoreline properties and waterways, and to mitigate aesthetic impacts.

## Regulations

1. New solid waste landfill and in-water disposal activities shall be prohibited in shoreline areas.
2. All development shall provide solid waste collection facilities.
3. Solid waste collection facilities in shoreline areas shall be located, constructed, and screened so as to prevent impacts related to health and sanitation, water quality, odor, aesthetics, and public safety. Containers shall be covered, and stormwater runoff shall be treated per City standards.
4. Solid waste transfer stations shall be a conditional use in the Urban Industrial and Urban Mixed-Use Industrial Environments.
5. Solid waste transfer stations must be designed to fully contain the refuse within an enclosure and to avoid impacts to water quality.
6. Solid waste transfer stations shall be designed and landscaped to be compatible with adjacent properties and nearby neighborhoods.
7. Solid waste transfer stations shall provide significant landscape screening and/or other design features to mitigate visual impacts from freeways and highways.

## 5.17 Transportation Facilities

### Introduction

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include streets and highways, bridges, bikeways, trails, railroad facilities, ferry terminals, airports, intermodal facilities and other related facilities. Their construction can limit access to shorelines, impair the visual qualities of water oriented vistas, expose soils to erosion, and retard the runoff of flood waters. Along Everett's shoreline, the repair and maintenance of the above facilities has a potential for adversely affecting shoreline areas.

### Policies

1. When feasible, major highways, freeways, and railways should be located away from the shoreline, except in the servicing of commercial, port, and heavy industrial areas. When transportation facilities must be located in shorelines, they should be located and designed to minimize and mitigate impacts to shoreline resources.
2. All debris, overburden, and other waste materials from construction and maintenance should be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into an adjacent water body.
3. Street locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary.
4. Street locations should be planned to minimize the number of waterway crossings.
5. Scenic corridors with public streets should have provision for safe pedestrian and other non-motorized travel. Also, provision should be made for sufficient viewpoints, rest areas and picnic areas in public shorelines.
6. New and expanded transportation facilities in shoreline areas should be designed and landscaped to minimize their visual impacts.
7. New and expanded public streets in shoreline areas should include facilities for pedestrians, bicycles, and public transportation, where feasible.
8. Approval of large scale port or industrial projects should be granted only after identification and evaluation of the following: capacity of existing transportation system, and impact of an expanded transportation system to serve these areas.

9. Existing city, county, and state streets and rights-of-way which dead-end at the shoreline should be utilized and maintained for increasing public visual and physical access to the water.
10. Joint use of transportation corridors within shoreline areas for streets, utilities and non-motorized forms of transportation should be encouraged.
11. Maintenance or repair work carried out on streets and the railroad lines along our shoreline should be conducted in a manner which minimizes the impact on water quality, public utilization of shoreline area, and ecological functions and ecosystem-wide processes.
12. New transportation facilities should be located and designed to minimize the need for shoreline stabilization measures.
13. The expansion of railroad facilities should be discouraged in the Urban Conservancy Environment along Port Gardner Bay.

## **Regulations**

1. The City of Everett shall prohibit the vacating of street-ends that abut the Snohomish River, Port Gardner Bay, Silver Lake and Lake Stickney, unless the street is not suitable for boat launching, park, viewpoint, recreation, education, or other public purpose.
2. New transportation facilities shall be located and designed to maximize distance from the ordinary high water mark, while serving shoreline properties, unless such location shall result in greater impacts to critical areas.
3. New and expanded public streets in shoreline areas shall include facilities for pedestrians, bicycles, and public transportation, where feasible.
4. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies where adverse impact to the shoreline can be mitigated by doing so.
5. New construction and maintenance or repair work carried out on roads and the railroad lines along our shoreline shall be conducted in a manner which minimizes the impact on water quality, public utilization of shoreline area, and ecological functions and ecosystem-wide processes.

6. When disposing of landslide debris along Port Gardner Bay, the railroads shall avoid impacts to eel grass and kelp beds.
7. Where practical, guard rails of bridges and necessary reinforcing members shall be designed so as not to obstruct the public's view of the shoreline.
8. New transportation facilities in shoreline areas shall be located and designed to minimize or prevent the need for shoreline stabilization measures.
9. New and expanded transportation facilities shall be designed to minimize impacts on shoreline views.
10. Landscaping shall be provided to minimize visual impacts for all new and expanded transportation facilities in shorelines. A preliminary landscape plan shall be provided and approved prior to issuance of a shoreline substantial development permit.
11. All shoreline areas disturbed by facility construction and maintenance shall be replanted and stabilized. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until established.
12. The City shall give preference to mechanical means rather than the use of herbicides for roadside brush control on City streets in shoreline areas.
13. Culverts shall be located and installed in accordance with City of Everett standards and specifications.
14. Airport facilities, including float plane and heliport facilities, shall be permitted in the Urban Deep Water Port, Urban Industrial, and Urban Mixed-Use Industrial shoreline areas when they conform to FAA standards and when approved by Planning Commission and City Council through a public review process.
15. Transportation facilities shall be prohibited on accretion shoreforms.
16. Navigation channels shall be kept free of hazardous or obstructing uses and activities.

## 5.18 Utilities

This Section does not apply to utilities in the Municipal Watershed Environment. They are addressed in Section 5.11.

### Introduction

Utilities are services and facilities which produce, transmit, carry, store, process, or dispose of electric power, gas, sewage, stormwater, water, communications, and oil. Utilities are also comprised of sewage treatment facilities (including bio-solids management), energy recovery plants, etc. At this time the most feasible methods of transporting most utilities are through lineal pipelines, cable and wire, except that communications facilities increasingly utilize above-ground antennas. Installation of these utilities necessarily disrupts the landscape, but can usually be planned to have minimal permanent visual and physical effect on the environment when operational. Minor on-site utilities serving a primary use, such as a water line to a residence or industrial use, are “accessory utilities” and shall be considered a part of the allowed use.

Because Everett is surrounded on three sides by Shorelines of the State, it is inevitable that linear utilities, such as sewer lines, water transmission and distribution lines, natural gas transmission and distribution lines, and electric power lines will be located in shoreline areas as they cross the Snohomish River or other water bodies. In addition, some of these facilities will be needed in shoreline areas in order to serve development permitted in shoreline areas. Everett’s Water Pollution Control Facility has historically been located on Smith Island in shoreline jurisdiction. It is not feasible for this facility to be relocated, and it is expected that this facility will be expanded and upgraded on the current site.

### Policies

1. Utilities should be located to meet future needs and serve areas planned to accommodate this growth, while minimizing conflicts with existing shoreline uses.
2. Utilities should utilize existing transportation and utility sites, rights-of-way, and corridors whenever reasonably possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
3. Utilities should be located and designed to minimize harm and mitigate impacts to critical areas, ecological functions, and ecosystem-wide processes.

4. Nonwater-oriented utilities facilities or portions of those facilities should not be permitted in shoreline areas unless it can be demonstrated that no other reasonable option is available, except that future expansion and upgrades of the City's Water Pollution Control Facility shall be permitted provided all other requirements of this SMP are met.
5. Development of underwater pipelines and cables on tidelands should be discouraged except for deepwater outfalls and facilities where no other reasonable alternative exists.
6. Wherever reasonable, utility easements should be utilized public access.
7. New utility installations in the shoreline area should be designed to be aesthetically pleasing and to not significantly impact views from upland properties, public streets, or other public areas.
8. When fully operational, new storm drainage and sanitary sewer systems operating in shoreline areas should not adversely affect water quality nor interfere with use of the water and shoreline areas. Impacts to water quality during construction should be mitigated.

## **Regulations**

1. Wherever reasonable, all new utilities shall be placed underground and existing above ground utilities shall be placed underground during normal replacement processes.
2. Nonwater-oriented utilities facilities shall demonstrate that no options exist before approval is granted for location within shoreline areas, except for
  - Expansion of existing facilities, including the City's Water Pollution Control Facility,
  - Utilities constructed in rights-of-way with existing facilities,
  - Utilities necessary to serve developments permitted in shoreline jurisdiction,
  - Sewer facilities necessary to transport sewage to the Water Pollution Control Facility, and
  - Water transmission and distribution lines, natural gas lines, and electric power lines, crossing the Snohomish River or other water bodies.
3. Where utility construction or maintenance activities will result in disruption of shoreline vegetation, development plans shall include provisions for temporary soil stabilization during construction and for restoration of the site to

preconstruction appearance upon completion of the project. Buffers shall be re-established and/or enhanced as required by the SMP.

4. Utility facilities shall be located and designed so as to minimize or prevent the need for shoreline protective measures.
5. Structural abutments or landfill required for permitted water crossings shall be located landward of the OHWM, unless no reasonable alternative exists.
6. New utility installations in the shoreline areas shall be designed and installed to be aesthetically pleasing, and not significantly impact views of the shoreline.
7. Except for water lines, all underwater pipelines transporting substances hazardous to aquatic life or water quality are prohibited unless no other practical alternative exists, and then only permitted by conditional use. Such facilities shall include an automatic shut off valve on both shorelines. Maintenance procedures shall be submitted with the shoreline permit application.
8. Underground (or water) utility lines shall be completely buried under the river bed in all river or stream crossings and shall be placed below normal maintenance dredging depth established in the navigation channel, except where such lines may be affixed to a bridge structure and except for appropriate water or sewage treatment intake pipes or outfalls.

## Section 6

# Shoreline Modification Activities Policies and Regulations



## **6.1 Shoreline Modifications**

### **Introduction**

Shoreline modification means those actions that modify the physical configuration of qualities of the shoreline area, usually through the construction of a physical element. Shoreline modification activities include actions undertaken to stabilize shorelines, such as construction of bulkheads; clearing, grading and landfill; application of chemicals; beach and habitat enhancement; dredging; and construction of structures such as weirs, dikes, piers and docks. Shoreline modification activities are generally construction actions undertaken in preparation for, or in support of, a shoreline use.

Historically, most of Everett's urban shorelines have been highly modified to accommodate the railroad, industry, port, agriculture, recreation, and other uses. Shorelines have been diked and filled; and riprap, bulkheads, piles, and piers constructed. For Everett to efficiently protect and utilize its shoreline resource, it is reasonable to expect future shoreline modification activities.

Table 6.1 shows shoreline modification activities permitted in each shoreline environment.

### **Goal**

Protect and restore ecological functions and ecosystem-wide processes to the extent feasible, while allowing shoreline modifications necessary to accommodate legally permitted uses.

### **Policies**

1. Shoreline modifications should only be allowed to protect or support an existing or permitted use, or for the restoration of ecological functions. Modifications for speculative purposes, such as constructing a shoreline modification project prior to the assessment of the need for a modification, should not be allowed.
2. Preference should be given to those types of shoreline modifications that have a lesser impact on ecological functions.
3. Proposed shoreline modification activities should only be approved if studies completed by qualified professionals document that significant ecological impacts will not result from the modification, that adjacent or down-current properties will not be significantly impacted, and that navigation will not be significantly impacted. Mitigation sequencing should be required.



**Table 6.1 Shoreline Modification Activity for Each Shoreline Environment**

Shoreline Environment and Modification Activity	Urban Deep Water Port	Urban Maritime	Urban Industrial	Urban Mixed-Use Industrial	Urban Multi-Use	Shoreline Residential	Urban Conservancy Recreation	Urban Conservancy	Urban Conservancy Agriculture <sup>1</sup>	Municipal Water Quality	Municipal Watershed	Aquatic	Aquatic Conservancy
Stabilization	P	P	P	P	P	P	P	P	P	P	P	P	C,1
Breakwaters	C,1	C,1	C,1	C,1		X	X	X	X	X	X	C,1	X
Dredging	P	P	NA	NA	NA	NA	NA	NA	NA	NA	P, 3	P	P, 5
Placement of Dredge Material	P	P	P	P	P	X	P	C,1	P	P	C, 3	C1,2	P, 5
Dredge Material Rehandling Facility	P	P	P	P	P	X	P, 4	X	X	X	C,3	X	X
Jetties and Groins	C,1	C,1	C	C,1	C,1	X	C, 1	X	C, 1	C	C,3	C, 1	X
Landfill landward of OHWM	P	P	P	P	P	P	P	P	P	P	P	NA	NA
Landfill waterward of OHWM	P	P	C,1	C,1	C,1	C,1	NA	NA	NA	C,1	C,1	C, 1	P, 5
Piers and Docks	P	P	P	P	P	P	P	C	P	P	P	P	C, 6
Weirs	C	C	C	C	C	C	C	C	C	C	C	C, 1	C, 1

P = Permitted Use (Note that the Regulations in this section contain limitations on permitted shoreline modification activities. The modifications are not permitted in all cases.)

C = Conditional Use (See Section 2.4 for Conditional Use Criteria)

X = Prohibited (Not allowed under any circumstances. Limitations in regulations do not apply.)

1 = Conditional Use Permit not required for structures installed to protect or restore ecological functions.

2 = Conditional Use Permit not required for disposal at a PSDDA site.

3 = Permitted only as necessary for the maintenance of water supply facilities.

4 = Permitted at Langus Riverfront Park and Thornton A. Sullivan Park only.

5 = Permitted only for environmental restoration or mitigation actions; or for beach enhancement or landfill to enhance public access when all impacts to critical saltwater habitats are mitigated.

6 = Permitted only for public access improvements and transportation facilities of statewide significance. (Ordinance 2736-03)

<sup>1</sup> Ordinance 2859-05. Effective 11/17/05



## Regulations

1. All shoreline modification activities shall be in support of an existing or permitted/approved shoreline use, or habitat restoration and enhancement activities.
2. The City shall require sufficient analysis by professionals with the appropriate expertise to document the impacts of shoreline modification proposals. Such analysis may include, but not be limited to, geotechnical, hydrological, and biological studies, and shall include an analysis of drift cells when appropriate. Mitigation sequencing shall be required. The City shall require the use of best available science and best management practices for the design, development, and ongoing management and monitoring of shoreline modification activities.
3. Docks, bulkheads, bridges, fill, floats, jetties, and other human-made structures shall not intrude into or over significant biological areas unless significant ecological impacts are mitigated.
4. Shoreline modifications in 2001 SEWIP Assessment Unit 5.03 shall be limited to the extent feasible while providing for water dependent uses. Improvements shall be sited to limit impacts to riparian and marsh vegetation to the extent feasible.

## 6.2 Shoreline Stabilization and Flood Control Structures

(Revised 3/17/11)

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or essential structures caused by, or associated with current, flood, tides, wind, or wave action. These actions include structural methods and nonstructural methods, such as setbacks. Structures, such as levees are used to protect land from flooding. (Revised 3/17/11)

“Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while “soft” structural measures rely on softer materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from hard to soft that include:

- seawalls
- bulkheads
- retaining walls and bluff walls
- concrete groins
- gabions
- rock revetments
- levees
- gravel placement
- anchor trees
- beach enhancement
- biotechnical measures
- vegetation enhancement

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Rock, concrete and timber bulkheads result in loss of nearshore and riparian vegetation, burial of the upper beach, altered wave interaction with the shoreline, obstruction of the sediment moved along the shore by littoral currents and indirect impacts on habitat resources for fish.<sup>2</sup>

### Definitions

Bulkheads and seawalls are structures erected parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from the action of waves and currents, or to protect the perimeter of a fill. Bulkheads and seawalls constructed of lumber and piling, reinforced concrete, rock, and steel. They are either solid or open-pile

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<sup>2</sup> Shipman, Hugh. *Shoreline Armoring on Puget Sound*. In Puget Sound Notes No. 40, March 1997.

construction with varying slope faces. Wood bulkheads usually consist of posts and planks, large logs, or continuous rows of posts. Concrete walls are commonly vertical and occasionally incorporate a cap to deflect wave splash away from shore. Near vertical rock walls (rockeries and riprap) are among the most common structures built today, and typically consist of two or three tiers of large boulders.<sup>3</sup>

While bulkheads and seawalls may protect the uplands, they do not protect the adjacent beaches, since in many cases they increase the rate of erosion of the sand in front of the structures or prevent the natural functions of feeder bluffs.

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

Groins (Also referred to as a Spur Dike or Rock Weir) are barrier type structures extending from the backshore or stream bank into a water body for the purpose of protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of material. Groins can preserve or build an accretion beach by trapping littoral sand drift on the updrift side.

#### Rock Revetments

Revetments are sloped solid walls constructed of riprap or other substantial material, placed on stream banks or marine shorelines to retard bank erosion from high velocity currents or waves respectively.

#### Anchor Trees

Anchor trees are large woody debris or root wads generally placed on or into an eroding bank so that they protrude from the bank and into a river channel. The wood is often angled upstream to deflect flow away from the bank. Anchor trees may be used in combination with other stabilization measures, such as rip rap and vegetation enhancement.

#### Beach Enhancement

Beach enhancement means the maintenance, restoration or enhancement of a beach to control erosion, protect/enhance existing public access/recreational areas, and/or restore or enhancing littoral aquatic habitats. Beach enhancement is usually accomplished by beach feeding, vegetation, drift sills, and other non-intrusive means. (Note that new beach creation for public access and recreational use is covered under Landfill.)

#### Biotechnical Measures

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<sup>3</sup> Shipman, Hugh, Washington Department of Ecology. *Shoreline Armoring on Puget Sound. Puget Sound Notes No. 40*, March 1997.

Biotechnical measures include the use of hard measures in combination with vegetation enhancement. For example, vegetation can be planted in combination with riprap.

#### Vegetation Enhancement

Vegetation enhancement includes the use of vegetation, such as willow stakes, planted on a bank or levee to reduce erosion. The vegetation creates drag forces opposing the water flow which dissipate energy and reduce flow velocity. Vegetation also protects against surface erosion and slope failure.<sup>4</sup>

#### Normal Maintenance and Repair of Shoreline Stabilization Measures

Normal maintenance and repair of shoreline stabilization measures include the patching, sealing, or refinishing of existing structures, the replenishment of sand or other material that has been washed away, and the replacement of less than twenty percent of the existing structure. Normal maintenance and normal repair are limited to those actions that are typically done on a periodic basis. Construction that causes significant adverse impacts is not considered normal maintenance and repair.

#### Replacement of Shoreline Stabilization Measures

As applied to shoreline stabilization, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

#### Levee

Levee means a large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods. (Revised 3/17/11)

### **Policies**

1. The design of shoreline stabilization facilities should provide for the long term multiple use of shoreline resources and public access to public shorelines.
2. New development activities should be located and designed to prevent or minimize the need for shoreline stabilization measures.
3. New and replacement shoreline stabilization structures should consist of the softest measure that will protect existing uses and proposed development.
4. Mitigation should be required for impacts resulting from new shoreline stabilization activities that are not part of a restoration proposal. Shoreline

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<sup>4</sup> Levee Armoring: Woody Biotechnical Considerations for Strengthening Midwest Levee Systems. Douglas Wallace, Clifford Baumer, John Dwyer, Frank Hershey

stabilization measures that will result in significant adverse impacts, even with mitigation, should not be permitted. (Revised 3/17/11)

## Regulations

1. Bulkheads and other shoreline stabilization structures are prohibited for the purpose of creating upland by filling behind the structure, except as allowed in Section 6.6: Landfill.
2. Bulkheads on Class I marine beaches shall be prohibited, except as allowed to protect an existing use.
3. Structural shoreline stabilization for new non-water dependent development is only permitted when
  - The need to protect the uses or development from imminent danger due to erosion caused by tidal action, currents, and waves is demonstrated through a geotechnical report, and
  - Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements are not feasible.
  - The structure will not cause significant ecological impacts.
  - Mitigation for all impacts is provided.
4. The subdivision of properties into parcels that will require shoreline stabilization for development to occur shall be prohibited.
5. New shoreline stabilization measures for an existing structure or use, including residential use, is only permitted when there is conclusive evidence, documented by a geotechnical analysis, that the structure or use is in danger of loss or substantial damage from shoreline erosion caused by tidal action, currents, or waves.

Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of conclusive evidence. The geotechnical analysis must evaluate on-site drainage issues and address drainage problems away from the shoreline edge, if appropriate, before considering structural shoreline stabilization.

6. An existing shoreline stabilization structure may be replaced with a similar structure if the applicant demonstrates the need to protect uses or structures from shoreline erosion caused by tidal action, currents, or waves. The replacement structure must be designed, located, sized and constructed to minimize harm to

ecological functions. In this case, demonstration of need does not necessarily require a geotechnical report.

Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark, unless

- replacement is in support of a new or expanded water dependent or water related use, including public access, or
- replacement is in support of a bridge, utility or navigational structure with no feasible alternative, or
- stabilization restores or enhances ecological functions, or
- structure is a residence occupied prior to January 1, 1992 and there are overriding safety or environmental concerns.

7. Shoreline stabilization measures shall be limited to the minimum size necessary.
8. Beach enhancement may be permitted only when the applicant has demonstrated that no significant change in littoral drift will result which will adversely affect adjacent properties or habitat.
9. Beach enhancement projects shall not:
  - a. detrimentally interrupt littoral drift, or redirect waves, current or sediments to other shorelines;
  - b. result in any exposed groin-like structures;
  - c. result in contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments;
  - d. extend waterward more than the minimum amount necessary to achieve the desired stabilization.
10. Shoreline stabilization measures shall be designed by a licensed geotechnical or civil engineer or geologist using best available technology. Harder shoreline stabilization measures, such as bulkheads, will not be permitted when softer measures, such as biotechnical measures are feasible. Shoreline stabilization shall use measures designed to minimize harm to ecological functions, and shall use techniques to restore, as much as possible, the ecological functions of the shoreline. Mitigation of adverse impacts to shoreline functions shall be provided. Shoreline stabilization that will cause significant adverse impacts to adjacent or down-current properties and shoreline areas shall be prohibited.
11. The City may require and utilize the following information during its review of new and replacement shoreline stabilization proposals, as appropriate with the size of the area to be considered depending upon the extent and nature of project:

- a. Purpose and documented cause/need for the project, including existing and proposed uses in the area;
  - b. Existing shoreline stabilization and flood protection devices within the area;
  - c. Proposed design, construction material and methods;
  - d. Physical, geological and/or soil characteristics of the area; biological resources on or adjacent to the site; river channel hydraulics and floodway characteristics up and down the stream from the project area; mean sea level elevation at the toe and crest of the structure; direction of net long-shore drift; and normal, low, and high water elevations.
  - e. Impacts of the proposal (construction impacts and long-term impacts) on adjacent properties; ecological functions and ecosystem-wide processes, including sediment conveyance,
  - e. Proposed mitigation for identified impacts.
  - g. Alternative measures (including non-structural) which may achieve the same purpose, including an analysis of reasons for rejecting softer approaches and a demonstration that the size of stabilization measures is the minimum necessary.
12. Maintenance of vegetation planted on dikes or levees to control erosion shall be permitted when a maintenance plan is approved by the Planning Director. Such maintenance may include removal of mature trees when replanting is completed.
13. Many of the 2001 SEWIP assessment units designated Aquatic Conservancy in Section 4 of this SMP as well as the aquatic area west of Smith Island (AU 3.05) received high rankings partially due to high quality marsh edge and/or riparian vegetation along dikes adjacent to the aquatic areas. Where structural flood hazard reduction measures are needed to protect development inland from these dikes, when feasible, new dikes or other stabilization structures shall be constructed inland of the existing dikes, and the high quality vegetation shall be preserved and enhanced along the existing dike.
14. New and relocated structural shoreline stabilization and flood control structures are allowed for projects whose sole purpose is to restore wetlands or fish and wildlife habitat or as part of a hazardous substance remediation project. (Revised 3/17/11)
15. Prior to relocation of any levees in the Marshland Subarea for restoration purposes, the appropriate studies identified in the Marshland Subarea Plan must be completed. (Revised 3/17/11)

## **6.3 Breakwaters**

### **Introduction**

Breakwaters are protective structures usually built off-shore and aligned parallel to the shore to protect development and uses associated with beaches, bluffs, dunes, moorages or developed harbor areas from wave action. However, because off-shore breakwaters are costly to build, they are seldom constructed to protect the natural features alone, but are generally constructed for navigational purposes. Breakwaters can be either rigid or floating and may be connected to the shore or not. The rigid breakwaters, which are usually constructed of riprap or rock, have both beneficial and detrimental effects on the shore. All breakwaters eliminate wave action and thus protect the shore immediately behind them.

Breakwaters along Everett's shoreline are intended primarily to protect waterfront industrial activity and recreational activity (recreation boat moorage). Everett has one primary breakwater (Jetty Island) which does undergo rehabilitation depending upon the weather factors which it has to endure. The following policies are provided as a guide for future breakwater activity along Everett's shoreline.

### **Policies**

1. Breakwater design and construction should be of such a nature that the movement of sand, circulation of water, and biological communities are not adversely affected.
2. The availability for public use of the shoreline and water surface should be a strong consideration in allowing future breakwater construction.
3. Natural sequential actions or planned projects relating to breakwater construction will be identified and discussed prior to permitting breakwaters to be built along Everett's shoreline. Before a permit for breakwater construction can be issued, the maintenance period and anticipated subsequent construction activities must be identified.
4. Multiple use concepts are to be strongly encouraged in the construction of both private and public breakwaters along our shoreline.
5. The design and construction of breakwaters should address impacts to ecological processes and critical areas. Mitigation sequencing should be required.

6. Breakwaters should be allowed only where necessary to support water dependent uses, public access, and shoreline stabilization.

## **Regulations**

1. Breakwaters shall be permitted only when constructed as an integral part of a harbor, port or marina where protection from wave action is essential.
2. Applications for breakwaters shall provide the following information:
  - a. Purpose of breakwaters
  - b. Construction material
  - c. Method of construction
  - d. Direction of net long shore drift (when applicable)
  - e. Impact on water circulation
  - f. Seasonal wind data

The City shall require sufficient geotechnical, hydrological and biological studies to analyze the impacts of the proposal.

3. Design Considerations
  - a. Breakwaters shall not impede longshore sand and gravel transport unless such impediment is found to be beneficial. The effect of proposed breakwaters on sand movement shall be evaluated during permit review.
  - b. Breakwaters shall meet or exceed all design requirements of the State Department of Fish and Wildlife.
  - c. New or expanded breakwaters shall be designed and certified by a registered civil engineer.
  - d. Breakwaters shall be designed and constructed in a manner which will prevent detrimental impacts on water circulation, and aquatic life. The design shall also minimize impediments to navigation and to visual access from the shoreline.
  - e. The design of new breakwaters shall incorporate provisions for public access such as sightseeing and public fishing if the Planning Director determines such access is feasible.
  - f. Floating breakwaters shall be used in place of solid breakwaters wherever they can withstand anticipated wave action in order to maintain sand movement and protect fish and aquatic habitat.
4. A shoreline conditional use permit shall be required for construction or expansion of a breakwater, except for those structures installed to protect or restore ecological functions.

## **6.4 Dredging and Dredge Material Disposal**

### **Introduction**

NOTE: Maintenance dredging operations, those carried out on a regularly occurring basis, are exempt from the Shoreline Permit Process. However, this activity must still be conducted in a manner which is consistent with the policy of the Shoreline Management Act and the City of Everett's Shoreline Master Program.

### **Snohomish River Federal Navigation Channel**

The Port of Everett operates an active deep water port facility served by a federal navigation channel which runs six miles upstream (Figure 1.5). The channel is maintained by the US Army Corps of Engineers through sponsorship of the Port of Everett. Approximately 150,000 cubic yards of dredged materials are removed from the navigation channel on an average annual basis. In addition, the Port carries out its own dredging activities in waterways under its jurisdiction, including those waterfront areas along the east side of the navigation channel from 4<sup>th</sup> Street south to the end of the deep water terminal. In addition, smaller property owners have dredged to gain access to the navigation channel and operate water dependent businesses. Maintenance dredging is also required for these activities.

As dredging sponsor for the navigation channel, the Port of Everett is responsible for providing appropriate placement sites for dredged sediment. The Washington State Department of Natural Resources is the owner of the dredged material and also has authority to designate the placement of the material. Historically, dredging in the Everett area has provided materials for the creation of a number of areas. These include Jetty Island, the East Waterway fill, 14<sup>th</sup> Street Marine area, the base of 1-5 between Everett and Marysville, and the Port of Everett's Hewitt Avenue terminal. Future expansion of port, water-dependent industrial and commercial activity along our waterfront will require dredging and the employment of the dredging material as fill.

In the mid 1990s, a Beneficial Use Program was initiated by the Environmental Protection Agency and the Department of Ecology. The Program includes using dredged material from Everett and other locations for environmental remediation around Puget Sound. Beneficial uses are generally granted priority by the Department of Natural Resources for attaining the dredge material. If other options are not available at the time of dredging, dredge materials may be dumped at open water disposal sites in the Puget Sound area. These Puget Sound Dredge Disposal Analysis (PSDDA) sites are managed by a group of federal and state agencies (U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the Washington State Department of Ecology and the Washington State Department of Natural Resources). One of the PSDDA sites is located

in Port Gardner Bay in an area that is approximately 420 feet deep. Material proposed for disposal at this site must meet or exceed rigorous testing and suitability requirements prior to gaining regulatory permission for disposal. Securing of land sites for the depositing of dredge material is an involved and complex process involving a number of public and private entities. There are segments of Everett's shoreline which could be made more usable through an organized dredge material placement plan. However, there are also shoreline areas which would be sensitive to placement of dredge material.

It is common for more material to be dredged than can be used immediately. In addition unplanned uses for fill often surface independent of the timing of dredging activities. This creates a need for dredge material rehandling facilities to store the materials short-term. Without this short-term storage, more dredge materials would likely be barged to deep water disposal sites or other locations. Currently, rehandling facilities are located at Langus Riverfront Park (Urban Conservancy Environment) and the Kimberly Clark Log Yard (Urban Industrial Environment). One or two new long-term rehandling sites may be needed in the future to replace these facilities.

### **Silver Lake**

Dredging has been used to control a large milfoil infestation in Silver Lake. Though more recent removal has been completed by hand pulling, dredging may be used again for large infestations per the Silver Lake Milfoil Management Plan.

In the 1970's the City of Everett Parks Department did some dredging to increase swimming depths along the City beach. Since that time approximately two additional feet of sediments have filled in the City beach. During the past several years, the Parks Department has relocated the diving platform further out into the lake to maintain a 10 foot depth from the platform. The Parks Department would like to dredge the beach area to maintain swimming/diving opportunities.

In addition, sediments that accumulate at the outfall from Silver Lake Creek into the lake may need dredging in the future. To minimize the need for future dredging near the outfall, the City should evaluate the extension of the outfall further into the lake as identified in the draft Silver Lake Public Access Plan. Temporary dredge material rehandling facilities may be needed for future dredging of Silver Lake.

### **Policies**

1. Dredging and placement of dredged material should be conducted in a manner which avoids or minimizes impacts to water quality, critical areas, and ecological functions and ecosystem-wide processes.

2. New water dependent development should be sited and designed to avoid or, if that is not possible, to minimize the need for new dredging.
3. Dredging for the purpose of establishing, expanding, or relocating navigation channels and basins should be allowed only when significant adverse impacts are minimized and when suitable mitigation is provided.
4. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width unless necessary to improve navigation.
5. Depositing of dredge material in water areas should be allowed only for the improvement of habitat, or where the alternative of depositing material on land is more detrimental to the shoreline resource than depositing it in the water, or as approved by state agencies at an approved deep water disposal site.
6. Beneficial use of dredge material for environmental remediation projects and ecological enhancement and restoration should be encouraged, and deep water disposal of dredge materials should be allowed only as a last resort after all other alternatives have been exhausted.
7. Land disposal of dredge material in diked areas should be conducted in a manner which minimizes the potential adverse effects on the adjacent water body. Design of the disposal ponds, dikes, or lagoon will consider location of the inlet and outlet to prevent short circuiting; installing adequate discharge controls; providing a capacity and a detention time based on the settling characteristics.
8. The City should work with the Port of Everett, the Corps of Engineers, and appropriate state agencies to develop a long-range plan for the deposit and use of dredge material on land and in water areas.
9. Dredging of bottom materials for the single purpose of obtaining fill material should be prohibited.
10. Dredge material rehandling/transfer sites which can be used on a continuing basis are encouraged.
11. Dredging should be allowed in Silver Lake for milfoil control and to maintain adequate depths for swimming and diving at the swimming beach.

## Regulations

1. Applications for dredging operations (non-maintenance) shall include the following information:
  - a. Location, depth, width, and total initial volume of material to be dredged.
  - b. Frequency and quantity of project maintenance dredging
  - c. Information on stability of bedlands adjacent to the proposed dredging area.
  - d. Dredging procedure: time and method of dredging and dredge material placement.
  - e. Dredge material disposal area: initial location, size, and capacity; plan for disposal of maintenance dredge material for at least a ten-year period; location of channel migration zone, where applicable; method of fill stabilization.
  - f. Dredge materials: existing biological communities or resources in area to be dredged, and the physical, chemical and biological make-up of the dredge materials.
  - g. Hydraulic analysis, including tidal fluctuation, current flows, direction and projected impacts on ecological functions and ecosystem-wide processes.
2. Dredging shall only be permitted for the following purposes and only when other alternatives are impracticable:
  - a. To improve water quality or aquatic habitat, including removal of invasive aquatic species.
  - b. To maintain and improve navigability and water-flow and to provide for port/water dependent industrial development and marinas.
  - c. To mitigate conditions which could endanger public safety.
  - d. To create or improve public recreational opportunities.
3. Dredging for the primary purpose of obtaining material for landfill is prohibited. (This does not include maintenance dredging required for an existing channel.)

4. In designating areas for the placement of dredge materials or in approving placement of dredge materials at a specific site, consideration shall be given, but not limited to, the following:
  - a. Existing and proposed use of the site.
  - b. Project phasing.
  - c. Impacts on critical areas, ecological functions and ecosystem-wide processes.
5. Dredging and dredge material placement shall be scheduled to avoid conflicts with commercial fisheries.
6. Proposals for dredging and dredge materials placement shall include all feasible mitigating measures, including scheduling, to protect marine, riverine, and lacustrine habitats and to minimize adverse impacts such as turbidity, adverse modifications on littoral drift, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity, and disturbance of fish migration and important localized biological communities.
7. Dredging and dredge material placement shall be prohibited on or in archaeological sites which are on-record with the Washington State Office of Archaeology and Historic Preservation until such time as they are released by the state.
8. Except for open water disposal of dredge material at a PSDDA site, all dredge materials placement shall comply with the landfill regulations and shoreline stabilization regulations, as applicable. In addition, upland hydraulic dredge material disposal activities shall adhere to the following conditions:
  - a. Containment dikes shall be built and maintained so as to prevent the return of settleable solids into a water body.
  - b. An adequate settling basin shall be built and maintained so that the site's discharge water carries a minimum of suspended sediment. Basins shall be designed to maintain at least one (1) foot of standing water at all times to encourage proper settling.
  - c. Runoff water from dredge materials deposit must enter the waterway through an outfall at a location that maximizes circulation and flushing, and minimizes erosion.

- d. The outside face of dikes shall be sloped at 1-1/2 to 1 (horizontal to vertical) or flatter, and protected from erosion by revegetating the slope (i.e. grass or native vegetation). Landscaping and buffer areas may be required.
- 9. Unconfined, open-water disposal of dredged material in Puget Sound shall only occur at permitted PSDDA sites as a last resort if no other options are available. Any party utilizing the PSDDA site must comply with all PSDDA requirements.
- 10. Dredge material placement in shoreline areas shall not impair scenic views. When necessary, sites shall be adequately screened from view, except for short-term preloading/stockpiling.
- 11. Dredge material placement shall have highest priority in the Urban Industrial Environment. Dredge material placement shall also be permitted in the Urban Deep Water Port, Urban Mixed-Use Industrial, Urban Maritime, Urban Multi-Use, Urban Conservancy – Recreation, and Municipal Water Quality Environments.
- 12. Except for ecological restoration and enhancement activities, dredge material placement in the Urban Conservancy, Municipal Watershed, Aquatic and Aquatic Conservancy Environments shall require a shoreline conditional use permit.
- 13. Dredge material placement shall be prohibited in the Urban Residential Environment.
- 14. Location of new dredge material rehandling facilities is permitted in the Urban Deep Water Port, Urban Industrial, Urban Maritime, Urban Mixed-Use Industrial, Urban Multi-Use, and Municipal Water Quality Treatment Environments. Rehandling facilities in the Municipal Watershed Environment would require a shoreline conditional use permit.

## 6.5 Jetties and Groins

### Introduction

Jetties and groins are structures usually built perpendicular to the shore or harborfront to modify or control sand movement. A jetty is usually constructed of steel, concrete, or rock and projects out into the sea at the mouth of a river for the purpose of protecting a navigation channel or a harbor, or to influence water currents and littoral drift. The type of construction depends on the foundation conditions, climate, and economic considerations. To be of maximum aid in maintaining the navigation channel, the jetty must be high enough to completely obstruct or direct the sand movement. The adverse effect of a jetty is that sand is impounded at the updraft jetty and the supply of sand to the shore downdrift from the inlet is reduced, thus causing erosion.

Groins are barrier-type structures extending from the backshore seaward across the beach. The basic purpose of a groin is to interrupt the sand movement (littoral drift) along the shore to create or preserve a beach. Groins are often built in a series along the shore. Groins can be constructed in many ways using timber, steel, concrete, or rock, but can be classified into basic physical categories as high or low, long or short, and permeable or impermeable. Groins are typically narrower than jetties. The trapping of sand by a groin is done at the expense of adjacent downdrift shore, unless the groin is filled with sand to its entrapment capacity. Jetties or groins could also be used in Lake Chaplain Reservoir to redirect water flows and allow more settling of sediments to enhance water quality.

### Policies

1. The design and construction of jetties and groins should address impacts to ecological functions and ecosystem-wide processes. Mitigation sequencing should be required.
2. Encourage multiple uses of jetties and groins to increase public access and enjoyment of the shoreline.
3. The design of jetties and groins should take into consideration the aesthetic quality of the shoreline.
4. Jetties and groins located waterward of the ordinary high water mark should be allowed only where necessary to support water dependent uses, public access, enhanced potable water quality, and shoreline stabilization for permitted uses.

5. Jetties and groins should be located, designed, and constructed primarily to prevent damage to existing developments and discouraged for new developments.

## **Regulations**

1. Jetties and groins which result in an adverse effect on adjacent beaches shall be prohibited.

Jetties and groins shall be permitted only for the improvement to navigation channels for water dependent industrial activities and marinas as part of a marina/port development, habitat enhancement, to enhance potable water quality, or to artificially create a beach where one does not exist.

3. Applications for jetties and groins shall include the following: the reason for the project, type of construction, method of construction, direction of net along shore drift, source and destination of material proposed to be trapped, and sufficient geotechnical, hydrological and biological studies to analyze the impacts of the proposal.
4. Construction of jetties and groins shall require shoreline conditional use permits, except for those structures installed to protect or restore ecological functions.

## **6.6 Landfill**

### **Introduction**

A landfill is the placement of soil, sand, rock or other material (excluding solid waste) to create new land, tideland or submerged lands waterward of the ordinary high water mark, or on uplands or wetlands in order to raise the elevation. Most landfills destroy the existing natural character of a shoreline and can result in erosion and silting problems, impacts to habitat, along with the diminishing of the water surface area. (Note that placement of fill to replace shoreline areas which have been removed by wave action or normal erosion processes is covered under Shoreline Stabilization.)

Along Everett's shoreline, landfill activity has played a substantial role in providing a base for existing industrial, commercial and recreational activity, as well as habitat construction and restoration projects. Dredge materials and forest products waste have been the primary sources of fill material.

### **Policies**

1. Fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes and public access to the shoreline.
2. Landfills landward of the ordinary high water mark should be permitted when necessary to accommodate uses listed as permitted in Section 4 of this SMP, and when significant impacts can be avoided or mitigated.
3. Landfills waterward of the ordinary high water mark should be permitted only when necessary to accommodate water dependent uses; a transportation facility, utility or navigational structure with no feasible alternative; clean-up and disposal of contaminated sediments; mitigation/compensation actions and ecological restoration; and public access, including beach creation projects, and when significant impacts can be avoided or mitigated.
4. Conditional use permits should be required for landfills waterward of the ordinary high water mark, except for projects in the Urban Deep Water Port and Urban Maritime Environments, dike maintenance activities, and for habitat enhancement and restoration projects, including mitigation actions.
5. The shoreline areas should not be considered for sanitary landfills or the disposal of material which will cause water quality problems.

6. All perimeters of fills should be protected from erosion by shoreline stabilization measures, unless it can be amply demonstrated that there will be an environmental or public benefit for not employing any of these methods.
7. Placement of material for the maintenance, restoration or enhancement of beaches should not be considered to be landfills. Beach maintenance, restoration and enhancement is addressed in Section 6.2, Shoreline Stabilization.
8. The dredging policies as they relate to the disposal of materials and the landfill policies should be deemed interrelated.
9. All landfills in floodplains and floodways should be consistent with Section 30 of the Zoning Code – Floodplain Overlay Districts and Regulations.
10. Landfills should not adversely impact navigation.

## **Regulations**

1. Landfills for water dependent uses in the Urban Deep Water Port and Urban Maritime environments and for public use shall be given priority.
2. Landfills shall be permitted only when used as preparation for an activity otherwise permitted by the Shoreline Master Program for the specific shoreline environment in which the landfill is located.
3. Landfills waterward of the ordinary high water mark are permitted only when necessary to accommodate water dependent uses; a transportation facility, utility or navigational structure with no feasible alternative; clean-up and disposal of contaminated sediments; mitigation actions; ecological enhancement and restoration; and public access, including beach creation projects.
4. Conditional use permits are required for landfills waterward of the ordinary high water mark, except for projects in the Urban Deep Water Port and Urban Maritime Environments, dike maintenance projects, and for habitat enhancement and restoration projects, including mitigation actions.
5. Projects must be located and designed to minimize the area of landfill necessary to accommodate the use. For example, projects should be designed with pile supported piers, rather than piers constructed with fill, which alter the normal flow of water currents.
6. Applications for landfills must address impacts to wetlands and streams; aquatic habitats; flooding; ecosystem wide processes such as sediment transport;

navigation; and public access. All projects involving a landfill shall include the following information: physical and biological characteristics of the landfill site, source and quality of landfill material, grading plan showing the site and adjacent properties and waters, method of placement and compaction, type of proposed surfacing and runoff control devices, method of perimeter erosion control, and proposed use of the fill area. Depending upon the nature and location of the proposed landfill, additional information/studies will be required to address impacts of the proposal. Landfills that will result in significant adverse impacts that cannot be mitigated are prohibited.

7. The perimeter of all landfills shall be provided with some means to control erosion, unless the geotechnical and/or hydrological information documents that there will be a public benefit by not providing erosion control. Erosion control measures must be consistent with the policies and regulations in Section 6.2, Shoreline Stabilization Measures.
8. Landfills in floodplains and floodways must comply with the regulations in Section 30 of the Zoning Code, Floodplain Overlay Districts and Regulations.
9. Fill materials shall be sand, gravel, soil, rock, or similar material. Clean dredge material from a permitted dredging operation shall be permitted. Materials such as wood waste may be approved for fill in limited situations. Landfill with toxic/hazardous dredge spoils and sanitary landfill materials are prohibited. Contaminated dredge spoils may be placed in shoreline areas as a conditional use.
10. Excavation of beach material solely for the purpose of obtaining fill material shall be prohibited. When practical and where it would not result in significant adverse impacts, excess beach material from construction of utilities or other allowed improvements should be used for beach enhancement and/or environmental restoration projects, rather than landfill.

## **6.7 Piers, Docks and Floats**

### **Introduction**

A pier or dock is a structure generally built from the shore extending out over the water or floating upon the water, which is used as a landing place for marine transport or for recreational purposes. A finger or spur pier is a minor extension from a primary pier. While floating docks generally create less of a visual impact than piers built on piling, they may be an impediment to boat traffic and shore trolling. On lakes, a proliferation of piers along the shore can substantially reduce the usable water surface.

Recreational floats are also addressed in this section. These floats are anchored off shore platforms used for water dependent recreational activities such as swimming and diving. Piers and docks are utilized for commercial, industrial and recreational purposes. Often they serve several uses. Because of this, additional regulations concerning specific uses that may employ a pier or dock will be located in that specific section. Piers and docks may modify the flow of water and sediments, and shade cast by overwater structures can adversely modify subsurface habitats and resources such as eelgrass.

### **Policies**

1. Piers, docks and floats should only be permitted when necessary to accommodate water dependent and water related uses and public access. Water enjoyment uses may be allowed as part of a mixed-use development on overwater structures when they are clearly auxiliary to and in support of water dependent uses.
2. Where a shoreline project utilizes docks and piers, cooperative use of these facilities by adjacent uses should be encouraged. Generally, multi-purpose piers are to be encouraged.
3. Piers should be permitted to the outer harbor line/pierhead line if necessary to accommodate water dependent or water related use or public access.
4. In reviewing and approving piers and docks at a specific location, consideration should be given to, but not limited to, the following: effect on scenic values; effect on recreational and commercial boating; effect on ecological functions and critical areas resources such as eelgrass beds and fish habitats, and processes such as tidal currents and littoral drift and effect on public access.

## Regulations

1. Piers, docks and floats shall only be permitted for water dependent and water related uses, including public access. Commercial uses that are auxiliary to and in support of water dependent uses shall also be permitted on overwater structures provided the size of the overwater construction is not expanded for non-water dependent uses.
2. New piers and docks for non-residential use shall only be permitted when the applicant demonstrates that a specific need exists to support the intended water dependent or water related use. If the Port of Everett or other public or commercial entity has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the City, it may serve as the necessary justification for pier design, size, and construction.
3. Piers, docks, and floats shall be located, designed, and constructed so as to cause minimum interference with navigation and public use of the water surface and shoreline; to mitigate the impacts to ecological functions and critical areas, such as eelgrass beds and fish habitats (see the definition of mitigation sequencing); to avoid or minimize impacts to processes such as tidal currents and littoral drift; to minimize impacts on views; and to cause no undue harm to adjacent properties. Piers, docks and floats shall be the minimum size and height necessary to meet the needs of the proposed use.
4. Proposals for piers and docks shall include the following: the purpose of the project; description of the proposed structure (size, location relative to property lines and OHWM, design, and materials); any shoreline modification required; ownership of the lands; location, width, height and length of piers or docks on adjacent properties within 300 feet; and sufficient studies, as determined by the Planning Director, to analyze the impacts of the proposal.
5. Overhead wiring and plumbing shall be prohibited on piers or docks.
6. Pilings and deck materials shall be made of inert non-polluting material or other materials approved by applicable state agencies.
7. No sideyard setbacks are required for piers designed to connect with waterfront public access on the adjacent lot.
8. Piers and docks containing more than ten (10) moorage spaces are classified as marinas and must meet the requirements of Section 5.6 – Boating Facilities.
9. Live-aboards are not permitted at piers and docks.

### **Single-Family Piers, Docks and Floats**

1. Piers, docks and floats for single family use shall be prohibited on the Snohomish River and its estuary, or Port Gardner Bay.
2. A pier shall be allowed only when the applicant has demonstrated a need for moorage and that the following alternatives have been investigated and are not available: commercial or marina moorage, floating moorage buoy or joint use moorage pier.
3. Joint use of piers by two or more waterfront property owners shall have priority over individual piers. Only one pier, dock or float shall be permitted for all lots in any short subdivision or subdivision that occurs after September 1, 2000. Such pier, dock or float shall be shared between all lots in the short subdivision or subdivision.
4. Covered over-water moorage, either fixed or floating, shall be prohibited (does not apply to marinas).
5. No pier or dock may be located within 15 feet of a side lot line, unless the pier or dock is shared with the owner of the adjacent lot, in which case no setback is required.
6. No single family lot shall have more than one pier, dock or float.
7. Piers shall be oriented perpendicular to the shoreline. No pier shall exceed 6 feet in width, 25 feet in length, or 5 feet in height above the ordinary high water mark on the landward side.
8. A shared pier may include one extension, finger pier or float for each dwelling, not to exceed 150 sf in area for each residence, up to a maximum size of 300 sf.
9. Swimming floats are permitted in lieu of moorage piers when anchored off-shore and limited to 100 sf per dwelling unit, up to a maximum size of 300 sf.

### **Multi-Family Residential Piers for Moorage**

1. Piers, docks and floats for private multiple family use shall be prohibited on the Snohomish River and its estuary, or Port Gardner Bay.
2. Each development shall be allowed to construct one pier for the entire development for the purposes of providing a launching area and temporary moorage.

3. Permanent moorage shall occur on the uplands and not on the surface of the water.
4. Swimming floats are permitted in lieu of moorage piers when anchored off-shore and limited to 100 sf per dwelling unit, up to a maximum size of 300 sf.
5. Piers and docks must be setback a minimum of 15 feet from the side lot lines.
6. For community piers and docks, maximum width and length shall be determined by the City on a case-by-case basis. No pier shall exceed 5 feet in height above the ordinary high water mark on the landward side.

#### **Recreational/Commercial/Industrial Piers**

1. Piers and docks shall be permitted for recreational use, multi-use commercial and industrial facilities where the major use is water dependent and public access is provided when there is no conflict with public safety.
2. Piers and docks shall be designed and constructed to enable emergency equipment, vehicles, and personnel to reach all the surface areas of the pier.
3. Water dependent/water related piers shall be permitted to the outer harbor line or the pierhead line.
4. Bulk storage of gasoline, oil, and other petroleum products shall be prohibited on piers or docks.

## **6.8 Weirs**

### **Introduction**

Weirs are dams placed across a river or channel to raise or divert the water. Weirs are also used in upland areas for uses such as dredge placement sites, where the weirs placed in the dike walls allow water to flow out, leaving the solids behind.

### **Policies**

1. Weirs should only be allowed where necessary to support water dependent uses, including management of the City's public water system, or for the restoration of ecological functions.

### **Regulations**

1. A shoreline conditional use permit shall be required for any weir, except weirs constructed for the restoration of ecological functions.
2. Proposals that include weirs must provide sufficient hydrologic analysis to demonstrate that the proposal will not result in flooding of adjacent or upstream properties or result in channel migration.

## Section 7

### Definitions



## Definitions

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

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

**Act** means Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

**Adaptive Management** means the modification of management practices to address changing conditions and new knowledge. Adaptive management is an approach that incorporates monitoring and research to allow projects and activities, including projects designed to produce environmental benefits, to go forward in the face of some uncertainty regarding consequences. The key provision of adaptive management is the responsibility to change adaptively in response to new understanding or information after an action is initiated.

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

**Bank full width** means the horizontal projection of bank full depth to the stream bank. Bank full depth means the elevation of the water surface of a stream flow having a return period of approximately 1.5 years measured from the line of maximum depth of the stream or thalweg. Most river channels are bordered by a relatively flat area or valley floor. When the water fills the channel completely, or is at bank full stage, this surface is level with the flood plain. The stream cuts down or builds up as climate and watershed conditions change because there is a new relation between discharge and sediment transport and storage. The channel will erode or modify its flood plain in response to changes in discharge and sediment. The former flood plain it had been constructing is thus abandoned. An abandoned flood plain is called a terrace. While a terrace is flooded on occasion, the active flood plain is frequently flooded by discharges that occur approximately every 1.5 to 2.0 years in the annual flood series.

**Base flood** means that flood that has a 1-percent probability of being equaled or exceeded in any given year (also referred to as the 100-year flood).

**Base flood elevation** means the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929 or other datum as specified.

**Beach Enhancement** the maintenance, restoration or enhancement of a beach to control erosion, protect/enhance existing public access/recreational areas, and/or restore or

enhance aquatic habitats. Beach enhancement is usually accomplished by beach feeding, vegetation, drift sills, and other non-intrusive means. (Note that the definition does not include creation of new beach areas for public access and recreational use).

**Breakwater** means offshore structures aligned parallel to the shore to protect beaches, bluffs, moorages, or developed harbor areas from wave action. Breakwaters may be floating or not and may be connected to the shore or not.

**Bulkhead** means a structure erected parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from the action of waves and currents, or to protect the perimeter of a fill.

**Channel migration zone (CMZ)** means the lateral extent of likely movement along a stream reach with evidence of active stream channel movement over the past one hundred years. Evidence of active movement can be provided from aerial photos or specific channel and valley bottom characteristics. A time frame of one hundred years was chosen because aerial photos and field evidence can be used to evaluate movement in this time frame. Also, this time span typically represents the time it takes to grow mature trees that can provide functional large woody debris to most streams. In large meandering rivers a more detailed analysis can be conducted to relate bank erosion processes and the time required to grow trees that function as stable large woody debris.

With the exception of shorelands in or meeting the criteria for the “natural” and “rural conservancy” environments, areas separated from the active channel by legally existing artificial channel constraints that limit bank erosion and channel avulsion without hydraulic connections shall not be considered within the CMZ. All areas separated from the natural channel by legally existing structures designed to withstand the 100-year flood shall not be considered within the CMZ. A tributary stream or other hydraulic connection allowing threatened or endangered species fish passage draining through a dike or other constricting structure shall be considered part of the CMZ.

**Class I Beach or Accretionary Shoreline** means shorelines that have a dry, usable beach at all levels of tide. They are characterized by one or more beach dunes and a flat backshore area. On Puget Sound, the dune line is often marked by driftwood washed up by successive tides. Class I beaches are the most valuable recreational beaches on Puget Sound.

**Contiguous** means sharing a boundary or edge: touching.

**Critical Saltwater Habitat** means all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance, commercial and recreational

shellfish beds, mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

**Department** means the Washington State Department of Ecology.

**Developed shorelines** means those shoreline areas that are characterized by existing development or permanent structures located within shoreline jurisdiction.

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

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

**Director** means the Director of the Planning and Community Development Department of the City of Everett.

**Dredge material** means the sand, gravel, or other earth removed from a stream, river, lake, or bay in a dredging operation.

**Dredging** means the removal of sand, gravel or other earth from a stream, river, lake, or bay for the purposes of deepening or widening a navigational channel or berthing area, deepening a recreational swimming area, or for obtaining materials for landfill or other beneficial uses. Dredging does not include maintenance sediment removal at pipe inlets or outlets; or removal of material from man-made ponds, including backwash solids drying areas, stormwater ponds, or sewage lagoons. Excavation for the purposes of constructing utilities and other permitted structures shall not be considered dredging.

**Drift cell or 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 and all natural sources of such drift, and also accretion shore form(s) accreted by such drift. Each normal drift sector contains a feeding source (feeder bluff or estuary), driftway (the zone within which beach material is being transported), accretion shore form or accretion terminals (areas where drift material accumulates, such as spit, points, or bars), and sector boundary.

**Drift sill** means a structure of rocks built into a beach as part of a natural beach protection used to preserve a beach by stopping the littoral sand drift, but which does not protrude above the finished grade of beach sediment.

**Ecological functions** means the physical, chemical, and biological processes that contribute to the proper maintenance of the aquatic and terrestrial environments that constitute the shoreline ecosystem. Ecological functions relevant to specific types of shorelines are:

- a. Riverine:
  - Hydrologic processes: Maintaining a natural range of flow variability, sideflow and overflow channel functions, reducing peak flows and downstream erosion, and helping to maintain base flows.
  - Water quality: Temperature; removing excessive nutrients and toxic compounds.
  - Dynamic sediment processes: Sediment removal, stabilization, transport, deposition and providing spawning gravels.
  - Habitat for: Threatened, endangered, and priority species; aquatic and shoreline dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.
  - Hyporheic functions: Water quality, water storage, vegetation base, and sediment storage.
- b. Lacustrine:
  - Water quality: Removing excessive nutrients and toxic compounds and removing and/or stabilizing sediments.
  - Habitat for: Threatened, endangered, and priority species; aquatic and shoreline dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.
- c. Marine:
  - Water quality: Removing excessive nutrients and toxic compounds.
  - Dynamic sediment processes: Sediment removal, stabilization, transport, deposition, and providing spawning gravels.
  - Wave attenuation.
  - Habitat for: Threatened, endangered, and priority species; aquatic and shoreline dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.

- d. Wetlands:
- Flood attenuation.
  - Water quality: Removing excessive sediments, nutrients and toxic compounds.
  - Ground water recharge.
  - Maintenance of base flows.
  - Nutrient filtering.
  - Habitat for: Threatened, endangered, and priority species; aquatic and shoreline dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.

**Ecologically altered shoreline** means those shorelines where humans have directly or indirectly modified the vegetation or shoreline configuration in a manner that significantly influences or reduces the natural shoreline functions.

**Ecologically intact shoreline** means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In unmanaged forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies.

**Ecosystem-wide processes** means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition and specific chemical processes (e.g., flocculation) that shape landforms within a specific shoreline ecosystem and determine both the types of habitat that are present and the associated ecological functions and their processes. Ecosystem-wide processes include, but are not limited to:

- a. Riverine processes: Landform and channel erosion; sediment transport and load in channel and overbank; channel dynamics, including channel gradation and migration; and changes in channel form during flooding.
- b. Lacustrine, tidal wave, and current processes: Wave erosion (including refraction), littoral drift, vertical transport, and tidal erosion and deposition.

**Erosion** means the wearing away of land surface by various natural agencies, the most important being water, in the form of seas, rivers, glacial ice, hoarfrost, and melting snow.

**Estuary** is the mouth of a river where tidal effects are evident, and where fresh water and sea water mix.

**Extreme Low Tide** means the lowest line on the land reached by a receding tide.

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

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

In cases where this SMP require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

**Fill** - see definition of landfill.

**Floodway** means the channel of a river or other watercourse, and adjacent land areas that must be reserved in order to discharge the base flood. Floodway includes, as stated in the Shoreline Management Act, RCW 90.58.030, those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. (Ordinance 2856-05, 12/24/09)

**Gabion** means a structure composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Gabions are sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

**Groin** (also referred to as a spur dike or rock weir) means a barrier type structure extending from the backshore or stream bank into a water body for the purpose of

protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of material. Groins can preserve or build an accretion beach by trapping littoral sand drift on the updrift side.

**Guidelines** means those standards adopted by the department to implement the policy of the Shoreline Management Act for regulation of uses of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

**Harbor Areas** means the area of navigable tidal waters between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an incorporated city or town by the Board of Natural Resources acting as the State Harbor Lines Commission in accordance with the provisions of the State Constitution. The right to place improvements upon this area for use of navigation and commerce may be leased from the state.

**Harbor Lines** Outer harbor line means a line located and established in navigable waters, per State Constitution, beyond which the state shall never sell or lease any rights whatever. This line is usually coincident with the U.S. Army Corps of Engineers pierhead line. Inner harbor line means a line located and established in navigable tidal waters between the line of ordinary high tide and the outer harbor line, and constituting the inner boundary of the harbor area. This line is usually coincident with the U.S. Army Corps of Engineers bulkhead line.

**Hearings Board** means the Shorelines Hearings Board established by the Act.

**Jetty** means a structure usually projecting out into the sea at the mouth of a river for the purpose of protecting a navigation channel, a harbor or to influence water currents and littoral drift.

**Lacustrine** means pertaining to a lake.

**Landfill or fill** means the addition of soil, sand, rock, gravel, sediment, earth retaining structure or other material (excluding solid waste) to an area waterward of the ordinary high-water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

**Letter of Exemption** means a letter or other official certificate issued by the City to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act, WAC 173-26, and this Shoreline Master Program.

**Levee** means a natural or man-made embankment on the bank of a stream for the purpose of keeping flood waters from inundating adjacent land. Levees often have an access road along the top.

**Limited Utility Extension** means the extension of a utility service that: (i) is categorically exempt under chapter 43.21C, RCW for one or more of the following: natural gas, electricity, telephone, water, or sewer; (ii) will serve an existing use; and (iii) will not extend more than twenty-five hundred linear feet within the shorelines of the State.

**Littoral drift** See Long shore drift.

**Local Government** means City of Everett.

**Long shore drift, alongshore drift, or littoral drift** means that coastal process where sand which has been stirred into suspension by the turbulence of the breaking waves is transported along a shoreline, and deposited on a beach.

**Marine** means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries.

**Master Program** means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

**Mitigation or Mitigation Sequencing** means the following sequence of steps listed in order of priority, with step (a) being top priority.

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectifying the impacts by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations;

- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- (f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

When this Master Program requires mitigation, the mitigation sequence listed above must be followed.

**Multiple Use** is management of land and water resources taking into account the many human demands on them with a view to all necessary and desirable uses; these demands change in nature and number through time.

**Navigable Waters** means all bodies of water meandered by government surveyors unless otherwise declared by a court. Tidal water is navigable in law if in fact it is navigable though only at high tide.

**Non-water oriented uses** means those uses that are not water dependent, water related, or water enjoyment.

**Ordinary high water mark** on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that conditions exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

**Park** means publicly owned land used for recreation and open space purposes.

**Permit** means any shoreline substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW.

**Pier** means a structure generally built from the shore out over the water or floating upon the water used as a landing place for marine transport or for recreational purposes.

**Pollution of Water** is contamination or other alteration of the physical, chemical, or biological properties of water, including changes in temperature, taste, color, or odor of the water, or the discharge into the water of any liquid, gaseous, radioactive, solid, or

other substance that may create a nuisance or render such water detrimental or injurious to public health, safety or welfare. Broadly, water pollution means any change in water quality that impairs it for the subsequent user.

**Priority habitat** means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal ranges;
- Important fish or wildlife movement corridors;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish beds.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

**Priority species** means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

- (1) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- (2) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or state-wide, by virtue of their inclination to congregate.

Examples include heron colonies, seabird concentrations, and marine mammal congregations.

- (3) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- (4) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

**Public Access** means provision of physical or visual approach from upland or adjacent properties to shorelines or public waters available to the general public.

**Public Shorelines** mean any shorelines owned in fee simple by any public agency.

It is a general rule that the State of Washington owns the surface of waters under the jurisdiction of the Shoreline Act, and therefore the public has a right to utilize the surface of such waters as long as there is no conflict with navigation.

**RCW:** Revised Code of Washington

**Restore** means to significantly reestablish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. To restore does not necessarily imply returning the shoreline area to aboriginal, or pre-European settlement conditions.

**Revetment** means a sloped solid wall constructed of riprap or other substantial material, placed on stream banks or marine shorelines to retard bank erosion from high velocity currents or waves respectively.

**Riprap** means broken stone placed on shoulders, slopes or other such places to protect them from erosion.

**Riverine** means pertaining to a river or stream system, including associated lakes and wetlands.

**Shorelands** means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the RCW 90.58. Any city may determine that portion of a one-hundred year floodplain to be included in its master program as long as such portion includes, as a

minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

**Shorelines** means all the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

**Shorelines in Everett and Everett's Urban Growth Area include:**

1. Silver Lake and its shorelands.
2. Lake Stickney and its shorelands.
3. Lake Chaplain Reservoir and its shorelands.
4. The portions of Woods Creek and the Sultan River within the Everett city limits and their shorelands.
5. The area of Port Gardner Bay from the Everett/Mukilteo city limit to the southern tip of Jetty Island lying between the extreme low tide and the ordinary high water mark and its shorelands.
6. That portion of Port Gardner Bay west of Jetty Island between the ordinary high water mark and extreme low tide and the portion of Jetty Island that is not a shoreline of statewide significance.

**Shoreline areas and shoreline jurisdiction** means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.

**Shorelines of State-Wide Significance** within the City of Everett and the Urban Growth Area consist of:

1. All of the water area of Port Gardner Bay lying seaward from the line of extreme low tide, out to the city limits in mid-channel.
2. The Snohomish River and its associated shorelands from the southern City limits to the south tip of Jetty Island, including Steamboat Slough and Union Slough.

**Shorelines of the State** are the total of all “Shorelines” and “Shorelines of state-wide significance” within the state.

**Significant ecological impact** means an effect or consequence of a human-caused action if any of the following apply:

- a) The action degrades or changes an ecological function or ecosystem-wide process to such a degree that the ecosystem can no longer perform the function at levels within its natural range of variability or that the performance of the function falls outside the range needed to maintain the integrity of other ecological processes in

shoreline areas. As used in this definition, the normal range of variability does not include alterations caused by catastrophic events.

- b) Scientific evidence or objective analysis indicates that the action could cause degradation or change to those ecological functions or ecosystem-wide processes described in (a) of the subsection under foreseeable conditions.
- c) Scientific evidence indicates that the action could contribute to degradation or change to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

Significant ecological impacts do not include impacts that are inconsequential to attaining the objectives of the act or to the protection and restoration of shoreline ecological functions or ecosystem-wide processes.

**Solid Waste** means garbage, refuse, sludges, and other discarded solid materials resulting from industrial and commercial operations and from community activities. It does not include biosolids or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, or other common water pollutants.

**Stormwater** means that portion of precipitation that does not normally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface waterbody, or a constructed infiltration facility.

**Substantial Development** means any development of which the total cost or fair market value exceeds \$2,500, or any development which materially interferes with normal public use of the water or shorelines of the state. Exceptions are 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.

**Threatened and endangered species or T & E species** means those native species that are listed in rule by the Washington state department of fish and wildlife pursuant to RCW 77.12.020 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened or endangered under the federal Endangered species Act, 16 U.S.C. 1533).

**Transportation facilities of statewide significance** means the interstate highway system; interregional state principal arterials including ferry connections that serve statewide travel; regional transit systems as defined in RCW 81.104.015; high capacity transportation systems serving regions as defined in RCW 81.104.015; intercity passenger rail services; intercity high-speed ground transportation; rail fixed guideway system, as defined in RCW 81.104.015, excluding yards and service and maintenance facilities; the freight and passenger railroad system as regulated by the Federal Railroad Administration, excluding yards and service and maintenance facilities; and in shoreline

zones, and in adjacent zones where all or any portion of a development is within a shoreline designated area or zone, marine port and barge facilities and services that are related solely to marine activities affecting international and interstate trade, excluding centralized, high density concentrations of port, deep water port, and marine shipping facilities and services. (Ordinance 2736-03)<sup>1</sup>

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

**Vista** means a distant view through or along an avenue or opening.

**View** means a sight (as of a landscape) regarded for its pictorial quality.

**WAC** means Washington Administrative Code.

**Water dependent use** means a use or portion of a use which cannot exist in a location that is not adjacent to the water but is dependent on the water by reason of the intrinsic nature of its operations. Examples of water dependent uses include ship cargo terminal loading areas, fishing, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, hydroelectric dams, irrigation facilities, and sewer outfalls.

**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 the 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 with activities enhanced by proximity to the water;
- Piers and other improvements that facilitate public access to shorelines of the state;
- Restaurants and hotels with water views and public access improvements;
- Museums with an orientation to shoreline topics;
- Aquariums;
- Scientific/ecological reserves;
- Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

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<sup>1</sup> Effective 12/9/03

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

**Water quality** means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation related, and biological characteristics. When used in this SMP, the term “water quantity” refers only to development and uses regulated under the Shoreline Management Act and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

**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:

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

Water related uses include manufacturers of ship parts large enough that transportation becomes a significant factor in the product’s cost, professional services serving primarily water dependent activities and storage of water transported foods. Examples of water related uses include the warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage for water-borne transportation.

**Wetlands** means those areas inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (RCW 90.58)

# Appendix A

## Documents Incorporated by Reference

- A.1 Incorporated in Section 2.5 of SMP:**  
EMC 19.38 Nonconforming Uses, Buildings and Lots
- A.2 Incorporated in Section 3.6 of SMP:**  
EMC 19.30 Floodplain Overlay Districts and Regulations
- A.3 Incorporated in Section 3.9 of SMP:**  
Comprehensive Plan Goals, Objectives, and Policies for Critical Areas
- A.4 Incorporated in Section 3.9 of SMP:**  
EMC 19.33.D.360-590. Environmentally Sensitive Areas  
Applicable Definitions in EMC 19.04
- A.5 Incorporated in Section 3.9 of SMP:**  
Planning Director Interpretation No. 2-2000: Interim Procedures, Endangered Species Act (ESA) Listing for Chinook Salmon and Bull Trout
- A.6 Incorporated in Section 3.9 of SMP:**  
Planning Director Interpretation No. 01-005: Standard Buffer Width Reduction.
- A.7. Incorporated in Section 3.9 of SMP:**  
EMC 19.37 Critical Areas (Applicable in Marshland Subarea only)

**Bound Separately:**

1997 Snohomish Estuary Wetland Integration Plan  
Salmon Overlay to the Snohomish Estuary Wetland Integration Plan  
Marshland Subarea Plan