MEMORANDUM
TO: Snohomish County Planning Commission
FROM: Alison Hodgkin, Senior Planner
SUBJECT: Supplemental Staff Report: 2019 Periodic Review of Shoreline Management Program
DATE: October 9, 2018

PDS provided commissioners with a staff report for the May 22, 2018, informational briefing on state-mandated periodic review of the county’s Shoreline Management Program (SMP). The staff report (dated May 4, 2018) included background information on the regulatory framework and requirements of the Shoreline Management Act (SMA), as well as a table summarizing the changes being proposed as part of 2019 Periodic Review of the county’s SMP. Due to the length of time that has passed since the briefing, the complete May 4, 2018, staff report is attached.

As conveyed at the May 22, 2018, informational briefing, the county must review, and if the review determines changes are necessary, revise its SMP no later than June 30, 2019 (and every eight years thereafter). Commissioners had several clarifying questions for PDS staff at the briefing on this project. PDS transmitted responses to these questions in email correspondence dated May 23, 2018.

The main purpose of this supplemental staff report is to transmit the draft findings and conclusions and proposed code, map and policy document amendments to the county’s SMP in advance of the Planning Commission public hearing on this project scheduled for October 23, 2018. The following minor changes have been made to the proposal since the briefing:

SMP Code: see updated summary table and proposed code amendments in Attachments 1a and 1b
- Note changes to Item #s: 1, 5, 10, 13d and 18
- New Item #s 23 - 27

SMP Map: see updated map amendments in Attachment 2
- Correct the city of Lake Stevens annexation to City of Everett
- Remove Star Creek, Marsh Creek Floodplains, and Winters Lake
- New information boxes identifying changes added to map for clarity

SMP Policy Document: see proposed policy document in Attachment 3
- PDS is no longer proposing to restructure the entire SMP policy document
- Minor changes being proposed include:
  - Additions to list of shorelines in Snohomish County (Section 1.2.1.1)
  - Updated figures for zoning types in each shoreline environment designation (Table 3)
## Attachments

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
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<tr>
<td>Attachment 1(a)</td>
<td>Updated Summary Table of Proposed Code Amendments</td>
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<td>Attachment 1(b)</td>
<td>Proposed Shoreline Code Amendments</td>
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<td>Attachment 2</td>
<td>Proposed Shoreline Map Amendments</td>
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| 1  | RCW 90.58.270(5-6) 2011c on ECY checklist WAC 173-26-030(3)(d)(17) 2012c on ECY checklist | Add or Amend Definitions | State law declares that floating homes legally established prior to 1/1/2011 must be classified as a conforming preferred use. Jurisdictions are required to amend their definition for “floating home.”  
- Remove! SCC 30.67.440(31) – Reference notes  
  Add floating homes to those types of uses permitted only in marinas.  
- Additional! SCC 30.67.430 – Shoreline Use Matrix  
  Add new footnote (38) after “floating home”  
- Additional! SCC 30.67.440(38) – Reference notes  
  Add new footnote (38) stating “Floating homes permitted or legally established prior to January 1, 2011, are considered conforming uses. See 30.67.450(1)”  
- Remove! SCC 30.67.450(9) – Non-conforming uses or structures  
  Add new subsection (9) declaring that floating homes legally established prior to the dates listed in the WAC are considered conforming uses.  
- SCC 30.67.570 – Residential  
  Add supporting amendment declaring that “residential” uses include floating homes.  
- SCC 30.91F.355 – Definition of Floating Home  
  Amend definition of “floating home” to achieve consistency with 2011 amendment. | Mandatory. Jurisdictions with floating homes must include a definition consistent with the statute and a policy or regulation that clarifies the legal status of floating homes. By adding floating homes under residential use as conforming uses, new, maintenance, repair, replacement and remodeling should be allowed for these historic uses just like any other SMP residential use. This exception does not apply to floating homes that were not legally established prior to 1/1/2011 – those uses continue to be prohibited. | Mandatory  |
| 2  | WAC 173-26-241 2017b on ECY checklist | Ecology amended shoreline rules in the WAC to clarify the definition of development does not include projects that involve only dismantling or removing structures without any associated development or re-development. | SCC 30.91D.230 – Definition of Development  
Consider amending definition of “development” in SCC to exclude projects that only involve dismantling or removal. | Optional. It is not necessary to adopt this clarification into an SMP - local governments may look to the state rule to answer questions about this change should this arise. However, if a local government chooses to incorporate the new clarification it could be incorporated directly into the SMP definition of “development.” This comes up enough for PDS permitting that they see a benefit to including this clarification. | Optional  |
| 3  | RCW 90.58.030 2016a on ECY checklist WAC 173-27-040 2016a on ECY checklist | Exemption for Compliance with ADA | Legislature added exemption for retrofitting existing structures for compliance with ADA in 2016; WAC subsequently amended to comply with change in statute (RCW).  
SCC 30.44.120(1)(j) – Exemptions from shoreline substantial development permits  
Consider adding new subsection (j) with language provided by the state. | Mandatory. This SMA amendment applied on its effective date, regardless of whether local governments added this exemption by amending their SMP to specifically address it. | Mandatory  |
| 4  | RCW 90.58.030(3)(e) 2014a on ECY checklist WAC 173-27-040(2)(h) 2014a on ECY checklist | Cost Threshold for Replacement Docks on Lakes and Rivers | Legislature changed exemption criteria for fresh water docks. Changes to WAC specify criteria for exemption: Exempts docks under (A) $20,000 for replacement docks or (B) $10,000 for all other docks constructed in freshwater.  
SCC 30.44.120(1)(h)(ii) – Exemptions from shoreline substantial development permits  
Amend by adding A and B to distinguish the $20,000 from the $10,000. | Mandatory. This SMA amendment applied on its effective date, regardless of whether local governments specifically exempted it in their SMP. Snohomish County does not simply cite the RCW in code. Instead, we repeat what the WAC says in order to assist applicants and therefore need to modify this section of code to reflect the new cost thresholds adopted by the state. | Mandatory  |
Snohomish County Shoreline Management Program (SMP) 2019 Periodic Review – Summary Table of Proposed Code Amendments (Updated)

| 5. | **RCW 90.58.140**  
**2019a on ECY checklist**  
**RCW 90.58.180**  
**2017a on ECY checklist**  
**WAC 173-27-130**  
**2016a on ECY checklist** | **Date of Filing** | Legislation clarified deadlines are measured from the date permit decisions are filed; not received; also clarified the meaning of “date of filing” in RCW 90.58.140(6)  
- SCC 30.44.220(1) and (2) - Time requirements for shoreline permits  
- SCC 30.44.230(2) - Filing with ECY  
- SCC 30.44.250 - Appeals  
- Remove! SCC 30.44.270(8) - Revisions to shoreline permits  
Consider amendments to all sections that would change the date of “receipt” to date of “filing”. |
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<tr>
<td>Mandatory. Ecology amended shoreline rules to incorporate a 2011 law relating to permit filing. These details are important because the date of filing establishes the start of the Shoreline Hearings Board appeal period. The law clarified that local permit decisions shall be submitted to Ecology by return receipt requested mail. This intent is to bring consistency and predictability to the timing of the appeal period.</td>
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| 6. | **RCW 90.58.620**  
**2016d on ECY checklist** | **Non-Conforming Use** | Legislation clarified that SMPs may classify legally established residential structures as conforming, even if they do not meet certain requirements. Changes also allow those previously non-conforming, now conforming residential structures, to redevelop or expand just like other properties, so long as no net loss of ecological functions occurs.  
- SCC 30.67.450 – Non-conforming uses or structures  
Consider adding new “Residential” section  
- SCC 30.67.570 – Residential for consistency (new citations and subsections).  
Consider checking here to see if any additional amendments may be needed for consistency |
| Optional. SMPs approved by Ecology after 9/1/2011, may include provisions that authorize legally established residential and appurtenant structures used for a conforming use but not meeting dimensional standards for new development to be considered conforming structures. This does not include bulkheads, other shoreline modifications, or overwater structures. Authority: RCW 90.58.620 |
| 7. | **Special ECY Request** | Request from Ecology to allow a special, common-line setback for new SFR development on vacant lots on specific, highly-developed shorelines throughout the county.  
SCC 30.67.060 – Relationship to Critical Area Regulations  
- Consider adding new subsection (3) allowing a special setback on certain “built-out” lake shorelines in Snohomish County  
- Consider identifying lakes that meet the “built-out” criteria, e.g., Roesinger, Goodwin  
- Consider providing illustrations in code on how to calculate special setback for “built-out” lake shorelines. |
| Special Request by Ecology  
Ecology has repeatedly encouraged the county to consider adopting variable critical area buffer widths for new single family residential development on vacant parcels located on the shorelines of Lakes Goodwin, Shoecraft, KI, Stevens, Roesiger, Serene, Martha and Lake Stickney. |
| 8. | **RCW 90.58.355**  
**2016a on ECY checklist** | **Exemptions for Certain Projects and Activities** | The legislation added new sections in 2012 and 2015 exempting certain projects from obtaining shoreline permits or local reviews: 1) boatyard facility site improvements for stormwater treatment and 2) WSDOT facility and maintenance projects.  
SCC 30.44.020 – Development not subject to the SMA  
- Amend subsection (2) clarifying exemptions  
- Add subsection (2)(i) and (ii) addressing each new project  
Consider checking here to see if any additional amendments may be needed for consistency. |
| Optional. The exceptions to SMP review covered under the statutes in these two rules apply whether or not they are included in local SMPs. The county already has a consolidated code section devoted to addressing these exceptions to ensure consistent implementation. |
| 9. | **RCW 90.58.140**  
**2019a on ECY checklist** | **Time Requirements** | The legislation also added new subsection (c) allowing WSDOT projects addressing safety risks to begin construction 21 days after submitting an application.  
SCC 30.44.220 – Time requirements for shoreline permits  
- Consider a minor amendment to subsection (1) referencing new subsection (c) in RCW 90.58.140(5).  
Optional. It is not necessary for the county to include these provisions in its SMP, but a reference here could help ensure consistent implementation with the statute. |
**2011a on ECY checklist** | **Geoduck Aquaculture** | Ecology adopted new rules for commercial geoduck aquaculture. Many of the changes were incorporated into the County’s SMP in 2014 with this exception related to requiring a Shoreline Substantial Development Permit (SSDP) for projects and activities that cause substantial interference with public access.  
- SCC 30.67.430 Table 1 – Shoreline Use Matrix  
Add new reference note II (38)  
- SCC 30.67.440 – Reference notes for shoreline matrix  
Add description for reference note 38 clarifying that an SSDP is required for projects and activities that cause interference with public access.  
- SCC 30.67.510 – Aquaculture  
Add new subsection (3)(i) clarifying that a SSDP is required for projects and activities that cause interference with public access. |
| Mandatory. Ecology adopted new rules for commercial geoduck aquaculture many of which are already addressed in county code, with this exception for a SSDP. This amendment is not optional and it is being added to achieve consistency with requirements in state law. |
| 11. | **RCW 90.58.580**  
**WAC 173-27-215**  
**2009a on ECY checklist** | **Restoration Projects within a UGA** | Legislative change allowing relief to property owners experiencing a hardship from restoration projects that have shifted the OHWM, thus shifting the 200-foot area where shoreline regulations apply.  
SCC 30.67.580 – Shoreline habitat restoration and enhancement  
Consider adding new subsection (3) allowing for relief from SMP development standards and use regulations resulting from shoreline restoration projects within UGAS. |
| Optional. It is not necessary to amend local SMP regulations though the process may be used even if the provision is not in the SMP. Property owners utilizing this option may request relief consistent with the criteria and procedures in WAC 173-27-215. |
### Code Changes

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Description of Possible Change</th>
<th>Implementation Issue/Problem</th>
<th>Example of SMP Amendment</th>
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<tbody>
<tr>
<td><strong>Spelling Errors</strong></td>
<td>a) Consider amending code to correct spelling error related to term: “Boathouse”</td>
<td>Existing code spells the term “boathouse” differently. It is split into two words in Boating Facilities; definition of “boathouse” in 30.918 has it all as one word.</td>
<td>SCC 30.67.515 – Boating Facilities Consider amending (I)(vii) and (viii) by replacing “boat house” (two separate words) with “boathouse.” …adding unintentional error</td>
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<td>b) Consider amending code to correct spelling error related to term: “timber”</td>
<td>The Reference notes for the shoreline use and modification matrix use the word “timer” instead of “timber.”</td>
<td>SCC 30.67.440 – Reference notes for shoreline use/modification matrix Consider amendment to (8) to replace term “timer” with “timber.”</td>
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<td>c) Consider amending code to correct spelling error related to term: “unauthorized”</td>
<td>Existing code puts a space between “un” and “authorized,” which is not intended. This should be spelled as one word.</td>
<td>SCC 30.67.515 – Boating Facilities Consider amendment to (3) to replace term “un authorized” with “unauthorized.”</td>
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<td>d) Addition Consider amending code to correct spelling error related to term: “few”</td>
<td>Existing code says “four or few parcels or dwelling units…”</td>
<td>SCC 30.67.330(1)(a) – Public Access Consider amendment to (1)(a) to replace term “few” with “fewer.”</td>
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<td><strong>Docks</strong></td>
<td>a) Consider amending light passage requirement for decking</td>
<td>Existing code contains very specific requirements for construction materials for docks &amp; piers (45% light passage); floats, 30%. Staff state that these standards are difficult to achieve, implement and prove.</td>
<td>SCC 30.67.515 – Boating Facilities Consider amending (1)(l)(x)(i) to remove 45% light passage requirement for decking of all piers and docks and 30% light passage for floats and replace with language that reflects the use of construction materials with “maximum light passage” technology or techniques.</td>
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<td>b) Consider clarifying the length provision for residential piers and docks</td>
<td>Existing code requires length of dock to be an average of the lengths of abutting docks and piers, but does not specify what to do if there are no adjacent docks or piers.</td>
<td>SCC 30.67.515 – Boating Facilities Consider amendment to (1)(k)(ix)(F) clarifying that properties without abutting piers/docks cannot extend more than 80 feet from OHWM.</td>
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<td>c) Consider reformatting code to change the location of dock regulations</td>
<td>Existing regulations for boating facilities (marinas, yacht &amp; boat clubs, boat launches, boat ramps, and boathouses) is combined with regulations for boat mooring facilities (docks, piers, floats and mooring buoys). Currently, residential dock regulations are buried in the code.</td>
<td>SCC 30.67.515 – Boating Facilities Consider separating regulations for piers, docks, floats and mooring buoys from regulations for marinas, yacht and boat clubs, boat launches, ramps, and boathouses into two separate sections to provide more clarity.</td>
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<td><strong>Impervious Surface</strong></td>
<td>Consider clarifying intent of impervious surface limit for subdivisions</td>
<td>Existing code limits subdivisions lying fully or partially within shoreline jurisdiction to a maximum of 10% total impervious surface within the subdivision boundary. Shoreline requirements cannot be imposed on the portion of the subdivision that lies outside of shoreline jurisdiction.</td>
<td>SCC 30.67.570 – Residential Consider amendment to 1(g) clarifying that the ten percent cap on total effective impervious surface only applies to that portion of the subdivision that lies within shoreline jurisdiction.</td>
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<td><strong>Ordinary High Water Mark (OHWM)</strong></td>
<td>Consider codifying Ecology (ECY) guidance on OHWM determinations</td>
<td>Existing code does not provide guidance for how OHWM determinations are made; new guidance from ECY exists is available.</td>
<td>SCC 30.44.300 – Ordinary high water mark determinations Consider adding new section stating that determinations shall be made using ECY’s Oct 2016 Guidance Manual.</td>
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<td><strong>Bulkheads</strong></td>
<td>Consider clarifying exemptions for normal maintenance and repair of shoreline and bank stabilization measures, i.e., bulkheads</td>
<td>Existing code indicates that a shoreline Conditional Use Permit (CUP) is required for bulkheads not associated with a restoration project. This provision would benefit from clarification that normal maintenance and repair of bulkheads is allowed (SCC 30.67.575(1)(a)) without a CUP.</td>
<td>SCC 30.67.575 – Shoreline and bank stabilization Consider amendment to (2)(b) clarifying that a CUP is not required for normal maintenance and repair of a bulkhead.</td>
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<td>Proposed Code Amendment</td>
<td>Natural shoreline environment designation. Add amendment to improve clarity and accuracy.</td>
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<td>Critical Area Regulations</td>
<td>Consider updating references to 2007 version of Critical Area Regulations (CAR) in the SMP. Existing code in SCC 30.67.060 still makes reference to 2007 CAR which is no longer Best Available Science. Though 2015 CAR has been adopted by the county, this proposed change will need to be reviewed/approved by Ecology.</td>
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<td>Definition of Aquaculture</td>
<td>Consider amending definition of aquaculture to acknowledge wild geoduck fishery is co-managed by both state and Tribes. This proposed amendment reflects greater accuracy in county's SMP.</td>
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<td>Innovative Development</td>
<td>Consider removing the requirement to obtain a shoreline variance when the innovative development design provisions of SCC 30.62A.350 are utilized for a single family residence. Innovative Development Design can be used for any project regardless of size, scale, intensity, use or type. It is often the only way for many small-scale, single family residential (SFR) projects to comply with CAR. If an SFR is CAR compliant, a variance should not be required. Removing this automatic variance trigger would allow SFR structures and appurtenances relief from the variance permit requirement while preserving the variance permit requirement for non-SFR innovative development designs.</td>
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<td>Provide Link to Definitions</td>
<td>Consider providing a link to the definitions for “single family residential (SFR)” and “appurtenance.” This section on exemptions would be much simpler for customers if the link to definitions for “single family residential (SFR)” and “appurtenance” were embedded directly in the code provision.</td>
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<td>Salmonid Habitat</td>
<td>Consider clarifying the term “salmonid habitat” in provisions related to width requirements for piers/docks on lakes shorelines. Existing code states the maximum width of piers/docks on any lake identified as “salmonid habitat” is two feet less (4 ft) than lakes not identified as salmonid habitat (6 ft). “Salmonid habitat” is not a term officially defined in county code. This provision would benefit from clarification that the 4 ft requirement applies to lakes that contain salmonids.</td>
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<td>Land Use Patterns</td>
<td>Consider updating figures in Table 3 of the SMP Policy Document: Land Use Type and Intensity in each Shoreline Environment Designation. The existing policy document contains figures that exist from 2012. Amend the SMP policy document to: Update the table to reflect 2019 map changes by adjusting the acreage and percent calculations of zoning classifications within each shoreline environment designation.</td>
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<td>Yacht and Boat Clubs</td>
<td>Consider regulating “yacht and boat clubs” the same as “marinas”. Following the change that restructures regulations for boating facilities, staff learned that there are no regulations specific to yacht and boat clubs.</td>
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<td>Typographical Error</td>
<td>Consider fixing a typographical error in published code. Existing code references Chapter 30.67A when it should be Chapter 30.62A SCC.</td>
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<td>Natural Shoreline Environment</td>
<td>Consider clarifying code provision that limits the types of residential uses allowed in the Natural Shoreline Environment. Existing code in SCC 30.67.570 is unclear what residential uses are allowed in the natural shoreline environment. Table 1 in SCC 30.67.430 (Shoreline Use and Modification Matrix) provides clarity.</td>
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<td>Definition of Single-family residence</td>
<td>Consider clarifying that the term “single-family residence” is used in Chapter 30.67 SCC, as well as Chapter 30.44 SCC. The existing definition for single-family residence applies to “shoreline” regulations in both Chapters 30.44 and 30.67 SCC.</td>
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**Snohomish County Shoreline Management Program (SMP) 2019 Periodic Review – Summary Table of Proposed Code Amendments (Updated)**

**Proposed Code Amendments to the Shoreline Management Program (SMP) 2019 Periodic Review**

- **Critical Area Regulations:** Consider updating references to 2007 version of Critical Area Regulations (CAR) in the SMP. Existing code in SCC 30.67.060 still makes reference to 2007 CAR which is no longer Best Available Science. Though 2015 CAR has been adopted by the county, this proposed change will need to be reviewed/approved by Ecology.
- **Definition of Aquaculture:** Consider amending definition of aquaculture to acknowledge wild geoduck fishery is co-managed by both state and Tribes. This proposed amendment reflects greater accuracy in county's SMP.
- **Innovative Development:** Consider removing the requirement to obtain a shoreline variance when the innovative development design provisions of SCC 30.62A.350 are utilized for a single family residence. Innovative Development Design can be used for any project regardless of size, scale, intensity, use or type. It is often the only way for many small-scale, single family residential (SFR) projects to comply with CAR. If an SFR is CAR compliant, a variance should not be required. Removing this automatic variance trigger would allow SFR structures and appurtenances relief from the variance permit requirement while preserving the variance permit requirement for non-SFR innovative development designs.
- **Provide Link to Definitions:** Consider providing a link to the definitions for “single family residential (SFR)” and “appurtenance.” This section on exemptions would be much simpler for customers if the link to definitions for “single family residential (SFR)” and “appurtenance” were embedded directly in the code provision.
- **Salmonid Habitat:** Consider clarifying the term “salmonid habitat” in provisions related to width requirements for piers/docks on lakes shorelines. Existing code states the maximum width of piers/docks on any lake identified as “salmonid habitat” is two feet less (4 ft) than lakes not identified as salmonid habitat (6 ft). “Salmonid habitat” is not a term officially defined in county code. This provision would benefit from clarification that the 4 ft requirement applies to lakes that contain salmonids.
- **Land Use Patterns:** Consider updating figures in Table 3 of the SMP Policy Document: Land Use Type and Intensity in each Shoreline Environment Designation. The existing policy document contains figures that exist from 2012. Amend the SMP policy document to: Update the table to reflect 2019 map changes by adjusting the acreage and percent calculations of zoning classifications within each shoreline environment designation.
- **Yacht and Boat Clubs:** Consider regulating “yacht and boat clubs” the same as “marinas”. Following the change that restructures regulations for boating facilities, staff learned that there are no regulations specific to yacht and boat clubs.
- **Typographical Error:** Consider fixing a typographical error in published code. Existing code references Chapter 30.67A when it should be Chapter 30.62A SCC.
- **Natural Shoreline Environment:** Consider clarifying code provision that limits the types of residential uses allowed in the Natural Shoreline Environment. Existing code in SCC 30.67.570 is unclear what residential uses are allowed in the natural shoreline environment. Table 1 in SCC 30.67.430 (Shoreline Use and Modification Matrix) provides clarity.
- **Definition of Single-family residence:** Consider clarifying that the term “single-family residence” is used in Chapter 30.67 SCC, as well as Chapter 30.44 SCC. The existing definition for single-family residence applies to “shoreline” regulations in both Chapters 30.44 and 30.67 SCC.
30.44.020 – Development not subject to the Shoreline Management Act.
The following developments are not required to meet the requirements of the Shoreline Management Act, chapter 90.58 RCW, as described below:
(1) Notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW.
((2) The procedural requirements of the Shoreline Management Act shall not apply to))
(2) Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption or other local review under chapter 90.58 RCW or the Snohomish County Shoreline Management Program shall not apply to:
    (i) any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of chapter 90.58 RCW through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090((i));
    (ii) any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit pursuant to RCW 90.58.355; and
    (iii) Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356.
(3) The holder of a certification under chapter 80.50 RCW shall not be required to obtain a permit under chapter 90.58 RCW or the Snohomish County Shoreline Management Program.

30.44.120 – Exemptions from shoreline substantial development permits.
(1) The following types of development must be consistent with the policies and provisions of the Shoreline Management Act and the SMP, but are not considered shoreline substantial developments for purposes of this chapter and are not required to obtain a shoreline substantial development permit:
    (a) Any development of which the total cost or fair market value, whichever is higher, does not exceed the dollar threshold established or as hereafter adjusted by the state office of financial management pursuant to WAC 173-27-040(2)(a), provided such development does not materially interfere with the normal public use of the water or shorelines of the state;
    (b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
    (c) Construction of the normal protective bulkhead common to single family residences;
    (d) Emergency temporary construction necessary to protect property from damage by the elements consistent with the provisions in SCC 30.44.280;
    (e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
(f) Construction or modification of navigational aids, such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee, or contract purchaser, of a single family residence for owner or owner’s family use, which residence does not exceed a height of 35 feet above average grade level, and which meets all requirements of the state and local governments having jurisdiction thereof, other than requirements imposed pursuant to this title. “Single-family residence” is defined in SCC 30.91S. 330 and “Appurtenance” is defined in SCC 30.91A.250. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. For the purpose of this section, a “dock” is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. ((This exception applies to docks for which the cost or fair market value, whichever is higher, does not exceed:

(i) $2,500 in salt waters; or

(ii) $10,000 in fresh waters, but if subsequent construction having a fair market value exceeding $2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.)) This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed $2500; or

(ii) In fresh waters, the fair market value of the dock does not exceed:

(A) $20,000 for docks that are constructed to replace existing docks and are of equal or lesser square footage that the existing dock being replaced; or

(B) $10,000 for all other docks constructed in fresh waters.

However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in SCC 30.44.120(1)(h)(ii)(A) or (B), the subsequent construction shall be considered a substantial development for the purpose of this chapter.

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

(j) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

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

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

(i) the activity does not interfere with the normal public use of the surface waters;

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

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

(iv) a private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the county to ensure that the site is restored to preexisting conditions; and
(v) the activity is not subject to the permit requirements of RCW 90.58.550 for oil or natural gas exploration in marine waters;
(m) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the state department of agriculture or the department or ecology jointly with other state or local agencies under chapter 43.21C RCW;
(n) A public or private project that is designed to improve fish or wildlife habitat or fish passage when the criteria in RCW 90.58.147 are met; and
(o) Watershed restoration projects as defined in RCW 89.08.460.
(p) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. § 12101 et seq., or to otherwise provide physical access to the structure by individuals with disabilities.

(2) Whenever a development falls within the exemptions enumerated in this section, and the development is subject to a U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899 or a section 404 permit under the Federal Water Pollution Control Act of 1972, Snohomish County shall prepare a letter addressed to the applicant and the regional office of the Department of Ecology, indicating the specific exemption provision that is being applied to the development and providing a summary of the county’s analysis of the consistency of the development with the Shoreline Management Act and the SMP.

30.44.220 – Time requirements for shoreline permits.
The following time requirements shall apply to all shoreline substantial development, shoreline conditional use, and shoreline variance permits:
(1) Each permit for a shoreline substantial development, conditional use or variance issued by the county shall contain a provision that construction shall not begin and is not authorized until 21 days from the date of ((receipt)) filing as defined in SCC 30.44.230(2), or until all review proceedings initiated within 21 days from the date of ((receipt)) filing have been terminated; except as provided in RCW 90.58.140(5)(a) and, (b), and (c) or SCC 30.44.280.
(2) The effective date of an approved shoreline substantial development permit shall be the date of ((receipt)) filing as provided in SCC 30.44.230(2)(a). The effective date of an approved shoreline conditional use or variance permit shall be the date of ((receipt)) filing as provided in SCC 30.44.230(2)(b). When the department simultaneously transmits to Ecology its decision on a shoreline substantial development along with its recommendation of approval of either a shoreline conditional use permit or variance, or both, "date of filing" has the same meaning as SCC 30.44.230(2)(b)."
(3) Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or initiation of uses which are inconsistent with the policies and regulations of the Shoreline Management Act and the SMP. The department may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the state Department of Ecology.
(4) Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. The county may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been
(5) Determination of the time periods described in 30.44.220(3) and (4) shall not include the
time during which construction or the use or activity was not actually pursued due to the
pendency of administrative appeals or legal actions or due to the need to obtain any other
government permits and approvals for the development that authorize the development to
proceed, including all reasonably related administrative or legal actions on any such permits or
approvals.

(6) Shoreline permits for mitigation banks and in-lieu fee programs addressing shoreline
ecological functions shall expire five years after the effective date of an approved permit
pursuant to SCC 30.44.220(2). The county may authorize extensions upon a finding of good
cause, based on requirements and circumstances of the project proposed and consistent with
the policy and provisions of the SMP and chapter 173-27 WAC, if a request for extension has
been filed before the expiration date and provided that the Memorandum of Agreement,
Mitigation Bank Instrument or other documentation authorizing the mitigation bank or in-lieu fee
program remains valid. Notice of the proposed extension shall be given to all parties signatory
to the authorizing documents, the state Department of Ecology and to all parties of record.
Extensions may be granted as needed to fulfill the project phases outlined in the authorizing
documentation provided that each granted extension is valid for a period not to exceed five
years. In reviewing requests for extensions, if environmental conditions or life, health and safety
issues arise that were not adequately addressed by the currently valid shoreline permit,
shoreline permit conditions may be added or revised. If additions or revisions are necessary, a
fee will be assessed as provided in SCC 30.86.310. Extensions of shoreline conditional use
permits or shoreline variances date must be approved by the state Department of Ecology.

(7) Nothing in chapter 30.44 SCC shall preclude the county from issuing permits with a fixed
termination date of less than five years.

30.44.230 – Filing with the state Department of Ecology

(1) Any final decision by the county on an application for a shoreline permit or a shoreline permit
revision shall be ((filed)) mailed using return receipt requested mail ((with)) to the state
Department of Ecology within ten calendar days of the county’s final decision, as defined
pursuant to WAC 173-27-130(1). When the department simultaneously transmits to Ecology its
decision on a shoreline substantial development with its recommendation of approval of either a
shoreline conditional use permit or variance, or both, "date of filing" has the same meaning as
SCC 30.44.230(2)(b). Documents to be submitted to the regional office of the state Department
of Ecology shall include:

(a) A copy of the complete application;
(b) Findings and conclusions that establish the basis for the decision including but not
limited to identification of shoreline environment designation, applicable master program
policies and regulations and the consistency of the project with appropriate review criteria
for the type of permit(s);
(c) The final decision of the local government;
(d) The permit data sheet; and
(e) Where applicable, documents required by chapter 30.61 SCC and
chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement
summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

(2) For the purposes of this chapter, "date of ((receipt)) filing" refers to:
(a) The date ((on which the applicant receives written notice from)) the state Department
of Ecology ((acknowledging receipt of)) receives the county’s final decision to approve or
deny a shoreline substantial development permit; or
(b) The date (on which the county or the applicant receives the written decision of) the state Department of ((Ecology)) Ecology’s decision on a variance or conditional use permit is transmitted to the county and to the applicant. When the department simultaneously transmits to Ecology its decision on a shoreline substantial development with its recommendation of approval of either a shoreline conditional use permit or variance, or both, "date of filing" has the same meaning as SCC 30.44.230(2)(b).

30.44.250 – Appeals.

Any person aggrieved by the granting, denying or rescinding of a shoreline permit may seek review from the state shorelines hearings board by filing a petition for review within 21 days of the date of ((receipt)) filing as defined in SCC 30.44.230(2).

30.44.270 Revisions to shoreline permits.

(1) A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from those that were approved in the shoreline permit. Changes are considered substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the applicant must submit to the department detailed plans and text describing the proposed changes.

(2) If the department determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the SMP and chapter 90.58 RCW, a revision may be approved. "Within the scope and intent of the original permit" as used in this section means all of the following:

(a) No additional over-water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the SMP except as authorized under a variance granted as the original permit or part thereof;

(d) Additional or revised landscaping is consistent with any of the conditions of the original permit and with the SMP;

(e) The use authorized in the original permit is not changed; and

(f) No adverse environmental impact will be caused by the project revision.

(3) Revisions to permits may be authorized after the original permit authorization has expired under SCC 30.44.220. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under chapter 90.58 RCW, the SMP and this section. If the proposed change constitutes substantial development, then a new permit is required. Provided, this subsection shall not be used to extend the time requirements of the original permit or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the proposed revision and any previously approved revisions violate the provisions in SCC 30.44.270(3), the department shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of SCC 30.44.205 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the state Department of Ecology. In addition, the county shall notify parties of record of the action.
(6) If the revision to the original permit involves a conditional use or variance, the department shall submit the revision to the state Department of Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27-100(6). The state Department of Ecology shall render and transmit to the county and the applicant its final decision within 15 days of the date of its receipt of the submittal from the county. The department shall notify parties of record of the state Department of Ecology’s final decision.

(7) The revised permit is effective immediately upon final decision by the county or, when appropriate under SCC 30.44.270(6), upon final action by the state Department of Ecology.

(8) Appeals shall be to the state shorelines hearings board in accordance with RCW 90.58.180 and shall be filed within 21 days from the date of receipt of the county’s action by the state Department of Ecology as defined in ((SCC 30.44.230(2)(a))) RCW 43.21B.001 or, when appropriate under SCC 30.44.270(6) of this section, the date the state Department of Ecology’s final decision is transmitted to the county and to the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of SCC 30.44.270(2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant’s own risk until the expiration of the appeal deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

30.44.300 Ordinary high water mark determinations.
Ordinary high water mark determinations shall be made using the Washington State Department of Ecology’s October 2016 guidance document titled: Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State (Publication No. 16-06-029) or as subsequently amended or revised.

(1) The SMP consists of the following three components:
   (a) A document titled Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations;
   (b) A series of 44 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;
   (c) Regulations including:
      (i) Shoreline regulations contained in this chapter; and
(2) The goals and policies of the SMP are considered an element of the comprehensive plan pursuant to SCC 30.10.065.

30.67.060 – Relationship to Critical Area Regulations
(1) Critical areas located within shoreline jurisdiction are subject to the regulations contained in chapters 30.62A, 30.62B, 30.62C, (as adopted by Amended Ordinance No. 06-061 August 1, 2007,) and 30.65 SCC (as adopted by Amended Ordinance No. 07-005 on February 21, 2007), except as modified by SCC 30.67.060(2) and (3).
(2) The following provisions in chapters 30.62A and 30.62B SCC are modified as described for critical areas located within shoreline jurisdiction:
   (a) SCC 30.62A.540 relating to reasonable use does not apply;
(b) When public access is required pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., access design requirements necessary to meet the ADA shall supersede the requirements of SCC 30.62A.320(2)(d);
(c) Notwithstanding the provisions in SCC 30.62A.610 and SCC 30.62B.510, agricultural activities within shoreline jurisdiction and which are subject to the provisions in the Shoreline Management Act per RCW 90.58.065 shall protect critical areas pursuant to the requirements in SCC 30.62A, Part 600 and 30.62B, Part 500;
(d) When the ((setback)) deviation provisions of ((SCC 30.62B.340(2)(b))) SCC 30.62B.340(1) are utilized for a project proposal, a shoreline variance permit is required;
(e) When the single family residential development exception in buffers provisions in SCC 30.62A.520 are utilized for a project proposal, the following additional conditions apply:
   (i) A shoreline variance permit is required when over 2,500 square feet of buffer is disturbed; and
   (ii) A shoreline variance permit is required for expansion of an existing single family residence or accessory structure;
((f)) In addition to the provisions in SCC 30.62B.330(3), the following activities are allowed within channel migration zones: restoration or enhancement of shoreline ecological functions; and mitigation for impacts to shoreline ecological functions, including but not limited to mitigation banks;))
((g)) (f) New single family residential development, expansions of existing single family residences and ordinary residential improvements on existing lots allowed in buffers under SCC 30.62A.520 shall require enhancement of existing buffers based on the criteria in SCC 30.62A.520(11) and shall meet these additional requirements:
   (i) Vegetation enhancement efforts shall ensure that the final vegetation condition is capable of mitigating impacts and maintaining existing ecological functions.
   (ii) If the shoreline is unmodified and/or the vegetation is relatively intact, the mitigation plan shall provide alternatives, such as out-of-kind mitigation by restoring other degraded ecological functions, or by using off-site mitigation.
   (iii) Where modifications such as fill, armoring, patios, etc., have been placed in the buffer, these modifications shall be removed or reduced to the extent necessary to mitigate impacts on the buffer. As guidance, non-water-dependent facilities such as patios should be removed, accesses should be reduced to the minimum needed to provide access, and armoring should be replaced with natural vegetation or non-structural measures;
((h))) (g) When buffer reduction provisions of SCC 30.62A.320(1)(((f) or (g)) (g) or (h) are utilized for a project proposal, the maximum allowed reduction is 25 percent of the standard buffer width contained in SCC 30.62A.320(1(a). Buffer reduction in excess of 25 percent of the standard buffer width requires a shoreline variance permit; and
(((i))) (h) The provisions in SCC 30.62A.630(1)(c)(i) and 30.62B.530(1)(c)(i) do not apply within shoreline jurisdiction.
(3) An exception to the standard buffer width requirements in chapter 30.62A SCC is allowed without a shoreline variance as follows:
   (a) The project proposal must be for a new single-family residence on a lot without an existing dwelling located on the shorelines of Lake Goodwin, Lake Shoecraft, Lake Ki, Lake Loma, Lake Ketchum, John Sam Lake, Lake Howard, Flowing Lake, Lake Stevens, Lake Roesiger, Martha Lake, Lake Bosworth, Lake Serene or Lake Stickney;
   (b) New single-family residences proposed on the lots identified in subsection (3)(a) of this section are subject to the buffer width requirements in chapter 30.62A SCC unless the
nearest legally-established single-family residence built before July 1, 2019, on one side
of the lot or the other has a lesser buffer width than required under chapter 30.62A SCC.
In cases where the nearest legally-established single-family residence has a lesser buffer
width than required under chapter 30.62A SCC, the required buffer width may be reduced
to the average of the buffer widths on either side of the lot established by drawing a line
between the closest point of each of the nearest legally-established single-family
residences built before July 1, 2019, excluding appurtenances attached thereto, to the
ordinary high water mark in the manner depicted in Figure 30.67.060(3)(a);
(c) The reduced buffer width shall be measured from the ordinary high water mark of the
shoreline, unless there is an associated wetland. In cases where there is an associated
wetland on the shoreline of the lot, the reduced buffer width shall be measured from the
landward edge of the wetland in the manner depicted in Figure 30.67.060(3)(b);
(d) In no case shall the buffer width be reduced to less than 25 feet; and
(e) In no case shall the exception to the standard buffer width requirements in chapter
30.62A SCC described in this section be used to reduce the requirements for landslide
hazard areas in chapter 30.62B SCC.

Figure 30.67.060(3)(a) – Reduced Buffer Width From Ordinary High Water Mark Based on
Nearest Legally-Established Single Family Residence on Either Side of the Subject Lot

Note: The red dots indicate the closest point of a structure, except existing appurtenances, to the ordinary
high water mark of the shoreline. In this example, a new single family residence is proposed to be located on
Parcel C, an undeveloped parcel. The single family residence is restricted from locating within the green
shaded area, which extends 60 feet parallel from the ordinary high water mark of the shoreline. This number is
derived by: 1) determining the closest distance of the single family residences located on developed Parcels A
and D from the ordinary high water mark of the shoreline, 2) adding those distances together, and 3) dividing
the totaled distances by two.
Figure 30.67.060(3)(b) – Reduced Buffer Width From Wetland Based on Nearest Legally-Established Single Family Residence on Either Side of the Subject Lot

Note: The red dots indicate the closest points of structures, except existing appurtenances, to the ordinary high water mark of the shoreline. In this example, a new single family residence is proposed to be located on Parcel B, an undeveloped parcel. The single family residence is restricted from locating within the green shaded area, which extends 60 feet parallel from the ordinary high water mark of the shoreline and/or shoreline wetland. This number is derived by: 1) determining the closest distance of the single family residences located on developed Parcels A and C from the ordinary high water mark of the shoreline and/or shoreline wetland, 2) adding those distances together, and 3) dividing the total distances by two.

(((3)))(4) Except as specifically modified by SCC 30.67.060(2) and (3), where there are conflicts between the provisions of this chapter and the provisions of chapters 30.62A, 30.62B, 30.62C and 30.65 SCC, the more ecologically protective provision shall apply, as determined by the department.

(((4))) (5) When the innovative development design provisions of SCC 30.62A.350 are utilized for a project proposal, a shoreline variance permit is required, except that projects using the provisions of SCC 30.62A.350 solely for single-family residence dwellings or appurtenances or solely for ecological restoration or enhancement ((using the provisions of SCC 30.62A.350)) are not required to obtain a shoreline variance permit.

30.67.330 Public access.

(1) Unless the conditions in 30.67.330(2) apply, provision of public access to the water is required for all new private and public developments, including land division, with the exception of the following:

(a) Single family dwellings; duplexes; single family detached units, townhouses, and condominiums creating four or ((few)) fewer parcels or dwelling units; and multi-family developments of four or fewer lots or dwelling units; and

(b) Agricultural/ranching activities other than dikes.
(2) Provision of public access will not be required when at least one of the following conditions apply:
   (a) Hazards to public health, safety or site security exist which cannot be alleviated by site planning and design or by restricting hours of public access;
   (b) Provision of public access would result in significant adverse impacts to shoreline ecological functions that cannot be mitigated on-site; or
   (c) The requirement of providing public access for a particular project violates constitutional standards related to nexus and rough proportionality.

(3) Provisions for public access are subject to the following standards:
   (a) Except as restricted pursuant to SCC 30.67.330(3)(e), public access shall be a physical improvement in the form of any one or combination of the following: walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage, or other areas serving as a means of view or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining historical events or shoreline ecology;
   (b) The minimum public access shall consist of an improved walkway at least five feet wide on an easement ten feet wide, leading from the street or from a public walkway directly to a waterfront use area or to an area on the property from which the water and water activities can be observed. There shall be no significant obstruction of the view from this viewpoint;
   (c) Maintenance of the public access shall be the responsibility of the owner or developer;
   (d) Public access sites shall be available for public use at the time of first occupancy or use of the development or activity;
   (e) While docks, piers and other permanent moorages are not allowed in the Urban Conservancy or Natural shoreline environment designations, or the Aquatic shoreline environment designation adjacent to the Urban Conservancy or Natural shoreline environment designations, floating walkways or other similar over-water pedestrian structures facilitating access to observation points or viewing areas are permitted provided they are constructed to minimize alteration of natural conditions; and
   (f) All subdivisions required to provide public access pursuant to SCC 30.67.570(1)(e) that border publicly-owned or controlled shorelines shall provide at least one dedicated public access to the publically-owned or controlled shoreline.

30.67.430 Allowed and conditional uses and modifications.

(1) The shoreline uses and shoreline modifications identified in Table 1 are either permitted, conditionally allowed or prohibited within the specific shoreline environment designation as indicated by the following:
   (a) "P" indicates that the use or modification is permitted;
   (b) "C" indicates that the use is allowed subject to a shoreline conditional use permit;
   (c) "P or C" indicates that the overwater portion of the use or modification is permitted in the Aquatic shoreline environment designation where permitted in the adjacent upland environment, subject to a shoreline conditional use permit in the Aquatic shoreline environment designation where conditional in the adjacent upland environment and prohibited in the Aquatic shoreline environment designation where prohibited in the adjacent upland environment; and
   (d) A blank cell in the table indicates that the use or modification is prohibited in that specific shoreline environment.

(2) Compliance with chapters 30.22 and 30.23 SCC is also required.

(3) Uses and modifications identified in Table 1 are subject to the shoreline use and modification development standards in Part 500 of this chapter. If there is a conflict between the information in SCC 30.67.430, Table 1, and the specific use and modification regulations in SCC 30.67, Part 500, the requirements of SCC 30.67, Part 500 shall prevail.
(4) The department may condition shoreline permits or approvals for uses or modifications as
necessary to ensure compliance with:

(a) Chapter 90.58 RCW and the provisions in this chapter;
(b) The policies in the Shoreline Management Program: Shoreline Environment
Designations, Policies and Regulations; and
(c) Any other applicable federal, state and local rules and regulations.

(5) Uses or modifications not listed in SCC 30.67.420 or 30.67.430(1), Table 1, must obtain a
shoreline conditional use permit even though the use or modification may not require a
shoreline substantial development permit.

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<tr>
<td>Elevated or Floating walkways 4</td>
<td>P</td>
</tr>
<tr>
<td>Stairways, trams</td>
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</tr>
<tr>
<td>Recreation 24</td>
<td>P</td>
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<tr>
<td>Residential 25</td>
<td></td>
</tr>
<tr>
<td>SFR, MH</td>
<td>P</td>
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<tr>
<td>Duplex</td>
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<tr>
<td>MF, townhouse, Single-Family Detached Units</td>
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<tr>
<td>Mobile home park</td>
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<tr>
<td>Houseboat, Live-aboard vessel</td>
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<tr>
<td>Floating Home 38</td>
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### Table 30.67.430 - Table 1: Shoreline Use and Modification Matrix

<table>
<thead>
<tr>
<th>Land use or modification</th>
<th>Urban</th>
<th>Urban Conservancy</th>
<th>Rural Conservancy</th>
<th>Resource</th>
<th>Municipal Watershed Utility</th>
<th>Natural</th>
<th>Aquatic²</th>
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<tbody>
<tr>
<td><strong>Shoreline / bank stabilization:</strong> ², ²⁶</td>
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<tr>
<td>Nonstructural</td>
<td>P</td>
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<td>P</td>
<td>P</td>
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<td>C, P⁵</td>
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<tr>
<td>Structural ⁵, ¹¹</td>
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<td>P</td>
<td>C, P</td>
<td>C, P</td>
<td>C, P</td>
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<tr>
<td><strong>Shoreline habitat restoration or enhancement:</strong> ²⁷, ³⁴</td>
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<td>- Mitigation Banks ³⁴</td>
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<td>C</td>
<td>P</td>
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<td><strong>Transportation facilities:</strong> ²⁸</td>
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<td>Bridges</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>C, P³²</td>
<td></td>
<td>C³³, P³²</td>
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<td>Roads</td>
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<td>P</td>
<td>P</td>
<td>C, P³²</td>
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<tr>
<td>Parking (incidental to use only)</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>C</td>
<td></td>
<td>C</td>
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<tr>
<td><strong>Utility facilities:</strong> ²⁹</td>
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<td></td>
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<tr>
<td>Electromagnetic transmission and receiving facilities (generally)</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Transmission wires, pipes, supports (generally)</td>
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<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
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<tr>
<td>- transmission wires or pipes when suspended from bridge or other similar structures (specifically)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Dams, power plants and associated uses</td>
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<td></td>
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<td>C</td>
<td>C</td>
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<tr>
<td>All other utility facilities</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>

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**Table 30.67.440 – Reference notes for shoreline use and modification matrix**

1. (1) 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 Federal Energy Regulatory Commission (FERC) license. This area is zoned exclusively as Forestry (F).

2. (2) Only those water-dependent portions of the use that require an over-water or in-stream location are allowed in the Aquatic shoreline environment designation. Unless otherwise specified in SCC 30.67, Part 500, such uses are allowed in the Aquatic shoreline environment designation only if the use is allowed in the adjacent upland shoreline environment designation(s).

3. (3) Agricultural uses are subject to the requirements in SCC 30.67.505.
(4) Uses or modifications are not allowed in critical salt water habitat unless in conjunction with ecological restoration or enhancement projects, except as otherwise provided in SCC 30.67.510.

(5) Shoreline modifications are permitted only when in conjunction with ecological restoration or enhancement projects located outside of the Natural and adjacent Aquatic environments.

(6) Mining activities within shoreline jurisdiction are limited to the activities allowed pursuant to SCC 30.67.560(1)(a). Mining within the Aquatic shoreline environment designation is also subject to the conditions in SCC 30.67.530 - Dredging. Mining for the sole purpose of removing mineral resources for commercial sales or processing is prohibited in shoreline jurisdiction.

(7) Aquaculture processing in the Aquatic shoreline environment is limited per the requirements in SCC 30.67.510(2)(g)(iii).

(8) A conditional use permit is required for timber harvest exceeding 30 percent of the timber volume within 200 feet landward of the ordinary high water mark of shorelines of statewide significance pursuant to SCC 30.67.545(1)(a).

(9) Mining activities related to forest practices as defined in SCC 30.67.560(1)(a) are permitted in the Resource or Municipal Watershed Utility shoreline environment designations when over 200 feet from the OHWM and outside of the channel migration zone. Removal of mineral resources deposited within the previous 12-month period on designated farmlands due to recent flood events is permitted in the Resource shoreline environment designation under SCC 30.67.540(2)(d).

(10) Non-water dependent commercial and industrial uses within shoreline jurisdiction shall be strictly limited under SCC 30.67.525(1)(b) and 30.67.550(1)(b).

(11) Structural flood protection and structural shoreline or bank stabilization measures are allowed only when non-structural measures would be inadequate as documented by a geotechnical report required pursuant to SCC 30.67.540(1) or 30.67.575(1). If a flood protection structure is in or near the water, it must also meet the requirements for shoreline stabilization.

(12) Aquaculture uses are subject to the requirements in SCC 30.67.510.

(13) Boating facilities are subject to the requirements in SCC 30.67.515. Boat mooring facilities are subject to the requirements in SCC 30.67.517.

(14) Breakwaters, jetties, groins, other in-water structures are subject to the requirements in SCC 30.67.520.

(15) Commercial uses are subject to the requirements in SCC 30.67.525.

(16) Dredging and spoil disposal are subject to the requirements in SCC 30.67.530.

(17) Fill is subject to the requirements in SCC 30.67.535.

(18) Flood protection measures are subject to the requirements in SCC 30.67.540.

(19) Forestry is subject to the requirements in SCC 30.67.545.

(20) Industrial uses and ports are subject to the requirements in SCC 30.67.550.

(21) Institutional uses are subject to the requirements in SCC 30.67.555.

(22) Mining is subject to the requirements in SCC 30.67.560.

(23) Pedestrian access is subject to the requirements in SCC 30.67.330.

(24) Recreation is subject to the requirements in SCC 30.67.565.

(25) Residential uses are subject to the requirements in SCC 30.67.570.

(26) Shoreline and bank stabilization measures are subject to the requirements of SCC 30.67.575.

(27) Shoreline habitat restoration and enhancement are subject to the requirements of SCC 30.67.580. Notwithstanding SCC 30.67.430(2), shoreline habitat restoration or enhancement projects do not have to be identified on the use matrices in chapter 30.22SCC to be permitted in shoreline jurisdiction.

(28) Transportation facilities are subject to the requirements of SCC 30.67.590.

(29) Utility facilities are subject to the requirements of SCC 30.67.595.
Timber removal from the Aquatic shoreline environment designation is subject to the requirements in SCC 30.67.545(2).

Moorage of houseboats used as a primary residence and live-aboard vessels are permitted only in legally established marinas or in waters of the state subject to a lease or permission from the state Department of Natural Resources. See SCC 30.67.570(2)(g).

Roads and bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Municipal Watershed Utility environment. Bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Aquatic environment except when the adjacent environment is designated Natural.

Bridges are conditionally permitted in the Aquatic environment provided they are permitted or conditionally permitted in the adjacent upland environment.

Mitigation banks are subject to the requirements in SCC 30.62A.550. Notwithstanding SCC 30.67.430(2), mitigation banks do not have to be identified on the use matrices in chapter 30.22 SCC to be permitted in shoreline jurisdiction. Restoration, enhancement, mitigation activities and mitigation banks are allowed within the channel migration zone per SCC 30.67.060(2)(f).

Aquaculture activities on Spada Lake are limited per the requirements in SCC 30.67.510(2)(e).

Non-commercial aquaculture harvest activities, as defined in SCC 30.91A.255, are allowed in all shoreline environments and are not required to obtain shoreline permits.

Commercial aquaculture activities in the Aquatic shoreline environment are limited per the requirements in SCC 30.67.510(2)(g)(ii).

Floating homes permitted or legally established prior to January 1, 2011, are considered conforming uses. See 30.67.450(1).

### 30.67.450 Non-conforming uses or structures

The following requirements apply to uses or structures nonconforming to the shoreline regulations in this chapter, which do not meet the criteria in SCC 30.44.125 and which were lawfully constructed or established prior to the effective date of the Shoreline Management Act (SMA) or the SMP, or amendments thereto but which do not conform to present regulations or standards of the SMP or policies of the SMA. These provisions apply to nonconforming uses or structures in the shoreline jurisdiction in place of SCC 30.28.070 through SCC 30.28.075 and WAC 173-27-080.

1. **Residential:** Residential uses or structures that were legally established and are used for a conforming use, but that do not meet current standards for setbacks, buffers or yards, area, bulk, height or density shall be considered a conforming use or structure and the requirements of this section shall not apply to such residential uses or structures. Redevelopment, expansion, maintenance, repair, replacement and/or remodeling of such residential uses or structures shall be consistent with this SMP, including requirements for no net loss of shoreline ecological functions. Floating homes permitted or legally established prior to January 1, 2011, are considered conforming uses and the requirements of this section shall not apply to such floating homes.

2. **Continuance:** Any legally established use or structure nonconforming to the shoreline regulations in this chapter is permitted to remain in the form and location in which it existed on the effective date of the nonconformance.

3. **Redevelopment or remodel:** SMP nonconforming uses or structures may not be enlarged or increased in any way, including expanded building footprint or increased height, increased use intensity, or altered in any way which increases their nonconformity. A nonconforming structure or use may be moved or relocated on the same parcel provided that
the degree of nonconformance with the SMP and the SMA is reduced and further provided that
the move or relocation results in improved protection for shoreline ecological functions.

(4) Restoration and replacement: If a nonconforming structure is damaged to an extent not
exceeding 75 percent of the replacement cost of the original structure, it may be reconstructed
to the extent it existed immediately prior to the time the structure was damaged or to a smaller
configuration or in a different location on the same parcel which reduces the degree of
nonconformity, so long as restoration is completed within one year of the date of damage.
Documentation of the date and extent of damage shall be required prior to issuance of new
permits.

(5) Abandonment: If a nonconforming use is discontinued for twelve consecutive months,
any subsequent use shall be conforming. The mere presence of a structure, equipment, or
material shall not be deemed to constitute the continuance of a nonconforming use unless the
structure, equipment, or material is actually being occupied or employed in maintaining such
use. It shall not be necessary to show that the owner of the property intended to abandon such
nonconforming use in order for the nonconforming rights to expire.

(6) Non-conforming uses and structures which meet the criteria in SCC 30.44.125 are
subject to the shoreline substantial development permit requirements in chapter 30.44 SCC.

(7) A structure for which a variance has been issued shall be considered a legal
nonconforming structure and the requirements of this section shall apply as they apply to
preexisting nonconformities.

(8) A structure which is being or has been used for a nonconforming use may be used for
a different nonconforming use only upon the approval of a conditional use permit.

(a) A conditional use permit may be approved only upon a finding that:
(i) No reasonable alternative conforming use is practical; and
(ii) The proposed use will be at least as consistent with the policies and provisions of
the act and the SMP and as compatible with the uses in the area as the preexisting
use.

(b) In addition such conditions may be attached to the permit as are deemed necessary to
assure compliance with the findings in SCC 30.67.450(6)(a), the requirements of the SMP
and the SMA and to assure that the use will not become a nuisance or a hazard.

30.67.515 – Boating facilities – marinas, yacht and boat clubs, boat launches and boat
ramps.

(Boating facilities include marinas, yacht and boat clubs, boat launch facilities, boat ramps,
boathouses, docks, piers, floats and mooring buoys.)

Boating facilities include marinas, yacht and boat clubs, boat launch facilities and boat ramps.

(1) The following general regulations apply to new boating facilities in shorelines:
(a) No boating facilities shall extend into a water body in such a manner as to impede
navigation or create any navigation hazard.
(b) Boating facilities shall not be located on or over critical saltwater habitats or spawning
areas for anadromous fish.
(c) Boating facilities (except for mooring buoys) shall not be located on or over
nearshore accretion areas, such as sandflats, mudflats and pocket estuaries.
(d) Structures, equipment, wastes and materials shall not be stored, disposed of or
abandoned within the shoreline jurisdiction. Boats may be stored within the shoreline
jurisdiction.
(e) Construction materials that come in direct contact with the water shall not be treated or
coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic
alternatives shall be used unless the project proponent demonstrates and the department
determines that there is no feasible alternative to toxic construction materials that will
provide the structural characteristics necessary for the project.
(f) Finish treatments, including but not limited to paint, stain, water-proofer, pest
preventatives and preservatives used on overwater structures or on structures within 25
feet of the ordinary high water mark shall not result in adverse impacts to water quality.
(g) Construction shall be limited to times that will have the least disturbance on spawning,
migration and rearing of salmonids and other critical species.
(h) Marinas, yacht and boat clubs.
   (i) Marinas, yacht and boat clubs shall not be located on or over critical saltwater
   habitats or in nearshore sediment accretion areas, such as mudflats, sandflats and
   pocket estuaries;
   (ii) ((Marina)) Moorage berths must be designed so that they can rise and fall safely
   with flood waters and tidal fluctuation and have a minimum clearance of six feet
   below mean lower low water;
   (iii) Marinas, yacht and boat clubs are not allowed in areas that would detrimentally
   alter littoral drift patterns. An evaluation of littoral drift patterns within the drift cell in
   which the marina is proposed is required during the siting process;
   (iv) Marinas, yacht and boat clubs must be designed and constructed to incorporate
   uninhibited tidal bypass so as to minimize the need for maintenance dredging;
   (v) Marinas, yacht and boat clubs shall be designed and constructed to allow
   adequate flushing and water circulation within the facility to avoid degrading water
   quality;
   (vi) Marinas, yacht and boat clubs shall not be located within ½-mile of any outfall of
   primary treated domestic sewage or industrial waste;
   (vii) Prior to siting ((an)) in-water marinas, yacht and boat clubs, an analysis must be
   conducted to determine the feasibility of an upland boat storage facility on the project
   site as a preferred alternative; and
   (viii) New marinas shall provide for public access consistent with SCC 30.67.330.
(i) Boat launch facilities - general.
   (i) Pedestrian access to the water that is separate from the boat launching lane(s)
   may be required where it is determined to be necessary for public safety;
   (ii) Safety buoys shall be installed and maintained separating boating activities from
   other water recreation and uses where reasonably required for public safety;
   (iii) Public boat launch facilities shall include a level vehicle-maneuvering space
   measuring at least 500 square feet;
   (iv) Public boat launch facilities shall include 32 to 40 parking spaces capable of
   accommodating a vehicle with an attached boat trailer for each ramp lane of boat
   access to the water; and
   (v) All site improvements for boat launch facilities shall comply with all other
   requirements of the zone in which they are located.
(j) Boat ramps.
   (i) Boat ramps shall be located on stable, non-erosional banks, where stabilization
   structures will not be necessary;
   (ii) Boat ramps shall be placed and maintained as near to flush with the foreshore
   slope as is possible to minimize interruption of geohydraulic processes;
   (iii) Boat ramps may be allowed for individual residences when the following
   conditions are met:
       (A) The applicant shows that the boat ramp and its use will not adversely impact
           shoreline ecological functions or damage critical saltwater habitat;
       (B) The upland slope within 25 feet of the ordinary high water mark does not
           exceed 25 percent; and
       (C) Substantial cutting, grading, filling or shoreline stabilization measures are not
           necessary; and
(iv) When reviewing mitigation measures proposed by applicants to minimize potential impacts on shoreline ecological functions from boat ramps, the county will consider the following:

(A) Availability and adequacy of existing community or public facilities providing boat access to the same shoreline water body;
(B) Shared use facilities are preferred; and
(C) Preferred boat ramp designs are in the following order of priority:
(I) Elevated railways that have minimal disturbance to beach substrate;
(II) Open grid designs that have minimal disturbance to beach substrate;
(III) Seasonal ramps that can be removed and stored upland; and
(IV) Solid structures that interlock with one another leaving spaces for natural beach substrate that can adapt to changes in beach profiles.

((k)) Docks, piers and floats.

(i) Docks, piers and floats shall not deflect river currents or wave energy resulting in the undercutting of banks, erosion, or damage to adjacent or downstream properties or critical saltwater habitat;
(ii) Where feasible, moorage buoys shall be required instead of piers, docks or floats on all tidal water, except for port, industrial and commercial developments in the Urban shoreline environment designation;
(iii) Docks, piers and floats associated with water-dependent commercial or industrial uses shall be the minimum size and length necessary to accommodate the proposed use;
(iv) Commercial and industrial docks upon which toxic or flammable materials are handled or stored shall make adequate provisions to minimize the possibility of an accidental spill and prepare an effective spill response plan;
(v) Joint use docks and piers shall be required for commercial and industrial enterprises in close proximity to each other, unless the applicant can demonstrate that the possibility of a multiple owner or multiple use facility is not feasible;
(vi) When moorage facilities are proposed in conjunction with new subdivisions, motels or multi-family residences, a single, joint use moorage facility shall be required.

(vii) When reviewing permit applications for new docks, piers and floats associated with single family residences, the county will consider the following:
(A) Availability and adequacy of existing community or public facilities providing access to the same shoreline water body; and
(B) The feasibility of multiple owner or multiple user facilities. Shared use facilities are preferred whenever possible.

(viii) Unless shared by adjacent property owners, covered private docks and boathouses shall be at least three feet from any side lot line or extension thereof. No setback from adjacent properties is required for uncovered private docks and boathouses or for private docks and boathouses shared by adjacent property owners.

(ix) Docks, piers and floats shall be located and designed as follows:
(A) Floats and floating docks shall include stops which will serve to elevate the floats above the tidelands at low tide. Floats shall be secured with anchored cables in place of pilings, where feasible;
(B) Docks, piers and floats are not allowed in or over critical saltwater habitat;
(C) Shortening, lengthening, narrowing, or reducing the area of a dock, pier or float shall be required as necessary to ensure that:
(I) The structure does not extend over water in such a manner as to impede navigation or create a navigation hazard; and
(II) The structure avoids disturbing or shading significant freshwater aquatic vegetation communities or critical saltwater habitat;

(D) Increase or decrease of the height of the dock, pier or float may be required to allow for the penetration of light to reduce impacts to habitat related to shading;

(E) Pier and dock requirements for marine shorelines:
   (I) Piers and docks located on marine shorelines shall be the minimum size required to provide for moorage. Single family piers or docks shall not exceed 90 feet in length measured perpendicularly from the OHWM. Shared moorage may extend up to 110 feet in length if demonstrated to be necessary to provide adequate moorage. Docks that cannot meet this standard may request a review under the variance provisions of chapter 30.44 SCC;
   (II) The maximum width of each pier or dock shall be six feet; and
   (III) The maximum width of walkway ramps shall be four feet and shall be fully grated;

(F) Pier and dock requirements for lake shorelines:
   (I) The maximum waterward intrusion of any portion of any pier or dock shall not extend further waterward than the average intrusion of the piers or docks on lots abutting the location of the new dock as measured perpendicularly from the OHWM unless an alternative dimension is required to prevent impacts to critical habitat or navigation. In no circumstances shall the maximum waterward intrusion of any portion of the pier or dock extend more than 80 feet from the OHWM, or the point where the water depth is eight feet below the elevation of the OHWM, whichever is reached first;
   (II) The maximum width of each pier or dock shall be six feet, or up to eight feet wide on joint use docks; and
   (III) The maximum width for piers and docks shall be four feet for the first thirty feet from the OHWM of any lake identified as salmonid habitat.

(G) Pier and dock requirements for river shorelines:
   (I) Pier and dock dimensions shall be the minimum necessary to accommodate the proposed use;
   (II) Piers and docks shall not impede navigation, water flow, or transport of sediment and debris and shall not result in acceleration of erosion on adjacent or opposite banks; and
   (III) Construction timing shall not coincide with migration or spawning of anadromous fish;

(H) Float requirements:
   (I) One float per single-family residence and no more than one common use float for each new multifamily development, short subdivision or subdivision is permitted;
   (II) No portion of a float shall be placed more than 45 feet waterward of the OHWM on lake shorelines;
   (III) Retrieval lines shall not float at or near the surface of the water; and
   (IV) No float shall have more than 100 square feet of surface area;

(I) Construction materials for docks, piers or floats shall meet the following requirements:
   (I) The decking of all piers and docks shall be designed to allow a minimum of 45 percent light passage. Floats shall be designed to allow a minimum of
30 percent light passage. This may be accomplished through grated decks, space between decking, light prisms, or other means;

(ii) If plastics or other non-biodegradable materials are used in float, pier, or dock construction, containment features in the design of the structures are required;

(iii) Any part of a deck, pier or float that comes in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the department determines that there is no feasible alternative to toxic construction materials or finishes that will provide the structural characteristics necessary for the project; and

(iv) Skirting is not permitted.

(i) Boathouse, private, noncommercial.

(i) The height of any covered, over-water structure shall not exceed 12 feet as measured from the ordinary high water mark;

(ii) The total area including building and possible pier walkway of covered, over-water structures shall not exceed 500 square feet;

(iii) The entirety of the over-water structure shall have a width no greater than 25 percent of the width of the lot at the natural shoreline upon which it is located;

(iv) Maximum extent for any boathouse is 25 feet beyond the mean low waterline;

(v) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored, except as provided in SCC 30.67.570(2)(g);

(vi) Unless shared by the adjacent property owner, covered boathouses shall be at least three feet from the side lot line or extension thereof. No setback from adjacent properties is required for structures shared by adjacent property owners.

(vii) All boat houses shall consist of a roof and support beams and necessary pier walkways and piling supports. Side walls are prohibited;

(viii) Translucent boat canopies shall be used when possible in lieu of constructing a new boathouse; and

(ix) When a new boat house is constructed, mitigation sequencing for shoreline ecological impacts shall be required per SCC 30.67A.310(3)(a).

(m) Mooring Buoys

(i) Mooring buoys shall not be located on or over critical saltwater habitats;

(ii) Except as prohibited in (i) above, mooring buoys may be located on or over nearshore accretion areas, such as sandflats, mudflats and pocket estuaries;

(iii) Mooring buoys shall be located to minimize impacts on navigation; and

(iv) Mooring buoys shall be reasonably visible to boaters.)

(2) In addition to the general regulations contained in SCC 30.67.515(1), the following shoreline environment designation-specific regulations for new boating facilities in shorelines apply as applicable:

(a) Urban. Boating facilities are permitted.

(b) Urban Conservancy.

(i) Marinas, yacht and boat clubs, boat launch facilities other than boat ramps, public or commercial docks and piers, and boathouses are prohibited; and

(ii) Marinas, yacht and boat clubs, and boat launch facilities other than boat ramps are prohibited; and

(iii) Boat ramps, private docks, floats and mooring buoys are conditionally permitted.

(ii) Boat ramps are conditionally permitted.

(c) Rural Conservancy.
1 (((i) Boat launch facilities, boat ramps, boathouses, docks, piers, floats and mooring buoys are permitted; and))
2 (i) Boat launch facilities and boat ramps are permitted; and
3 (ii) Marinas and yacht and boat clubs are conditionally permitted.
4 (d) Resource.
5 (i) Marinas and yacht and boat clubs are prohibited; and
6 (((ii) Boathouses are conditionally permitted; and
7 (iii) Boat launch facilities, boat ramps, docks, piers, floats and mooring buoys are permitted.))
8 (ii) Boat launch facilities and boat ramps are permitted.
9 (e) Municipal Watershed Utility. All boating facilities are prohibited except boat ramps, which are permitted.
10 (f) Natural. All boating facilities are prohibited except boat ramps which are conditionally permitted.
11 (g) Aquatic.
12 (i) Marinas, yacht and boat club facilities are conditionally permitted if the adjacent shoreland designation is either Urban or Rural Conservancy.
13 (ii) Boat ramps are:
14 (A) Permitted only when the adjacent shoreland is designated Urban, Rural Conservancy, Resource or Municipal Watershed Utility; and
15 (B) Conditionally permitted when the adjacent shoreland designation is Urban Conservancy or Natural((;)).
16 (((iii) Private docks, floats and mooring buoys are:
17 (A) Permitted only when the adjacent shoreland is designated Urban, Rural Conservancy or Resource;
18 (B) Conditionally permitted when the adjacent shoreland designation is Urban Conservancy; and
19 (C) Prohibited when the adjacent shoreland designation is Municipal Watershed Utility or Natural; and
20 (iv) Public or commercial docks, piers or boathouses are conditionally permitted only if the adjacent shoreland designation is Urban, Rural Conservancy or Resource.
21 (v) Private boathouses are:
22 (A) Permitted only when the adjacent shoreland designation is either Urban or Rural Conservancy;
23 (B) Conditionally permitted when the adjacent shoreland designation is Resource; and
24 (C) Prohibited when the adjacent shoreland designation is either Urban Conservancy, Municipal Watershed Utility or Natural.))
25 (3) Moorage on waters of the state without a lease or permission from the state Department of Natural Resources is restricted by the state and mitigation of impacts to navigation and access is required. If the county becomes aware of ((un-authorized)) unauthorized moorage on waters of the state, the department will notify the state Department of Natural Resources.

30.67.517 Boat mooring facilities – docks, piers, floats, boathouses and mooring buoys.
Boat mooring facilities include docks, piers, floats, boathouses and mooring buoys.
(1) The following general regulations apply to new boat mooring facilities in shorelines:
(a) No boat mooring facilities shall extend into a water body in such a manner as to impede navigation or create any navigation hazard.
(b) Boat mooring facilities shall not be located on or over critical saltwater habitats or spawning areas for anadromous fish.
(c) Boat mooring facilities, except for mooring buoys, shall not be located on or over nearshore accretion areas, such as sandflats, mudflats and pocket estuaries.

(d) Structures, equipment, wastes and materials shall not be stored, disposed of or abandoned within the shoreline jurisdiction. Boats may be stored within the shoreline jurisdiction.

(e) Construction materials that come in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the department determines that there is no feasible alternative to toxic construction materials that will provide the structural characteristics necessary for the project.

(f) Finish treatments, including but not limited to paint, stain, water-proofer, pest preventatives and preservatives used on overwater structures or on structures within 25 feet of the ordinary high water mark shall not result in adverse impacts to water quality.

(g) Construction shall be limited to times that will have the least disturbance on spawning, migration and rearing of salmonids and other critical species.

(h) Docks, piers and floats.

(i) Docks, piers and floats shall not deflect river currents or wave energy resulting in the undercutting of banks, erosion, or damage to adjacent or downstream properties or critical saltwater habitat;

(ii) Where feasible, moorage buoys shall be required instead of piers, docks or floats on all tidal water, except for port, industrial and commercial developments in the Urban shoreline environment designation;

(iii) Docks, piers and floats associated with water-dependent commercial or industrial uses shall be the minimum size and length necessary to accommodate the proposed use;

(iv) Commercial and industrial docks upon which toxic or flammable materials are handled or stored shall make adequate provisions to minimize the possibility of an accidental spill and prepare an effective spill response plan;

(v) Joint use docks and piers shall be required for commercial and industrial enterprises in close proximity to each other, unless the applicant can demonstrate that the possibility of a multiple owner or multiple use facility is not feasible;

(vi) When moorage facilities are proposed in conjunction with new subdivisions, motels or multi-family residences, a single, joint use moorage facility shall be required.

(vii) When reviewing permit applications for new docks, piers and floats associated with single family residences, the county will consider the following:

(A) Availability and adequacy of existing community or public facilities providing access to the same shoreline water body; and

(B) The feasibility of multiple owner or multiple user facilities. Shared use facilities are preferred whenever possible.

(viii) Unless shared by adjacent property owners, covered private docks and boathouses shall be at least three feet from any side lot line or extension thereof. No setback from adjacent properties is required for uncovered private docks and boathouses or for private docks and boathouses shared by adjacent property owners.

(ix) Docks, piers and floats shall be located and designed as follows:

(A) Floats and floating docks shall include stops which will serve to elevate the floats above the tidelands at low tide. Floats shall be secured with anchored cables in place of pilings, where feasible;

(B) Docks, piers and floats are not allowed in or over critical saltwater habitat;

(C) Shortening, lengthening, narrowing, or reducing the area of a dock, pier or float shall be required as necessary to ensure that:
(I) The structure does not extend over-water in such a manner as to impede navigation or create a navigation hazard; and

(II) The structure avoids disturbing or shading significant freshwater aquatic vegetation communities or critical saltwater habitat;

(D) Increase or decrease of the height of the dock, pier or float may be required to allow for the penetration of light to reduce impacts to habitat related to shading;

(E) Pier and dock requirements for marine shorelines.

(I) Piers and docks located on marine shorelines shall be the minimum size required to provide for moorage. Single family piers or docks shall not exceed 90 feet in length measured perpendicularly from the OHWM. Shared moorage may extend up to 110 feet in length if demonstrated to be necessary to provide adequate moorage. Docks that cannot meet this standard may request a review under the variance provisions of chapter 30.44 SCC;

(II) The maximum width of each pier or dock shall be six feet; and

(III) The maximum width of walkway ramps shall be four feet and shall be fully grated;

(F) Pier and dock requirements for lake shorelines.

(I) The maximum waterward intrusion of any portion of any pier or dock shall not extend further waterward than the average intrusion of the piers or docks on lots abutting the location of the new dock as measured perpendicularly from the OHWM unless an alternative dimension is required to prevent impacts to critical habitat or navigation. In no circumstances, including when no docks exist on abutting properties, shall the maximum waterward intrusion of any portion of the pier or dock extend more than 80 feet from the OHWM, or the point where the water depth is eight feet below the elevation of the OHWM, whichever is reached first;

(II) The maximum width of each pier or dock shall be six feet, or up to eight feet wide on joint use docks; and

(III) The maximum width for piers and docks shall be four feet for the first thirty feet from the OHWM of any lake that contains salmonids.

(G) Pier and dock requirements for river shorelines.

(I) Pier and dock dimensions shall be the minimum necessary to accommodate the proposed use;

(II) Piers and docks shall not impede navigation, water flow, or transport of sediment and debris and shall not result in acceleration of erosion on adjacent or opposite banks; and

(III) Construction timing shall not coincide with migration or spawning of anadromous fish;

(H) Float requirements.

(I) One float per single-family residence and no more than one common use float for each new multifamily development, short subdivision or subdivision is permitted;

(II) No portion of a float shall be placed more than 45 feet waterward of the OHWM on lake shorelines;

(III) Retrieval lines shall not float at or near the surface of the water; and

(IV) No float shall have more than 100 square feet of surface area;

(I) Construction materials for docks, piers or floats shall meet the following requirements:
((The decking of all piers and docks shall be designed to allow a minimum of 45 percent light passage. Floats shall be designed to allow a minimum of 30 percent light passage.)) The decking of all docks, piers or floats shall be designed to allow for maximum light passage; 40 – 60 percent of decking open space is preferred. This may be accomplished through grated decks, space between decking, light prisms, or other means;

(II) If plastics or other non-biodegradable materials are used in float, pier, or dock construction, containment features in the design of the structures are required;

(III) Any part of a dock, pier or float that comes in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the department determines that there is no feasible alternative to toxic construction materials or finishes that will provide the structural characteristics necessary for the project; and

(IV) Skirting is not permitted.

(i) Boathouse, private, noncommercial.

(i) The height of any covered, over-water structure shall not exceed 12 feet as measured from the ordinary high water mark;

(ii) The total area including building and possible pier walkway of covered, over-water structures shall not exceed 500 square feet;

(iii) The entirety of the over-water structure shall have a width no greater than 25 percent of the width of the lot at the natural shoreline upon which it is located;

(iv) Maximum extent for any boathouse is 25 feet beyond the mean low waterline;

(v) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored, except as provided in SCC 30.67.570(2)(g);

(vi) Unless shared by the adjacent property owner, covered boathouses shall be at least three feet from the side lot line or extension thereof. No setback from adjacent properties is required for structures shared by adjacent property owners.

(vii) All ((boat houses)) boathouses shall consist of a roof and support beams and necessary pier walkways and piling supports. Side walls are prohibited;

(viii) Translucent boat canopies shall be used when possible in lieu of constructing a new boathouse; and

(ix) When a new ((boat house)) boathouse is constructed, mitigation sequencing for shoreline ecological impacts shall be required per SCC 30.62A.310(3)(a).

(j) Mooring Buoys

(i) Mooring buoys shall not be located on or over critical saltwater habitats;

(ii) Except as prohibited in (i) above, mooring buoys may be located on or over nearshore accretion areas, such as sandflats, mudflats and pocket estuaries;

(iii) Mooring buoys shall be located to minimize impacts on navigation; and

(iv) Mooring buoys shall be reasonably visible to boaters.

(2) In addition to the general regulations contained in SCC 30.67.517(1), the following shoreline environment designation-specific regulations for new mooring facilities in shorelines apply as applicable:

(a) Urban. Boathouses, docks, piers, floats and mooring buoys are permitted.

(b) Urban Conservancy.

(i) Public or commercial docks and piers, and boathouses are prohibited; and

(ii) Private docks, floats and mooring buoys are conditionally permitted.

(c) Rural Conservancy. Boathouses, docks, piers, floats and mooring buoys are permitted.
(d) Resource.
   (ii) Boathouses are conditionally permitted; and
   (iii) Docks, piers, floats and mooring buoys are permitted.
(e) Municipal Watershed Utility. All mooring facilities are prohibited.
(f) Natural. All mooring facilities are prohibited.
(g) Aquatic.
   (i) Private docks, floats and mooring buoys are:
      (A) Permitted only when the adjacent shoreland is designated Urban, Rural
          Conservancy or Resource;
      (B) Conditionally permitted when the adjacent shoreland designation is Urban
          Conservancy; and
      (C) Prohibited when the adjacent shoreland designation is Municipal Watershed
          Utility or Natural; and
   (iv) Public or commercial docks, piers or boathouses are conditionally permitted only
      if the adjacent shoreland designation is Urban, Rural Conservancy or Resource.
   (v) Private boathouses are:
      (A) Permitted only when the adjacent shoreland designation is either Urban or
          Rural Conservancy;
      (B) Conditionally permitted when the adjacent shoreland designation is
          Resource; and
      (C) Prohibited when the adjacent shoreland designation is either Urban
          Conservancy, Municipal Watershed Utility or Natural.

(3) Moorage on waters of the state without a lease or permission from the state Department of
Natural Resources is restricted by the state and mitigation of impacts to navigation and access
is required. If the county becomes aware of unauthorized moorage on waters of the state, the
department will notify the state Department of Natural Resources.

30.67.570 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 are incidental to a residence, such as bed
and breakfast inns, guest houses, home occupations, family daycare, foster homes, retirement
apartments, retirement housing and boarding houses. Residential uses also include conforming
houseboats, live-aboard vessels, and floating homes.
(1) The following general regulations apply to residential uses in shorelines:
   (a) Clustered development, with the open space area preserving and providing access to
the water, is required for subdivisions or short subdivisions, except that alternative site
designs may be considered by the department provided that the applicant demonstrates
that the alternative site design will provide equivalent or better protection for shoreline
ecological functions.
   (b) Residential subdivisions, short subdivisions, or residential structures shall not be
approved when structural flood protection or shoreline stabilization measures will be
necessary to protect lots or subsequent development on the lots.
   (c) All utility lines shall be located underground.
   (d) Accessory structures that are not appurtenances must be proportional in size and
purpose to the primary structure, and compatible with onsite and adjacent structures, uses
and natural features.
   (e) All residential subdivisions, short subdivisions, single family detached units, duplexes,
townhouses or condominiums creating more than four parcels or dwelling units, and multi-
family developments of more than four lots or dwelling units, shall be required to provide
public access under SCC 30.67.330.
(f) Beach or water access using new stairways and trams is allowed, provided the applicant demonstrates that:
    (i) Existing shared, public or community facilities are not adequate or available for use;
    (ii) The possibility of a multiple-owner or multiple-user facility has been thoroughly investigated and is not feasible; and
    (iii) The stairway or tram is designed and located such that:
        (A) Subsequent shoreline modification, including the installation of shoreline stabilization, solely for the purpose of protecting the structure, is not necessary;
        (B) Removal or modification of existing shoreline vegetation is the minimum necessary to construct the structure, and will be replaced with appropriate native species within the next growing season; and
        (C) No fill or other modification water-ward of the ordinary high water mark is necessary to construct or use the structure.

(g) Residential subdivisions and short subdivisions (lying fully or partially within shoreline jurisdiction) shall be limited to a maximum of ten percent total effective impervious surface area within (the subdivision boundary) designated shorelands.

(2) In addition to the general regulations contained in SCC 30.67.570(1), the following shoreline environment designation-specific regulations for residential uses apply:

(a) The following residential uses and appurtenant structures are permitted in the Urban environment: single family residential, mobile and manufactured homes, duplex, multifamily, townhouse, and mobile home parks.

(b) Urban Conservancy.
    (i) The following residential uses are permitted: single family residential, mobile and manufactured homes;
    (ii) Duplex and mobile home parks are conditionally permitted.

(c) Rural Conservancy.
    (i) The following residential uses are permitted: single family residential, mobile and manufactured homes, and duplex;
    (ii) Mobile home parks are conditionally permitted; and
    (iii) Multifamily and townhouses are prohibited.

(d) Resource.
    (i) The following residential uses are: single family residential, mobile and manufactured homes, and duplex;
    (ii) Mobile home parks are conditionally permitted; and
    (iii) Multifamily and townhouse are prohibited.

(e) All residential uses are prohibited in the Municipal Watershed Utility environment.

(f) Natural.
    (i) The following residential uses are conditionally permitted: single family residential, mobile and manufactured homes;
    (ii) All other residential (uses) development and structure types are prohibited; and
    (iii) Alteration of the natural topographic features or flora of the site shall be restricted to that necessary for the placement of the residence and appurtenances. Additional grading or clearing, as for lawns, is prohibited.

(g) New over-water residences and floating homes are prohibited in the Aquatic environment. Houseboats used as a residence and live-aboard vessels may be permitted within marinas or in waters of the state subject to a lease or permission from the state Department of Natural Resources.

30.67.575 Shoreline and bank stabilization. Shoreline stabilization measures are used to reduce sedimentation and erosion.
(1) The following general regulations apply to shoreline and bank stabilization within shorelines:
   (a) Normal maintenance or repair of existing shoreline stabilization structures is allowed.
   (b) New, enlarged or replacement structural shoreline stabilization measures may only be used:
      (i) To protect:
         (A) Existing primary structures, utilities, roads and bridges;
         (B) New utilities or public bridges and transportation structures allowed pursuant to 30.62B.330(3);
         (C) Designated farmland on the county’s comprehensive plan; and
         (D) Projects where the sole purpose is to protect or restore shoreline ecological functions; and
      (ii) When a geotechnical analysis conducted by a qualified engineer or geologist with experience evaluating and constructing nonstructural stabilization techniques demonstrates that:
         (A) Nonstructural shoreline stabilization solutions are not feasible;
         (B) Structural stabilization is necessary to provide protection from erosion caused by natural processes such as tidal action, currents, waves or channel migration and that the erosion is not caused by upland conditions, such as loss of vegetation and drainage; and
         (C) The erosion rate exceeds that which would normally occur in a natural condition and that the structural stabilization measure would not interfere with hydrological and geomorphologic processes normally acting under a natural condition.
   (c) Shoreline stabilization structures shall:
      (i) Comply with the guidelines in the Integrated Streambank Protection Guidelines (Washington State Department of Fish and Wildlife, April 2003), or the alternative bank protection methods in Alternative Bank Protection Methods for Puget Sound Shorelines (Washington State Department of Ecology, May 2000, Publication #00-06-012);
      (ii) Not alter natural hydraulic or sediment transport processes to the extent that downstream, downdrift or adjacent properties are damaged; and
      (iii) Not cause a net loss of shoreline ecological functions. Mitigation is required for any adverse impacts to shoreline ecological functions including, but not limited to shoreline hydraulic processes such as littoral drift and channel migration, recruitment of beach materials from feeder bluffs and sediment transport.
   (d) Construction of stabilization measures shall meet the following criteria:
      (i) The size and quantity of material constituting the shoreline stabilization structure shall be the minimum necessary;
      (ii) Beach materials shall not be used to backfill bulkheads, seawalls and other shoreline stabilization structures;
      (iii) Construction materials shall not contain, or be treated or coated with toxic materials;
      (iv) Shoreline stabilization structures shall not be used for the indirect purpose of creating land. When fill is required behind an already existing structure, it shall not extend water-ward of the ordinary high water mark unless otherwise permitted by this chapter;
      (v) Structures shall be located landward of the ordinary high water mark, landward of the storm berm, and generally parallel to the natural shoreline except:
         (A) On bluff or bank shorelines where no other armoring structures are adjacent, such structures shall be as close to the toe of the bank as possible;
(B) Where there are stabilization structures on adjacent properties, the proposed structure shall be tied in flush, except where adjoining structures extend water-ward of the ordinary high water mark;
(C) Replacement walls or bulkheads shall not encroach water-ward of the ordinary high water mark or water-ward of the existing structure unless the residence was occupied prior to January 1, 1992 [per RCW 90.58.100(6)]. In such cases, the replacement structure shall abut the existing shoreline stabilization structure and any adversely impacted shoreline ecological functions shall be mitigated. If critical saltwater habitats or shoreline ecological functions would be adversely impacted by leaving the existing structure, the structure shall be removed as part of the replacement measure; and
(D) Nonstructural shoreline stabilization measures that provide restoration of shoreline ecological functions may be allowed water-ward of the ordinary high water mark; and
(vi) Publicly financed or subsidized structures shall include provisions for public access as required under SCC 30.67.330.

(2) In addition to the general regulations in SCC 30.67.575(1), the following shoreline environment designation-specific regulations for shoreline and bank stabilization apply:
(a) Non-structural shoreline and bank stabilization measures are permitted in all shoreline environments except that non-structural flood protection measures in the Natural and Aquatic environments are conditionally permitted; and
(b) Structural shoreline and bank stabilization measures are permitted in all shoreline environments except Natural and adjacent Aquatic environments to protect ecological enhancement or restoration projects when non-structural protection measures are not feasible. ((When not in conjunction with an ecological enhancement or restoration project, structural shoreline and bank stabilization is conditionally permitted in all shoreline environments except Natural and Urban Conservancy environments and Aquatic environments adjacent to Natural and Urban Conservancy environments.))

30.67.580 Shoreline habitat restoration and enhancement.
The purpose of shoreline habitat restoration and enhancement projects is to improve ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.
(1) The following general regulations apply to shoreline habitat restoration and enhancement projects within shorelines:
(a) Shoreline habitat restoration or enhancement projects shall:
   (i) Restore, enhance or create fish and wildlife habitat; or
   (ii) Implement a recommended project from the shoreline restoration element.
(b) Shoreline habitat restoration or enhancement projects shall not adversely impact river currents, sediment processes, littoral drift, wetland or fish and wildlife habitat conservation areas.
(c) Beach enhancement shall be prohibited within spawning, nesting or breeding habitat or where littoral drift of the enhancement materials adversely affects adjacent spawning grounds or other fish and wildlife habitat conservation areas.
(d) Beach and stream enhancement shall not:
(i) Extend water-ward more than the minimum amount necessary to achieve the desired stabilization;
(ii) Result in steep contours that impede easy pedestrian passage or trap drifting sediments;
(iii) Be used solely to create new land area;
(iv) Disturb riparian vegetation or shallow water fish and wildlife habitat, unless such habitat is replaced within the earliest appropriate season by new habitat or native vegetation consistent with SCC 30.67.580(1)(h);
(v) Result in a beach differing in character from natural conditions historically found on the site or vicinity; or
(vi) Interfere with the normal public use of the navigable waters of the state.

(e) Lake and marine beach restoration or enhancement shall be consistent with the following:
(i) New materials added to a beach shall be of a size and composition as similar as possible to the existing natural materials, but large enough to withstand normal current, wake or wave action at the site;
(ii) The restored beach shall approximate the natural lake or marine shoreline width, height, bulk, profile, and vegetation community and structure;
(iii) Only short-term mechanical assistance may be used to accomplish planting;
(iv) Plantings must be maintained to achieve at least an 80 percent survival rate after two years of placement; and
(v) Gravel berms, drift sills and beach nourishment must be used when appropriate for the site.

(f) Stream restoration or enhancement shall be consistent with the following:
(i) Large woody debris placement, engineered log jams, bioengineering techniques, fish screens, self-regulating tide gates, removal of artificial structures and fish barriers, fishways, and stream channel improvements shall be included where appropriate;
(ii) Only short-term mechanical assistance may be used to accomplish planting;
(iii) Plantings must be maintained to achieve at least an 80 percent survival rate after two years of placement;
(iv) Size and composition of new materials added to a stream shall be as similar as possible to the existing natural materials, but large enough to withstand normal current, wake or wave action at the site; and
(v) Restoration or enhancement of the natural stream channel characteristics of length, width, gradient and sinuosity shall be included where appropriate.

(g) Stream restoration or enhancement shall not:
(i) Create barriers for juvenile or adult migrating fish;
(ii) Remove large woody material embedded in a bank or bed except in those unique circumstances where removal is necessary to successfully achieve implementation of the restoration or enhancement project;
(iii) Alter the natural stream more than the minimum amount necessary to achieve the desired restoration or enhancement;
(iv) Disturb riparian vegetation or fish and wildlife habitat unless such habitat is replaced within the earliest appropriate season by new habitat or riparian vegetation consistent with SCC 30.67.580(1)(h); or
(v) Create a hazard to navigation, public infrastructure, or primary structures.

(h) Restoration or enhancement of riparian vegetation shall:
(i) Replace disturbed vegetation with comparable plant species and diversity; or
(ii) Improve riparian ecological functions by increasing plant diversity and including plant species offering higher habitat values, better bank stabilization, improved water quality functions or nutrient exchange.

(2) Shoreline habitat restoration and enhancement is permitted in all shoreline environments. Shoreline modifications that are an integral and necessary component of shoreline habitat restoration and enhancement projects are allowed in all shoreline environment designations subject to the appropriate modification-specific shoreline regulations.

(3) The county may grant relief from SMP development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

30.91A.255 Aquaculture.
"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.

This definition applies only to “Shoreline” regulations in chapters 30.44 and 30.67 SCC.

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

This definition applies only to “Shoreline” regulations in chapters 30.44 and 30.67 SCC.

30.91F.355 Floating Home.
"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. Floating homes permitted or legally established prior to January 1, 2011, are considered an SMP conforming use.

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

((This definition applies only to "Shoreline" regulations in chapter 30.44 SCC.)) This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.
Attachment 2: Proposed Shoreline Map Amendments

Legend
2012 and 2019 SMP Jurisdictional Comparison*
- **Added in 2019 (1,740 acres)**
- **Removed from 2019 (2,876.1 acres)**
- **Areas Unchanged (132,521.2 acres)**
- SMP Grid maps boundaries
- Urban Growth Boundary
- City Boundary
- County Boundary
- Railway

Watercourses
- WTRTY_CD
- Type "S"
- Type "F"
- Types "Np" and "Ns"
- U. S. National Forest Land
- Washington Counties
- City Boundary

*NOTE: This map does not reflect preliminary FEMA flood data proposed in 2016, as it is still going through the adoption process.
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 (64):**

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<td>Martha (North)</td>
<td>Stevens</td>
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<td>Frontal</td>
<td>Martha (South)</td>
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<td>Shoecraft</td>
<td>Woods</td>
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* (near 99th Ave NE, Marysville)

**Rivers / Streams (208):**

New additions for 2019 Update:

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<th>Stream or River (added 2019)</th>
<th>USGS 7.5 minute series map where 20cfs point is located</th>
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<td>Stream or River</td>
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<td>Stream or River</td>
<td>USGS 7.5 minute series map where 20cfs point is located</td>
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<td>Quilceda Creek, W F</td>
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<td>Captain Point</td>
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<td>Rapid River, U T</td>
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<td>Rapid River, U T</td>
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<td>Rapid River, U T</td>
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<td>Red Creek</td>
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<td>Rollins Creek</td>
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<td>Saddle Creek</td>
<td>Meadow Mountain</td>
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<td>Skykomish River, N F, U T</td>
<td>Bench Mark Mountain</td>
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<td>Sloan Creek</td>
<td>Bench Mark Mountain</td>
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<tr>
<td>Stream or River</td>
<td>USGS 7.5 minute series map where 20cfs point is located</td>
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<td>Troublesome Creek, U T</td>
<td>Blanca Lake</td>
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<td>Troublesome Creek, U T</td>
<td>Blanca Lake</td>
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<td>Monte Cristo</td>
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<tr>
<td>Trout Creek, U T</td>
<td>Baring</td>
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<tr>
<td>Tulalip Creek</td>
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<tr>
<td>Vesper Creek</td>
<td>Mount Stickney</td>
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<td>Vista Creek</td>
<td>Gamma Peak</td>
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<td>Wallace River, N F</td>
<td>Wallace Lake</td>
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<td>Wallace River, S F</td>
<td>Bedal</td>
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<td>Weden Creek</td>
<td>Monte Cristo</td>
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<tr>
<td>West Cady Creek</td>
<td>Bench Mark Mountain</td>
</tr>
<tr>
<td>West Cady Creek, U T</td>
<td>Bench Mark Mountain</td>
</tr>
</tbody>
</table>

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):
Methodology for identifying shoreline streams in Western Washington (also near the bottom of the page):
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 urban industrial and high-density
residential. The Urban Conservancy environment is predominantly rural commercial and low-
density residential. Rural Conservancy is primarily made up low-density residential and
resource (agriculture and forestry). The Resource environment is almost exclusively made up
of resource zoning, predominantly agricultural lands. Municipal Watershed Utility includes
Spada Lake and the surrounding shoreline area which is zoned entirely as forest. The Natural
environment consists 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.

It is clear from Table 3 that each shoreline environment designation is dominated by specific
zoning classifications which in turn leads to distinct land use characteristics and development
standards. These zoning classifications are consistent with the shoreline environment
management criteria for each shoreline environment and help create distinctions between the
shoreline environment designations.

Table 3 has been revised to show the zoning by shoreline environment designation for the 2019
SMP update. The acreages for the predominant zoning categories for each shoreline
environment designation are shown in bold font in Table 3.
## Table 3. Land Use Type and Intensity in each Shoreline Environment Designation

As illustrated by Environment-Specific Zoning Classifications

<table>
<thead>
<tr>
<th>Zone</th>
<th>Urban</th>
<th>Urban Conservancy</th>
<th>Rural Conservancy</th>
<th>Resource</th>
<th>Municipal Watershed Utility</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Industrial (RI, RU)</td>
<td>0 ac (0.0%)</td>
<td>0 ac (0.0%)</td>
<td>41.27 ac (0.29%)</td>
<td>2.76 ac (0.01%)</td>
<td>0 (0.00%)</td>
<td>0 (0.00%)</td>
<td>5.54 ac (0.04%)</td>
</tr>
<tr>
<td>Rural Commercial (RB, RD, RFS)</td>
<td>18.29 ac (1.82%)</td>
<td>64.49 ac (39.97%)</td>
<td>1915.54 ac (14.45%)</td>
<td>14.45 ac (0.03%)</td>
<td>0 (0.00%)</td>
<td>585.69 ac (10.37%)</td>
<td>462.71 ac (3.28%)</td>
</tr>
<tr>
<td>Residential Low-density (SA-1, RC, R-5)</td>
<td>69.10 ac (6.86%)</td>
<td>56.23 ac (34.85%)</td>
<td>8805.47 ac (62.07%)</td>
<td>156.17 ac (0.31%)</td>
<td>0 (0.00%)</td>
<td>474.04 ac (8.39%)</td>
<td>3485.15 ac (24.69%)</td>
</tr>
<tr>
<td>Resource (A-10, F, F&amp;R, MC, RRT)</td>
<td>121.86 ac (12.10%)</td>
<td>13.80 ac (8.55%)</td>
<td>3338.62 ac (23.53%)</td>
<td>49851.54 ac (99.53%)</td>
<td>2305.43 ac (100.0%)</td>
<td>4586.84 ac (81.21%)</td>
<td>7883.66 ac (55.85%)</td>
</tr>
<tr>
<td>Urban Industrial (BP, HI, IP, LI)</td>
<td>376.01 ac (37.34%)</td>
<td>7.80 ac (4.84%)</td>
<td>0.42 ac (0.00%)</td>
<td>2.63 ac (0.01%)</td>
<td>0 (0.00%)</td>
<td>0 (0.00%)</td>
<td>729.86 ac (5.17%)</td>
</tr>
<tr>
<td>Urban Commercial (CB, GC, PCB)</td>
<td>21.91 ac (2.18%)</td>
<td>0 (0.00%)</td>
<td>22.97 ac (1.6%)</td>
<td>0 (0.00%)</td>
<td>0 (0.00%)</td>
<td>0 (0.00%)</td>
<td>16.90 ac (1.12%)</td>
</tr>
<tr>
<td>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)</td>
<td></td>
<td></td>
<td>18.99 ac (11.77%)</td>
<td>1.55 ac (0.01%)</td>
<td>11.11 ac (0.02%)</td>
<td>0 (0.00%)</td>
<td>157.97 ac (1.12%)</td>
</tr>
<tr>
<td>Residential Mod-density (PRD-20.0, R-20.0)</td>
<td>348.55 ac (34.62%)</td>
<td>0 (0.00%)</td>
<td>0.04 (0.00%)</td>
<td>0 (0.00%)</td>
<td>0 (0.00%)</td>
<td>0 (0.00%)</td>
<td>1.16 ac (0.01%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1004.11 ac (100.0%)</td>
<td>161.32 ac (100.0%)</td>
<td>14125.88 ac (100.0%)</td>
<td>50038.66 ac (100.0%)</td>
<td>2305.43 ac (100.0%)</td>
<td>5648.16 ac (100.0%)</td>
<td>12742.94 ac (100.0%)</td>
</tr>
</tbody>
</table>

Environment as % of total

- Urban: 1.17%
- Urban Conservancy: 0.19%
- Rural Conservancy: 16.42%
- Resource: 58.17%
- Municipal Watershed Utility: 2.68%
- Natural: 6.57%
- Aquatic: 14.81%
A. The Snohomish County Planning Commission makes the following findings of fact in support of this ordinance:

1. The Planning Commission held a briefing on May 22, 2018, concerning proposed code and map amendments contained in this ordinance.

2. The Planning Commission held a public hearing on October 23, 2018, to receive public testimony concerning the proposed code and map amendments contained in this ordinance.

3. At the conclusion of the Planning Commission’s public hearing, the Planning Commission voted to recommend ___________ of the proposed code and map amendments as set forth in its recommendation letter dated ___________________ 2018.

B. This ordinance will amend Snohomish County Code (SCC) title 30 to update shoreline regulations, administrative procedures and definitions related to state-mandated periodic review requirements of the Snohomish County Shoreline Management Program (SMP) in the Shoreline Management Act (SMA) Revised Code of Washington (RCW) 90.58.080(4). The proposed amendments seek to:

1. Assure the county’s SMP is consistent with all applicable shoreline laws in Chapter 90.58 RCW, shoreline rules in Chapters 173-18, 173-20, 173-26, and 173-27 Washington Administrative Code (WAC), and guidance documents published by the Washington State Department of Ecology (ECY); and

2. Assure the county’s SMP is consistent with the Snohomish County Growth Management Act Comprehensive Plan (GMACP) and title 30 SCC development regulations; and

3. Assure the county’s SMP reflects changed circumstances, new information or improved data in shoreline maps, policies or regulations since the county last updated its SMP in 2012; and

4. Clarify and improve implementation of the county’s existing shoreline regulations, administrative provisions and definitions in Chapters 30.44, 30.67 and 30.91 SCC by improving consistency and readability.

C. The goals and policies of the SMA in RCW 90.58.020 are included as one of GMAs planning goals (RCW 36.70A.480). The SMA goals guide the policies in the SMP which is considered an element of the county’s GMACP. This ordinance is consistent with both the SMA and the GMA.

D. The proposed amendments will better achieve, comply with, and implement the following goals contained in the Shoreline Use Element of the county’s SMP, an element of the county’s GMACP - General Policy Plan (GPP):

1. SMP Goal 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. SMP Goal 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. SMP Goal 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. SMP Goal 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.”

Section 2. The Snohomish County Planning Commission makes the following conclusions in support of this ordinance:

A. The proposal is consistent with the goals contained in the Shoreline Use Element of the county’s SMP, an element of the county’s GMACP.

B. The proposal is consistent with Washington State law and the SCC.
INTRODUCTION

This staff report provides an overview of recommended amendments to the existing Snohomish County Shoreline Management Program (SMP) that are the result of state-mandated periodic review requirements. The update of the SMP is due in June 2019.

The proposed changes to the county’s SMP discussed in this document contain minor amendments to the structure of the SMP policy document, shoreline maps in the SMP map atlas and shoreline regulations in Snohomish County Code (SCC).

Under SCC 30.73.020, amendments to the SMP are processed as Type 3 legislative decisions and require a public hearing before the Snohomish County Council (“council”). Because the SMP implements the Shoreline Management Act (SMA) and not the Growth Management Act (GMA), a hearing before the Snohomish County Planning Commission (“commission”) is not technically required (SCC 30.73.040). However, Snohomish County Planning & Development Services (PDS) has historically taken SMP legislation through the full planning commission process in the interest of soliciting a broad range of public input at all levels.

In addition to this local process, any amendments approved to the SMP by the county council will not become effective until approved by the Washington State Department of Ecology (“Ecology”).

BACKGROUND

A. Regulatory Framework

The Shoreline Management Act (SMA) was adopted in 1972 as a direct result of citizens concern for the shoreline environment. The SMA is a state law recognizing shorelines are among the most fragile and valuable of our natural resources and that management of shorelines is necessary to protect the public interest on a statewide level. In adopting the SMA, the legislature acknowledged the need to balance various interests affecting the shorelines of the state.
The state conceived the concept of preferred uses in an effort to protect shoreline functions and values and foster reasonable use, public access and water-dependent or water-related economic development of shoreline areas.

The SMA is contained in Chapter 90.58 of the Revised Code of Washington (RCW). The SMA requires Ecology to work with local governments toward achieving compliance. To carry out the SMA provisions of Chapter 90.58 RCW, Ecology administers a set of shoreline rules in Chapter 173-26 of the Washington Administrative Code (WAC). These “guidelines” clarify local governments are responsible for shoreline planning and management, as well as administering a shoreline regulatory program.

Shoreline Master Programs contain all of the components of the planning and regulatory program required in state law. These programs are assembled by local governments with oversight and approval authority by Ecology. Over 200 cities and 39 counties in Washington State have a shoreline regulatory program. Each program is intended to provide a comprehensive vision of how shoreline areas can be used and comprise the policy basis and regulations that govern shoreline development, public access and preservation.

B. Shoreline Management Program History

Snohomish County’s first Shoreline Management Master Program (SMMP) was originally adopted in September 1974, with an effective date of December 27, 1974. The 1974 SMMP was not amended again until 1993. In 2003, Ecology made significant changes to shoreline guidelines in the WAC, resulting in a need for local governments across the state to comprehensively review, evaluate and revise their programs.

Between 2006 – 2012, the county worked to update information, policies, designations and regulations in an effort to bring our shoreline program into alignment with the updated policy framework and regulatory approaches in state law. The county also changed the nomenclature associated with our program from the Snohomish County Shoreline Management Master Program (SMMP) to the Shoreline Management Program (SMP), replacing the term “master” with “management.”

Snohomish County was one of the first local governments to conduct a comprehensive overhaul of our SMP to achieve compliance using the new guidelines. The “2012 SMP Update” included several supporting documents, including an inventory summarizing the ecological functions and conditions of all shorelines in unincorporated Snohomish County. Ecology approved our SMP in July of 2012.

PERIODIC REVIEW

To ensure that shoreline programs do not fall out of compliance with state shoreline laws and guidelines over time, the SMA requires local governments to review their shoreline programs “periodically,” every eight years. According to directives in RCW 90.58.080, the county must review and, if the review determines changes are necessary, revise our SMP no later than June 30, 2019 (and every eight years thereafter).
A. State-Initiated

The SMA states that the purpose of periodic review is to assure that shoreline programs are compliant with applicable state laws (RCW) and shoreline guidelines (WAC) in effect at the time of review and consistent with local government’s GMA comprehensive plan and development regulations. In other words, the county is required to demonstrate compliance with new laws and guidelines that were not in effect when the county’s SMP was last amended in 2012.

Additionally, state law requires the county demonstrate that our SMP is consistent with all of the amendments made to the General Policy Plan (GPP) element of our GMA Comprehensive Plan and Title 30 of Snohomish County Code (SCC) that have been adopted since the 2012 SMP Update.

B. Locally-Initiated

In addition to achieving consistency with state law, the periodic review process gives local governments an opportunity to initiate amendments to the SMP that may result in more effective management of shorelines, reflect changed circumstances, new information or improved data in shoreline maps, policies or regulations. For instance, since adoption of the 2012 SMP Update, county staff have identified various shoreline regulations that could be clarified to facilitate implementation.

The periodic review process does not require local governments to conduct a comprehensive update like the county was required to do during the 2012 SMP Update. Rather, the focus of periodic review is on achieving consistency with changes to state and local laws and identifying changes needed to improve the local program.

SUMMARY OF PROPOSED CHANGES TO COUNTY SMP

The scope of periodic review of the county’s SMP includes: (A) proposed code amendments and (B) proposed map amendments. Additionally, PDS is evaluating potential restructuring of the policy document. This would not involve any changes to the policies. Rather, the intent would be to simplify content by reducing background and process information that was necessary during the 2012 Update.

A. Proposed Code Amendments

1. State-Initiated

All of the proposed code amendments below are the result of changes to state laws adopted by the Legislature (RCW) and guidelines adopted by Ecology (WAC). The county is proposing the following “state-initiated” code amendments to achieve consistency with current state laws and guidelines:

   a) Amend the definitions for “floating home” and “development”

   b) Add exemptions for boatyards, Washington State Department of Transportation (WSDOT) facilities and compliance with Americans with Disabilities Act (ADA)

   c) Amend the dollar threshold for replacement docks on lakes and rivers

   d) Change “date of receipt” to “date of filing” as it relates to deadlines for notifications and appeal timelines
e) Clarify that legally established residences and appurtenant structures shall be considered a conforming use

f) Add provisions for an exception to the standard buffer width for certain highly-developed lakes*

(g) Amend timing requirement for WSDOT projects addressing safety risks

h) Allow relief from SMP regulations for restoration projects within an Urban Growth Area

i) List and map streams and lakes

*Note: Ecology has requested the county consider allowing an exception to the standard buffer width requirement (currently 150 feet) for single family residential development on highly-developed lakes.

2. Locally-Initiated

All of the proposed code amendments below have been initiated by the county (“locally-initiated”) and are intended to address problems or issues with existing shoreline regulations that have been identified by Snohomish County PDS staff:

   a) Revise provisions related to docks
      i. Amend light passage requirement for decking materials
      ii. Clarify length provision for residential piers and docks
      iii. Change location of dock regulations for ease of use

   b) Clarify intent of impervious surface limit for subdivisions

   c) Codify Ecology guidance on how to make Ordinary High Water Mark determinations

   d) Clarify exemptions for normal maintenance and repair of bulkheads

   e) Update references to 2007 version of critical area regulations (CAR) in the SMP

   f) Amend definition of “aquaculture” to acknowledge Tribes’ role in state fishery

   g) Remove requirement to obtain a shoreline variance permit when innovative development design provisions are used for single family residences

   h) Correct spelling errors related to the terms: “Boathouse,” “Timber,” and “Unauthorized”

   i) Remove language in code referencing “salmonid habitat”

   j) Provide link to definitions for “single family residence” and “appurtenance” in section describing exemptions from shoreline substantial development permits

A table of the proposed state and locally-initiated code amendments are contained in Attachment A.

B. Proposed Map Amendments

Snohomish County’s existing SMP contains a series of 44 maps showing official delineation of the county’s shoreline jurisdiction, as well as assignment of shoreline environment designations. The maps the county used for the last SMP Update in 2012, were based on data from 2004 that is no longer accessible in a digital format. For this reason, the 2019 SMP Periodic Review project includes a new
shoreline jurisdiction model based on the most up-to-date series of Geographic Information System (GIS) data sets available.

For purposes of mapping shoreline jurisdiction in Snohomish County, the model uses the following criteria derived from the SMA: all marine waters, all rivers/streams with more than 20 cubic feet per second (cfs) mean annual flow, all lakes and reservoirs greater than 20 acres, the Federal Emergency Management Agency (FEMA) 100-year floodplain, and all “shorelands” (areas within 200 feet of one of these waterbodies).

**Note:** The criteria listed above are the same criteria the county used to delineate shoreline jurisdiction in our original shoreline program in 1974 and subsequent program updates in 1993 and 2012.

A comparison of the 2012 countywide shoreline jurisdiction map with the draft 2019 countywide shoreline jurisdiction model revealed minor changes in shoreline jurisdiction. For instance, the comparison revealed a few areas that need to be removed from the county’s shoreline jurisdiction map due to changes that have been made to the geographic area comprising unincorporated Snohomish County, i.e., city annexations, tribal trust acquisitions. The comparison also revealed a few areas that need to be added to the county’s shoreline jurisdiction map because, due to better GIS data, the 2019 model revealed the area meets one of the shoreline criteria.

Proposed map changes are categorized and further described below:

1. **Changes in Jurisdiction**
   a) Annexations:
      i. Two annexations near the city of Stanwood
      ii. One annexation in the city of Arlington
      iii. One annexation in the city of Lake Stevens
      iv. Two annexations in the city of Snohomish
   b) Trust Lands:
      i. One tribal trust acquisition near the city of Stanwood
      ii. One relinquishment of tribal trust land near the city of Darrington
      iii. One tribal trust acquisition in the city of Sultan
      iv. Adjustments to tideland areas adjacent to tribal trust lands on the Tulalip Indian Reservation
   c) Federally-Leased Lands:
      i. Non-federal development/use on federal lands (mining claims)

2. **Improved GIS Data**
   a) Addition of three new 20-acre waterbodies:
      i. Lake Rowland
      ii. Meadow Lake
      iii. Olson Lake
   b) Technical adjustments to floodplains associated with existing SMP waterbodies
   c) Removal of portion of the 500-year floodplain
   d) Changes to county hydrology layer maintained by Snohomish County Department of Information Technology (DoIT)
3. Natural Changes
Changes due to shift in mapped watercourse and delineation of waterbodies

A draft map showing the general location of proposed map amendments is contained in Attachment B.

A note regarding the 100-year floodplain: The Digital Flood Insurance Rate Maps (DFIRMs) are the official maps on which the Federal Emergency Management Agency (FEMA) has delineated special flood hazard areas and risk zones. These maps show the location of a property relative to special flood hazard areas, including the 100-year floodplain.

New DFIRMs have been developed and are going through the FEMA adoption process. The county anticipates that the updated DFIRMs may be finalized by January 2019. Once the new maps are official, the county will have to update shoreline regulatory maps to reflect the new 100-year FEMA floodplain boundary.

C. Potential Restructuring of the SMP Policy Document

Though not a requirement under 2019 Periodic Review, PDS is evaluating the way the existing SMP policy document is currently structured. The focus would be to rearrange existing content so that it contains only that which is required under state law by reducing background and process information that was necessary during the 2012 Update.

Development of the 2012 SMP was based on directives in Chapter 173-26 of the WAC (Shoreline Guidelines). At the time, these guidelines required the county to prepare several supporting documents:

- an inventory of the ecological functions and conditions for all shoreline areas,
- procedures for assigning shoreline environment designations for each shoreline reach,
- a plan identifying all of the restoration needs and projects throughout the county, and
- a cumulative impact analysis assessing potential impacts to shorelines of future development.

The county’s existing SMP policy document currently contains all of the background information and processes associated with this supporting documentation. This supporting documentation is not required to be contained within a policy document. However, this documentation will be preserved in its entirety as part of the “2012 SMP.”

OUTREACH: STAKEHOLDER, TRIBAL AND PUBLIC INVOLVEMENT

PDS developed a project website for the 2019 SMP Periodic Review Project. The website is intended to serve as a clearinghouse of information about the project. It provides interested parties with the project description, background, details about public outreach opportunities, information about the process for adopting proposed changes, the draft project schedule, and contact information. Links to project materials are also provided.

In addition to the website, PDS staff targeted the following outreach efforts:

A. Tribal Partners
Snohomish County works closely with the sovereign governments of Indian Tribes with Reservations and treaty rights located in Snohomish County. PDS staff sent requests to meet in person with our tribal partners to provide information about and obtain early tribal input on the scope of the 2019 SMP Periodic Review project. PDS staff also sought to learn from each tribal government how best to provide status updates and keep Tribes apprised of developments throughout the legislative process for this project.

PDS was accompanied by staff from the Snohomish County Executive’s Office in meetings with the three tribal governments. Listed on the following page are dates the county met with each tribal government followed by questions/issues raised at each meeting:

   a) Questions about changes in state law made by Legislature and Ecology
   b) Concerns about not requiring a variance for non-habitable structures, i.e., stairs/trams
   c) Request to address redevelopment and expansion of existing residential structures, i.e., describe in code what is allowed in a buffer and what is not allowed
   d) Request to address the definition for repair and replacement of bulkheads
   e) Potential map changes near Quil Ceda Creek and Marine View Drive

   a) Questions about map changes on areas of the North Fork of the Stillaguamish River
   b) Other questions unrelated to 2019 SMP Periodic Review

   a) Questions about county soft-shore armoring regulations
   b) Questions about county regulations for the channel migration zone (CMZ)

PDS has not yet received formal comments from the tribal governments listed above related to 2019 SMP Periodic Review.

**B. Agencies**

On January 12, 2018, PDS sent an email to a variety of agency stakeholders with a known interest in regulations affecting shorelines in unincorporated Snohomish County. The purpose of the email was to inform agency stakeholders about the 2019 SMP Periodic Review project and invite them to an SMP Open House for Agency Stakeholders on February 13, 2018.

The purpose of the open house was to provide general information about the 2019 Periodic Review Project, increase understanding of the requirements for periodic review and highlight the tentative schedule for consideration of any proposed changes. PDS staff provided a presentation about the project and attendees were given an opportunity to look at draft materials, ask questions and provide input. 32 agency stakeholders attended the meeting.

**C. Landowners**

During the initial scoping phase for this project, PDS staff evaluated the county’s current shoreline. During our review, PDS identified four waterbodies that appear to exceed the 20-acre threshold to be included in shoreline jurisdiction but did not appear on the county’s existing shoreline maps. Therefore, part of the map amendments include updating shoreline regulatory maps with these four previously unmapped waterbodies.
For this reason, on January 10, 2018, PDS sent a letter in the US Mail to approximately 106 landowners with properties adjacent to or within 200 feet of one of the waterbodies we had identified. The purpose of the letter was to invite landowners to a special outreach meeting the week of February 5, 2018. The purpose of the special outreach meetings were to give landowners an opportunity to meet with PDS staff and ask questions about how the proposed changes to shoreline maps might affect them. 13 landowners attended the meetings.

D. General Public

On January 12, 2018, PDS sent an email to 74 individual email addresses for stakeholders with a known interest in regulations affecting shorelines in unincorporated Snohomish County. The purpose of the email was to inform individuals about the 2019 SMP Periodic Review project and invite them to an SMP Open House for the general public on February 13, 2018.

The purpose of the open house was to provide general information about the 2019 Periodic Review Project, increase understanding of the requirements for periodic review and highlight the tentative schedule for consideration of any proposed changes. PDS staff provided a presentation about the project and attendees were given an opportunity to look at draft materials, ask questions and provide input.

MONITORING

A. Shoreline Monitoring

The SMA requires counties and cities to track and periodically evaluate the cumulative effects of all project review actions in shoreline areas (WAC 173-26-191). The county’s SMP, contains policies related to shoreline monitoring in its conservation and monitoring element below:

Snohomish County SMP Conservation and Monitoring Element

Policy 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.

Policy 11. Monitor the effectiveness of shoreline plans and regulations in protecting, preserving, and restoring the shoreline environment.

The mechanism for tracking and periodically evaluating the cumulative effects of all project review actions in shoreline areas is described in Part 700 of the county’s critical area regulations in Chapter 30.62A SCC, which are adopted by reference in the county’s shoreline regulations (Chapter 30.67 SCC).

SCC 30.62A.730 - Monitoring and adaptive management program - reporting

One year prior to the GMA (RCW 36.70A.130) required review and update of the county’s critical area regulations, the executive shall report to the council on the monitoring and adaptive management program, using best available science, and provide data and conclusions regarding the effectiveness of the county in achieving no net loss of critical area functions and values. If net loss is detected, using scientifically valid techniques, the executive shall report and recommend strategies for adaptive management.
Specifically, the county is required to develop a monitoring report every seven years on the ecological functions and values of critical areas, which includes actions within shoreline jurisdiction. To date, the county has developed critical area monitoring reports in 2008, 2012 and 2014. Most recently, PDS has developed a strategy to begin work on our next CAR Monitoring Report (due in 2022) that involves an early phase of analysis focused solely on project review actions in shoreline areas.

**COMPLIANCE WITH STATE LAW**

The SMA in Chapter 90.58 RCW and the implementing guidelines in Chapter 173-26 WAC require SMPs to be consistent with the guiding principles and standards and address specific elements of the SMA.

The GMA planning goals in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulations. The goals and policies of the SMA in RCW 90.58.020 are included as one of GMAs planning goals (RCW 36.70A.480). The goals are not priority listed.

This proposal achieves consistency with requirements for SMA periodic review by proposing amendments to assure compliance with applicable SMA laws and guidelines that were not in effect during the county’s last SMP Update in 2012.

**COMPLIANCE WITH THE SNOHOMISH COUNTY COMPREHENSIVE PLAN**

This proposal is consistent with shoreline goals and policies in the SMA and with the county’s GMA comprehensive plan (GMACP) and implementing development regulations. The SMA goals guide the policies in the SMP which is considered an element of the county’s GMA comprehensive plan. Shoreline use regulations, while a component of the SMP, are contained in Chapters 30.67 and 30.44 SCC.

Additionally, this proposal is consistent with all of the amendments made to the GPP element of the county’s GMACP and Title 30 SCC that have been adopted since the 2012 SMP Update, including the 2015 update to the county’s critical area regulations and compliance review.

The proposed amendments will better achieve, comply with and implement the following goals contained in the Shoreline Use Element of the Snohomish County SMP:

**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.

ENVIRONMENTAL REVIEW

On June 28, 2006, Snohomish County issued a Final Environmental Impact Statement (FEIS) for updates to the SMP. On August 25, 2010, the county updated the 2006 environmental analysis to reflect substantive revisions being proposed with the 2012 SMP Update by issuing a Final Supplemental EIS (FSEIS). On November 6, 2013, the county issued Addendum No. 1 to the SMP FSEIS issued in 2010, related to commercial shellfish aquaculture.

Following the planning commission public hearing on this proposal, PDS will conduct State Environmental Policy Act (SEPA) environmental review of this proposal.

NOTIFICATION OF STATE AGENCIES

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce following environmental review of this proposal.

STAFF RECOMMENDATION

Staff recommends holding a public hearing to consider the proposed code, map and policy amendments.

ACTION REQUESTED

PDS requests the planning commission hold a public hearing, consider the proposed code, map and policy amendments, and provide a recommendation to the county council. Following the public hearing, the commission could recommend approval of the code, map and policy amendments with supporting findings as proposed or modified, denial of the proposal with findings, or amend the proposals with appropriate findings.

ATTACHMENTS:

Attachment A: Proposed Code Amendments
Attachment B: Proposed Map Amendments

CC: Ken Klein, Executive Director
    Barbara Mock, PDS Director
    Ikuno Masterson, AICP, PDS Manager
    Jacqueline Reid, AICP, PDS Supervisor
    Yorik Stevens-Wajda, Senior Legislative Analyst
<table>
<thead>
<tr>
<th>#</th>
<th>Provision</th>
<th>Subject Area</th>
<th>Changes Made by Legislature to SMA Provision</th>
<th>Impact to County SMP</th>
<th>Proposed Change Mandatory or Optional</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>RCW 90.58.270(5-6) 2016b on ECY checklist WAC 173-26-030(3)(d)(17) 2011c on ECY checklist</td>
<td>Add or Amend Definitions</td>
<td>5. 4. 3. 2. 1. #</td>
<td>Mandatory. Jurisdictions with floating homes must include a definition consistent with the statute and a policy or regulation that clarifies the legal status of floating homes. By adding floating homes under residential use as conforming uses, new, maintenance, repair, replacement and remodeling should be allowed for these historic uses just like any other SMP residential use. This exception does not apply to floating homes that were not legally established prior to 1/1/2011 – those uses continue to be prohibited.</td>
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<td>2</td>
<td>WAC 173-26-241 2017b on ECY checklist</td>
<td>Ecology amended shoreline rules in the WAC to clarify the definition of development does not include projects that involve only dismantling or removing structures without any associated development or re-development.</td>
<td>SCC 30.91D.230 – Definition of Development Consider amending definition of “development” in SCC to exclude projects that only involve dismantling or removal of a development.</td>
<td>Optional. It is not necessary to adopt this clarification into an SMP - local governments may look to the state rule to answer questions about this change should this arise. However, if a local government chooses to incorporate the new clarification it could be incorporated directly into the SMP definition of “development.” This comes up enough for PDS permitting that they see a benefit to including this clarification.</td>
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<td>3</td>
<td>RCW 90.58.030 2016a on ECY checklist WAC 173-27-040 2016a on ECY checklist</td>
<td>Exemption for Compliance with ADA</td>
<td>Legislation added exemption for retrofitting existing structures for compliance with ADA in 2016; WAC subsequently amended to comply with change in statute (RCW).</td>
<td>Mandatory. This SMA amendment applied on its effective date, regardless of whether local governments added this exemption by amending their SMP to specifically address it.</td>
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<tr>
<td>4</td>
<td>RCW 90.58.030(3)(e) 2014a on ECY checklist WAC 173-27-040(2)(h) 2016a on ECY checklist</td>
<td>Cost Threshold for Replacement Docks on Lakes and Rivers</td>
<td>Legislation changed exemption criteria for fresh water docks. Changes to WAC specify criteria for exemption: Exempts docks under (A) $20,000 for replacement docks or (B) $10,000 for all other docks constructed in freshwater.</td>
<td>Mandatory. This SMA amendment applied on its effective date, regardless of whether local governments specifically exempted it in their SMP. Snohomish County does not simply cite the RCW in code. Instead, we repeat what the WAC says in order to assist applicants and therefore need to modify this section of code to reflect the new cost thresholds adopted by the state.</td>
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<tr>
<td>5</td>
<td>RCW 90.58.140 2016b on ECY checklist RCW 90.58.180 2017b on ECY checklist WAC 173-27-130 2016b on ECY checklist</td>
<td>Date of Filing</td>
<td>Legislation clarified deadlines are measured from the date permit decisions are filed; not received; also clarified the meaning of “date of filing” in RCW 90.58.140(6)</td>
<td>Mandatory. Ecology amended shoreline rules to incorporate a 2011 law relating to permit filing. These details are important because the date of filing establishes the start of the Shoreline Hearings Board appeal period. The law clarified that local permit decisions shall be submitted to Ecology by return receipt requested mail. This intent is to bring consistency and predictability to the timing of the appeal period.</td>
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</tbody>
</table>

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2019 SMP Staff Report – Attachment A: Proposed Code Amendments
### 6. RCW 90.58.620

**Non-Conforming Use**

Legislature clarified that SMPs may classify legally established residential structures as conforming, even if they do not meet certain requirements. Changes also allow these previously non-conforming, now conforming residential structures, to redevelop or expand just like other properties, so long as no net loss of ecological functions occurs.

- SCC 30.67.450 – Non-conforming uses or structures
  - Consider adding new “Residential” section
- SCC 30.67.570 – Residential for consistency (new citations and subsections).
  - Consider checking here to see if any additional amendments may be needed for consistency

Optional. SMPs approved by Ecology after 9/1/2011, may include provisions that authorize legally established residential and appurtenant structures used for a conforming use but not meeting dimensional standards for new development to be considered conforming structures. This does not include bulkheads, other shoreline modifications, or overwater structures. Authority: RCW 90.58.620

### 7. Special ECY Request

Request from Ecology to allow a special, common-line setback for new SFR development on vacant lots on specific, highly-developed shorelines throughout the county.

SCC 30.67.060 – Relationship to Critical Area Regulations
- Consider adding new subsection (3) allowing a special setback on certain “built-out” lake shorelines in Snohomish County
  - Consider identifying lakes that meet the “built-out” criteria, e.g., Roe signyer, Goodwin
  - Consider providing illustrations in code on how to calculate special setback for “built-out” lake shorelines.

Special Request by Ecology

Ecology has repeatedly encouraged the county to consider adopting variable critical area buffer widths for new single family residential development on vacant parcels located on the shorelines of Lakes Goodwin, Shoecraft, Ki, Stevens, Roesiger, Serene, Martha and Lake Stickney.

### 8. RCW 90.58.355

**Exemptions for Certain Projects and Activities**

The Legislature added new sections in 2012 and 2015 exempting certain projects from obtaining shoreline permits or local reviews: 1) boatyard facility site improvements for stormwater treatment and 2) WSDOT facility and maintenance projects.

SCC 30.64.030 – Development not subject to the SMA
- Amend subsection (2) clarifying exemptions
- Add subsection (2)(i) and (ii) addressing each new project

Optional. The exceptions to SMP review covered under the statutes in these two rules apply whether or not they are included in local SMPs. The county already has a consolidated code section devoted to addressing these exceptions to ensure consistent implementation.

### 9. RCW 90.58.140

**Time Requirements**

The Legislature also added new subsection (c) allowing WSDOT projects addressing safety risks to begin construction 21 days after submitting an application.

SCC 30.64.220 – Time requirements for shoreline permits
- Consider a minor amendment to subsection (c) referencing new subsection (c) in RCW 90.58.140(5).

Optional. It is not necessary for the county to include these provisions in its SMP, but a reference here could help ensure consistent implementation with the statute.

### 10. WAC 173-26-241(3)(b)

**Geoduck Aquaculture**

ECY adopted new rules for commercial geoduck aquaculture. Many of the changes were incorporated into the County's SMP in 2014 with this exception related to requiring a Shoreline Substantial Development Permit (SDP) for projects and activities that cause substantial interference with public access.

- SCC 30.67.430 Table 1 – Shoreline Use Matrix
  - Add new reference note II (38)
- SCC 30.67.440 – Reference notes for shoreline matrix
  - Add description for reference note 38 clarifying that an SDP is required for projects and activities that cause interference with public access.
- SCC 30.67.510 – Aquaculture
  - Add new subsection (2)(h) clarifying that a SDP is required for projects and activities that cause interference with public access.

Mandatory. Ecology adopted new rules for commercial geoduck aquaculture many of which are already addressed in county code, with this exception for a SSDP. This amendment is not optional and is being added to achieve consistency with requirements in state law.

### 11. RCW 90.58.580

**Restoration Projects within a UGA**

Legislative change allowing relief to property owners experiencing a hardship from restoration projects that have shifted the OHWM, thus shifting the 200-foot area where shoreline regulations apply.

SCC 30.67.580 - Shoreline habitat restoration and enhancement.
- Consider adding new subsection (3) allowing for relief from SMP development standards and use regulations resulting from shoreline restoration projects within urban growth areas.

Optional. It is not necessary to amend local SMP regulations though the process may be used even if the provision is not in the SMP. Property owners utilizing this option may request relief consistent with the criteria and procedures in WAC 173-27-215.

### 12. WAC 173-18-044

**List and Map of Streams and Lakes**

Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.

- Amend the SMP policy doc to:
  - Update the list of streams and lakes on pages 6 – 10 with previously unmapped water bodies

Optional. State law suggests that if a jurisdiction has identified any new streams or lakes since the comprehensive update, the lists and maps should be updated. The amendments also clarify that if a stream segment or lake is subsequently discovered to meet the SMA criteria, the SMP shall be amended within three years of the discovery.
<table>
<thead>
<tr>
<th>Code Changes</th>
<th>Subject Area</th>
<th>Description of Possible Change</th>
<th>Implementation Issue/Problem</th>
<th>Example of SMP Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Spelling Errors</td>
<td>a) Consider amending code to correct spelling error related to term: &quot;Boathouse&quot;</td>
<td>Existing code spells the term &quot;boathouse&quot; differently. It is split into two words in Boating Facilities; definition of &quot;boathouse&quot; in 30.918 has it all as one word.</td>
<td>SCC 30.67.515 – Boating Facilities</td>
</tr>
<tr>
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<td></td>
<td>b) Consider amending code to correct spelling error related to term: &quot;timber&quot;</td>
<td>The Reference notes for the shoreline use and modification matrix use the word &quot;timer&quot; instead of &quot;timber.&quot;</td>
<td>SCC 30.67.440 – Reference notes for shoreline use/ modification matrix</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c) Consider amending code to correct spelling error related to term: &quot;unauthorized&quot;</td>
<td>Existing code puts a space between &quot;un&quot; and &quot;authorized,&quot; which is not intended. This should be spelled as one word.</td>
<td>SCC 30.67.515 – Boating Facilities</td>
</tr>
<tr>
<td>2.</td>
<td>Docks</td>
<td>a) Consider amending light passage requirement for docking</td>
<td>Existing code contains very specific requirements for construction materials for docks &amp; piers (45% light passage); floats, 30%. Staff state that these standards are difficult to achieve, implement and prove.</td>
<td>SCC 30.67.515 – Boating Facilities</td>
</tr>
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<td></td>
<td></td>
<td>b) Consider clarifying the length provision for residential piers and docks</td>
<td>Existing code requires length of dock to be an average of the lengths of abutting docks and piers, but does not specify what to do if there are no adjacent docks or piers.</td>
<td>SCC 30.67.515 – Boating Facilities</td>
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<td>c) Consider reformatting code to change the location of dock regulations</td>
<td>Existing regulations for boating facilities (marinas, yacht &amp; boat clubs, boat launches, boat ramps, and boathouses) is combined with regulations for mooring facilities (docks, piers, floats and mooring buoys). Currently, residential dock regulations are buried in the code.</td>
<td>SCC 30.67.515 – Boating Facilities</td>
</tr>
<tr>
<td>3.</td>
<td>Impervious Surface</td>
<td>Consider clarifying intent of impervious surface limit for subdivisions</td>
<td>Existing code limits subdivisions lying fully or partially within shoreline jurisdiction to a maximum of 10% total impervious surface within the subdivision boundary. Shoreline requirements cannot be imposed on the portion of the subdivision that is outside of shoreline jurisdiction.</td>
<td>SCC 30.67.570 – Residential</td>
</tr>
<tr>
<td>4.</td>
<td>Ordinary High Water Mark (OHWM)</td>
<td>Consider codifying Ecology (ECY) guidance on OHWM determinations</td>
<td>Existing code does not provide guidance for how OHWM determinations are made; new guidance from ECY exists is available.</td>
<td>SCC 30.44.300 – Ordinary high water mark determinations</td>
</tr>
<tr>
<td>5.</td>
<td>Bulkheads</td>
<td>Consider clarifying exemptions for normal maintenance and repair of shoreline and bank stabilization measures, i.e., bulkheads</td>
<td>Existing code indicates that a shoreline Conditional Use Permit (CUP) is required for bulkheads not associated with a restoration project. This provision would benefit from clarification that normal maintenance and repair of bulkheads is allowed (SCC 30.67.575(1)(a)) without a CUP.</td>
<td>SCC 30.67.575 – Shoreline and bank stabilization</td>
</tr>
<tr>
<td>6.</td>
<td>Critical Area Regulations</td>
<td>Consider updating references to 2007 version of Critical Area Regulations (CAR) in the SMP</td>
<td>Existing code in 30.67.060 still makes reference to 2007 CAR which is no longer Best Available Science. Though 2015 CAR has been adopted by the county, this proposed change will need to be reviewed/approved by Ecology.</td>
<td>SCC 30.67.060 – Relationship to Critical Area Regulations</td>
</tr>
<tr>
<td>7.</td>
<td>Geoduck</td>
<td>Consider amending definition of aquaculture to acknowledge wild geoduck fishery is co-managed by both state and Tribes</td>
<td>This proposed amendment reflects greater accuracy in county’s SMP</td>
<td>SCC 30.91A.255 – Aquaculture</td>
</tr>
</tbody>
</table>
|   | **Innovative Development** | | **Innovative Development Design** can be used for any project regardless of size, scale, intensity, use or type. It is often the only way for many small-scale, single family residential (SFR) projects to comply with CAR. If an SFR is CAR compliant, a variance should not be required. Removing this automatic variance trigger would allow SFR structures and appurtenances relief from the variance permit requirement while preserving the variance permit requirement for non-SFR innovative development designs. | **SCC 30.67.060(4) – Relationship to Critical Area Regulations**  
Consider amendment clarifying that a shoreline variance permit is required for all innovative designs except those solely for SFR structures or appurtenances. |
|---|---|---|---|---|
|9. | **Provide Link to Definitions** | | This section on exemptions would be much simpler for customers if the link to definitions for “single family residential (SFR)” and “appurtenance” were embedded directly in the code provision. | **SCC 30.44.120 – Exemptions from substantial development permits**  
Consider amending (g) to include links to definitions for SFR and appurtenance. |
|10. | **Salmonid Habitat** | | Existing code states the maximum width of piers/docks on any lake identified as “salmonid habitat” is two feet less (4 ft) than lakes not identified as salmonid habitat (6 ft). “Salmonid habitat” is not a term officially defined in county code. This provision would benefit from clarification that the 4 ft requirement applies to lakes that contain salmonids. | **SCC 30.67.517 – Mooring Facilities**  
Consider amending (1)(F)(III) to remove language “of any lake identified as salmonid habitat” and replace with “of any lake that contains salmonids.” |