

# **HUNTS 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 Hunts 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. 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, Hunts 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 “**Master Program**” to determine the future of the shorelines. The SMA requires that Master 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 the Act and the SMP
  - 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

Hunts Point's original Shoreline Master Program was adopted in September 1975 (Ordinance 122) in compliance with the SMA. The 2012 Update of the Program has been developed through an extensive Public Participation Program, conducted by the Town.

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 Inventory, 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 late 2010, the Town 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. The general consensus of the community is that the existing shoreline characteristics should be retained. A "Shorelines' Committee" was formed in order to study SMP topics in depth and to provide input to the Town Council. The monthly meetings resulted in the current document, which was approved by the Hunts Point Town Council following a Public Hearing at the December 3, 2012 regular Council meeting.

## 1.3 How the Hunts Point Shoreline Master Program is Used

The Hunts 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 Hunts 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 Hunts Point Shoreline Master Program.

Shoreline environment 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. Hunts Point has designated its Lake Washington shoreline under four shoreline environments: Shoreline Residential, Natural, Aquatic, and Stormwater Utility. These environments are described in *Chapter 4: Shoreline Environment Description and Designations* and mapped in Appendix C.

Persons proposing any projects within the shoreline jurisdiction are required to consult with the Town’s Shoreline Master Program Administrator 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 decided by the Town’s Hearing Examiner. All decisions are made through an open record Public Hearing. Requests for Shoreline Conditional Use Permits and Shoreline Variances require final approval by Ecology. Permit criteria and administrative standards are 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 Hunts Point, other plans and policy documents that must be considered include the Hunts Point Comprehensive Plan, the Hunts Point Municipal Code and the Department of Ecology Stormwater Design Manual. 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.

## **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 properties owned by the Town of Hunts Point for the enjoyment of shoreline amenities, consistent with the natural shoreline character and public safety within the Town's Wetherill Nature Preserve.

### **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.

### **2.4 Circulation Element**

Maintain the present local transportation system of Hunts Point through an ongoing program of road maintenance. Limit the expansion of roadway surfaces. Minimize the impact of SR 520 on the shoreline environment. Maintain walking trails within the Wetherill Nature Preserve 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, except as permitted consistent with this SMP.

### **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 (e.g., design, construction, management and use) consistent with the mitigation sequencing standards of 5.3.A and 173-26-201(2)(e)(i). 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 Hunts 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 Hunts 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 development incentives to private property owners, 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 shoreline jurisdiction are regulated by the Town of Hunts 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 and wildlife habitats should be preserved and protected from unnecessary degradation or interference.
3. The Town of Hunts Point should protect the ecological integrity of its shoreline areas within its jurisdiction.

D. Public Access.

1. Public access to the Hunts 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 in proportion 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, chemically controlling or modification of aquatic vegetation, including noxious aquatic weeds (i.e. milfoil), 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 Hunts 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 Section 6.4, Dredging and Dredge Material Disposal.
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. Sand 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.
  - 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 waterbodies.

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

### **3.2 Shoreline Modification Policies**

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

#### **B. Dredging and Dredge Material Disposal**

1. Allowed dredging and dredge material disposal should 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.
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. Ongoing dredging of established navigation channels and basins in Fairweather Basin, Haug Channel and Cozy Cove inlet should be allowed in order to maintain the maximum depth and width initially established, or previously approved, through local, state, and federal permitting.

4. Dredging waterward of the OHWM for the primary purpose of obtaining fill or construction material is prohibited.
5. In all cases, dredging operations should be planned and conducted to minimize interference with navigation, and to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values.
6. Dredge material disposal in the Town of Hunts Point shoreline jurisdiction should be prohibited, except for habitat improvement projects.

C. Fill Waterward of 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. Shoreline fills should be designed and located so that there will be no significant 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 the Shoreline Master Program.

D. 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. New or expanded private moorage should be designed and located so 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.
3. A pier or dock associated with a single-family residence shall be designed and intended for access to watercraft.
4. Replacement boardwalks should be the minimum size necessary to meet the needs of the existing water dependent use.

E. Shoreline Habitat and Natural Systems Enhancement Projects



1. The Town should allow restoration projects, especially those identified in or consistent with the *Hunts 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.

F. Shoreline Stabilization

1. Hard structural solutions to reduce shoreline damage from erosion should be allowed only after it is demonstrated that nonstructural or soft structural solutions would not provide sufficient protection to existing improvements. 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. The Town recognizes the artificial nature of the constructed and excavated Fairweather Basin, Haug Channel and Cozy Cove Inlet.
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 should not be used to create new or newly usable land.

### 3.3 Shoreline Use Policies

A. Recreational Development

1. Shoreline access is limited to the Town of Hunts Point-owned Wetherill Nature Preserve in order to provide access, use, and enjoyment of the Town's property, consistent with the terms of the deed of gift.
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 environment designation and achievement of no net loss of shoreline ecological functions.

B. Residential Development

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

2. Residential development shall be permitted only where there are adequate provisions for utilities, circulation and access.
3. Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.
4. Residential development should be designed so as to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices and where possible, utilizing low impact development technologies.
5. Over-water residential structures and floating residences are prohibited.

**C. 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. When transportation facilities must be located along shorelines, efforts should be made to minimize the amount of land consumed. Where feasible, such transportation facilities should be sufficiently set back so that a usable shoreline area remains.
2. Parking is allowed only as an accessory use for residential development.

**D. 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 Shoreline Jurisdiction and Environment Designation Map**

Shoreline jurisdiction in the Town of Hunts Point consists of the waters of Lake Washington extending waterward to the centerline of the lake, 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 Hunts 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 a Natural environment designation consistent with WAC 173-26-211, until the Town's Shoreline Master Program can be formally amended.

## **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 Hunts Point has identified the Wetherill Nature Preserve and the nearby private wetland area 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, roads, utility corridors (except existing City of Bellevue sewer system), and parking areas.
- C. Scientific, historical, cultural and educational research uses, and low-intensity passive recreational uses may be allowed provided there is no significant ecological impact.
- D. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed.

### **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 Stormwater Utility Environment**

#### **4.4.1 Purpose**

The purpose of the "Stormwater Utility" environment is to accommodate the unique characteristics of a stormwater facility.

#### **4.4.2 Management Policies**

- A. Vegetation shall be managed consistent with the provisions of this SMP, and shall moderate aesthetic impacts on surrounding residential communities to the extent practicable.
- B. Best Management Practices for water quality protection shall be employed at all times.
- C. All existing or future stormwater facilities shall be designed and managed consistent with the latest version of the Washington Department of Ecology's *Stormwater Management Manual for Western Washington* or the Washington State Department of Transportation's *Highway Runoff Manual*, whichever is applicable.
- D. Stormwater facilities shall not contribute sediment to any waterbody. The depth of any affected waterbody shall be monitored by the stormwater facility operator every two years.

## **4.5 Aquatic Environment**

### **4.5.1 Purpose**

The “Aquatic” environment encompasses Lake Washington contained within the Hunts Point town limits, waterward of the ordinary high water mark. The purpose of this environment is to protect, restore, and manage the unique characteristics and resources of the area.

### **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 development.
- D. Shared use of overwater structures shall be encouraged and required, when feasible, when new residential development of two or more adjacent dwellings occurs.
- E. Dredging of Haug Channel, Fairweather Basin, and Cozy Cove Inlet shall be permitted to maintain water depth, navigability, and water flow. Dredging activity shall be the minimum amount required to maintain the previously dredged and/or existing authorized location, depth, and width (to a minimum ten-foot (10’) water depth at the OHWM in Fairweather Basin, Haug Channel and Cozy Cove Inlet), and shall be otherwise consistent with the dredging regulations in Section 6.4 of this Master Program.
- F. 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.
- 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 Shoreline Master Program.

## **5.2 Archaeological and Historical Resources**

Where archaeological and historic resources are recorded at the State Historic Preservation Office, or have been inadvertently uncovered, the following policies and regulations apply.

- A. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the Town if any phenomena of possible archaeological interest are 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 Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Resources) and shall comply with Chapter 25-48 WAC (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. In order to ensure achievement of no net loss of ecological functions, applicants shall demonstrate all reasonable efforts have been taken to avoid, minimize and then mitigate potential adverse impacts to ecological function resulting from new development and redevelopment in shorelines 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 leak proof 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 Hunts 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. Critical 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**

Shoreline public access is provided at the Wetherill Nature Preserve. The Preserve enables the general public to enjoy the shoreline, to use the nature trails, and to view the water and the shoreline.

- A. Public access shall be required for any development of more than four contiguous parcels per WAC 173-26-221(4)(d)(iii), 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. The following standards shall apply to new plats of more than four contiguous lots:
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 or 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.
- C. Public access to the Hunts Point shoreline does not include the right to enter upon or cross private residential property, except where specifically provided by easements.
- D. When required, public access shall be provided as close as possible to the water's edge without adversely affecting a sensitive shoreline environment and shall be designed for universal accessibility.
- E. 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.
- F. The level of public access required by the Town shall be in proportion to the increased level of demand generated by the development.

- G. Public access shall be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
- H. Public access facilities shall be constructed of environmentally friendly materials and support healthy natural processes, whenever possible.

## **5.6 Vegetation Management**

- A. 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 vegetation conservation standards.
- B. All shorelines shall be protected from degradation caused by the modifications of the land surface within the shoreline area and/or the adjacent uplands.
- C. To maintain the ecological functions that trees provide to the shoreline environment, significant trees shall be managed as follows:
  - 1. The removal of significant trees shall be permitted:
    - a. When a tree is dead if located in the Shoreline Residential environment, provided the regulations for mitigation found under 5.3.A and 5.6.C.4 are followed;
    - b. When the tree is hazardous;
    - c. To accommodate the building of new single-family residences and their appurtenance or additions to existing single-family residences and their appurtenances that cannot be located to avoid tree removal;
    - d. To accommodate a new driveway that cannot be reasonably located to avoid tree removal or an existing driveway that cannot be reasonably utilized because of the proximity of the tree;
    - e. To avoid substantial risk of damage to an existing residential structure, garage, or utility that may not reasonably be accomplished by pruning or trimming;
    - f. When the installation and maintenance of public facilities by the Town or its contractors cannot reasonably be accomplished without tree removal.
  - 2. A permit shall not be required for pruning or removal of trees less than six inches in diameter measured 54 inches above grade that are part of a grove's contiguous canopy if in the opinion of the Town arborist their removal does not damage the health of the grove.

3. If the applicant asserts that the tree removal is necessary solely to assure that the property enjoys reasonable amounts of light and view, the tree removal permit application shall be processed as a Shoreline Variance.
  4. The applicant shall be responsible for mitigating for the removal of a significant tree by planting two similar trees of the same species or such species as recommended by the Town arborist. Replacement evergreen trees shall be a minimum height of 10 feet tall and have a full, well-developed crown of foliage. Deciduous trees shall be three inches in caliper. Mitigation is to occur on site and within shoreline jurisdiction unless otherwise determined by the Town arborist.
  5. Mitigation requirements must be met within six months of the tree removal or within six months of the expiration of a building permit, whichever is later. In the case of concurrent new construction or site development, mitigation requirements must be met before final inspection or certificate of occupancy is issued. At the sole discretion of Town staff, the Town may require the applicant to post a bond to guarantee compliance with tree removal mitigation requirements.
  6. Trees planted as mitigation must be maintained with adequate water and care to survive a three-year warranty period or be replaced at the applicant's expense. An annual site inspection by the Town arborist, or an annual report by a qualified professional, shall be provided to the Town for each of the three years. The cost of the inspection, report preparation and report review report shall be paid for by the applicant.
  7. If the applicant can demonstrate that mitigation requirements cannot be met on-site, the Town may agree at its sole discretion after request by a tree removal permit applicant to replant new trees required as mitigation within shoreline jurisdiction in either a right-of-way or on other public property, provided that the location of the mitigation tree must compensate for functions lost by the applicant's proposed tree removal. In such cases, the permit applicant shall pay into the Town's tree mitigation account the installed tree cost value of the mitigation trees as determined by the Town arborist.
  8. Unlawful removal of significant trees shall be a civil infraction and any person, corporation or other entity that violates this section shall receive a fine of \$1,000 per violation plus \$1,000 per inch of diameter measured at 54 inches above grade for each significant tree that is illegally removed, not to exceed \$25,000. In addition to monetary penalties, the unlawful tree removal shall be mitigated consistent with 5.6.C.4 above.
- D. 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.
- E. Where vegetation removal or alteration 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. 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.
- F. 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.
- G. Stabilization of exposed erosion-prone surfaces within the shoreline environment shall, wherever feasible, utilize soil bioengineering techniques.
- 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.

## **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. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.
- C. 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: 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). Uses and modifications listed as “Conditional Use” or “Prohibited” are not eligible for a Shoreline Exemption, except for maintenance and repair of those existing uses and modifications under the “normal maintenance and repair” exemption (WAC 173-27-040(2)(b)). Exempted uses and modifications 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 and Modification Matrix**

<b>SHORELINE USE AND MODIFICATION</b>	<b>ENVIRONMENT DESIGNATION</b>			
	<b>Stormwater Utility</b>	<b>Shoreline Residential</b>	<b>Natural</b>	<b>Aquatic</b>
Agriculture	Prohibited	Prohibited	Prohibited	Prohibited
Aquaculture	Conditional Use	Conditional Use	Conditional Use	Conditional Use
Boating Facilities	Prohibited	Prohibited	Prohibited	Prohibited
Clearing & Grading (includes fill upland of OHWM)	Conditional Use	Permitted	Permitted	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
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 Prohibited	Prohibited Permitted	Prohibited Prohibited	Prohibited Prohibited
Private Moorage – Boats/Floatplanes Moorage Cover Boathouse Pier, Float, Joint Use Structure, Buoy, Moorage Pile	  Prohibited Prohibited Prohibited	  Permitted Prohibited Permitted	  Prohibited Prohibited Prohibited	  Permitted Prohibited Permitted

<b>SHORELINE USE AND MODIFICATION</b>	<b>ENVIRONMENT DESIGNATION</b>			
	<b>Stormwater Utility</b>	<b>Shoreline Residential</b>	<b>Natural</b>	<b>Aquatic</b>
Lift, Lift Canopy Launching Ramp Launching Rails	Prohibited Prohibited Prohibited	Permitted Prohibited Prohibited	Prohibited Prohibited Prohibited	Permitted Prohibited Prohibited
Recreational Facilities				
Water-dependent	Prohibited	Permitted	Conditional Use	Permitted
Water-related	Prohibited	Permitted	Prohibited	Permitted
Water-enjoyment (trail)	Permitted	Permitted	Permitted	Prohibited
Non-water-oriented				
Primary	Prohibited	Prohibited	Prohibited	Prohibited
Accessory	Prohibited	Permitted	Prohibited	Prohibited
Residential				
Single-Family	Prohibited	Permitted	Prohibited	Prohibited
Multi-Family	Prohibited	Prohibited	Prohibited	Prohibited
Shoreline Habitat and Natural Systems Enhancement	Permitted	Permitted	Permitted	Permitted
Shoreline Stabilization				
Beach Restoration & Enhancement	Permitted	Permitted	Permitted	Permitted
Soil Bioengineering	Permitted	Permitted	Permitted	Permitted
Bulkheads	Permitted	Permitted	Prohibited	Prohibited
Breakwaters	Prohibited	Prohibited	Prohibited	Prohibited
Groins	Prohibited	Prohibited	Prohibited	Prohibited
Jetties	Prohibited	Prohibited	Prohibited	Prohibited
Transportation	Conditional Use	Conditional Use	Conditional Use	NA
Utilities, Primary				
Stormwater Collection & Dispersion	Conditional Use	Prohibited	Prohibited	Prohibited
All Other Utilities	Prohibited	Prohibited	Prohibited	Prohibited
Utilities, Accessory	Permitted	Permitted	Permitted	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 lot frontage, and height are provided in Table 6.2a and Table 6.2b. 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 6.2a Development Standards: Height and Lot Frontage**

REGULATION	Stormwater Utility	Shoreline Residential	Natural	Aquatic
Height Limit	Not to exceed 30' above original grade, 36' above finish grade*	Not to exceed 30' above original grade, 36' above finish grade*	NA	16'
Minimum lot frontage (waterfront)	50'	50'	50'	NA

\* Note that height is defined per Hunts Point zoning regulation and WAC 173-27-030 (9); also see Definition Appendix A.

\*\* See map of shoreline setbacks in Appendix G.

**Table 6.2b Development Standards: Shoreline Setbacks**

Environment Designation: Shoreline Residential	Shoreline Setback
Environment A (R-40)	The primary dwelling shall be setback no closer to the OHWM than the stringline setback.
Environment B (R-40)	The primary dwelling shall be setback no closer to the OHWM than 50 feet.
Environment C (R-20)	The primary dwelling shall be set back no closer to the Fairweather Basin centerline than 130 feet. Redevelopment of primary structures shall not encroach closer to the shoreline than existing primary structures as established on the effective date of the Town's 2015 Shoreline Master Program. New primary structures (houses and garages) or additions to existing primary structures shall maintain the current 130' setback from the designated channel centerline of Fairweather Basin.
Environment D	Varies, See Appendix G
Environment E	The primary dwelling shall be set back no closer to the OHWM than 30'.
Stormwater Utility	Structures shall be set back no closer to the OHWM than 30 feet.
Environment Designation: Natural	N/A
Environment Designation: Aquatic	See Section 6.6 for side setbacks.



### **6.3 Clearing and Grading**

- A. All fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.
- B. For proposed land clearing, fill, or grading activities over fifty (50) cubic yards in quantity, or a cut of two (2) feet or more, or a fill of two (2) feet or more, 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. All clearing and grading activities must adhere to the requirements of the Town's 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 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. Revegetation must occur within six months of project completion. Replanted areas shall be planned and maintained such that, within three (3) years time, the vegetation is at least ninety (90) percent reestablished.
- E. Normal non-destructive pruning and trimming of vegetation for maintenance purposes shall not be subject to these clearing and grading regulations. In addition, clearing by hand-held equipment of invasive nonnative shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations.

### **6.4 Dredging and Dredge Material Disposal**

- A. Dredging waterward of the ordinary high water mark 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 ordinary high water mark. 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 Hunts 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 Hunts Point, except as identified in A. above. Material dredged in Hunts 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 maintaining, 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. Ongoing 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.

## **6.5 Fill Waterward of the OHWM**

This section addresses fill waterward of the OHWM. Fill upland of the OHWM is regulated under Section 6.3, 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 the Town of Hunts Point.

## **6.6 Private Moorage**

Private moorage facilities include piers and docks, as well as their accessory structures such as 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 RCW 90.58.

2. Moorage facility construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.
3. Moorage facility side yard setback shall be the greater of ten-percent (10%) of the lot width, or ten (10) feet from the side property line extended, except that joint-use structures may abut or cross property lines for the common use of adjacent property owners when mutually agreed to by the property owners in an agreement recorded with King County.
4. No dwelling unit or building may be constructed on a moorage structure.
5. Lighting associated with overwater structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.
6. Height of piers shall be a minimum of one and one-half (1.5) feet above OHWM to bottom of pier stringers and a maximum of four (4) feet above OHWM, except a floating section of a dock.
7. Piers and platform lifts must be fully grated or contain other materials that allow a minimum of forty percent (40%) light transmission through the decking material. For structures supported by float tubs, grated decking shall be used in all areas that are not directly above the float tubs.
8. Pilings or moorage piles shall not be treated with pentachlor chlorophenol, creosote, chromate copper arsenate (CCA), or toxic compounds.
9. The diameter of pilings shall be minimized and the spacing of pilings maximized to the maximum extent allowed by site-specific engineering or design considerations.
10. Only one (1) moorage facility per property shall be permitted. Joint-use structures shall be encouraged. New residential development of two or more dwellings is required to provide joint-use or community facilities, when feasible. In cases of joint-use facilities, the joint-use facility shall take the place of individual property facilities.
11. Joint-use facilities constructed per the requirement of A.10 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.
12. Moorage facilities may only be permitted as an accessory to residential development.

B. New or Replacement Moorage Facilities.

1. Standard Design: The following requirements apply to all new and replacement moorage facilities in Hunts Point, including shared/joint-use facilities.

For purposes of this SMP, moorage facility alteration projects that propose replace the entire structure, or seventy-five percent (75%) or more of the support piles, cumulatively over the lifetime of the structure, are considered replacement moorage facilities. Pile replacement does not include piles that are repaired through sleeving or splicing.

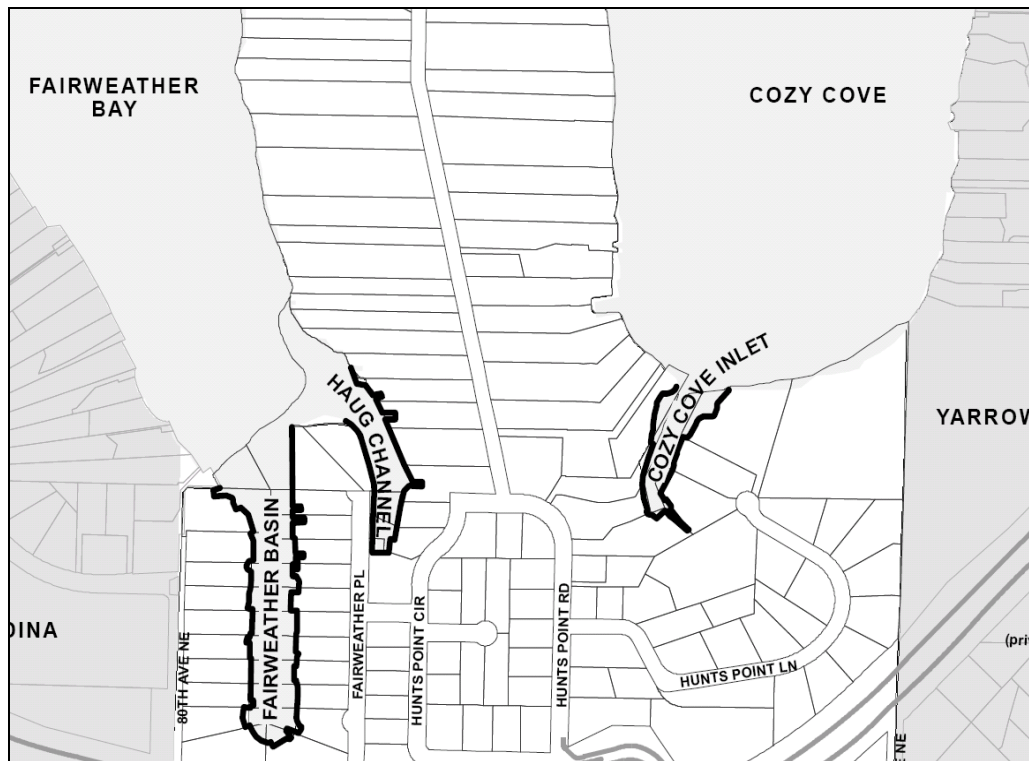
**Table 6.6.B: Dimensional and Material Design Standards**

Moorage Facility Component	Dimensional and Design Standards for the Point	Dimensional and Design Standards for Fairweather Basin, Haug Channel, and Cozy Cove Inlet* (does not apply to boardwalks unless specifically stated otherwise)
Maximum overwater area coverage, excluding transparent canopy and covered moorage	<ul style="list-style-type: none"> <li>• Four hundred eighty (480) square feet for structures serving one lot; or</li> <li>• Seven hundred (700) square feet for structures serving two (2) lots in a shared use agreement; or</li> <li>• One thousand (1,000) square feet for structures serving more than three (3) lots in a joint-use agreement.</li> <li>• Where a moorage structure cannot reasonably be constructed under the area limitation above to meet a necessary moorage depth not to exceed 10 feet measured at ordinary low water, an additional 6 sq. ft. of area may be added for each additional foot of length up to a maximum of 100 ft, provided that all other dimensions, such as width and length, have been minimized.</li> <li>• Replacement piers and docks may retain the maximum of the existing square footage and be reconstructed with the same configuration as the original structure, or may comply with the dimensional standards in this table.</li> <li>• The overwater footprint of an existing boardwalk that parallels the shoreline edge shall not be permitted to be shifted waterward of its existing location, but it may be repaired or replaced. New boardwalks that overhang the OHWM are not permitted.</li> <li>• The overwater footprint of an existing concrete bulkhead projection may be repaired.</li> </ul>	
Maximum length	<ul style="list-style-type: none"> <li>• Over-water structures shall not extend more than 100 feet</li> </ul>	<ul style="list-style-type: none"> <li>• In order to avoid interfering with navigation and public use of</li> </ul>

Moorage Facility Component	Dimensional and Design Standards for the Point	Dimensional and Design Standards for Fairweather Basin, Haug Channel, and Cozy Cove Inlet* (does not apply to boardwalks unless specifically stated otherwise)
	<p>waterward of the OHWM, measured perpendicular from the shoreline.</p> <ul style="list-style-type: none"> <li>Over-water structures shall be the minimum length necessary for access to watercraft.</li> <li>Ells shall be no longer than 26 feet.</li> </ul>	<p>water, over-water structures may extend no farther waterward than one-fifth (1/5) the width of the channel in the location of the proposed structure or as regulated by plat restrictions.</p> <ul style="list-style-type: none"> <li>Components of moorage structures shall be the minimum length necessary for access to watercraft, provided the ell or float is located waterward of any emergent or aquatic vegetation when feasible and extends no farther waterward than one-fifth (1/5) the width of the channel in the location of the proposed structure or as regulated by plat restrictions.</li> <li>Ells shall be no longer than thirty (30) feet or the existing length, whichever is greater or as regulated by plat restrictions.</li> </ul>
Maximum Width	<ul style="list-style-type: none"> <li>Dock/pier shall be no wider than four (4) feet, for the first thirty (30) feet waterward from the OHWM, and six (6) feet thereafter.</li> </ul>	<ul style="list-style-type: none"> <li>Moorage facility shall be no wider than four (4) feet for any section of walkway perpendicular to the shoreline.</li> <li>Moorage facility elements that will actively be used for boat moorage and are typically parallel to the shoreline may be six (6) feet wide.</li> </ul>
	<ul style="list-style-type: none"> <li>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.</li> </ul>	

<b>Moorage Facility Component</b>	<b>Dimensional and Design Standards for the Point</b>	<b>Dimensional and Design Standards for Fairweather Basin, Haug Channel, and Cozy Cove Inlet*</b> (does not apply to boardwalks unless specifically stated otherwise)
Location of ells, fingers, deck platforms, lifts, floats, canopies and covered moorage	<ul style="list-style-type: none"> <li>not allowed within the first thirty (30) feet waterward of OHWM, measured perpendicular to the OHWM</li> <li>as far waterward as possible</li> <li>Within 30 ft. of the OHWM, only the walkway or ramp is allowed.</li> </ul>	<ul style="list-style-type: none"> <li>As dictated by site-specific design considerations, recognizing the unique conditions in these areas. Overall, elements should be located away from vegetation and in deeper water, provided there are no conflicts with other provisions for this area and navigation is not obstructed.</li> </ul>
Materials	<ul style="list-style-type: none"> <li>Decking for piers, docks, floats and platform lifts: Grating or other materials that allow a minimum 40 percent light transmission through.</li> <li>Decking for all floats where full grating or use of translucent materials is not practical: Minimum two-foot wide grating strip located down the center of the entire float that allows 40 percent light transmission.</li> <li>Piles, buoys, moorage piles and similar structures: Treatment with pentachlorophenol, creosote, chromate copper arsenate, or similar toxic compounds are prohibited.</li> </ul>	
Pilings	<ul style="list-style-type: none"> <li>The first set of pilings for a dock shall be located no closer than eighteen (18) feet from the OHWM or to the extent allowed by site-specific engineering or design considerations.</li> </ul>	
Skirting	<ul style="list-style-type: none"> <li>No skirting may be installed on new piers and existing skirting shall be removed and may not be replaced.</li> </ul>	
Mitigation	<ul style="list-style-type: none"> <li>Any existing obsolete in-water and overwater structures located within 30 ft. of the OHWM shall be removed. The over-water portions of boardwalks should be removed if the boardwalk does not serve as a boat moorage facility.</li> <li>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. (See SMP Sec 5.3 and Appendix D, Sec 1.L)</li> </ul>	

\* See diagram below for identification of areas to which these regulations apply.



2. Alternative Design Standards: The Town may approve modifications to the development and construction standards for replacement of existing docks and piers in this section, consistent with the following limits (a, b, c) and provided an applicant demonstrates an alternative project design is approved by the U.S. Army Corps of Engineers and/or the Washington State Department of Fish and Wildlife. An applicant must also demonstrate that an alternative project design would not result in negative impacts on ecological functions.

- a. Maximum square footage: no larger than existing pier or dock.
- b. Decking materials, including requirements for minimum of 40% light transmittance, for all docks, piers and ells, consistent with this Chapter.
- c. Dock and pier walkway width shall not exceed 4 feet for the first 30 feet from the OHWM, consistent with this Chapter.

- C. Moorage Facility Repair. All existing facilities may be repaired or replaced consistent with the following standards:

1. Repair proposals which replace between 25 and 75 percent (25% and 75%) of the existing piles, cumulatively over the lifetime of the structure, must use the

minimum size pile and achieve the minimum 18-foot pile spacing to the extent allowed by site-specific engineering or design considerations. Pile replacement does not include piles that are repaired through sleeving or splicing.

2. Repair proposals which replace more than 50 percent (50%) of the decking, cumulatively over the lifetime of the structure, must use materials that allow a minimum of 40 percent (40%) light transmission through the decking material.
3. Existing skirting must be removed and may not be repaired or replaced.
4. The structure area, width, or length of the structure may not be increased unless it conforms to the new standards.
5. Other repairs to existing legally established moorage facilities where the nature of the repair is not described in the above subsections (e.g., replacement of 25% or less of the piles or decking) shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations.

**D. Pier and Dock Additions.**

1. Additions to existing piers or docks may be permitted under the following circumstances:
  - a. When additional length is required to reach 10 feet measured at ordinary low water, or the necessary water depth for moorage of the applicant's boat;
  - b. When a single-use pier is converted to a joint-use pier; or
  - c. When the addition of an ell or finger will increase safety and usability.
2. When permitted, additions shall meet the following standards:

<b>Addition to Existing Pier or Dock</b>	<b>Dimensional and Design Standards</b>
Dimensional standards	Enlarged portions must comply with the pier or dock standards for length and width, height, water depth, location, decking, pilings and materials as described in 6.6.B.1 or 6.6.B.2.
Decking for piers, docks, walkways, ells and fingers	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	<ul style="list-style-type: none"> <li>Any existing obsolete in-water and overwater structures located within 30 ft. of the OHWM shall be removed. The over-water portions of boardwalks should be removed if the</li> </ul>



Addition to Existing Pier or Dock	Dimensional and Design Standards
	<p>boardwalk does not serve as a boat moorage facility.</p> <ul style="list-style-type: none"> <li>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. (See SMP Sec 5.3 and Appendix D Sec 1.L)</li> <li>Additional mitigation shall be provided in a 1:1 ratio by area for all new overwater coverage. Mitigation measures are as follows: <ol style="list-style-type: none"> <li>Replacing solid decking with grate decking, or</li> <li>Planting a mix of native trees, shrubs, and grasses adjacent to the OHWM, or</li> <li>Removal of hardened shoreline. Replacement of removed stabilization may be allowed consistent with Section 6.10, or</li> <li>Planting emergent vegetation waterward of the OHWM.</li> </ol> </li> </ul>

E. Boatlifts, Canopies, and Covered Moorage

- Boatlifts, boatlift canopies and covered moorage may be permitted as an accessory to residential development provided the following:

Boatlift and Boat Canopy	Dimensional and Design Standards
Location	<ul style="list-style-type: none"> <li>Lifts and covered moorage shall be placed as far waterward as possible in water with a depth of six (6) feet or greater, and no less than 30 feet waterward of OHWM, except in Fairweather Basin, Haug Channel, and Cozy Cove Inlet, where they shall be located as far waterward as possible, within the limits of the dimensional standards for moorage facilities.</li> <li>Replacement boatlifts can be located in the same location, but where feasible should be relocated in water depth six feet or greater.</li> <li>Feasibility limitations include lake bathymetry, existing overwater structures, or conflicts with adjacent properties.</li> </ul>
Maximum Lift Numbers	<p>The following individual options may be permitted:</p> <ul style="list-style-type: none"> <li>Two (2) personal watercraft lifts and two (2) boatlifts, platform lifts or aircraft lifts; or</li> </ul>

<b>Boatlift and Boat Canopy</b>	<b>Dimensional and Design Standards</b>
	<ul style="list-style-type: none"> <li>• Three (3) personal watercraft lifts and one (1) boatlift, platform lift or aircraft lift; or</li> <li>• Combination of three (3) boatlifts, platform lifts or aircraft lifts.</li> <li>• 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.</li> </ul>
Canopy/Moorage Cover	<ul style="list-style-type: none"> <li>• One Canopy/Moorage Cover per residential lot is allowed subject to the following requirements.</li> <li>• Canopy is made of light permeable fabric. 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 pier.</li> <li>• Moorage cover is constructed of light permeable materials. Covered moorage dimensions and location must comply with covered moorage building zone, and a maximum height limit of sixteen (16) feet above OHWM. Covered moorage structures in no event shall exceed in projected area more than 50 percent of the covered moorage building zone, or 600 square feet, whichever is the lesser.</li> </ul>
Platform Lift Materials	Any platform lifts shall be fully grated
Mitigation	<p>Any existing obsolete in-water and overwater structures located within 30 ft. of the OHWM shall be removed, except for existing over-water portions of boardwalks in Fairweather Basin, Haug Channel and Cozy Cove Inlet that serve as boat moorage; existing or authorized shoreline stabilization measures; and an approved moorage facility.</p> <p>Additional mitigation shall be provided in a 1:1 ratio by area for all new overwater coverage. Mitigation measures are as follows:</p> <ol style="list-style-type: none"> <li>1. Replacing solid decking with grated decking; or</li> <li>2. Planting a mix of native trees, shrubs, and grasses adjacent to the OHWM; or</li> <li>3. Planting emergent vegetation waterward of the OHWM; or</li> </ol>

<b>Boatlift and Boat Canopy</b>	<b>Dimensional and Design Standards</b>
	<p>4. Removal of hardened shoreline. Replacement of removed stabilization may be allowed consistent with Section 6.10.</p> <p>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. (See SMP Sec 5.3 and Appendix D Sec 1.L)</p>

F. Moorage Piles – Moorage piles are allowed, provided the following:

1. A side setback of the greater of ten (10) percent of the lot width or ten (10) feet is observed, except for joint-use structures.
2. The pile is less than six (6) feet above the OHWM.
3. Moorage piles shall be located no closer than thirty (30) feet from the OHWM or any farther waterward than the end of the pier or dock.
4. A maximum of two (2) moorage piles per shall be permitted, including existing piles, and a maximum of four (4) moorage piles shall be permitted for joint-use piers or docks, including existing piles.
5. Piles shall be located as far waterward as possible.

G. Monitoring Requirements: 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 specifications:

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).
3. 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.

## **6.7 Recreational Development**

This section applies to the sole public shoreline recreational area within the Town of Hunts Point, the Wetherill Nature Preserve. This section does not apply to private residences.

- A. Recreation within the Wetherill Nature Preserve shall be limited to passive activities, such as low-impact trails, viewpoints, interpretive signage and similar passive and low-impact facilities.
- B. Recreational development within the Wetherill Nature Preserve shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.
- C. 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.

## **6.8 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. Residential height restrictions and setbacks are established by Tables 6.2a and 6.2b of this SMP.
- C. Total impervious area between the OHWM and 50' landward within the R40 zone shall be limited to twenty percent (20%) of that area, with no new impervious surfaces installed in the first 20 feet landward of the OHWM. Pathways providing access to the shoreline are permitted and shall utilize pervious materials. Residences shall be allowed to repair and maintain existing impervious areas within the shoreline setback area, and shall be allowed to replace existing impervious areas with the shoreline setback consistent with Section B.12 (Nonconforming Use and Development Standards) of Appendix B, Administration.
- D. Total impervious areas between the OHWM and 15 feet landward within the R20 and R20a zones shall be limited to twenty-five percent (25%) of the area. Pathways providing access to the shoreline are permitted and shall utilize pervious materials. Residences shall be allowed to repair and maintain existing impervious areas within the shoreline setback area, and shall be allowed to replace existing impervious areas within the shoreline setback consistent with Section B.12 (Nonconforming Use and Development Standards) of Appendix B, Administration.
- E. 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.

## **6.9 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.

## **6.10 Shoreline Stabilization**

### **6.10.1 General Shoreline Stabilization Regulations**

- A. All shoreline stabilization measures must be limited to the minimum size necessary, and must use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
- B. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited.
- C. All new shoreline development shall be located and designed to minimize the need for shoreline modification activities.
- D. Shoreline stabilization structures shall avoid or minimize adverse impacts of proposed shoreline modification structures on ecosystem-wide processes (e.g., sediment transport) and functions (e.g., habitat).

- E. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or, to the extent possible, landward of, the shoreline stabilization being replaced.
- F. Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the waterbody.
- G. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation.
- H. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.
- I. Professional design (as approved by the Town) of all shoreline stabilization or modification structures is required.
- J. The applicant shall submit applicable materials required by Section B.3.2 (Shoreline Stabilization Special Submittal Requirements) of Appendix B.

#### **6.10.2 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.
- B. Beach Restoration/Enhancement Design Standards: 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. Beach Restoration Construction Standards: 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.

#### **6.10.3 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.

#### **6.10.4 Bulkhead Regulations**

- A. New or Enlarged Structural Stabilization (Bulkhead)
  - 1. The Town may permit new or enlarged bulkheads to protect an existing primary structure if a geotechnical analysis provides conclusive evidence that the structure is in danger from shoreline erosion caused by waves, and either:
    - a. There is a significant possibility that the 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 the 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.
  - 2. The maximum height of bulkheads is 3 feet above the OHWM.
  - 3. Any on-site drainage issues must 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 must be explored and must be shown to be infeasible or insufficient to protect the primary structure.
- 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 modification of 50 percent or greater by length of the existing hard shoreline stabilization measure's sheet pile, bottom course of rock or footings; or
    - b. A repair needed to an existing hard structural shoreline stabilization that has collapsed, eroded away, or otherwise demonstrated a loss of structural integrity when the repair work involves modification of more than 75 percent of the linear length of the existing hard structural shoreline stabilization measure's sheet pile, top or middle course of rocks, or other similar repair activities.
  2. The Town shall 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, provided conclusive evidence prepared by a qualified professional is presented to the Town that the structure is in danger from shoreline erosion. Repair and replacement of structural stabilization in Fairweather Basin, Haug Channel and Cozy Cove Inlet may also be justified by need for maintaining primary boat moorage and navigation.
- C. Minor repair of hard shoreline stabilization which does not meet the definition of 'replacement' shall be permitted.
- D. Repair or Replacement of Soft Shoreline Stabilization
1. Repair or replacement of soft shoreline stabilization measures shall be permitted.
  2. The applicant shall submit to the Town 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.
- E. General Design Standards - The following design standards shall be incorporated into the stabilization design:
1. 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.



2. 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.
3. 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, and stabilization of exposed soils following construction. Section 5.6.E (Vegetation Alteration and the CAO mitigation requirements (Appendix D Sec 1.L are referenced herein.
4. Except for Fairweather Basin, Haug Channel and Cozy Cove Inlet, where only Subsection (b) shall apply, the following additional measures shall be incorporated into the design for new and enlarged hard shoreline stabilization:
  - 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 ten (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 ten (10) feet along the water's edge.
    - iii. Restoration of native vegetation shall consist of a mixture of native trees, shrubs and groundcover.
    - iv. Plant materials shall be chosen from the list in Appendix E or otherwise approved by the Shoreline Administrator.
    - iv. An alternative planting plan or mitigation measure in lieu of meeting this section shall be allowed if approved by other state and federal agencies.

- v. Monitoring: A five-year vegetation maintenance and monitoring plan shall be prepared. The monitoring plan shall include the same specifications noted in Section 6.6.G.
  - 5. Hard and soft shoreline stabilization measures shall be designed to minimize interference 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.
  - 6. Hard and soft stabilization measures are allowed to have gravel, 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.
  - 7. Stairs or other water access measures may be incorporated into the shoreline stabilization, but shall not extend waterward of the shoreline stabilization measure.
- 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.
  - 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. 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, environmental or design 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 shoreline restoration projects, including shoreline stabilization improvements that are not mitigation, intended to improve ecological functions results in shifting the OHWM landward of the pre-modification location, then shoreline regulations shall not apply to such affected property. 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.

## **6.11 Transportation and Parking Facilities**

- A. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and motorized and non-motorized forms of transportation are encouraged.
- B. 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.
- C. 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.
- D. Parking in shoreline areas shall be minimized and shall be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, and vegetation and habitat maintenance.
- E. Parking in shoreline areas must directly serve a permitted shoreline use. Parking as a primary use and parking which serves a use not permitted in shoreline jurisdiction is prohibited.

## 6.12 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 shoreline jurisdiction.
- E. Solid waste disposal sites are prohibited within 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.

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

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

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

***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)).

**Baseline** - The existing shoreline condition, in terms of both ecological function and shoreline use, established at the time this Shoreline Master Program is approved.

**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** - Beach enhancement is the alteration of exposed and submerged shorelines for the purpose of stabilization, recreational enhancement, and or/aquatic habitat creation or restoration. The size and type of materials used shall be native or similar designed to remain stable over the long term.

**Beach feeding** - "Beach feeding" means landfill deposited on land or in the water to be distributed by natural water processes for the purpose of supplementing beach material.

**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 stormwater 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 moorage or launch 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.

**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 or other structure that is intended for the common use of the residents of Hunts 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 Hunts 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 water body. 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.

***DSH - Depth at Standard Height*** - The diameter of a tree at standard height; the diameter of the trunk measured 54 inches (four and one-half feet) above grade.

***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)).

***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. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (RCW 90.58.030(3e); WAC 173-27-030(7) and -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. (WAC 173-27-030(8)).

***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 time frames.

**Fill** - The placement 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.

**Floating Dock** - A fixed structure floating upon a water body 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.

**Floodplain** - Synonymous with 100-year floodplain. The land area susceptible to inundation with a 1 percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA (WAC 173- 22-030(2)).

**Floodway** – The area, as identified in a master program, that either: (i) Has been established in Federal Emergency Management Agency Flood Insurance Rate Maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state

**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.

***Groves*** - A group of eight or more trees of the species listed in HPMC 8.25.100 with a DSH of six inches or greater that form a continuous canopy. Trees that are part of a grove shall also be considered significant if they meet these criteria.

***HPA - Hydraulic Project Approval*** - The permit issued by the Washington State Department of Fish and Wildlife pursuant to the State Hydraulic Code Chapter 77.55 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 receiving an 11 or 12 rating under the Pacific Northwest Chapter of the International Society of Arboriculture Tree Risk Assessor rating method set forth in "Tree Risk Assessment in Urban Areas and the Urban/Rural Interface," which is hereby adopted by

reference as Exhibit A, or any tree receiving a 9 or 10 rating under this method at the discretion of the town.

**Hearing Examiner** - The Hearing Examiner of the Town of Hunts 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 pre-project or 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 173-27-030(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 (WAC 173-20-030).

**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. Mitigation or mitigation sequencing means the following sequence of steps listed in order of priority, with (a) of this subsection being top priority: Avoiding the impact all together by not taking a certain action or parts of an action; 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; Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; Reducing or eliminating the impact over time by preservation and maintenance operations; Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and 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 water body 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 City’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 and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no significant ecological impacts in the long term 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*.

***OHW, 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)(b) 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 substantial development, variance or conditional use permit, or revision, or any combination thereof, authorized by the Act. Refer to Chapter 173-27 WAC.

**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(56).

**RCW** - Revised Code of Washington.

**RCW 90.58** - The Shoreline Management Act of 1971.

**Recreational facilities** - Facilities such as parks, trails, and pathways that provide a means for relaxation, play, or amusement. For the purposes of this Master Program, recreational facilities consist of two categories: water-dependent (i.e. – boating facilities, swim rafts) and 2. non-water-dependent (trails)

**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*** - 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.

***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 shoreline master programs, 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 Administrator 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 modification activities are, by definition, undertaken in support of or in preparation for a permitted shoreline use. A single use may require several different shoreline modification activities.

***Shoreline permit*** - A substantial development, exemption, conditional use, revision, or variance permit or any combination thereof (WAC 173-27-030(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 and non-structural methods, riprap, bulkheads, gabions, jetties, dikes and levees, flood control weirs, and bioengineered walls or embankments.

***Shorelines*** - All of the water areas of the state, including reservoirs and their associated uplands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

***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.

***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.

***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 ecological impact*** - An effect or consequence of an action if any of the following apply:

- (a) The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
- (b) Scientific evidence or objective analysis indicates the action could cause measurable or noticeable reduction or harm to those ecological functions or ecosystem-wide processes under foreseeable conditions.
- (c) Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes as part of cumulative impacts, due to similar actions that are occurring or are likely to occur. Any project may have one or more significant ecological impacts, which can be either short-term or long-term. Projects with short-term significant ecological impacts may still be considered beneficial if the project improved ecological function over the long term, either due to mitigation or because of short-term impacts may be construction-related only.

***Significant tree*** - Any evergreen tree, and all deciduous trees set forth in HPMC 8.25.100(2), with a trunk diameter greater than 10 inches, measured at four feet, six inches above grade, or that meets the criteria of grove trees, or any tree planted as mitigation for significant tree removal.

***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.

***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.

***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. In general, it is the term given to the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material; fabric or other soil stabilization techniques; and limited rock toe protection, where appropriate. Soil bioengineering projects often include fisheries habitat enhancement measures such as anchored logs or root wads, in project design.

***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)).

***Stringline Setback*** - The setback line for a waterfront lot in the R-40 zone defined at the lot centerline by the straight line established between the waterward edge of the primary dwellings on the two adjacent properties at their respective lot centerlines. Also described in HPMC 18.10.

***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(15)).

***Substantial Development*** - Any development of which the total cost or fair market value, whichever is higher, exceeds \$5,718 dollars, 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. (WAC 173-27-040)

***Substantially degrade*** - means to cause significant ecological impact.

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

***Town*** – The Town of Hunts Point.

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

***Utilities, primary*** - services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, sewage, and communications. The provisions of this section apply to primary use and activities such as solid waste handling and disposal, power generating or transfer facilities, gas distribution lines and storage facilities, regional stormwater collection facilities, and high-tension utility lines.

***Utilities, accessory*** - utilities that affect small-scale distribution services connected directly to the uses along the shoreline. For example, power, telephone, cable, water and sewer lines, including stormwater systems, are all considered as utilities accessory to shoreline uses. They are covered in this section because they have the potential of impacting the quality of the shoreline and its waters.

***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 173-27-030(17)).

***WAC*** - Washington Administrative Code.

***Water-dependent use***- A use or a portion of a use which cannot 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.

***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.

***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.

***Wetlands*** - "Wetlands" or "wetland areas" means 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 Shoreline Administrator**

The Hunts Point Town Administrator, 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 Permit 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 his/her 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 Master Program, the provisions of the Act and this Master Program, or of conditions of any approved shoreline permit issued by the Town of Hunts 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 Hunts 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.

<b>Type of Shoreline Permit or Shoreline Exemption</b>	<b>Decision Type</b>	<b>Decision Maker</b>	<b>Decision Timeframe</b>	<b>Appeal Authority</b>
EXEMPTION	Administrative	Shoreline Administrator	Not to exceed 120 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 Shoreline Stabilization Special Submittal Requirements**

- A. Submittal for new or enlarged hard and soft structural stabilization shall include a geotechnical report prepared by a qualified professional with an engineering degree. The report shall include the following:
1. 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.
  2. An assessment of the cause of erosion, including on-site drainage issues, looking at processes occurring both waterward and landward of the OHWM.
  3. An assessment of the feasibility of using nonstructural or soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.
  4. 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.
- B. Submittal Requirements for Replacement or Major Repairs of Hard Bulkheads 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:
1. 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.
  2. 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.
  3. 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.
  4. 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. 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 3-year vegetation maintenance and monitoring program to include goals and objectives of the shoreline stabilization plan; a three-year monitoring plan, consisting of one site visit per year by a qualified professional, specifying submittal of annual progress reports to the Shoreline Administrator and all other agencies with jurisdiction; and a contingency plan in case of failure.
4. Fees for the Town Engineer or other consultant selected by the Town to review the shoreline stabilization plan, the monitoring and maintenance program, the narrative justification of demonstrated need, and drawings shall be the responsibility of the project applicant. In addition, the Shoreline Administrator may require a fee for the Town Engineer or other consultant to review the geotechnical report and recommendations.

### **B.3.3 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 Hunts 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.3.4 Hearing Examiner Review**

The Hunts 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 Hunts 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 Hunts 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.3.5 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.3.6 Washington 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 Hunts 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 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 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 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.6 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.7 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.8 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.9 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.10 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.11 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.12 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 shoreline 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 expansions of conforming 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 3.11.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.13 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.13.1 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.13.2 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 Hunts Point Ordinance or Code (civil citation penalties and criminal penalties).

### **B.13.3 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 Hunts 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.





# ENVIRONMENT DESIGNATION

TOWN OF HUNTS POINT SHORELINE MASTER PROGRAM

DRAFT

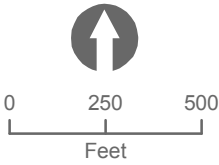


All elements depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

**MAP LEGEND**

Environment Designation

- Natural
- Shoreline Residential
- Stormwater Utility
- Town Boundary



Data: King County, TWC.  
January 28, 2011.



# Appendix D- Hunts Point Critical Areas Regulations in Shoreline Jurisdiction

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## Contents

1. General Regulations, Page D1
2. Wetlands, Page D10
3. Fish and Wildlife Habitat Conservation Areas, Page D18

*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 Hunts Point only contains Wetlands and Fish & Wildlife Habitat areas within its shoreline jurisdiction and does not contain any known geologically hazardous areas or critical aquifer recharge areas.*

## 1. General Regulations

### A. 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, consistent with private property rights.
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 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.
- B. 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.
- C. 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 Hunts Point Municipal Code. This shall include, but not be limited to, timing, appeals, and fees associated with applications covered by these regulations.
- D. 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.
- E. 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.

- F. 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.
- G. 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.

H. 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.

I. 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.

J. 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 and habitat conservation areas 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; and
6. Monitoring the impact and the compensation projects or other required mitigation and taking remedial action when necessary.

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

K. 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 and shall include mitigation for project-related adverse impacts upstream or downstream of the development proposal site. 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. The monitoring of mitigation that includes planting of shrubs and trees shall be for a period of not less than ten (10) 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.

L. 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 and approved by 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, streams 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.
- M. 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.
    - c. Access roads and utilities serving the proposed subdivision may be permitted within the critical area and associated buffers only if the Town determines that no other feasible alternative exists consistent with these critical areas regulations.
- N. Critical area markers and signs
1. The boundary at the outer edge of the critical area or buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site.
  2. Permanent signs shall be made of a metal face and attached to a metal post or another material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property

owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the Shoreline Administrator:

“Protected (type of critical area) Area”  
Do Not Disturb  
Contact the Town of Hunts Point  
Regarding Uses and Restriction”

O. 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, public or private utility, within a right-of-way, or on the site 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.

- P. 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 these provisions.
- B. Wetland ratings. Wetlands shall be rated according to the Department of Ecology wetland rating system found in the *Washington State Wetland Rating System for Western Washington* (Ecology Publication #04-06-025) 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. Activities 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. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in these critical areas regulations.
  3. Category I wetlands. Activities 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 activities 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 activities 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 avoided, 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. Activities 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 - 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	<ul style="list-style-type: none"> <li>• Locate activity that generates noise away from wetland</li> <li>• If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</li> <li>• For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10 foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</li> </ul>
Toxic runoff	<ul style="list-style-type: none"> <li>• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</li> <li>• Minimize use of pesticides within 150 ft of wetland</li> <li>• Apply integrated pest management</li> </ul>
Stormwater runoff	<ul style="list-style-type: none"> <li>• Retrofit stormwater detention and treatment for roads and existing adjacent development</li> <li>• Prevent channelized flow from lawns that directly enters the buffer</li> <li>• Use Low Intensity Development techniques (per PSAT publication on LID techniques)</li> </ul>
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> <li>• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</li> <li>• Place wetland and its buffer in a separate tract or protect with a conservation easement</li> </ul>
Dust	Use best management practices to control dust
Disruption of	<ul style="list-style-type: none"> <li>• Maintain connections to offsite areas that are undisturbed</li> </ul>

<b>Disturbance</b>	<b>Required Measures to Minimize Impacts</b>
corridors or connections	<ul style="list-style-type: none"> <li>• Restore corridors or connections to offsite habitats by replanting</li> </ul>

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. Buffer widths may be reduced in the case of construction of a new single-family residence where the new structure footprint mimics that of the previous structure.
  - c. 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. 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

<b>Category and Type of Wetland</b>	<b>Creation or Re-establishment</b>	<b>Rehabilitation</b>	<b>Enhancement</b>	<b>Preservation</b>
Category IV	1.5:1	3:1	6:1	10:1

- b. 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. Fish and Wildlife Habitat Conservation Areas**

- A. Designation of fish and wildlife habitat conservation areas. Fish and wildlife habitat conservation areas 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. 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.
  6. 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 that are not Type S Waters are regulated under Critical Areas regulations in this Section of the Shoreline Master Program.
  7. 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.
  8. Land essential for preserving connections between habitat blocks and open spaces.
- 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:
1. Washington Department of Fish and Wildlife Priority Habitat and Species maps;
  2. Washington Department of Natural Resources, Official Water Type Reference maps;
  3. Washington State Department of Natural Resources Natural Heritage Program mapping data;
  4. Anadromous and resident salmonid distribution maps;
  5. Habitat Limiting Factors reports published by the Washington Conservation Commission; and
  6. Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps.
- 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 establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas shall be required. 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. Measurement of stream buffers. All buffers shall be measured from the ordinary high water mark of the stream as surveyed in the field. The width of the stream buffer shall be determined according to the stream category. The buffer for a stream created, restored, or enhanced as compensation for approved stream alterations shall be the same as the buffer required for the category of the created, restored, or enhanced stream.

**Table 1. Shoreline Buffer Widths**

<b>Stream Type</b>	<b>Standard Buffer Width</b>
Type S; or shorelines of the state	Regulated under Chapter 6 of the SMP
Type F; or other salmonid-bearing streams	50 feet
Type Np, or other, perennial, non-salmonid bearing streams	40 feet
Type Ns; or other intermittent, non-salmonid bearing streams	30 feet

3. 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.
4. Reduction of stream buffer widths
  - a. The Shoreline Administrator may allow the standard stream 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 stream functions and values based on site-specific characteristics.
  - b. Buffer widths may be reduced in the case of construction of a new single-family residence where the new structure footprint mimics that of the previous structure.
  - c. The determination of reduced buffer width 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
    - iii. No direct or indirect, short-term or long-term, adverse impacts to streams will result from the proposed activity including, but not limited to, downstream sedimentation or flooding.
5. Stream buffer width averaging. The Shoreline Administrator may allow modification of the standard stream buffer width 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 by averaging buffer widths. Averaging of buffer widths may only be allowed where a qualified professional demonstrates that:

- a. It will not reduce stream functions or values;
- b. The stream 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

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. Bank stabilization measures
- a. Bank stabilization on Lake Washington shall be subject to the regulations of Section 6.10, Shoreline Stabilization of this SMP. The following regulations apply only to bank stabilization on non-shoreline streams.
  - b. New bank stabilization measures shall not be allowed unless no other feasible alternative exists to protect buildings and infrastructure.
  - c. New, replacement, or substantially improved, bank stabilization measures may be permitted in accordance with an approved critical area report that demonstrates the following:
    - i. Natural stream processes will be maintained;
    - ii. The bank stabilization measures will not degrade fish or wildlife habitat conservation areas or associated wetlands; and
    - iii. All unavoidable impacts will be mitigated.
8. Roads, trails, bridges, and rights-of-way. Construction of trails, roadways, and road bridging may be permitted in accordance with an approved critical area report subject to the following standards and regulations in Section 6.11 Transportation Facilities of this SMP:
- a. There is no other feasible alternative route with less impact on the environment;
  - b. The crossing minimizes interruption of downstream movement of wood and gravel;
  - c. Roads across streams or within their buffers shall not run parallel to the waterbody;



- d. Trails shall be located on the outer edge of the stream buffer, except for limited viewing platforms and crossings;
  - e. Crossings, where necessary, shall only occur as near to perpendicular with the waterbody as possible;
  - f. Mitigation for impacts is provided pursuant to a mitigation plan of an approved critical area report;
  - g. Road bridges are designed according to the most current versions of the Department of Fish and Wildlife Fish Passage Design at Road Culverts, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings;
  - h. Roads and bridges shall be designed to not create fish passage blockages and to not block transport of wood, water, and sediment.
  - i. Trails and associated viewing platforms shall not be made of continuous impervious materials.
9. 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 in Section 6.12 Utilities
- a. Fish and wildlife habitat areas shall be avoided to the maximum extent possible;
  - b. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the waterbody and any channel migration zone, where feasible;
  - c. The utilities shall cross at an angle greater than sixty (60) degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible;
  - d. Crossings shall be contained within the footprint of an existing road or utility crossing where possible;
  - e. The utility route shall avoid paralleling the stream or following a down-valley course near the channel; and
  - f. The utility installation shall not increase or decrease the natural rate of channel migration.
  - g. Mitigation shall be provided for all unavoidable impacts.

10. Instream structures.
  - a. Instream structures and structures within the stream buffer, such as, but not limited to, high flow bypasses, sediment ponds, instream ponds, retention and detention facilities, and dams, shall not be allowed.
  - b. Instream structures and structures within the stream buffer to improve water quality and fish habitat shall be allowed in accordance with an approved critical area report.
11. 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 – Specific habitats

1. Endangered, threatened, and sensitive species
  - a. No development shall be allowed within a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, except as specifically allowed by this SMP or after conclusion of consultation with Washington State Department of Fish and Wildlife as described in F.1.b. below.
  - b. 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.
  - c. 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 (2,640 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.

2. Anadromous fish

- a. All activities, uses, and alterations proposed to be located in waterbodies used by anadromous fish or in areas that affect such waterbodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:
  - i. Activities shall be timed to occur only during the allowable work window as designated by the Department of Fish and Wildlife for the applicable species;
  - ii. An alternative alignment or location for the activity is not feasible;
  - iii. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas; and
  - iv. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.
- b. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.
- c. Fills, when authorized by the Hunts Point Shoreline Master Program, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts, and shall only be allowed for a water-dependent use and when no feasible alternative exists.

G. Designation of Habitats and Species of Local Importance

- 1. Habitats and species of local importance are those identified within the Town's Inventory of Species and Habitats of Local Significance, including but not limited

to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection.

2. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
3. The Town shall accept and consider nomination for habitat areas and species to be designated as locally important on an annual basis.
4. Habitats and species to be designated shall exhibit at least one of the criteria in Subsections 4.a through 4.c and shall meet criteria 4.d and 4.e.
  - a. Local populations of native species are in danger of extirpation based on existing trends, including:
    - i. Local populations of native species that are likely to become endangered; or
    - ii. Local populations of native species that are vulnerable or declining; or
  - b. The species or habitat has recreation, commercial, game, tribal, or other special value; or
  - c. Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat; and
  - d. Protection by other county, state, or federal policies, laws, regulations, or nonregulatory tools is not adequate to prevent degradation of the species or habitat in the Town; and
  - e. Without protection, there is a likelihood that the species or habitat will be diminished over the long term.
5. Areas nominated to protect a particular habitat or species must represent high-quality native habitat or habitat that either has a high potential to recover to a suitable condition and is of limited availability or provides landscape connectivity which contributes to the designated species or habitat's preservation.
6. Habitats and species may be nominated for designation by any resident of Hunts Point. Such nomination shall include a completed SEPA checklist and appropriate professional documentation.
7. The Shoreline Administrator shall determine whether the nomination proposal is complete, and if complete, shall evaluate it according to the characteristics

enumerated in Subsection G.4 and make a recommendation to the Planning Commission based on those findings.

9. The Planning Commission shall hold a public hearing for proposals found to be complete and make a recommendation to the Town Council based on the characteristics enumerated in Subsection G.4.
10. Following the recommendation of the Planning Commission, the Town Council may hold an additional public hearing and shall determine whether to designate a Habitat or Species of Local Importance.
11. Approved nominations will be subject to the provisions of these critical areas regulations.

## Appendix E

### Suitable Plants for Lake Washington Shoreline

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must be *natives*, preferably from Puget Sound stock (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 sitchensis*)  
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*)

#### EMERGENTS

Giant horsetail (*Equisetum telmateia*)  
Hardstem bulrush\* (*Scirpus acutus*)  
Small-fruited bulrush (*Scirpus microcarpus*)

FINAL

**SHORELINE RESTORATION PLAN**

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**for the Town of Hunts Point Shoreline  
Master Program**



Prepared for:  
Town of Hunts Point  
3000 Hunts Point Road  
Hunts Point, WA 98004-1121



AND

Town of Hunts Point

750 Sixth Street South  
Kirkland, WA 98033



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# SHORELINE RESTORATION PLAN

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## FOR TOWN OF HUNTS POINT SHORELINE MASTER PROGRAM

# 1 INTRODUCTION

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## 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))<sup>1</sup>. In addition to meeting the requirements of the Guidelines, this

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<sup>1</sup> 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.

Restoration Plan is intended to identify priority focal areas for future restoration and mitigation, support the Town's and other organizations' applications for 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 Hunts Point's shoreline environment.

## **2 SHORELINE INVENTORY AND ANALYSIS SUMMARY**

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### **2.1 Introduction**

The Town recently completed a draft comprehensive inventory and analysis of its Lake Washington shoreline (The Watershed Company and Town of Hunts 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 Hunts 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. Two wetlands were identified in the National Wetland Inventory (NWI) and the Town's wetland inventory (Town of Hunts Point GIS). Based on a review of the Town's wetland inventory along Lake Washington, shoreline associated wetlands exist within the Wetherill Nature Preserve, as well as a small area surrounded by single-family residences at the base of Cozy Cove. 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 was divided into three reaches, Reach 1, Reach 2 and Reach 3, based on ecological function, land use and residential lot size (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 Town of Hunts Point shoreline area is fully developed. The Town of Hunts Point is fully developed as a residential community. The only areas not occupied by single family residential uses are the Town Hall, the Town Park adjacent to Town Hall, and the Wetherill Nature Preserve. 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. Recent residential development trends in Hunts Point over the past decade indicate that properties are being consolidated to create larger estates. Because the town limits one residential pier per property, lot consolidation has the potential to reduce the total number and area of waterfront structures within the Town.

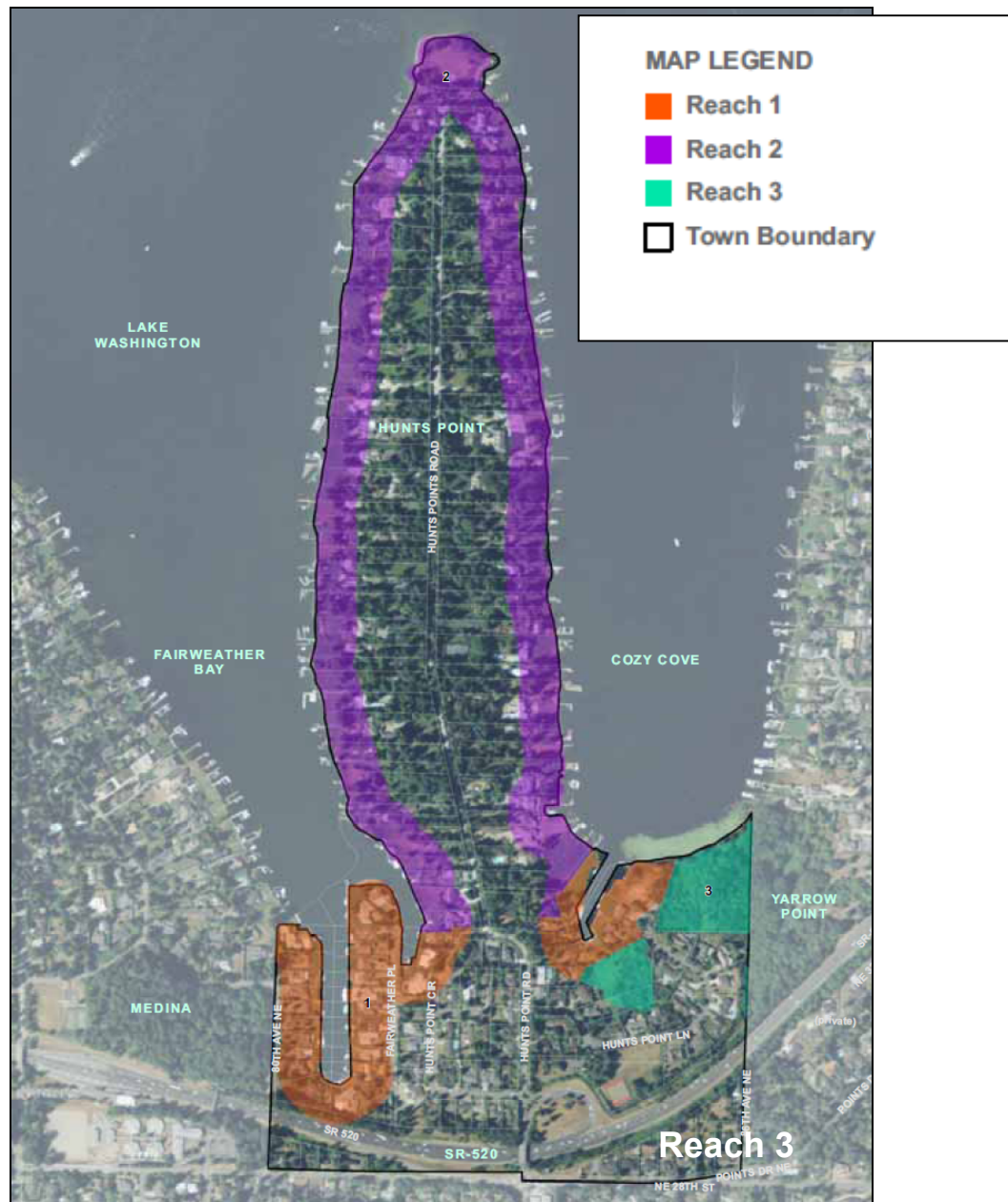


Figure 1. Hunts Point Shoreline Reaches

### 2.3.2 Biological Resources and Critical Areas

The Hunts Point shoreline in reaches 1 and 2 is generally impaired, primarily because of the extensive residential development and its associated shoreline modifications. Most residential parcels have shoreline armoring and overwater structures. Setback distances and overall vegetation coverage is higher in Reach 2 compared to Reach 1, primarily because of the larger lot sizes. Reach 3 encompasses the Wetherill Nature Preserve, which remains in a predominantly natural state, with no shoreline modifications and a well-vegetated shoreline. The Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) data depict a single wetland within shoreline jurisdiction in the

Wetherill Nature Preserve (WDFW 2010). A bald eagle shoreline nest buffer area also extends over Reach 2.

## 3 RESTORATION GOALS AND OBJECTIVES

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### 3.1 Hunts Point Shoreline Master Program Restoration Goals

Goals for restoring the Town of Hunts Point's shorelines are presented in the Conservation and Restoration Elements of the Town's 2011 Shoreline Master Program. For each goal, specific objectives were developed for the Restoration Plan. Objectives refer to specific actions, ideally measurable, that can be taken to achieve the stated goals. The following goals and 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.

**Objective C:** Encourage landowners to abstain from the use of chemical fertilizers in order to lessen the impact of runoff on Lake Washington.

### 3.2 Lake Washington Restoration Goals

In addition to goals and objectives explicitly stated in the proposed 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 5.2 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:** 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

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### 4.1 Comprehensive Plan

The Town amended its Comprehensive Plan in 2004. The Plan “seeks to protect the sylvan character of the Town through the maintenance of its capital infrastructure and preservation of its natural amenities.” The Plan references the Town’s Shoreline Master Program, Sensitive Areas Ordinance, and the Tree Preservation Code.

### 4.2 Sensitive Areas Regulations

The Town of Hunts Point conducted a Critical Areas Inventory in 1992. Wetlands were the only critical areas identified in the inventory. The Town’s sensitive area regulations (HPMC 16.15) address wetland protection in the Wetherill Nature Preserve. Under the sensitive areas regulations, development in the Preserve or development that would result in the degradation of the preserve is prohibited.



### **4.3 Stormwater Management**

Hunts Point Municipal Code (14.45.100) requires that stormwater runoff is controlled to prevent flooding, erosion, siltation or contamination on-site or to adjacent waterbodies.

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.

### **4.4 Tree Code**

The Town passed new tree regulations in 2010 (HPMC 8.25) that require individuals to obtain a permit from the town to remove any trees over 6 inches in diameter. Permits to remove trees may be issued for dead trees, hazardous trees, or when there are no reasonable options to avoid removal for development or utilities. Proposals that do not meet the above standards must apply for a variance to remove trees. The regulations further require mitigation for any trees that are removed at a ratio of 2:1, either on-site or on public property through the use of a tree mitigation fund.

### **4.5 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**

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With projected budget and staff limitations, the Town of Hunts Point is limited in implementing restoration projects or programs on its own. However, regional, local agencies and organizations are active in Hunts 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 Hunts 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 Hunts 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 include: 1) recognizing that local governments are key implementing entities for the plan, because of their responsibilities for land use, 2) directing 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) creating incentives for behavior that would support Plan goals, and 4) coordinating 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 Hunts Point (The Watershed Company and Town of Hunts Point 2011), the draft Shoreline Master Program, and this Shoreline Restoration Plan are important steps toward furthering the goals 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
<b>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.</b>
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 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.
<b>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.</b>
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 low impact development practices. Opportunities include a design competition or a 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**

Hunts Point is a member jurisdiction of the King Conservation District, which provides programs and services to landowners and residents, including natural resource education, native bare root plant sales, and technical assistance in developing land use and restoration plans to qualify for local or federal grant assistance.

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 Yarrow 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 Hunts Point and currently comes within approximately 200 feet of the Fairweather Basin. A Shoreline Conditional Use Permit was issued for construction of a state-of-the-art stormwater pond designed to improve water quality in Lake Washington by treating runoff that is currently untreated.

Outside of jurisdiction, but just upstream, WSDOT has proposed replacement of existing culvert with new, fish-passable culverts under SR 520 on Fairweather Creek, a tributary of Fairweather Bay. This project would result in minimal gains in available fish habitat (approximately 44 feet) (WSDOT 2010).

## **6 ACTIONS AND STRATEGIES TO ACHIEVE LOCAL RESTORATION GOALS**

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The discussion of restoration opportunities, mechanisms, and strategies below highlights project and programmatic measures that the Town may potentially implement as part of the proposed 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 (grated pier decking, pier size reduction, pile size and quantity

reduction, moorage cover removal), 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 that have been identified on both public and private properties, and they are described in Table 2. 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.

## 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, Capital Facilities Plan, and Six-Year Transportation Improvement Plan or future Parks Plan.

## 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.

Table 2. Project recommendations

ID	Description	Timeframe	Sponsor and Partners
1	<b>Wetherill Nature Preserve Restoration:</b> Continue annual volunteer restoration projects in Wetherill Reserve. Projects include invasive plant eradication, construction and installation of habitat boxes for bats, planting of native species, trail maintenance, and the development of educational signage.	Annually	Wetherill Nature Preserve Board, Town of Hunts Point, Town of Yarrow Point
2	<b>Stormwater Treatment and Riparian Vegetation Adjacent to SR 520:</b> Technically a mitigation project for the SR 520 expansion, this project will improve water quality in Lake Washington near Hunts Point and in the tributaries that presently receive untreated stormwater. Riparian revegetation associated with the stormwater project will also provide vegetative filtration and habitat functions.	Near-term	WSDOT

ID	Description	Timeframe	Sponsor and Partners
3	<b>Public Education and Involvement:</b> Due to the extent of residential development along the shoreline, public engagement in shoreline restoration is critical to the Town's future shoreline conditions. 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. 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 Hunts Point, WRIA 8, City of Seattle, Ecology, Puget Sound Partnership, King Conservation District
4	<b>Shoreline Riparian Restoration:</b> 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.	As funding and/or landowner interest allows	Private Landowners
5	<b>Remove or Reconfigure Shoreline Armoring:</b> 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	<b>Reduce Overwater Coverage:</b> Reduce overwater coverage 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	<b>Fish Passage Improvement on Fairweather Creek:</b> Although outside of shoreline jurisdiction, enhancement of fish passage on Fairweather Creek will expand habitat opportunities for salmonids in and around Hunts Point.	Near-term	WSDOT

## 6.5 Resource Directory

Development of a resource list would be helpful in aiding potential partners or 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. The Town should also strongly encourage the participation of citizens to build a strong sense of stewardship that develops through their investment of time, money or materials in the project. 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

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Improvement of shoreline ecological functions requires a comprehensive watershed approach that combines upland and shoreline projects and programs. 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.

The following table (Table 3) outlines a possible schedule and funding sources for implementation of a variety of efforts that could improve shoreline ecological function, and are described in previous sections of this report.

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
Hunts Point Comprehensive	Ongoing	The Town will continue to make project and

Restoration Project/Program	Schedule	Funding Source or Commitment
Plan		program reviews to determine consistency with the Comprehensive Plan.
Hunts Point Sensitive Areas Regulations	Ongoing	The Town will continue to review proposals to determine consistency and compliance with their updated Critical Areas Regulations.
SMP – overall plan effectiveness	7-year review	Hunts 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	Hunts Point General fund, grant funds, or volunteer monitoring
Stakeholder partnerships	Annual	Hunts Point General fund, grant funds, or volunteer monitoring

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 Hunts Point 2011). In the long term, the Town should be able to demonstrate a net improvement in shoreline ecosystem functions.



## 8 REFERENCES

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- City of Seattle. 2008. Green Shorelines: Bulkhead Alternatives for a Healthier Lake Washington. Seattle, WA.
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- WRIA 8 Steering Committee. 2005. Final Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan. July 2005.

## 9 LIST OF ACRONYMS AND ABBREVIATIONS

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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

**ATTACHMENT A**

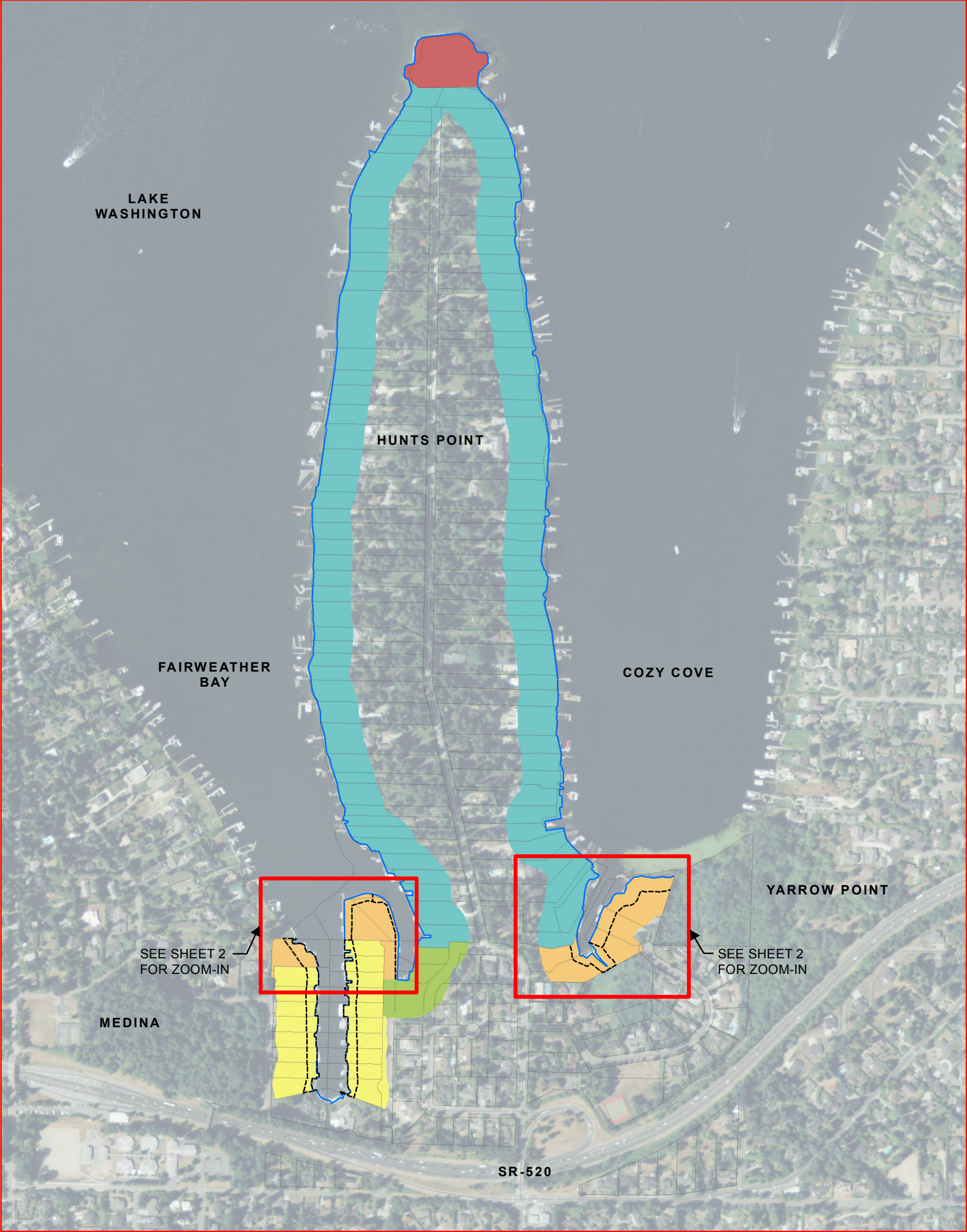
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**Town of Hunts Point letter of support  
for the WRIA 8 Chinook Salmon  
Conservation Plan**



# SHORELINE RESIDENTIAL ENVIRONMENT SETBACK

TOWN OF HUNTS POINT SHORELINE MASTER PROGRAM



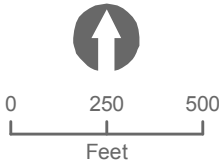
All elements depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

## MAP LEGEND SHEET 1 OF 2

Shoreline Residential Environment Setback

- Environment A: Stringline Setback
- Environment B: 50'-0" Setback from OHWM
- Environment C: 130'-0" Setback from channel centerline
- Environment D: Varies, see map and Sheet 2
- Environment E: 30'-0" Setback from OHWM

-- Setback (Environments C and D)



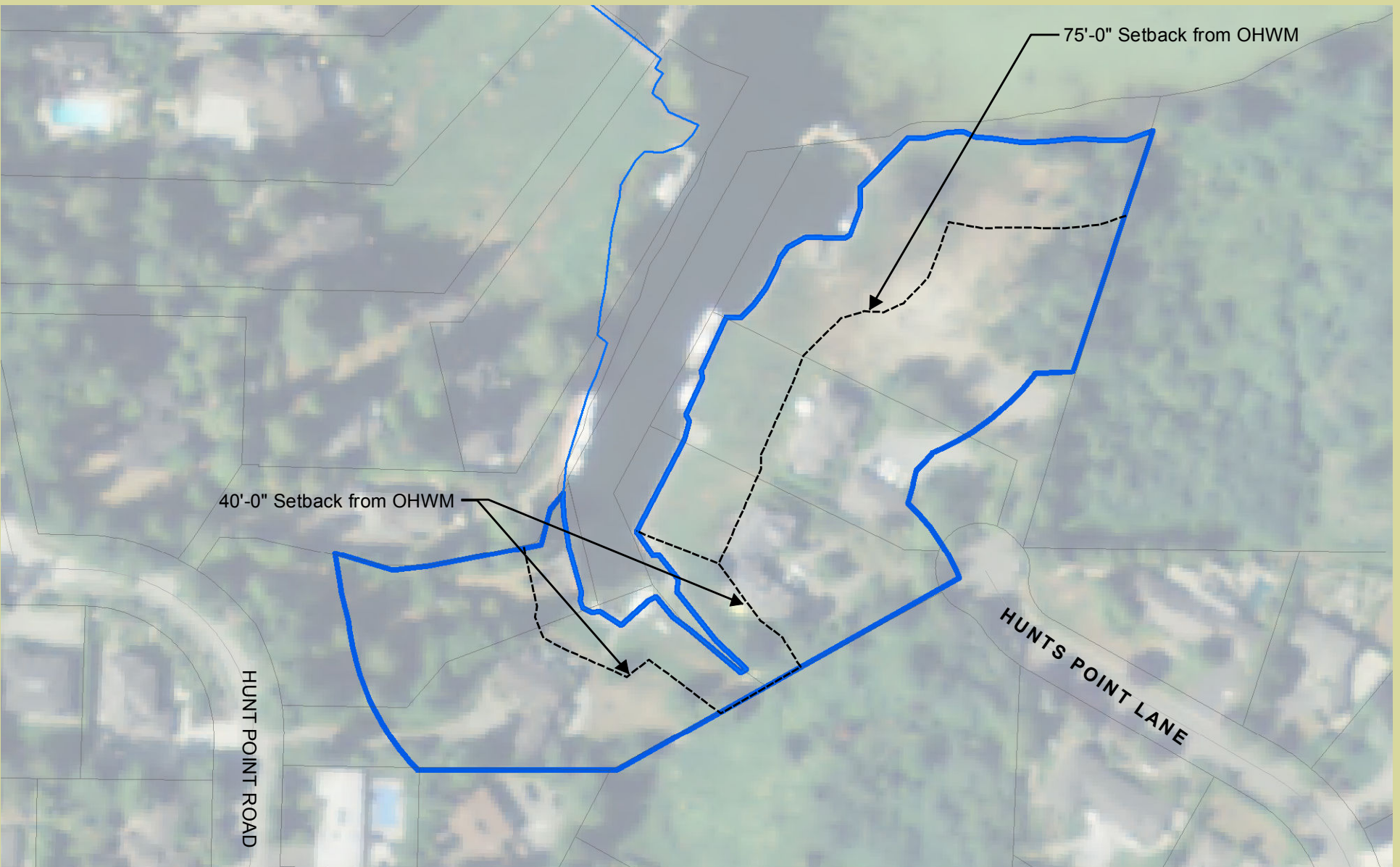
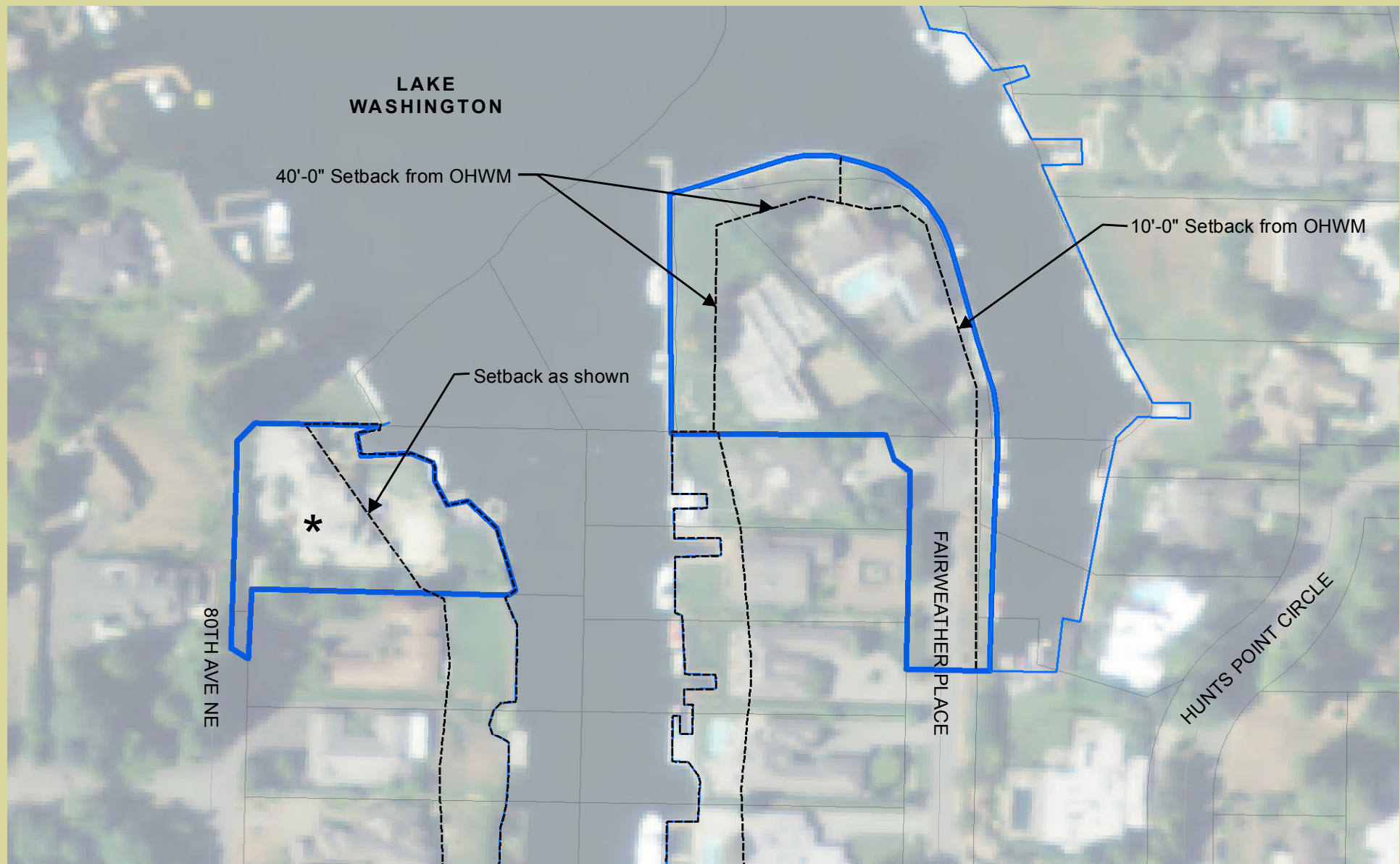
Data: King County,  
NW GEO, TWC.  
January, 2015.





# SHORELINE RESIDENTIAL ENVIRONMENT SETBACK

TOWN OF HUNTS POINT SHORELINE MASTER PROGRAM

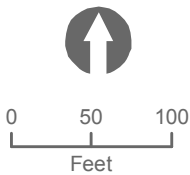


All elements depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

## MAP LEGEND SHEET 2 OF 2

Shoreline Residential Environment Setback  
Environment D: Varies, see map and Sheet 2

\* A primary dwelling shall be located no further waterward than the existing primary dwelling.



Data: King County, NW GEO, TWC, January, 2015.