

# Snohomish County

## *Shoreline Management Program:*

# **Shoreline Environment Designations, Policies and Regulations**



Snohomish County  
Planning and Development Services

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# 1. Introduction

## 1.1 *Shoreline Management Act*

Washington's Shoreline Management Act (Chapter 90.58 RCW ) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the Shoreline Management Act (SMA) is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." (RCW 90.58.020). The state conceived the concept of preferred uses in an effort to protect shoreline functions and values and foster reasonable use and economic development of shoreline areas. Towards this end, the SMA establishes a broad policy directive giving preference to shoreline uses that:

1. Protect the quality of water and the natural environment;
2. Depend on proximity to the shoreline ("water dependent uses"); and
3. Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

## 1.2 *Snohomish County's Shoreline Management Program*

The Snohomish County Shoreline Management Program is an element of Snohomish County's Growth Management Act (GMA) Comprehensive Plan. The comprehensive plan designations and implementing zoning for the unincorporated county shoreline areas form the primary basis for assigning shoreline environment designations. Shoreline conditions are also considered in this designation process. Regulations and development standards are then used to evaluate and permit appropriate proposed shoreline uses and modifications. Consistent with the SMA, counties and cities are the primary regulators within shoreline jurisdiction, but the Washington State Department of Ecology has the authority and responsibility to review and approve local programs and certain types of shoreline permits.

### 1.2.1 *Snohomish County Shoreline Jurisdiction*

In general, shoreline areas in Snohomish County that are subject to the SMA include:

1. All marine waters below the ordinary high water mark;
2. Rivers or streams with a mean annual flow greater than 20 cubic feet per second;
3. Lakes or reservoirs larger than 20 acres;
4. Shorelands that are 200 feet landward from the ordinary high water mark of these waters;
5. Floodways, the 100-year floodplain associated with shorelines of the state and the 200 feet of shorelands adjacent to such floodways and floodplain areas; and
6. Wetlands and river deltas associated with shorelines of the state.

The county may determine the portion of the 100-year floodplain to be included within shoreline jurisdiction as long as the area includes, at a minimum, the floodway and the adjacent land extending landward two hundred feet from the floodway. The county's original shoreline program established a shoreline jurisdiction along rivers and streams that generally followed the 100-year floodplains. The updated shoreline management program maintains a similar approach of containing all of the 100-year floodplains in shoreline

jurisdiction and also the floodway and the adjacent 200 feet of shorelands, whichever encompasses a greater area. The shoreline environment designation maps that are included in this document generally depict the location of the county shoreline jurisdiction; however, the determination of whether a specific site is within shoreline jurisdiction is determined on a site specific basis that considers the property's location, physical characteristics and features.

**1.2.1.1 List of Shorelines in Snohomish County**

The following list contains the water bodies that meet the criteria for shorelines of the state in RCW 90.58.030(2)(d), (e), (f) and (g). Shoreline jurisdiction also includes the shorelands, 100-year floodplains and wetlands associated with these water bodies.

**Marine Shorelines:** Water areas of the state on Puget Sound, Skagit Bay, Possession Sound, Port Gardner and Port Susan, and the estuaries of the Stillaguamish and Snohomish rivers.

**Lakes (63):**

Armstrong	Echo	Long	Spring
Bevis	Flowing	Martha (North)	Stevens
Big Greider	Frontal	Martha (South)	Stickney
Blanca (federal)	Getchell	Mud	Storm
Bosworth	Goodwin	Meadow	Sunday
Boulder	Hannan	Olson	Sunset (federal)
Bryant	Hooven Bog	Panther	Swartz
Cassidy	Howard	Purdy	Tomtitt
Chain	Hughes	Richardson	Treen
Cochran	John Sam	Riley	Twin (North)
Connor	Kellogg	Roesiger	Twin (South)
Copper	Ketchum	Round	Unnamed *
Crabapple	Ki	Rowland	Wagner
Crystal	Little	Serene	Wallace
Dagger	Little Greider	Shocraft	Woods
East Boardman	Loma	Spada	

\* (near 99<sup>th</sup> Ave NE, Marysville)

**Rivers / Streams (208):**

Stream or River	USGS 7.5 minute series map where 20cfs point is located
All Creek	Prairie Mountain
Anderson Creek	Index
Armstrong Creek	Arlington West
Ashton Creek	Fortson
Baekos Creek	Glacier Peak West
Baldy Creek	Whitehorse Mountain
Bath Creek	Dome Peak
Bear Creek	Bothell
Bear Creek	Evergreen Mountain
Bear Creek	Wallace Lake
Beaver Creek	Silverton
Beckler River	Evergreen Mountain
Bedal Creek	Sloan Peak
Bender Creek	Silverton

Stream or River	USGS 7.5 minute series map where 20cfs point is located
Black Creek	Mallardy Ridge
Black Creek	White Chuck Mountain
Blackjack Creek	Silverton
Boardman Creek	Mallardy Ridge
Boardman Creek, U T	Mallardy Ridge
Boulder Creek	Evergreen Mountain
Boulder Creek	Mount Stickney
Boulder Creek	Verlot
Boulder River	Whitehorse Mountain
Boulder River, U T	Whitehorse Mountain
Brooks Creek	Oso
Buck Creek	Bedal
Buck Creek	Huckleberry Mountain
Cadet Creek	Blanca Lake

Stream or River	USGS 7.5 minute series map where 20cfs point is located
Cadet Creek, U T	Sloan Peak
Camp Creek	Pugh Mountain
Canyon Creek	Gamma Peak
Canyon Creek	Mallardy Ridge
Canyon Creek, N F, U T	Riley Lake
Canyon Creek, U T	Riley Lake
Canyon Creek, U T	Riley Lake
Canyon Creek, U T	Riley Lake
Canyon Creek, U T	Suiattle Pass
Carpenter Creek	Lake Roesiger
Catherine Creek	Lake Stevens
Chaplain Creek	Chaplain Lake
Cherry Creek	Sultan
Chocolate Creek	Glacier Peak East
Church Creek	Conway
Circle Creek	Pugh Mountain
Downey Creek	Downey Mountain
Dubuque Creek	Snohomish
Duffey Creek	Gold Bar
Dusty Creek	Gamma Peak
Eagle Creek	Baring
Elk Basin Creek	Monte Cristo
Elliott Creek	Sloan Peak
Everett Creek	Silverton
Evergreen Creek	Captain Point
Excelsior Creek	Mount Stickney
Falls Creek, N F	Bedal
Fern Creek	Pugh Mountain
Five Creek	Lime Mountain
Fourth Of July Creek	Evergreen Mountain
Fourth Of July Creek, U T	Evergreen Mountain
Johnson Creek	Captain Point
Kelly Creek	Mount Stickney
Kennedy Creek	Lime Mountain
Lime Creek	Lime Mountain
Little Jim Creek	Riley Lake
Little Pilchuck Creek	Lake Stevens
Lost Creek	Glacier Peak West
Mallardy Creek	Mallardy Ridge
Marsh Creek	Lake Chaplain

Stream or River	USGS 7.5 minute series map where 20cfs point is located
Clear Creek	Helena Ridge
Coal Creek	Silverton
Copper Creek	Whitehorse Mountain
Cranberry Creek	Verlot
Crystal Creek	Pugh Mountain
Cub Creek	Riley Lake
Dan Creek	White Chuck Mountain
Daniels Creek	Maltby
Decline Creek	White Chuck Mountain
Deer Creek	Index
Deer Creek	Silverton
Deer Creek	Oso
Dick Creek	Wallace Lake
Dicks Creek	Mount Higgins
Dolly Creek	Gamma Peak
Dome Creek	Dome Peak
French Creek	Meadow Mountain
French Creek	Snohomish
French Creek, U T	Maltby
Gamma Creek	Gamma Peak
Gerkman Creek	Whitehorse Mountain
Glacier Creek	Blanca Lake
Goblin Creek	Blanca Lake
Goblin Creek, UT	Blanca Lake
Goodman Creek	Helena Ridge
Gordon Creek	Mallardy Ridge
Grant Creek *	Stimson Hill
Hannon Creek	Monroe
Helena Creek	Helena Ridge
Howard Creek	Baring
Jim Creek	Meadow Mountain
Marten Creek	Silverton
May Creek	Index
Mccoy Creek	Sultan
Meadow Creek	Captain Point
Meadow Creek	Meadow Mountain
Meadow Creek	Pugh Mountain
Milk Creek	Lime Mountain
Milk Creek, E F	Lime Mountain
Miners Creek	Suiattle Pass

Stream or River	USGS 7.5 minute series map where 20cfs point is located
Montague Creek	Mount Higgins
Murphy Creek	Helena Ridge
North Creek	Bothell
Olney Creek	Wallace Lake
Owl Creek	Pugh Mountain
Palmer Creek	Bedal
Proctor Creek	Gold Bar
Proctor Creek, U T	Gold Bar
Pugh Creek	Pugh Mountain
Pumice Creek	Lime Mountain
Quartz Creek	Blanca Lake
Quilceda Creek, M F	Marysville
Quilceda Creek, W F	Marysville
Rapid River	Labyrinth Mountain
Rapid River, N F	Captain Point
Rapid River, U T	Captain Point
Rapid River, U T	Captain Point
Rapid River, U T	Captain Point
Rapid River, U T	Captain Point
Red Creek	Glacier Peak West
Rollins Creek	Mount Higgins
Skykomish River, N F, U T	Bench Mark Mountain
Skykomish River, N F, U T	Bench Mark Mountain
Sloan Creek	Bench Mark Mountain
Sloan Creek	Sloan Peak
Sloan Creek, U T	Bench Mark Mountain
Small Creek	Suiattle Pass
Snohomish River	(entire length in county)
Snoqualmie River	(entire length in county)
Spire Creek	Dome Peak
Squire Creek	Whitehorse Mountain
Stillaguamish River	(entire length in county)
Stillaguamish River, N F	Fortson
Stillaguamish River, N F	Mount Higgins
Stillaguamish River, S F	Bedal
Stillaguamish River, S F	Verlot
Troublesome Creek	Blanca Lake
Troublesome Creek, U T	Blanca Lake

Stream or River	USGS 7.5 minute series map where 20cfs point is located
Pass Creek	Bench Mark Mountain
Pearsall Creek	Bedal
Perry Creek	Bedal
Pilchuck Creek	McMurray
Pilchuck River	Wallace Lake
Portage Creek	Arlington West
Saddle Creek	Meadow Mountain
Salmon Creek	Monte Cristo
Salmon Creek, S F	Monte Cristo
San Juan Creek	Evergreen Mountain
Sauk River	Bedal
Sauk River, N F	Glacier Peak West
Sauk River, S F	Monte Cristo
Segelsen Creek	Fortson
Seventysix Gulch	Monte Cristo
Silver Creek	Monte Cristo
Silver Creek, U T	Monte Cristo
Skykomish River, N F	Bench Mark Mountain
Skykomish River, N F	Monte Cristo
Skykomish River, N F, U T	Bench Mark Mountain
Skykomish River, N F, U T	Bench Mark Mountain
Stillaguamish River, S F, U T	Bedal
Stillaguamish River, U T	Silverton
Stony Creek	Silverton
Straight Creek	White Chuck Mountain
Suiattle River	Glacier Peak East
Suiattle River	Downey Mountain
Suiattle River, U T	Glacier Peak East
Suiattle River, U T	Glacier Peak East
Sulpher Creek	Dome Peak
Sulpher Creek, U T	Dome Peak
Sultan River	Monte Cristo
Sultan River, S F, M F	Mount Stickney
Sultan River, S F, N F	Mount Stickney
Swamp Creek	Edmonds East
Triad Creek	Suiattle Pass
West Cady Creek, U T	Blanca Lake
Troublesome Creek, W F	Monte Cristo

Stream or River	USGS 7.5 minute series map where 20cfs point is located
Troublesome Creek, U T	Blanca Lake
Trout Creek, S F	Baring
Trout Creek, U T	Baring
Tulalip Creek	Tulalip
Vesper Creek	Mount Stickney
Vista Creek	Gamma Peak
Wallace River	Mount Stickney
Wallace River, N F	Wallace Lake
Weden Creek	Monte Cristo
West Cady Creek	Bench Mark Mountain
West Cady Creek, U T	Bench Mark Mountain
West Cady Creek, U T	Blanca Lake

Stream or River	USGS 7.5 minute series map where 20cfs point is located
Trout Creek	Baring
West Cady Creek, U T	Captain Point
White Chuck River	Glacier Peak West
White Chuck River, U T	Glacier Peak West
White Chuck River, U T	Glacier Peak West
Wiley Creek	Mallardy Ridge
Williamson Creek	Silverton
Williamson Creek, U T	Silverton
Wilson Creek	Mallardy Ridge
Woods Creek	Lake Roesiger
Worthy Creek	Verlot
Youngs Creek	Gold Bar

NF = North Fork                      WF = West Fork  
SF = South Fork                      EF = East Fork  
MF = Middle Fork                      UT = unnamed tributary

NOTE: Rivers included as shorelines of the state have been identified by USGS and Washington State Department of Ecology flow modeling. Statewide stream lists and the stream flow model used to locate the 20 cfs point are described on DOE’s web site. Stream list can be found here (near the bottom of the web page):

[http://www.ecy.wa.gov/programs/sea/sma/st\\_guide/jurisdiction/rivers.html](http://www.ecy.wa.gov/programs/sea/sma/st_guide/jurisdiction/rivers.html)

Methodology for identifying shoreline streams in Western Washington (also near the bottom of the page):

[http://www.ecy.wa.gov/programs/sea/sma/st\\_guide/jurisdiction/USGS\\_studies.html](http://www.ecy.wa.gov/programs/sea/sma/st_guide/jurisdiction/USGS_studies.html)

### 1.2.2 Shorelines of Statewide Significance

Certain shoreline areas have been given a special status because these shorelines are major resources from which all people in the state derive benefit. These areas are called shorelines of statewide significance. In Snohomish County, shorelines of statewide significance include:

- All salt water areas of Puget Sound including bays, harbors, inlets and estuaries are the associated shorelands, including Puget Sound, Possession Sound, Port Gardner, Port Susan, Skagit Bay, Stillaguamish River Estuary and the Snohomish River Estuary;
- Lakes with surface area of 1,000 acres or larger; and
- Rivers downstream from the point where the mean annual flow rate is 1,000 cubic feet per second.

## **Shorelines of Statewide Significance**

### **Marine Shorelines:**

Skagit Bay\*  
Stillaguamish River Estuary  
Snohomish River Estuary  
Puget Sound\*  
Possession Sound\*  
Port Gardner\*  
Port Susan\*

### **Lakes:**

Lake Stevens  
Spada Lake

### **Rivers:**

Sauk  
Skykomish  
Snohomish  
Snoqualmie  
Stillaguamish

\* Waterward from the line of extreme low tide.

### **1.2.2.1 Management Principles and Development Guidelines**

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, Snohomish County's Master Program must give preference to uses which favor public and long-range goals.

Accordingly, the Act has established that Snohomish County's Master Program shall give preference to uses which meet the principles outlined below in order of preference. Guidelines for ensuring that these principles are incorporated into the Master Program and adhered to in implementing the Act follow each principle.

#### **1. Recognize and Protect the State-Wide Interest Over Local Interest Development Guidelines:**

##### **Development Guidelines:**

- a) Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the Master Program, Master Program amendments and requests for substantial development permits on shorelines of state-wide significance to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials, and state-wide interest groups.
- b) Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations.
- c) Solicit comments, opinions and advice from individuals with expertise in ecology, oceanography, geology, limnology, aquaculture and other scientific fields pertinent to shoreline management.

#### **2. Preserve the Natural Character of the Shoreline**

##### **Development Guidelines:**

- a) Designate and administer shoreline planning environments and use regulations to minimize man-made intrusions on shorelines.
- b) Upgrade and redevelop those areas where intensive development already exists, in order to reduce their adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.

c) Ensure that where commercial timber cutting is allowed, as provided in RCW 90.58.150, reforestation will be possible and accomplished as soon as practicable.

### **3. Result in Long-Term Over Short-Term Benefit**

#### **Development Guidelines:**

- a) Preserve the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of state-wide significance, should be severely limited.
- b) Evaluate the short-term economic gain or convenience of developments in relationship to long-term and potentially costly impairments to the natural environment.
- c) Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or for the general enhancement of shoreline areas.

### **4. Protect the Resources and Ecology of the Shorelines**

#### **Development Guidelines:**

- a) Leave undeveloped those areas which contain a unique or fragile resource. b) Prevent erosion and sedimentation that would alter the natural function of the water system. In areas where erosion and sediment control practices will not be effective, excavations or other activities which increase erosion are to be severely limited.
- c) Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.

### **5. Increase Public Access to Publicly Owned Areas of the Shorelines**

#### **Development Guidelines:**

- a) Give priority to developing paths and trails to shoreline areas, linear access along the shorelines and to developing upland parking.
- b) Locate development inland from the ordinary high water mark so that access is enhanced.

### **6. Increase Recreational Opportunities for the Public on the Shorelines**

#### **Development Guidelines:**

- a) Plan for and encourage development of facilities for recreational use of the shorelines.
- b) Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for non-motorized access to the shorelines.

## **1.2.3 Components of Snohomish County's SMP**

The Snohomish County Shoreline Management Program (SMP) consists of three major components and several related supporting documents. The official SMP consists of the following documents:

- 1) a document titled Shoreline Management Program: Environment Designations, Policies and Regulations;
- 2) a series of 47 maps indexed by township and range and originally compiled at a scale of 1:24,000 that comprise the official delineation of the county's shoreline jurisdiction and assignment of shoreline environment designations; and

3) shoreline administrative provisions contained in the Snohomish County Code chapter 30.44 SCC and substantive regulations contained in chapter 30.67 SCC.

The Snohomish County Shoreline Management Program (SMP) updates the original Snohomish County Shoreline Management Master Program that was adopted in 1974 and has been revised several times with the most recent revision in 1993. The updated Shoreline Management Program contains shoreline environment designation criteria, management policies, and reference maps; shoreline general goals, policies and regulations; specific shoreline use and modification policies and regulations consistent with the intent and ecological conditions in each shoreline environment (chapter 30.67 SCC); and a glossary of terms. The Shoreline Management Program also includes a series of 47 detailed maps indexed by township and range. And finally, the processes and procedures for application and review of shoreline permits are contained in chapter 30.44 SCC. Together these three components meet the goals, intent and requirements of the Shoreline Management Act and the state Department of Ecology guidelines for preparing shoreline master programs.

This document contains references to chapters 30.44 and 30.67 SCC, which comprise a component of the SMP. This document also includes the complete text of chapters 30.44 and 30.67 SCC as Appendices E and F. However, the reader always should ensure that he or she is relying on the most current version of chapters 30.44 and 30.67 SCC by contacting the Snohomish County Department of Planning and Development Services (PDS) or the Office of the Code Reviser, or by reviewing the on-line version of the SCC at [www.snoco.org](http://www.snoco.org). In the event inconsistencies exist between the summary of the SCC provisions contained in this document and the actual SCC provisions, the actual provisions control.

Table 1 shows where each of the SMA-required components can be found in the county's SMP.

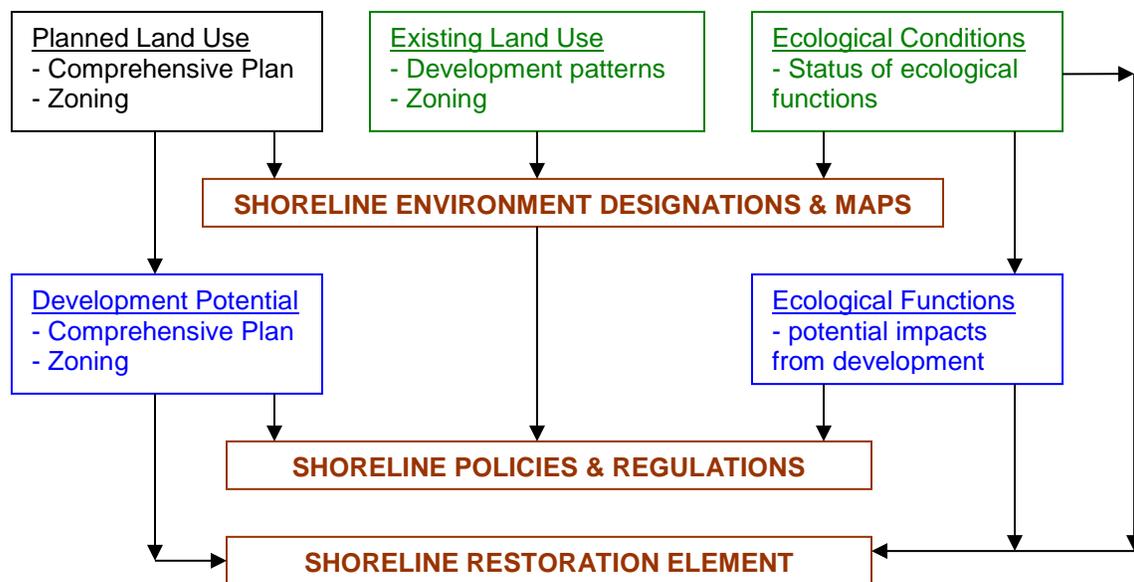
In addition to the SMP documents there are several supporting documents:

- *Summary of Shoreline Ecological Functions and Conditions in Snohomish County*
- *Cumulative Impact Analysis*
- *Draft Environmental Impact Statement of the Proposed Shoreline Management Program*
- *Lake Designation Project: Shoreline Environment Designation Recommendations*
- *Shoreline Restoration Element*
- *Revised Summary of Best Available Science for Critical Areas, March, 2006.*
- *Critical Area Monitoring and Adaptive Management Program*

Figure 1 illustrates how the components of these supporting documents have contributed to the required elements of the county's SMP. The *Summary of Shoreline Ecological Functions and Conditions in Snohomish County* looks at the existing characteristics of the county's shorelines. These existing characteristics are a function of the existing land use and development patterns and the present ecological conditions (shown in green in Figure 1). The *Cumulative Impact Analysis* examines the development potential within shoreline jurisdiction and the possible impacts this development may have on ecological functions (shown in blue in Figure 1). These two documents provide supporting data for the designation of shoreline environments, the shoreline policies and regulations and the required restoration element as illustrated in Figure 1 below.

**Table 1. The Components of the SMP**

SMP Components
<p><b><u>Shoreline Management Program: Environment Designations, Policies and Regulations</u></b></p> <ul style="list-style-type: none"> <li>- Shoreline environment designation criteria and management policies</li> <li>- Policies guiding shoreline uses and modifications</li> </ul> <p><b><u>Series of Shoreline Designation Maps</u></b></p> <ul style="list-style-type: none"> <li>- Approximation of shoreline jurisdiction and shoreline environment designations</li> </ul> <p><b><u>Shoreline Regulations:</u></b></p> <ul style="list-style-type: none"> <li>- Chapter 30.44 SCC Shoreline Permits (Appendix E) <ul style="list-style-type: none"> <li>Permit requirements, processes and review criteria</li> </ul> </li> <li>- Chapter 30.67 SCC Shoreline Management Program (Appendix F) <ul style="list-style-type: none"> <li>Development standards: <ul style="list-style-type: none"> <li>- Types of shoreline uses permitted, conditionally permitted, and prohibited by shoreline environment</li> <li>- Bulk regulations</li> <li>- Development standards for specific uses and modifications within each shoreline environment designation</li> </ul> </li> </ul> </li> </ul>



**KEY:**

- Land use planning components
- Shoreline inventory and characterization components
- Cumulative impact analysis components
- Shoreline Management Program components

**Figure 1. Contribution of Supporting Documents to the SMP**

## 1.2.4 **SMP Elements**

The elements of the SMP are those required by RCW 90.58.100(2). The county's SMP is required to address several elements either as discrete sections within the plan or by integrating them throughout the master program provisions. The following elements identified in RCW 90.58.100(2) have been integrated into the SMP pursuant to WAC 173-26-191(1)(b) as follows:

- Economic element (See 3.2.3 – Shoreline Use Element; 3.2.5.1 - Agriculture; 3.2.5.2 – Aquaculture; 3.2.5.5 – Commercial; 3.2.5.9 – Forestry; 3.2.5.10 – Industry and Ports; 3.5.2.12 – Mining; and 3.2.5.13 – Recreation)
- Public access element (See 3.2.4 – Public Access Element; 3.2.5.5 – Commercial; 3.2.5.10 – Industry and Ports; and 3.2.5.13 – Recreation; 3.2.5.14 - Residential)
- Recreation element (See 3.2.5.13 – Recreation)
- Circulation element (See 3.2.5.17 – Transportation, Circulation and Parking; 3.2.5.18 – Utilities)
- Land use element (See 3.2.3 – Shoreline Use Element; 3.2.5 – Specific Uses and Modifications including subsections 1 through 19)
- Restoration element (See 3.2.5.16 – Shoreline Habitat Restoration and Enhancement; see also the supporting document, *Shoreline Restoration Element*)
- Flood damage prevention element (See 3.2.5.9 – Flood Protection Measures)
- Conservation element (See 1.2.4.1 – Conservation and Monitoring Element)
- Cultural resources element (See 1.2.4.2 – Cultural, Archaeological and Historic Element)

### 1.2.4.1 **Conservation and Monitoring Element**

The conservation element provides an overarching framework to implement the county's multifaceted approach to environmental protection as adopted in the comprehensive plan. The multifaceted approach includes interjurisdictional cooperation and planning; regulatory and non-regulatory programs including education and incentives; restoration and enhancement programs; and ecological monitoring.

The conservation element considers the preservation of natural resources and ecological functions, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.

#### **Goals:**

1. Preserve and protect shoreline natural resources.
2. Preserve and protect ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.
3. Preserve and protect the ecological functions and values of the county's shoreline areas to ensure no net loss.
4. Preserve and protect water quality.

5. Preserve and protect priority habitat and species in shoreline areas.

***Policies:***

1. Protect priority habitat and species in shoreline areas.
2. Minimize the destruction of native vegetation and preserve tree cover in riparian areas by establishing vegetation conservation standards.
3. New development should be located and designed to avoid impacts to shoreline natural resources and the functions provided by these resources. Where avoidance is not a feasible alternative, require that adverse impacts be mitigated to achieve no net loss of shoreline ecological functions.
4. Shoreline development projects should follow best management practices that protect water quality.
5. Protect natural floodplain processes where feasible.
6. Protect wild salmon run viability by managing stormwater to maintain or reduce peak flows and effectively filter out contaminants before flowing into streams, rivers and the Puget Sound.
7. Protect the scenic and aesthetic qualities of shorelines and vistas where feasible.
8. Shoreline uses, development patterns, and the shoreline restoration element should be consistent with and support the county's commitments to conservation and restoration efforts conducted pursuant to salmon recovery plans and programs.
9. Regularly inventory and monitor shoreline conditions and habitat improvements to provide information which can be used to evaluate the cumulative effects of shoreline development. Where feasible, coordinate with other agencies' monitoring and data gathering activities.
10. Control invasive or noxious plants and animals as defined by the Snohomish County Noxious Weed Control Board and the Washington Department of Fish and Wildlife.
11. Monitor the effectiveness of shoreline plans and regulations in protecting, preserving, and restoring the shoreline environment.
12. Encourage continuing biological, geological, ecological, and economic studies of shoreline systems, which will provide a regularly updated database.
13. To the extent feasible, protect the ecological functions of riparian, aquatic and terrestrial wildlife habitats.
14. To the extent feasible, protect areas with valuable geological, biological and/or historic significance.
15. Support and develop programs to educate private property owners about the importance of maintaining a natural shoreline environment.
16. Promote the use of soft shore stabilization and discourage hard shore solutions when shoreline stabilization is necessary to address erosion problems.
17. The county shall, where possible, provide incentives for protection of critical areas such as designating lands, permanent open space, conservation easements, donations to land trusts or similar organizations, and open space tax incentives.

18. The county should develop acquisition and conservation easement programs directed at lands that have unique ecological values or cannot be protected by any other method.
19. The county shall promote innovative land use techniques, where appropriate, such as transfer and purchase of development rights and other incentives or voluntary practices.
20. Some areas with low flow conditions have been worsened from increasing development by affecting ground and surface water. The county should use incentive programs, such as selling, leasing, or transferring ground and surface water rights.

#### **1.2.4.2 Cultural, Archaeological and Historic Element**

The cultural resources element includes historic, cultural, archaeological, scientific, and educational elements for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values.

##### **Goals**

1. Identify, protect and preserve areas within the shorelines of Snohomish County which have significant historical, cultural, education or scientific values.
2. Encourage restoration and enhancement of cultural resources in shoreline areas.

##### **Policies**

1. Preserve and protect to the maximum extent all shoreline area sites, buildings, structures and objects which have been placed on the national or state historical register.
2. Prevent the destruction of or damage to any site having historic, cultural, scientific or educational value as identified by Snohomish County's historic resource inventory and/or the list of registered archaeological sites maintained by the Washington State Office of Archaeology and Historic Preservation, and tribally identified sites.
3. Follow an established procedure of notification and consultation of the applicable Native American tribe when an archeological site or burial ground is discovered, regardless of whether the site has been previously recorded.
4. Ensure conservation of significant archeological and historical amenities in shoreline areas for the education of future generations.
5. Coordinate with affected tribes to protect Native American artifacts and sites of significance, and other archeological and cultural resources.

##### **Regulations**

SCC 30.67.340

### **1.2.5 SMP Updates and Amendments**

The SMP may be amended when new information is obtained, local circumstances change, or shoreline management approaches are improved. How to process a proposed amendment will depend on the particular aspect of the program that is to be amended. For example, if the proposed change would modify the shoreline development regulations in the Snohomish County Code, the county must follow the procedures in chapter 30.73 SCC for Type 3 Decisions - Legislative. Amendments to other components of the SMP will be processed in accordance with the annual docketing procedures outlined in chapter 30.74 SCC. Updates to the overall program will occur periodically as specified in state law.

Compliance with these amendment processes will allow for public notice and hearing, review and recommendation by county staff and the Planning Commission with formal adoption by the county council. After local adoption, all amendments to the SMP must be approved by the Washington State Department of Ecology before they become effective.

The process requirements for amending the SMP are contained in SCC 30.67.110.

## 2. Designation of Shoreline Environments

### 2.1 Shoreline Environment Designation Process

The shoreline guidelines, WAC 173-26-211(4)(a), require that the general environment designation provisions include: 1) a purpose statement describing the shoreline management objectives of the designation in a manner that distinguishes it from other designations; 2) clearly stated criteria providing the basis for classifying or reclassifying a specific shoreline area with an environment designation; and 3) management policies in sufficient detail to assist in the interpretation of the environment designation regulations and, for jurisdictions planning under chapter 36.70A RCW, to evaluate consistency with the local comprehensive plan.

The proposed Shoreline Management Program contains seven shoreline environment designation categories, each based on the existing land use pattern, the biological and physical character of the shorelines and the aspirations of the community as expressed through the county's comprehensive plan. The county conducted an extensive analysis of the ecological functions and conditions of the county's shorelines. Criteria addressing ecological conditions, land use patterns and comprehensive plan designations were applied to define and map the following seven shoreline environment designations: *Aquatic, Natural, Resource, Municipal Watershed Utility, Rural Conservancy, Urban Conservancy, and Urban*.

The ecological functions and conditions were assessed in the *Summary of Shoreline Ecological Functions and Conditions in Snohomish County, February 2006*. Current ecological functions and conditions are directly influenced by existing land uses which are in turn determined by comprehensive plan designation and zoning. The land use portion of the analysis is based on comprehensive plan designation, zoning and actual development patterns.

Figure 2 illustrates how the ecological conditions and land use factors interact. The comprehensive plan, including the shoreline goals and policies, influences the zoning which in turn drives the existing land use patterns and intensity. The land use types and densities affect the existing ecological functions and conditions which in turn influence the shoreline designations. The shoreline designations then become part of the SMP and as such are incorporated into the comprehensive plan.



**Figure 2. Interaction Between Ecological Conditions and Land Use Factors**

## 2.1.1 *Inventory of Ecological Functions and Conditions*

The environment designations were assigned to shoreline areas in accordance with the County’s inventory of current shoreline ecological functions and conditions. The inventory assessed a wide range of data representing ecological indicators to determine the health, or natural functions, present in shoreline areas. Thresholds were established to assign a functional level for each segment of shoreline: healthy versus impaired or missing. This inventory is key to assigning the appropriate shoreline designation and to designing a shoreline restoration element. Areas where ecological functions are “healthy” were considered for a *natural* or *urban conservancy* designation with the focus on protection rather than restoration. Areas where functions were impaired or missing were considered for a more intensive designation assignment with a focus on restoration in addition to protection.

Table 2 below provides a summary of the indicators and thresholds used to assess shoreline ecological function. The full results of the inventory can be reviewed in the *Summary of Shoreline Ecological Functions and Conditions in Snohomish County, February 2006*.

**Table 2. Indicators and Thresholds of Shoreline Ecological Functions**

<b>Indicators and Thresholds of Shoreline Ecological Functions</b>			
<b>Function Indicator</b>	<b>Data Indicator and Threshold Levels</b>		
	<b>Healthy</b>	<b>Impaired</b>	<b>Missing</b>
Basin aquatic health, hydrologic regimes	TIA <sup>1</sup> < 7%; road density < 2 mi./sq.mi.; total forest cover > 65%; OR rated as “healthy” or “intact” in other published research	TIA 7-12%; road density 2-3 mi./sq.mi.; total forest cover 25-65%; OR rated as “fair” or “moderately impaired” in other published research	TIA > 12%; road density > 3 mi./sq.mi.; total forest cover < 25%; OR rated as “poor” or “degraded” in other published research
Sedimentation processes	River bank armoring < 10%; OR rated “good” or “intact” in other published research	River bank armoring 10-20%; OR rated as “fair” or “moderately degraded” in other published research	River bank armoring > 20%; OR rated as “poor” or “degraded” in other published research
	Marine shoreline armoring < 20%; feeder bluff armoring < 25%	Marine shoreline armoring 20-50%; feeder bluff armoring 25-50%	Marine shoreline armoring > 50%; feeder bluff armoring > 50%
Water quality	No CWA <sup>2</sup> 303(d) listing	One CWA 303(d) listing	Two or more CWA 303(d) listing
	State of the Lakes report rates as “healthy”	State of the Lakes report rates as “at risk”	State of the Lakes report rates as “impaired”
Flood storage	Control structures do not affect channel migration and river is connected to floodplain; OR rated as “good” or “intact” in other published research	Control structures along one bank limit channel migration and river is disconnected from floodplain; OR rated as “fair” or “moderately degraded” in other published research	Control structures or non-erodible geology along both banks limit channel migration and river is disconnected from floodplain; OR rated as “poor” or “degraded” in other published research

Hydrologic connectivity	Land use or modifications (culverts, bridges, armoring) have not affected hydrologic connectivity or sediment processes	Land use or modifications (culverts, bridges, armoring) have altered hydrologic connectivity or sediment processes	Land use or modifications (culverts, bridges, armoring) have severely altered hydrologic or disrupted connectivity or sediment processes
Presence/quality of adjacent wetlands	Exist and appear to have intact native vegetation	Exist but cleared of native vegetation	Filled or drained, disconnected from waterbody by armoring, otherwise modified from natural conditions
Shoreline vegetation	Continuous corridor of vegetation; OR rated as "good" or "intact" in other published research	Patchy vegetation; OR rated as "fair" or "moderately degraded" in other published research	Cleared of vegetation; OR rated as "poor" or "degraded" in other published research
	Tree and shrub cover > 70%	Tree and shrub cover 30-70%	Tree and shrub cover < 30%
Large woody debris (LWD)	> 50 pieces/km; OR rated as "good" or "intact" in other published research	Rated as "fair", "moderately degraded", or "at risk" in other published research	< 50 pieces/km; OR rated as "poor" or "degraded" in other published research
	On Lakes: LWD present and provides good habitat	On Lakes: some LWD present	On Lakes: little or no LWD present
Pools	Rated as "good", "intact" or "properly functioning" in other published research	Rated as "fair", "moderately degraded", or "at risk" in other published research	Rated as "poor" or "degraded" in other published research
Dock density	< 3 docks / 1,000 ft.	3-8 docks / 1,000 ft.	> 8 docks / 1,000 ft.
<sup>1</sup> TIA = Total impervious area <sup>2</sup> CWA = Clean Water Act			

### 2.1.1.1 **Restoration of Shoreline Ecological Functions**

The shoreline inventory identifies shoreline segments where the ecological functions are either "healthy", "impaired" or "missing". Locations where ecological functions are "impaired" or "missing" have been identified for potential restoration projects. The county has prepared a separate document, "*Shoreline Restoration Element*", which provides a nexus between the inventory, capital improvement projects and programs and restoration planning. The *Shoreline Restoration Element*:

- implements the SMP restoration policies (see section 3.2.5.16);
- establishes local restoration goals and priorities;
- identifies existing restoration projects and programs along shorelines with impaired or missing ecological functions as identified in the shoreline inventory; and
- suggests additional projects and programs needed to achieve local restoration goals.

### 2.1.2 **Land Use Patterns**

In addition to the health of the ecological functions, current and planned land use and development density/intensity were also considered in the assignment of shoreline designation. Because of the relationship between existing ecological functions and land use patterns, it is clear that each shoreline environment has a unique character in terms of land

use. Table 3 illustrates the land use character of each shoreline environment designation by looking at the various zoning classifications that make up each designated environment.

The *Urban* environment is predominantly made up of resource (agriculture only in this case), urban industrial, and high-density residential (89.59%). The *Urban Conservancy* environment is predominantly rural commercial, resource (agriculture only), and high-density residential (94.27%). *Rural Conservancy* is made up of rural commercial, low-density residential and resource (agriculture and forestry) (99.46%). The *Resource* environment is made up of resource zoning (99.78%), predominantly agricultural lands (90%). *Municipal Watershed Utility* includes Spada Lake and the surrounding shoreline area which is zoned entirely as forest. The *Natural* environment consists entirely of rural commercial (an obsolete zoning class, RD, out in the Darrington area along the Sauk River), low-density residential and resource (agriculture and forest). The *Aquatic* environment contains the full range of zoning classifications as this designation is coincident with each of the others.

**Table 3. Land Use Type and Intensity in each Shoreline Environment Designation**

<b>Land Use Type and Intensity in each Shoreline Environment Designation As illustrated by Environment-Specific Zoning Classifications</b>							
<b>Zone</b>	<b>Urban</b>	<b>Urban Conservancy</b>	<b>Rural Conservancy</b>	<b>Resource</b>	<b>Municipal Watershed Utility</b>	<b>Natural</b>	<b>Aquatic</b>
Rural Industrial (RI, RU)	0 ac. (0.0%)	0 ac. (0.0%)	41.27 ac. (0.29%)	2.76 ac. (0.01%)	0 (0.00%)	0 (0.00%)	5.54 ac. (0.04%)
Rural Commercial (RB, RD, RFS)	18.29 ac. (1.82%)	<b>64.49 ac. (39.97%)</b>	<b>1915.54 ac. (14.45%)</b>	14.45 ac. (0.03%)	0 (0.00%)	<b>585.69 ac. (10.37%)</b>	<b>462.71 ac. (3.28%)</b>
Residential Low-density (SA-1, RC, R-5)	69.10 ac. (6.86%)	56.23 ac. (34.85%)	<b>8805.47 ac. (62.07%)</b>	156.17 ac. (0.31%)	0 (0.00%)	<b>474.04 ac. (8.39%)</b>	<b>3485.15 ac. (24.69%)</b>
Resource (A-10, F, F&R, MC, RRT)	<b>121.86 ac. (12.10%)</b>	<b>13.80 ac. (8.55%)</b>	<b>3338.62 ac. (23.53%)</b>	<b>49851.54 ac. (99.53%)</b>	<b>2305.43 ac. (100.0%)</b>	<b>4586.84 ac. (81.21%)</b>	<b>7883.66 ac. (55.85%)</b>
Urban Industrial (BP, HI, IP, LI)	<b>376.01 ac. (37.34%)</b>	7.80 ac. (4.84%)	0.42 ac. (0.00%)	2.63 ac. (0.01%)	0 (0.00%)	0 (0.00%)	729.86 ac. (5.17%)
Urban Commercial (CB, GC, PCB)	21.91 ac. (2.18%)	0 (0.00%)	22.97 ac. (0.16%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	16.90 ac. (0.12%)
Residential High-density (LDMR, MR, T, WFB, PRD-8.4, PRD-9.6, R-12.5, R-9.6, R-8.4, R-7.2)	<b>348.55 ac. (34.62%)</b>	<b>18.99 ac. (11.77%)</b>	1.55 ac. (0.01%)	11.11 ac. (0.02%)	0 (0.00%)	1.58 ac. (0.03%)	157.97 ac. (1.12%)
Residential Mod-density (PRD-20.0, R-20.0)	48.39 ac. (4.81%)	0 (0.00%)	0.04 ac. (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	1.16 ac. (0.01%)
<b>Total</b>	1004.11 ac. (100.0%)	161.32 ac. (100.0%)	14125.88 ac. (100.0%)	50038.66 ac. (100.0%)	2305.43 ac. (100.0%)	5648.16 ac. (100.0%)	12742.94 ac. (100.0%)
<b>Environment as % of total</b>	1.17%	0.19%	16.42%	58.17%	2.68%	6.57%	14.81%

## **2.2 Environment-Specific Policies & Designation Criteria**

The county used a Geographic Information System (GIS) to assign the designations and create shoreline maps. The initial GIS assignments to the shoreline environments were followed by a case-by-case assessment of the ecological conditions of each shoreline segment. The criteria used to assign the shoreline designations are consistent with the provisions in WAC 173-26-211. The following steps were used in the analysis.

1. Areas waterward of the ordinary high water mark (OHWM), or between the OHWM on each bank of the rivers were assigned *Aquatic*.
2. Areas with a resource designation on the county's comprehensive plan were assigned *Resource*.
3. All areas within the Urban Growth Area (UGA) were assigned *Urban*.
4. All non-*Resource* areas outside of the UGA were assigned *Rural Conservancy*.
5. Case-by-case assessment of *Urban* areas resulted in a change to *Urban Conservancy* for those areas which met the criteria in section 2.2.6.
6. Case-by-case assessment of all areas resulted in a change to *Natural* for those areas which met the criteria in section 2.2.2.

Steps 5 and 6 rely heavily on the inventory of existing ecological functions and conditions to determine if the criteria are met for *Urban Conservancy* or *Natural*. Each stream reach or shoreline segment was evaluated individually relative to the designation criteria. The ecological and land use criteria for assigning each designation are summarized below. The criteria which resulted in a designation of *Urban Conservancy* or *Natural* for each reach or shoreline segment are presented in Appendix B at the end of this SMP.

The Shoreline Advisory Committee developed the purpose and policy statements for each unique shoreline environment designation. The SMA requires that all approved development activities be conducted in accordance with the purpose and management policies for the applicable shoreline environment.

The shoreline environment designations and maps are codified in chapter 30.67 SCC, Part 200.

### **2.2.1 Aquatic**

#### **Purpose:**

The *Aquatic* environment designation is intended to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

#### **Management Policies:**

1. Allow new overwater structures only for water dependent uses, public access, or ecological restoration if it can be clearly shown that the cumulative environmental impacts of such structures will not cause significant adverse impacts to protected species.
2. The size of new overwater structures should be limited to the minimum necessary to support the structure's intended use.

3. Multiple use of overwater structures should be encouraged to reduce impacts of shoreline development and increase effective use of water resources.
4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated to assure no net loss of ecological functions.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

### **Designation Criteria**

Assign an *Aquatic* environment designation to lands waterward of the ordinary high water mark. Areas designated *Municipal Watershed Utility* (e.g., Spada Lake) are an exception. Submerged and intertidal lands with other shoreline designations should be designated *Aquatic* if the management policies and objectives for *Aquatic* areas are met. In addition, regulations for managing submerged and intertidal lands should be consistent with the *Aquatic* shoreline environment management policies. Associated wetlands located waterward of the ordinary high water mark are also designated *Aquatic*.

### **2.2.2 Natural**

#### **Purpose:**

The *Natural* shoreline environment designation is intended to protect or restore shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that are 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. Future uses should be compatible with the natural characteristics that make these areas unique and valuable.

#### **Management Policies:**

1. The county's comprehensive plan is the primary guide for the location, type, density and distribution of uses in the *Natural* shoreline environment designation. Regulations for the *Natural* environment may limit uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.
2. Land uses that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed. Specifically, the following new uses shall not be allowed in areas designated *Natural* environment: commercial or industrial uses, nonwater oriented recreation, or roads, utility corridors, and parking areas that can be located outside of *Natural* designated shorelines.
3. Single family residential development may be allowed as a conditional use within the *Natural* environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

4. Commercial forestry may be allowed in the *Natural* environment provided it meets the conditions of the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this environment designation.
5. Agricultural uses of a very low intensity nature may be consistent with the *Natural* environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.
6. Scientific, historical, cultural, educational research uses, and low intensity water oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.
7. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions.
8. All land and water use activities which are proposed to be located in the *Natural* environment should be required to provide detailed information on: density and intensity of such uses, environmental, social, fish and wildlife, and general geologic data for the protection of existing natural systems.

**Designation Criteria:**

A *Natural* environment designation is assigned to shoreline areas if any of the following three characteristics apply:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity. The term "ecologically intact shorelines" applies to all shoreline areas ranging from larger reaches that may include multiple properties to small areas located within a single property. Whether or not a shoreline is ecologically intact, is determined on a case-by-case basis based on the definition and all of the following criteria:
  - a) Platted densities of 1 dwelling unit/5 acres or less.
  - b) Less than 10% of the shoreline has been modified with dikes, revetments, bulkheads, riprap or other manmade structures as indicated by a "healthy" rating for related functional indicators in the inventory of current shoreline ecological functions and conditions (i.e., sedimentation processes and hydrologic connectivity).
  - c) The area adjacent to the OHWM and any adjacent riparian wetlands or stream corridors is in a substantially natural state or can be easily restored to a natural state as indicated by the rating assigned for such functional indicators as "presence/quality of adjacent wetlands" or "shoreline vegetation".
2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest. These areas include the following:
  - a) Areas considered to represent the basic ecosystem or geologic types;
  - b) Areas with rare, unusual or unique biological, geological, historical or cultural features.

- c) Established natural science research areas or areas having a long history of such use.
  - d) Areas representing deviation from the basic ecological and geological norms, but which are of particular scientific interest.
  - e) Areas having a high scenic value and a high value for low intensity recreational use in their natural state.
3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety. These areas would include largely undisturbed portions of shoreline areas such as:
- a) Shoreline erosional bluffs and landslide hazard areas whose eroded earth, sand or gravel material is naturally transported (littoral drift) to an accretion shore form.
  - b) The portions of undeveloped accretion shore forms located upland of the OHWM.
  - c) Estuaries and Category I wetlands.
  - d) Category II wetlands that also contain significant fish and wildlife habitat for critical species or are utilized by critical species for forage, water, cover and/or protection.
  - e) A major seasonal haven or constricted migration route for animals or birds.

### **2.2.3        *Resource***

**Purpose:**

The *Resource* environment shoreline designation is intended for areas within shoreline jurisdiction that are currently utilized or planned for agriculture or commercial forest practices. The intent is to conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use.

**Management Policies:**

1. The county's comprehensive plan is the primary guide for the location, type, density and distribution of uses in the *Resource* shoreline environment designation. Regulations for the *Resource* environment may limit uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.
2. Uses that are appropriate in a *Resource* environment include, but are not limited to, low impact outdoor recreation uses, timber harvesting on a sustained yield basis, agricultural uses, aquaculture, low intensity residential development and other natural resource based low intensity uses.
3. Agricultural, forestry and aquaculture are preferred uses in the *Resource* environment provided they are conducted consistent with the management policies for this environment and in a manner to ensure no net loss of ecological functions.
4. Permit limited non-commercial mining activities that are consistent with the county's GMA comprehensive plan policies and which are located in areas designated for such use by the county's mineral resources overlay. Excavation of gravel beds within the streamway is not an allowed use within the mineral resource overlay designated on the county's comprehensive plan. Commercial mining is not allowed within the shoreline area because of the potential to substantially degrade the ecological functions.

5. Uses in the *Resource* environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
6. Water dependent and water enjoyment recreation facilities, with the exception of golf courses and most playing fields, are preferred uses and should be encouraged.
7. Recreational facilities should be located and designed to minimize conflicts with the preferred uses in the *Resource* environment.
8. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.
9. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or protect ecological functions and where mitigation is applied. New development should be designed and located to preclude the need for such work.
10. Residential development standards shall protect shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of the *Resource* environment. Generally, this will require density and lot coverage limitations, setbacks, vegetation conservation and similar provisions.
11. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that the natural shoreline functions are protected.

**Designation Criteria:**

Assign a *Resource* shoreline environment designation to a shoreline area if it is within designated agriculture or forest lands in the county's comprehensive plan.

## **2.2.4        *Municipal Watershed Utility***

**Purpose:**

The *Municipal Watershed Utility* environment designation is intended to protect public water supply, power generation and/or flood control reservoirs (e.g., Spada Lake) in order to preserve and protect water quality for public health and safety.

**Goal:**

Protect Spada Lake as a reservoir for public water supply, power generation and flood control.

**Management Policies:**

The project license for Spada Lake that is issued by the Federal Energy Regulatory Commission governs land uses and activities for this municipal watershed utility. In addition, the following policies apply:

1. Maintain water quality by restricting uses on, in and adjacent to Spada Lake to those that are consistent with Snohomish County regulations and the project license issued by the Federal Energy Regulatory Commission.

2. Permit uses and development necessary to operate and maintain Spada Lake for the purpose of public water supply, power generation, and flood control, including operations that result in changing water levels, such as draw-downs.
3. Permit uses and activities necessary to operate and maintain reservoirs for the purpose of public water supply, power generation, and/or flood control, including operations that result in changing water levels, such as draw-downs.
4. Permitted uses and public access should be limited to areas that will not interfere with the operation of the reservoir and associated structures, including access roads, and the enforcement of ordinances and federal, state and local regulations that protect water quality and fish and wildlife habitats.
5. New shoreline modifications should be designed, constructed and managed to ensure protection of fish and wildlife resources and water quality.

**Designation Criteria:**

Assign a *Municipal Watershed Utility* environment designation to shoreline areas associated with public water supply, power generation and/or flood control reservoirs, such as Spada Lake.

## **2.2.5 Rural Conservancy**

**Purpose:**

The purpose of the *Rural Conservancy* shoreline environment is to allow low intensity development, while at the same time protecting ecological functions and providing public access and recreational opportunities in shoreline areas. The preferred uses are low intensity development, including but not limited to low density residential, water dependent commercial and recreation.

**Management Policies:**

1. The county's comprehensive plan is the primary guide for the location, type, density and distribution of uses in the *Rural Conservancy* shoreline environment designation. Regulations for the *Rural Conservancy* environment may limit uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.
2. Uses in the *Rural Conservancy* environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
3. Low intensity, water oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past (as evidenced by existing rural business, rural industrial or rural freeway service zoning) or at unique sites in rural communities that possess shoreline conditions and services to support the development.
4. Water dependent and water enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, wildlife viewing trails, and swimming beaches, are preferred uses, provided any significant adverse impacts to the shoreline are mitigated.

5. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.
6. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. Meeting this policy will require density and lot coverage limitations, vegetation conservation and other provisions.
7. New development should be designed and located to preclude the need of shoreline armoring, flood control structures, vegetation removal, and other shoreline modifications. Any shoreline modifications shall be integrated with stormwater management, grading, clearing and other beach policies in order to minimize adverse impacts. Armoring should be prohibited in areas planned for shoreline restoration.
8. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.
9. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied consistent with the applicable shoreline modification requirements. New development should be designed and located to preclude the need for such work.
10. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

**Designation Criteria:**

Assign a *Rural Conservancy* environment designation to shoreline areas that meet the following criteria:

1. The area is located outside incorporated municipalities and outside urban growth areas;
2. The area does not meet the *Aquatic, Natural, Resource or Municipal Watershed Utility* shoreline environment designation criteria.
3. The shoreline is currently accommodating residential uses outside urban growth areas and incorporated cities or towns.
4. The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas.

**2.2.6 Urban Conservancy**

**Purpose:**

The purpose of the *Urban Conservancy* environment is to protect and restore ecological functions of open space, the floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

**Management Policies:**

1. The county's comprehensive plan is the primary guide for the location, type, density and distribution of uses in the *Urban Conservancy* environment designation. Regulations for

the *Urban Conservancy* environment may limit uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.

2. Primarily allow uses that preserve the natural character of the area. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the *Urban Conservancy* environment and the setting.
3. New development should be designed and located to preclude the need of shoreline armoring, flood control structures, vegetation removal, and other shoreline modifications.
4. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications that ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
5. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
6. Water oriented uses should be given priority over non water oriented uses. For shoreline areas adjacent to commercially navigable waters, water dependent uses should be given highest priority.

**Designation Criteria:**

Assign an *Urban Conservancy* environment designation to shoreline areas that lie in designated urban growth areas, or designated "limited areas of more intensive rural development" (LAMIRD) that are planned for development based on any of the following criteria:

1. Compatible with maintaining or restoring ecological functions of the shorelines;
2. Suitable for water related or water enjoyment uses;
3. Majority of the site consists of open space, critical areas, native growth protection areas or other sensitive areas that should not be more intensively developed.

## **2.2.7 Urban**

**Purpose:**

The *Urban* shoreline environment designation is for unincorporated shoreline areas within urban growth areas that are intended to absorb higher density uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. An additional purpose is to provide appropriate public access and recreational uses.

**Management Policies:**

1. The county's comprehensive plan shall guide the location, distribution, density and type of uses within the *Urban* environment. Use regulations for the *Urban* environment may limit shoreline uses and modifications to ensure consistency with these management policies and the Shoreline Management Act.
2. In the *Urban* environment first priority should be given to water dependent uses. Second priority should be given to water related and water enjoyment uses. Non water oriented uses should not be allowed except as part of mixed use developments. Non water oriented uses may also be allowed in limited situations where they do not conflict with or

limit opportunities for water oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning.

3. Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long range projections of regional economic need should guide the amount of shoreline designated *Urban*. Consideration should be given to the potential for displacement of non water oriented uses with water oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.
4. New development should be designed and located to preclude the need of shoreline armoring, flood control structures, vegetation removal, and other shoreline modifications.
5. Shoreline use and modification policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with applicable state and federal laws.
6. Non residential developments should be required to provide visual and physical public access to the shoreline where feasible.
7. Aesthetic objectives should be implemented for non residential developments by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
8. Residential standards for density or 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. This shall take into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
9. Multi-family, multiple lot residential and recreational developments should provide public access and joint use for community recreational facilities.
10. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
11. Commercial development should be limited to water oriented uses.

#### **Designation Criteria:**

Assign an *Urban* environment designation to shoreline areas that are generally suitable for water dependent uses and that lie in designated urban growth areas (UGAs), or designated "limited areas of more intensive rural development" (LAMIRD) and they meet any of the following criteria:

1. They currently support higher intensity uses related to commerce, transportation or navigation;
2. They are within an urban commercial or industrial land use designation in the county's comprehensive plan, or are suitable and planned for high intensity, water oriented uses;
3. They are predominantly single family or multi-family residential development or are within a residential designation in the county's comprehensive plan and located outside of critical areas.

## 2.3 *Alternative Environment Designation System*

The shoreline environment designation system described above represents a slightly modified version of the environment designation system described in WAC 173-26-211. Alterations to the recommended approach are allowed per WAC 173-26-211(2)(a) and (4)(c) provided that the alternative approach provides equal or better implementation of the SMA. The county's proposed system was developed to better reflect local conditions and consistency with the county's comprehensive plan as required per WAC 173-26-211(3). Local comprehensive plans constitute the underlying framework within which master program provisions should fit. Land use issues and comprehensive planning are factors influencing shoreline environment designation.

The county has included a unique category, *Municipal Watershed Utility*, to accommodate the special circumstances at Spada Lake. This area is limited only to resource and recreation uses in accordance with the federal permit requirements for the hydroelectric project. These unique requirements for this shoreline area warrant a special designation class.

Instead of designating areas using the *Shoreline Residential* category recommended by the SMA guidelines, the county has woven the residential component into each of the other designations to reflect actual land use patterns. Existing land use patterns, zoning and comprehensive plan designations do not support a unique *Shoreline Residential* category because residential uses are distributed throughout the county as shown in Table 4. Residential uses are often combined with other uses (i.e. home-based businesses, agriculture, etc.) on a single site, particularly in the rural areas. By folding the residential uses into each of the other shoreline environments, shoreline residential policies and development standards can be established that are compatible with the purpose of each shoreline designation and with the ecological character and conditions. For example, allowed residential densities reflect the ecologic character of the shoreline environments. Table 4 shows how residential uses are woven throughout each of the environment categories (except Municipal Watershed) but comprise the largest segments of the *Urban*, *Urban Conservancy* and *Rural Conservancy* categories.

The county has chosen to divide the recommended *Rural Conservancy* into two separate designations: *Rural Conservancy* and *Resource*. The *Resource* designation reflects the significant land area designated for forestry and agricultural uses in the county's comprehensive plan and is zoned primarily for low density development on lots larger than 10 acres, whereas *Rural Conservancy* is largely comprised of 5-acre zoning and dominated by residential uses (see Table 3). Resource uses represent the largest land use component within the county's shoreline jurisdiction, accounting for nearly 80% of the total acreage as shown in Table 4 below. Some resource-related activities are not compatible with residential uses – the predominant use in the *Rural Conservancy* – thus, a separate environment designation is warranted to accommodate resource uses at the lower densities prescribed by the underlying zoning. To improve compatibility between resource uses and residential uses, setbacks from resource lands are required for residential structures.

The management policies and designation criteria for the recommended *High Intensity* category have been folded into the county's proposed *Urban* designation. Within the *Urban* shoreline areas, the locations of the three predominant uses - high intensity industrial and commercial and high density residential – are determined by comprehensive plan designation and zoning. These high intensity uses represent only a small segment of the uses found in the county's shoreline jurisdiction.

While the county's proposed environment designation system represents an alternative approach, all of the recommended management policies and designation criteria in WAC 173-26-211(5) have been utilized and incorporated into the proposed system. This alternative approach, relative to the approach recommended in WAC 173-26-211, improves implementation of GMA goals and intent and ensures consistency with the county's comprehensive plan without compromising implementation of the SMA.

The *Summary of Shoreline Ecological Functions and Conditions in Snohomish County* provided the necessary ecological information to determine which shoreline segments met the criteria in WAC 173-26-211(5). Each shoreline segment was evaluated relative to the designation criteria to determine which shoreline environment should be assigned.

**Table 4. Main Zoning Categories by Shoreline Environment Designation**

Main Zoning Categories by Shoreline Environment Designation (acres)						
Shoreline Environment Designation	Industrial Use/Zone	Commercial Use/Zone <sup>1</sup>	Resource Use/Zone	Residential Use/Zone <sup>2</sup>	Other	Total
<i>Urban</i>	431.33 (40.7%)	21.91 (2.1%)	121.86 (11.5%)	484.33 (45.7%)	2.8	1059.43 (100%)
<i>Urban Conservancy</i>	7.80 (4.8%)	0	13.80 (8.6%)	139.72 (86.6%)	0	161.32 (100%)
<i>Rural Conservancy</i>	39.46 (0.3%)	62.45 (0.4%)	3200.83 (22.7%)	<b>10785.36</b> <b>(76.6%)</b>	60.82	14088.10 (100%)
<i>Resource</i>	2.63 (<0.01%)	11.32 (<0.01%)	<b>49805.61</b> <b>(99.6%)</b>	173.16 (0.3%)	49.92	49992.73 (100%)
<i>Municipal Watershed Utility</i>	0	0	2301.63 (100%)	0	0	2301.63 (100%)
<i>Natural</i>	0	0	4580.64 (81.2%)	1059.21 (18.8%)	(<0.01%)	5639.86 (100%)
<i>Aquatic</i>	674.68 5.4%	17.98 (0.1%)	7510.32 (60.3%)	4246.78 (34.1%)	1372.32	12449.77 (100%)
<i>Total</i>	1155.91 (1.3%)	113.67 (<0.01%)	<b>67534.69</b> <b>(78.8%)</b>	16888.57 19.7%	1485.86 1.73%	85692.84 (100%)

<sup>1</sup> Rural Diversification (RD) is a mixed use zone with a residential component accommodating rural home-based businesses and industries.

<sup>2</sup> Urban Center (UC) is also a mixed use zone allowing high-density residential, office and retail uses with public and community facilities and pedestrian connections located within one-half mile of existing or planned stops or stations for high capacity transit routes.

## **2.4 Shoreline Environment Designation Maps**

The shoreline environment designations are depicted on a series of 47 maps, indexed by township and range and originally compiled at a scale of 1:24,000. The official shoreline environment designation maps are adopted as Exhibit B of Ordinance No. 19-020 and are available for public review at the customer service counter of Snohomish County Planning and Development Services Department. Smaller scale versions of the shoreline environment designation maps are included as general reference maps in Appendix D. The designation maps identify shoreline areas within Snohomish County that fall under the jurisdiction of the Shoreline Management Act and graphically depict the specific shoreline environment designation assigned to each section of shoreline.

Regulations related to map use, interpretation and amendments are contained in SCC 30.67.210 and .220.

## **2.5 Tulalip Indian Reservation**

It has been brought to the attention of Snohomish County that a complex set of jurisdictional questions has developed which pertains to the legal applicability of the Shoreline Management Act within the boundaries of the Tulalip Indian Reservation. A number of specific boundary location questions exist which pertain to tidelands claimed by the Tulalip Tribes as portions of the Reservation established in 1873.

The following information is intended to assist in explaining the current status of lands in and adjacent to the Tulalip Reservation which either do or could potentially fall under the jurisdiction of the Shoreline Management Act.

### **Land Ownership Patterns**

There are basically three types of land ownership on the Reservation - allotted lands, owned by individual Indians; alienated lands, owned by non-Indians; and tribal lands, owned by the Indian Tribes.

**Allotted Lands** - Shortly after the Reservation was established in 1855, the Federal Government assigned individual parcels of land to the Indian families on the tribal rolls and in some cases forcibly relocated the families from the small settlements on the shores of Puget Sound to their designated parcels. These lands are held in trust and managed by the Bureau of Indian Affairs on behalf of each Indian owner.

Snohomish County does not attempt to apply its land use control authority to those lands which are mutually agreed upon as being allotted.

**Tribal Lands** - Over the years since 1935, certain parcels of un-allotted lands have reverted to tribal ownership. In 1939, the Tribes also began acquiring allotted lands throughout the Reservation. Tribal lands are generally held in trust status with joint management responsibility being shared between the Tulalip Tribes and the Bureau of Indian Affairs.

Snohomish County does not apply its land use control authority to those lands which are mutually agreed upon as being Tribal.

**Alienated Lands** – Some allotted lands have been sold in fee to both Indian and non-Indians and removed from tribal trust status. The alienated fee lands owned by non-Indians are subject to county and state land use authority and property taxation. Alienated lands are mapped by the county according to officially recorded legal descriptions identifying property boundaries. In some cases, the legal descriptions show property boundaries extending into the tidelands. The Tulalip Tribes disputes the accuracy of these legal descriptions and the corresponding maps with respect to tideland ownership on the Reservation.

**Disputed Lands** - There are several areas on the periphery of the Tulalip Reservation which for the purposes of this Shoreline Management Program have been unofficially declared as disputed lands. This disputed lands label has been applied to these areas based on the uncertainty surrounding their jurisdictional status. The Tulalip Tribes have made jurisdictional claims on tidelands which have not been acknowledged or agreed upon by Snohomish County or the State of Washington.

Shoreline environment designations have been applied to these disputed lands by Snohomish County.

## 3. Shoreline Goals, Policies and Regulations

### 3.1 *Introduction: State Requirements*

#### 3.1.1 *Shoreline Management Act and Guidelines*

The Shoreline Management Act (chapter 90.58 RCW) and the implementing guidelines (WAC 173-26) require that local shoreline programs be consistent with the guiding principles and standards and address specific elements. This SMP contains goals and policies that establish broad shoreline management directives. The goals and policies are the basis for regulations that govern use and development along the shoreline. Some SMP goals and policies may not be fully attainable by regulatory means and may be pursued by non-regulatory measures such as education, incentive, restoration and acquisition programs.

The SMP provides clear, consistent goals and policies that translate broad statewide policy goals set forth in WAC 173-26-176 and 173-26-181 into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria for regulatory and non-regulatory actions. The policies provide a comprehensive foundation for the SMP regulations, which are more specific standards used to evaluate shoreline development.

The SMP is also required to contain shoreline environment designation-specific regulations accounting for different shoreline conditions. Such regulations shall address the following:

- Types of shoreline uses permitted, conditionally permitted, and prohibited;
- Building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards; and
- Other topics not covered in general use regulations that are necessary to assure implementation of the purpose of the shoreline environment designation.

WAC 173-26-231 and -241 require that local jurisdictions implement principles regulating specific shoreline uses and modifications. These principles address the location and conditions under which shoreline uses and modifications may be allowed and require that shoreline uses and modifications individually and cumulatively do not result in a net loss of shoreline ecological functions. Uses and modifications in shoreline jurisdiction must be compatible with the purpose and management criteria for the shoreline environment in which they are allowed.

#### 3.1.2 *Relationship Between the SMA and the GMA*

Shoreline management is most effective and efficient when accomplished within the context of comprehensive planning. Local comprehensive plans constitute the underlying framework within which master program provisions should fit. For cities and counties planning under the Growth Management Act (GMA), chapter **36.70A** RCW requires mutual and internal consistency between the comprehensive plan elements and implementing development regulations. The GMA designates shoreline master program policies as an element of the comprehensive plan and requires that all elements be internally consistent, including master programs.

RCW **90.58.340** requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the applicable master program. In

order for shoreline designation provisions, local comprehensive plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

- The comprehensive plan provisions and shoreline environment designation provisions should not preclude one another.
- Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses.
- Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them.

### **3.1.2.1 Requirements for Critical Area Protection**

RCW 36.70A.480 establishes the relationship between the Growth Management Act and the Shoreline Management Act with respect to critical areas.

- Shorelines of the state are not critical areas except to the extent that specific areas within shorelines of the state meet the definition of critical areas in 36.70A.030(5) and have been designated as such by the county. [36.70A.480(5)]
- In Snohomish County's shoreline jurisdiction critical area protection is achieved by this SMP. Critical areas meeting the definition in 36.70A.030(5) within shorelines of the state are not subject to the procedural and substantive requirements in the GMA, *unless* the SMP does not include land necessary for buffers for critical areas that occur within shorelines of the state. In such instances, the county shall continue to regulate those critical areas and their required buffers pursuant to the GMA [RCW 36.70A.480(3)(b) and 36.70A.480(6)].
- The SMP provides a level of protection for critical areas located within shorelines of the state that is at least equal to the protection provided by the county's critical area regulations [RCW 36.70A.480(4)].

While not all shorelands within the county's shoreline jurisdiction are considered critical areas, many areas within the shorelines of the state meet the GMA definition for "critical areas" and have been designated as such by the county. These areas include, but are not limited to, marine waters and critical saltwater habitat, streams and rivers, lakes, wetlands, habitat for critical wildlife species, geologically hazardous areas and channel migration zones, flood hazard areas and critical aquifer recharge areas. Since RCW 36.70A.480(4) requires a level of protection for critical areas in the shoreline master plan at least equivalent to the protection provided under the GMA, the county relies on the locally adopted critical area regulations to protect critical areas both inside and outside of shoreline jurisdiction, ensuring that the level of protection is exactly equal.

Similar requirements for the protection of critical areas within shorelines of the state are included in the shoreline guidelines in WAC 173-26-221(2).

- The shoreline master program shall provide for the management of critical areas within the shorelines of the state that is at least equal to that provided by the locally adopted critical areas regulations. [WAC 173-26-221(2)(a)(ii)]
- A local government's SMP regulates critical areas in the shorelines of the state except in the case that the SMP does not include land necessary for buffers for critical areas that occur within shorelines of the state, then the local jurisdiction shall

continue to regulate those critical areas and their buffers pursuant to adopted GMA critical area regulations. [WAC 173-26-221(2)(a)(ii) and 36.70A.480(6)]

- In addition, WAC 173-26-221(2) establishes standards for critical area protection for those critical areas located within shoreline jurisdiction.

The GMA and the SMA have similar standards for the protection of ecological functions and values of critical areas. The GMA requires no net loss of critical area functions and values and the SMA [WAC 173-26-201(2)(c)] requires at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and a plan for restoration of ecological functions where they have been impaired. While both statutes require reliance on the most current, accurate and complete scientific or technical information available, the SMA goal is to achieve a balance between shoreline use and ecological protection. [RCW 90.58.100(1), WAC 173-26-201(2)(a), RCW 36.70A.172, and WAC 365-195, Part Nine].

To summarize the relationship between the two state statutes: 1) shorelines of the state are not critical areas except where they meet the definition of “critical area” and have been designated as such; 2) regulations must be based on a scientific foundation, although the GMA’s standard of “best available science” arguably is a more rigorous scientific standard<sup>3</sup>; 3) in the SMP, land must be set aside for buffers for the protection of critical areas within shorelines of the state, otherwise protection will be subject to the locally adopted critical area regulations; and 4) critical area protection inside shorelines of the state must be at least equivalent to protection of critical areas outside of shorelines, otherwise the most protective standards must be applied.

Unique provisions in the SMA promote water-dependent and water-related uses and public access to shoreline areas. Local jurisdictions must be careful to reconcile these SMA provisions with the “no net loss” standard for ecological functions and values given that: 1) critical area protection in the SMP must be at least equal to that in the critical area regulations; and 2) protection standards and regulations are required, by both the SMA and the GMA, to be based on scientific research and evidence.

### **3.1.2.2 Application of the Shoreline Science**

WAC 173-26-201(3)(d)(i)(C) identifies shoreline ecological functions including but not limited to: transport and storage of water and sediment, maintaining base flows, flow or wave energy attenuation, pollutant and nutrient removal, temperature control, habitat formation (pools, riffles, etc.), provision of large woody debris and organic matter, and habitat for aquatic and shoreline dependent species. These ecological functions are attributed to streams, rivers, lakes, marine waters, wetlands and their adjacent uplands which are also identified as “critical areas” and their buffers under the GMA guidelines in WAC 365-190-080. These are the same functions identified in the county’s critical area regulations at SCC 30.62A.220. These critical area functions were identified based on significant scientific research and presented in the *Revised Summary of Best Available Science for Critical Areas, March 2006*. Table 5 compares the “functions and values” addressed in the county’s critical area regulations with the ecological functions identified in WAC 173-26-201(3).

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<sup>3</sup> Futurewise v. Western Washington Growth Management Hearings Board, Washington State Supreme Court, No. 80396-0, Filed July 31, 2008, page 3.

**Table 5. Comparison of Ecological Functions Under GMA and SMA**

<b>Critical Area</b>	<b>GMA Critical Area Functions &amp; Values [SCC 30.62A.220]</b>	<b>SMA Shoreline Ecological Functions [WAC 173-26-201(3)(d)(i)(C)]</b>
<b>Streams</b>	Fish and wildlife habitat; transport of water, sediment and organic material; floodwater storage and attenuation.	<p>Hydrologic: Transport of water and sediment across the natural range of flow variability; attenuating flow energy; developing pools, riffles, gravel bars, recruitment and transport of large woody debris and other organic material.</p> <p>Habitat for native aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish.</p>
<b>Wetlands</b>	Fish and wildlife habitat, pollution assimilation, sediment retention, shoreline stabilization, floodwater storage, attenuation and conveyance, wave energy attenuation, stream base-flow maintenance, and ground-water discharge/recharge.	<p>Hydrologic: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruiting woody debris and other organic material.</p> <p>Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish.</p>
<b>Lakes</b>	Fish and wildlife habitat, sediment retention, pollution assimilation, and floodwater attenuation, storage and conveyance.	<p>Hydrologic: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruitment of large woody debris and other organic material.</p> <p>Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish.</p>
<b>Marine waters</b>	Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation;	<p>Hydrologic: Transporting and stabilizing sediment, attenuating wave and tidal energy, removing excessive nutrients and toxic compounds; recruitment, redistribution and reduction of woody debris and other organic material.</p> <p>Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish.</p>
<b>Primary association areas of critical species.</b>	Fish and wildlife habitat	Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.
<b>Buffers</b>	Habitat for water associated and riparian associated wildlife, wildlife movement corridors, noise and visual screening, large woody debris and other natural organic matter recruitment, floodwater attenuation and storage, temperature maintenance, pollution assimilation, streambank stabilization and supply of sediments and nutrients.	<p>Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, sediment removal and stabilization; attenuation of flow, wave or flood energy; and provision of large woody debris and other organic matter.</p> <p>Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, sediment storage, maintenance of base flows and support of vegetation.</p>

Because shoreline ecological functions are equivalent to critical area functions, the management recommendations for the protection of these functions can be based on the same scientific research – in other words, the critical area science *is* the shoreline science. The body of science has developed conclusions regarding measures which can reduce adverse impacts and prevent loss of ecological functions.

The SMA requires no net loss of ecological functions [WAC 173-26-186(8)(b)]. The Growth Management Act holds a similar standard of no net loss of critical area functions and values. The key conclusions to be drawn are:

(1) Those portions of shoreline jurisdiction designated as *Aquatic* or which contain associated wetlands meet the definition of “fish and wildlife habitat conservation areas” under the county’s adopted code, therefore these areas constitute “critical areas” under the GMA; and

(2) The “ecological functions” of these *Aquatic* shorelines and wetlands pursuant to the SMA are equivalent to the “functions and values” of these critical areas under GMA, therefore the scientific recommendations to protect these critical areas will also protect the ecological functions of the shorelines – in other words, the science compiled to support the GMA requirements is also applicable to the SMA requirements.

A primary ecological function of all *Aquatic* shorelines is to provide habitat for fish. Fish habitat, particularly habitat for anadromous fish, is specifically called out in the GMA for protection and conservation [RCW 36.70A.172]. The GMA requires the county to give special consideration for fish habitat. While fish habitat protection is not specifically required under the SMA, healthy fish habitat depends on all the shoreline ecological functions listed in the SMA.

To preserve the ecological functions necessary to support fish habitat, the science recommends buffers of at least 1 site potential tree height (SPTH) [*Revised Summary of Best Available Science for Critical Areas, March, 2006*]. In Snohomish County the expected SPTH for the dominant tree species over a 100 year period is approximately 150 feet. Therefore, the county’s critical area regulations require 150-foot buffers on all anadromous and resident salmonid bearing streams and lakes and on all marine waters. RCW 36.70A.480 also says that a local government’s SMP shall include land necessary for buffers for critical areas that occur within shorelines of the state otherwise local jurisdictions shall continue to regulate those critical areas and their buffers pursuant to adopted GMA critical area regulations. [WAC 173-26-221(2)(a)(ii) and 36.70A.480(6)].

The science also recommends limitations on effective impervious surface and consideration of land use intensity. These scientific recommendations have been incorporated into the county’s critical area regulations to meet the GMA standard of no net loss of functions and values and by default, also meet the SMA standard of no net loss of ecological functions.

The proposed regulations in the SMP relate directly to the shoreline ecological functions. The *Cumulative Impact Analysis* looks at the ecological functions, potential development activities which may result in adverse impacts to these functions, and the regulatory and non-regulatory provisions established to avoid, minimize and mitigate such impacts. A summary of this detailed analysis from the *Cumulative Impact Analysis* is provided as Appendix C in this SMP.

### 3.1.2.3 **No Net Loss of Ecological Functions**

The shoreline ecological functions as defined at WAC 173-26-201(3)(d)(i)(C) are the same as the functions and values for critical areas as identified in the *Revised Summary of Best Available Science for Critical Areas, March 2006* and SCC 30.62A.220. Both the GMA and the SMA require no net loss of these functions. This is particularly important for achieving a balance under the SMA to meet this no net loss standard while also supporting water dependent, water related and water enjoyment uses.

The SMA acknowledges this potential conflict inherent in the policy goals. RCW 90.58.020 states:

... Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. ...

and RCW 90.58.020 further states:

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to **minimize, insofar as practical, any resultant damage to the ecology and environment** of the shoreline area and any interference with the public's use of the water. (*Emphasis added*).

This final statement acknowledges the limitations of relying on regulations alone to achieve no net loss [WAC 173-26-186(5)]. The regulations require that development proposals be designed to avoid impacts but when impacts are unavoidable, they should be minimized and mitigated. Any development regulation, short of an outright prohibition, has the potential for ecological impacts. The Shoreline Management Guidelines recognize that other means, in addition to regulation, may be used to achieve shoreline policy objectives. [WAC 173-26-186(4) and (8)(c)].

To achieve the “no net loss” standard required under both the GMA and the SMA the county has adopted a multifaceted approach in the comprehensive plan which includes both regulatory and non-regulatory programs. [Snohomish County, *General Policy Plan*, Natural Environment Policies, pg. NE-1-17]. The county’s multifaceted approach includes planning and intergovernmental coordination; regulations and enforcement; enhancement and restoration programs; public education and stewardship opportunities; incentive and acquisition programs; and monitoring and adaptive management. As a whole, this approach is designed to achieve the outcome of no net loss of ecological functions to the extent mandated by state law.

At the project level, permitted activities are subject to use restrictions and development standards tailored for the shoreline environment designation and the ecological characteristics and conditions. These permitted activities are also subject to the critical area regulations which require that every effort be made to avoid impacts to ecological functions and when impacts are unavoidable they must be minimized and mitigated. The county’s critical area regulations also require that development activities meet a “no net loss” standard by employing the recommendations from the best available science. [WAC 173-26-186(8)(b)(i)].

Development projects that are exempt from the shoreline substantial permit requirements are still required to comply with the goals and policies of the Shoreline Management Act and the county’s SMP. They are also subject to the critical area regulations and the “no net loss” standard. [WAC 173-26-186(8)(b)(ii)].

Since all development projects are subject to the “no net loss” standard, the cumulative impacts over all development projects on ecological functions should be zero. However, it may not be realistic to expect that all development projects will be able to meet the standard or that all mitigation measures will work as intended. To offset the potential shortfalls the county can rely on non-regulatory programs and enhancement and restoration efforts to ensure that the “no net loss” standard is achieved on a watershed scale. Monitoring is a key element in the county’s approach to help determine if regulatory and non-regulatory programs need to be adapted or revised over time to satisfy the state requirements.

The shoreline regulations require no net loss of shoreline ecological functions pursuant to SCC 30.67.320.

#### **3.1.2.4 Snohomish County’s Critical Area Regulations**

The county’s critical area regulations (CAR) were developed in coordination with the updates to the SMP. The CAR incorporates many of the basic shoreline principles in WAC 173-26-201(2)(a-f):

(a) Use of scientific and technical information. The CAR and the SMP seek to protect the same ecological functions. The regulatory provisions are based on the same body of science.

(b) Adaptation of policies and regulations. A monitoring and adaptive management strategy is built into the CAR regulatory requirements to adjust policies and regulations as necessary to achieve the required standards for protection.

(c) Protection of ecological functions of the shorelines. The shoreline areas below the ordinary high water mark are designated as critical areas – streams, lakes, marine waters and wetlands. The ecological functions performed in the adjacent uplands are also protected. Both critical area and buffer functions are subject to the “no net loss” standard.

(d) Preferred uses. Uses given preference under the SMA are not specifically regulated under the CAR. Such water dependent, related or enjoyment uses would be subject to the use regulations in the SMP and the standards in CAR for buffers, mitigation sequencing (see “e” below) and the “no net loss” standard.

(e) Environmental impact mitigation. Allowed uses are subject to the standard mitigation sequencing to first avoid, then minimize and mitigate impacts. Compensatory mitigation for unavoidable impacts must achieve the “no net loss” standard.

(f) Shoreline restoration planning. Critical area protection under the GMA does not address restoration – the “no net loss” standard is determined from a baseline threshold consistent with the conditions existing at the time the regulations are adopted. The GMA does not require restoration of ecological conditions beyond this baseline. Restoration of ecological functions is addressed in the SMP.

## **3.2 Shoreline Goals, Policies and Regulations**

The SMP addresses compliance with the goals and policies of the SMA, permit procedures and requirements, critical area protection, public access and allowed land use activities and shoreline modifications, development standards and shoreline environment-specific regulations. The regulations vary for each shoreline environment depending on the ecological conditions, existing land use patterns and compatibility issues, and the environment-specific management policies. In general, the more sensitive a particular site's ecological conditions are to disruption from land use activities, the more protective or restrictive the regulations must be to meet the "no net loss" standard.

This document contains the SMP goals and policies and an overview of the regulations. The SMP development regulations are contained chapters 30.44 and 30.67 SCC are included as Appendix E and F of this document. The reader always should ensure that he or she is relying on the most current version of chapters 30.44 and 30.67 SCC by contacting the Snohomish County Department of Planning and Development Services (PDS) or the Office of the Code Reviser, or by reviewing the on-line version of the SCC at [www1.co.snohomish.wa.us](http://www1.co.snohomish.wa.us). In the event inconsistencies exist between the summary of the SCC provisions contained in this document and the actual SCC provisions, the actual provisions control.

### **3.2.1 Permit Procedures and Requirements**

Chapter 30.44 SCC addresses processes and procedures for the review and approval of development permits in shoreline jurisdiction. This chapter establishes criteria for determining thresholds for uses and/or modifications that are subject to a shoreline substantial use permit, a shoreline conditional use permit or are exempt from permits under the shoreline program. Chapter 30.44 SCC also establishes procedures and criteria for variances from the shoreline regulations and enforcement.

WAC 173-26-191(2)(a)(iii)(C) allows the county to adopt administrative, enforcement and permit review procedures separate from the SMP. Adopting review and enforcement procedures separate from the SMP allows the county to more expeditiously revise shoreline permit review procedures and integrate them into other permit review processing.

#### **3.2.1.1 Comply with SMA/SMP standards even when no permit required**

All proposed uses and development occurring within shoreline jurisdiction, including any development exempt from obtaining a shoreline substantial development permit must conform to the SMA and the SMP's goals and policies. [SCC 30.44.010(3) and 30.67.310].

### **3.2.2 Relationship to other regulatory requirements**

#### **3.2.2.1 Comply with Critical Area Regulations**

Regulations for the protection of critical areas within shoreline jurisdiction are contained in chapters 30.62A SCC -- Wetlands and Fish & Wildlife Habitat Conservation Areas, 30.62B SCC -- Geologically Hazardous Areas, and 30.62C SCC -- Critical Aquifer Recharge Areas and 30.65 SCC -- Special Flood Hazard Areas as effective on June 26, 2019. Where there are conflicts between this chapter and the critical areas regulations, the more restrictive provision or regulation shall apply.

The relationship between the SMP and the critical areas regulations is codified in SCC 30.67.060.

### **3.2.2.2 Comply with other applicable regulations**

The project proponent is responsible for complying with all applicable federal, state, local and tribal regulations. Compliance with the SMP does not necessarily constitute compliance with other regulations and permit requirements that may apply within shoreline jurisdiction. Where other agencies or entities also have jurisdiction over the proposed development and the county determines that the permit conditions imposed by such agencies or entities satisfy the requirements of the SMP, those permit conditions may be substituted for the conditions of approval for the requirements of the SMP.

The relationship between the SMP and other regulatory requirements is codified in SCC 30.67.070.

### **3.2.3 Shoreline Use Element**

#### **3.2.3.1 Goals and Policies**

The shoreline use element considers the proposed general distribution and location and extent of uses on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land. These general provisions establish the framework for approval of land use projects within shoreline jurisdiction that is consistent with the overall principals in the SMA and guidelines and with the county's comprehensive plan.

#### **Goals:**

1. Snohomish County shoreline areas should be consistent with the county GMA comprehensive plan, shoreline environment designations, and policies and regulations for shoreline uses and modifications.
2. Give preference to allowing shoreline uses that maintain or restore shoreline ecological functions, protect water quality and the natural environment, depend on proximity to the water, and provide or enhance public access and recreational use of the shoreline.
3. Preserve, protect and restore Snohomish County's unique, valuable and nonrenewable natural resources while encouraging the best management practices for the continued sustained yield of renewable resources of the shorelines.
4. Allow only those industrial, commercial and recreational developments particularly dependent upon their location on and use of Snohomish County's shorelines, as well as other developments that will provide substantial numbers of the public an opportunity to enjoy the shorelines.

#### **Policies:**

1. All uses should be located and designed to avoid impacts to shoreline natural resources and the functions provided by these resources. Where there is no feasible alternative, require that adverse impacts be mitigated to achieve no net loss of shoreline ecological functions.
2. Land uses allowed on upland areas adjacent to the shorelines should be consistent with shoreline uses and should avoid adversely impacting shoreline resources.

3. Encourage multiple uses of shorelines where location and integration of compatible uses or activities is feasible.
4. Allow all reasonable and appropriate use of the shorelines based on the following criteria and order of preferred uses:
  - a) Protection and enhancement of unique critical areas;
  - b) Water-dependent uses – All uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations;
  - c) Water-enjoyment uses – Recreational and all other uses facilitating 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 character of the use and which through the location, design and operation assure the public's ability to enjoy the physical and aesthetic qualities of the shoreline;
  - d) Water-oriented uses – All uses that combine water dependent, water related, and/or water enjoyment uses. The term serves as an all-encompassing definition for priority uses under the SMP and the SMA;
  - e) Water-related uses – Those uses which do not depend on a waterfront location to continue their operation, but whose operation is facilitated economically by a shoreline location;
  - f) Nonwater-related uses – Those uses which do not need a waterfront location to operate though they may need easements or utility corridors for access to the water; and
  - g) Prohibited uses – Those uses which have no relation to the water and whose operation is intrinsically harmful to the shoreline.
5. Give preference to water-oriented uses in shoreline areas adjacent to commercially navigable waters.
6. All uses and modifications on navigable waters or their beds should minimize interference with surface navigation, consider the impacts to public views, and allow for safe, unobstructed passage of fish and wildlife.
7. Nonwater-oriented uses should be discouraged except when they do not conflict with or limit opportunities for water oriented uses or are located on sites where there is no direct access to the shoreline and they will have no adverse impact to shoreline natural resources and functions.
8. Require mitigation of impacts to maintain no net loss of ecological functions.
9. Uses and modifications that cause significant adverse impacts to the functions of critical saltwater and freshwater habitats should not be allowed except as required to provide for reasonable new uses of private property and protection of existing uses.
10. New high intensity uses within shoreline jurisdiction should be located in areas that are not susceptible to erosion and flooding and where impacts to ecological functions can be avoided.
11. Require new developments and redevelopments to plan for and control stormwater runoff and when required treat it before discharging from the site.
12. Avoid locating sewer or septic lines, when possible, along rivers or streams and minimize crossings of water bodies.

13. Minimize impervious surfaces in shoreline areas and encourage low impact development techniques.
14. Encourage development toward a multi-use concept to provide public access to the shoreline while maintaining the economic viability of the principal use.

### **3.2.3.2 Use Regulations**

The shoreline use regulations address the standards for uses and modifications allowed (or prohibited) within the county’s shoreline jurisdiction. These regulations take into account the goals and intent of the SMA and the ecological conditions and management policies within each of the shoreline environment designations. Figure 3 illustrates the decision process used to determine which uses and modifications will be permitted, conditionally allowed or prohibited based on the ecological conditions and the requirements of the Act.

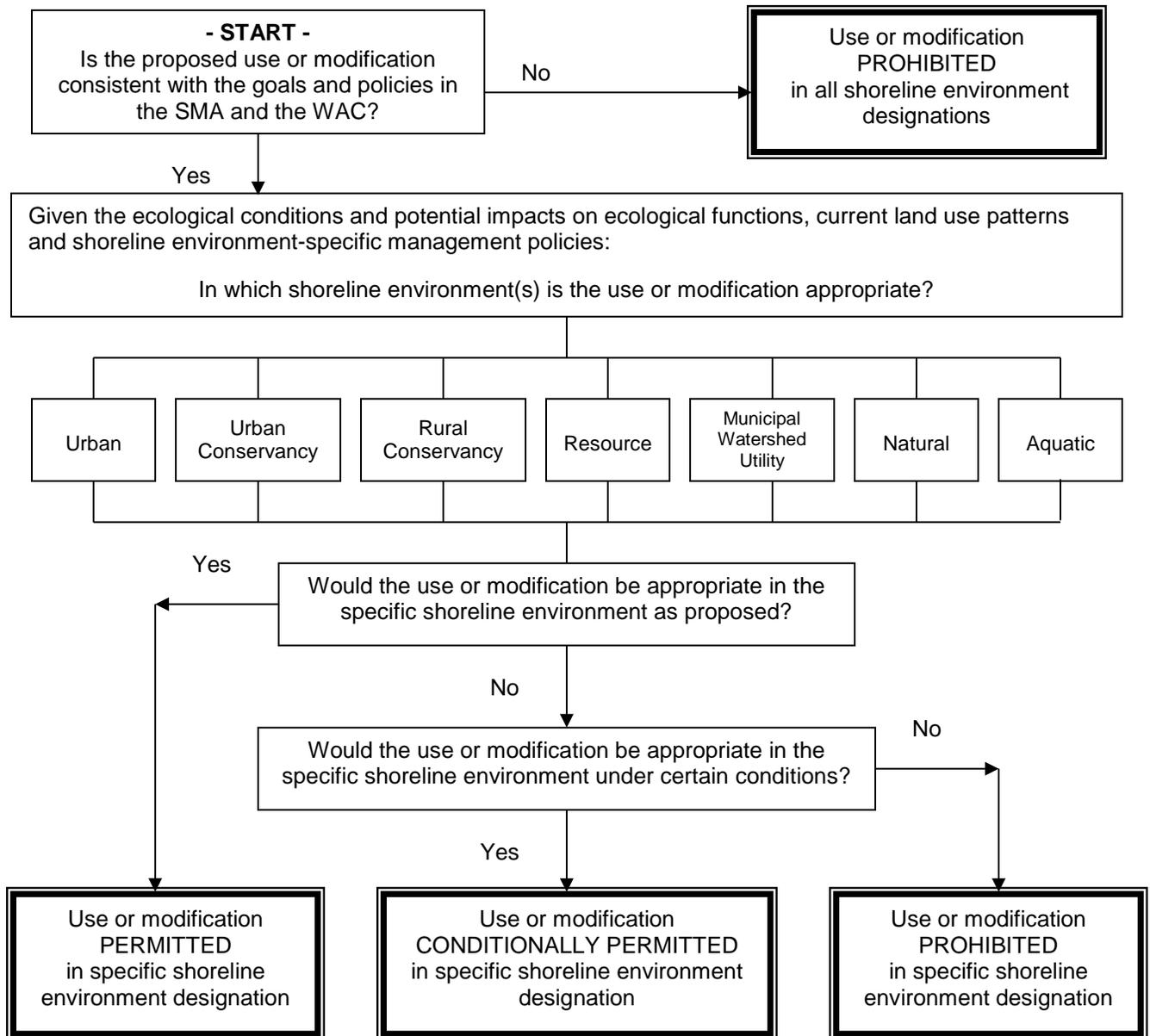
The shoreline use regulations reflect the ecological conditions within each of the environment designations. The ecologic conditions have been considered in the assignment of shoreline designation and the determination of which uses are planned, permitted, conditional or prohibited in any given designation. Except for an outright prohibition of a specific set of uses incompatible with shoreline goals and policies, the types of land uses permitted, conditionally permitted, and prohibited in shoreline areas is generally determined by the purpose and management policies for each shoreline environment designation. A series of questions must be answered for each type of proposed land use or shoreline modification:

- Is the use or modification consistent with the goals and policies of the SMA?
- Is the use or modification compatible with each of the specific shoreline environments?
- If not, can it be made compatible by requiring certain conditions related to scale, scope, design or impact mitigation?

Each use or modification is then more specifically regulated in accordance with the use-specific and shoreline environment-specific regulations in this SMP [chapter 30.67 SCC, Part 500] and then further subject to underlying zoning regulations and standards in Title 30 SCC. Each shoreline designation has its own set of underlying zoning categories and thus its own set of allowed uses as shown earlier in Tables 3 and 4.

The regulations for the Shoreline Use Element are contained in chapter 30.67 SCC, Part 400:

PART 400	Shoreline uses and modifications – General regulations.
30.67.410	Use preference within shorelines.
30.67.420	Prohibited uses.
30.67.430	Allowed and conditional uses and modifications.
30.67.440	Reference notes for shoreline use and modification matrix.
30.67.450	Non-conforming uses or structures.
30.67.460	Bulk standards.
30.67.470	Temporary emergency use, modification or structure.



**Figure 3. Decision tree for developing regulations based on environment designation**

### 3.2.3.3 *Bulk Regulations*

Bulk regulations determine building or structure height, setbacks, maximum density, minimum frontage requirements and lot coverage limitations. Table 6 summarizes the bulk requirements for each shoreline environment based on the underlying zoning found within each environment designation. Table 6 is meant as a summary only, the regulatory standards are found in SCC 30.67.460. If there is any inconsistency between Table 6 and the SCC, the SCC are controlling. The county's bulk regulations vary by zone and since each shoreline environment contains unique zoning characteristics, Table 6 shows how the county's bulk regulations vary by shoreline environment designation.

**Table 6. Summary of Bulk Regulations by Use and Shoreline Environment Designation**

Bulk Standards <sup>1</sup>	Shoreline Environment						
	Urban	Urban Conservancy	Rural Conservancy	Resource	Municipal Watershed Utility <sup>7</sup>	Natural	Aquatic <sup>2</sup>
<b>Agriculture, Forestry, Resource Management</b>							
Density:							
Minimum lot size	10 acres	10 acres	10 acres	10 acres	20 acres	10 acres	n/a
Maximum lot size <sup>3</sup>	10 acres	10 acres	20 acres	80 acres	80 acres	80 acres	
Buffer/setback <sup>4</sup>	150'	150'	100-150' <sup>9</sup>	100-150' <sup>9</sup>	150' <sup>10</sup>	100-150' <sup>9</sup>	n/a
Max. Lot coverage	none	none	35%	35%	35%	35%	n/a
Min. Lot width	none	none	100-300'	100-300'	300'	100-300'	n/a
Max. Bldg. Height <sup>11</sup>	45'	35'	25-35'	25-45'	25-45'	25-35'	n/a
<b>Utilities &amp; Transportation Facilities (linear development)</b>							
Density:							
Minimum lot size	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum lot size <sup>3</sup>							
Buffer/setback <sup>4</sup>	150'	150'	150'	150'	150'	150'	n/a
Max. Lot coverage	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Min. Lot width	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. Bldg. Height	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Utility Facilities<sup>5</sup> (non-linear development)</b>							
Density:							
Minimum lot size	none	none	none	none	none	n/a	n/a
Maximum lot size <sup>3</sup>							
Buffer/setback <sup>4</sup>	200'	200'	200'	200'	200'	n/a	n/a
Max. Lot coverage	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Min. Lot width	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. Bldg. Height	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Industrial</b>							
Density:							
Minimum lot size	none	n/a	none	none	n/a	n/a	n/a
Maximum lot size <sup>3</sup>							
Buffer/setback <sup>4</sup>	150' / 50'	n/a	150' / 50'	150' / 50'	n/a	n/a	n/a
Max. Lot coverage <sup>14</sup>	35-100%	n/a	35%	35-100%	n/a	n/a	n/a
Min. Lot width	none	n/a	none	none <sup>6</sup>	n/a	n/a	n/a
Max. Bldg. Height <sup>11</sup>	50-65'	n/a	35-50'	25-50'	n/a	n/a	n/a
<b>Commercial</b>							
Density:							
Minimum lot size	none	n/a	none	none	n/a	n/a	n/a
Maximum lot size <sup>3</sup>			200,000 sqft	200,000 sqft			
Buffer/setback <sup>4</sup>	150' / 50'	n/a	150' / 50'	150' / 50'	n/a	n/a	n/a
Max. Lot coverage <sup>14</sup>	50%	n/a	35%	35%	n/a	n/a	n/a
Min. Lot width	none	n/a	60-165'	60-165'	n/a	n/a	n/a
Max. Bldg. Height <sup>11</sup>	35-45'	n/a	35-45'	35-45'	n/a	n/a	n/a
<b>Recreational<sup>5, 7</sup></b>							
Density:							
Minimum lot size					20 acres		n/a
Maximum lot size <sup>3</sup>					80 acres		
Buffer/setback <sup>4</sup>	150' / 50'	150' / 50'	150' / 50'	150' / 50'	150' / 50'	150' / 50'	n/a
Max. Lot coverage <sup>14</sup>	n/a	n/a	n/a	n/a	35%	n/a	n/a
Min. Lot width	n/a	n/a	n/a	n/a	300'	n/a	n/a
Max. Bldg. Height <sup>11</sup>	n/a	n/a	n/a	n/a	25-45'	n/a	n/a

Bulk Standards <sup>1</sup>	Shoreline Environment (cont.)						
	Urban	Urban Conservancy	Rural Conservancy	Resource	Municipal Watershed Utility <sup>7</sup>	Natural	Aquatic <sup>2</sup>
Residential <sup>8</sup>							
Moderate to Low density							
Density:							
Minimum lot size	20,000 sqft	20,000 sqft	100,000 sqft	5 acres	n/a	100,000 sqft	n/a
Maximum lot size <sup>3</sup>	5 acres	5 acres	5 acres	80 acres <sup>13</sup>		5 acres	
Buffer/setback <sup>4</sup>	150'	150'	150'	150' <sup>12</sup>	n/a	150'	n/a
Max. Lot coverage <sup>14</sup>	35%	35%	35%	35%	n/a	35%	n/a
Min. Lot width	85-165	85-165	150-165'	150-165'	n/a	150-165'	n/a
Max. Bldg. Height <sup>11</sup>	25-45	25-35'	35'	35-45'	n/a	35'	n/a
High density							
Density:							
Minimum lot size	7,200 sqft	7,200 sqft	n/a	n/a	n/a	n/a	n/a
Maximum lot size <sup>3</sup>	12,500 sqft	12,500 sqft					
Buffer/setback <sup>4</sup>	150'	150'	n/a	n/a	n/a	n/a	n/a
Max. Lot coverage <sup>14</sup>	35%	35%	n/a	n/a	n/a	n/a	n/a
Min. Lot width	60-75'	60-75'	n/a	n/a	n/a	n/a	n/a
Max. Bldg. Height	25'	25'	n/a	n/a	n/a	n/a	n/a
Institutional and Governmental <sup>5</sup>							
Density:							
Minimum lot size					n/a	n/a	n/a
Maximum lot size <sup>3</sup>							
Buffer/setback <sup>4</sup>	150'	150'	150'	150'	n/a	n/a	n/a
Max. Lot coverage <sup>14</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Min. Lot width	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. Bldg. Height	n/a	n/a	n/a	n/a	n/a	n/a	n/a

### **Footnotes for Table 6:**

<sup>1</sup> Bulk standards are regulated pursuant to the underlying zoning. The standards in this table represent the range of standards in each shoreline environment depending on the underlying zoning. Each shoreline environment encompasses a unique set of zoning classifications as shown in Table 3 of this SMP.

<sup>2</sup> The only uses allowed in the Aquatic environment are the water related portions of other uses allowed in the adjacent upland environment. Bulk regulations for specific over-water uses and modifications below the ordinary high water mark are found in the development regulations in chapter 30.67 SCC, Part 500.

<sup>3</sup> "Maximum lot size" as used in this table means the largest **minimum** lot size allowed by the underlying zoning.

<sup>4</sup> Buffers are areas of undisturbed native vegetation and effectively act as structural setbacks unless the buffer is smaller than the setback requirement as would be the case when the buffer is reduced to accommodate water-dependent development. The setback requirement would then regulate the distance for placement of structures. Buffers and setbacks are regulated under the critical areas regulations in SCC 30.62A and 30.62B and the bulk regulations in chapter 30.23 SCC. When water dependent, water related and water enjoyment uses are proposed, buffers may be modified through the "innovative development design" provisions in SCC 30.62A.350 provided that the SMA standard of no net loss of ecological functions can be satisfied and a minimum structural setback of 50 feet is applied where noted in Table 6. Public access through buffers is allowed subject to the provisions in SCC 30.62A.320. Utilities and transportation facilities are allowed in buffers subject to the provisions in chapters 30.62A, 30.62B and 30.67 SCC.

- <sup>5</sup> Use is allowed as permitted or as conditioned in nearly every zone. Bulk regulations are implemented in accordance with the underlying zoning. Utility and government facilities are not subject to minimum lot size requirements [SCC 30.23.200]. Recreational uses are subject to development standards in SCC 30.67.565.
- <sup>6</sup> Bulk standards for industrial uses in the Resource environment are zone specific. Generally, if the industrial use is related to resource management, refer to the bulk standards for Agriculture, Forestry and Resource Management.
- <sup>7</sup> Uses in Municipal Watershed Utility are limited to utility uses associated with the hydroelectric project, reservoir water storage, forest practices and recreation as limited by the utility purveyor's FERC license. This area is zoned exclusively as forestry (F).
- <sup>8</sup> Residential is a conditional use in the Natural environment. Bulk regulations in rural areas may be subject to the provisions for rural cluster subdivisions where lot sizes may be substantially reduced and lot yield increased in exchange for up to 65% of the area in the development proposal being devoted to open space (chapter 30.41C SCC). To protect shoreline ecological functions, cluster development is encouraged such that development is located away from water and the riparian areas are preserved as open space. [See the standards for Residential in SCC 30.67.570].
- <sup>9</sup> Buffer requirements will vary only for agricultural activities depending on underlying comprehensive plan designation. The lower buffer will only be applied to agricultural activities within designated agricultural or rural lands on the Future Land Use Map (FLUM). The higher buffer will be applied to all other resource activities under the county's jurisdiction regardless of location and to agricultural activities outside of the aforementioned FLUM designations where applicable.
- <sup>10</sup> Agricultural activities are not allowed in Municipal Watershed Utility. Other resource management and forestry is allowed in this shoreline designation.
- <sup>11</sup> See SCC 30.67.460. Any building or structure within 200 feet of the ordinary high water mark in excess of 35 feet in height above average grade level shall provide data showing that it will not obstruct the view of a substantial number of residences in the areas adjoining such shorelines. This regulation does not apply to cranes, utility poles or other devices required to conduct water dependent operations.
- <sup>12</sup> Residential structures on properties adjacent to resource lands are required to be setback 50 feet from agricultural lands (SCC 30.32B.130), 100-500 feet from forest lands (SCC 30.32A.110 and .120) and 100 feet from mineral sites (SCC 30.23.110(26)).
- <sup>13</sup> Most of the land in the Resource designation (99%) is zoned for resource uses (see Table 3) and subject to minimum lot sizes of 10 -20 acres with additional restrictions on forest lands limiting residential subdivision to 80-acre minimum lot sizes (GPP, Policy 8.B.1).
- <sup>14</sup> Maximum lot coverage within 150 feet of any waters with salmonids is limited to 0% effective impervious area (EIA) and no more than 10% within 300 feet (SCC 30.62A.320(1)(c)). Total developed area may be greater than 10% up to the lot coverage allowed under the zoning, typically 35%, however, the impacts must be mitigated to the extent that the net effect of the impervious surface is 0% within 150 feet and 10% within 300 feet.

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#### **3.2.3.4 Non-conforming Uses**

See SCC 30.67.450.

#### **3.2.3.5 Signs**

See SCC 30.67.585.

### **3.2.4 Public Access Element**

This public access element addresses provisions for public access to publicly owned areas.

#### **Goals:**

1. Provide safe, convenient and diversified access for the public to the publicly owned shorelines of Snohomish County and assure that the intrusions created by public access will recognize the rights of private property owners, will not endanger life, and will not adversely affect fragile natural areas.
2. Provide the public opportunities to enjoy the physical and aesthetic qualities, including views, of shorelines of the state consistent with the other goals and policies of this Program.

#### **Policies:**

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
2. Encourage the acquisition of suitable upland shoreline properties to provide public access to publicly owned shorelands.
3. Provide for a variety of types of access to the shoreline environment as described in the adopted county's comprehensive parks plan.
4. Assure that public access improvements do not result in a net loss of shoreline ecological functions.
5. Include public access as a component of publicly owned restoration, utility and transportation projects, where appropriate.
6. Encourage the development of additional public access to the shoreline on lands owned by county, state and federal governments and through public easements.
7. Encourage commercial and industrial waterfront development to provide a means for visual and pedestrian access to the shoreline area.
8. Require public access as the water dependent portion of nonwater oriented uses, multi-family and multi-lot developments, and new structural flood hazard reduction measures (such as dikes and levees) where feasible.
9. Provide assistance to private property owners willing to provide public access to shorelines.
10. Provide for the public health and safety when developing public access.
11. Encourage the establishment of scenic view points.
12. Public access should be required for all new shoreline developments with the exception of the following:
  - a. Single family residences in developments planned for one to four parcels;
  - b. Agricultural activities, not including dikes; or
  - c. Where deemed inappropriate due to health, safety, water quality security and other environmental concerns.
13. Public access at Spada Lake shall be limited to uses and locations that will not result in adverse impacts to water quality.

14. When restrictions on access are deemed necessary for the health, safety or welfare of the public or for the protection and maintenance of the particular site, the type and extent of public access should be defined through precedent established by Shorelines Hearings Board decisions and the courts. Restrictions on access may delineate times of access or allow access only to residents of a certain community or development.
15. Development, uses and activities on or near the shoreline should not impair or detract from the public's present, historical or potential access to the shoreline.
16. Public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment and should be designed with provisions for physically disabled persons.
17. Nonresidential water enjoyment and nonwater oriented uses and developments that front on the shoreline should provide continuous public access along the entire site's shoreline. Residential developments of more than four lots that front on the shoreline should provide for physical public access at a minimum of one point along the shoreline.
18. Publicly owned shorelines should be used only for water dependent or public recreational uses, or should remain protected open space.
19. Public access to shoreline areas provided by street ends, utility easements and rights-of-way should be preserved, maintained and enhanced.
20. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
21. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.
22. Public views from the shoreline upland areas should be preserved and enhanced. Enhancement of views should not be construed to allow excessive removal of vegetation that partially limits views.
23. Shoreline development should be designed and constructed to preserve public views of the water to the greatest extent feasible.

## **Regulations**

See SCC 30.67.330.

### **3.2.5 Specific Shoreline Uses & Modifications**

The provisions in this section apply to specific common uses and modifications to the extent they occur within shoreline jurisdiction. Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other land disturbing activities such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of, or in preparation for, a shoreline use; for example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use). The use and modification regulations are based on the following principals from WAC 173-26-231 and -241:

- Establish a system of use regulations and environment designation provisions consistent with WAC 173-26-201(2)(d) and 173-26-211 that gives preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.
- Ensure that all SMP provisions concerning proposed development of property are established, as necessary, to protect the public's health, safety, and welfare, as well as the land and its vegetation and wildlife, and to protect property rights while implementing the policies of the SMA.
- Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.
- Establish use regulations designed to assure no net loss of ecological functions associated with the shoreline.
- Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
- Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
- Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
- Where applicable, base provisions on scientific and technical information and a comprehensive analysis of drift cells for marine waters or reach conditions for river and stream systems. Contact the state Department of Ecology for available drift cell characterizations.
- Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur,

incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

- Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).
- Define the types of uses and development that require shoreline conditional use permits pursuant to RCW 90.58.100(5) to provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within the SMP or with the SMA policies.

### **3.2.5.1 Agriculture**

The SMA states that, "... master programs developed or amended by local governments according to RCW 90.58.080 shall not require modification of or limit agricultural activities occurring on agricultural land." [RCW 90.58.065(1)]. However, master programs shall include provisions for new agricultural activities on land not meeting the definition of agricultural land. RCW 90.58.065 defines agricultural land as, "... those specific land areas on which agriculture activities are conducted."

The provisions in this section of the county's SMP apply to new agricultural activities including all uses that are allowed as permitted or conditional uses in the A-10 zone [SCC 30.22.110] which also meet the definition of "agricultural activities" [RCW 90.58.065(2), WAC 173-26-020(3) and SCC 30.91A.090] and which are proposed on land not currently used for agricultural activities

Conversion of agricultural lands to other uses is regulated in accordance with the standards for the new use (chapter 30.67 SCC, Part 500). Agricultural land in shoreline jurisdiction may be converted only to a use that is allowed in this SMP (chapter 30.67 SCC, Part 400) and which is allowed pursuant to county zoning regulations (chapter 30.22 SCC).

#### **Goals**

1. Promote the development and growth of the county's agricultural industry and preserve prime agricultural soils.
2. Reduce pollution resulting from agricultural practices, such as animal wastes, pesticides, sediments and nutrients.

#### **Policies**

1. Agricultural use of designated farmlands should be retained wherever possible and protected from incompatible and preemptive patterns of development.
2. Permit only those developments on designated agricultural land that are required to maintain, develop or enhance agricultural enterprises including all uses allowed in the A-10 zone which meet the definition of "agricultural activities".
3. Allow uses which are not shoreline related on a specified interim basis (e.g., seasonal farm produce stands), if such uses are not permanent and do not require permanent modifications of natural shorelines.
4. Implement farm management plans that are consistent with conservation practices recommended by the USDA Natural Resource Conservation Service and the Snohomish Conservation District.
5. Prohibit channel modifications that cause river or stream hydraulic pressures to adversely affect agricultural areas.
6. Restrict new shoreline armoring and the construction of new agricultural levees in floodplains and estuarine wetlands. Encourage the use of softer methods of shoreline stabilization to protect natural processes.
7. Encourage voluntary projects that will restore impaired shoreline ecological functions on designated agricultural land.
8. Do not require modification of or limit agricultural activities occurring on agricultural lands.

9. Appropriate vegetation and Natural Resources Conservation Service conservation practices should be used to minimize water quality impacts from agricultural activities.
10. Encourage the maintenance of a buffer or permanent vegetation or other soil erosion control measures between tilled areas and associated water bodies which will retard surface runoff, protect water quality, improve habitat, and reduce siltation.
11. Comply with control guidelines prepared by the U.S. Environmental Protection Agency and state and local agencies for regulating the location of confined animal feeding operations, retention and storage ponds for feed lot wastes, and stockpiles of manure solids along the county's shorelines to avoid water pollution.
12. Adjacent farms should construct manure lagoons and livestock flood sanctuaries for joint use whenever feasible. Where not feasible, these types of projects should be located and designed to minimize potential impacts to neighboring properties and shoreline ecological functions.

### ***Regulations***

See SCC 30.67.505.

### **3.2.5.2 Aquaculture**

Aquaculture includes the farming of shellfish, fish, aquatic plants or other aquatic organisms.

#### **Goals**

1. Allow the establishment of aquaculture involving the farming of shellfish, or other aquatic plants and animals, provided that water quality, habitat quality, native species and nearshore processes are not adversely affected and invasive or exotic species are not introduced into shoreline habitats.
2. Aquaculture or fisheries enhancement should be located where biophysical conditions (such as water temperature, water quality, depth, and dissolved oxygen) are suitable for the use.
3. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

#### **Policies**

1. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water dependent uses.
2. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.
3. Aquaculture or fisheries enhancement should be located where biophysical conditions (such as water temperature, water quality, depth, dissolved oxygen) are suitable for the use.
4. Aquaculture or fisheries enhancement facilities and operations should be consistent with the standards and requirements of the applicable state and/or federal agency responsible for regulating the organism being cultivated.
5. Aquaculture or fisheries enhancement requiring extensive structures or shoreline alterations should not be allowed in areas sensitive to development or which are scarce and valuable in the region such as critical saltwater habitats, marshes, estuaries and accretion shorelines unless it can be demonstrated that there will be no net loss of shoreline ecological functions.
6. Aquaculture should be designed and located:
  - a. To avoid or minimize impacts to natural dynamic processes of shoreline formation, processes, and shoreline ecological functions;
  - b. So as not to spread disease to native aquatic life or establish new non-native species which will damage native flora and fauna or impact shoreline ecological functions;
  - c. To not interfere with the migration of aquatic organisms except where specifically intended by the design or operation of the facility;

- d. To maintain navigational access of upland owners, recreational boaters and commercial waterborne traffic; and
  - e. To minimize potential conflicts with adjacent uses such as commercial fishing, recreation and navigation. Potential use conflicts should be considered during review of proposed aquaculture developments.
7. Aquaculture operations should be consistent with the county's goal of maintaining water quality. Aquaculture operations should minimize the use of approved pesticides, herbicides, antibiotics, vaccines, growth stimulants, or other chemicals.
  8. Consider and mitigate insofar as practical the possible detrimental impact aquacultural development might have on views from upland property of the general aesthetic quality of the shoreline area.
  9. Define aquaculture zones as a one-mile radius around identified aquaculture areas. Evaluate proposed developments and activities within the zone for impact on identified productive or potentially productive aquaculture areas. Identify impacts and mitigate impacts through permit conditions and performance standards. Consider alternate locations and designs for such proposals if potential adverse impacts are significant.
  10. Commercial and industrial aquaculture processing facilities should locate in the Urban shoreline designation to protect the scenic and aesthetic quality of rural shorelines.
  11. Ensure that aquaculture does not result in a net loss of shoreline ecological functions.
  12. Established aquaculture should be protected from incompatible uses which may seek to locate nearby.
  13. Encourage physical or visual public access to shorelines when physical and operational characteristics allow.

### ***Regulations***

See SCC 30.67.510.

### **3.2.5.3 Boating and Boat Mooring Facilities**

Boating facilities include marinas, yacht and boat clubs, boat launches and ramps. Boat mooring facilities include covered moorage, boathouses, mooring buoys, piers, docks and floats. Depending upon the type of construction, boating and boat mooring facilities can affect fish and shellfish habitats, wildlife habitat and natural shore processes.

#### ***Policies***

1. The location, design, construction and operation of boating and boat mooring facilities should endeavor to minimize adverse effects on priority habitats, fish and shellfish resources, and the adjacent areas.
2. Boating and boat mooring facilities shall be designed at an appropriate scale and character and constructed to blend visually with all surrounding land uses.
3. Boating and boat mooring facilities should be located and designed so that their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views.
4. Boating and boat mooring facilities shall make use of the natural site configuration to the greatest extent possible.
5. Encourage multiple uses in boating and boat mooring facility design.
6. New marina facilities should be designed and constructed to accommodate public access and enjoyment of the shoreline including provisions for walkways, view points, rest rooms and other recreational uses according to the scale of the facility.
7. Carefully consider the capacity of shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage, when identifying suitable sites for boat and boat mooring facilities.
8. Treated wood products should be avoided on structures or portions of structures that contact the water.
9. Grating must be incorporated into all overwater structures that will shade nearshore areas.
10. A mitigation plan will be required for all unavoidable impacts to nearshore marine areas.
11. No marina or boat launching facility shall be built on or over eelgrass beds or forage fish spawning areas.
12. Marinas shall not be sited in areas containing mudflats, sandflats, pocket estuaries or other nearshore sediment accretion areas.
13. Marinas shall not be located in areas that would detrimentally alter littoral drift. An evaluation of nearshore drift cell movement must be conducted during the siting process.
14. Marinas should be sited in deepwater areas to avoid the need for dredging.
15. Marinas shall be designed to incorporate uninhibited tidal bypass in such a manner that will minimize the need for maintenance dredging.
16. Marinas shall be designed in such a manner to allow adequate flushing and water circulation within the facility in order to avoid water quality degradation.

17. Prior to designing in-water marinas, an alternatives analysis must be conducted in order to determine if it is feasible to have upland boat storage areas in the vicinity of the project site.
18. No marina shall be built within a 1/2 mile of any outfall of primary treated domestic or industrial sewage or waste.
19. Floats, piers, docks, and other structures associated with marinas must be placed in deep water to avoid prop scour and shading impacts.
20. New docks and piers should only be allowed when necessary to facilitate water dependent uses or public access. A dock associated with a single family residence is considered a water dependent use provided it is designed and intended for access to watercraft.
21. Docks and piers should be limited to the minimum size necessary to support the proposed water dependent use.
22. Docks, piers, floats and other overwater structures should be designed and located to avoid, or minimize and mitigate impacts to critical areas and functions. Limits to size, configuration, length, materials, scheduling and location should be required when necessary to protect shoreline ecological functions.
23. Docks, piers, floats and other overwater structures should be designed and located so as to maintain navigability and public use of the waters of the state.
24. Encourage the use of open-pile piers where there is significant littoral drift and where scenic values will not be impaired.
25. Designate areas where pile piers will have priority over floating docks.
26. New docks, piers and floats serving residential development should be developed as community or joint use docks serving two or more dwellings rather than individual docks, whenever feasible.

### ***Regulations***

See SCC 30.67.515 and 30.67.517.

### **3.2.5.4 Breakwaters, jetties, groins & other in-water structures**

Breakwaters are used to protect a harbor or shore from wave impacts. Jetties and groins are structures designed to modify or control sand movement. Jetties typically prevent sand from being transported and deposited in inlets where sandbar development may otherwise impair navigation. Groins are constructed perpendicular to the beach trapping sand behind them and preventing sand transport down the beach.

#### ***Policies***

1. Breakwaters, jetties and groins should only be allowed waterward of the ordinary high water mark when necessary to support a water dependent use.
2. Mitigation sequencing shall be followed when evaluating proposals for new breakwaters (i.e., avoid, minimize, mitigate). Project proponents must first demonstrate the need for a breakwater.
3. Floating breakwaters parallel to the shoreline will be the only acceptable design unless it can be demonstrated by a qualified hydrogeologist with experience evaluating marine shoreline breakwaters that the design will not be feasible at the project site.
4. If it is determined that a floating breakwater is not feasible, solid breakwaters may be considered but only in instances where design modifications can eliminate potentially significant detrimental effects on the movement of sand and circulation of water.
5. Give preference to floating seasonal breakwaters that can be removed during the winter.
6. Breakwaters, jetties or groins should be designed and located:
  - a. To avoid or minimize and mitigate impacts to natural dynamic processes of shoreline formation, processes, and ecological functions; especially littoral drift and fish and wildlife habitat; and
  - b. To have no adverse impacts on downdrift, downstream and adjacent properties, such as beach starvation; and
  - c. To avoid or minimize restrictions on the public use of the water surface, especially navigational access of upland owners, recreational boaters and commercial waterborne traffic.
7. Breakwaters, jetties and groins should not be located in or over critical saltwater habitats.
8. Design breakwaters, jetties and groins so they will not detract from the aesthetic quality of the shoreline.

#### ***Regulations***

See SCC 30.67.520.

### **3.2.5.5 Commercial**

Commercial developments are those uses which are involved in wholesale or retail trade, business activities or services not typically associated with single-family residential uses. Restaurants, retail stores, business parks, craft shops, art galleries and other similar uses are typical commercial uses in shoreline jurisdiction.

#### ***Policies***

1. Preference should be given to commercial developments which include water dependent and water related uses and activities as primary uses within shoreline areas.
2. Strongly encourage new commercial developments on shorelines to locate in those areas where current commercial uses already exist.
3. Encourage the development of commercial activities which can make use of existing public services.
4. New commercial development along shorelines must incorporate innovative designs, including low impact development approaches, so that the footprint of the facility is negligible along the shoreline.
5. Parking, storage, loading and service areas and facilities serving commercial uses should minimize their visual impact on the shorelines, utilize low impact development techniques and be placed a minimum of 200 feet away from the immediate water's edge.
6. Commercial developments that abut the water's edge should provide physical and/or visual access to the shoreline where appropriate.
7. Commercial development shall be designed in such a manner as to avoid the need for shoreline stabilization structures.
8. Commercial development should be designed and located so as to avoid or minimize impacts to shoreline ecological functions.
9. New commercial development and related accessory uses must minimize overwater coverage and all runoff should be contained and treated prior to discharge.
10. Allow restoration or public access to the shoreline as the water dependent portion of a nonwater-oriented commercial use.
11. Commercial projects should be designed to minimize impacts to both views of the shoreline and views from the water. Building orientation, height and the creation of view corridors should be considered in design.
12. Commercial uses should be compatible in use, scope and scale with the purpose of the shoreline environment in which they are located.

#### ***Regulations***

See SCC 30.67.525.

### **3.2.5.6 Dredging and dredge spoil disposal**

Dredging is the removal of earth material from the bottom of a stream, river, lake, bay or other water body for the purpose of deepening a navigation channel or to obtain use of the bottom materials for landfill or economic purposes. By definition, dredging only occurs below the ordinary high water mark and is therefore limited to the *Aquatic* or *Municipal Watershed Utility* environments. Dredging and dredge spoil disposal activities may also be related to “fill”, “flood hazard management” or “mining”. Dredging related to these other activities is addressed in sections 3.2.5.7 – Fill, 3.2.5.8 – Flood Protection Measures, and 3.2.5.12 – Mining in this SMP.

A significant portion of dredged materials are deposited either in the water or immediately adjacent to it, often resulting in water quality problems.

#### ***Policies***

1. Regulate and control dredging to ensure no net loss of shoreline ecological functions within both the area to be dredged and the area for deposit of dredged materials.
2. Identify, in consultation with the State Department of Natural Resources and Washington State Department of Fish and Wildlife, spoil deposit sites.
3. Dredging of bottom materials for the single purpose of obtaining fill material shall not be allowed except as necessary for restoration of shoreline ecological functions.
4. New development should be sited and designed to avoid or if that is not possible, to minimize the need for new and maintenance dredging.
5. Approve dredging projects only when accompanied by an acceptable plan for the long-range disposal of dredge spoils created by the project and its continued maintenance.
6. Allow dredging activities necessary to maintain and operate public water supply, power generation, and flood control reservoirs, including, but not limited to, sediment removal at pipe inlets or outlets.

#### ***Regulations***

See SCC 30.67.530.

### **3.2.5.7 Fill**

**Fill** is any material, such as earth, clay, sand, concrete, rubble, wood chips, bark or waste of any kind which is placed, stored or dumped upon the surface of the ground or water-ward of the ordinary high water mark resulting in an increase in the natural surface elevation [SCC 30.91F.220]. Neither organic materials nor fill materials identified as solid waste per SCC 7.25.020(32) shall be deposited waterward of the ordinary high water mark.

#### ***Policies***

1. Allow fills only when necessary to support a use allowed by the county's Shoreline Management Program and where adverse impacts on ecological functions will be mitigated.
2. The area of fill should be the minimum necessary to facilitate the use, and projects should be designed and located to minimize the need for fill. For example, projects should be designed with pile supported piers, rather than piers constructed with fill.
3. Prohibit sanitary landfills or the location of solid waste disposal sites in any shoreline area.
4. Fills waterward of the ordinary high water mark should only be allowed where necessary to facilitate a water dependent use, restoration project, or public access.
5. When allowed, fills in water bodies should minimize or eliminate impacts to navigability and public access, and ensure no net loss of shoreline ecological functions including channel migration.

#### ***Regulations***

See SCC 30.67.535.

### **3.2.5.8 Flood Protection Measures**

This flood damage prevention element gives consideration to the statewide interest in the prevention and minimization of flood damages. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program

Flood hazard reduction measures are most effective when integrated into comprehensive strategies that recognize the natural hydrogeological and biological processes of water bodies. Over the long term, the most effective means of flood hazard reduction are to prevent or remove development in flood-prone areas, to manage storm water within the flood plain, and to maintain or restore river and stream system's natural hydrological and geomorphological processes.

#### **Goals**

1. Prevent and minimize flood damage without decreasing fish and wildlife habitat.
2. Manage floodplains in a manner that supports agricultural uses wherever possible.

#### **Policies**

1. Encourage the removal of artificial restrictions to natural channel migration if feasible and recognize that seasonal flooding is a natural process.
2. Give preference to nonstructural flood hazard reduction measures over structural measures.
3. When evaluating alternate flood control measures, consider the removal or relocation of structures in flood prone areas.
4. Assure that flood hazard reduction measures do not result in a net loss of ecological functions associated with rivers and streams.
5. New development or uses should be discouraged if they would require structural flood hazard reduction measures within the channel migration zone or floodway.
6. Avoid development and shoreline modifications that would result in interference with the process of channel migration.
7. The county shall meet the requirements of the National Flood Insurance Program.
8. Prevent alteration of river or stream channels in order to obtain increased conveyance of stream flow except where the activity is part of a comprehensive flood management solution consistent with an adopted flood hazard management plan. Where there is no adopted flood hazard management plan, the activity should be consistent with the most recent version of the "Integrated Streambank Protection Guidelines" developed by the Aquatic Habitat Guidelines Steering Committee (Washington State Department of Fish and Wildlife, April 2003).
9. When shoreline stabilization and flood protection structures are rebuilt, construct structures that protect or enhance wildlife habitats and are vegetated with native shrubs and trees.
10. Encourage bio-stabilization methods for erosion damage repair whenever possible.

11. New and replacement water control structures should incorporate a design that uses best available fish passage technology.
12. Allow for maintenance of flood conveyance facilities that does not result in a net loss of shoreline ecological functions.
13. Encourage the use of low impact development techniques in all development.
14. Encourage uses, such as parks, greenbelts and agriculture, which are most compatible with flood-prone areas.
15. New flood protection measures should be allowed only when necessary to protect existing development or designated agricultural land, or to facilitate restoration of shoreline ecological functions.
16. Locate, design and construct permitted flood protection measures so as to avoid channelization, protect adjacent or downstream property from adverse effects and to ensure no net loss of shoreline ecological functions associated with rivers and streams.
17. Place all flood protection measures such as dikes and levees landward of any associated wetlands, and where feasible, landward of the channel migration zone.
18. Recognize and protect the integrity of a water body's hydraulic system, including associated wetlands, when planning for and designing flood protection measures.
19. All flood protection measures, including repair and maintenance, should conform to standards set forth in county and/or state approved floodplain management plans, when applicable.
20. When emergency repair of flood protection structures is necessary, permits for the work, including mitigation, shall be obtained in a reasonable timeframe or the structure shall be removed.

### ***Regulations***

See SCC 30.67.540.

### **3.2.5.9 Forestry**

Snohomish County will rely on the Forest Practices Act (chapter 76.09 RCW) and its implementing rules and on the *Forest and Fish Report*<sup>4</sup> (USFWS et. al, 1999) as adequate management of commercial forest uses within shoreline jurisdiction. Logging for the purpose of converting the land to another use is subject to the requirements for vegetation management (SCC 30.67.599) for the specific shoreline environment designation and to the standards and requirements for the new use (chapter 30.67 SCC, Part 500).

Trees along a body of water provide shade which insulates the waters from detrimental temperature change and dissolved oxygen release. A stable water temperature and dissolved oxygen level provide a healthy environment for fish and other more delicate forms of aquatic life. Poor logging practices on shorelines alter this balance as well as result in slash and debris accumulation and may increase the suspended sediment load and the turbidity of the water.

#### **Goals**

1. Conserve productive forest land and discourage incompatible uses.
2. Allow logging that is consistent with the State Forest Practices Act (chapter 76.09 RCW), the *Forest and Fish Report* (USFWS et. al, 1999) and effective forest management practices.

#### **Policies**

1. Protect or restore forest cover throughout the shoreline areas.
2. Discourage logging on steep slopes near shoreline areas.
3. Replant logged steep sloped areas as soon as possible to minimize erosion and sedimentation impacts.
4. Encourage enrollment in incentive conservation programs that provide an alternative to logging.
5. Conversion of forest lands to non-forestry uses shall be consistent with management policies and development standards for the specific shoreline environment.
6. New log storage and rafting areas should be located out of the water.
7. Expansion of existing log storage and/or rafting areas should not be allowed if grounding will occur.
8. Minimize the amount of log debris, bark and wood leachates resulting from log handling in shorelines of the state.
9. The county should work with affected parties and local salmon conservation efforts with the goal of phasing out existing in-water log storage areas in critical habitat utilized by threatened or endangered species.

#### **Regulations**

See SCC 30.67.545

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<sup>4</sup> USFWS, NMFS, EPA, Office of the Governor of the State of Washington, DNR, WDFW, DOE, Colville Confederated Tribes, Washington State Association of Counties, WFPA, WFFA. 1999. *Forests and Fish Report*. Dated 29 April 1999.

### **3.2.5.10 Industry and Ports**

Industrial uses are those which are involved in manufacture, assembly, processing, warehouse/storage, or distribution of commodities or resources as a primary use that are not typically associated with or incidental to residential, commercial or agricultural uses. Airports, ultralight airparks, log storage, sawmills, shake and shingle mills and log scaling stations are industrial uses.

Ports are centers for water-borne traffic and as such have become gravitational points for industrial and manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available.

#### ***Policies***

1. Industries wishing to locate on the shoreline should be water-dependent unless navigability is limited or the site is separated from the water by an intervening use, right-of-way corridor or physical barrier.
2. Encourage the development of industrial activities which can make use of existing public services.
3. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.
4. New port development structures (e.g., wharfs, piers, floats) shall be designed in such a manner that minimizes overwater coverage to the greatest extent possible. Features such as "T" wharfs and grating should be incorporated into the design of new overwater structures.
5. Treated wood products should be avoided on structures or portions of structures that contact the water.
6. Parking, storage, waste treatment, loading and service areas and facilities serving industrial uses should minimize their visual impact on the shorelines, and be placed inland away from the immediate water's edge or screened. Joint use of such facilities should be encouraged.
7. Encourage the cooperative use of docking, cargo handling and storage facilities in waterfront industrial areas.
8. Land transportation and utility corridors serving ports and water related industry should follow the policies provided under the sections of the SMP dealing with Utilities and Transportation Facilities.
9. Give consideration to statewide port needs, and coordinate planning with other jurisdictions in the state to avoid duplication of port services.
10. Undertake careful planning to reduce any potential adverse impact of industrial piers and docks on other water dependent uses and shoreline resources.
11. Require that all port development be consistent with an adopted comprehensive port improvement plan, county or city comprehensive plans and shoreline management programs.
12. Industrial projects should be designed to minimize impacts to both views of the shoreline and views from the water. Building orientation, screening, height and the creation of view corridors should be considered in the design of such facilities.

13. Industrial development should be designed and located so as to avoid or minimize impacts to shoreline ecological functions. Where avoidance is not feasible, development should ensure no net loss of shoreline ecological functions.
14. Allow restoration or public access to the shoreline as the water dependent portion of a non-water oriented industrial use.
15. Industrial uses should be compatible in use, scope and scale with the purpose of the shoreline environment in which they are located.

### ***Regulations***

See SCC 30.67.550.

### **3.2.5.11 Institutional Uses**

Institutional uses include those nonresidential uses that typically are found in all zones, including residential zones, such as health and social service facilities, community facilities for juveniles or seniors, schools, libraries, museums, government structures and facilities, and churches. In-home institutional uses conducted in a single-family residential structure and which are secondary to the residential use of the structure such as a day care, elder care, home school or foster home are not considered institutional uses for the purposes of this SMP.

#### ***Policies***

1. Preference should be given to institutional developments which include water-dependent and water-related uses and activities as primary uses within shoreline areas.
2. Strongly encourage new institutional developments on shorelines to locate in those areas where current commercial or institutional uses already exist.
3. Encourage the development of institutional activities which can make use of existing public services.
4. New institutional development along shorelines must incorporate innovative designs, including low impact development approaches, so that the footprint of the facility is negligible along the shoreline.
5. Parking, storage, loading and service areas and facilities serving institutional uses should minimize their visual impact on the shorelines, utilize low impact development techniques and be placed a minimum of 200 feet away from the ordinary high water mark.
6. Institutional developments that abut the water's edge should provide physical and/or visual access to the shoreline where appropriate.
7. Institutional developments shall be designed in such a manner as to avoid the need for shoreline stabilization structures.
8. Institutional development should be designed and located so as to avoid or minimize impacts to shoreline ecological functions.
9. New institutional development and related accessory uses must minimize overwater coverage and all runoff should be contained and treated prior to discharge.
10. Allow restoration or public access to the shoreline as the water dependent portion of a nonwater-oriented institutional use.
11. Institutional developments should be designed to minimize impacts to both views of the shoreline and views from the water. Building orientation, height and the creation of view corridors should be considered in the design of such developments.

#### ***Regulations***

See SCC 30.67.555.

### **3.2.5.12 Mining**

Mining is the removal and primary processing of naturally occurring materials including sand, gravel, rock, soil, peat or precious metals for economic use. Mining activities also include in-water dredging activities related to mineral extraction.

Mining in the shoreline generally alters the natural character, resources, and ecology of shorelines of the state and may impact critical shoreline resources and ecological functions of the shoreline. The removal of sand and gravel from shoreline areas usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals. The removal of sand and sediments from marine beaches and feeder bluffs can deplete limited resources not easily restored through natural processes. However, in some circumstances, mining may be designed to have benefits for shoreline resources, such as creation of off channel habitat for fish or habitat for wildlife

Activities associated with shoreline mining, such as processing and transportation, also generally have the potential to impact shoreline resources unless the impacts of those associated activities are evaluated and properly managed in accordance with applicable provisions of the SMP. For purposes of this definition, “primary processing” includes screening, crushing, and stockpiling, all of which utilize materials removed from the site where the processing activity is located. Processing does not include general manufacturing, such as the manufacturing of cast concrete or asphalt products, asphalt mixing operations or concrete batching operations.

Mining and processing of sand, gravel, rock and precious metals is allowed in Snohomish County only within mineral resource designated areas in the comprehensive plan as shown on the county’s Future Land Use Map (FLUM) and in areas zoned Mineral Conservation (MC). With a few minor exceptions, the mineral resource designation does not coincide with shoreline jurisdiction. This means there is very little opportunity for the mining or processing of these resources within shorelines.

In the isolated instances where new mining and associated activities may be allowed, the operations shall be designed and conducted to comply with the regulations of the environment designation and the provisions applicable to critical areas where relevant. Accordingly, meeting the no net loss of ecological functions standard shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate, however, to determine whether there will be no net loss of shoreline ecological functions based on evaluation of final reclamation required for the site.

#### **Goals**

1. The economically extractable resources of rock, sand, gravel, top soil and peat should be carefully managed and conserved in order to encourage a long term benefit over a short term gain.

#### **Policies**

1. Permit mining that is consistent with the county’s GMA comprehensive plan and is located in areas designated for such use by the county’s mineral resources overlay.
2. Require that mining of sand, gravel and other minerals is done in conformance with the Washington State Surface Mine Reclamation Act (chapter 78.44 RCW) and the provisions of the Snohomish County Code, and county’s GMA comprehensive plan.
3. Reclamation plans should include provisions for the following:
  - a. Creation, restoration or enhancement of habitat for critical species; and

b. Public access.

***Regulations***

See SCC 30.67.560.

### **3.2.5.13 Recreation**

Recreation uses are those that provide facilities for athletic activities, hobbies or other entertainment that provide relaxation or enjoyment of leisure time as a primary use. Recreation uses include both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual. Commercial uses that are clearly incidental to the recreation use such as concession stands or boat rental shall be considered part of the recreational use.

This recreation element addresses preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas.

#### ***Goals***

1. Provide additional opportunities and space for diverse forms of recreation for the public.

#### ***Policies***

1. Identify, preserve, protect, and where feasible acquire shoreline areas for public access and recreation through the countywide comprehensive parks planning process.
2. Give priority to water-oriented shoreline recreational development that is primarily related to access to, enjoyment and use of the water and shorelines of the state.
3. Allow the development of recreation uses in such a manner as to ensure no net loss of shoreline ecological functions. Recreational uses and developments should be designed and located to ensure no net loss of shoreline ecological functions.
4. Require location, design and operation of recreational development for maximum compatibility with other uses and activities and avoid negative impacts on the shoreline environment.
5. Encourage the growth and development of low impact or passive recreational, cultural tourism and general tourism uses that provide opportunities for large numbers of the public to enjoy the physical and aesthetic qualities of the shoreline.
6. Encourage the development of recreational activities which can make use of existing public services.
7. Encourage the establishment of scenic view points.
8. Promote private investment in water oriented recreational facilities that are open to the public.
9. Encourage compatible recreational uses in transportation and utility corridors.
10. Strongly encourage the linkage of shoreline parks and public access points through the use of linear access. Many types of connections can be used such as hiking paths, bicycle trails and scenic drives.
11. Recreational uses and development should provide for the preservation and enhancement of scenic views and vistas and for the buffering of recreation development from adjacent private property.
12. Prohibit the use of motorized vehicles on beaches, dunes and fragile shoreline resources.
13. Encourage a variety of recreational facilities which will satisfy the diversity of demands from groups in nearby population centers.

14. Allow intensive recreational developments only where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational use.
15. Allow recreational use of the Spada Lake shoreline consistent with the Federal Energy Regulatory Commission Project license and regulations in county code based on a cooperative agreement with the Snohomish County Public Utility District, City of Everett and the Department of Natural Resources.

### ***Regulations***

See SCC 30.67.565.

### **3.2.5.14 Residential**

Residential use includes single and multifamily dwellings and uses and other structures that are typically appurtenant or incidental to a residence. Residential uses also include those limited commercial and institutional uses that occur within or incidental to a residence, such as bed and breakfast inns, guest houses, home occupations, family daycare, retirement apartments, retirement housing and boarding houses.

Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development and the creation of new residential lots through land division.

#### ***Policies***

1. Require the use of the rural cluster subdivision code consistent with the underlying zoning in all shoreline subdivisions to reserve substantial portions of land as open space and to provide passive recreation areas.
2. Require that lots created through subdivision and/or short platting shall contain sufficient area, width and depth to ensure that development of the lots can occur without risk to structures from landslide or erosion.
3. Provide a geotechnical analysis of the site and an evaluation of shoreline characteristics prior to subdivision of land to assure that lots created will not require shoreline stabilization or the need for flood protection structures.
4. New buildings within shoreline jurisdiction shall be set back sufficiently to ensure that shoreline stabilization will not be needed.
5. Provide public pedestrian access to shorelines within the subdivision.
6. Provide all residents within the subdivision with adequate easily accessible and usable access to the water when feasible.
7. Prohibit residential development over water.
8. Residential development on shorelines which would be dependent on future bulkheading or other shoreline modifications for protection from flooding, erosion or channel migration should not be allowed.
9. Houseboats (vessels capable of being mobile but are used for living aboard) are to be located at approved moorage slips with adequate waste disposal practices that meet local and state health regulations.
10. Removal of vegetation which can potentially contribute to destabilization of slopes or bluffs should be avoided with the exception of removal of hazardous trees.
11. Access, utilities and public services should be available and adequate to serve existing needs and planned future residential development.
12. Residential development and on-site septic systems shall be designed and located to prevent adverse impacts to water quality of fresh water or marine shorelines.

#### ***Regulations***

See SCC 30.67.570.

### **3.2.5.15 Shoreline and Bank Stabilization**

Shoreline stabilization measures are used to reduce sedimentation and erosion. Stabilization measures can be either non-structural or structural:

Non-structural. Shoreline and bank stabilization accomplished by preventing or removing development in flood, landslide or erosion prone areas or by preserving or enhancing natural hydrological and biological processes. Such measures may include, but are not limited to, setbacks, buffers, bank or riparian re-vegetation, wetland restoration, dike removal or relocation, biotechnical stabilization measures or elevation of structures.

Structural. Shoreline and bank stabilization accomplished by the physical manipulation of the bank or channel, other than through enhancement of natural hydrological or biological processes. Such measures may include, but are not limited to, floodwalls, dikes, bulkheads, revetments, levees, jetties, channel realignment, and groins. Structural methods range from “soft” structures that are less rigid and incorporate biotechnical or beach enhancement to “hard” structures that are solid, hard surfaces such as bulkheads, retaining walls, bluff walls and rock revetments.

To protect ecological functions non-structural measures are preferred.

#### ***Policies***

1. Permit the construction of structural shoreline stabilization only when non-structural methods of shoreline protection are not feasible to protect a primary structure and/or pre-existing, legally established access from erosion caused by tidal action, currents, or waves.
2. Locate and construct shoreline stabilization structures in a manner which will not result in adverse effects on downdrift, downstream and adjacent properties and will result in no net loss of shoreline ecological functions.
3. Locate, design and construct shoreline stabilization structures in such a way as to avoid intruding into or over critical saltwater habitats.
4. Minimize the effect of shoreline stabilization structures on public access to publicly owned shorelines.
5. When possible, design structural shoreline stabilization to blend in with the surroundings and to not detract from the aesthetic qualities of the shoreline.
6. Permit the construction of shoreline stabilization structures only where they are necessary to protect primary structures, designated agricultural land and pre-existing, legally established access from natural processes, not for the indirect purpose of creating land by filling behind the bulkhead.
7. Structural shoreline stabilization should not be located on or at the base of eroding bluffs except where danger to existing development exists, and non-structural measures are not feasible.
8. Allow new bank stabilization of shorelines only after a geotechnical or hydrologic analysis demonstrates an imminent threat to an existing primary structure or essential public facility.

9. Bioengineering techniques utilizing vegetation, logs or rootwads shall be the preferred method of permitted structural shoreline stabilization except in those cases where a geotechnical or hydrologic analysis determines that such methods are not feasible.

### ***Regulations***

See SCC 30.67.575.

### **3.2.5.16 Shoreline Restoration and Enhancement**

Shoreline restoration and enhancement should improve ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.

The term “restoration” means to manipulate the physical, chemical, or biological characteristics of the shoreline environment with the goal of returning natural or historic function to a former or degraded area. The term “enhancement” means to manipulate the physical, chemical, or biological characteristics of a site to heighten, intensify, or improve specific functions.<sup>5</sup>

Restoration is further divided into the categories “re-establishment” and “rehabilitation.” “Re-establishment” means to manipulate the physical, chemical, or biological characteristics of the shoreline environment with the goal of returning natural or historic functions to the former natural condition. Whereas, “rehabilitation” means to manipulate the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded site.

This section addresses the goals, policies and regulations for projects designed to restore or enhance shoreline natural resources and ecological functions.

#### **Goals**

1. Restore and enhance shoreline natural resources.
2. Restore and enhance ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.
3. Strive for a net gain in ecological productivity in the nearshore, intertidal and estuarine habitat areas.
4. Restore and enhance water quality.

#### **Policies**

1. Restore and enhance priority habitat and species in shoreline areas.
2. Restore and enhance ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.
3. All shoreline restoration and enhancement projects should ensure that shoreline ecological functions, such as aquatic habitat, water quality, littoral drift, sediment processes, flood conveyance, and flood storage capacity are not degraded by the action.
4. Identify those areas which have a potential for restoration or enhancement of damaged ecological functions and develop standards for improvement of the conditions in those areas and provide incentives for achieving such standards.
5. Establish incentives that will provide opportunities for new development to restore or enhance impaired shoreline ecological functions.

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<sup>5</sup> The terms “restoration” and “enhancement” were adapted from *Wetlands in Washington State Vol. 2: Guidelines for Protecting and Managing Wetlands* (Publication #05-06-008 app. A ppg. 17-18, WDOE 2005).

6. Facilitate restoration and enhancement by expediting and simplifying the shoreline permit process for projects that are conducted solely for restoration and enhancement purposes, especially those that benefit critical saltwater and freshwater habitats.
7. Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.
8. The county should develop acquisition and conservation easement programs directed at lands that have unique ecological values or cannot be protected by any other method.
9. Provide incentives for new development and for public and private shoreline owners to restore and enhance shoreline ecological functions and protect habitat for fish, wildlife and plants.
10. The county shall aggressively seek funding from state, federal, private and other sources to implement restoration, enhancement, and acquisition projects.
11. The county should incorporate the recommendations contained in the watershed management plans and salmon conservation plans as the basis for prioritizing restoration and enhancement projects.
12. The county shall promote innovative land use techniques, where appropriate, such as transfer and purchase of development rights and other incentives for voluntary practices.
13. Encourage public and private shoreline owners to promote the proliferation of native, noninvasive wildlife, fish and plants.
14. Non-structural approaches for shoreline restoration and enhancement should be used for shoreline stabilization instead of bulkheads or other structural stabilization measures, where feasible.
15. Shoreline enhancement or restoration should be allowed in all shoreline environments provided it accomplishes one or more of the following objectives:
  - a. Recreate or enhance shoreline conditions;
  - b. Create or enhance natural habitat; or
  - c. Implement a recommended project in the Restoration Element of the Snohomish County Shoreline Management Program.
16. Shoreline restoration and/or enhancement should use maintenance-free or low-maintenance designs, where feasible.
17. Shoreline restoration and/or enhancement should be designed to result in a natural shoreline with functions, vegetative communities and structure similar to what would historically have been found on the site or in the vicinity.
18. Projects should address habitat degradation causes rather than symptoms. Habitat enhancement activities should emphasize rehabilitation of ecological processes and functions.
19. Existing artificial structures that appear to be impeding natural recovery should be removed.
20. Beneficial long term effects of natural disturbances, such as flooding, should be preserved or restored whenever possible.

21. Isolated sloughs, side channels and wetlands should be reconnected to fish accessible waters where feasible.
22. Require habitat improvement on redevelopment projects through a combination of public and private programs and actions through regulatory and/or non-regulatory means.
23. Encourage participation in volunteer programs that protect and improve shoreline ecological functions, such as Shore Stewards, Snohomish County WSU Beach Watchers, Sound Stewards, the WDFW backyard sanctuary program, and other citizen-oriented conservation programs.

### ***Regulations***

See SCC 30.67.580.

### **3.2.5.17    *Transportation, Circulation and Parking Facilities***

The transportation and circulation element addresses the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public facilities, all correlated with the shoreline use element. The transportation system provides access to shoreline areas and scenic viewpoints but at the same time can damage shoreline ecological functions. The transportation goals and policies must balance the requirements needed to support shoreline uses with the protection of the shoreline ecology.

#### ***Goals***

1. Permit safe and convenient circulation systems appropriate to the shoreline environment which cause minimum disruption to shoreline access, shoreline environment, and minimum conflict between the different users.

#### ***Policies***

1. New nonwater oriented transportation facilities should be located outside of shoreline jurisdiction unless there is no reasonably feasible alternative alignment or location.
2. To the extent feasible, encourage joint use transportation corridors by consolidating transportation and utility facilities in shared rights-of-way when they must cross shoreline areas.
3. New and expanded transportation facilities should be designed and located away from shoreline areas so as to ensure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with existing and planned uses.
4. Locate and design new and expanded transportation facilities so as to avoid the need for structural shoreline stabilization within a channel migration zone or floodway.
5. Permit the repair and maintenance of transportation structures within a channel migration zone or floodway so as to minimize significant ecological impacts.
6. Encourage the use of waterborne transportation and commuter ferry service.
7. Require development and redevelopment with shoreline areas to manage stormwater impacts consistent with the county's surface water management program or current stormwater management manual.
8. Encourage low impact development techniques.
9. Locate and design new circulation systems consistent with the Snohomish County GMA comprehensive plan to provide for alternative modes of transportation in the shoreline jurisdiction.
10. New transportation facilities should be located outside of shoreline areas wherever feasible.
11. Encourage provision of viewpoints, rest areas and picnic facilities in public shoreline areas along transportation corridors.
12. Retain portions of old highways having high aesthetic quality as alternative scenic routes, unless this conflicts with agriculture or fish and wildlife habitat.
13. Promote the use of abandoned railroad rights-of-way for trail systems, especially where they would provide public access to or enjoyment of the shorelines.
14. Encourage creation of trail systems adjacent to new roads and railroads where feasible and safe.

15. Transportation facilities should be located and designed to avoid, or if that is not feasible, minimize impacts to shoreline ecological functions, especially channel migration and conveyance of flood waters and large woody debris.
16. When necessary in shoreline areas, transportation facilities should be located where routes will have the least impact to shoreline ecological functions and will not adversely impact existing or planned water dependent uses.
17. Road and railroad bridges should be designed to accommodate the existing floodways of streams and rivers.
18. Design and maintain roads to minimize erosion and preserve natural drainage ways.
19. Construction debris, overburden and other waste materials should not be allowed to enter into any water body by disposal or erosion from drainage, high water or other means.
20. Provide safe pedestrian and other non-motorized travel facilities in public shoreline areas.
21. Parking is not a preferred shoreline use and should be allowed only to support a use authorized under the SMP.
22. Parking facilities should be located outside of shoreline jurisdiction or as far landward from the ordinary high water mark as feasible. When located within shoreline jurisdiction, the location and design of parking facilities should:
  - a. Minimize visual and environmental impacts to adjacent shoreline and critical areas.
  - b. Provide for pedestrian access through the facility to the shoreline; and
  - c. Facilitate public access to and enjoyment of the shoreline.
23. Parking, storage, loading and service areas and facilities serving commercial uses should minimize their visual impact on the shorelines, utilize low impact development techniques and be placed a minimum of 200 feet away from the ordinary high water mark.
24. Provide public transportation services that support and are supported by the land use element, natural environment element, and economic development element of the county comprehensive plan.
25. Plan, design, program, construct, and promote use of non-motorized transportation facilities in Snohomish County and in cooperation with WSDOT and the cities.
26. A safe system of bicycle and pedestrian facilities shall be planned for, tying together residential areas, schools, recreation areas, business areas, transit stops and transfer points, and centers.
27. Ensure that new development accommodates non-motorized transportation facilities in its site planning.

### ***Regulations***

See SCC 30.67.590.

### **3.2.5.18 Utility Facilities**

Utilities are services which produce and carry electric power, gas, sewage, water, oil and communications. At this time, the most feasible methods of transmission are linear pipes and wires. The installation of these apparatus necessarily disturbs the landscape but can usually be planned to have minimal visual and physical effect on the shoreline environment.

#### ***Policies***

1. Utility production and processing facilities, such as power plants and sewage treatment plants or parts of such facilities that are non-water oriented should not be located in shoreline areas unless there is no feasible alternative location.
2. Utility transmission facilities should be located outside of shoreline areas, to the maximum extent feasible.
3. Utilities should not be located along feeder bluffs or landslide hazard areas.
4. Utility lines and facilities, when they must be placed in a shoreline area, should not obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.
5. Location of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions, should not be allowed unless there is no feasible alternative.
6. Design and location of utility facilities should provide for no net loss of shoreline ecological functions.
7. Utility installation or maintenance projects on shorelines should restore areas to pre-project configuration, replant with native species and provide maintenance care until the newly planted vegetation is established.
8. To the maximum extent feasible, local governments should incorporate major transmission line rights-of-way on shorelines into their program for public access to and along water bodies.
9. Utility facilities should be located within existing transportation rights-of-way in shoreline areas whenever feasible. Major utility facilities should be allowed in shoreline areas when necessary to implement the adopted county GMA comprehensive plan, capital facilities plan, or water or sewer district plan.
10. Major utility facilities should be located and designed to be compatible with other uses of the water and shorelines and in a manner that preserves the natural landscape and shoreline ecology.
11. Allow dredging activities necessary to maintain and operate public water supply, power generation, and flood control reservoirs, including, but not limited to, sediment removal at pipe inlets or outlets.

#### ***Regulations***

See SCC 30.67.595.

### **3.2.5.19 Vegetation Management**

The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

Master programs are required to include: planning provisions that address vegetation conservation and restoration, and regulatory provisions that address conservation of vegetation; as necessary to assure no net loss of shoreline ecological functions and ecosystem-wide processes, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion (WAC 173-26-221(5)). The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

- Providing shade necessary to maintain the cool temperatures required by salmonids, spawning forage fish, and other aquatic biota.
- Providing organic inputs critical for aquatic life.
- Providing food in the form of various insects and other benthic macro-invertebrates.
- Stabilizing banks, minimizing erosion, and reducing the occurrence of landslides. The roots of trees and other riparian vegetation provide the bulk of this function.
- Reducing fine sediment input into the aquatic environment through storm water retention and vegetative filtering.
- Filtering and vegetative uptake of nutrients and pollutants from ground water and surface runoff.
- Providing a source of large woody debris into the aquatic system. Large woody debris is the primary structural element that functions as a hydraulic roughness element to moderate flows. Large woody debris also serves a pool-forming function, providing critical salmonid rearing and refuge habitat. Abundant large woody debris increases aquatic diversity and stabilization.
- Regulation of microclimate in the stream-riparian and intertidal corridors.
- Providing critical wildlife habitat, including migration corridors and feeding, watering, rearing, and refugia areas.

These functions and standards for their protection are addressed in the *Revised Summary of Best Available Science for Critical Areas, March 2006*, and in the adopted critical area regulations in chapter 30.62A SCC.

#### ***Policies***

1. Native plant communities bordering state shorelines should be protected and maintained to minimize damage to the environment of the shoreline area.
2. Disturbance of native plant communities should only occur in support of a use or development in conformance with the SMP. Disturbed areas should be revegetated with native plant species appropriate to the soil and hydrologic conditions.
3. Restoration of shorelines which have been impacted by human activities should use soil bioengineering techniques, except where proven ineffective, to arrest the process of erosion, sedimentation and flooding.

4. Rehabilitation of degraded shorelines for the purpose of habitat enhancement should utilize soil bioengineering techniques where possible.
5. Vegetated buffers should be utilized to minimize groundwater and surface water quality impacts from land use activities.
6. Discourage the use of fertilizers and pesticides in lawn and garden maintenance.
7. Restoration and revegetation of shoreline areas should be encouraged and integrated into shoreline project designs.
8. Encourage management and control of noxious and invasive weeds.

### ***Regulations***

See SCC 30.67.599.

# ***Appendix A – Glossary***

## ***Acronyms***

<b>CAR</b>	Critical Areas Regulations
<b>DNR</b>	Washington State Department of Natural Resources
<b>DOE</b>	Washington State Department of Ecology
<b>FERC</b>	Federal Energy Regulatory Commission
<b>F&amp;WHCA</b>	Fish and Wildlife Habitat Conservation Area
<b>GIS</b>	Geographic Information System
<b>GMA</b>	Growth Management Act
<b>LAMIRD</b>	Limited Area of More Intensive Rural Development
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>OHWM</b>	Ordinary High Water Mark
<b>PSDDA</b>	Puget Sound Dredge Disposal Analysis
<b>PUD</b>	Public Utility District No. 1 of Snohomish County
<b>RCW</b>	Revised Code of Washington
<b>SAC</b>	Shoreline Advisory Committee
<b>SCC</b>	Snohomish County Code
<b>SMA</b>	Shoreline Management Act
<b>SMP</b>	Shoreline Management Program
<b>UGA</b>	Urban Growth Area
<b>USDA</b>	United States Department of Agriculture
<b>USFWS</b>	United States Fish and Wildlife Service
<b>WAC</b>	Washington Administrative Code
<b>WDFW</b>	Washington State Department of Fish and Wildlife

## ***Definitions***

**The definitions are included here for quick reference. The regulatory definitions are contained in chapter 30.91 SCC and where any inconsistency exists between these definitions and the definitions in chapter 30.91 SCC, the definitions in chapter 30.91 SCC shall prevail.**

**30.91A.005 “Accretion”** means the gradual extension of land by natural forces, as in the addition of sand to a beach by ocean currents, or the extension of a floodplain through the deposition of sediments by repeated flooding. Included are such shore forms as barrier beaches, points, spits, and hooks.

**30.91A.092 “Agricultural activities”** means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

**30.91A.097 “Agricultural equipment and facilities”** includes, but is not limited to: (i) The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables.

**30.91A.102 “Agricultural land”** means those specific land areas on which agriculture activities are conducted as of the date of adoption of the Shoreline Management Program (SMP) June 6, 2012) as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements of the SMP.

**30.91A.107 “Agricultural products”** include but are not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products.

**30.91A.250 "Appurtenance"** means development necessarily connected to the use and enjoyment of a single-family residence and located landward of the perimeter of a wetland and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single-family residence; fences; and

grading which does not exceed 250 cubic yards (except to construct a conventional drainfield).

**30.91A.255 "Aquaculture"** means the culture, harvesting or farming of food fish, shellfish, or other aquatic plants and animals. Commercial activities include the hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas. Non-commercial activities include activities related to subsistence, recreational and personal consumption, and research and restoration, provided that non-commercial aquaculture does not include construction or installation of structures on the beach or waterward of the ordinary high water mark. Aquaculture does not include the harvest of wild geoduck associated with the state and tribal co-managed wild stock geoduck fishery.

**30.91A.300 "Associated wetlands"** means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

**30.91B.037 "Beach"** means the zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

**30.91B.038 "Beach feeding"** means the process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

**30.91B.039 "Beach restoration"** means the process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills, and other non-intrusive means as applicable.

**30.91B.150 "Boat launch facility"** means any basic site improvement, such as paving, buildings, structures, docks, wharfs, ramps, rafts, piling or moles installed for the servicing, maintenance, storing and moving of boats into bodies of water; PROVIDED That such facilities are not restricted to the private use of a residence to which such facility is an accessory use.

**30.91B.160 "Boathouse"** means a structure specifically designed or used for storage of boats.

**30.91B.165 "Boat ramp"** means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

**30.91B.185 "Breakwater"** means an offshore structure parallel to shore, sometimes shore-connected, that provides protection from waves.

**30.91B.260 "Bulkhead"** means a solid or open pile wall erected generally parallel to and near the ordinary high water mark along for the purposes of protecting adjacent uplands from waves or current action. [See SCC 30.91N.097 for the definition of "normal protective bulkhead."]

**30.91C.067 "Channel migration zones (CMZ)"** means the land adjacent to the current river channel that is at high risk of occupation by the channel within the next 100 years. All areas separated from the active channel by a legally existing artificial structure(s) that is publicly maintained and likely to restrain channel migration, including transportation facilities, built above or constructed to remain intact through the one hundred-year flood, shall not be considered to be in the channel migration zone. Areas behind natural or manmade features which limit channel migration that allow fish passage shall not be included in the channel migration zone.

**30.91C.112 "Clearing"** means the surface removal of vegetation by cutting, pruning, limbing, topping, relocating, application of herbicides or pesticides, or any application of hazardous or toxic substance that has the effect of destroying or removing the vegetation.

**30.91C.132 "Commercial development"** means structures or sites whose primary function is to support the exchange of money for goods or services. Excluded from this definition are home occupations, industrial development and utilities.

**30.91C.340 "Critical area"** means the following areas:

- (1) Wetlands;
- (2) Areas with a critical recharging effect on aquifers used for potable water, including:
  - (a) Sole source aquifers,
  - (b) Group A well head protection areas, and
  - (c) Critical aquifer recharge areas;
- (3) Fish and wildlife habitat conservation areas, including:
  - (a) Streams, including those planted with game fish by a governmental or tribal entity,
  - (b) Lakes, including those planted with game fish by a governmental or tribal entity,
  - (c) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those planted with game fish by a governmental or tribal entity,
  - (d) Marine waters,
  - (e) Primary association areas for critical species, and
  - (f) State natural area preserves, natural resource conservation areas, and state wildlife areas;
- (4) Frequently flooded areas; and
- (5) Geologically hazardous areas, including:
  - (a) Erosion hazard areas,
  - (b) Landslide hazard areas,
  - (c) Seismic hazard areas,
  - (d) Mine hazard areas,
  - (e) Volcanic hazard areas, and
  - (f) Tsunami hazard areas.

**30.91C.362 "Critical saltwater habitats"** include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats and intertidal habitats with vascular plants, and areas with which priority species have a primary association.

**30.91C.370 "Critical species"** means all species listed by the state or federal government as endangered or threatened and species of local importance, and also includes: Larch Mountain salamander, Common loon, Peregrine falcon, Olympic mudminnow, Pygmy whitefish, and Gray whale.

**30.91D.230 "Development"** means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of soil, sand, gravel, or minerals or organic materials; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act. "Development" does not include dismantling or removing structures if there is no other associated development activity or re-development activity.

**30.91D.310 "Dock"** means any facility for the moorage of boats, including but not limited to piers, wharves, and quays.

**30.91D.325 "Downdrift"** means the direction of movement of beach materials.

**30.91D.445 "Dredging"** means the removal of earth, sand, sludge or other materials from below the ordinary high water mark of a stream, river, lake, bay or other waterbody. However, the creation of temporary depressions or contour alterations on tidelands or bedlands through the use of aquaculture harvesting equipment approved by the Washington State Department of Fish and Wildlife shall not be construed to be dredging.

**30.91D.448 "Drift cell"** means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

**30.91D.449 "Drift sills"** means small groins which hold sediments in place without blocking longshore drift.

**30.91E.100 "Emergency"** means a situation of a serious nature which has developed suddenly, constitutes an imminent threat, and demands immediate action to protect property from damage by the elements or to protect members of the public from a serious and imminent threat to health or safety.

**30.91E.125 "Enhancement"** means alteration of an existing shoreline habitat to improve or increase its ecological characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

**30.91E.150 "Erosion"** means the removal and loss of soil by the action of water, ice, or wind.

**30.91F.065 "Fair market value"** means the open market bid price for conducting work, using equipment and facilities, and purchase of goods, services and materials necessary for development. This normally is the cost of hiring a contractor to undertake the development from start to finish, including pre-development costs, the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of a development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

**30.91F.195** “**Feasible**” means actions that meet all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended use.

**30.91F.196** “**Feeder bluff**” means any bluff or cliff experiencing periodic erosion from waves, sliding or slumping, whose eroded earth, sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long term stability of driftways and accretion shoreforms.

**30.91F.222** “**Fill**” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands, in a manner that raises the elevation, alters topography or creates dry land.

**30.91F.355** “**Floating home**” means a structure designed primarily as a permanently based structure and not as a vessel and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and the lack of adequate self-propulsion to operate as a vessel.

**30.91F.415** “**Floodplain**” means the one hundred-year flood plain based upon flood ordinance regulation maps.

**30.91F.435** “**Floodway**” means the area, as identified in the Snohomish County Shoreline Management 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.

**30.91F.440** “**Floodway fringe**” means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage areas for floodwaters. (See figure 30.91F.410 for illustration)

**30.91G.076** “**Grading**” means the movement or redistribution of the soil, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

**30.91G.085** “**Groin**” means a barrier type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water or deposition of materials.

**30.91H.175 “Houseboat”** means a vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities or facilities, anchoring, and the presence of self-propulsion to operate as a vessel.

**30.91I.030 "Incidental use"** means a use which occurs as a result of, or in connection with, a permitted use, conditional use, or administrative conditional use. The incidental use must be secondary or minor in nature, but associated with, the permitted use, conditional use, or administrative conditional use.

**30.91I.035 “Industrial development”** means structures or sites used for the primary purposes of manufacturing, assembly, processing or storage of products or equipment. Industrial uses include those non-agricultural activities which are permitted or conditionally permitted, including administrative conditional use permits, in the following zones or combination of zones as defined in SCC 30.21.025:

- (1) Uses allowed only in one or more of the Urban industrial zones;
- (2) Uses allowed only in one or more of the Urban industrial zones and in General Commercial;
- (3) Uses allowed exclusively in Rural Industrial (RI), or in RI and any other rural or resource zone except R-5, except that the following uses which are allowed in RI and in R-5 shall be included as industrial uses:
  - (a) Uses related to the processing or storage of forest, woodwaste or mineral products or equipment; and
  - (b) Explosives storage.

**30.91I.085 “In-water structure”** means a structure located waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

**30.91J.005 “Jetty”** means a structure projecting out into the sea at the mouth of a river for the purpose of protecting a navigation channel or a harbor, or to influence water currents.

**30.91L.010 "Lake"** means a body of freshwater that:

- (1) Occurs in a depression of land or expanded part of a stream, including reservoirs;
- (2) Is greater than 6.6 feet (2 meters) in depth at the deepest point at ordinary low water;
- (3) Has less than 30% coverage by trees, shrubs, or persistent emergent vegetation; and
- (4) Has an ocean-derived salinity of less than 0.5 parts per thousand (ppt).

A lake is bounded by the ordinary high water mark, or, where a stream enters the lake, the extension of the elevation of the lake's ordinary high water mark within the stream. Lakes formed by a dam on a stream or river are bounded by a contour approximating the normal spillway elevation or normal pool elevation.

Lakes do not include artificial water bodies including, but not limited to, lakes constructed for irrigation or detention, wastewater treatment facilities, farm ponds, recreational or fishing ponds or other landscape ponds, unless they contain naturally occurring salmonids. Naturally occurring means that the salmonids have migrated into the lake via a connection to another water body containing salmonids and are not artificially introduced into the lake.

**30.91L.055** “**Levee**” means a large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

**30.91L.085** “**Littoral drift**” means the transport of mud, sand, or gravel materials parallel to the shoreline in the nearshore zone by waves and currents.

**30.91M.028B** “**Marina**” means a water-dependent use that consists of a system of piers, buoys or floats to provide moorage for 10 or more boats.

**30.91M.029 "Marine waters"** means non-wetland salt water bodies of the state regulated under chapter 90.58 RCW where average surface water salinity is equal to or greater than 0.5 parts per thousand (ppt).

**30.91M.120 "Mitigation"** means:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impact by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (3) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
- (6) Monitoring the impact and taking appropriate corrective measures.

**30.91M.195** “**Mooring buoy**” means a floating object anchored to the bottom of a water body to which vessels may be tied.

**30.91N.011** “**Native vegetation**” means plants which are indigenous to the Puget Sound region, not including noxious weeds, introduced species or exotic plants.

**30.91N.095** “**Normal maintenance or repair**” of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects the 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.

**30.91N.097** “**Normal protective bulkhead**” means a bulkhead, of a scope or scale common to single family residences, constructed at or near the ordinary high water mark, the sole purpose of which is to protect an existing single family residence from damage due to erosion caused by waves or current action, and not for the purpose of creating new land.

**30.91O.030** “**Ordinary highwater mark (OHWM)**” on all lakes, streams and tidal waters is the mark that will be found by examining the beds 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, with respect to vegetation. The following criteria clarify this mark on tidal waters, lakes, and streams:

(1) Tidal waters.

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

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

(c) In low energy freshwater environments where the action of the water is not sufficient to prevent vegetation establishment below the mean higher high tide, use the mean higher high tide elevation or one or more the following indicators: landward limits of drift logs or other drift deposits, presence of hydrophytic plants, presence of hydric soils, soil surface changes from algae, or sediment deposition areas to areas where the soils show no sign of depositional processes from water;

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

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

**30.91P.291 "Primary shoreline use"** means the predominant use of a site that is both an allowed use within the shoreline environment designation and allowed pursuant to the zoning regulations.

**30.91P.292 "Primary structure"** means any permanent building, road, bridge or utility requiring a permit or approval which is necessary to support the primary use of a site. Primary use means the predominate use of any lot or development as determined by county zoning regulations.

**30.91R.124 "Restore," "restoration" and "ecological restoration"** means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not require returning the shoreline area to aboriginal or pre-European settlement conditions.

**30.91R.195 "Revetment"** means a facing of stone or concrete built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

**30.91R. 197 "Riprap"** means 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.

**30.91S.075 “Seawall”** means a structure separating land and water areas primarily to prevent erosion and other damage caused by wave action. Seawalls are more massive and capable of resisting greater wave forces than a bulkhead.

**30.91S.181 “Shorelands”** means those upland areas associated with shorelines of the state including:

- (1) Uplands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark;
- (2) Floodways and 100-year floodplains; and
- (3) All wetlands and river deltas associated with shorelines of the state.

**30.91S.182 “Shoreline and bank stabilization and flood protection measures”** means measures taken to address erosion impacts and reduce flood damage or hazards to property and buildings and structures, caused by natural processes such as current, flood, tides, wind or wave actions. Stabilization and flood protection measures can be either non-structural or structural.

(1) Non-structural. Shoreline and bank stabilization and flood protection accomplished by preventing or removing development in flood, landslide or erosion prone areas or by preserving or enhancing natural hydrological and biological processes. Such measures may include, but are not limited to, setbacks, buffers, bank or riparian revegetation, wetland restoration, dike removal or relocation, biotechnical stabilization measures or elevation of structures.

(2) Structural. Shoreline and bank stabilization and flood protection accomplished by the physical manipulation of the bank or channel, other than through enhancement of natural hydrological or biological processes. Such measures may include, but are not limited to, floodwalls, dikes, bulkheads, revetments, levees, jetties, channel realignment, and groins. Structural methods range from “soft” structures that are less rigid and incorporate biotechnical or beach enhancement to “hard” structures that are solid, hard surfaces such as bulkheads, retaining walls, bluff walls and rock revetments.

**30.91S.190 “Shoreline conditional use”** means a use or modification classified by the Snohomish County Shoreline Management Program (SMP) as a conditional use in certain shoreline environments or is an unlisted use or modification not specifically prohibited by the SMP.

**30.91S.191 “Shoreline ecological functions”** means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

Shoreline ecological functions include but are not limited to:

- (1) *Streams*. Fish and wildlife habitat; transport of water, sediment and organic material; floodwater storage and attenuation;
- (2) *Wetlands*. Fish and wildlife habitat; pollution assimilation; sediment retention; shoreline stabilization; floodwater storage; attenuation and conveyance; wave energy attenuation; *stream* base-flow maintenance; and groundwater discharge/recharge;
- (3) *Lakes*. Fish and wildlife habitat; sediment retention; pollution assimilation; and floodwater attenuation; storage and conveyance;
- (4) *Riparian Habitat Areas (shoreline vegetation)*. Habitat for water dependent and riparian dependent fish and wildlife; noise and visual screening; large woody debris and other natural organic matter recruitment; floodwater attenuation and storage; temperature maintenance; pollution assimilation; streambank stabilization; and supply of sediments and nutrients.

(5) *Marine waters*. Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation.

**30.91S.192** “**Shoreline environment designations**” means the categories of shorelines established by the Snohomish County Shoreline Management Program (SMP) in order to provide a uniform basis for applying policies and use regulations within physically distinct shoreline areas. The SMP classifies shorelines into seven shoreline environment designations: Urban, Urban Conservancy, Rural Conservancy, Resource, Municipal Watershed Utility, Natural and Aquatic.

**30.91S.193** “**Shoreline jurisdiction**” means all of the geographic areas regulated by the Snohomish County Shoreline Management Program including all shorelines, shorelines of the state, shorelines of statewide significance, and shorelands.

**30.91S.194** “**Shoreline management program (SMP)**” means the Snohomish County Shoreline Management Program consisting of the components described in SCC 30.67.030.

**30.91S.195** “**Shoreline modification**” means an action that modifies the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as: shoreline stabilization; piers and docks; fill; breakwaters, jetties, groins and weirs; beach and dune management; dredging and dredge material disposal; and shoreline habitat and natural systems enhancement or restoration projects.

**30.91S.200** “**Shoreline permit**” means any substantial development, variance, conditional use, or revision thereto authorized under the provisions of the Snohomish County Shoreline Management Program and subject to review by the Washington State Department of Ecology.

**30.91S.210** “**Shoreline substantial development**” means any development of which the total cost, or fair market value, whichever is higher, exceeds the dollar threshold established or as hereafter adjusted for inflation by the state office of financial management pursuant to WAC 173-27-040(2)(a), or any development which materially interferes with the normal public use of the water or shorelines of the state.

**30.91S.230** “**Shoreline variance**” means a permit for the limited purposes of granting relief to specific bulk, dimensional, or performance standards set forth in the Snohomish County Shoreline Management Program (SMP).

**30.91S.240** “**Shorelines**” means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (1) shorelines of statewide significance, (2) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments, and (3) shorelines on lakes less than 20 acres in size, and wetlands associated with such small lakes.

**30.91S.252** “**Shorelines of the state**” means the total of all shorelines and shorelines of statewide significance within the state.

**30.91S.262** “**Shorelines of statewide significance**” partially or completely within Snohomish county are the following shorelines:

(1) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high-water mark and the line of extreme low tide, including Skagit Bay and adjacent area from Brown Point to Yokeko Point;

(2) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line, and lying seaward from the line of extreme low tide;

(3) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the ordinary high-water mark; and

(4) Those natural rivers or segments thereof west of the crest of the Cascade Range, downstream of the point where the mean annual flow is measured at 1,000 cubic feet per second or more.

**30.91S.330 “Single-family residence”** means a detached dwelling designed for and occupied by one family and includes normal appurtenances thereto within a contiguous ownership.

**30.91S.465 “Soil bioengineering”** means an applied science that combines structural, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

**30.91S.500 “Solid waste”** means any putrescible or non-putrescible solid and semi-solid materials disposed as a result of any industrial or commercial operation and from community or residential activities, including waste sludges. It does not include animal manures or suspended solids or other pollutants in water resources prior to removal or concentration into sludge; nor does it include those materials recovered in a manner consistent with the utilization provisions of this title.

**30.91S.640 "Stream"** means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates evidence of the passage of water including, but not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. A defined channel or bed means a water course that is scoured by water or contains deposits of mineral alluvium. The channel or bed need not contain water during the entire year.

Streams do not include water courses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches or storm or surface water run-off features, unless the artificially created water course contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created water course.

**30.91S.685 “Structure”** means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels.

**30.91T.054.1 “Tidal waters”** means marine and estuarine waters bounded by the ordinary high mark. Where a stream enters the tidal waters, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream.

**30.91T.054.1B “Tidelands”** means the land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

**30.91T.068 “Tram”** means a conveyance that transports passengers or freight in carriers on rails or suspended from cables supported by a series of towers.

**30.91U.075 “Upland”** means the area above or landward of the ordinary high water mark.

**30.91V.017 “Vessel”** means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water.

**30.91W.008 “Watercourse”** means any portion of a channel, bed, bank, or bottom within the ordinary high water mark of waters of the state. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans.

**30.91W.009 “Water-dependent”** means a use or a portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Examples of water-dependent uses 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.

**30.91W.009.1 “Water-enjoyment”** means a recreational use, or other use facilitating 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 character of the use and which through the location, design and operation assures 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 space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples include parks, piers, museums, restaurants, educational/scientific reserves, resorts, and mixed use projects.

**30.91W.011 “Water-oriented”** means any combination of water-dependent, water-related, and water-enjoyment uses. Nonwater-oriented serves to describe those uses which have little or no relationship to the shoreline. Examples of nonwater-oriented uses include professional office, automobile sales or repair shops, mini storage facilities, multifamily residential development, department stores, and gas stations.

**30.91W.012 “Water-related”** means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples of water-related uses 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.

**30.91W.060 “Wetlands”** means those 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, but are not limited to swamps, marshes, bogs, and similar areas, as well as artificial wetlands intentionally created from non-wetland areas

to mitigate for conversion of wetlands, as permitted by the county. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined biofiltration swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping 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. *The detailed methodology for wetland delineation is contained in Washington State Wetlands Identification and Delineation Manual (Washington State Department of Ecology, Publication #96-94, March 1997)\**

**30.91Y.010 “Yacht and boat club”** means an institutional use that consists of structures and related grounds and/or moorage used for social and recreational purposes related to pleasure boating and/or swimming, the use of which is generally restricted to members and their guests. Yacht and boat clubs may be either community clubs or private clubs.

# **Appendix B** - *Rationale for Natural and Urban Conservancy Shoreline Environment Designations*

**Rationale for Natural and Urban Conservancy  
Shoreline Environment Designations**

<b>Reach or Segment</b>	<b>Proposed Designation</b>	<b>Criteria</b>	<b>Rationale</b>
Blanca1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Boardman east1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Boulder1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Bryant1	Natural	Natural designation criteria 1) a., b. and c.	Lake is an undeveloped bog lake surrounded by extensive wetlands. The surrounding vegetation and wetlands have been modified by agricultural practices and control of the outlet.
Chain1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Copper1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Crystal1	Natural	Natural designation criteria 1) a., b. and c. And 2) a. and b., and 3) c.	This undeveloped portion of Crystal Lake contains a large rare sphagnum bog with rare plant communities.
Echo1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Hannan1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Kellogg1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Little1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Mud1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Purdy1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Riley2	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Sauk-1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Portions of SF Skykomish-3	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Sunset1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Swartz1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Tomtit1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Wallace1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Woods1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.

<b>Reach or Segment</b>	<b>Proposed Designation</b>	<b>Criteria</b>	<b>Rationale</b>
County owned portion of Pilchuck 12 & 13	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored. Unusual undeveloped forested area on Pilchuck River in public ownership. Not platted for residential development, shoreline not armored.
Portion of Sauk-2 that is within the FEMA floodway	Urban Conservancy	Urban conservancy designation criteria b. and d.	Undeveloped area within the FEMA floodway in the City of Darrington's UGA. Urban conservancy is the appropriate designation for the area since the floodway and riparian corridor are performing important ecological functions, and the floodway should not be more intensively developed.
SouthFork-1A	Urban Conservancy	Urban conservancy designation criteria b. and c.	Undeveloped area within the floodplain, adjacent to the South Fork of the Stillaguamish River and within the City of Arlington's UGA. Area is used for playing fields and designated Urban Horticulture on the Comprehensive Plan Future Land Use Map. Urban Conservancy designation is consistent with the location of the site
SouthFork-1B	Urban Conservancy	Urban conservancy designation criteria b.	Area is within the floodplain at the edge of the UGA, adjacent to resource (agriculture) lands. National Wetland Inventory maps indicate that there may be wetlands on the site. Urban Conservancy is the appropriate designation for the area based on the its location in the floodplain, potential wetlands and location at the edge of the UGA.
Quilceda-3	Urban Conservancy	Urban conservancy designation criteria b. and c.	Undeveloped area adjacent to Quilceda Creek with steep slopes and wetlands, flowing into the Snohomish estuary. Urban Conservancy designation is consistent with environmental constraints and the proposed City of Marysville designations for the creek to the north and south.
Otter Island (Portions of Steamboat-1 and Snohomish Estuary)	Natural	Natural designation criteria 2) a. and b.	This site is an isolated undeveloped island in the Snohomish Estuary. It is in the floodplain of the river, and contains extensive wetlands. The Snohomish Estuary is a unique and valuable biological and cultural resource and an example of a basic geologic feature. Restoration and preservation of the estuary is critical to protect threatened or endangered salmonids in the Snohomish River.
Portions of Snohomish Estuary	Natural	Natural designation criteria 2) a. and b.	The site contains a large old forested wetland that is the last remaining example of the natural conditions that once prevailed in the estuary. The site also contains floodplain wetlands across the channel that were purchased by the county for restoration. Snohomish estuary is a unique and valuable biological and cultural resource. Restoration and preservation of the estuary is critical to protect threatened or endangered salmonids in the Snohomish River.
Stickney1	Urban Conservancy	Urban conservancy designation b. and d.	Large undeveloped forested wetland interrelated with Lake Stickney. The wetland moderates high flows resulting from the highly developed subbasin within which it is located and provides important fish and wildlife habitat for terrestrial as well as aquatic species.
Portion of Sultan-1 within the FEMA floodway	Urban Conservancy	Urban conservancy designation criteria b. and d.	Undeveloped area within the FEMA floodway in the City of Sultan's UGA. Urban Conservancy is the appropriate designation for the area since the floodway and riparian corridor are performing important ecological functions, and the floodway should not be more intensively developed.

Reach or Segment	Proposed Designation	Criteria	Rationale
Portion of Squire-3	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	Undeveloped forested area. Squire Creek is listed as a priority preservation subbasin by the WRIA 5 salmon recovery plan. Subbasin forest cover is more than 65%.
Squire-2	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	Undeveloped forested area. Squire Creek is listed as a priority preservation subbasin by the WRIA 5 salmon recovery plan. Subbasin forest cover is more than 65%.
Boulder-2	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	Undeveloped forested area. Boulder Creek is listed as a priority preservation subbasin by the WRIA 5 salmon recovery plan. Subbasin forest cover is more than 65%.
Portion of NorthFork-2 (Trafton Farm within FEMA floodway)	Natural	Natural designation criteria 2) a. and e. and 3)	The portion of the publicly owned Trafton Farm within the floodway should not be intensively developed and has high scenic value and high value for low intensity recreational use in its natural state.
Portions of SouthFork-4 and SouthFork-5 (Robe Canyon Park)	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored. Also criteria 2) a. b. and e.	The undeveloped shoreline is forested and unarmored, and in a substantially natural state. It has high scenic value and high value for low-intensity recreation use in its natural state. It is an example of a naturally functioning river canyon, and contains cultural and historical features.
Portion of Canyon-2b (County Owned)	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	The portion of the publicly owned site is forested and located partially within the FEMA floodway. It should not be intensively developed.
Portion of Pilchuck-16 (County Owned)	Natural	Natural designation criteria 1) a., b. and c. Shoreline is ecologically intact or can be easily restored.	The undeveloped shoreline is forested and unarmored, and in a substantially natural state. It has high scenic value and high value for low-intensity recreation use in its natural state.
Portion of Lake Cassidy	Natural	Natural designation criteria 1) a., b. and c, 2) b., and 3) d. Shoreline is ecologically intact or can be easily restored.	Large undeveloped forested wetland and bog adjacent to the lake that provides important fish and wildlife functions, as well as filtering and storage of surface water. Intact large bogs are rare within the county. It has high scenic value and high value for low-intensity recreation use in its natural state.
Portions of Snohomish-1 and 2 (County owned Bob Heirman Wildlife Reserve)	Natural within floodway and wetlands	Natural designation criteria 2) a. and e. and 3)	Undeveloped former farmland, unarmored and containing many habitat features such as off-channel habitat and wetlands. Most of the area is within the FEMA floodway and shouldn't be more intensively developed.
Portions of Snoqualmie-1A and Skykomish-1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored. Mature forest at confluence of Snoqualmie and Skykomish rivers is intact and should not be more intensively developed.

<b>Reach or Segment</b>	<b>Proposed Designation</b>	<b>Criteria</b>	<b>Rationale</b>
Sultan-5	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Elk-1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
None-1	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
None2	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.
Portion of NFSkykomish-1C	Natural	Natural designation criteria 1) a., b. and c.	Shoreline is ecologically intact or can be easily restored.

## **Appendix C – Summary of Potential Development Impacts and Proposed Regulatory and Non-Regulatory Offsets**

*Source: Supplemental Draft Environmental Impact Statement (SEIS), Appendix C – Cumulative Impact Analysis, 2009, Tables 14A, 14B and 14C.*

**Table 14A. Summary of Potential Cumulative Impacts Associated with Proposed SMP – Lake Shoreline Reaches**

Shoreline Function	Major Type(s) of Foreseeable Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Proposed SMP and Other Regulatory Offsets (Regulatory Citation)	Non-Regulatory Offsets
Vegetation	<ul style="list-style-type: none"> <li>Continued residential infill</li> <li>Dock, pier, or ramp construction associated with residential use</li> <li>Continued and expanded light agricultural use</li> </ul>	<ul style="list-style-type: none"> <li>Continued decrease in mature shoreline vegetation as clearing for new construction and other uses continues</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.570 and 30.67.599)</li> <li>Recommendation that vegetated buffers with low-impact management techniques be used (Shoreline Policies – Vegetation Management, section 3.2.5.19)</li> <li>Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a))</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations limits vegetation removal by requiring buffers adjacent to lakes (SCC 30.62A.320) and mitigation of impacts on critical area functions and values (SCC 30.62A.310(3)); encourages LID with innovative development option (SCC 30.62A.350)</li> <li>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs to encourage riparian re-planting (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> <li>Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program</li> <li>Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards</li> <li>Locally based watershed restoration projects (as identified in Shared Strategy, SEWIP, other planning documents)</li> </ul>
Water Movement	<ul style="list-style-type: none"> <li>Dock, pier, or ramp construction associated with residential use</li> <li>Bulkhead development associated with single family</li> </ul>	<ul style="list-style-type: none"> <li>Further impairment of water movement and hydrologic function</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>New location, design, and construction standards on docks, in-water, and shoreline stabilization structures that seek to minimize impacts to water movement and hydrologic function – e.g., limiting size of structures (SCC 30.67.515, .520 and .575)</li> <li>Requires mitigation for impacts to critical shoreline functions (30.67.320(2)(b))</li> <li>Prohibition on bulkheads (hard-bank structures) unless they are the only feasible shoreline stabilization method (SCC 30.67.575(1)(a))</li> <li>New location and design standards on shoreline stabilization structures (e.g., bulkheads) that require impacts to immediate and adjacent shoreline areas be minimized (SCC 30.67.575).</li> <li>Requirement that new boating facilities must be designed to minimize need for stabilization structures (SCC 30.67.515(1)(j)(i))</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations limit the uses which may disrupt the shoreline and interfere with the hyporheic zone (SCC 30.62A.330, 30.62B.320(2))</li> <li>Federal dredge/fill permitting requirements that require avoidance</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs to encourage understanding of drainage processes (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> </ul>

			<p>of/mitigation for impacts (CWA Section 404)</p> <ul style="list-style-type: none"> <li>State HPA requirements that require in-water projects to minimize adverse impacts to fish and shellfish in marine or other shoreline areas (Chapter 220-110 WAC);</li> </ul>	
Water Quality	<ul style="list-style-type: none"> <li>Dock, pier, or ramp construction associated with residential use</li> <li>Continued residential infill</li> <li>Continued and expanded light agricultural use</li> </ul>	<ul style="list-style-type: none"> <li>Water quality impacts associated with construction of docks and other in-water structures (e.g., spills, harmful materials use)</li> <li>Increase in runoff and associated water quality impacts with the creation of new impervious surfaces for residential use</li> <li>Increase in pesticide and fertilizer inputs into lake reaches resulting from agricultural uses</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>New location, design, and construction standards for docks, piers, and other in-water structures that minimize water quality impacts – e.g., that prohibit use of toxic materials and require spill prevention plans (SCC 30.67.515 and 520)</li> <li>SMP requirement that projects not adversely impact water quality (SCC 30.67.320)</li> <li>Requirement that shoreline agricultural uses must comply with provisions to protect water quality (SCC 30.67.505)</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations require protective buffers and limit the effective impervious surface allowed within 300 feet of the shoreline OHWM (30.62A.320(1)(c))</li> <li>State water quality requirements – e.g., point source and stormwater requirements (173-201A WAC)</li> </ul>	<ul style="list-style-type: none"> <li>Low-impact development projects (e.g., those designed/implemented by Sustainable Snohomish County)</li> <li>Public education/ assistance campaigns designed to minimize pollution inputs (e.g., Snohomish County Surface Water management stewards)</li> <li>Education/assistance programs for agricultural landowners (through Snohomish Conservation District)</li> </ul>
Habitat	<ul style="list-style-type: none"> <li>Continued residential infill</li> <li>Dock, pier, or ramp construction associated with residential use</li> <li>Bulkhead development associated with single family</li> <li>Continued and expanded light agricultural use</li> </ul>	<ul style="list-style-type: none"> <li>Loss of or disturbance to riparian habitat during residential construction and use</li> <li>Increased shading in nearshore lake habitat areas resulting from dock and pier construction</li> <li>Increase in pesticide and fertilizer inputs into lake reaches resulting from agricultural uses</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.599)</li> <li>New location, design, and construction standards for docks, piers, and other in-water structures that serve to minimize habitat impacts – e.g., size restrictions to minimize shading impacts (SCC 30.67.515 and .520)</li> <li>Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a))</li> <li>Habitat restoration and enhancement widely allowed and facilitated (SCC 30.67.580 and 30.44.120(p)).</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations protect habitat by requiring buffers adjacent to lakes and requiring habitat management plans for critical species (SCC 30.62A.320 and 30.62A.460)</li> <li>Limits on bulkhead development – non-structural preferred (30.62B.320(2))</li> <li>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</li> </ul>	<ul style="list-style-type: none"> <li>Restoration projects (e.g., those identified through Shared Strategy, Stillaguamish Clean Water District Board, etc.)</li> <li>Public education programs to encourage protection and restoration of shoreline habitat (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> <li>Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program</li> <li>Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards</li> </ul>

**Table 14B. Summary of Potential Cumulative Impacts Associated with Proposed SMP – River/Stream Shoreline Reaches**

Shoreline Function	Major Type(s) of Foreseeable Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Proposed SMP and Other Regulatory Offsets	Non-Regulatory Offsets
Vegetation	<ul style="list-style-type: none"> <li>Continued expansion of agricultural and other resource-based uses</li> <li>Additional residential development within existing pockets of residential uses</li> <li>Creation of more parks/public access sites</li> </ul>	<ul style="list-style-type: none"> <li>Decrease in shoreline/riparian vegetation as clearing for agricultural and residential uses continue.</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.570 and 30.67.599)</li> <li>Recommendation that vegetated buffers with low-impact management techniques be used (Shoreline Policies – Vegetation Management, section 3.2.5.19)</li> <li>Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a))</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations limits vegetation removal by requiring buffers adjacent to streams and rivers (SCC 30.62A.320) and mitigation of impacts on critical area functions and values (SCC 30.62A.310(3)); encourages LID with innovative development (SCC 30.62A.350)</li> <li>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs for individual landowners (e.g., Snohomish County's Landowner Guide to Streamside Living)</li> <li>Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program</li> <li>Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards</li> <li>Locally based watershed restoration projects (as identified in Shared Strategy, SEWIP, other planning documents)</li> </ul>
Water Movement	<ul style="list-style-type: none"> <li>Additional residential development within existing pockets of residential uses and potential associated shoreline modification such as bulkheads</li> <li>Creation of more parks/public access sites – construction of shoreline modifications associated with access and water recreation</li> </ul>	<ul style="list-style-type: none"> <li>Reduction in LWD recruitment and other organic material as shoreline habitats are altered for residential and recreational use</li> <li>Modification of flow regimes and channel migration with construction of buildings, roads, docks, ramps, or other recreational-use structures</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>New location, design, and construction standards on docks, in-water, and shoreline stabilization structures that seek to minimize impacts to water movement and hydrologic function – e.g., limiting size of structures (SCC 30.67.515, .520 and .575)</li> <li>Requires mitigation for impacts to critical shoreline functions (30.67.320(2)(b))</li> <li>Prohibition on bulkheads (hard-bank structures) unless they are the only feasible shoreline stabilization method (SCC 30.67.575(1)(a))</li> <li>New location and design standards on shoreline stabilization structures (e.g., bulkheads) that require impacts to immediate and adjacent shoreline areas be minimized (SCC 30.67.575).</li> <li>Requirement that new boating facilities must be designed to minimize need for stabilization structures (SCC 30.67.515(1)(j)(i))</li> <li>Standards for dredging and spoil disposal which require no net loss of ecological functions (SCC 30.67.530)</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations limit the uses which may disrupt the shoreline and interfere with the hyporheic zone (SCC 30.62A.330, 30.62B.320(2))</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs to encourage understanding of drainage processes (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> </ul>

			<ul style="list-style-type: none"> <li>Federal dredge/fill permitting requirements that require avoidance of/mitigation for impacts (CWA Section 404)</li> <li>State HPA requirements that require in-water projects to minimize adverse impacts to fish and shellfish in marine or other shoreline areas (Chapter 220-110 WAC).;</li> </ul>	
Water Quality	<ul style="list-style-type: none"> <li>Continued expansion of agricultural and other resource-based uses</li> <li>Additional residential development within existing pockets of residential uses</li> <li>Creation of more parks/public access sites</li> </ul>	<ul style="list-style-type: none"> <li>Increase in runoff and associated water quality impacts due to increased agricultural, logging, or other resource-related uses</li> <li>Water quality impacts associated with construction of docks and other in-water structures (e.g., spills, harmful materials use)</li> <li>Increase in runoff and associated water quality impacts with the creation of new impervious surfaces for residential use</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>New location, design, and construction standards for docks, piers, and other in-water structures that minimize water quality impacts – e.g., that prohibit use of toxic materials and require spill prevention plans (SCC 30.67.515 and 520)</li> <li>SMP requirement that projects not adversely impact water quality (SCC 30.67.320)</li> <li>Requirement that shoreline agricultural uses must comply with provisions to protect water quality (SCC 30.67.505)</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations require protective buffers and limit the effective impervious surface allowed within 300 feet of the shoreline OHWM (30.62A.320(1)(c))</li> <li>State water quality requirements – e.g., point source and stormwater requirements (173-201A WAC)</li> </ul>	<ul style="list-style-type: none"> <li>Low-impact development projects (e.g., those designed/implemented by Sustainable Snohomish County)</li> <li>Public education/ assistance campaigns designed to minimize pollution inputs (e.g., Snohomish County Surface Water management stewards)</li> <li>Education/assistance programs for agricultural landowners (through Snohomish Conservation District)</li> </ul>
Habitat	<ul style="list-style-type: none"> <li>Continued expansion of agricultural and other resource-based uses</li> <li>Additional residential development within existing pockets of residential uses and associated shoreline modifications such as bulkheads</li> <li>Creation of more parks/public access sites</li> </ul>	<ul style="list-style-type: none"> <li>Potential loss of or disturbance to riparian habitat during clearing for agriculture or logging</li> <li>Potential damage to aquatic habitat via runoff from agricultural use</li> <li>Loss of or disturbance to riparian habitat during residential construction and use</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.599)</li> <li>New location, design, and construction standards for docks, piers, and other in-water structures that serve to minimize habitat impacts – e.g., size restrictions to minimize shading impacts (SCC 30.67.515 and .520)</li> <li>Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a))</li> <li>Requirement that new boating facilities be designed to protect ecologically sensitive areas (e.g., eelgrass beds, forage fish spawning areas, etc.) (SCC 30.67.515(1)(b))</li> <li>Habitat restoration and enhancement widely allowed and facilitated (SCC 30.67.580 and 30.44.120(p)).</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations protect habitat by requiring buffers adjacent to rivers and streams and requiring habitat management plans for critical species (SCC 30.62A.320 and 30.62A.460)</li> <li>Limits on bank stabilization – non-structural preferred, use of</li> </ul>	<ul style="list-style-type: none"> <li>Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program</li> <li>Restoration projects (e.g., those identified through Shared Strategy, Stillaguamish Clean Water District Board, etc.)</li> <li>Public education programs to encourage protection and restoration of shoreline habitat (e.g., Snohomish County Surface Water Management Division’s Watershed Education Program)</li> <li>Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards</li> </ul>

			<p>vegetation to stabilize banks may improve habitat functions, water temperatures, etc. (30.62B.320(2))</p> <ul style="list-style-type: none"> <li>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</li> </ul>	
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**Table 14C. Summary of Potential Cumulative Impacts Associated with Proposed SMP – Marine Shoreline Reaches**

Shoreline Function	Major Type(s) of Foreseeable Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Proposed SMP and Other Regulatory Offsets	Non-Regulatory Offsets
Vegetation	<ul style="list-style-type: none"> <li>Infill in developed marine shoreline residential areas</li> <li>New or expanded shoreline armoring associated with residential marine use</li> <li>Continued and expanded agricultural use</li> <li>More parks/public access sites</li> </ul>	<ul style="list-style-type: none"> <li>Continued decrease in mature shoreline vegetation as clearing for new construction and other uses continues</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.570 and 30.67.599)</li> <li>Recommendation that vegetated buffers with low-impact management techniques be used (Shoreline Policies – Vegetation Management, section 3.2.5.19)</li> <li>Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a))</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations limits vegetation removal by requiring buffers adjacent to marine waters (SCC 30.62A.320) and mitigation of impacts on critical area functions and values (SCC 30.62A.310(3)); encourages LID with innovative development (SCC 30.62A.350)</li> <li>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs to encourage riparian re-planting (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> <li>Locally based watershed restoration projects (as identified in Shared Strategy, SEWIP, other planning documents)</li> <li>Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program</li> <li>Riparian habitat mapping/restoration projects by Snohomish County Surface Water Management Division's Marine Resources Program (e.g., vegetation monitoring survey)</li> <li>Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards</li> </ul>
Water Movement	<ul style="list-style-type: none"> <li>New or expanded shoreline armoring associated with residential marine use</li> <li>Creation of more</li> </ul>	<ul style="list-style-type: none"> <li>Further restriction in sediment flows and water movement as armoring continues</li> <li>Reduction in LWD recruitment and</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>New location, design, and construction standards on docks, in-water, and shoreline stabilization structures that seek to minimize impacts to water movement and hydrologic function – e.g., limiting size of structures (SCC 30.67.515, .520 and .575)</li> </ul>	<ul style="list-style-type: none"> <li>Public education programs to encourage understanding of drainage processes (e.g., Snohomish County Surface Water Management Division's Watershed Education Program)</li> </ul>

	<ul style="list-style-type: none"> <li>• parks/public access sites – construction of shoreline modifications associated with access and water recreation</li> </ul>	<ul style="list-style-type: none"> <li>• other organic material as shoreline habitats are altered for residential and recreational use</li> <li>• Modification of flow regimes with construction of docks, ramps, or other recreational-use structures</li> </ul>	<ul style="list-style-type: none"> <li>• Requires mitigation for impacts to critical shoreline functions (30.67.320(2)(b))</li> <li>• Prohibition on bulkheads (hard-bank structures) unless they are the only feasible shoreline stabilization method (SCC 30.67.575(1)(a))</li> <li>• New location and design standards on shoreline stabilization structures (e.g., bulkheads) that require impacts to immediate and adjacent shoreline areas be minimized (SCC 30.67.575).</li> <li>• Requirement that new boating facilities must be designed to minimize need for stabilization structures (SCC 30.67.515(1)(j)(i))</li> <li>• Standards for dredging and spoil disposal which require no net loss of ecological functions (SCC 30.67.530)</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>• Critical area regulations limit the uses which may disrupt the shoreline and interfere with the hyporheic zone (SCC 30.62A.330)</li> <li>• Federal dredge/fill permitting requirements that require avoidance of/mitigation for impacts (CWA Section 404)</li> <li>• State HPA requirements that require in-water projects to minimize adverse impacts to fish and shellfish in marine or other shoreline areas (Chapter 220-110 WAC).;</li> </ul>	
Water Quality	<ul style="list-style-type: none"> <li>• Infill in developed marine shoreline residential areas</li> <li>• Continued and expanded agricultural use</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in runoff and associated water quality impacts due to increased residential use and impervious surface area</li> <li>• Increase in runoff and associated water quality impacts due to increased agricultural uses</li> <li>• Water quality impacts associated with construction of docks and other in-water structures (e.g., spills, harmful materials use)</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>• New location, design, and construction standards for docks, piers, and other in-water structures that minimize water quality impacts – e.g., that prohibit use of toxic materials and require spill prevention plans (SCC 30.67.515 and 520)</li> <li>• SMP requirement that projects not adversely impact water quality (SCC 30.67.320)</li> <li>• Requirement that shoreline agricultural uses must comply with provisions to protect water quality (SCC 30.67.505)</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>• Critical area regulations require protective buffers and limit the effective impervious surface allowed within 300 feet of the shoreline OHWM (30.62A.320(1)(c))</li> <li>• State water quality requirements – e.g., point source and stormwater requirements (173-201A WAC)</li> </ul>	<ul style="list-style-type: none"> <li>• Low-impact development projects (e.g., those designed/implemented by Sustainable Snohomish County)</li> <li>• Public education/ assistance campaigns designed to minimize pollution inputs (e.g., Snohomish County Surface Water management stewards)</li> <li>• Education/assistance programs for agricultural landowners (through Snohomish Conservation District)</li> </ul>
Habitat	<ul style="list-style-type: none"> <li>• Infill in developed marine shoreline residential areas</li> <li>• New or expanded shoreline armoring associated with residential marine</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of or disturbance to riparian habitat during residential construction and use</li> <li>• Potential loss of or disturbance to</li> </ul>	<p>Proposed Program:</p> <ul style="list-style-type: none"> <li>• Residential siting and vegetation clearing restrictions that limit clearing to minimum necessary (SCC 30.67.599)</li> <li>• New location, design, and construction standards for docks, piers, and other in-water structures that serve to minimize habitat impacts – e.g., size restrictions to minimize shading impacts (SCC 30.67.515 and</li> </ul>	<ul style="list-style-type: none"> <li>• Restoration projects (e.g., Shared Strategy, Stillaguamish Clean Water District Board, etc.)</li> <li>• Public education programs to encourage protection and restoration of shoreline habitat (e.g., Snohomish County Surface Water Management</li> </ul>

	<p>use</p> <ul style="list-style-type: none"> <li>Continued and expanded agricultural use</li> <li>More parks/public access sites</li> </ul>	<p>riparian habitat during clearing for agricultural use</p> <ul style="list-style-type: none"> <li>Potential damage to aquatic habitat via runoff from agricultural use</li> </ul>	<p>.520)</p> <ul style="list-style-type: none"> <li>Preference for clustered development, with the open space area preserving and providing access to the water (SCC 30.67.570(1)(a))</li> <li>Requirement that new boating facilities be designed to protect ecologically sensitive areas (e.g., eelgrass beds, forage fish spawning areas, etc.) (SCC 30.67.515(1)(b))</li> <li>Habitat restoration and enhancement widely allowed and facilitated (SCC 30.67.580 and 30.44.120(p)).</li> </ul> <p>Other Regulatory:</p> <ul style="list-style-type: none"> <li>Critical area regulations protect habitat by requiring buffers adjacent to marine waters and requiring habitat management plans for critical species (SCC 30.62A.320 and 30.62A.460)</li> </ul> <p>Federal ESA requirements that require preservation of habitat for endangered and threatened species (50 CFR Section 17)</p>	<p>Division's Watershed Education Program)</p> <ul style="list-style-type: none"> <li>Possible future implementation of metrics (e.g., percent riparian vegetation retained) to establish future no net loss standards</li> <li>Nearshore and riparian habitat mapping/restoration projects by Snohomish County Surface Water Management Division's Marine Resources Program (e.g., eelgrass mapping, creosote log survey &amp; removal)</li> <li>Conservation easements offered to farmers under Purchase of Development Rights (PDR) pilot program</li> </ul>
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## ***Appendix D – Shoreline Environment Designation Maps***

Amended Ord. No. 19-020 adopted July 3, 2019, Effective date October 13, 2019

[Link to Maps](#)

## ***Appendix E – Chapter 30.44 SCC – Shoreline Permits***

The SMP development regulations are contained chapters 30.44 and 30.67 SCC are included as Appendix E and F of this document. The reader always should ensure that he or she is relying on the most current version of chapters 30.44 and 30.67 SCC by contacting the Snohomish County Department of Planning and Development Services (PDS) or the Office of the Code Reviser, or by reviewing the on-line version of the SCC at [www.snoco.org](http://www.snoco.org). In the event inconsistencies exist between the summary of the SCC provisions contained in this document and the actual SCC provisions, the actual provisions control.

Amended Ord. No. 19-020 adopted July 3 2019, Effective date October 14, 2019.

## **Chapter 30.44 Shoreline Permits**

### **PART 000 – GENERAL PURPOSE AND APPLICABILITY**

- 30.44.010 Purpose and applicability.
- 30.44.020 Development not subject to the Shoreline Management Act.
- 30.44.030 Compliance with other laws.
- 30.44.040 Letter of exemption from the shoreline substantial development permit requirements.
- 30.44.050 Relationship to shoreline management program.

### **PART 100 – PERMIT REQUIREMENTS AND REVIEW STANDARDS**

- 30.44.110 Shoreline substantial development, conditional use, and variance permits.
- 30.44.120 Exemptions from shoreline substantial development permits.
- 30.44.125 Application of the permit system to shoreline substantial developments undertaken prior to the act.
- 30.44.130 Review criteria for all development.
- 30.44.140 Additional review criteria for shoreline conditional use permits.
- 30.44.145 Additional review criteria for shoreline conditional use permits - Aquaculture
- 30.44.150 Additional review criteria for a shoreline variance permit.
- 30.44.160 Non-conforming shoreline uses or structures.

### **PART 200 – PROCESS REQUIREMENTS**

- 30.44.205 Submittal requirements for shoreline permits.
- 30.44.210 Procedures for shoreline permits.
- 30.44.220 Time requirements for shoreline permits.
- 30.44.225 Special procedures for limited utility extensions and bulkheads.
- 30.44.226 Special procedures for watershed restoration projects.
- 30.44.230 Filing with the state Department of Ecology.
- 30.44.240 Shoreline conditional use and variance permits – review required by state.
- 30.44.250 Appeals.
- 30.44.260 Reapplication.
- 30.44.270 Revisions to shoreline permits.
- 30.44.280 Emergency activities.
- 30.44.290 Fees.
- 30.44.295 Rescission of shoreline permits.
- 30.44.300 Ordinary high water mark determinations.

## ***Appendix F – Chapter 30.67 SCC – Shoreline Management Program***

The SMP development regulations are contained chapters 30.44 and 30.67 SCC are included as Appendix E and F of this document. The reader always should ensure that he or she is relying on the most current version of chapters 30.44 and 30.67 SCC by contacting the Snohomish County Department of Planning and Development Services (PDS) or the Office of the Code Reviser, or by reviewing the on-line version of the SCC at [www.snoco.org](http://www.snoco.org). In the event inconsistencies exist between the summary of the SCC provisions contained in this document and the actual SCC provisions, the actual provisions control.

Amended Ord. No. 19-020 adopted July 3 2019, Effective date October 14, 2019.

## **Chapter 30.67 SCC Shoreline Management Program**

### **PART 000**

#### **General.**

- 30.67.010 Purpose.
- 30.67.020 Applicability.
- 30.67.030 Shoreline Management Program (SMP) – components and relationship to comprehensive plan.
- 30.67.040 Relationship to chapter 30.61 SCC – environmental impacts.
- 30.67.060 Relationship to critical area regulations, chapters 30.62A, 30.62B, 30.62C and 30.65 SCC.
- 30.67.070 Relationship to other regulatory requirements.

### **PART 100**

#### **Procedures.**

- 30.67.110 Amendments to the SMP.
- 30.67.120 Administration and enforcement.

### **PART 200**

#### **Shoreline designations and maps.**

- 30.67.210 Shoreline environment designations.
- 30.67.220 Shoreline environment designation maps.
- 30.67.230 Shorelines of statewide significance.

### **PART 300**

#### **General regulations to comply with Shoreline Management Act goals.**

- 30.67.310 Compliance required even when shoreline permit not required.
- 30.67.320 No net loss of shoreline ecological functions.
- 30.67.330 Public access.
- 30.67.340 Cultural, archaeological and historical resources.
- 30.67.350 Water quality, storm water, and nonpoint pollution.

### **PART 400**

#### **Shoreline uses and modifications – General regulations.**

- 30.67.410 Use preference within shorelines - location.
- 30.67.420 Prohibited uses.
- 30.67.430 Allowed and conditional uses and modifications.
- 30.67.440 Reference notes for shoreline use and modification matrix.
- 30.67.450 Non-conforming uses or structures.
- 30.67.460 Bulk standards.
- 30.67.470 Temporary emergency use, modification or structure.

### **PART 500**

#### **Specific shoreline uses and modifications.**

- 30.67.501 Purpose.
- 30.67.505 Agriculture.
- 30.67.510 Aquaculture.
- 30.67.515 Boating facilities.
- 30.67.520 Breakwaters, jetties, groins and other in-water structures.
- 30.67.525 Commercial.
- 30.67.530 Dredging and spoil disposal.
- 30.67.535 Fill.
- 30.67.540 Flood protection measures.
- 30.67.545 Forestry.
- 30.67.550 Industry and Ports.
- 30.67.555 Institutional.

<u>30.67.560</u>	Mining.
<u>30.67.565</u>	Recreation.
<u>30.67.570</u>	Residential.
<u>30.67.575</u>	Shoreline and bank stabilization.
<u>30.67.580</u>	Shoreline habitat restoration and enhancement.
<u>30.67.585</u>	Signs.
<u>30.67.590</u>	Transportation, circulation and parking.
<u>30.67.595</u>	Utility facilities.
<u>30.67.599</u>	Vegetation conservation and management.