SHORELINE MASTER PROGRAM 2017

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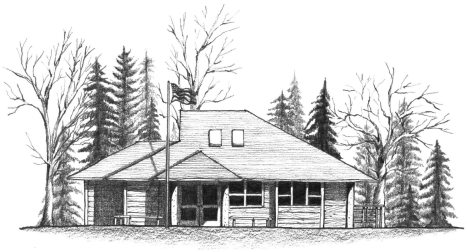

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April 5, 2017

The Honorable Dicker Cahill
Town of Yarrow Point
4030 95th Avenue NE
Yarrow Point WA 98004

Re: Final Ecology Approval of Yarrow Point Comprehensive Shoreline Master Program Update

Dear Mayor Cahill:

The Washington State Department of Ecology (Ecology) is pleased to announce final approval of the Town of Yarrow Point (Town) Shoreline Master Program (SMP) Comprehensive update. Congratulations to you, your staff, and the Yarrow Point community for completing the comprehensive update of your SMP. We appreciate your commitment to comprehensive land-use planning for Washington's unique and valuable shorelines.

As you know, the following correspondence regarding the recent SMP comprehensive update took place between Ecology and the Town:

- April 3, 2013 – Ecology accepted your complete locally-adopted SMP to Ecology (Ordinance No. 2012-19).
- September 13, 2013 – Ecology conditionally approved the Town's SMP comprehensive update with specific required and recommended changes.
- March 24, 2017 – The Town sent a letter to Ecology accepting seven of Ecology's required changes and proposed alternative language for three required changes (Resolution No. 329).

Upon review, Ecology finds the Town's proposed alternative provisions to be consistent with the purpose and intent of the changes originally proposed by Ecology and with the policy of RCW 90.58.020 and the applicable rules.

Ecology, therefore, approves the Town's SMP comprehensive update, together with the revisions specified above. This action represents Ecology's final decision and there shall be no further modifications to the Town's proposal.

The effective date of the Town's SMP comprehensive update is 14 days from the date of this letter, Ecology's final approval letter. This 14-day period was established by legislative action in 2011 and is intended to provide lead time for the Town to prepare to implement the new SMP.

Ecology is required to promptly publish notice that your SMP has received final approval. The notice, in the form of a legal ad, will begin a 60-day appeal period. We will provide a copy of the legal ad to the Town for its records.

Finally, please integrate the revisions contained in this correspondence into the Town's SMP, and forward two clean hard copies and one digital copy of the approved SMP to Ecology within 30 days.

Thank you again for your significant work and leadership in completing this SMP update. The Town Planner, Mona Green, deserves special recognition for her excellent work throughout the SMP process. If you have any questions, please contact our Shoreline Regional Planner, David Pater, at (425) 649-4253.

Sincerely,

Maia Bellon by Billy Zehn

Maia D. Bellon
Director

Enclosures

By Certified Mail [91 7108 2133 3939 7125 5351]

cc: Mona Green, Yarrow Point Town Planner
Joe Burcar, Ecology
David Pater, Ecology

TOWN OF YARROW POINT
RESOLUTION NO. 329

A RESOLUTION OF THE COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON, ANNOUNCING ITS ADOPTION OF THE 2017 SHORELINE MASTER PROGRAM

WHEREAS, the TOWN OF YARROW POINT has an adopted Shoreline Master Program (SMP) pursuant to RCW 90.58 (Shoreline Management Act); and

WHEREAS, in 2003 the State Legislature amended the Shoreline Management Act to require that all cities, towns and counties with shoreline areas review and update their local SMPs; and

WHEREAS, the TOWN OF YARROW POINT is bounded by Lake Washington, a lake of statewide significance; and

WHEREAS, the legislature provided grant funds and directed the Department of Ecology to administer a grant program and develop guidelines to assist local government in their efforts to comply with the amendments to RCW 90.58; and

WHEREAS, beginning in 2009, the TOWN OF YARROW POINT participated in the public process through the Town Planning Commission; and

WHEREAS, beginning in 2009, the Town Planning Commission conducted chapter by chapter development and review of the SMP during their regular monthly meetings for over two years; and

WHEREAS, the Town Planning Commission conducted a Public Hearing on December 12, 2011; and

WHEREAS, the Town Council conducted a thorough review of the Planning Commission's recommended SMP and passed Resolution No. 309 on September 11, 2012 announcing its intent to adopt the updated SMP following the required Department of Ecology's review and approval; and

WHEREAS, the Department of Ecology granted conditional approval of the Town's SMP on September 13, 2013, pending a series of required changes; and

WHEREAS, the Town has negotiated with the Department of Ecology to arrive at an SMP that reflects the Town's proposed shoreline development regulations and such review is now complete.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF YARROW POINT THE FOLLOWING:

Section 1. That the Town Council adopts the 2017 Town of Yarrow Point Shoreline Master Program for the TOWN OF YARROW POINT.

ADOPTED by the Council of the Town of Yarrow Point on this 7th day of February 2017.

TOWN OF YARROW POINT, WASHINGTON CORPORATE SEAL 1959

Richard Cahill, Mayor

ATTEST:

Anastasiya Warhol, Clerk-Treasurer

Town of Yarrow Point
Shoreline Master Program

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CHAPTER 1. INTRODUCTION

1.1 History and Requirements of the Shoreline Management Act

Washington's Shoreline Management Act (SMA), passed by the Legislature in 1971 and adopted by the public in a 1972 referendum, provides guidance for the development of locally adopted Shoreline Master Programs.

The primary goal of the SMA is to "prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The area within Yarrow Point that is subject to the SMA includes the Lake Washington shoreline and land areas ("shorelands") that extend 200 feet from the Lake Washington edge of the water, including any biological wetlands associated with either the lake or the shorelands. Such wetlands may be found within the Wetherill Nature Preserve and Morningside Park. These areas are collectively referred to as the "shoreline jurisdiction."

The SMA establishes a broad policy giving preferences to uses that:

- Encourage water-dependent uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines..."

- Protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."

- Promote public access: "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

The SMA establishes a balance of authority between local and state government. Under the SMA, Yarrow Point is required to adopt a Shoreline Master Program ("Program" or "SMP") that is based on state guidelines but tailored to the specific needs of the community. The Program represents a comprehensive vision of how shoreline areas will be used and developed over time. It is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system.

Under the SMA, the Town is responsible for the following:

- Development of a **Shoreline Inventory and Analysis Report** that assesses the natural characteristics and land use patterns along shorelines covered by the Act.
- Preparation of a **Shoreline Master Program** to determine the future of the shorelines. The SMA requires that Programs on Shorelines of Statewide Significance, such as Lake Washington, utilize a higher level of effort in implementing its objectives. As stated in the SMA, the Town's Shoreline Master Program "shall give preference to uses in the following order of preference which:
  1. Recognize and protect the statewide interest over local interest;
  2. Preserve the natural character of the shoreline;

3. Result in long term over short term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
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."

- Development of a **permit system** to further the goals and policies of both the act and the local Master Plan.
- Development of a **Restoration Plan** that includes goals, policies and actions for restoration of impaired shoreline ecological functions. (see Appendix F)
- Development of a **Cumulative Impacts Analysis** and **No Net Loss Report** that demonstrate that the Master Program will not allow degradation of the Town's shoreline ecological functions as they existed at the time of the inventory.

1.2 Shoreline Master Program Development and Public Participation

Yarrow Point's original Shoreline Master Program was adopted in 1974 in compliance with the SMA. The 2011 Update of the Program has been developed through an extensive Public Participation Outreach Program, conducted by the Town's Planning Commission.

Public participation has been essential to the development of the Program. Both the SMA and Ecology's procedural rules and guidelines require public participation. The SMA states the local government and Ecology shall "not only invite but actively encourage participation" in SMP development (RCW 90.58.130). The procedural rules require local governments to "make all reasonable efforts to inform, fully involve and encourage participation" of interested persons, private entities and local, state and federal agencies (WAC 173-26-090). The Guidelines repeat these mandates, specifically requiring communication with state agencies and affected Indian tribes (WAC 173-26-201(3)(b)).

To initiate the data gathering that was required for the preparation of the Shoreline Analysis Report, the Town canvassed dozens of local organizations, as well as government agencies, to collect available information. Recipients of the request were invited to participate in the development of the SMP.

In October 2010, the Town Planning Commission hosted a "Shoreline Open House" to present the results of the Shoreline Inventory and to invite the community to participate in a "Visioning Workshop" in order to provide direction for the goals, policies, and regulations of the SMP. Over twenty town residents attended the event. The general consensus of those present was that the existing shoreline rules had allowed for the development of the unique residential and water-oriented recreational community that is Yarrow Point, and such rules and development regulations should be retained.

The Town Planning Commission continued its work on the SMP throughout 2011 and 2012. An active "Yarrow Point Waterfront Association" was formed to represent shoreline owners' interests in development of the Program. The resulting SMP contains valuable input from all parties who chose to participate in the process. The current document was approved by the Yarrow Point Town Council on October 9, 2012, following a properly noticed Public Hearing.

1.3 How the Yarrow Point Shoreline Master Program is Used

The Yarrow Point Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the Town and establishes regulations for development occurring in the shoreline area. In order to preserve and enhance the shoreline of Yarrow Point, all development proposals within the shoreline jurisdiction are evaluated for compliance with the Program. The Master Program policies and regulations only apply to "development," which is defined as a "use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level." Some developments may be exempt from a Shoreline Substantial Development Permit, while others may require a Shoreline Conditional Use Permit or Shoreline Variance; however, all proposals must comply with the policies and regulations established by the SMA and the Yarrow Point Shoreline Master Program.

Shoreline environmental designations have been assigned to all areas within the Town's shoreline jurisdiction. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment. Yarrow Point has designated its Lake Washington shoreline under four shoreline environments: Shoreline Residential, Natural, Aquatic, and Urban Conservancy. These environments are described in *Chapter 4: Shoreline Environment Description and Designations* and mapped in Appendix C.

Persons proposing any projects within shoreline jurisdiction are required to consult with the Town's Shoreline Master Program Administrator (the Town Planner) to determine how the proposal is addressed in the Master Program. The Town's Shoreline Administrator provides assistance in identifying whether a proposal is considered a development that is subject to the Master Program, and then whether it is exempt from the permit process (Shoreline Exemption) or requires a Shoreline Permit. Requests for Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits are heard by the Town's Hearing Examiner. Decisions are made through an open record Public Hearing. A description of exempt projects, shoreline application procedures and criteria are fully discussed in *Appendix B: Administration*.

A description of the area within the jurisdiction of this Shoreline Master Program is presented in *Chapter 4: Shoreline Environment Description and Designations*.

All definitions specific to this Shoreline Master Program are located in Appendix A.

1.4 Relationship of this Shoreline Master Program to Other Plans

The permitting process for a shoreline development or use does not exempt an applicant from complying with any other local, state, regional or federal statutes or regulations which may also be applicable to such development or use. In Yarrow Point, other plans and policy documents that must be considered include the Yarrow Point Comprehensive Plan, the Yarrow Point

Municipal Code and the Town of Yarrow Point Stormwater Guidelines. The regulations of this Master Program are in addition to other adopted Town ordinances, resolutions, and codes. Where conflicts exist between regulations, those that provide more substantive protection to the shoreline area shall apply.

The Shoreline Master Program policies are considered part of the Town's Growth Management Act (GMA) Comprehensive Plan and Shoreline Master Program regulations are considered part of the Town's GMA development regulations. The development regulations in this Shoreline Master Program generally act as an overlay on top of the Town's GMA development regulations. One key area of shoreline regulation addresses critical areas. This Shoreline Master Program contains in Appendix D critical area regulations applicable only in shoreline jurisdiction that provide a level of protection to critical areas assuring *no net loss of shoreline ecological functions* necessary to sustain shoreline natural resources.[1] (RCW 36.70A.480)

[1] Shoreline Master Programs are required by the Shoreline Management Act to regulate critical areas. These regulations are included in this SMP, rather than referenced, as the Department of Ecology has approval authority over any referenced regulations that are essential to compliance with SMP requirements, even if those referenced regulations also apply to areas outside of shoreline jurisdiction. As such, the content of the critical areas regulations applicable in shoreline jurisdiction may be different than critical areas regulations applicable outside of shoreline jurisdiction.

CHAPTER 2: SHORELINE MANAGEMENT GOALS

2.1 Shoreline Use Element

Ensure that the land use patterns within shoreline areas are compatible with shoreline environment designations and will be sensitive to habitat, ecological systems, and other shoreline resources.

2.2 Public Access Element

Increase and enhance public access to shoreline areas for the enjoyment of shoreline amenities, consistent with the natural shoreline character and public safety within the Town's public spaces.

2.3 Recreational Element

Encourage water-oriented recreational opportunities within the residential areas of the Town, while protecting the integrity, ecology and character of the shoreline. Encourage boating and swimming at the Town's two road end areas.

2.4 Circulation Element

Town streets or rights of way shall be available for bicycle and foot traffic with appropriate access to publically owned shorelines. Walking trails within the shoreline area shall be maintained in a manner consistent with protection of the existing ecological functions. Ensure that developments waterward of the OHWM do not interfere with navigation on and other public uses of Lake Washington.

2.5 Conservation Element

Preserve and protect those features necessary for the support of wild and aquatic life and the fragile shoreline area.

2.6 Historic, Cultural, Scientific, and Educational Element

Identify, protect, preserve, and restore archaeological, historical, and cultural sites located within the shoreline jurisdiction.

2.7 Restoration Element

Shoreline areas with impaired ecological function shall be improved over time.

CHAPTER 3: SHORELINE MANAGEMENT POLICIES

3.1 General Policies

A. Archaeological and Historical Resources. Due to the limited and irreplaceable nature of the resource, public or private uses and activities should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities.

B. Environmental Impacts

1. The adverse impacts of shoreline uses and activities on the shoreline environment should be avoided, if feasible, and then minimized during all phases of development consistent with the mitigation sequencing standards of 5.3.A and WAC 173-26-201(2)(e)(i) (e.g., design, construction, management and use). Mitigation for impacts must be provided such that the use or activity overall will result in no net loss of shoreline ecological functions.

2. The Town of Yarrow Point should protect the ecological integrity of Lake Washington and associated wetlands and creeks. Ecological integrity is a term that refers to a system's overall health and wholeness, including the presence of all appropriate elements (physical and biological) and the occurrence of all processes (e.g. erosion and deposition) at appropriate rates. Protecting the ecological integrity is the primary directive for water policy in the United States Clean Water Act.

3. The Town of Yarrow Point shall plan for the restoration of ecological functions where they have been impaired. Master Program provisions, including goals, policies, and regulations, are intended to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the Master Program. Restoration goals will be achieved by providing restoration information and assistance to all interested parties, through Town projects and programs, and other means outlined in the Restoration Plan.

4. The Town should consider the adoption of Low Impact Development (LID) standards, such as those contained in the *Low Impact Development Manual: Technical Guidance for Puget Sound*, to further reduce environmental impacts within the Shoreline Environment.

C. Environmentally Sensitive Areas

1. Environmentally sensitive areas within the shoreline management area jurisdiction are regulated by the Town of Yarrow Point Critical Areas Regulations for Shoreline Jurisdiction (Appendix D). If there are conflicts between the regulations contained in the SMP, those that are the most protective of shoreline ecological functions will apply.

2. Unique, rare and fragile natural features as well as scenic vistas from public property and wildlife habitats should be preserved and protected from unnecessary degradation or interference.

3. The Town of Yarrow Point should protect the ecological integrity of its shoreline areas within its jurisdiction.

D. Public Access

1. Public access to the Yarrow Point shoreline does not include the right to enter upon or cross private residential property, except where specifically provided by easements.

2. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive shoreline environment and should be designed for universal accessibility.

3. The level of public access should be commensurate with the degree of uniqueness or fragility of the shoreline. For example, public access should generally be limited and stronger access controls should be incorporated in highly fragile shoreline environments.

4. The level of public access required by the Town should be proportionate to the increased level of demand generated by the development.

5. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.

6. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever possible.

E. Vegetation Management

1. Native plant communities within shoreline jurisdiction should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.

2. Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use native plantings and/or soil bioengineering techniques to minimize the processes of erosion and sedimentation.

3. Aquatic weed management should involve usage of native plant materials wherever possible in soil bioengineering applications and habitat restoration activities. Where active removal or destruction of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal or modification of aquatic vegetation should be conducted

in a manner that minimizes adverse impacts to native plant communities and/or salmonid habitat, and should include appropriate handling or disposal of weed materials and attached sediments.

4. The Town of Yarrow Point should provide information to the public about environmentally appropriate vegetation management, salmon-friendly landscaping for shoreline properties, and alternatives to the use of pesticides and herbicides which impact water quality and aquatic stream habitat.

5. Property owners should use the following Best Management Practices (BMPs) when maintaining residential landscapes:

    a. Avoid use of herbicides, fertilizers, insecticides, and fungicides along banks of streams, drainage channels, and shores of Lake Washington, as well as in the water.

    b. Limit the amount of lawn and garden watering so that there is no surface runoff.

    c. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.

F. Water Quality

1. Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

2. All shoreline uses and activities should be located, designed, constructed and maintained to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, and feeding areas and migratory routes.

3. The Town should require setbacks, buffers and stormwater treatment and detention facilities to achieve the objective of no net loss of shoreline ecological functions and maintenance of good water quality.

4. Any treatment of runoff required by the Town's adopted stormwater plan should be conducted on-site at the source to prevent adverse impacts to water quality.

5. Dredging and filling activities should be conducted in a manner that protects the Town's water quality. For detailed information on requirements and policies related to dredging, see the Shoreline Modification Activity Regulations section entitled Dredging.

6. The Town should provide general information to the public about the use of land and human activities which impact water quality.

7. The following BMPs regarding water quality management should be supported:

   a. Hazardous materials should always be disposed of properly if they cannot be reused or recycled. Household products identified by such labels as poisonous, corrosive, caustic, flammable, volatile, explosive, or dangerous, and their associated containers, should never be dumped outdoors at a residence.

   b. Ground cloths or drip pans should be used beneath any outdoor work involving hazardous materials such as paints, wood preservatives, finishes, stains, and rust removers. Collected drips and spills should be recycled or disposed of properly.

   c. The runoff from automobile washing should drain to vegetated areas, such as lawns. If soaps or detergents are used, products without phosphates should be selected. Use a high pressure hose with trigger to minimize water usage.

   d. Limit the amount of lawn and garden watering so that surface water runoff containing pesticides, herbicides and fertilizers does not leave the property. Application of these chemicals should be avoided if precipitation is expected.

   e. Boat maintenance and repair activities that can be moved on-shore should be moved accordingly. This action reduces some of the potential for direct pollution on Lake Washington.

   f. Boat blasting and spray-painting activities are prohibited over the water.

   g. Bilge and ballast water that has an oily sheen on the surface should be collected for proper disposal rather than dumped on land or over water. Several companies are available for bilge pumpout services. The problem can possibly be avoided if oil-absorbent pads are used to capture the oil in the bilge water before pumping. If pads are used, they must be recycled or properly disposed.

   h. Paint and solvent mixing, fuel mixing, and similar handling of liquids should be performed on shore, or such that no spillage can occur directly in surface water bodies.

   i. Feeding Canada geese and other waterfowl along the shoreline should be discouraged to prevent them from gathering in large numbers and potentially contaminating the water from bird droppings.

3.2 Shoreline Use and Modification Policies

A. Boating Facilities

1. Locate new boating facilities and allow expansion of existing facilities at sites with suitable environmental conditions, shoreline configuration, access, and neighboring upland and aquatic uses.

2. Require mitigation for any adverse impacts to ecological functions that may result from new, expanded or modified boating facilities.

3. Boating facilities that minimize the amount of shoreline modification, in-water structure, and overwater cover are preferred.

B. Clearing and Grading

1. All clearing and grading activities should be designed and conducted to minimize impacts to wildlife habitat; to minimize sedimentation of creeks, streams, lakes, and wetlands; and to minimize degradation of water quality.

2. Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development. Such activities should be discouraged in designated (structural) setback areas and allowed in other shoreline locations only when associated with a permitted shoreline development.

3. Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods consistent with mitigation sequencing requirements. Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.

4. Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation or with other species as approved by the Town.

5. All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age, and cover density.

C. Dredging and Dredge Material Disposal

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

2. Dredging in Lake Washington should be allowed to maintain, establish, expand, or relocate or reconfigure navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.

3. Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological functions of the area to be dredged and of the disposal site. Proposals that include dredging shall provide mitigation to achieve no net loss of shoreline ecological functions.

4. Dredging waterward of the OHWM for the primary purpose of obtaining fill or construction material is prohibited.

5. Dredge material disposal in Yarrow Point should be prohibited, except for habitat improvement projects.

D. Fill Waterward of the OHWM

1. Fills waterward of the OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses and modification, and ecological restoration which are consistent with this Master Program. All fill waterward of the OHWM not associated with ecological restoration or approved shoreline stabilization should require a Shoreline Conditional Use Permit.

2. Fill should be designed and located so that there will be no damage to existing ecological systems or natural resources, and no alteration of local currents, surface and subsurface drainage, or flood waters which would result in hazard to adjacent life, property, or natural resource systems.

3. Where permitted, fill coverage should be the minimum necessary to provide for the proposed use. Fills should be permitted only when tied to a specific development proposal that is permitted by this Master Program.

5. Beach nourishment on public and private community beaches should be allowed, subject to the assurance of no net loss of ecological functions in the process.

E. Private Moorage

1. Pier construction should be consistent with current state and federal requirements for Lake Washington. Generally, these require fixed-pile construction, using metal or untreated pilings, narrow widths, and decking that minimizes shading.

2. Private moorage should be designed and located so as to minimize interference with navigation of adjacent property owners to their private moorage structures or with public navigation and other public uses of Lake Washington.

F. Recreational Development

1. Give priority to shoreline recreational development on public lands owned by the Town of Yarrow Point in order to provide access, use, and enjoyment of the Town's shoreline.

2. Develop recreational activity areas in a manner which complements local residential use and/or natural habitats.

3. Assure recreational facilities are developed in a manner consistent with the purpose of the enviornment designation and achievement of no net loss of shoreline ecological functions.

G. Residential Development

1. Recognize single-family uses as a preferred use when developed without adverse impacts to ecological functions.

2. Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.

3. Residential development should be designed to preserve existing shoreline vegetation, control upland erosion, and protect water quality using best management practices and where possible, utilizing low impact development technologies.

4. Residential development shall be permitted only where there are adequate provisions for utilities, circulation and access.

5. Over-water residential structures and floating residences are prohibited.

H. Shoreline Habitat and Natural Systems Enhancement Projects

1. The Town should allow restoration projects, especially those identified in or consistent with the *Yarrow Point Shoreline Restoration Plan* or the *Final WRIA 8 Chinook Salmon Conservation Plan*.

2. The Town should protect and improve wildlife and aquatic habitats wherever feasible.

I. Shoreline Stabilization

1. Hard structural solutions should be allowed only after it is demonstrated that nonstructural or soft structural solutions would not provide sufficient protection to existing primary structures. Nonstructural and soft structural solutions include

(but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures), and are the preferred method of stabilization when it is demonstrated to be necessary.

2. Proposals for shoreline stabilization activities should address the potential impact of these activities on adjacent properties, and on shoreline ecological functions and ecosystem-wide processes, such as sediment transport, geomorphology, aquatic habitat, and shoreline vegetation.

3. Shoreline stabilization on the Lake Washington shoreline shall not be used to create new or newly usable land.

4. Shoreline stabilization structures should allow passage of ground and surface waters into Lake Washington.

5. All new shoreline development should be located and designed to avoid the need for future shoreline stabilization activities.

6. Mitigation for shoreline stabilization must be provided to achieve no net loss of ecological functions necessary to sustain shoreline natural resources.

J. Transportation and Parking

1. Where possible, locate land circulation systems as far from the shoreline as feasible to reduce interference with natural shoreline resources or appropriate shoreline uses.

2. Parking facilities in shoreline jurisdiction are not a preferred use and should be allowed only as necessary to support an authorized use. Parking facilities should be located as far inland as possible from the OHWM, and designed to ensure no net loss of ecological functions.

K. Utilities

1. Whenever feasible, locate new utilities outside shoreline jurisdiction. Utilities that must be located within shoreline jurisdiction should be located within existing rights-of-way or corridors whenever feasible.

2. Locate utility facilities and corridors to prevent loss of ecological function and preserve the natural landscape, including avoiding impacts to critical areas and minimizing clearing of native vegetation.

3. Ensure utilities in shoreline jurisdiction do not adversely affect water quality or prevent public use of the shoreline area.

CHAPTER 4: SHORELINE ENVIRONMENT DESCRIPTION AND DESIGNATIONS

4.1 Introduction

This section defines shoreline jurisdiction and the particular shoreline environment designations within the Town of Yarrow Point. Shoreline jurisdiction in the Town of Yarrow Point consists of the waters of Lake Washington (a Shoreline of Statewide Significance), upland areas extending 200 feet landward of the OHWM, and associated wetlands.

The intent of designating shoreline environments is to encourage development that will preserve the current condition or enhance the desired future character of the shoreline consistent with the SMA. To accomplish this, shoreline areas are given an environment designation based on existing use and development patterns, the biological and physical character of the shoreline, and the desires of the residents.

Shoreline environment designations must be consistent with the designation criteria provided in WAC 173-26-211. Specific development standards are established, which specify how and where permitted development can take place within each shoreline environment. The Yarrow Point classification system is consistent with the environment designation system in WAC 173-26-211. In delineating environment designations, the Town aims to assure that existing shoreline ecological functions are protected with the proposed use, intensity and standards of development. The Town's environment designation map is included in Appendix C. All undesignated shorelines shall be assigned an Urban Conservancy environment designation consistent with WAC 173-26-211.

4.2 Natural Environment

4.2.1 Purpose

According to WAC 173-26-211(5)(a), the purpose of the "Natural" environment is to "protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment." The Town of Yarrow Point has identified the Wetherill Nature Preserve and portions of Morningside Park as fitting the Natural environment designation.

4.2.2 Management Policies

A. Any uses that would substantially degrade the ecological functions or natural character of the shoreline area are not allowed.

B. The following new uses are prohibited within the "Natural" environment: commercial uses, industrial uses, nonwater-oriented recreation, residential, roads, utility corridors, parking areas.

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

D. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed. Any new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

4.3 Shoreline Residential Environment

4.3.1 Purpose

According to WAC 173-26-211(5)(f), the purpose of the "Shoreline Residential" environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

4.3.2 Management Policies

A. Standards for minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

B. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

4.4 Urban Conservancy

4.4.1 Purpose

The purpose of the “Urban Conservancy” environment is to protect and restore ecological functions in urban and developed settings, while allowing a variety of water-oriented and low impact uses. Urban Conservancy areas are publicly owned, and include the NE 47th Street Road End Beach and the NE 42nd Street Road End hand-held boat launch area.

4.4.2 Management Policies

A. The following uses shall be permitted within the Urban Conservancy environment: water-oriented recreation; scientific, historical, cultural, and educational uses; public access; utilities that must be located within the designated area; restoration activities. All uses shall be compatible with conserving, protecting and restoring ecological conditions of the shoreline. All other uses shall be prohibited.

4.5 Aquatic Environment

4.5.1 Purpose

The "Aquatic" environment encompasses Lake Washington contained within the Yarrow Point town limits, waterward of the ordinary high water mark (OHWM). According to WAC 173-26-211(5)(c), "the purpose of this environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark."

4.5.2 Management Policies

A. The Aquatic environment should be managed consistent with the policies found in WAC 173-26-211(5)(c)(ii).

B. Existing piers, moorage structures, and bulkheads shall be allowed to be maintained.

C. New overwater structures shall be allowed for water-dependent recreational uses associated with single-family or community water-oriented recreational development.

D. Shared use of overwater structures shall be encouraged and required when new residential development of two or more adjacent dwellings occurs.

E. Fill shall not be placed into Lake Washington, with the exception of material accessory to permitted uses or modifications or designed to enhance the natural habitat.

CHAPTER 5: GENERAL REGULATIONS

5.1 General Regulations

A. Minimum setbacks and height limits for specific shoreline developments, uses, and activities are described in Section 6.2, Development Standards.

B. All shoreline uses and shoreline modification activities, including those that do not require a Shoreline Substantial Development Permit, must conform to the intent, policies, and regulations of this Master Program, including Shoreline Management Goals (Chapter 2), Shoreline Management Policies (Chapter 3), Shoreline Environment Description and Designations (including the environment designation map) (Chapter 4), General Regulations (Chapter 5), and Specific Shoreline Use and Modification Regulations (Chapter 6).

C. All shoreline development shall be designed in accordance with current codes and regulations and shall obtain all necessary permits from all applicable federal, state and local management codes and regulations, including those administered or required by the U.S. Army Corps of Engineers, , the U.S. Department of Agriculture, the State Department of Fish and Wildlife, the State Department of Ecology, the State Department of Agriculture, the State Environmental Policy Act, the Town's code pertaining to critical areas within shoreline jurisdiction (Appendix D), the Town's zoning regulations, and other applicable local land use codes and regulations. Where there are conflicts between these regulations, or between different regulations within this SMP, those which provide the most protection to shoreline ecological functions shall apply.

D. Shoreline modification activities must be in support of an allowable shoreline use which conforms to the provisions of this Master Program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or an approved shoreline use are prohibited.

5.2 Archaeological and Historical Resources

A. All shoreline permits and exemptions shall contain provisions which require developers to immediately stop work and notify the Town if any phenomena of possible archaeological interest is uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data is properly handled. The Town shall subsequently notify the Muckleshoot Tribe and the State Office of Archaeology and Historic Preservation. Failure to comply with this requirement shall be considered a violation of the Shoreline Permit.

B. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the Town determines that a site has significant archeological, natural scientific or historical value, a Shoreline Substantial Development Permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The Town

may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

C. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The Town shall notify the State Department of Ecology, the State Attorney General's Office, any affected Indian tribes, and the State Historic Preservation Office of such a waiver in a timely manner.

D. Archaeological sites are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Resources) and shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit) or its successor as well as the provisions of this Master Program.

E. Identified historical or archaeological resources within public areas shall be managed to give maximum protection to the resource and surrounding environment.

F. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

5.3 Environmental Impacts

A. Mitigation sequencing. To assure achievement of no net loss of ecological functions, applicants shall provide an analysis of adverse environmental impacts of the proposal and include measures to mitigate adverse environmental impacts not otherwise avoided or mitigated by compliance with the master program and other applicable regulations. Where required, mitigation measures shall be applied in the following sequence of steps listed in prioritized order, to be applied consistent with WAC 173-26-201(2)(e):

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

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

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

4. Reducing or eliminating the impact over time by preservation and maintenance operations;

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

6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable. Avoidance shall not be construed to prohibit uses and modifications otherwise allowed by this Master Program.

B. Application of the mitigation sequence shall achieve no net loss of ecological functions for each new development and shall not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the SMA. Identified significant short-term and long-term adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.

C. Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.

D. The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

E. All shoreline uses and activities shall utilize best management practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Physical control measures include, but are not limited to, catch basins, settling ponds, oil/water separators, filtration systems, grass-lined swales, interceptor drains and landscaped buffers. All types of BMPs require regular maintenance to continue to function as intended.

F. All shoreline uses and activities shall be located, designed, constructed and managed to avoid, if feasible, and then minimize and mitigate adverse impacts to water quality and fish and wildlife resources, including spawning, nesting, rearing, feeding and habitat areas, and migratory routes.

G. All shoreline uses and activity shall be located, designed, constructed and managed in a manner that avoids, if feasible, and then minimizes and mitigates adverse impacts to surrounding land and water uses.

H. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.

I. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. Surface drainage systems or

substantial earth modifications involving greater than 500 cubic yards of material shall be designed by a professional engineer. These designs shall seek to prevent maintenance problems, avoid adverse impacts to adjacent properties or shoreline features, and result in no net loss of shoreline ecological functions.

J. All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline stabilization.

K. Except as otherwise permitted herein, navigable waters in Yarrow Point shall be kept free of hazardous or obstructing uses and activities.

5.4 Environmentally Sensitive Areas

A. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region, and to facilitate the appropriate intensity of human use of such features, including but not limited to:

- Wetlands;
- Fish and wildlife habitats, including streams, migratory routes, and spawning areas;
- Geologically hazardous areas;
- Hydrologic connections between waterbodies, streams and wetlands; and
- Natural or man-made scenic vistas or features.

B. Environmentally sensitive areas within shoreline jurisdiction are regulated by the Town's Critical Areas Regulations modified for consistency with the Shoreline Management Act and included in this SMP as Appendix D.

5.5 Public Access

A. Public access shall be required for any development of more than four single-family parcels or for any development proposed by a public entity or on public lands. Such sites shall be fully developed and available for public use at the time of occupancy.

B. Public access provided by public street ends, public utilities and rights-of-way shall not be diminished by a proposed use, activity or development.

C. The following standards shall apply to all public access:

1. Types of Access. Applicants required to provide, or who voluntarily provide, shoreline public access shall provide for both physical and visual access, unless due to dangerous of unsafe site conditions only visual access is feasible. Examples are listed in 2. and 3. below.

2. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.

3. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, boat or canoe and kayak launching ramp, dock area, view platform, or other area serving as a means of physical approach to public waters.

5.6 Vegetation Management

A. All shorelines, including shorelines of statewide significance, shall be protected within the shoreline area and/or the adjacent uplands.

B. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction consistent with these vegetation management standards and the SMP. Normal nondestructive pruning and trimming of vegetation for maintenance purposes shall not be subject to these regulations.

C. Vegetation clearing outside of wetlands and buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. Mitigation sequencing shall be applied so that the design and location of the structure or development minimizes native vegetation removal. Development or uses that require vegetation clearing shall be designed to avoid the following in the order indicated below, with 1. being the most desirable vegetation to retain:

1. Native significant trees.

2. Non-native significant trees.

3. Native non-significant trees.

4. Other native vegetation.

5. Other non-native vegetation.

D. Where vegetation removal or harm conducted consistent with this section results in adverse impacts to shoreline ecological function, new developments or site alterations shall be required to develop and implement a mitigation plan at a minimum 1:1 ratio for shrub species by area and a minimum 2:1 ratio for tree species by number. Adverse impacts are assumed to result from removal of trees, shrubs and groundcovers or from construction or operation of new developments that could impair the tree's health. Mitigation plans shall be prepared by a qualified professional. Mitigation is to occur on site and within shoreline jurisdiction unless the applicant can prove it is infeasible, and must address temporal losses in the shoreline vegetation function, if applicable.

E. Shorelines or streambanks that will be disturbed or degraded incidental to construction of an authorized development shall be revegetated using native plant materials, unless the

disturbance will occur within a developed and maintained ornamental landscape, in which case noninvasive plant materials similar to that which most recently occurred on-site may be used.

F. Stabilization of exposed erosion-prone surfaces within shoreline jurisdiction shall, wherever feasible, utilize soil bioengineering techniques.

G. Clearing by hand-held tools and equipment of invasive non-native shoreline vegetation or plants listed on the State Noxious Weed List is permitted in upland shoreline locations, provided that any exposed soils are immediately stabilized.

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

I. The control of invasive aquatic vegetation by hand pulling or placement of aquascreens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a Shoreline Substantial Development Permit. Control of aquatic vegetation by mechanical methods is exempt from the requirement to obtain a Shoreline Substantial Development Permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.

J. The control of aquatic vegetation by derooting, rotovating or other methods which disturb the bottom sediment or benthos shall be considered development for which a Shoreline Substantial Development Permit is required.

K. The application of herbicides or pesticides in lakes, rivers, streams, wetlands, or ditches requires a permit from the Washington Department of Ecology and may require preparation of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture.

L. To maintain the ecological functions that trees provide to the shoreline environment, significant trees on public property shall be managed as follows.

1. Significant trees may be pruned, maintained, and removed within all Town-owned rights-of-way and other public property only as may be necessary to ensure public safety, including but not limited to the removal of hazardous trees and any vegetation that interferes with pedestrian or vehicular transportation, public utilities, or compromises any structures lawfully constructed. Tree removal must be mitigated as required by regulation 5.6.D above.

2. The Town shall utilize the American National Standards Institute (ANSI) A300 standards and the International Society of Arboriculture's (ISA) Best Management Practices for the care of all vegetation within the Town-owned rights-of-way and other public property, especially measures describing best practices, policies, techniques, and methods and procedures for pruning trees.

3. Hazard trees may be removed subject to a report prepared by a qualified professional presenting an evaluation and recommendation for removal. The party requesting the tree removal shall be responsible for the cost of the study. In the event that tree removal or maintenance is required, the town shall reimburse the property owner for the qualified professional's report, in an amount not to exceed $200.00.

4. Significant trees removed without Town approval must be compensated by replanting of trees equal in value to those removed or destroyed, at a location designated by the Town in shoreline jurisdiction.

5.7 Water Quality

A. All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grass-lined swales, planted buffers, and fugitive dust controls.

B. Herbicide application.

1. It is unlawful for any person, including a corporation, partnership or other legal entity, to place, throw, spray or otherwise introduce or attempt to place, spray or otherwise introduce or cause to be placed, thrown, sprayed or otherwise introduced into the waters of Cozy Cove, Yarrow Bay, and within 500 feet of the shoreline of the town any herbicide with the exception of those herbicides which are labeled as registered aquatic herbicides with the federal Environmental Protection Agency and which are registered with the State Department of Agriculture for use in the state.

2. It is unlawful for any registered herbicide as defined in B.1 to be applied unless it is applied under the authority of a modification of water quality standards order issued by the Washington Department of Ecology.

C. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.

D. All shoreline development shall comply with the applicable requirements of the most recent edition of the King County Surface Water Design Manual and all applicable Town stormwater regulations. The Town may also rely on source control standards and other

BMPs contained in the most recent version of the *Department of Ecology Stormwater Management Manual for Western Washington* and *The Low Impact Development Manual: Technical Guidance for Puget Sound*.

CHAPTER 6: SPECIFIC SHORELINE USE AND MODIFICATION REGULATIONS

6.1 Use and Modifications Matrix

A. Table 6.1 indicates which uses and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment. Accessory uses shall be subject to the same shoreline permit process as its primary use, unless such accessory uses are specifically listed in Table 6.1. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall apply.

B. Authorized uses and modifications are only allowed in shoreline jurisdiction where the underlying zoning allows for it and subject to the policies and regulations of this SMP.

C. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit.

D. Uses and modifications identified as "Permitted" require either a Substantial Development Permit or may be exempt from the requirement to obtain a Substantial Development Permit, as outlined in Appendix B of this SMP and WAC 173-27-040(2). However, for all exemptions other than "normal maintenance and repair" (WAC 173-27-040(2)(b)), uses and modifications listed as "Conditional Use" or "Prohibited" are not eligible for a Shoreline Exemption. Exempted uses and modifications, however, are not exempt from the Act or this SMP, and must be consistent with the applicable policies and provisions.

E. If any part of a proposed development is not eligible for Shoreline Exemption, then a Shoreline Permit is required for the entire proposed development project.

Table 6.1 Shoreline Use Matrix

REGULATION	Urban Conservancy	Shoreline Residential	Natural	Aquatic
Agriculture	Prohibited	Prohibited	Prohibited	Prohibited
Aquaculture	Prohibited	Prohibited	Prohibited	Conditional Use
Boating Facilities	Permitted	Permitted	Prohibited	Permitted
Clearing and Grading (includes fill upland of OHWM)	Permitted	Permitted	Conditional Use	Prohibited
Commercial Development	Prohibited	Prohibited	Prohibited	Prohibited
Dredging	NA	NA	NA	Permitted
Dredge Material Disposal	Prohibited, Permitted if restoration	Prohibited, Permitted if restoration	Prohibited, Permitted if restoration	Prohibited, Permitted if restoration

REGULATION	Urban Conservancy	Shoreline Residential	Natural	Aquatic
Fill (waterward of OHWM)	NA	NA	NA	Conditional Use, Permitted if restoration
Forest Practices	Prohibited	Prohibited	Prohibited	Prohibited
Industrial Development	Prohibited	Prohibited	Prohibited	Prohibited
Mining	Prohibited	Prohibited	Prohibited	Prohibited
Parking as a Primary Use as an Accessory Use	 Prohibited Permitted	 Prohibited Permitted	 Prohibited Prohibited	 Prohibited Prohibited
Private Moorage Boathouse Pier, Float, Joint Use Structure, Ramp, Buoy, Moorage Pile Floating Dock Moorage Cover Boatlift, Platform Lift, Boatlift Canopy Launching Ramp Launching Rails	NA	 Prohibited Permitted Prohibited Permitted Permitted Prohibited Prohibited	NA	 Prohibited Permitted Prohibited Permitted Permitted Prohibited Prohibited
Recreational Facilities Water-dependent Water-related Water-enjoyment (trail) Non-water-oriented Primary Accessory	 Permitted Permitted Permitted Prohibited Permitted	 NA NA NA NA NA	 Conditional Use Prohibited Permitted Prohibited Prohibited	 Permitted NA NA Prohibited Prohibited
Residential Single-Family Multi-Family	 Prohibited Prohibited	 Permitted Prohibited	 Prohibited Prohibited	 Prohibited Prohibited
Shoreline Habitat and Natural Systems Enhancement	Permitted	Permitted	Permitted	Permitted
Shoreline Stabilization Beach Restoration and Enhancement Soil Bioengineering Breakwaters Bulkheads Groins Jetties	 Permitted Permitted Prohibited Permitted Prohibited Prohibited	 Permitted Permitted Prohibited Permitted Prohibited Prohibited	 Conditional Use Conditional Use Prohibited Prohibited Prohibited Prohibited	 Permitted Permitted Prohibited Prohibited Prohibited Prohibited

REGULATION	Urban Conservancy	Shoreline Residential	Natural	Aquatic
Transportation	Conditional Use	Conditional Use	Conditional Use	Prohibited
Utilities Primary Accessory	 Prohibited Permitted	 Prohibited Permitted	 Prohibited Permitted	 Prohibited Permitted

6.2 Development Standards

A. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, shoreline development standards regarding shoreline setbacks, minimum frontage, and height are provided in Table 6.2. In addition, shoreline developments shall comply with all other dimensional requirements of the Town's zoning and other development regulations.

B. When a development or use is proposed that does not comply with the development standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.

C. All development subject to the SMP shall, at a minimum, achieve no net loss of ecological functions necessary to sustain shoreline natural resources, including development exempt from a Shoreline Substantial Development Permit.

Table 6.2 Development Standards

REGULATION	Urban Conservancy	Shoreline Residential	Natural	Aquatic
Height Limit	25'	25' above original grade[2]	25'	25'
Shoreline Setback	50'	50' primary structure (See SMP Section 6.9)	NA	NA
Impervious Surface	50%*	See SMP Section 6.9	5%**	0
Minimum Lot Frontage	50'	50'	50'	NA
Sideyard setback	10'	10'	10'	10'

* Based on existing conditions at NE 47th and NE 42nd road-ends.
** 5% allows for installation of bench and sign foundations.

[2] As defined in YPMC 17.08.010: "Grade, original" means the grade of undisturbed earth which existed at the time of incorporation of the town of Yarrow Point, June 30, 1959."

6.3 Boating Facilities

Boating facilities are those boat moorage or boat launching structures serving more than four single-family residences, including public and community facilities. Standards for structures serving four or fewer single-family residences are located in Section 6.7, Private Moorage.

A. Existing boating facilities may be maintained, repaired, renovated and expanded.

B. New boating facilities may be constructed.

C. Design Standards – Overwater Structures

1. No skirting is allowed on any overwater structure.

2. Overwater structures shall not include walled or covered structures, such as boat canopies or covered moorage.

3. Any paint, stain or preservative applied to components of the overwater structure must be leach-resistant, completely dried or cured prior to installation. Materials shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds.

4. Lighting associated with overwater structures shall be beamed, hooded, or directed to avoid causing glare on adjacent properties or waters. Illumination levels shall be the minimum necessary for safety.

5. Overwater structures shall be marked with reflectors or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish shall be generally non-reflective.

6. Overwater structures shall not create navigation hazards consistent with U.S. Army Corps of Engineers and U.S. Coast Guard Standards for navigable waterbodies.

7. New overwater structures, including additions to existing facilities, must be fully grated and sized with the minimum width and length dimensions necessary to accommodate the intended use. Walkways shall be no wider than 10 feet for public facilities and 6 feet for private facilities.

8. New and expanded facilities must provide mitigation to compensate for adverse affects on shoreline ecological functions.

D. Design Standards – Boat Launches

1. Boat launches shall not obstruct existing or proposed public access to and along the shoreline.

2. Boat launches shall retain native vegetation on either side of the launch and any access ramp to associated docks.

3. Boat launches must be as narrow as feasible to launch the intended watercraft, and extend into the waterbody no more than necessary. The maximum boat launch width is 10 feet.

4. Launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available, with consideration for site-specific conditions and the particular needs of that use.

E. The Town may add conditions to Shoreline Permits for new or expanded boating facilities to ensure they meet applicable health, safety and welfare requirements.

6.4 Clearing and Grading

A. All fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.

B. A clearing and grading plan addressing species removal, replanting, irrigation, erosion and sedimentation control and other methods of riparian corridor protection shall be required as part of the Site Development Permit for the following activities:

1. Fill and/or excavation totaling fifty (50) cubic yards or more (Note: Quantities of fill and excavation are separately calculated and then added together, even if excavated material is used as fill on the same site).

2. Clearing 750 square feet or more, as measured at the ground level.

3. Adding 120 square feet or more of new impervious surface.

4. Retaining wall/rockeries over four feet in height as measured from the bottom of the base rock or block.

5. Any grading or paving of an area used for a stormwater facility.

6. Connection, extension and/or modification of the public and/or private storm and surface water drainage system(s) including, but not limited to, detention and other runoff control facilities.,

All clearing and grading activities must adhere to the requirements of the Town's municipal code pertaining to land, clearing and grading.

C. Clearing and grading activities may only be allowed when associated with a permitted shoreline development.

D. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not developed must be stabilized with vegetation consistent with Section 5.6, Vegetation Management, within 6 months of project completion.

6.5 Dredging and Dredge Material Disposal

A. Dredging waterward of the OHWM for the primary purpose of obtaining fill or construction material is prohibited except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project.

B. The Town of Yarrow Point may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.

C. In-water disposal operations are prohibited in the Town of Yarrow Point, except as identified in A. above. Material dredged in Yarrow Point must be disposed of at approved disposal sites per applicable requirements of Department of Natural Resources, the Department of Ecology, the Washington Department of Fish and Wildlife, and/or the U.S. Army Corps of Engineers.

D. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

E. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins shall be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

F. When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use or maintain an existing use as described in A. and E. above, or to accomplish restoration of shoreline ecological functions.

6.6 Fill Waterward of the OWHM

This section addresses fill waterward of the OHWM. Fill upland of the OHWM is regulated under Section 6.4, Clearing and Grading.

A. Fills waterward of the OHWM may be permitted only in conjunction with a water-dependent or public use permitted by this Master Program; or fisheries or wildlife enhancement projects; or as part of an approved beach restoration project. All fill waterward of the OHWM not associated with ecological restoration or approved shoreline stabilization shall require a Shoreline Conditional Use Permit.

B. All fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.

C. No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted along the Lake Washington shoreline in Yarrow Point.

6.7 Private Moorage

Private moorage facilities include piers and docks, moorage pilings, boatlifts, aircraft lifts, boatlift canopies, and moorage covers.

A. General Regulations

1. A moorage facility associated with a single-family residence may be permitted if it is designed and intended for access to watercraft and otherwise complies with this SMP, WAC 173-26, and RWC 90.58.

2. All new, reconstructed, repaired, or modified overwater structures shall comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

3. Proposed overwater structures that do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a Shoreline Variance.

4. All moorage facility dimensions shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

5. No skirting is permitted on any new or replacement structure.

6. Vertical fenders or bumpers are allowed provided they are spaced at least 36 inches on center and do not extend more than 6 inches below the ordinary low lake level. Fenders and bumpers should only be located along those portions of a moorage facility where boats are moored, and waterward of 30 feet measured perpendicular from the OHWM.

7. All over-water structures and other water-use developments shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.

8. Lighting shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.

9. Piles, floats and other water-use structures that are in direct contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, or pentachlorophenol. Use of wood members treated with arsenate compounds, creosote or comparably toxic compounds is prohibited.

10. Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish shall be generally non-reflective.

11. Only one moorage facility per property shall be permitted. Joint-use facilities shall be encouraged. In cases of joint-use structures, the joint-use structure shall take the place of individual property structures.

12. In the following circumstances, a joint-use facility shall be required:

    a. On lots subdivided after adoption of this SMP to create one or more additional lots with waterfront access rights.

    b. New residential development of two or more dwelling units with waterfront access rights.

13. Joint-use facilities constructed per the requirement of A.12 above after adoption of this SMP may not be later removed and replaced with separate facilities for each of the residences. Joint-use structures constructed prior to adoption of this SMP may be removed and then replaced with individual structures.

14. All moorage structures shall be designed and located to meet the no net loss standard and mitigation sequencing.

15. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition.

16. Private moorage facilities may only be permitted as an accessory to residential development.

B. Replacement of Existing Moorage Facility

1. A pier project is considered to be a replacement when the entire existing structure is removed or when more than 50 percent of the pier-support piles are replaced. Pile replacement does not include piles that are repaired through sleeving or

splicing. A replacement of an existing pier or dock shall meet the following requirements:

Replacement Moorage Facility Element	**Dimensional and Design Standards**
Maximum Area: surface coverage, including all floats, decking, ramps, platform lifts, ells and fingers (excluding translucent covered moorage approved through this SMP)	• No larger than existing pier or allowed under 6.7.E, whichever is greater
Maximum Length	• Minimum necessary to reach adequate water depth for moorage of applicant's watercraft, not to exceed 150 ft • 26 ft. for ells, fingers and floats attached to a pier
Maximum Width	• 4 ft. for the nearshore 30 feet of pier or dock walkway, 6 ft. for remaining walkway. • Additional width up to two (2) feet may be allowed in the first 30 feet when it is the minimum necessary to develop consistent with ADA standards. Property owner must have a condition that qualifies for permanent state disabled accommodations. Documentation may include a disabled parking placard or other materials at the Shoreline Administrator's discretion. • 4 ft. for ramp connecting the facility to shore or connecting two components of the facility • 6 ft. for ells • 2 ft. for fingers
Height	• Minimum of 1.5 ft. above OHWM to bottom of stringers on a fixed-pile structure • Maximum of 4 ft. above OHWM for any over-water moorage structures
Spacing	• Minimum of 10 feet from the side yard property line, except for joint-use structures
Decking	• Fixed-pile moorage facilities and platform lifts must be fully grated or contain other materials that allow a minimum of 40% light transmittance through the material. • For floating elements, grated decking shall be used in all areas that are not directly above the float tubs.

Replacement Moorage Facility Element	Dimensional and Design Standards
Location of ells, fingers and deck platforms	• As far waterward as feasible, but no closer than 30 ft. waterward of the OHWM, measured perpendicular to the OHWM • Within 30 ft. of the OHWM, only the moorage facility walkway or ramp is allowed
Pilings	• First set of pilings shall be located no closer than 18 ft. from OHWM, unless dictated by site-specific engineering or design considerations. • The diameter of pilings shall be minimized to the maximum extent allowed by site-specific engineering or design considerations. • The spacing between pilings shall be maximized to the extent allowed by site-specific engineering or design considerations.
Mitigation	• Existing in-water and overwater structures located within 30 feet of the OHWM, except for the subject replacement facility walkway and existing legal shoreline stabilization measures, shall be removed or relocated. • When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, expanded replacement structures shall provide additional appropriate mitigation to ensure no net loss of ecological functions.

2. The Town shall approve the following deviations from the dimensional standards 6.7.B.1 above for replacement facilities. The following requirements and all other applicable provisions of this Chapter shall be met.

Administrative Approval for Alternative Design of Replacement Moorage Facility	Requirements
State or Federal Agency Approval	U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife have approved proposal (Note: both agencies are required to approve the project, but the applicant is only required to receive one of the approvals prior to submitting an application to the Town under these alternative design provisions.)

Administrative Approval for Alternative Design of Replacement Moorage Facility	Requirements
Maximum Width	• 4 ft. for walkways within 30 feet waterward of the OHWM and 6 ft. thereafter.
Maximum Area	• No larger than existing pier or allowed under 6.7.E, whichever is greater.

3. An existing joint-use facility that is associated with residential development of two or more dwellings constructed prior to adoption of this SMP may be reconstructed as two replacement piers. Both replacement structures must comply with all dimensional and location standards listed in B.1 above. However, the two replacement structures must each be 480 square feet or no larger than half the size of the existing joint-use structure, whichever is larger.

C. Additions to Existing Moorage Facilities

1. Additions to existing moorage facilities may be permitted under the following circumstances:

   a. When additional length is required to reach adequate water depth for moorage of the applicant's watercraft;

   b. When a single-use structure is converted to a joint-use structure; or

   c. When the addition of an ell or finger will increase safety and usability.

2. When permitted, additions shall meet the following standards:

Addition to Existing Moorage Facility	Dimensional and Design Standards
Dimensional standards	Enlarged portions must comply with the new moorage facility standards for length and width, height, water depth, location, decking, pilings and materials as described in 6.7.E.
Decking	Must convert all decking within 30 ft. of the OHWM to grated decking. Grated or other materials must allow a minimum of 40% light transmittance through the material.
Mitigation	• Existing skirting shall be removed and may not be replaced • Existing in-water and overwater structures located within

Addition to Existing Moorage Facility	Dimensional and Design Standards
	30 ft. of the OHWM, except for existing or authorized shoreline stabilization measures or the subject moorage facility walkways, shall be removed at a 1:1 ratio to the area of the addition. • When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, the applicant shall provide additional appropriate mitigation to ensure no net loss of ecological functions. Mitigation shall be provided in a 1:1 ratio by area for all new overwater coverage. Preferred forms of mitigation are as follows: Planting a mix of native trees and shrubs adjacent to the OHWM or removal of hardened shoreline. Replacement of removed stabilization may be allowed consistent with section 6.11.

D. Repair of Existing Moorage Facilities

1. Repair proposals that replace more than 50 percent of the existing piles are considered replacement structures and must comply with requirements in regulation 6.7.B. Pile replacement does not include piles that are repaired through sleeving or splicing.

2. Repair proposals that replace between 25 and 50 percent of the existing piles or replace over 50 percent of the decking or decking substructure must meet the standards specified below.

Minor Repair of Existing Facility	Dimensional and Design Standards
Replacement pilings or moorage piles	Minimize the size of pilings or moorage piles and maximize the spacing between pilings to the extent allowed by site-specific engineering or design considerations
Replacement of more than 50 percent of the decking or more than 50 percent of decking substructure	Replace any solid decking surface located within 30 ft. of the OHWM with grating or other deck material that allows a minimum of 40% light transmittance through the material.

3. Other repairs to existing legally established moorage facilities where the nature of the repair is not described in the above subsections shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations.

E. New Moorage Facilities

1. New moorage facilities shall be permitted, provided the following standards are applied:

New Moorage Facility	Dimensional and Design Standards
Maximum Area: surface coverage, including all floats, decking, ramps, platform lifts, ells and fingers (excluding translucent covered moorage approved through this SMP)	• 480 sq. ft. for single-family use • 700 sq. ft. for joint-use facility used by 2 residential property owners • 1,000 sq. ft. for joint-use facility used by 3 or more residential property owners • Where a moorage facility cannot reasonably be constructed under the area limitation above to meet a necessary moorage depth, an additional 6 sq. ft. of area may be added for each additional foot of length up to a maximum of 150 ft.
Maximum Length	• Minimum necessary for intended use, not to exceed 150 ft. • 26 ft. for ells • 20 ft. for fingers and floats
Maximum Width	• 4 ft. for the nearshore 30 feet of pier or dock walkway, 6 ft. for remaining walkway. • Additional width up to two (2) feet may be allowed in the first 30 feet when it is the minimum necessary to develop consistent with ADA standards. Property owner must have a condition that qualifies for permanent state disabled accommodations. Documentation may include a disabled parking placard or other materials at the Shoreline Administrator's discretion. • 4 ft. for ramp connecting the facility to shore or connecting two components of the facility • 6 ft. for ells • 2 ft. for fingers
Height	• Minimum of 1.5 ft. above OHWM to bottom of stringers on a fixed-pile structure • Maximum of 4 ft. above OHWM for any over-water moorage structures
Spacing	Minimum of 10 feet from the side yard property line, except for joint-use structures
Decking	• Decking for over-water structures must be fully grated or contain other materials that allow a minimum of 40% light transmittance through the material. • For floating elements, grated decking shall be used in all areas that are not directly above the float tubs.

New Moorage Facility	Dimensional and Design Standards
Location of ells, fingers and deck platforms	• As far waterward as feasible, but no closer than 30 ft. waterward of the OHWM, measured perpendicular to the OHWM. • Within 30 ft. of the OHWM, only the walkway or ramp is allowed
Pilings	• First set of pilings shall be located no closer than 18 ft from OHWM, unless dictated by site-specific engineering or design considerations. • The diameter of pilings shall be minimized to the maximum extent allowed by site-specific engineering or design considerations. • The spacing between pilings shall be maximized to the extent allowed by site-specific engineering or design considerations.
Mitigation	• Existing in-water and overwater structures located within 30 ft. of the OHWM, except for existing or authorized shoreline stabilization measures or the subject moorage facility walkways, shall be removed. • When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, new or expanded structures shall provide additional appropriate mitigation to ensure no net loss of ecological functions. Mitigation shall be provided in a 1:1 ratio by area for all new overwater coverage. Preferred forms of mitigation are as follows: Planting a mix of native trees and shrubs adjacent to the OHWM, or removal of hardened shoreline. Replacement of removed stabilization may be allowed consistent with section 6.11.

2. A new, joint-use moorage facility may be permitted on a community recreation lot shared by a number of waterfront and/or upland lots provided the applicant has demonstrated a need for moorage. These moorage facilities would be regulated under Section 6.3, Boating Facilities, if the facility serves more than four residences.

F. Boatlifts, Canopies, and Covered Moorage. Boatlifts, boatlift canopies and covered moorage may be permitted as an accessory to residential development provided the following:

Boatlifts, Platform Lifts, and Boat Canopy	Dimensional and Design Standards
Location	• Boatlifts, platform lifts, and covered moorage

Boatlifts, Platform Lifts, and Boat Canopy	Dimensional and Design Standards
	shall be placed as far waterward as possible and no less than 30 feet waterward of OHWM within the limits of the dimensional standards for moorage facilities. • Boatlifts, platform lifts, and covered moorage shall be oriented with the length in the north-south direction to the maximum extent practicable.
Height	• Bottom of a boatlift canopy or covered moorage shall be elevated to the maximum extent feasible, but not to exceed more than 7 ft. above the deck surface of an associated pier
Maximum Number	The following individual options may be permitted: • Two (2) personal watercraft lifts and two (2) boatlifts, platform lifts or aircraft lifts; or • Three (3) personal watercraft lifts and one (1) boatlift, platform lift, or aircraft lift; or • Combination of three (3) boatlifts, platform lifts, or aircraft lifts. • Contiguous lots using shared/joint-use docks shall be allowed one (1) additional boat lift and one (1) additional personal watercraft lift, or two (2) additional personal watercraft lifts in addition to the allowances noted above for an individual lot.
Canopy/Moorage Cover Design	• One canopy/moorage cover per residential lot is allowed subject to the following requirements: • Boatlift canopies shall be made of translucent fabric materials. • Canopies may be a maximum of thirty (30) feet in length, fifteen (15) feet in width, and not to exceed more than seven (7) feet above the moorage facility. • Moorage covers shall be constructed of light-permeable materials • Moorage covers may be a maximum of thirty (30) feet in length, twenty (20) feet in width, and not to exceed more than seven (7) feet

Boatlifts, Platform Lifts, and Boat Canopy	Dimensional and Design Standards
	above the moorage facility.
Platform Lift Materials and Area	• Any platform lifts shall be fully grated using material that allows a minimum of 40% light transmittance. • Platform lifts may be no larger than ninety-six (96) square feet.
Mitigation	• Any existing in-water and overwater structures located within 30 ft. of the OHWM shall be removed, except for one existing or authorized moorage facility and existing or authorized shoreline stabilization measures. • When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, the applicant must provide additional mitigation to achieve no net loss of ecological functions. Mitigation shall be provided in a 1:1 ratio by area for all new overwater coverage. Preferred forms of mitigation are as follows: Planting a mix of native trees and shrubs adjacent to the OHWM, or removal of hardened shoreline. Replacement of removed stabilization may be allowed consistent with section 6.11.

G. Recreational Floats/Swim Platforms - Recreational floats may be permitted, provided the following:

1. The area of the recreational float shall be minimized to the extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

2. No permanent recreational float shall have more than one hundred (100) square feet when associated with a single-family residence. Permanent recreational floats are included in the maximum overwater coverage allowed under Section 6.7.E above. Temporary, inflatable recreational floats in use during the summer months may be up to 150 square feet, and are not counted toward the maximum overwater cover.

3. In addition, the landward end of recreational floats shall be in water with depths of 10 feet or more unless depths do not allow, in which case floats shall be no closer than 30 feet from OHWM. Floats may be located up to a maximum

waterward distance of one hundred fifty (150) feet, or where the water depth is thirteen (13) feet below the OHWM, whichever is reached first.

4. Retrieval lines shall not float at or near the surface of the water.

5. The floats must be built so that the deck surface is at least one (1) foot above the water's surface and they must have reflectors for nighttime visibility.

6. All float tubs shall be fully encapsulated.

H. Moorage Piles. Moorage piles are allowed, provided the following:

1. A 10-foot side setback is observed;

2. The pile is less than 6 feet above the OHWM.

3. Pile materials are consistent with material requirements in 6.7.A.

4. Moorage piles shall be located no closer than 30 feet from the OHWM or any farther waterward than the end of the pier or dock.

5. A maximum of two (2) moorage piles shall be permitted at moorage facilities serving a single-family residence, including existing moorage piles. A maximum of four (4) moorage piles shall be permitted for joint use facilities, including existing moorage piles.

6. Piles shall be located as far offshore as possible and no less than 30 feet waterward of OHWM.

I. Maintenance and Monitoring. For any mitigation proposal that includes installation of vegetation to achieve no net loss of ecological functions, a five-year vegetation maintenance and monitoring plan shall be prepared. The monitoring plan shall include the following performance standards:

1. Preparation of as-built drawings after installation of the mitigation plantings;

2. Annual monitoring reports for five years that include written and photographic documentation on tree and shrub mortality, subject to the following success criteria: one hundred (100) percent survival of all planted native trees and shrubs during the first two (2) years after planting; and one hundred (100) percent survival of trees and eighty (80) percent survival of remaining native plants in years three (3) through five (5).

Copies or reports that are submitted to state or federal agencies in compliance with permit approvals may be submitted in lieu of a separate report to the Town, provided the reports address a five-year maintenance and monitoring plan.

6.8 Recreational Development

A. Recreation within the Wetherill Nature Preserve and Morningside Park shall be limited to passive activities, such as low-impact trails, viewpoints, interpretive signage and similar passive and low-impact facilities.

B. Recreation within the two road ends may include both passive and active activities.

C. Recreational development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.

D. Accessory uses and support facilities, such as maintenance facilities, utilities, and other non-water-oriented uses, shall be consolidated and located in upland areas outside shoreline, wetland and riparian buffers unless such facilities, utilities, and uses are allowed in buffers based on the regulations of this SMP.

E. The construction of swimming facilities, piers, moorages, launches, and floats waterward of the OHWM shall be governed by the regulations relating to Boating Facilities in Section 6.3 of this Shoreline Master Program.

6.9 Residential Development

A. The Town shall encourage the use of alternative paving products, such as pervious pavers, as a mechanism for reducing impervious surfaces and surface water runoff.

B. View and vistas shall be regulated by residential height restrictions and setbacks, as established by Table 6.2 of this SMP.

C. Total impervious areas within the shoreline setback area shall be limited to 15 percent of the required setback area, with no new impervious surfaces installed in the first 15 feet landward of the OHWM, for any permitted appurtenant structures. Pathways providing access to the shoreline are permitted and shall utilize pervious materials. The 15 percent limit in the shoreline setback applies to the total lot impervious surface area limit of 60 percent. Accessory structures and other appurtenances should be located outside of shoreline jurisdiction to the maximum extent possible. Any accessory or appurtenant structures permitted within the shoreline setback area shall be subject to the maximum 15% impervious area.

D. Single-family residences and accessory structures that are re-constructed waterward of their original condition may do so upland of 75 feet from the OHWM without providing additional mitigation other than what may be required for specific adverse vegetation impacts as outlined in Section 5.6 of this SMP.

E. Single-family residences and accessory structures that are re-constructed waterward of their original condition at the time of adoption of this SMP between the required setback and 75 feet upland of the OHWM must provide additional vegetation in the first 15 feet

waterward of the OHWM at a ratio of 1 square foot of vegetation for every 5 square feet of encroachment into the area between 50 and 75 feet upland of OHWM, when the impacted upland shoreline area consists of lawn and/or impervious surface. When the impacted upland shoreline area consists predominantly of native vegetation, the square foot replacement ration shall be 1:1. This planting requirement would be in addition to what may be required for specific adverse vegetation impacts as outlined in Section 5.6 of this SMP.

F. Single-family residences that are re-constructed upland of their original condition at the time of adoption of this SMP may do so without providing additional mitigation other than what may be required for specific adverse vegetation impacts as outlined in Section 5.6 of this SMP.

G. Subdivisions and plats. Subdivisions and plats shall:

1. Comply with all applicable subdivision, critical area, and zoning regulations in this Master Program or Town code as applicable.

2. Include facilities for water supply, wastewater, stormwater, solid waste, access, utilities and other support facilities in conformance with Town standards and which do not result in harmful effects on the shoreline or waters.

3. Be designed using geotechnical analysis of the site and shoreline characteristics to prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

4. Be designed, configured and developed in a manner that assures that no net loss of ecological functions results from division of land at full build-out of all lots and throughout all phases of development.

6.10 Shoreline Habitat and Natural Systems Enhancement Projects

A. Shoreline enhancement may be permitted if the project proponent demonstrates that the enhancement will not adversely affect ecological processes, properties, or habitat.

B. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters.

C. Shoreline restoration and ecological enhancement projects shall be permitted in all shoreline environments, provided the project's purpose is the restoration of natural character and ecological functions of the shoreline.

6.11 Shoreline Stabilization

6.11.1 Beach Restoration or Enhancement Regulations

A. Beach enhancement shall be permitted when the applicant has demonstrated that the project will not detrimentally interrupt littoral processes; redirect waves, current, or sediment to other shorelines; or adversely affect adjacent properties or habitat, including riparian vegetation.

B. Beach restoration/enhancement shall not extend waterward more than the minimum amount necessary to achieve the desired stabilization and shall not disturb significant amounts of valuable shallow water fish/wildlife habitat without appropriate mitigation of the impacts.

C. The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake, or wave action at the site. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to obviously create additional dry land).

D. Beach enhancement is prohibited within fish and/or wildlife spawning, nesting, or breeding habitat that would be adversely affected by it and also where littoral drift of the enhancement materials would adversely affect adjacent spawning grounds or other areas of biological significance.

6.11.2 Soil Bioengineering Regulations

A. All soil bioengineering projects shall use native plant materials appropriate to the specific area including trees, shrubs, and groundcovers.

B. All cleared areas shall be replanted immediately following construction and irrigated (if necessary) to ensure that within three (3) years all vegetation is at least ninety (90) percent reestablished to achieve no net loss of ecological functions of the shoreline area. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.

C. Bank stabilization in the form of a vegetated buffer zone shall be maintained (e.g., weeding, watering, dead plant replacement) for a minimum of three (3) years. Any buffer areas shall exclude activities that could disturb the site. Where determined necessary by the Shoreline Administrator, fencing may be required to ensure protection of buffer plantings.

D. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

6.11.3 Bulkhead Regulations

A. New or Enlarged Structural Stabilization (Bulkhead)

1. Submittals for new or enlarged, including additions to or increases in size of, hard and soft structural stabilization shall include a Geotechnical Report, consistent with the definition provided in Appendix A of this SMP, prepared by a qualified professional with an engineering degree. The report shall include the following:

    a. An assessment of the necessity for structural stabilization by estimating time frames and rates of erosion and documenting the urgency associated with the specific situation.

    b. An assessment of the cause of erosion, including on-site drainage issues, looking at processes occurring both waterward and landward of the OHWM.

    c. An assessment of the feasibility of using nonstructural or soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.

    d. For both hard and soft structural shoreline stabilization measures, design recommendations for minimizing the sizing of shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

2. The Town may permit new or enlarged bulkheads to protect an existing primary structure if a geotechnical analysis provides conclusive evidence that the primary structure is in danger from shoreline erosion caused by waves, and either:

    a. There is a significant possibility that such a structure will be damaged within three (3) years as a result of shoreline erosion in the absence of hard structural stabilization measures,

    b. Waiting until the need is immediate will result in the loss of opportunity to use measures that would avoid impacts on ecological functions, or

    c. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three (3) years, the report may still be used to justify more immediate authorization to protect against erosion using soft structural stabilization measures.

3. Any on-site drainage issues shall be directed away from the shoreline edge prior to considering structural stabilization.

4. Nonstructural measures, such as planting vegetation or installing on-site drainage improvements, shall be explored and must be shown to be infeasible or insufficient to protect the primary structure.

5. A bulkhead for a new single-family residence shall only be considered if all of the following conditions apply:

    a. Placing the new primary structure farther upland from the OHWM is not feasible or not sufficient to prevent damage to the primary structure;

    b. Upland conditions, such as drainage problems and the loss of vegetation, are not causing the erosion;

    c. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are shown not to be feasible or sufficient to prevent damage to the primary structure; and

    d. The need to protect the new primary structures from potential damage is due to erosion from wave action. In all cases, a geotechnical report must be submitted demonstrating need.

B. Replacement or Major Repair of Hard Structural Stabilization

1. For the purposes of this section, major repair or replacement of a hard shoreline stabilization measure shall include the following activities:

    a. A repair needed to a portion of an existing stabilization structure that has collapsed, eroded away or otherwise demonstrated a loss of structural integrity, when the repair work involves alteration of more than 50 percent by length of the existing hard structural shoreline stabilization measure's bottom course of rock or footings; or

    b. A repair needed to a portion of an existing stabilization structure that has collapsed, eroded away or otherwise demonstrated a loss of structural integrity when the repair work involves alteration of more than 75 percent of the linear length of the existing hard structural shoreline stabilization measure's top or middle course of rocks or other similar repair activities.

    Note: if the replacement stabilization is larger than the existing stabilization, the replacement will be regulated under 6.11.3.A above.

2. The Town may permit a major repair or replacement of an existing hard structural stabilization measure with a hard structural shoreline stabilization measure to protect existing primary structures, including detached accessory dwelling units, provided there is a demonstration of need presented to the Town that the structure is in danger from shoreline erosion caused by waves.

3. Submittal for replacement or major repairs of hard structural stabilization shall include a written narrative that provides a demonstration of need. A qualified professional (e.g., shoreline designer or other consultant familiar with lakeshore processes and shore stabilization), but not necessarily a licensed geotechnical engineer, shall prepare a written narrative consisting of the following:

    a. An assessment of the necessity for hard or soft structural stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch, and location of the nearest structure.

    b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard or soft structural shoreline stabilization.

    c. An assessment of the feasibility of using soft structural stabilization measures in lieu of hard structural shoreline stabilization measures. Soft stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.

    d. Design recommendations for minimizing impacts and ensuring that the replacement or repaired stabilization measure is designed, located, sized, and constructed to assure no net loss of ecological functions.

C. Minor Repairs of Hard Shoreline Stabilization. Minor repairs include those maintenance and repair activities not otherwise addressed in 6.11.3.B above. The Town shall allow minor repair activities to existing hard structural shoreline stabilization measures after application of mitigation sequencing.

D. Repair or Replacement of Soft Shoreline Stabilization

1. Repair or replacement of soft shoreline stabilization measures shall be permitted.

2. The applicant shall apply mitigation sequencing and ensure that the replacement or repaired stabilization measure is designed, located, sized, and constructed to assure no net loss of ecological functions.

E. General Design Standards. The following design standards shall be incorporated into the stabilization design:

1. All shoreline stabilization shall be the minimum size necessary.

2. Soft structural shoreline stabilization measures shall be used to the maximum extent feasible, limiting hard structural shoreline stabilization measures to the portion or portions of the site where necessary to connect to existing hard shoreline stabilization measures on adjacent properties. The length of hard

structural shoreline stabilization connections to adjacent properties shall be minimized to the maximum extent feasible, and extend into the subject property from adjacent properties no more than needed.

3. For enlarged, major repair or replacement of hard structural shoreline stabilization measures, excavation and fill activities associated with the structural stabilization shall be landward of the existing OHWM, except when not feasible due to existing site constraints or to mitigate impacts of hard structural stabilization by increasing shallow water habitat with gravel, rocks and logs.

4. For short-term construction activities, hard and soft structural stabilization measures must minimize and mitigate any adverse impacts to ecological functions by compliance with appropriate timing restrictions, use of best management practices to prevent water quality impacts related to upland or in-water work, stabilization of exposed soils following construction, and compliance with Section 5.6 of this SMP to address any specific adverse vegetation impacts.

5. For long-term impacts, new, enlarged or major repair or replacement of hard structural shoreline stabilization shall incorporate the following measures into the design wherever feasible: limiting the size of hard structural shoreline stabilization measures to the minimum necessary, including height, depth, and mass; and shifting hard stabilization structures landward and/or sloping the structure landward to provide some dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat.

6. For new and enlarged hard shoreline stabilization, the following additional measures shall be incorporated into the design:

    a. To increase shallow-water habitat, install gravel/cobble beach fill waterward of the OHWM, grading slope to a maximum of 1 vertical (v): 4 horizontal (h). The material shall be sized and placed to remain stable and accommodate alteration from wind- and boat-driven waves.

    b. Plant native riparian vegetation as follows:

        i. At least 75 percent of the nearshore riparian area located along the edge of the OHWM shall be planted.

        ii. The vegetated portion of the nearshore riparian area shall average 10 feet in depth from the OHWM, but may be a minimum of 5 feet wide to allow for variation in landscape bed shape and plant placement provided that the total square footage of the area planted equals 10 feet along the water's edge.

        iii. Restoration of native vegetation shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat

functions. At least 1 tree per 33 linear feet of shoreline and 60% shrubs by area at maturity shall be included in the plan. The shoreline length shall be rounded up to the nearest 33-foot increment to calculate the number of required trees.

iv. Native plant materials shall be chosen from the list in Appendix E or otherwise approved by the Shoreline Administrator.

v. An alternative planting plan or mitigation measure in lieu of meeting this section shall be allowed if approved by other state and federal agencies.

7. Hard and soft shoreline stabilization measures shall be designed to not significantly interfere with normal surface and/or subsurface drainage into Lake Washington, constitute a hazard to navigation or extend waterward more than the minimum amount necessary to achieve effective stabilization.

8. Hard and soft stabilization measures are allowed to have gravel, vegetation, logs and rocks waterward of the OHWM, as approved by the Town and federal and state agencies, to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat.

9. Stairs or other water access measures may be incorporated into the shoreline stabilization, but shall not extend waterward of the shoreline stabilization measure.

10. The shoreline stabilization measures shall be designed to ensure that the measures do not restrict public access or make access unsafe to the shoreline. Access measures shall not extend farther waterward than the face of the shoreline stabilization structure.

F. Specific Design Standards for New or Enlarged Hard Structural Stabilization. In addition to the general design standards above, the following design standards shall be incorporated:

1. Where hard stabilization measures are not located on adjacent properties, the construction of a hard stabilization measure on the site shall tie in with the existing contours of the adjoining properties, as feasible, such that the proposed stabilization will not cause erosion of the adjoining properties.

2. Where hard stabilization measures are located on adjacent properties, the proposed hard stabilization measure may tie in flush with existing hard stabilization measures on adjoining properties, but by no more than as reasonably required. The new hard stabilization measure shall not extend waterward of the OHWM, except as necessary to make the connection to the adjoining hard

stabilization measures. No net intrusion into the lake and no net creation of upland shall occur with the connection to adjacent stabilization measures.

3. Fill behind hard shoreline stabilization measures shall be limited to an average of one (1) cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered a regulated activity subject to the regulations in this Chapter pertaining to fill activities and the requirement for obtaining a Shoreline Substantial Development Permit.

G. Specific Design Standards for Replacement of Hard Structural Stabilization. Replacement hard structural stabilization measures shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless there is overriding safety or environmental concerns if the stabilization measure is moved landward of the OHWM. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. All other replacement structures shall be located at or landward of the existing shoreline stabilization structure.

H. Specific Design Standards for Soft Structural Stabilization. In addition to the general design standards above, the following design standards shall be incorporated:

1. Provide sufficient protection of adjacent properties by tying in with the existing contours of the adjoining properties to prevent erosion at the property line. Proposals that include necessary use of hard structural stabilization measures only at the property lines to tie in with adjacent properties shall be permitted as soft structural shoreline stabilization measures. The length of hard structural stabilization connections to adjacent properties shall be the minimum needed and extend into the subject property from adjacent properties as reasonably required.

2. Size and arrange any gravels, cobbles, logs, and boulders so that the improvement remains stable in the long-term and dissipate wave energy, without presenting extended linear faces to oncoming waves.

I. Upland Shifts in OHWM. If a shoreline restoration project, including shoreline stabilization improvements that are not mitigation, intended to improve ecological functions results in shifting the OHWM landward of the pre-modification location that expands the shoreline jurisdiction onto any property other than the subject property, then shoreline regulations shall not apply to such affected property. Shoreline setbacks shall be measured from the pre-modification OWHM for those shoreline stabilization projects that improve ecological functions. If shoreline stabilization activities result in a reduced lot size for the subject property, the property's square footage prior to the stabilization improvement shall be considered for all aspects of compliance with the Town's zoning restrictions. For example, the Town's 30% maximum structure size based on lot square footage shall not be reduced as a result of these activities.

J. General Submittal Requirements for New, Enlarged, Replacement and Major Repair Measures. Detailed construction plans shall be submitted to the Town, including the following:

1. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWM.

2. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation. The sizing and placement of all materials shall be selected to accomplish the following objectives: Protect the property and structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from wind- and boat- driven waves; allow safe passage and migration of fish and wildlife; and minimize or eliminate juvenile salmon predator habitat.

3. For hard structural stabilization measures when shoreline vegetation is required as part of mitigation, a detailed five-year vegetation maintenance and monitoring plan shall be prepared. The monitoring plan shall include the following performance standards:

   a. Preparation of as-built drawings after installation of the mitigation plantings;

   b. Annual monitoring reports for five years that include written and photographic documentation on tree and shrub mortality, subject to the following success criteria: one hundred (100) percent survival of all planted native trees and shrubs during the first two (2) years after planting; and one hundred (100) percent survival of trees and eighty (80) percent survival of remaining native plants in years three (3) through five (5).

   Copies or reports that are submitted to state or federal agencies in compliance with permit approvals may be submitted in lieu of a separate report to the Town, provided the reports address a five-year maintenance and monitoring plan.

6.12 Transportation and Parking Facilities

A. New road construction and expansion of existing roadways are subject to the Shoreline Conditional Use Permit process.

B. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and motorized and nonmotorized forms of transportation are encouraged.

C. Shoreline restoration activities shall be part of all planned improvements for transportation corridors within shoreline jurisdiction. There shall be no net loss of shoreline ecological function.

D. All debris and other waste materials from roadway construction shall be disposed of in such a way as to prevent their entry into any waterbody.

E. Float plane facilities shall conform to all applicable Town codes and Federal Aviation Administration standards and requirements for fuel, oil spills, safety and firefighting equipment, noise, and vehicle and pedestrian and swimmer separation.

F. Heliport facilities are prohibited.

G. Parking in shoreline areas should be minimized should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, and vegetation and habitat maintenance.

H. Parking in shoreline areas must directly serve a permitted shoreline use. Parking as a primary use is prohibited.

6.13 Utilities

A. Repair, maintenance, replacement and upgrades to the City of Bellevue's lakeshore sanitary sewer line shall be accomplished with no net loss of ecological function.

B. In areas where utilities must cross shoreline jurisdiction, they shall do so by the most direct route feasible, unless such a route would negatively impact an environmentally critical area, obstruct public access to the shoreline, or interfere with the navigability of a waterbody regulated by this SMP.

C. Use of construction methods that avoid greater impact shall be used when feasible, which may include directional boring, use of sleeves or other construction methods which reduce or avoid temporary and long-term adverse ecological impacts.

D. High voltage electric transmission lines are prohibited within the shoreline jurisdiction.

E. Solid waste disposal sites are prohibited within the shoreline jurisdiction.

F. Clearing for the installation or maintenance of utilities shall be kept to a minimum and, upon project completion, any disturbed area shall be restored as nearly as possible to pre-project conditions, including replanting with native species, or other species as approved by the Town. If the previous condition is identified as being undesirable, then landscaping and other improvements shall be undertaken.

G. The location and construction of outfalls shall comply with all appropriate federal, state, and local regulations.

H. The Town shall implement maintenance procedures to assure continued proper functioning of public surface water management and drainage systems.

I. Accessory utilities, such as water, power, or wastewater lines serving a single-family residence, are permitted under the primary use served by the utility. To minimize disturbance in shoreline jurisdiction, and to reduce the impact on shoreline ecological functions, accessory utilities should be co-located within existing or proposed roadway, driveway, and/or parking area corridors that provide access to the development, except when the consolidation of the utilities within those areas will not realize the intended function of the utility or the cost of avoiding disturbance is substantially disproportionate as compared to the environmental impact of proposed disturbance. If co-location is not possible, impacts related to new accessory utility corridors and connections shall be mitigated.

J. New accessory utility lines, including electricity and communications, shall be located underground. Existing above ground lines shall be moved underground when properties are redeveloped or in conjunction with major system upgrades or replacements.

Appendix A – Definitions

Accessory use or accessory structure - Any use or structure customarily incidental and accessory to the principal use of a site or a building or other structure located upon the same lot.

Act - The Shoreline Management Act of 1971, as amended (Chapter 90.58 RCW and WAC 173-27-030(1)).

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

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

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. (On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty cubic yards (250) [except to construct a conventional drainfield] and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark) (WAC 173-27-040(1g)).

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

Aquascreens - A fiberglass screen used as a bottom barrier to limit and/or control aquatic plant growth. The screen is typically anchored to an area of the lake bottom and functions as a physical barrier to prevent plants from growing on the lake bottom.

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

Associated Wetlands - Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-22-030(1).

Average grade level - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure (WAC 173-27-030(3)).

BMPs - see Best Management Practices.

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

Beach enhancement/restoration - Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

Benthos - Living organisms associated with the bottom layer of aquatic systems, at the interface of the sediment (or substrate) and overlying water column. Benthos commonly refers to an assemblage of insects, worms, algae, plants and bacteria.

Best Management Practices (BMPs) - BMPs are methods of improving water quality that can have a great effect when applied by numerous individuals. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater runoff and in receiving waters.

Bioengineering - see Soil bioengineering

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

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

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

Boat lift - A mechanical device that can hoist vessels out of the water for storage, commonly located along a pier.

Boathouse - A structure with a roof and at least one wall designed for storage of vessels located over water.

Boating Facility– A permanent or temporary boat moorage or boat launching structure serving uses other than four or fewer single-family residences.

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

Breakwater - An off-shore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave-caused erosion.

Buffer - an area that is contiguous to and protects a critical area and which is required for the continued maintenance, functioning, and/or structural stability of the critical area.

Bulkhead - means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

Certified engineer/biologist - see Professional engineer and Professional biologist.

Clean Water Act - The primary federal law providing water pollution prevention and control; previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.

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

Community dock - A dock which is intended for the common use of the residents of Yarrow Point.

Comprehensive Plan - Comprehensive plan means the document, including maps adopted by the town council, that outlines the Town's goals and policies relating to management of growth, and prepared in accordance with RCW 36.70A.

Conditional Use - A use, development, or substantial development that is classified as a conditional use or is not classified within the Shoreline Master Program. Refer to WAC 173-27-030(4).

Covered moorage – A roofed structure over a boat, typically supported by posts mounted on the pier.

Critical areas - as defined under chapter 36.70A RCW includes the following areas and ecosystems: Wetlands, areas with a critical recharging effect on aquifers used for potable waters, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. The Town of Yarrow Point does not contain frequently flooded areas or critical aquifer recharge areas.

Cumulative Impact - The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level.

Dock - Commonly referred to as a floating moorage structure, but can also be used in reference to fixed-pile piers (see exemptions). See "floating dock" and "float" for definition used in this Shoreline Master Program.

Dredge spoil - The material removed by dredging.

Dredging - Excavation or displacement of the bottom or shoreline of a waterbody. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for shellfish harvesting or for cleanup of polluted sediments.

Dwelling unit – a single unit providing complete, independent living facilities for one or more persons, not to exceed one family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

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

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

Ecology (WDOE) - The Washington State Department of Ecology.

Ell – Terminal section of a pier which typically extends perpendicular to the pier walkway. These sections can be either on fixed-piles or floating docks and are typically wider than the pier walkway.

Endangered Species Act (ESA) - A federal law intended to protect any fish or wildlife species that are threatened with extinction throughout all or a significant portion of its range.

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

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

Environmental Impacts - The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA). Refer to WAC 197-11- 600 and WAC 197-11-444.

Environments (Shoreline Environment) - Designations given specific shoreline areas based on the existing development pattern, the biophysical capabilities and limitations, and the goals and aspirations of local citizenry, as part of a Master Program.

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

Excavation - The artificial movement of earth materials.

Exemption - Certain specific developments are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Shoreline Conditional Use and/or Shoreline Variance Permits may also still be required even though the activity does not need a Shoreline Substantial Development Permit. For a complete list of exemptions, see WAC 173-27-040.

Fair market value - the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

Feasible- 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 if 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 requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency

may weigh the action's relative public costs and public benefits, considered in the short- and long-term.

Fill- The addition of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the OHWM, in wetlands, or on shorelands in that manner that raises the elevation or creates dry land.

Finger Pier – A narrow extension to a fixed-pile pier, usually extending perpendicular to the pier walkway along with an ell to form an enclosed area for boat moorage.

Float - A floating structure that is moored, anchored, or otherwise secured in the water off-shore and that is generally located at the terminal end of a fixed-pile pier.

Float tub – The buoyant structural element of a float, typically consisting of a polyethylene shell encapsulating a foam interior.

Floating Dock - A fixed structure floating upon a waterbody for the majority of its length and connected to shore.

Floatplane - A type of seaplane, with slender pontoons (known as "floats") mounted under the fuselage; only the floats of a floatplane normally come into contact with water, with the fuselage remaining above water.

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

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

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

Groin - A barrier-type structure extending from, and usually perpendicular to, the backshore into a water body. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. This is accomplished by building or preserving an accretion beach on its updrift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

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

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

Harbor - the area of navigable waters as determined in Section 1 of Article 15 of the Washington Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Hard Structural Shoreline Stabilization **-** Shore erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces that are located at or waterward of ordinary high water, as well those structures located on average within five (5) feet landward of OHWM. These include bulkheads, rip-rap, groins, retaining walls and similar structures.

Hazardous tree - any tree deemed a risk to public safety by a qualified professional. The standard for rating tree hazard shall be the International Society of Arboriculture 12-point rating system.

Hearing Examiner - The Hearing Examiner of the Town of Yarrow Point.

Height – the distance measured from the average grade level to the highest point of a structure. Television antennas, chimneys and similar appurtenances shall only be included in height calculations where they obstruct the view of a substantial number of adjoining shoreline uses. Temporary construction or equipment shall be excluded from any height calculation.

Hydric soils - Generally, soils which are, or have had a history of being, wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants (WAC 173-22-030(5)).

Hydrophytes - Those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (WAC 173-22- 030(5)).

Impervious surface – any hard surface area that: a) impedes the infiltration of stormwater into the soil mantle relative to natural conditions; b) increases the quantity of stormwater that runs off a project site; and/or c) increases the rate at which stormwater runs off a project site. Impervious surfaces include, but are not limited to, areas paved with concrete or asphalt; covered buildings; mechanically compacted soils and compacted gravel surfaces with material sizes of 5/6-inch or less. Open and uncovered stormwater retention facilities shall not be considered impervious surfaces.

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

Interested party or Interested person- Synonymous with "party of record", and means all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-14-070 (WAC 173-14-030(12)).

Lacustrine (also lacustrian) - Of, on, or pertaining to lakes.

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

Landscaping - Vegetation ground cover including shrubs, trees, flower beds, grass, ivy and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance.

Launching ramp - See Boat launch or ramp.

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

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

Marina - A facility that provides launching, storage, supplies, moorage, and other accessory services for six or more pleasure boats.

May - "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

Mitigation or Mitigation Sequencing - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. See WAC 197-11-768 and WAC 173-26-020 (30). Mitigation or mitigation sequencing means the following sequence of steps listed in order of priority, with (a) of this subsection being top priority: (a) Avoiding the impact all together by not taking a certain action or parts of an action; (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts; (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) Reducing or eliminating the impact over time by preservation and maintenance operations; (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and (f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage - Any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessel (such as a pier or buoy).

Moorage piles - Structural members that are driven into the lake bed to serve as a stationary moorage point. They are typically used for moorage of small boats in the absence of, or instead of, a dock or pier. In some cases, moorage piles may be associated with a dock or pier.

Mooring buoy - A floating object anchored to the bottom of a waterbody that provides tie up capabilities for vessels.

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

Native plants - These are plants that are historically indigenous to the Lake Washington watershed, and that distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s.

Natural or existing topography - the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling. (WAC 173-27-030(11))

No Net Loss of Ecological Function - means a public policy goal and requirement to maintain the aggregate total of the Town's shoreline ecological functions at its current level. For purposes of reviewing and approving this SMP, "current" is equivalent to the date of the Final Shoreline Analysis Report (August 2011). As a development standard, it means the result of the application of Mitigation Sequencing, in which impacts of a particular shoreline development and/or use, whether permitted or exempt, are identified and addressed, such that there are no adverse impacts on shoreline ecological functions or processes relative to the legal condition just prior to the proposed development and/or use.

Nonconforming use or development - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions (WAC 173-27-080(1)).

Normal maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2b)). See also *Normal repair*.

Normal protective bulkhead - structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion (WAC 173-27-040(2c)).

Normal repair - To restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial

adverse effects to shoreline resources or environment (WAC 173-27-040(2b)). See also *Normal maintenance*.

OHWM, Ordinary High Water Mark - 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 condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: *provided*, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(c) and WAC 173-22-030(5).

Off-site replacement - To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

Oil separator - Specialized catch basins that are designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system.

On-site replacement - To replace wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted by a regulated activity.

Overwater structure - Any device or structure projecting over the ordinary high water mark, including, but not limited to piers, docks, floats, and moorage.

Party of record - includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail. (WAC 173-27-030(12))

Permit (or Shoreline Permit) - Any Shoreline Substantial Development, Shoreline Variance or Shoreline Conditional Use Permit, or revision, or any combination thereof, authorized by the Act. Refer to WAC 173-27

Pier - a fixed, pile-supported structure.

Practicable alternative - An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology and logistics in light of overall project purposes.

Priority Habitat - 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 range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

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 - 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.
(a) 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 (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
(c) 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.
(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Professional biologist - A specialist with education and training in the area of natural sciences concerned with the plants and animal life of a region.

Professional engineer - A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering and is licensed by the state of Washington.

Public access - Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

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

Public use - Public use means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis. Refer to WAC 332-30-106.

RCW - Revised Code of Washington.

RCW 90.58 - The Shoreline Management Act of 1971.

Recreational facilities – Public facilities such as parks, trails, and pathways that provide a means for relaxation, play, or amusement.

Recreational Float - A floating structure that is moored, anchored, or otherwise secured in the water off-shore and that is generally used for recreational purposes such as swimming and diving.

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

Restore, Restoration or Ecological restoration - means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions. (WAC 173-26-020(27))

Retrieval Lines - A system by which a float or other floating object is retrieved to a pier, dock, or shoreland.

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

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

Rotovating - An aquatic vegetation harvesting technique that uses rototilling technology to uproot and remove plants.

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

SEPA - see State Environmental Policy Act

SEPA Checklist - A checklist required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. (WAC 197-11-960).

SMA - see Shoreline Management Act

SMP - see Shoreline Master Program

Salmon and Steelhead Habitats - Gravel bottomed streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, and cover and refuge from predators and high water; streams, creeks, rivers, used as migration corridors.

Sediment - The fine grained material deposited by water or wind.

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

Shall - "Shall" means a mandate; the action must be done.

Shoreline Administrator - The Town Planner or his/her designee, charged with the responsibility of administering the shoreline master program.

Shoreline environment designations - The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. See WAC 173-16-040(4).

Shoreline jurisdiction - The term describing all of the geographic areas covered by the SMA, related rules and this master program. Also, such areas within a specified local government's authority under the SMA. See definitions of *Shorelines*, *Shorelines of the state*, *Shorelines of statewide significance*, and *Wetlands, jurisdictional*.

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

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

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

Shoreline permit - A Shoreline Substantial Development, Shoreline Exemption, Shoreline Conditional Use, revision, or Shoreline Variance Permit or any combination thereof (WAC 173-14-030(13)).

Shoreline Stabilization **-** Means for protecting shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding or erosion. Shoreline stabilization includes structural methods, such as riprap, bulkheads, gabions, jetties, dikes and levees, flood control weirs, bioengineered walls, embankments, and non-structural methods such as building setbacks, structure relocation or ground water management.

Shorelines - All of the water areas of the state, including reservoirs and their associated shorelands, together with the lands underlying them, except ; except (i) shorelines of statewide 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 Hearings Board - A state-level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA. See RCW 90.58.170; 90.58.180; and WAC 173-14-170; 173-14-174.

Shorelines of statewide significance - A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special preservationist policies apply and where greater planning authority is granted by the SMA. Permit review must acknowledge the use priorities for these areas established by the SMA. See RCW 90.58.020. Lake Washington is considered a shoreline of statewide significance.

Shorelines of the state - Shorelines and shorelines of statewide significance.

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

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

Significant tree - those trees planted by the Town or that have a diameter of four inches or larger measured at four and one-half feet above the ground.

Significant vegetation removal - the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree

topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Single-family residence - A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-27-040(2g)).

Soft Structural Shoreline Stabilization **-** Shore erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a non-linear, sloping arrangement.

Soil bioengineering - An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

Solid waste - Solid waste means all garbage, rubbish trash, refuse, debris, scrap, waste materials and discarded materials of all types whatsoever, whether the sources be residential or commercial, exclusive of hazardous wastes, and including any and all source-separated recyclable materials and yard waste.

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

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

Structural Shoreline Stabilization **-** Means for protecting shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding or erosion that incorporate structural methods, including both hard structural shoreline stabilization methods and soft structural shoreline stabilization measures.

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels. (WAC 173-27-030(12))

Substantial Development - Any development of which the total cost or fair market value, whichever is higher, exceeds 5,718, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period.A list of activities and developments that shall not be considered substantial development is provided in Chapter 3;

Substantially degrade - means to cause significant ecological impact.

Terrestrial - Of or relating to land as distinct from air or water.

Town – The Town of Yarrow Point.

Upland – The land area above and landward of the ordinary high water mark.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in this master program and not a means to vary a use of a shoreline. Shoreline Variances must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-14-150).

WAC - Washington Administrative Code.

Water-dependent use- A use or a portion of a use which can not exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

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

Water-oriented use- Refers to any combination of water-dependent, water-related, and/or water enjoyment uses and serves as an all encompassing definition for priority uses under the SMA.

Water-related use- A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because: 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, the use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

Watershed restoration plan - A plan developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, and/or the Department of Transportation acting within or pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation , restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to 43.21C RCW, the State Environmental Policy Act.

Water quality - The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through RCW 90.03.340.

Wetlands - areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include 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.

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

Appendix B – Administration

B.1 Introduction

There is hereby established an administrative system designed to assign responsibilities for implementation of the Master Program and Shoreline Permit and Shoreline Exemption review, to prescribe an orderly process by which to review proposals and permit or exemption applications, and to ensure that all persons affected by this Master Program are treated in a fair and equitable manner.

B.2 Program Administrator

The Yarrow Point Town Planner, or his/her designee, (the "Shoreline Administrator") is vested with the overall responsibility for administering the Shoreline Management Act and this Master Program. The Shoreline Administrator has the authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of this Master Program and with the authority to grant exemptions from Shoreline Substantial Development Permits in accordance with the policies and provisions of this Master Program.

The duties and responsibilities of the Shoreline Administrator shall include:

- Preparing and using application forms deemed essential for the administration of this Master Program.
- Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this Master Program.
- Making administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act.
- Collecting applicable fees, as established by the Town.
- Determining that all applications and necessary information and materials are provided.
- Conducting field inspections, as necessary.
- Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate applications needs.
- Determining if a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit or Shoreline Variance is required.
- Providing copies of permit applications to relevant staff and agencies for review and comment.
- Conducting a thorough review and analysis of Shoreline Exemption applications;
- Submitting Shoreline Variance, Shoreline Conditional Use and Shoreline Substantial Development Permit applications and written recommendations and findings on such permits to the Town's Hearing Examiner for consideration and action.
- Assuring that proper notice is given to appropriate persons and the public for all hearings.
- Providing technical and administrative assistance to the Town's Hearing Examiner as required for effective and equitable implementation of this program and the Act.
- Investigating, developing, and proposing amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies.

- Seeking remedies for alleged violations of this program, the provisions of the Act and this Master Program, or of conditions of any approved shoreline permit issued by the Town of Yarrow Point.
- Acting as the primary liaison between local and state agencies in the administration of the Shoreline Management Act and this Master Program.
- Forwarding shoreline permits to the Department of Ecology for filing or action.

B.3 Shoreline Permit or Exemption General Process

B.3.1 Shoreline Permit Process

Any person(s) who wishes to conduct substantial development within the geographical jurisdiction of this Master Program shall apply to the Town of Yarrow Point through the Administrator for a Shoreline Permit or Shoreline Exemption. A Shoreline Permit or Shoreline Exemption is considered the last local governmental approval prior to issuance of a building permit. If a proposal involves state or federal governmental approvals, these approvals shall be in place prior to the Town's issuance of a building and/or site development permit.

Type of Shoreline Permit or Shoreline Exemption	Decision Type	Decision Maker	Decision Timeframe	Appeal Authority
EXEMPTION	Administrative	Shoreline Administrator	Not to exceed 60 days, unless additional information is required.	Hearing Examiner then Shorelines Hearings Board
SHORELINE SUBSTANTIAL DEVELOPMENT (SDP)	Quasi-Judicial	Hearing Examiner	Not to exceed 120 days, unless additional information is required.	Shorelines Hearings Board
SHORELINE VARIANCE	Quasi-Judicial	Hearing Examiner	Not to exceed 120 days, unless additional information is required.	Shorelines Hearings Board
SHORELINE CONDITIONAL USE	Quasi-Judicial	Hearing Examiner	Not to exceed 120 days, unless additional information is required.	Shorelines Hearings Board

The applicant must complete the necessary application forms provided by the Administrator for Shoreline Substantial Development Permit, Shoreline Exemption, Shoreline Conditional Use Permit and Shoreline Variance Permit, in accordance with WAC 173-27-180.

B.3.2 Permit Process

A completed application and documents for all shoreline permits shall be submitted to the Shoreline Administrator for processing and review. Any deficiencies in the application or documents shall be corrected by the applicant prior to further processing. Application fees in an amount established by the Yarrow Point Fees Resolution shall be collected at the time of application.

The burden of proof that a proposed development is consistent with the approval criteria and Master Program policies and regulations rests with the applicant.

B.3.3 Hearing Examiner Review

The Yarrow Point Hearing Examiner shall conduct a Public Hearing in order to make the final decision at the local level for Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances. Such applications may be approved, approved with conditions, or denied.

The decision of the Hearing Examiner shall be the final decision of the Town of Yarrow Point on all applications heard before the Examiner, unless appealed, and the Hearing Examiner shall render a written decision including findings, conclusions, and a final order, and transmit copies of the decision within ten (10) working days of the final decision to the Town of Yarrow Point Administrator. The Town Administrator shall then transmit copies of the final decision to the Applicant, the Washington State Department of Ecology, the Washington State Attorney General, parties of record, and appellants.

B.3.4 Public Hearings

A public hearing shall be scheduled for each application for a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance. The hearing shall be set for a mutually agreed upon date and time following submittal of a complete application and allowing for the thirty (30) day mandatory Notice of Application. The minimum allowable time required from the date of complete application to the Public Hearing shall be sixty (60) days. Any interested person may submit his or her written views upon the application to the Town within the thirty (30) day notification period, may request to be notified of the decision, or may participate in the Public Hearing by providing testimony.

B.3.5 Washington State Department of Ecology Review

Following Hearing Examiner approval of a Shoreline Conditional Use or Shoreline Variance Permit, the Town shall submit the permit to the Department of Ecology for Ecology's approval, approval with conditions, or denial. Ecology shall render and transmit to the Town and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty (30) days of the date of submittal by the Town pursuant to WAC 173-27-110.

The Town shall provide timely notification of the Department of Ecology's final decision to those interested persons having requested notification from the Town pursuant to WAC 173-27-130.

B.4 Shoreline Substantial Development Permits

A. Substantial development as defined by RCW 90.58.030 shall not be undertaken by any person on the shorelines of the state without first obtaining a Shoreline Substantial Development Permit from the Town of Yarrow Point, unless the use or development is specifically identified as exempt from a Shoreline Substantial Development Permit per RCW 90.58 or by WAC 173-27.

B. The Town may grant a Shoreline Substantial Development Permit only when the development proposed is consistent with the policies and procedures of RCW.90.58; the provisions of WAC 173-27; and this Program.

B.5 Exemptions from Shoreline Substantial Development Permits

A. Uses and developments that are not considered substantial developments pursuant to RCW 90.58 and WAC 173-27-040 shall not require a Shoreline Substantial Development Permit, but shall conform to the policies and regulations of this Program.

B. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.

C. An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the Shoreline Management Act or this Shoreline Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to this Shoreline Master Program or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this Shoreline Master Program, such development or use can only be authorized by approval of a Shoreline Variance.

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

E. If any part of a proposed development is not eligible for exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project.

F. The Town's Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Shoreline Master Program.

G. Before determining that a proposal is exempt, the Town's Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline Management Act.

H. Following review and approval, the Town's Shoreline Administrator shall issue a Letter of Exemption for each proposal exempt from a Shoreline Substantial Development Permit.

B.7 Shoreline Variances

A. The Town is authorized to grant a variance from the performance standards of this Program only when all of the criteria enumerated in WAC 173-27-170 are met.

B. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant/property owner or thwart the policies set forth in RCW 90.58.020.

C. Shoreline Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

D. The burden of proving that a proposed variance meets the criteria in WAC 173-27-170 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

E. In the granting of all variances, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce significant adverse effects to the shoreline ecological functions or other users.

F. A variance from Town development code requirements shall not be construed to mean a shoreline variance from SMP use regulations and vice versa.

G. Variances may not be used to permit a use or development that is specifically prohibited.

B.8 Shoreline Conditional Use Permit

A. The Town is authorized to issue Shoreline Conditional Use Permits only when all the criteria enumerated in WAC 173-27-160 are met.

B. The burden of proving that a proposed shoreline conditional use meets the criteria in WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

C. The Town is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

B.9 Administration – General Standards

Unless otherwise stated, this Master Program shall be administered according to the standards and criteria in RCW 90.58 and WAC 173-27.

B.10 Revisions to Permits

A. A permit revision is required whenever the applicant/property owner proposes substantive changes to the design, terms or conditions of a use or development from those as approved in the existing and approved permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the existing and approved permit, this Program or the Act. Changes that are not substantive in effect do not require a permit revision.

B. An application for a revision to a shoreline permit shall be submitted to the Shoreline Administrator. The application shall include detailed plans and text describing the proposed changes. The Shoreline Administrator shall review and process the request in accordance with the requirements of WAC 173-27-100.

B.11 Appeals

A. Appeals of the final decision of the Town with regard to shoreline management shall be governed by the provisions of RCW 90.58.180.

B. Appeals to the Shoreline Hearings Board of a decision on a Shoreline Substantial Development Permit, Shoreline Variance or Shoreline Conditional Use Permit may be filed by the applicant/property owner or any aggrieved party pursuant to RCW 90.58.180.

C. The effective date of the Town's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

B.12 Initiation of Development

Development pursuant to a Shoreline Substantial Development Permit, Shoreline Variance, or Shoreline Conditional Use Permit shall not begin and shall not be authorized until twenty-one (21) days after the "date of filing" or until all appeal proceedings before the Shorelines Hearings Board have terminated.

B.13 Nonconforming Use and Development Standards

"Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or this Master Program, or amendments thereto, but which does not conform to present regulations or standards of this Master Program. In such cases, the following standards shall apply:

A. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses;

B. Consistent with RCW 90.58.XXX *pending*, residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following, shall be considered a conforming structure: setbacks, buffers, or yards; area; bulk; height; or density.

1. Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure shall be consistent with this Master Program, including requirements for no net loss of ecological functions.

2. For purposes of this section, “appurtenant structures” means garages, sheds, and other legally established structures. “Appurtenant structures” does not include bulkheads and other shoreline modifications or over-water structures.

C. A nonconforming structure which is destroyed by fire or other act of nature (or accident) may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed, provided the replacement structure does not warrant new shoreline armoring and that an application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance, unless an extension for just cause is granted.

D. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances upon approval of a Shoreline Conditional Use Permit.

E. A use which is listed as a conditional use, but which existed prior to adoption of the Master Program or any relevant amendment and for which a Shoreline Conditional Use Permit has not been obtained, shall be considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the applicability of the Master

Program to the site and for which a Shoreline Conditional Use Permit has not been obtained, shall be considered a nonconforming use.

F. A structure for which a Shoreline Variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities. Except that residential structures and their appurtenances which obtained a Shoreline Variance shall be considered conforming structures consistent with B.11.B above.

G. A structure which is being or has been used for a nonconforming use may not be used for a different nonconforming use.

H. If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two (2)-year period, the nonconforming rights shall expire and any subsequent use shall be conforming.

I. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established prior to the effective date of the Act or the Master Program, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the Master Program and the Act.

B.14 Enforcement and Penalties

The choice of enforcement action and the severity of any penalty shall be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

B.14.1 Enforcement

The Shoreline Administrator is authorized to enforce the provisions of this Program, including any rules and regulations promulgated thereunder, pursuant to the enforcement provisions of WAC 173-27 and RCW 90.58.

B.14.2 Penalty

Any person found to have willfully engaged in activities on the Town's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the Town's Master Program, rules or regulations adopted pursuant thereto, is guilty of a gross misdemeanor, and shall be subject to the penalty provisions of RCW 90.58 and WAC 173-27 and any applicable Yarrow Point Ordinance or Code (civil citation penalties and criminal penalties).

B.14.3 Violator's Liability

Any person subject to the regulatory program of the Master Program who violates any provision of the Master Program or permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The Attorney General or Yarrow Point Town Attorney shall bring suit for damages under this section on behalf of the Town government. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorneys' fees and costs of the suit to the prevailing party.

Yarrow Point
WWW.CI.YARROW-POINT.WA.US

ENVIRONMENT DESIGNATION

TOWN OF YARROW POINT SHORELINE MASTER PROGRAM

DRAFT

All areas located waterward of the ordinary high water mark are assigned an Aquatic environment designation.

LAKE WASHINGTON
COZY COVE
HUNTS POINT
YARROW POINT
CLYDE HILL
KIRKLAND
NE 91ST AVE NE
NE 87TH PL
91ST PL NE
94TH AVE NE
95TH AVE NE
NE 42ND ST
NE 41ST ST
NE 40TH ST
NE 40TH PL
NE 39TH PL
NE 38TH PL
NE 38TH ST
NE 37TH PL
NE 37TH PL
90TH AVE NE
NE 36TH ST
POINTS DR
SR-520
NE 35TH PL
NE 34TH ST
NE 34TH ST
NE 33RD ST
NE 33RD ST
93RD PL NE
95TH PL NE
98TH AVE NE
97TH AVE NE
96TH AVE NE
NE 32ND ST
92ND AVE NE
NE 31ST ST
NE 31ST ST
HUNTS POINT LN
92ND PL NE
NE 30TH PL
NE 30TH ST
NE 30TH ST
NE 29TH ST
88TH AVE NE
93RD AVE NE
94TH AVE NE
NE 28TH ST
NE 28TH ST

THE WATERSHED COMPANY

All elements depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

MAP LEGEND

Environment Designation*

- Natural
- Shoreline Residential
- Urban Conservancy

Town Boundary

** All areas located waterward of the ordinary high water mark are assigned an Aquatic environment designation.*

0 250 500
Feet

Data: King County, TWC. February 17, 2011.

Appendix D – Yarrow Point Critical Areas Regulations in Shoreline Jurisdiction

Contents

1. **General Regulations, Page D1**
2. **Wetlands, Page D10**
3. **Geologically Hazardous Areas, Page D17**
4. **Fish & Wildlife Habitat Conservation Areas, Page D25**

1. General Regulations

A. The Shoreline Master Program, and not this appendix to the Shoreline Master Program, exclusively governs uses and modifications in Lake Washington and establishes a Lake Washington setback with corresponding regulations. These Appendix D regulations apply to all other critical areas within shoreline jurisdiction, including those that may be found within a Lake Washington setback. Note that the Town of Yarrow Point does not contain any streams or critical aquifer recharge areas within its shoreline jurisdiction. All requirements traditionally found in critical areas regulations pertaining to streams or critical aquifer recharge areas will not be found in this appendix.

B. Purpose

1. The purpose of these critical areas regulations is to designate and classify ecologically sensitive and hazardous areas within shoreline jurisdiction and to protect these areas and their functions and values, while also recognizing consistency with private property rights [WAC 173-26-186 (5)].

2. The Town finds that critical areas provide a variety of valuable and beneficial biological and physical functions that include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, protection from hazards, historical and archaeological and aesthetic value protection, and recreation.

3. Goals. By limiting development and alteration of critical areas, these regulations seek to:

   a. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding;

b. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats.

c. Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands and habitat conservation areas.

4. These regulations are to be administered with flexibility and attention to site-specific characteristics.

C. Relationship to other regulations

1. These critical area regulations shall apply as an overlay and in addition to this Shoreline Master Program, zoning and other regulations adopted by the Town.

2. These critical area regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as adopted by the Town. When any provision of this Title or any existing regulation, easement, covenant, or deed restriction, conflicts with this Title, that which provides more protection to the critical areas shall apply.

3. Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved.

D. Administrative procedures. The administrative procedures followed during the critical area review process shall conform to the standards and requirements of this Shoreline Master Program and Yarrow Point Municipal Code. This shall include, but not be limited to, timing, appeals, and fees associated with applications covered by these regulations.

E. Fees.

1. The Town by resolution shall establish fees for critical area review processing, and other services provided by the Town as required by these regulations.

2. Unless otherwise indicated in these regulations, the applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application.

F. Appeals. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of these regulations may be appealed according to, and as part of, the appeal procedure for the shoreline permit or approval.

G. Applicability. The provisions of these regulations shall apply to all lands, all land uses and development activity, and all structures and facilities in the Town's shoreline jurisdiction, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the shoreline jurisdiction of the Town. No person, company, agency, or applicant shall alter a critical area or buffer within shoreline jurisdiction except as consistent with the purposes and requirements of this SMP.

H. Critical area reports – Requirements

1. Prepared by qualified professional. If required by any part of these critical areas regulations, the applicant shall submit a critical area report prepared by a qualified professional as defined herein. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

2. Incorporating science. The critical area report shall use the most current, accurate, and complete scientific and technical information available in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this Title.

3. Minimum report contents. At a minimum, the report shall contain the following:

a. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested.

b. A written assessment and accompanying maps of the critical areas and buffers of the project area, including the following information at a minimum:

i. Identification and characterization of existing critical areas and required buffers

ii. Description of the development proposal with dimensions, including limits of areas to be cleared;

iii. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations.

iv. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development.

v. An analysis of site development alternatives.

vi. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas.

vii. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with Mitigation Plan Requirements, including, but not limited to:

viii. The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and

ix. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment.

x. A discussion of the performance standards applicable to the critical area and proposed activity.

c. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site.

d. A statement specifying the accuracy of the report, and all assumptions made and relied upon.

e. Financial guarantees to ensure compliance.

f. Any additional information required for the critical area as specified in the corresponding chapter.

g. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Shoreline Administrator.

I. Critical area report – modifications to requirements

1. Limitations to study area. The Shoreline Administrator may limit the required geographic area of the critical area report as appropriate if:

a. The applicant, with assistance from the Town, cannot obtain permission to access properties adjacent to the project area; or

b. The proposed activity will affect only a limited part of the subject site.

2. Modifications to required contents. The applicant may consult with the Shoreline Administrator prior to or during preparation of the critical area report to obtain Town approval of modifications to the required contents of the report where, in

the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

3. Additional information may be required. The Shoreline Administrator may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity. Additional information that may be required, includes, but is not limited to:

   a. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site.

   b. Grading and drainage plans.

   c. Information specific to the type, location, and nature of the critical area.

J. Mitigation requirements

1. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in this Title, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated in accordance with an approved critical area report and SEPA documents.

2. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area. Off-site mitigation shall be allowed in an agency-approved wetland bank within the same watershed or agency-approved in-lieu fee sites within the same watershed.

3. Mitigation shall not be implemented until after Town and agency, if applicable, approval of a critical area report that includes a mitigation plan, and mitigation shall be in accordance with the provisions of the approved critical area report.

K. Mitigation sequencing. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:

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

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

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

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

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

7. Monitoring the impact and conservation projects and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

L. Mitigation plan requirements. When mitigation is required, the applicant shall submit for approval by the Town a mitigation plan as part of the critical area report. The mitigation plan shall include the following:

1. Environmental goals and objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed, including:

2. A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area.

3. A review of the most current, accurate, and complete scientific and technical information available supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed.

4. An analysis of the likelihood of success of the compensation project.

5. Performance standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of these critical areas regulations have been met.

6. Mitigation shall achieve equivalent or greater biological functions. Mitigation of alterations to critical areas shall achieve equivalent or greater biological functions. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

7. Detailed construction plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as:

8. The proposed construction sequence, timing, and duration.

9. Grading and excavation details.

10. Erosion and sediment control features.

11. A planting plan specifying plant species, quantities, locations, size, spacing, and density.

12. Measures to protect and maintain plants until established.

13. Detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

14. Monitoring program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed, but not necessarily annually, to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years.

15. Contingency plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

M. Unauthorized critical area alterations and enforcement

1. When a critical area or its buffer has been altered in violation of the provisions of this SMP, all ongoing development work shall stop and the critical area shall be restored. The Town shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Title. If the violator fails to perform or pay as required in this Section, and the violator is not the owner or responsible party, the Shoreline Administrator may seek compliance or payment from the owner or responsible party.

2. Restoration plan required. All development work shall remain stopped until a restoration plan is prepared by the Applicant and approved by the Town. Such a plan shall be prepared by a qualified professional and shall describe how the actions proposed meet the minimum requirements described in Subsection 3 below. The Shoreline Administrator shall, at the violator’s expense, seek expert

advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

3. Minimum performance standards for restoration.

   a. For alterations to wetlands and habitat conservation areas the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

      i. The pre-disturbance structural and functional values shall be restored, including water quality and habitat functions;

      ii. The historic soil types and configuration shall be replicated;

      iii. The critical area and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and

      iv. The historic functions and values should be replicated at the location of the alteration.

   b. For alterations to geological hazards, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

      i. The hazard shall be reduced to a level equal to, or less than, the pre-development hazard;

      ii. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and

      iii. The hazard area and buffers shall be replanted with native vegetation sufficient to minimize the hazard.

4. Site investigations. The Shoreline Administrator is authorized to make site inspections and take such actions as are necessary to enforce these critical areas regulations. The Shoreline Administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

5. Penalties. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of these critical areas regulations shall be guilty of a misdemeanor. Each day or portion of a day during which a violation of these critical areas regulations is committed or continued shall constitute a separate

offense. Any development carried out contrary to the provisions of these critical areas regulations shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. The Town may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of these critical areas regulations.

N. Subdivisions. The subdivision and short subdivision of land in a critical area and associated buffers is subject to the following:

1. Land that is located wholly within a critical area or its buffer may not be subdivided.

2. Land that is located partially within a critical area or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is:

   a. Located outside of the critical area and its buffer; and

   b. Meets the minimum lot size requirements of the Town's zoning regulations.

O. Critical area markers and signs. The boundary at the outer edge of the critical area or buffer shall be identified with temporary signs prior to any site alteration

P. Notice on title

1. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall file a notice with the county records and elections division according to the direction of the Town. The notice shall state the presence of the critical area or buffer on the property, of the application of these critical areas regulations to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall run with the land.

2. This notice on title shall not be required for a development proposal by a public agency or public or private utility, within a right-of-way, or on the siote of a permanent public facility.

3. The applicant shall submit proof that the notice has been filed for public record before the Town approves any development proposal for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.

Q. Critical area inspections. Reasonable access to the site shall be provided to the Town, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

2. Wetlands

A. Designating wetlands. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. Any areas within the Town meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.

B. Wetland ratings. Wetlands shall be rated according to the Department of Ecology wetland rating system found in the Washington State Wetland Rating System documents (Western Washington, Ecology Publication #93-74) or as revised by Ecology. These documents contain the definitions and methods for determining if the criteria below are met.

1. Wetland rating categories

a. Category I. Category I wetlands are:

i. Wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands.

ii. Bogs.

iii. Mature and old-growth forested wetlands larger than 1 acre.

iv. Wetlands that perform many functions well (scoring 70 points or more).

These wetlands: (1) represent unique or rare wetlands; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; (4) provide a high level of functions.

b. Category II. Category II wetlands are Wetlands with a moderately high level of functions (scoring between 51 and 69 points).

c. Category III. Category III wetlands are wetlands with a moderate level of functions (scoring between 30 and 50 points). Wetlands scoring between 30 and 50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape that Category II wetlands.

d. Category IV. Category IV wetlands have the lowest levels of functions (scoring fewer than 30 points) and are often heavily disturbed. These are wetlands that are capable of being replaced, or in some cases improved. These wetlands may provide some important functions, and should be protected to some degree.

C. Activities allowed in wetlands. The activities listed below are allowed in wetlands and do not require submission of a critical area report, except where such activities result in a loss to the functions and values of a wetland or wetland buffer. These activities include:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing wetland.

2. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water sources.

3. Educational and scientific research activities.

D. Critical area report – Additional requirements for wetlands. In addition to the general critical area report requirements of Section 1.G and 1.H, critical area reports for wetlands must include the following at a minimum:

1. Wetland delineation and required buffers;

2. Existing wetland acreage;

3. Wetland category; vegetative, faunal, and hydrologic characteristics;

4. Soil and substrate conditions;

5. Topographic elevations, at two-foot contours;

6. Existing and proposed adjacent site conditions; and

7. Property ownership.

E. Performance standards – General requirements

1. Alterations may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not result in net loss of critical areas or shoreline ecological functions and is necessary to accommodate preferred uses when consistent with the Shoreline Management Act and this Shoreline Master Program.

2. Alterations and uses shall be prohibited from wetlands and wetland buffers, except as provided for in these critical areas regulations.

3. Category I wetlands. Alterations and uses shall be prohibited from Category I wetlands, except for low-impact public access and recreation facilities, such as raised boardwalks or platforms for hiking or bird/wildlife watching, that provide opportunities for significant numbers of people to enjoy the natural environment.

Such facilities shall be designed to avoid or minimize significant vegetation removal. Projects shall be designed to result in no net loss of ecological functions, and all adverse impacts shall be mitigated.

4. Category II and III wetlands. The following activities are allowed in Category II and III wetlands and their associated buffers:

   a. Water-dependent alterations as provided for under the Town's Shoreline Master Program may be allowed where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffer and other critical areas.

   b. Low-impact public access and recreation facilities, such as raised boardwalks, may be allowed if they provide opportunities for substantial numbers of the general public to enjoy the natural environment. Such facilities shall be designed to avoid or minimize significant vegetation removal. Projects shall be designed to result in no net loss of ecological functions, and all adverse impacts shall be mitigated. Public access and recreational facilities shall incorporate interpretive signs or other mechanism to educate the public about wetland functions.

   c. Where alterations are proposed that are neither water-dependent nor related to public access and recreation, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:

      i. The basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impact on, a wetland on another site or sites in the general region; and

      ii. All alternative designs of the project as proposed, that would avoid or result in less of an adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project, are not feasible.

5. Category IV wetlands. Alterations and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved critical area report and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives.

F. Wetland buffers

1. Buffer Requirements. The standard buffer widths have been established in accordance with the most current, accurate, and complete scientific and technical information available. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington

State Wetland Rating System for Western Washington. Additional buffer widths are added to the standard buffer widths. The buffers widths shall be as follows:

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores		
		21-25 habitat points	26-29 habitat points	30-36 habitat points
Category I - based on total score	75 feet	Add 30 feet	Add 90 feet	Add 150 feet
Category I - Natural Heritage Wetlands	190 feet	NA	NA	Add 35 feet
Category I - Forested	75 feet	Add 30 feet	Add 90 feet	Add 150 feet
Category II - based on score	75 feet	Add 30 feet	Add 90 feet	Add 150 feet
Category III (all)	60 feet	Add 45 feet	Add 105 feet	NA
Category IV (all)	40 feet	NA	NA	NA

2. The use of the standard buffer widths requires the implementation of the following measures, where applicable, to minimize the impacts of the adjacent land uses:

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish and additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Minimize use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (per PSAT publication on LID techniques)
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a

Disturbance	Required Measures to Minimize Impacts
	conservation easement
Dust	Use best management practices to control dust
Disruption of corridors or connections	• Maintain connections to offsite areas that are undisturbed • Restore corridors or connections to offsite habitats by replanting

3. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided. Where a buffer planting plan is proposed, it shall include provisions for monitoring and maintenance to ensure success.

4. Measurement of wetland buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

5. Reduction of wetland buffer widths

    a. The Shoreline Administrator may allow the standard wetland buffer width to be reduced in accordance with an approved critical area report and the most current, accurate, and complete scientific and technical information available on a case-by-case basis when it is determined that a smaller area is adequate to protect the wetland functions and values based on site-specific characteristics.

    b. This determination shall be supported by documentation showing that a reduced buffer is adequate based on all of the following criteria:

        i. The critical area report provides a sound rationale for a reduced buffer based on the most current, accurate, and complete scientific and technical information available.

        ii. The existing buffer area is well-vegetated with native species and has less than ten percent (10%) slopes.

        iii. No direct or indirect, short-term or long-term, adverse impacts to wetlands will result from the proposed activity.

6. Wetland buffer width averaging. The Shoreline Administrator may allow averaging of buffer widths where a qualified wetlands professional demonstrates that:

a. It will not reduce wetland functions or values;

b. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

c. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

d. The buffer width is not reduced to less than twenty five percent (25%) of the standard width or fifty (50) feet, whichever is greater, except for buffers between Category IV wetlands and low or moderate intensity land uses, in which standard buffers of 40 feet apply.

G. Performance standards – Mitigation requirements

1. Mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Mitigation plans shall be consistent with "Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans" (Version 1, Publication #06-06-011b, March 2006 or as revised).

2. Wetland mitigation actions shall not result in a net loss of wetland area except when the lost wetland area provides minimal functions and the mitigation action(s) results in a net gain in wetland functions as determined by a site-specific function assessment.

3. Mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement, and shall provide similar wetland functions as those lost except when the lost wetland provides minimal functions as determined by a site-specific function assessment and the proposed mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal watershed assessment plan or protocol.

4. Mitigation actions that require compensation by replacing, enhancing, or substitution, shall occur in the following order of preference:

a. Restoring wetlands on upland sites that were formerly wetlands.

b. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of exotic introduced species.

c. Enhancing significantly degraded wetlands.

d. Preserving high-quality wetlands that are under imminent threat.

5. Mitigation sites shall be selected using "Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)" (Publication #09-06-032, December 2009).

6. Except where determined by the Shoreline Administrator due to weather or project conditions, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

7. The Shoreline Administrator may authorize a one-time temporary delay, up to one-hundred-twenty (120) days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety and general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the Town, and include a financial guarantee.

8. Mitigation ratios

    a. Acreage replacement ratios. Wetland buffers for all categories shall be replaced on a 1-to-1 ratio. The following ratios shall apply to creation, rehabilitation, enhancement, or preservation of wetlands that is in-kind, on-site, the same category, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases.

Category and Type of Wetland	**Creation or Re-establishment**	**Rehabilitation**	**Enhancement**	**Preservation**
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

b. Increased replacement ratio. The Shoreline Administrator may increase the ratios under the following circumstances:

i. Uncertainty exists as to the probable success of the proposed restoration or creation;

ii. A significant period of time will elapse between impact and replication of wetland functions;

iii. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

iv. The impact was an unauthorized impact.

c. Decreased replacement ratio. The Shoreline Administrator may decrease these ratios under the following circumstances:

i. Documentation by a qualified wetlands professional demonstrates that the proposed mitigation actions have a very high likelihood of success;

ii. Documentation by a qualified wetlands professional demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or

iii. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

9. Wetlands enhancement as mitigation

a. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.

b. At a minimum, enhancement acreage shall be as listed in Subsection 8.a. The enhancement proposal shall not result in the reduction of other wetland functions currently being provided in the wetland.

3. Geologically Hazardous Areas

A. Designation of geologically hazardous areas. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

1. Erosion hazard;

2. Landslide hazard; and

3. Seismic hazard.

B. Designation of specific hazard areas

1. Erosion hazard areas. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard.

2. Landslide hazard areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these include, but are not limited to, the following:

3. Areas of historic failures, such as:

   a. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development;

   b. Those areas mapped by the Department of Ecology (Coastal Zone Atlas) or the Department of Natural Resources (slope stability mapping) as unstable ("U" or class 3), unstable old slides ("UOS" or class 4), or unstable recent slides ("URS" or class 5); or

   c. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources.

4. Areas with all three of the following characteristics:

   a. Slopes steeper than fifteen percent (15%); and

b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

c. Springs or ground water seepage.

5. Areas that have shown movement during the Holocene epoch (from ten thousand years ago to the present) or that are underlain or covered by mass wastage debris of that epoch.

6. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials.

7. Slopes having gradients steeper than eighty percent (80%) subject to rock fall during seismic shaking.

8. Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten (10) feet of vertical relief.

9. Seismic hazard areas. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:

   a. The magnitude of an earthquake;

   b. The distance from the source of an earthquake;

   c. The type of thickness of geologic materials at the surface; and

   d. The type of subsurface geologic structure.

   Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table.

C. Mapping of geologically hazardous areas.

1. The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps. The adopted critical area maps include:

   a. U.S. Geological Survey landslide hazard maps.

   b. Department of Natural Resources seismic hazard maps for Western Washington.

c. Department of Natural Resources slope stability maps.

d. Liquefaction Susceptibility Map of Snohomish County, Washington

e. Town adopted maps.

2. These maps are to be used as a guide for the Town, project applicants and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

D. Activities allowed in Erosion and landslide hazard areas. Except as otherwise provided for in these critical areas regulations, only those activities approved and permitted consistent with an approved critical area report in accordance with these critical areas regulations shall be allowed in erosion or landslide hazard areas.

E. Critical area report – Additional requirements for geologically hazardous areas.

1. Geotechnical assessment. In addition to critical area report requirements in 1.H and 1.I, a critical area report for a geologically hazardous area shall contain an assessment of geological hazards including the following site- and proposal-related information at a minimum:

a. Site and construction plans. The report shall include a copy of the site plans for the proposal showing:

i. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities;

ii. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report;

iii. The height of slope, slope gradient, and cross section of the project area;

iv. The location of springs, seeps, or other surface expressions of ground water on or within two hundred (200) feet of the project area or that have potential to be affected by the proposal; and

v. The location and description of surface water runoff.

b. Assessment of geological characteristics. The report shall include an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be

accomplished in accordance with accepted taxonomic classification systems in use in the region. The assessment shall include, but not be limited to:

i. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;

ii. A detailed overview of the field investigations, published data and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and

iii. A description of the vulnerability of the site to seismic and other geologic events.

c. An estimate of load capacity including surface and ground water conditions, public and private sewage disposal systems, fills and excavations and all structural development;

d. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;

e. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred year storm event;

f. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;

g. A study of slope stability including an analysis of proposed angles of cut and fill and site grading;

h. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement; and

i. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.

j. An analysis of potential impacts of seismic activity if seismic hazard is found to be present.

2. Minimum buffer and building setback. The report shall make a recommendation for the minimum no-disturbance buffer and/or minimum building setback from any geologic hazard based upon the geotechnical analysis. In no case shall the minimum be less than twenty five (25) feet from the top and bottom of the slope.

3. Erosion and sediment control plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall be prepared in compliance with requirements set forth in the latest version of the Department of Ecology Stormwater Management Manual for Western Washington.

4. Drainage plan. The report shall include a drainage plan for the collection, transport, treatment, discharge and/or recycle of water prepared in accordance with the latest version of the Town of Yarrow Point drainage guidelines.

5. Mitigation plans. Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan and/or other means for maintaining long term soil stability.

6. Monitoring surface waters. If the Shoreline Administrator determines that there is a significant risk of damage to receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the Town.

7. Incorporation of previous study. Where a valid geotechnical report has been prepared within the last five (5) years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area report. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.

8. Mitigation of long-term impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

F. Performance standards – General requirements

1. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:

   a. Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions.

b. Will not adversely impact other critical areas.

c. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions.

d. Are certified as safe as designed and under anticipated conditions by a qualified professional.

e. Will not require structural shoreline stabilization over the life of the development except when the applicant can demonstrate that stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.

2. Critical facilities prohibited. Critical facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.

G. Performance standards – Specific hazards

1. Erosion and landslide hazard areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:

a. Buffer required. A buffer shall be established from all edges of erosion or landslide hazard areas. The size of the buffer shall be determined by the Shoreline Administrator to eliminate or minimize the risk of property damage, death or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.

i. Minimum buffer. The minimum buffer shall be equal to the height of the slope or twenty five (25) feet from the top and bottom of the slope, whichever is greater.

ii. Buffer reduction. The buffer may be reduced to a minimum of ten (10) feet when a qualified professional demonstrates to the Shoreline Administrator's satisfaction that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area.

iii. Increased buffer. The buffer may be increased where the Shoreline Administrator determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.

b. Alterations. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical analysis is submitted and certifies that:

i. The development will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;

ii. The development will not decrease slope stability on adjacent properties; and

iii. Such alterations will not adversely impact other critical areas.

c. Design standards. Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of these critical areas regulations. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

i. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the Town building code;

ii. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;

iii. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;

iv. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

v. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

vi. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and

vii. Development shall be designed to minimize impervious lot coverage.

d. Vegetation shall be retained. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

e. Seasonal restriction. Clearing shall be allowed only from May 1st to October 1st of each year provided that the Town may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions.

f. Utility lines and pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.

g. Point discharges. Point discharges from surface water facilities and roof drains onto or upslope from an erosion or landslide hazard area shall be prohibited except as follows:

i. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downslope from the discharge;

ii. Discharged at flow durations matching pre-developed conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the pre-developed state; or

iii. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

h. Prohibited development. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and related buffers.

4. Fish and Wildlife Habitat Conservation Areas

A. Designation of fish and wildlife habitat conservation areas. Fish and wildlife habitat conservation areas in the Town of Yarrow Point may include:

1. The documented presence of species proposed or listed by the federal government or state of Washington as endangered, threatened, or sensitive.

2. State priority habitats and areas associated with state priority species.

3. Heron rookeries or raptor nesting trees.

4. Category I and II wetlands as defined in these critical areas regulations.

5. Areas of native vegetation and/or stands of significant trees as designated by a qualified professional that provide a corridor between any of the critical fish and wildlife habitat areas listed in this section.

6. Land essential for preserving connections between habitat blocks and open spaces.

7. Waters of the State. Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-030.

8. Type S Waters or "Shorelines of the State," which include Lake Washington shorelines, are regulated under the Town's Shoreline Master Program. All Waters of the State in shoreline jurisdiction that are not Type S Waters are regulated under this appendix of the Shoreline Master Program.

B. Mapping of fish and wildlife habitat conservation areas. The following maps, which may be continuously updated, may be used as a guide for locating habitat conservation areas in the Town of Yarrow Point:

1. Washington Department of Fish and Wildlife Priority Habitat and Species maps; and

2. Washington State Department of Natural Resources Natural Heritage Program mapping data.

C. Critical area report – Additional requirements for habitat conservation areas. In addition to the general critical area report requirements of Section 1.G and 1.H, a critical area report for a habitat conservation area shall contain an assessment of habitats including the following site- and proposal-related information at a minimum:

1. Detailed description of vegetation on and adjacent to the project area.

2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species.

3. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area.

4. A detailed discussion of the potential impacts on habitat by the project, including potential impacts to water quality.

5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.

6. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

D. Buffers.

1. The Shoreline Administrator shall require the establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and shall be consistent with the management recommendations issued by the state Department of Fish and Wildlife.

2. Seasonal restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.

E. Performance standards – General requirements

1. All regulations for fish and wildlife habitat conservation areas are in addition to regulations that govern these sensitive areas in other portions of these critical areas regulations. Whenever a conflict occurs between these regulations, the one that provides the most protection for the sensitive area shall govern.

2. Alterations shall not degrade the functions and values of habitat. All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with these critical areas regulations. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the quantitative and qualitative functions and values of the habitat. All unavoidable impacts shall be fully mitigated.

3. Non-indigenous species shall not be introduced. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

4. Mitigation shall result in contiguous corridors. Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of

development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

5. Approvals of activities may be conditioned. The Shoreline Administrator shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to, the following:

    a. Establishment of buffer zones.

    b. Preservation of critically important vegetation.

    c. Limitation of access to the habitat area, including fencing to deter unauthorized access.

    d. Seasonal restriction of construction activities.

    e. Establishment of a duration and timetable for periodic review of mitigation activities.

    f. Requirement of a performance bond or other security, when necessary, to ensure completion and success of proposed mitigation.

6. Fencing

    a. The Shoreline Administrator may condition any permit or authorization issued pursuant to this Title to require the applicant to install a permanent fence, as determined by the Shoreline Administrator, at the edge of the habitat conservation area, when fencing will prevent future impacts to the area.

    b. Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration.

7. Roads, trails, and rights-of-way. Construction of trails and roadways may be permitted in accordance with an approved critical area report subject to the following standards and regulations of this SMP:

    a. There is no other feasible alternative route with less impact on the environment;

    b. Trails shall be located on the outer edge of a buffer, except for limited viewing platforms and crossings;

    c. Mitigation for impacts is provided pursuant to a mitigation plan of an approved critical area report;

d. Trails and associated viewing platforms shall not be made of continuous impervious materials.

8. Utility Facilities. New utility lines and facilities may be permitted to cross habitat conservation areas in accordance with an approved critical area report if they comply with the following standards and regulations of this SMP:

   a. Fish and wildlife habitat areas shall be avoided to the maximum extent possible;

   b. Crossings shall be contained within the footprint of an existing road or utility crossing where possible;

   c. Mitigation shall be provided for all unavoidable impacts.

9. Stormwater conveyance facilities. Conveyance structures may be permitted in accordance with an approved critical area report subject to the following standards:

   a. No other feasible alternatives with less impact exist;

   b. Mitigation for impacts is provided and mitigation sequencing is followed; and

   c. Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.

F. Performance standards – Endangered, threatened, and sensitive species

1. No development shall be allowed within a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association. Development which is consistent with the SMP may be allowed within habitats of aquatic species.

2. Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species, with the exception of aquatic species, have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and approved by the Town. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Department of Fish and Wildlife and the appropriate federal agency.

3. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). Whenever activities are proposed adjacent to a verified nest territory or communal roost, a habitat management plan shall be

developed by a qualified professional. Activities are adjacent to bald eagle sites when they are within eight hundred (800) feet, or within a quarter mile (1,320 feet) and in a shoreline foraging area. The Town shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the appropriate state or federal agency.

e. Provision of species habitat location(s) on a map that works in concert with other Town maps;

f. A financial report identifying the cost of implementing a mitigation or protection plan and the financial impact of the requested designation upon affected properties;

g. Documentation of public notice methods that the petitioner(s) have used.

Appendix E – Suitable Native Plants for Lake Washington Shoreline

(not an all-inclusive list)

TREES

Bigleaf maple (*Acer macrophyllum*)
Black cottonwood (*Populus balsamifera*)
Douglas-fir (*Pseudotsuga menziesii*)
Grand fir (*Abies grandis*)
Pacific willow (*Salix lucida*)
Paper birch (*Betula papyrifera*)
Red alder (*Alnus rubra*)
Scouler's willow *(Salix scouleriana*)
Shore pine *(Pinus contorta*)
Sitka spruce (*Picea sitchensisl*)
Sitka willow (*Salix sitchensis*)
Western hemlock (*Tsuga heterophylla*)
Western red cedar (*Thuja plicata*)

SHRUBS

Beaked hazelnut (*Corylus cornuta*)
Bitter cherry (*Prunus emarginata*)
Evergreen huckleberry (*Vaccinium ovatum*)
Hardhack (spiraea) (*Spiraea douglasii*)
Mock orange *(Philadelphus lewisii*)
Mountain ash (*Sorbus sitchensis*)
Nootka rose (*Rosa nutkana*)
Oregon grape (*Berberis nervosa or aquifolium*)
Red elderberry (*Sambucus racemosa*)
Red-flowering currant (*Ribes sanguineum*)
Red-osier dogwood (*Cornus sericea)*
Salal *(Gaultheria shallon)*
Serviceberry *(Amelanchier alnifolia)*
Snowberry (*Symphoricarpos albus*
Twinberry *(Lonicera involucrata)*
Vine maple *(Acer circinatum)*
Western crabapple *(Pyrus fusca)*

GROUNDCOVERS

Bracken fern (*Pteridium aquilinum*)
Canada goldenrod (*Solidago canadensis*)
Deer fern (*Blechnum spicant*)
Goatsbeard (*Aruncus dioicus*)
Kinnikinnick *(Arctostaphylos uva-ursi)*

Lady fern (*Athyrium filix-femina*)
lowbush penstemon (*Penstemon fruticosus*)
Pacific bleeding heart (*Dicentra formosa*)
Potentilla (*Potentilla fruticosa)*
Solomon's star (*Smilacina stellata*)
Sword fern (*Polystichum munitum)*
western blue flax (*Linum perenne*)
western columbine (*Aquilegia formosa*)
Wild ginger (*Asarum caudatum)*
Wild lily-of-the-valley (*Maianthemum dilatatum*)
Wild strawberry (*Fragaria chiloensis*)
Various sedges and rushes (wet soils) (*Carex, Scirpus, Juncus*)

EMERGENT

Giant horsetail (*Equisetum telmateia*)
Hardstem bulrush (*Scirpus acutus)*
Small-fruited bulrush (*Scirpus microcarpus*)

APPENDIX F: SHORELINE RESTORATION PLAN

for the Town of Yarrow Point Shoreline Master Program

Prepared for:

Yarrow Point
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Town of Yarrow Point

WASHINGTON STATE DEPARTMENT OF ECOLOGY

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SHORELINE RESTORATION PLAN

FOR TOWN OF YARROW POINT
SHORELINE MASTER PROGRAM

1 INTRODUCTION

1.1 Purpose

The primary purpose of the Shoreline Restoration Plan is to plan for "overall improvements in shoreline ecological function over time, when compared to the status upon adoption of the master program" (WAC 173-26-201(2)(f)).

Secondarily, the Shoreline Restoration Plan may help a jurisdiction ensure that the no net loss standard for shoreline ecological function is achieved on a Town-wide basis, notwithstanding any shortcomings of individual projects or activities. By law, activities that have adverse effects on the ecological functions and values of the shoreline must be mitigated (WAC 173-26-201(2)(e)). Proponents of such activities are individually required to mitigate for impacts to the subject shoreline areas. However, some uses and developments cannot be mitigated in-kind on an individual project basis. Other impacts may be sufficiently minor on an individual level, such that mitigation is not required. Additionally, unregulated activities (such as operation and maintenance of existing legal developments) may affect shoreline functions. Finally, activities upland of shoreline jurisdiction may have offsite impacts on shoreline functions. Together, these different project impacts – out of kind, de minimus, and out of jurisdiction – may result in cumulative, incremental, and unavoidable degradation of the overall baseline condition unless additional restoration of habitat function is undertaken. Accordingly, the Restoration Plan is intended to be a source of ecological improvements implemented by the Town and other government agencies, developers, non-profit groups, and property owners inside and outside of shoreline jurisdiction to ensure no net loss of ecological function, and where possible improvement of ecological function.

1.2 Restoration Plan Requirements

This Restoration Plan has been prepared to meet the purposes outlined above as well as specific requirements of the SMP Guidelines (WAC Section 173-26-201(2)(f))[1]. In addition to meeting the requirements of the Guidelines, this Restoration Plan is intended to identify priority focal areas for future restoration and mitigation, support the Town's and other organizations' applications for

[1] The Shoreline Master Program Guidelines were prepared by the Washington Department of Ecology and codified as WAC 173-26. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. See http://www.ecy.wa.gov/programs/sea/sma/guidelines/index.html for more background.

grant funding, and to identify the various entities and their roles working within the Town to enhance the environment.

1.3 Types of Restoration Activities

Restoration of shoreline areas, in relation to shoreline processes and functions, commonly refers to methods such as re-vegetation, removal of invasive species or toxic materials, and removal of shoreline modifications, such as levees or revetments. Consistent with Ecology's definition, use of the word "restore," or any variations, in this document is not intended to encompass actions that reestablish historic conditions. Instead, it encompasses a suite of strategies that can be approximately delineated into four categories:

- Creation (of a new resource)
- Restoration (of a converted or substantially degraded resource)
- Enhancement (of an existing degraded resource)
- Protection (of an existing high-quality resource).

1.4 Contents of this Restoration Plan

As directed by the SMP Guidelines, the following discussions provide a summary of baseline shoreline conditions, list restoration goals and objectives, and describe existing or potential programs and projects that positively impact the shoreline environment. In total, implementation of the SMP in combination with this Restoration Plan will result in no net loss of ecosystem function, and voluntary actions and partnerships identified in this plan may result in a net improvement in the Town of Yarrow Point's shoreline environment.

2 SHORELINE INVENTORY AND ANALYSIS SUMMARY

2.1 Introduction

The Town recently developed a draft comprehensive inventory and analysis of its Lake Washington shoreline (The Watershed Company and Town of Yarrow Point 2011). The inventory describes existing physical and biological conditions in the Lake Washington shoreline zone and associated wetlands within Town limits, including recommendations for restoration of ecological functions where they are degraded. The full Draft Shoreline Analysis Report is included as an appendix to the SMP and is summarized below.

2.2 Shoreline Boundary

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands," as defined in RCW 90.58.030. Shorelands in the Town of Yarrow Point include only areas within 200 feet of the ordinary high water mark (OHWM), as established by the U.S. Army Corps of Engineers for Lake Washington, and any associated wetlands within shoreline jurisdiction. Based on a review of the Town's wetland inventory

(Town of Yarrow Point GIS) along Lake Washington, conducted as part of the shoreline analysis, shoreline-associated wetlands exist within the Wetherill Nature Preserve and within Morningside Park on Yarrow Bay. These wetland areas both extend shoreline jurisdiction outside of the minimum 200-foot jurisdiction area.

2.3 Shoreline Analysis Report

The Shoreline Analysis Report includes a summary of the current regulatory framework and existing shoreline conditions, as well as an analysis of ecological functions and ecosystem-wide processes, land use, and public access. For purposes of dividing the shoreline into manageable units, and to help evaluate differences among discrete shoreline areas, the Town's shoreline jurisdiction is divided into two reaches, Reach 1 and Reach 2, based on land use. Reach 1 includes the entire shoreline designated for residential land use. Reach 2 is divided into 2A and 2B and includes undeveloped public parcels within Town limits (Wetherill Nature Preserve and Morningside Park) (Figure 1). A brief summary of the land use and ecological conditions described in the Shoreline Analysis Report that pertain to this Restoration Plan are summarized below in Sections 2.3.1 and 2.3.2.

2.3.1 Land Use and Physical Conditions

The Yarrow Point shoreline area is nearly fully developed with residential homes. The few areas not in residential development are the Wetherill Nature Preserve, Morningside Park, and two street end parks. The Town's shoreline is predominately zoned single-family residential (R-15). Land uses along the shoreline are not expected to change over the next 20 years, although re-builds, substantial remodels, SR 520 renovations, and some redevelopment of single-family residential parcels are likely to occur. Although there is the potential for subdivision within the shoreline jurisdiction, it is unlikely in the Town because parcels tend to be long and narrow with limited lake frontage.

The two public parks in Reach 2 provide public shoreline access and open space totalling 6.37 acres, with 1,237 linear feet of trail. An additional 0.31 acres of public access is available in Reach 1.

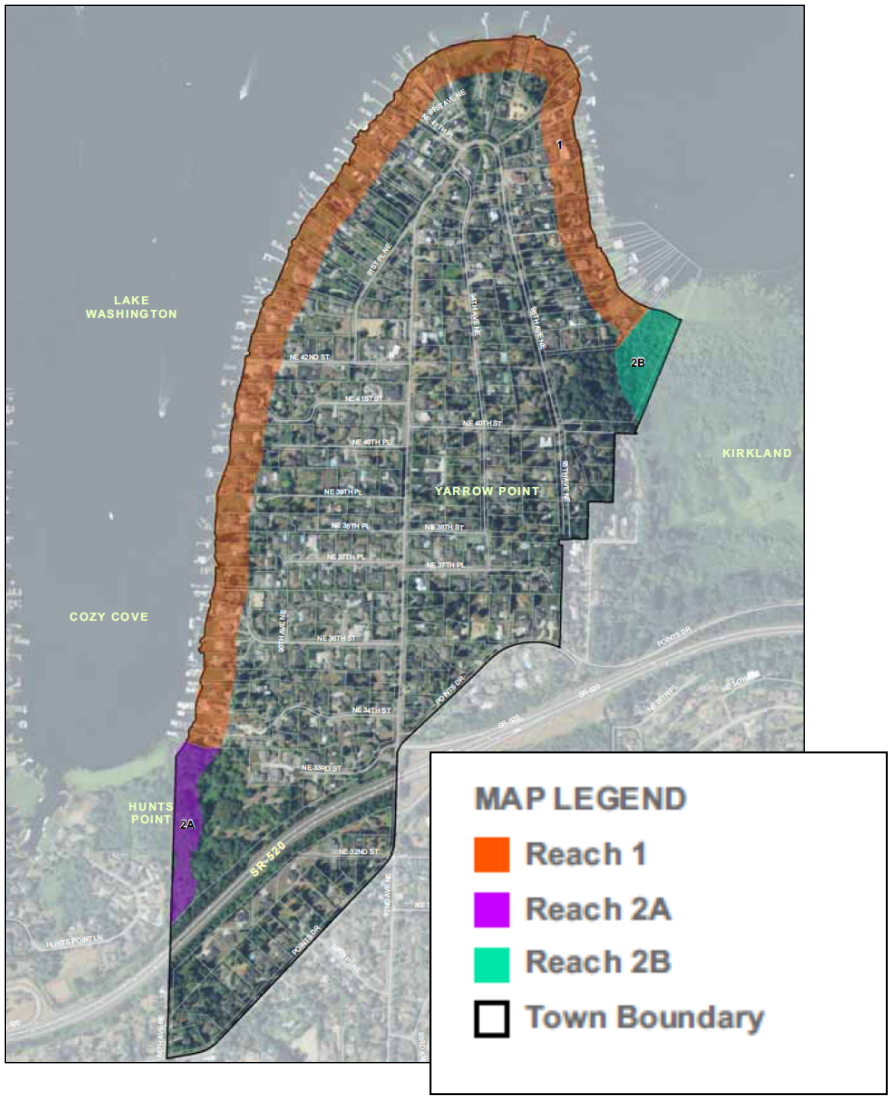

Figure 1. Yarrow Point Shoreline Reaches

2.3.2 Biological Resources and Critical Areas

The Yarrow Point shoreline zone is impacted by residential development and its associated shoreline modifications. The great majority of parcels in Reach 1 have bulkheads and/or piers, and vegetation is primarily maintained lawns, residential landscaping, and scattered trees at the water's edge. Most shrub and tree vegetation is located perpendicular to the water along property lines.

Wetherill Nature Reserve and Morningside Park (Reach 2) have unarmored shorelines (with the exception of just 2.6 feet) and are naturally vegetated but make up only 301 feet of Yarrow Point's 1.49 miles of shoreline. The shoreline in Reach 2 is comprised of emergent, scrub-shrub and forested wetland vegetation.

Morningside Park includes areas of wetland associated with the adjacent Yarrow Bay wetland complex. The Yarrow Bay wetlands are mapped as priority wetlands by WDFW (2006). Priority wetlands are those wetlands that have "[c]omparatively high fish and wildlife density, high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and

wildlife seasonal ranges, limited availability, [and] high vulnerability to habitat alteration" (http://wdfw.wa.gov/hab/phshabs.htm). Although a bald eagle nest is mapped in the Yarrow Bay Wetlands, it was last active in 1999 and the nesting pair relocated to Hunts Point. However, a mapped great blue heron nesting colony is still active.

3 RESTORATION GOALS AND OBJECTIVES

3.1 Yarrow Point Shoreline Master Program Restoration Goals

Goals for restoring the Town of Yarrow Point's shorelines are presented in the Conservation and Restoration Elements of the Town's Shoreline Master Program. For each goal, specific objectives were developed for purposes of this Shoreline Restoration Plan based on proposed policies and existing conditions. Objectives refer to specific actions, ideally measurable, that can be taken to achieve the stated goals. The following SMP goals and Restoration Plan objectives help guide the development of shoreline restoration priorities.

Goal: Preserve and protect those features necessary for the support of wild and aquatic life and the fragile shoreline area.

> **Objective A**: Protect the Wetherill Nature Preserve through the continued prohibition of motorized access and boat launching, in order to protect the shoreline environment for future generations.
>
> **Objective B**: Protect and maintain water quality through the application of appropriate State of Washington water quality standards.
>
> **Objective C:** Encourage educational projects and programs that foster a greater appreciation for the importance of shoreline management, environmental conservation, and restoration of ecological functions.

Goal: Shoreline areas with impaired ecological function shall be improved over time.

> **Objective A**: Implement the Restoration Plan.
>
> **Objective B**: Encourage landowners to restore and enhance shoreline resources through the use of native plant materials .

3.2 Lake Washington Restoration Goals

In addition to goals and objectives explicitly stated in the SMP, the following goals and objectives relate to the overall restoration of Lake Washington shorelines. These goals and objectives are guided by the Lake Washington/Cedar/Sammamish Chinook Salmon Recovery Plan, which the Town ratified in 2005 (See section 6.2 for further details).

Goal: Improve habitat conditions on Lake Washington and tributary shorelines.

Objective A: Eliminate man-made barriers to anadromous fish passage, prevent the creation of new barriers, and provide for transport of water, sediment and organic matter at all stream crossings.

Objective B: Identify hardened and eroding lakeshores and streambanks, and correct to the extent feasible with bioengineered stabilization solutions.

Objective C: Increase quality, width and diversity of native vegetation in protected corridors adjacent to stream and lake habitats to provide safe migration pathways for fish and wildlife, food, nest sites, shade, perches, and organic debris. Strive to control non-indigenous plants or weeds that are proven harmful to native vegetation or habitats.

Objective D: Reconnect and enhance small creek mouths as juvenile rearing areas.

Objective E: Decrease the amount and impact of overwater and in-water structures through minimization of structure size and use of innovative materials such as grated decking.

Goal: Improve water quality in Lake Washington and its tributaries.

Objective A: Manage the quality and quantity of stormwater runoff, consistent at a minimum with the latest Washington Department of Ecology Stormwater Management Manual for Western Washington. Make any additional efforts to meet and maintain state and county water quality standards in Lake Washington tributary streams.

4 ONGOING TOWN PLANS AND PROGRAMS

4.1 Comprehensive Plan

The Town amended its Comprehensive Plan in 2004. The Plan includes goals to protect the environment and to consider the environmental impact of all new utilities services. The Comprehensive Plan refers to wetlands that have been identified within Wetherhill Nature Preserve and Morningside Park.

4.2 Stormwater Management

Although technically exempt from Ecology's Phase II Municipal Stormwater General Permit (permit condition S1.C2), the Town has made and continues to make substantial efforts to protect water quality in Lake Washington. In 2008, the Town developed a Comprehensive Stormwater Management Plan, in which it provided an inventory of the existing drainage system and recommendations for capital improvement projects. In 2009, the Town completed its highest priority project to minimize shoreline erosion at NE 47th St. The Town requested federal funds in 2010 to monitor pollutant levels at major outfalls, review the Town's stormwater system , and provide recommendations to improve water

quality. The Town also requested funds to address an undersized stormwater culvert upstream from a sanitary sewer line with flooding potential.

In 2007, Ecology published information about toxics levels in fish, including fish sampled in Lake Washington (Washington Department of Ecology 2007). Lake Washington ranked second only to the Wenatchee River near Leavenworth for a site contaminant score. Although this report does not identify specific point sources, it represents a clear need to better understand contaminant sources and control.

4.3 Wetherill Nature Preserve

Sixteen-acres of land for the Preserve were donated to the towns of Hunts Point and Yarrow Point in 1988. Trails meander through the Preserve and reach the lake edge at two points, one each in Hunts Point and Yarrow Point. The Wetherill deed states "the property is conveyed to the public in perpetuity, and that it shall never be used for a purpose other than as a nature preserve and a place of retreat for the education and benefit of members of the general public." Further, the deed directs that "No boat moorage facilities, piers, or pilings should be installed along the waterfront, and access from the water to the property should be discouraged."

The Wetherill Nature Preserve is managed by a Board composed of residents of Hunts Point and Yarrow Point. In the past, yearly volunteer projects have included invasive plant eradication, construction and installation of habitat boxes for bats, planting of native species, trail maintenance, and the creation and installation of educational signage.

5 PARTNERSHIPS

With projected budget and staff limitations, the Town of Yarrow Point is limited in implementing restoration projects or programs on its own. However, regional, local agencies and organizations are active in Yarrow Point and the surrounding area. The Town's SMP represents an important vehicle for facilitating and guiding restoration projects and programs in partnership with other government agencies or private and/or non-profit entities. The Town can provide cooperation, direction, and leadership to assure that project/program designs meet identified goals. The following series of potential partners and existing projects and programs active in the Yarrow Point area are generally organized from the larger watershed scale to the local scale.

5.1 Puget Sound Partnership

The Puget Sound Partnership consists of representatives from a variety of interests from the Puget Sound region, including business, agriculture, the shellfish industry, environmental organizations, local governments, tribal governments, and the Washington state legislature. The Partnership's Leadership Council released an Action Agenda in December 2008. Implementation of this Action Agenda has resulted in State and Federal funding of restoration and protection initiatives and projects.

The Puget Sound Partnership, in coordination with local governments and non-profits, is sponsoring the 'Puget Sound Starts Here' campaign to educate the public in the region about non-point source stormwater impacts on water quality. The campaign is focused on simple, clear messaging and marketing to raise awareness and effect behavior change.

5.2 Lake Washington/Cedar/Sammamish Watershed (WRIA 8)

The Town of Yarrow Point is one of 27 members of WRIA 8. In 2005, it ratified the Final Lake Washington/Cedar/ Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan (2005).

The WRIA 8 mission and goal statements propose that the Plan shall: 1) recognize that local governments are key implementing entities for the plan, because of their responsibilities for land use, 2) direct most future population growth to already urbanized areas, because new development has greater negative effects on hydrology and ecological health of streams in rural than in urban areas, 3) create incentives for behavior that would support Plan goals, and 4) be coordinated with the Growth Management Act, local and regional responses to the Clean Water Act, other environmental laws and past/current planning efforts.

The Lake Washington shoreline is among the highest priorities for restoration in WRIA 8 because of the importance of its shorelines for juvenile Chinook rearing. Recommended actions in the Chinook Salmon Recovery Plan to improve shoreline rearing habitat are summarized in Table 1.

Preparation of the Draft Shoreline Analysis Report for the Town of Yarrow Point (The Watershed Company and Town of Yarrow Point 2011), the draft Shoreline Master Program, and this Shoreline Restoration Plan are important steps toward furthering the goals and objectives of the WRIA 8 Chinook Salmon Conservation Plan. The Town's SMP update products rely heavily on the science behind the plan and the final plan recommendations. Provisions in the updated Shoreline Master Program may address many of the recommendations identified in Table 1; these provisions may include standards for dock design and dimensions, incentives to reduce shoreline armoring, or stormwater improvement standards.

Table 1. The *Final Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan* Action Start-List for Lake Washington Migratory Area

Goal/ Action Items
Reduce predation to outmigrating juvenile Chinook by: Reducing bank hardening, restoring overhanging riparian vegetation, replacing bulkheads and rip-rap with sandy beaches with gentle slopes, and use of mesh dock surfaces and/or community docks.
Encourage salmon friendly shoreline design during new construction or redevelopment. Offer incentives and regulatory flexibility to improve bulkhead and dock design and revegetate shorelines. Require major redevelopment projects to meet current standards.
Discourage construction of new bulkheads; offer incentives (e.g., provide expertise, expedite permitting) for voluntary removal of bulkheads, beach improvement, and riparian revegetation.
Support joint effort by NOAA Fisheries and other agencies to develop dock/pier

Goal/ Action Items
specifications to streamline federal/state/local permitting; encourage similar efforts for bulkhead specifications.
Promote value of light-permeable docks, smaller piling sizes, and community docks to both salmon and landowners. Offer financial incentives for community docks through reduced permit fees, taxes, and permitting time.
Develop workshop series on lakeside living, including: natural yard care, alternatives to vertical wall bulkheads, fish friendly dock design, best management practices for aquatic weed control, porous paving, and boat, dock, and deck maintenance.
Protect and restore water quality in tributaries and along shoreline. Restore coho runs in smaller tributaries as control mechanism to reduce the cutthroat population. Reconnect and enhance small creek mouths as juvenile rearing areas.
Address water quality and high flow impacts through NPDES permit updates and Washington Department of Ecology's Stormwater Management Manual. Address low impact development (LID) techniques, on-site stormwater detention, control of point source pollution, and impacts from major transportation projects. Encourage LID through regulations, incentives, education/training, and demonstration projects.
Protect and restore water quality and other ecological functions in tributaries. Protect and restore forest cover, riparian buffers, wetlands, and creek mouths by revising and enforcing critical areas ordinances and Shoreline Master Programs, incentives, and flexible development tools.
Promote the use of "rain gardens" and other LID practices through a design competition or home/garden tour.

The Town's conservation partners are also actively pursuing projects and programs to address the above recommendations. For example, in coordination with the City of Seattle, Ecology, Puget Sound Partnership, the Governor's Office for Regulatory Assistance, and the King Conservation District (KCD), WRIA 8 has spearheaded a Green Shorelines program to encourage environmentally sensitive shoreline designs through landowner surveys and outreach (http://www.govlink.org/watersheds/8/action/greenshorelines/default.aspx).

In addition to project opportunities identified in Table 1, the plan emphasizes the need to engage the public so that they will support ecological protection and restoration, and so they will implement practices that conserve shoreline functions on their own properties.

5.3 King Conservation District

Yarrow Point is a member jurisdiction of the King Conservation District (KCD), which provides programs and services to landowners and residents, including natural resource education, native bare root plant sales, and technical assistance for landowners.

The KCD also awards grants to member jurisdictions and WRIA forums for salmon and stream protection and restoration. To date, the Town has not received any member jurisdiction grants or targeted conservation services. However, together with neighboring Hunts Point, the Town has approximately $12,000 in grant funding available. In order to receive grant funds, the Town will need to identify a project, develop a grant application, and provide staffing to manage the grant funds (e.g., periodic grant reporting).

Potential project and program sponsors in the Lake Washington/Cedar/Sammamish watershed may also apply for KCD WRIA Forum grant funding through a competitive application and evaluation process.

5.4 Washington Department of Transportation (WSDOT) - SR 520

State Route 520 passes through the southern portion of Yarrow Point near the Wetherill Nature Preserve, just outside of shoreline jurisdiction. As mitigation for stream impacts, and also outside of shoreline jurisdiction, WSDOT will be installing fish-passable culverts under SR 520 on Fairweather Creek and Yarrow Creek. In total, culvert replacements will result in approximately 980 feet of new stream channel available to fish near Yarrow Point (WSDOT 2010).

6 Actions and Strategies to Achieve Local Restoration Goals

The discussion of restoration opportunities, mechanisms, and strategies below highlights project and programmatic measures that the Town may potentially implement as part of the SMP, as well as parallel activities that would be managed by other governmental and non-governmental organizations or private landowners.

6.1 Recommended Actions to Improve Shoreline Functions

Priorities for restoration identified in the Shoreline Analysis Report include the enhancement of riparian vegetation and the removal or reconfiguration of existing shoreline armoring to reduce ecological impacts. Other opportunities for shoreline enhancement include reducing overwater cover and in-water structures (e.g., through grated pier decking, pier size reduction, pile size and quantity reduction), and reductions in impervious surface coverage. Fish habitat or fish passage enhancement opportunities may also exist for those properties that have streams discharging to Lake Washington.

Restoration opportunities have been identified on both public and private properties. Since the majority of the Town's shorelines are in private ownership, many opportunities exist on private property; however, these opportunities would likely occur only through voluntary means or through re-development proposals. A description of existing opportunities for restoration is provided in Table 2.

6.2 Voluntary Restoration on Private Properties

Grant funding sources may be available for shoreline restoration on multiple contiguous residential lots with interested landowners. Private residents would likely need assistance from the Town or another regional partner to help with coordination and grant writing. The Green Shorelines program, a partnership between WRIA 8, the City of Seattle, Ecology, Puget Sound Partnership, and KCD may be able to provide coordination assistance. Restoring shoreline

properties that are connected to one another would provide significantly greater benefits than a more piecemeal approach.

6.3 Town Planning

The Town could incorporate shoreline restoration goals and projects into future Town planning efforts, including the Comprehensive Plan and Six-Year Transportation Improvement Plan or future Parks Plan.

Table 2. Project recommendations

ID	Description	Timing	Sponsor and Partners
1	**Wetherill Nature Preserve Enhancement:** Continue annual volunteer restoration projects in Wetherill Nature Preserve. Priority projects include invasive plant eradication, planting of native species, construction and installation of habitat boxes for bats, trail maintenance, and the development of educational signage. Pursue opportunities to educate	Annually	Wetherill Nature Preserve Board, Town of Yarrow Point, Town of Hunts Point
2	**Enhancement of Public Street End Parks:** Projects at public street end parks provide examples of restoration options for local residents. Native shoreline vegetation at the 42nd Street End Park could improve filtration, bank stabilization, and foraging and refuge habitat for birds and mammals.	As funds are available	Town of Yarrow Point
3	**Support Green Shorelines Program:** Recent outreach efforts by other jurisdictions, such as the handbook "Green Shorelines: Bulkhead Alternatives for a Healthier Lake Washington" (City of Seattle 2008), have begun to change the perception of shoreline aesthetics, use, and ecological health. Continue to participate in WRIA 8 and look for opportunities to participate in Green Shorelines efforts.		Town of Yarrow Point, WRIA 8, City of Seattle, Ecology, Puget Sound Partnership, KCD
3	**Public Education and Involvement:** Due to the extent of residential development along the shoreline, public engagement in shoreline restoration is critical to the Town's future shoreline conditions. Future actions could include the development of a long-term Public Education and Outreach Plan, developing a workshop series tailored to lakeshore property owners, or holding a home/garden tour.	Ongoing	Town of Yarrow Point
4	**Shoreline Riparian Restoration:** Native shoreline vegetation provides filtration, bank stabilization, recruitment of organic detritus and insect prey to the Lake, as well as foraging and refuge habitat for birds and mammals. Encourage native shoreline planting wherever possible.	As funding and/or landowner interest allows	Private Landowners
5	**Remove or Reconfigure Shoreline Armoring:** Shoreline armoring creates a steep, abrupt shoreline and eliminates shallow water habitat. More natural shorelines absorb wave energy and provide shallow water refugia for aquatic species. Emphasis should also be given to future project proposals that involve or have the potential to restore privately-owned shoreline areas to more natural conditions.		
6	**Reduce Overwater Coverage:** Reduce overwater coverage		

ID	Description	Timing	Sponsor and Partners
	through the use of grated decking and narrower ramps and walkways. Projects involving reductions in the size and/or quantity of structures should be emphasized. Future projects may involve joint-use piers or pier reconstruction.		
7	**Stormwater Treatment and Riparian Vegetation Adjacent to SR 520:** Technically a mitigation project for the SR 520 expansion, this project could improve water quality in Lake Washington in nearby Hunts Point.	Near-term	WSDOT
8	**Fish Passage Improvement on Fairweather Creek and Yarrow Creek:** Although outside of shoreline jurisdiction, enhancement of fish passage on Fairweather Creek and Yarrow Creek will expand habitat opportunities for salmonids in and around Yarrow Point.		

6.4 Development Opportunities

When shoreline development occurs, the Town has the ability to look for opportunities to encourage or facilitate restoration as a companion or parallel to minimum mitigation requirements as part of the SMP. Development may present timing opportunities for restoration that would not otherwise occur and may not be available in the future. Mitigation may also be allowed through the use of a fee-in-lieu-of or exchange of land for "banking" opportunities. In certain cases, on-site mitigation opportunities are limited by building site constraints, limited potential ecological gains, or other site-specific factors. In these instances, the project proponent could contribute to an off-site restoration site within the immediate sub-basin, as identified by the Town Shoreline Administrator in lieu of on-site mitigation.

The Town can also provide coordination of the various non-profit groups or citizen volunteers that can assist with the installation and monitoring of restoration projects. The Town should also strongly encourage the participation of citizens to build a strong sense of stewardship that comes through their investment of time, money or materials in the project.

6.5 Resource Directory

Development of a resource list would be helpful in aiding property owners who want to be involved in restoration. Examples of grant programs that could be included are:

- Community Salmon Fund: The Community Salmon Fund has partnered with King County and the King Conservation District to provide matching funds for community based restoration projects that enhance salmonid habitat.

- Salmon Recovery Funding Board (SRFB) Grant Programs: SRFB administers two grant programs for protection and/or restoration of salmon habitat. Eligible applicants can include municipal subdivisions (cities, towns, and counties, or port, conservation districts, utility, park and recreation, and school districts), tribal governments, state agencies, nonprofit organizations, and private landowners.

- Recreation and Conservation Office (RCO) is a Washington State entity that hosts a variety of grant programs that range from recreation to watershed recovery.

6.6 Volunteer Coordination

The Town could emphasize and accomplish restoration projects by using community volunteers and coordinating with organizations such as the King Conservation District, Stewardship Partners, Adopt-A-Stream, local churches, Kiwanis, Rotary International, Chamber of Commerce, or Bellevue School District. Probably the most important volunteer is the landowner that acts as the steward of the land following the completion of a project. The Town could provide ongoing assistance and resources to landowners that need additional plantings, equipment use or other materials to maintain their restoration project.

6.7 Regional Coordination

The Town will continue its association and involvement with the Lake Washington/Cedar/Sammamish Watershed (WRIA 8), Washington State Department of Ecology, Puget Sound Partnership, and King and Snohomish Counties. The Town may also look for other time sensitive opportunities for involvement in regional restoration planning and implementation.

7 Proposed Implementation Targets and Monitoring Methods

Improvement of shoreline ecological functions requires a comprehensive watershed approach that combines upland and shoreline projects and programs. The Town's shoreline jurisdiction is dominated by single-family residences, and public lands are limited to the Wetherill Nature Preserve, Morningside Park, and two street end beaches. Therefore, efforts should be made to improve shoreline ecological function through the promotion of restoration and healthy practices at all levels, from single-family property owners to parks enhancement.

Table 3 outlines a possible schedule and funding sources for implementation of a variety of efforts that could improve shoreline ecological function.

Town planning staff will track all land use and development activity, including exemptions, within shoreline jurisdiction. A report will be assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding bank stabilized through plantings, linear feet of shoreline armoring removed, or number of fish passage barriers corrected. The report would also update Table 2, above, and outline implementation of various programs and restoration actions (by the Town or other groups) that relate to watershed health.

The staff report will be assembled to coincide with Comprehensive Plan updates and will be used, in light of the goals and objectives of the SMP, to determine whether implementation of the SMP is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the Shoreline Analysis Report (The Watershed Company and Town of Yarrow Point 2011). In the long term, the Town should be able to demonstrate a net improvement in shoreline ecosystem functions.

Table 3. Implementation Schedule and Funding for Restoration Projects, Programs and Plans.

Restoration Project/Program	Schedule	Funding Source or Commitment
WRIA 8- Lake Washington/Cedar/ Sammamish Watershed: Administration and Recovery Plan Implementation	Ongoing	Interlocal Agreement; Grants from King Conservation District, Salmon Recovery Funding Board, and Puget Sound Acquisition and Restoration Fund
Yarrow Point Comprehensive Plan	Ongoing	The Town will continue to make project and program reviews to determine consistency with the Comprehensive Plan.
SMP – overall plan effectiveness	7-year review	Yarrow Point general fund, Ecology grant, possible KCD funding
King Conservation District partnerships	Ongoing	The Town will pursue partnership opportunities as time and budget permit.
Private funded projects	Ongoing	Private or grant funding (e.g., KCD, Community Salmon Fund)
Public Education	Ongoing	Yarrow Point General fund, grant funds, or volunteer monitoring
Stakeholder partnerships	Annual	Yarrow Point General fund, grant funds, or volunteer monitoring

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9 List of Acronyms and Abbreviations

ALEA ..... Aquatic Lands Enhancement Account

Ecology ..... Washington Department of Ecology

GIS ..... Geographic Information System

KCD ..... King Conservation District

LID ..... low impact development

NOAA ..... National Oceanographic and Atmospheric Administration

NPDES ..... National Pollutant Discharge Elimination System

OHWM ..... ordinary high water mark

PHS ..... Priority Habitats and Species

SMA ..... Shoreline Management Act

SMP ..... Shoreline Master Program

SR ..... State Route

WAC ..... Washington Administrative Code

WDFW ..... Washington Department of Fish and Wildlife

WRIA ..... Water Resource Inventory Area

WSDOT ..... Washington State Department of Transportation