Shoreline Advisory Committee Recommended Draft

CITY OF DUVALL
SHORELINE MASTER PROGRAM

May 2012, updated November 2012

DRAFT

Table of Contents

Chapter 1. INTRODUCTION....1
1.1 Purpose....1
1.2 Title....1
1.3 Adoption Authority....1
1.4 Applicability....1
1.5 Liberal Construction....2
1.6 Severability....2
1.7 Urban Growth Area....2
1.8 Shoreline Jurisdiction....2
1.9 Document Organization....3
1.10 Common Acronyms....3
Chapter 2. SHORELINE GOALS....5
Chapter 3. SHORELINE ENVIRONMENT DESIGNATIONS....7
3.1 Shoreline Environment Designations System....7
3.2 Environment Designations Purpose, Criteria, and Policies....8
3.3 Use and Standards Tables....11
3.4 Official Shoreline Environments Designation Map....19
Chapter 4. GENERAL USE POLICIES AND REGULATIONS....21
4.1 Shoreline Use....21
4.2 Maintenance of Existing Public Recreation and Utility Uses and Structures....22
4.3 Archeological, Historical and Cultural Resources....26
4.4 Environmental Protection and Sensitive Areas....26
4.5 Flood Hazard Reduction....28
4.6 Public Access....29
4.7 Shoreline Vegetation Conservation....31
4.8 Water Quality....32
4.9 Restoration....33
4.10 Views and Aesthetics....33
Chapter 5. SHORELINE MODIFICATION....35
5.1 Shoreline Stabilization....35
5.2 Fill, Excavation, Ditching, Clearing and Grading....37
5.3 Dredging and Dredge Material Disposal....39
5.4 In-stream Structures....39
Chapter 6. USE SPECIFIC SHORELINE POLICIES AND REGULATIONS....41
6.1 Prohibited Uses....41
6.2 Boating Facilities....41
6.3 Commercial....44
6.4 Industrial....44
6.5 Recreation....45

6.6 Residential....47
6.7 Transportation and Parking....48
6.8 Utilities....49
6.9 Unclassified Uses....51
Chapter 7. ADMINISTRATIVE PROVISIONS....53
7.1 General Compliance....53
7.2 Administration....54
7.3 Shoreline Permits and Exemptions....55
Chapter 8. DEFINITIONS....65
8.1 Interpretation....65
8.2 Definitions....65
8.3 Unlisted Words and Phrases....76

List of Tables

Table 1. Permitted Use and Modification Table....13
Table 2. Bulk Dimensional and Vegetation Standards....19
Table 3. Required Snoqualmie River Riparian Restoration for Increases in Impervious Surface Coverage ... 22

List of Figures

Figure 1. Shoreline Environment Designations....20
Figure 2. Utility and Park Maintenance Areas....25

DRAFT

CHAPTER 1. INTRODUCTION

1.1 Purpose

Washington's Shoreline Management Act (RCW 90.58, as amended; hereafter referred to as 'the Act') was passed by the State Legislature in 1971 and adopted by the public in a referendum. The Act was created in response to a growing concern among residents of the state that serious and permanent damage was being done to shorelines by unplanned and uncoordinated development. The goal of the Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." While protecting shoreline resources by regulating development, the Act is also intended to provide for appropriate shoreline use by encouraging land uses that enhance and conserve shoreline functions and values.

The Act has three broad policies:

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

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

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

The intent of the City of Duvall Shoreline Master Program is to ensure comprehensive planning for Duvall 's shorelines through implementation of goals and policies, and to ensure the adoption and implementation of use regulations developed in accordance with the policies adopted by the State.

1.2 Title

This document shall be known and may be cited as the City of Duvall Shoreline Master Program (the "Program", "Master Program" or "SMP").

1.3 Adoption Authority

This Program is adopted under the authority granted by the Act and its implementing guidelines in WAC Chapter 173-26, as amended.

1.4 Applicability

Except when specifically exempted from the Act and this Program by statue, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Act and this Program. The policies and regulations of this Program apply to all shoreline uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required. The City of Duvall has the authority and responsibility to condition a project even if it is exempt from the requirement for a substantial development permit.

1.5 Liberal Construction

As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

1.6 Severability

The Act and this Program adopted pursuant thereto comprise the basic state and City law regulating use of shorelines in the City of Duvall. Should any section or provision of this program be declared invalid, such decision shall not affect the validity of this Program as a whole. In the event provisions of this Program conflict with other applicable City policies or regulations in the shoreline, the provisions of this Program shall prevail.

1.7 Urban Growth Area

The policies and regulations of this master program do not apply to the City's Northwest Urban Growth Area. The Northwest Urban Growth Area is designated and regulated under the King County shoreline master program. The City does not anticipate annexation of the Northwest Urban Growth Area, and accordingly has not pre-designated, or established polices and regulations, for the area.

1.8 Shoreline Jurisdiction

Shoreline Management Act jurisdiction includes all "shorelines of the state" as defined in RCW 90.58.030. In Duvall, the shoreline area to be regulated by the City's Program includes:

- The Snoqualmie River within the City's municipal boundary;
- The upland area landward 200 feet of the ordinary high water mark (OHWM) of Snoqualmie River;
- All associated wetlands;
- The mapped floodway areas associated with the River as identified within the Federal Emergency Management Agency's Preliminary Flood Insurance Study for King County, Washington and Incorporated Areas and accompanying flood insurance rate map (FIRM) (dated November 6, 2012), or a more recent Federal Emergency Management Agency adopted Flood Insurance Study and accompanying flood insurance rate map (FIRM) for the Snoqualmie River consistent with DMC Chapter 14.84 – Floodplain Regulations, section DMC 14.84.040.A; and
- Contiguous floodplain areas within 200 feet of the mapped floodway as identified within the Federal Emergency Management Agency's Preliminary Flood Insurance Study for King County, Washington and Incorporated Areas and accompanying flood insurance rate map (FIRM) (dated November 6, 2012), or a more recent Federal Emergency Management Agency adopted Flood Insurance Study and accompanying FIRM for the Snoqualmie River consistent with DMC Chapter 14.84 – Floodplain Regulations, section DMC 14.84.040.A.

The policies and regulations of this program shall apply to the waters of the Snoqualmie River and adjacent "shorelands" within the Duvall City Limits. See the official Shoreline Environment Designation Map (Section 3.5, Figure 1) for depiction of the area regulated by this Program. The official Shoreline Environment Designation Map does not necessarily identify or depict the exact lateral extent of

shoreline jurisdiction or all associated wetlands. The lateral extent of the shoreline jurisdiction shall be determined at the responsibility of the applicant on a case-by-case basis based on the location of the OHWM, floodway and/or the presence and boundaries of associated wetlands.

Associated wetlands, floodways and floodplains that are included in the shoreline jurisdiction are those that influence or are influenced by the Snoqualmie River.

The Act further designates some shorelines as "shorelines of statewide significance". The Snoqualmie River is designated a "shorelines of statewide significance" within the City of Duvall.

1.9 Document Organization

This Shoreline Master Program establishes long-term planning goals and policies, specific development standards and use regulations, and permitting and administrative procedures. As such, this Program is a stand-alone document that is linked to other City planning documents such as the Duvall Comprehensive Plan and to the Duvall Municipal Code (DMC), as amended. The organization of this Program and the purpose for each chapter is explained below.

- Chapter 1. Introduction: provides background, purpose, legal authority, and identification of shoreline jurisdiction extent.
- Chapter 2. Shoreline Goals: provides a set of shoreline goals developed with the community.
- Chapter 3. Shoreline Environment Designations: establishes a purpose and identifies designation criteria and management policies for specific areas within the shoreline jurisdiction.
- Chapter 4. General Use Policies and Regulations: Provides general policies and regulations that apply broadly to uses and developments in all shoreline jurisdiction.
- Chapter 5. Shoreline Modification– Establishes policies and regulations of shoreline modification activities and structures.
- Chapter 6. Use Specific Policies and Regulations – Establishes policies and regulations of specific uses whenever they occur in shoreline jurisdiction.
- Chapter 7. Administrative Provisions: provides procedures and process for permit applications associated with shoreline development.
- Chapter 8. Definitions: provides definitions for terms used throughout this Program.

1.10 Common Acronyms

The following acronyms are commonly used in this Program:

DMC	Duvall Municipal Code
FIRM	Flood Insurance Rate Map
OHWM	Ordinary high water mark (defined in Chapter 8 of this Program)
RCW	Revised Code of Washington
WAC	Washington Administrative Code

CHAPTER 2. SHORELINE GOALS

The City of Duvall, by establishing this Program, intends to control and regulate future development in a manner consistent with the goals, policies and regulations of the Shoreline Management Act of 1971 (RCW 90.58340). Development and redevelopment in the shoreline area should occur in a manner that maintains a balance between competing uses, does not impair shoreline ecological processes and functions, and results in the overall improvement of natural resources in the shoreline. An over-arching goal of the master program is to ensure that future use and development of the City's shoreline results in no net loss of shoreline ecological functions.

The following shoreline goals are commensurate with the intent and objectives of the Act and the implementing guidelines (WAC 173-26, as amended) and provide the foundation and framework on which the balance of this Program has been developed.

Economic Development Goal: Promote healthy, orderly economic growth by encouraging economic activities that will be an asset to the local economy, which result in commercial uses that are compatible with the intent of the Act and the City, and which maintain the shoreline ecological functions.

Public Access / Recreation Goal: Provide opportunities for new and enhanced physical and visual public access to and water-oriented recreational opportunities within the City's shorelines when such access and/or recreation can be reasonably accommodated without human health or safety risks, without adverse effects on shoreline functions, and consistent with private property rights.

Shoreline Use Goal: Ensure that the land use patterns in the shorelines protect the existing character of the City and protect existing shoreline environments, habitats, and ecological functions.

Conservation and Restoration Goal: Preserve and protect ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline; restore and enhance identified degraded ecological functions and processes over time.

Archaeological, Historical, Cultural, Scientific and Educational Resources Goal: Identify, protect, preserve and restore important archeological, historic, cultural sites located in shoreline areas for educational and scientific values and enjoyment of the general public.

Flood Hazard Management Goal: Protect shoreline resources and shoreline development and ensure public safety through land use controls and implementation of federal, state and local flood hazard programs.

CHAPTER 3. SHORELINE ENVIRONMENT DESIGNATIONS

3.1 Shoreline Environment Designations System

1. Shorelines are classified according to specific shoreline environment designations. The purpose of shoreline environment designations is to provide a uniform basis for applying policies and regulations in distinct shoreline areas having similar characteristics.

2. The extent of each shoreline environment designation is shown throughout the mapped extent of shoreline jurisdiction on the Official Shoreline Environment Designation Map (Section 3.5, Figure 1). The Official Shoreline Environment Designation Map does not necessarily identify or depict the lateral extent of each shoreline environment or all associated wetlands. The lateral extent of the shoreline jurisdiction and each shoreline environment shall be determined on a case-by-case basis compliant with Section 1.8 of this Program.

3. In accordance with the State's guidelines, Duvall's shoreline designations are based on:

   a. The existing land use pattern;

   b. The biological and physical character of the shoreline; and

   c. The goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in WAC 173-26-211.

4. To accomplish the purpose of this Program the following shoreline environment designations have been established in the City of Duvall:

   a. South McCormick Park Passive Recreation and Conservancy

   b. North McCormick Public Recreation

   c. Riverside Village

   d. Taylor's Landing Public Recreation

   e. Aquatic

5. Shoreline Environment Designations are delineated on a map, and hereby incorporated as a part of this Program as the official Shoreline Designation Map (Section 3.5, Figure 1). The Official Shoreline Map is for planning purposes only and shall be used to depict Shoreline Environment Designations.

6. The City may, from time to time as new or improved information becomes available, modify the Official Shoreline Environment Designation Map consistent with state guidelines to more accurately represent, clarify, or interpret the true limits of the shorelines defined herein. The application of a shoreline management designation to a particular shore segment shall not change except through an amendment to this SMP.

DRAFT

3.2 Environment Designations Purpose, Criteria, and Policies

For each shoreline environment designation a purpose, designation criteria, and general management policies are provided. Any areas within the City's shoreline jurisdiction that have not been mapped and designated shall be designated Urban Conservancy in accordance with WAC 173-26-211 (2) (e) and will be managed and regulated under the identified goals, policies, and regulations of the Urban Conservancy designation in WAC 173-26-211 (5) (e).

3.2.1 South McCormick Park Passive Recreation and Conservancy

1. Purpose

The purpose of the "South McCormick Park Passive Recreation and Conservancy" environment is to protect those shoreline areas in the McCormick Park area that are ecologically intact. These areas are inappropriate for intense development and require that only low intensity uses be allowed in order to maintain the ecological functions and ecosystem-processes.

2. Designation Criteria

The "South McCormick Park Passive Recreation and Conservancy" environment designation is assigned to publicly owned and adjoining privately owned areas within the McCormick Park shoreline area with ecologically intact public open space and low intensity recreation as primary uses.

3. Management Policies

The "South McCormick Park Passive Recreation and Conservancy" environment should be managed consistent with the following policies:

a. Riparian forest cover should be protected and maintained through effective use of shoreline buffer standards and voluntary conservation and restoration practices.

b. New development throughout shoreline jurisdiction should be limited to recreational and utility uses appropriate for floodplain, floodway and channel migration zone environments.

c. New structural shoreline armoring should be prohibited, except as necessary for water-dependent recreational and water-dependent utility uses and developments.

d. Maintenance of public infrastructure should be allowed while minimizing and mitigating impacts to shoreline ecological functions.

e. Low intensity recreational use and development opportunities that enhance public access and enjoyment of shoreline jurisdiction should be encouraged; public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

f. All allowed uses and developments should maintain or improve ecological functions and ecosystem-processes;

g. Restoration activities should be prioritized in this designation over other shoreline environment designations; the City should consider use of the South McCormick Park environment as a mitigation receiving area for impacts occurring elsewhere in the City.

3.2.2 Riverside Village

1. Purpose

The purpose of the "Riverside Village" environment is to accommodate moderate to high intensity residential and commercial uses within Duvall's Snoqualmie River shoreline extending north from McCormick Park to the NE Woodinville-Duvall Road Bridge.

2. Designation Criteria

The "Riverside Village" environment designation is applied to those areas of the City's shorelines that are characterized predominantly by existing and planned moderate density development, have moderately or highly impaired ecological functions and are planned and zoned for mixed use development.

3. Management Policies

The "Riverside Village" environment should be managed consistent with the following policies:

a. Standards for lot coverage, buffers, vegetation conservation, critical areas, and water quality standards should be set to ensure minimization of adverse impacts and to achieve no net loss of shoreline ecological functions.

b. Riparian corridor to the west of the existing Snoqualmie Valley Trail alignment should be protected and maintained through effective use of shoreline buffer standards and voluntary conservation and restoration practices.

c. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

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

e. Public access objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated.

f. Water-oriented uses should be given priority over nonwater-oriented uses.

3.2.3 North McCormick Park Public Recreation / Taylor's Landing Public Recreation

1. Purpose

The purpose of the "North McCormick Park Recreation" / "Taylor's Landing Public Recreation" environments is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses, including water-related recreation.

2. Designation Criteria

The "North McCormick Park Recreation" / "Taylor's Landing Public Recreation" environments are appropriate for shoreline areas that provide existing public recreational access to the shoreline, including water-dependent recreation access, and retain desirable riparian characteristics such as minimal bank armoring, associated wetlands and tributary channels, and/or well developed streamside

vegetation. These areas can accommodate planned urban recreational development that is compatible with floodway and floodplain hazards and maintaining or restoring ecological functions.

3. Management Policies

The "North McCormick Park Recreation" / "Taylor's Landing Public Recreation" environment should be managed consistent with the following policies:

a. Uses should be limited to those which sustain the shoreline area's physical and biological resources; uses and structures within the floodway (west of the Snoqualmie Valley Trail) should be appropriate given associated hazards and ecological importance.

b. "North McCormick Park Recreation" / "Taylor's Landing Public Recreation" environment shorelines are suitable for ongoing use of existing and development of new trails, viewpoints, watercraft launches, or other types of generally low-impact public access and water-oriented recreational development as long as such uses are sited to minimize impacts on shoreline functions.

c. New development throughout shoreline jurisdiction should be appropriate for floodplain, floodway and channel migration zone environments.

d. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications to ensure that as new water-oriented recreational and utility uses and developments occur, there is not a net loss of shoreline ecological functions or further degradation other shoreline values.

e. Public access and public recreation objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated.

f. Maintenance and upgrades of public utilities and other infrastructure should be allowed while minimizing and mitigating impacts to shoreline ecological functions.

g. Water-oriented uses should be given priority over nonwater-oriented uses.

3.2.4 Aquatic Environment

1. Purpose

The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

2. Designation Criteria

The "Aquatic" environment designation is appropriate for lands and aquatic areas waterward of the OHWM.

3. Management Policies

The "Aquatic" environment should be managed consistent with the following policies:

a. New structures should be allowed in- or over-water only when necessary for approved water-dependent uses, utility crossings, public access, or ecological restoration.

b. The size of new in-/over-water structures should be limited to the minimum necessary to support the structure's intended use.

c. To reduce the impacts on shoreline functions and processes, new in-/ over-water structures should serve more than one approved use where feasible.

d. New in-/over water structures should be located and designed to minimize interference with surface navigation and to allow for the safe, unobstructed movement of fish and wildlife species that depend on the waters for migration, rearing or spawning.

e. New in-/over water structures should be located and designed to minimize impacts on water quality, sediment delivery and transport, productivity of aquatic vegetation, and shellfish productivity.

3.3 Use and Standards Tables

All uses and developments in the Duvall shoreline jurisdiction shall comply with the use regulations contained in Table 1. Refer to the text sections of this Program for all applicable provisions related to specific uses and development standards.

For each type of development or modification, a determination is made on whether it can be permitted by Substantial Development Permit, conditional use permit, or whether it is prohibited (dependent on type of use or activity and environment designation). The following table identifies allowed and prohibited shoreline uses and modifications (in each shoreline environment designation and under what circumstances).

"P" = Permitted - Permitted uses may require a letter of shoreline exemption (Section 7.3.4 of this Program) or a shoreline substantial development permit (Section 7.3.1 of this Program), and any other permits required by the DMC and/or other regulatory agencies. Permitted uses must be consistent with the applicable standards of this Program.

"CUP" = Conditional Use - Conditional uses require a shoreline conditional use permit (section 7.3.6 of this Program) and may require other permits required by the DMC and/or other regulatory agencies. Some uses that are considered exempt from a shoreline substantial development permit consistent with this Program and WAC 173-27-040 could still be required to obtain a shoreline conditional use permit.

"X" = Prohibited - Prohibited uses and activities are those which are not allowed within the shoreline jurisdiction.

Table 1. Permitted Use and Modification Table

Use/Modification	South McCormick Park Passive Recreation and Conservancy	N. McCormick Public Recreation / Taylor's Landing Public Recreation	Riverside Village	Aquatic (Snoqualmie River)
Agriculture	X	X	X	X
Boating facilities				
Boat launch ramps	CUP, hand launch only	P; hand launch only in McCormick Park; no more than 1 launch total in Taylor's Landing Park	X	Only where permitted in adjacent designation
Docks	X	X	X	X
Dry boat storage	X	CUP, only when hand launch-able, public, & associated with public use	X	X
Docks, Residential	X	X	X	X
Clearing and grading[1]	P, only in association with an allowed use	P, only in association with an allowed use	P, only in association with an allowed use	X
Commercial development				
Water-related	P[2]	P[2]	P	X
Water-enjoyment	P[2]	P[2]	P	X

[1] See bulk and dimensional standards (including impervious surface limits and riparian zone standards) in Table 3.

Use/Modification	South McCormick Park Passive Recreation and Conservancy	N. McCormick Public Recreation / Taylor's Landing Public Recreation	Riverside Village	Aquatic (Snoqualmie River)
Non-water-oriented	P[2]	P[2]	P	X
Dredging and dredge material disposal[3]				
Dredging	CUP	CUP	CUP	CUP
Dredge Material Disposal	CUP	CUP	CUP	CUP
Ecological restoration / enhancement / mitigation				
Ecological restoration / enhancement / mitigation	P	P	P	P
Shoreline habitat and natural systems enhancement	P	P	P	P

[2] Commercial development within the South McCormick Park Passive Recreation and Conservancy, North McCormick Public Recreation, and Taylor's Landing Public Recreation designations shall only be permitted to the east of the Snoqualmie Valley Trail when permitted by DMC Title 14 (Unified Development Regulations).
[3] All dredging and dredge material disposal shall require CUP approval – generally would only be allowed when associated with restoration projects (see Section 5.2 of this Program).

Use/Modification	South McCormick Park Passive Recreation and Conservancy	N. McCormick Public Recreation / Taylor's Landing Public Recreation	Riverside Village	Aquatic (Snoqualmie River)
Wetland Mitigation Bank / Off-site mitigation	P	P	P	X
Fill [4]				
Within floodway[5]	P, only in association with an allowed use	P, only in association with an allowed use	P, only in association with an allowed use	CUP
Outside floodway	P, only in association with an allowed use	P, only in association with an allowed use	P, only in association with an allowed use	N/A
Flood control works				
Levees	X	X	X	X
Flood curtain / wall protection for allowed uses E of the Snoqualmie Valley Trail	P	P	P	N/A
Forest practices	X	X	X	X
Industrial development	P[6]	X	X	X

[4] Any fill within floodplain cannot hydrologically decrease flood storage; fill may be allowed when hydrologically better compensatory flood storage is provided (see Section 4.4 of this Program).

[5] Any fill within the floodway shall be prohibited unless meeting DMC Title 14.K. requirements as well as this Program; see Section 4.4 of this Program for policies and regulations.

DRAFT

Use/Modification	South McCormick Park Passive Recreation and Conservancy	N. McCormick Public Recreation / Taylor's Landing Public Recreation	Riverside Village	Aquatic (Snoqualmie River)
In-stream structures[7]	CUP	CUP	CUP	CUP
Mining	X	X	X	X
Parking	CUP, only to the east of the Snoqualmie Valley Trail and only as accessory to an allowed use	P, only as an accessory to an allowed use, or as park & ride facility at existing King County Metro Duvall Park & Ride facility area in the Taylor's Landing Public Recreation environment	P, only as an accessory to an allowed use	X
Recreational development				
Trails	P	P	P	X
Temporary recreational uses	P	P	P	X
Water-dependent	P	P	p	P
Water-related	P, low-intensity only	P	P	X
Water-enjoyment	P, low-intensity only	P	P	X
Non-water-oriented[8]	CUP	CUP	CUP	X

[6] Industrial development within the South McCormick Park Passive Recreation and Conservancy designation shall only be permitted to the east of the Snoqualmie Valley Trail when permitted by DMC Title 14 (Unified Development Regulations).
[7] In-stream structures do not include shoreline stabilization structures or boating facilities and shall not include seasonal booms or buoy ropes associated with recreational use.; see 'In-stream structure' definition (Section 8.2). In-stream structures shall only be permitted with a CUP in association with a restoration project.
[8] Non-water oriented recreational development shall include but not be limited to off-leash dog areas and sports fields (soccer, baseball, or other level recreational sports field); see Section 6.3 of this Program.

DRAFT

Use/Modification	South McCormick Park Passive Recreation and Conservancy	N. McCormick Public Recreation / Taylor's Landing Public Recreation	Riverside Village	Aquatic (Snoqualmie River)
Residential development[9]	P[10]	X	P	X
Mixed use development	X	X	P	X
Shoreline stabilization				
Structural shoreline stabilization	CUP	CUP / P, only when incorporating ecological design	CUP	CUP / P, only when incorporating ecological design
Biostabilization / soft shore-bank stabilization	P	P	P	P
Signs	P, only in association of an allowed use	P, only in association of an allowed use	P, only in association of an allowed use	P, only in association with a water-dependent use
Stormwater Facilities (where allowed, only when accessory to an allowed use)	P	P	P	X
Transportation Facilities	X	X	P, only w/in existing ROWs	P (In-water supports prohibited)

DRAFT

[9] Residential development includes single-family and multifamily development, as well as continuation of existing mobile home use; allowed residential use shall be consistent with Section 6.4 of this Program and City Zoning (DMC Title 14).
[10] Residential development within the South McCormick Park Passive Recreation designation shall only be permitted to the east of the Snoqualmie Valley Trail when associated with Main Street fronting uses; see Section 6.4 of this Program.

Use/Modification	South McCormick Park Passive Recreation and Conservancy	N. McCormick Public Recreation / Taylor's Landing Public Recreation	Riverside Village	Aquatic (Snoqualmie River)
Utilities				
Water-dependent	P	P	P	P
Non-water dependent (overhead)	CUP / P, in existing corridors	CUP / P, in existing corridors	CUP / P, in existing corridors	CUP / P, in existing corridors
Non-water-dependent (underground)	CUP / P, in existing corridors	CUP / P, in existing corridors	CUP / P, in existing corridors	CUP / P, in existing corridors
Unclassified Uses	CUP	CUP	CUP	CUP

DRAFT

Table 2 identifies preliminary standards for building height, impervious surface coverage, and riparian management zone by shoreline environment designation. Regulations for each standard are provided after the table.

Table 2. Bulk Dimensional and Vegetation Standards

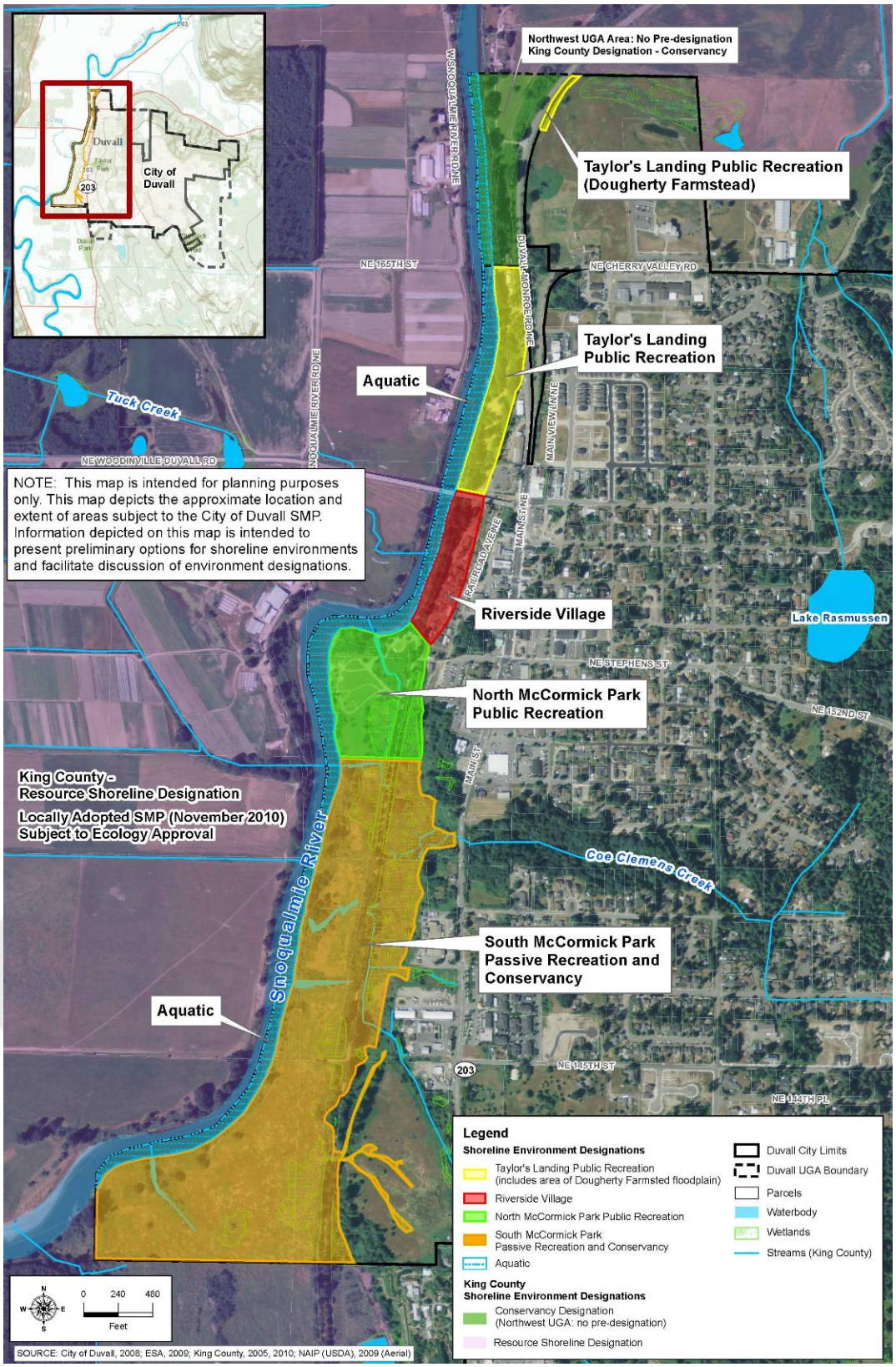
Bulk Dimensional and Vegetation Standards	South McCormick Park Passive Recreation and Conservancy	N. McCormick Public Recreation / Taylor's Landing Public Recreation	Riverside Village	Aquatic (Snoqualmie)
Maximum Impervious Surface Coverage[11]	10%	25%	60%	N/A
Maximum Building Height				
West of SVT[12]	15 feet[13]	15 feet	Buildings not allowed	N/A
East of SVT	15 feet[13]	25 feet	35 feet	N/A
Minimum Riparian Zone[14]	200 feet (additional 50 feet beyond DMC 14.42)	150 feet (Consistent with DMC 14.42.320)	West of existing SVT (Consistent with DMC 14.42.320)	N/A

[11] Determined for each lot of record; maximum impervious surface coverage shall be increased in the South McCormick Park, North McCormick Park, Riverside Village, and Taylor's Landing shoreline environments when Snoqualmie River riparian restoration is provided; see Section 4.1 of this Program for impervious surface regulations.
[12] Any allowed permanent structures within the floodway would be prohibited unless meeting DMC Title 14 requirements as well as this Program.
[13] 15 foot maximum building height allowed in the South McCormick Park Passive Recreation and Conservancy environment for shelters or similar recreational use structures meeting requirements of this Program.
[14] The Minimum Riparian Zone is proposed as the area landward of the Snoqualmie River OHWM to be maintained / enhanced with native riparian vegetation.

3.4 Official Shoreline Environments Designation Map

Figure 1. Official Shoreline Environment Designations Map

DRAFT


Northwest UGA Area: No Pre-designation
King County Designation - Conservancy
Taylor's Landing Public Recreation
(Dougherty Farmstead)
Taylor's Landing
Public Recreation
Aquatic
Riverside Village
North McCormick Park
Public Recreation
South McCormick Park
Passive Recreation and
Conservancy
Aquatic
King County -
Resource Shoreline Designation
Locally Adopted SMP (November 2010)
Subject to Ecology Approval
Snoqualmie River
Tuck Creek
Coe Clemens Creek
Lake Rasmussen
NE 155TH ST
NE CHERRY VALLEY RD
NE WOODINVILLE-DUVALL RD
NE STEPHENS ST
NE 152ND ST
NE 143RD ST
NE 143RD PL
W SNOQUALMIE RIVER RD NE
DUVALL CONCORD NE
MAIN VIEW LN NE
MAIN ST NE
RAILROAD AVE NE
MAIN ST
NOQUALMIE RIVER RD NE
203
NOTE: This map is intended for planning purposes only. This map depicts the approximate location and extent of areas subject to the City of Duvall SMP. Information depicted on this map is intended to present preliminary options for shoreline environments and facilitate discussion of environment designations.
Legend
Shoreline Environment Designations
Taylor's Landing Public Recreation (includes area of Dougherty Farmsted floodplain)
Riverside Village
North McCormick Park Public Recreation
South McCormick Park Passive Recreation and Conservancy
Aquatic
King County Shoreline Environment Designations
Conservancy Designation (Northwest UGA: no pre-designation)
Resource Shoreline Designation
Duvall City Limits
Duvall UGA Boundary
Parcels
Waterbody
Wetlands
Streams (King County)
0 240 480
Feet
SOURCE: City of Duvall, 2008; ESA, 2009; King County, 2005, 2010; NAIP (USDA), 2009 (Aerial)

CHAPTER 4. GENERAL USE POLICIES AND REGULATIONS

The following shoreline policies and regulations apply to all shoreline environment designations.

4.1 Shoreline Use

4.1.1 Policies

1. Water-dependent uses that preserve shoreline ecological functions and processes are preferred shoreline uses. Secondary preference is given to water-related and water-enjoyment uses, and to those uses that enhance public access to the shoreline or include elements of shoreline restoration.

2. The design, density and location of all allowed uses and developments should reflect physical and natural features of the shoreline and should assure no net loss of ecological functions by avoiding and minimizing adverse effects on shoreline ecology.

3. Uses and development which include restoration of shoreline areas that have been degraded as a result of past activities is highly encouraged.

4.1.2 General Use Regulations

1. All uses in the shoreline shall comply with the City's Unified Development Regulations (DMC Title 14) and this Program.

2. In order to implement the directives of the Act, the regulations of this Program shall:

   a. Be sufficient in scope and detail to ensure the implementation of the Act, statewide shoreline management policies of WAC 173-26, and the policies of this Program;

   b. Include environment designation regulations that apply to specific environments consistent with WAC 173-26-210;

   c. Include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and

   d. Design and implement regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

3. The shoreline use table (Table 1 in Chapter 3) defines those uses that are permitted outright and those uses that are only permitted as a conditional use. All unclassified uses shall be considered conditional uses and shall be governed by the policies and standards in WAC 173-26.

4. Specific shoreline use regulations are located in Chapters 6 of this Program.

5. Impervious surface coverage:

DRAFT

a. The maximum impervious coverage allowed for development and redevelopment of lot areas within shoreline jurisdiction shall be as specified by Table 2 in Chapter 3 of this Program. Impervious surface coverage limits shall be enforced independently for each lot of record.

b. The impervious surface coverage limits for each lot of record may be increased over the maximums included in Table 2 in Chapter 3 of this Program; increased impervious surface coverage limits shall never exceed the following:

   i. 20% for South McCormick Park Passive Recreation and Conservancy;

   ii. 35% for North McCormick Park Public Recreation and Taylor's Landing Public Recreation; and

   iii. 90% for Riverside Village

c. Increases in impervious surface coverage over the standard maximums included in Table 2 in Chapter 3 of this Program shall only be permitted by the Planning Director when restoration of the Snoqualmie River riparian buffer area is provided. Where permitted, the area of required riparian restoration should be determined relative to the square footage of impervious surface coverage proposed, consistent with the ratios provided in Table 3. Riparian restoration shall occur along the Snoqualmie River within the City at a location approved by the Planning Director.

Table 3. Required Snoqualmie River Riparian Restoration for Increases in Impervious Surface Coverage

Impervious surface coverage (determined for each lot of record)	Snoqualmie River riparian restoration
At or below the standard maximums included in Table 2	No riparian restoration required
Zero to ten percent (0% to 10%) above the standard maximums included in Table 2	Required at a one to one (1:1) ratio
More than ten percent (10%) above the standard maximums included in Table 2	Required at a two to one (2:1) ratio

4.2 Maintenance of Existing Public Recreation and Utility Uses and Structures

4.2.1 Policies

1. Normal and routine maintenance activities for public recreation and utility uses and structures should not qualify as development and should not require a shoreline substantial development permit whenever such normal and routine maintenance is exempt from requiring a shoreline substantial development permit compliant with Section 7.3 of this Program and WAC 173-27-040 (List of Exemptions).

2. Normal and routine maintenance activities should be completed consistent with the policies and standards of this Program.

4.2.2 Regulations

1. The following normal and routine maintenance activities for public recreation and utility uses and structures do not qualify as development and shall not require a shoreline substantial development permit or shoreline conditional use permit; however shall be completed consistent with the policies and standards of this Program:

   a. Mowing and placement of landscaping mulch, compost, and other City approved soil amendments within existing and permitted landscaped areas.

   b. Clearing activities that do not qualify as significant vegetation removal; see Sections 4.6 (Vegetation Conservation), 5.2 (Fill, Ditching, Clear and Grade), and 8.2 (Definitions – 'pruning' and 'significant vegetation removal').

   c. Mowing and removal of volunteer vegetative growth within existing and legally established utility maintenance corridors and active use recreation areas. Removal of volunteer native growth under this allowance for normal and routine maintenance shall not include clearing of any trees over 4 inches diameter at breast height. Existing utility maintenance corridors and active use recreation areas are identified in Figure 2, included in subsection 4.4.2.3 of this Program.

   d. Mowing and removal of volunteer vegetative growth within stormwater ponds and stormwater conveyance swales. Removal of volunteer native growth under this allowance for normal and routine maintenance shall not include clearing of any trees over 4 inches diameter at breast height.

   e. Inspection, cleaning, and minor repair of catch basins, culverts, and outfall structures when activities are consistent with the exemption allowances adopted by reference within Section 7.3.2 of this Program, and/or do not exceed the monetary threshold for shoreline substantial development permit exemption established by reference within Section 7.3.2 of this Program. These allowed normal and routine maintenance activities shall not require excavation, grading, or placement of new fill.

   f. Inspection, cleaning, and minor repair of existing roads, sidewalks, trails, and parking lots when activities are consistent with the exemption allowances adopted by reference within Section 7.3.2 of this Program, and/or or do not exceed the monetary threshold for shoreline substantial development permit exemption established by reference within Section 7.3.2 of this Program. These allowed normal and routine maintenance activities shall not require excavation, grading, or placement of new fill. Minor repair of existing paved surfaces shall be limited to filling potholes, sealing / filling cracks, and resurfacing in-kind of previously improved areas. Repair of unpaved surfaces shall be limited to filling of potholes, raking, and addition of surface material in-kind with the existing unpaved surface material.

g. Placement of clean sand at the McCormick Park swim beach to maintain existing public shoreline use, provided:

   i. All other required federal and state permits shall be obtained and made available to the Planning Director; and

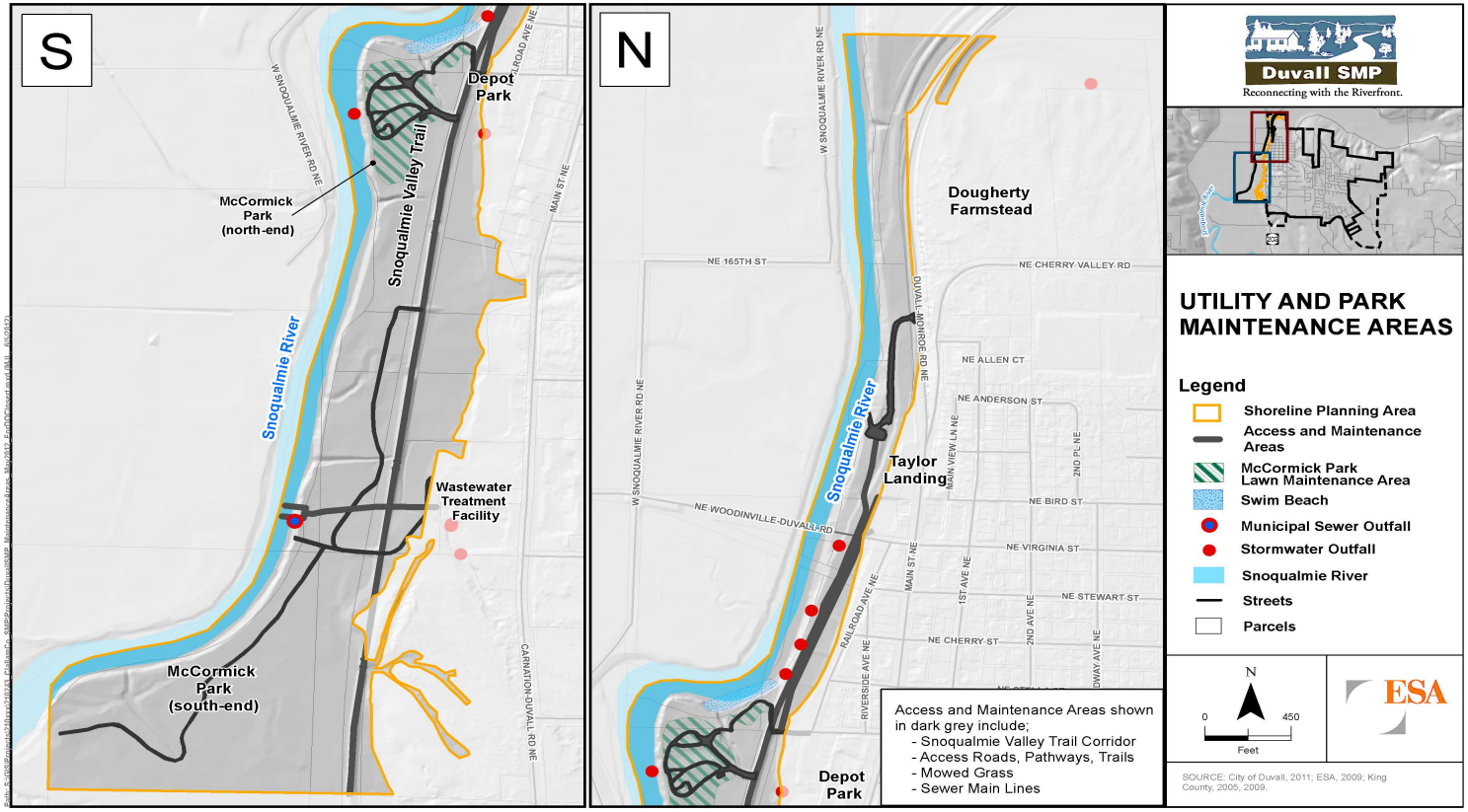
   ii. The sand material shall be acquired from a source approved by the Planning Director.

2. The determination of shoreline substantial development permit exemption for all other normal maintenance activities shall be made by the Planning Director; decisions of exemption shall be based on the shoreline substantial development permit exemption criteria, included by reference in Section 7.3.2 of this Program. Maintenance and repair activities that require excavation or placement of fill material not specifically allowed by Section 4.2.2.1. shall require a shoreline substantial development permit.

3. Public Park and Utility Maintenance Areas Figure. Figure 2 identifies existing public park and utility maintenance areas, consistent with allowances provided in this section. The Planning Director shall use Figure 2 in reviewing requests made by Duvall Public Works for activities that may qualify as normal and routine maintenance but are not included within Section 4.2.2.1. The Planning Director may update the content of Figure 2 as new public park and/or utility infrastructure is permitted within shoreline jurisdiction. Any administrative updates to Figure 2 shall not alter requirements of this section, shall not require an amendment to this Program, and shall be made available to Duvall Public Works, Ecology, and other interested members of the public.

DRAFT

Figure 2. Public Park and Utility Maintenance Areas



4.3 Archeological, Historical and Cultural Resources

4.3.1 Policies

1. The location of cultural and archeological sites should not be disclosed to the general public, consistent with applicable state and federal laws.

2. Development on sites having or adjacent to historical, cultural and archeological resources should avoid and minimize impacts to the resource. The City should endeavor to involve tribal governments and the State Department of Archaeology and Historic Preservation in the review of development projects that could adversely affect such resources.

3. The City should encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, local history, and environmental conservation.

4.3.2 Regulations

1. If any archeological artifacts are uncovered during excavations in the shoreline, work must stop and the City of Duvall, the Snoqualmie Indian Tribe, the Tulalip Tribe, the Muckleshoot Tribe, and the State Department of Archeology and Historic Preservation must be notified.

2. Proposed development projects in areas known or highly suspected to contain archeological artifacts and data shall have provisions providing for a site inspection and evaluation by an archeologist in coordination with Snoqualmie Indian Tribe, the Tulalip Tribe, and the Muckleshoot Tribe prior to initiation of disturbance and for monitoring of potentially disruptive activities. Cost for inspection and evaluation of the site will be the responsibility of the project proponent. Significant archeological data or artifacts shall be recovered before work begins or resumes on a project.

4.4 Environmental Protection and Sensitive Areas

4.4.1 Policies

1. The City should preserve, enhance, and/or protect critical areas in shoreline jurisdiction for their ecological functions and values, as well as their aesthetic, scenic, and educational qualities.

2. Development should provide a level of protection to sensitive areas within the shoreline that achieves no net loss of ecological functions, with project specific and cumulative impacts considered in assessing the potential for net loss of ecological functions.

3. This program should ensure that the City's shoreline ecological functions are maintained or improved in the long term through effective implementation of the City's Sensitive Areas Code.

4. Proponents of development should require mitigation proportionate and related to the expected impacts of the proposed development.

4.4.2 Regulations

1. The City of Duvall Sensitive Areas Ordinance, as adopted by Ordinance 1056 and codified in DMC 14.42, are herein incorporated into this Program except as noted. Exceptions to the applicability of the City of Duvall Sensitive Areas Code within the shoreline jurisdiction are as follows:

   a. Activities that are exempt from the Sensitive Area Code per DMC 14.42.060 shall comply with this Program. Such activities may require a shoreline substantial development permit, shoreline variance or shoreline conditional use permit consistent with the administrative provisions in Chapter 7 of this Program.

   b. Procedural provisions, such as review per 14.42.030 and enforcement per 14.42.140 within shoreline jurisdiction shall be governed by this Program and not the Sensitive Areas Code.

   c. The variance and reasonable use provisions of DMC 14.70.010 and DMC 14.42.070 shall not apply in shoreline jurisdiction. Projects that propose to vary from the standards of this Program and DMC 14.42 shall require a shoreline variance according to the provisions of this Program and WAC 173-27.

   d. Exceptions to sensitive area and buffer standards described in DMC 14.42.050, 14.42.220 (wetland alterations), 14.42.330 (Fish and wildlife habitat conservation areas—Streams—Allowed uses) shall be permitted and shall not require a shoreline variance when consistent with this Program and all applicable standards in DMC 14.42.

   e. Wetland buffer reduction (DMC 14.42.210.B) and wetland buffer averaging (DMC 14.42.210.C): No wetland buffer occurring in shoreline jurisdiction shall be reduced in any location by more than twenty-five (25) percent of the standard buffer width, regardless of wetland category.

   f. Identification of wetlands and delineation of their boundaries pursuant to this Program shall be done in accordance with the approved federal wetland delineation manual and a pplicable regional supplements.

   g. The definition of 'hydric soil' included in DMC 14.42.700 shall not apply within shoreline jurisdiction; identification of hydric soils shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

   h. Allowances for use of certain wetland buffers provided by DMC 14.42.220 F and G shall be applicable within shoreline jurisdiction, except that allowances for stormwater facilities shall only be approved within the outer twenty-five (25) percent of the standard wetland buffer width.

i. Uses that are nonconforming with respect to Sensitive Areas Ordinance standards that occur within the shoreline jurisdiction shall be subject to this Program instead of the nonconforming provisions of Chapter 14.76 DMC.

2. Provisions of the Sensitive Areas Code that are not consistent with the Shoreline Management Act Chapter 90.58 RCW, and supporting Washington Administrative Code chapters shall not apply in the shoreline jurisdiction.

3. A proponent of any new shoreline use or development shall mitigate adverse environmental impacts whether or not the use/development requires a shoreline substantial development permit or is exempt from a shoreline permit. The mitigation sequence prescribed in DMC 14.42.700 ('mitigation' definition) shall be used in mitigating impacts from shoreline uses and development.

4. If the provisions of the Sensitive Areas Code in DMC 14.42 and any part of this Program conflict, the provisions of this Program shall prevail.

4.5 Flood Hazard Reduction

4.5.1 Policies

1. Flood protection should be managed in accordance with the City's floodplains regulations, Stormwater Management and Erosion Control regulations, and the National Flood Insurance Program.

2. The City should participate in regional approaches to flood management issues within the Snoqualmie Watershed, coordinating with the Federal Emergency Management Agency, the State of Washington, King County, and other entities involved in reducing flood hazards.

3. Consistent with the City's floodplain regulations, DMC Title 14, the City should discourage development in floodplains and channel migration zones associated with the City's shorelines that would individually or cumulatively result in an increased risk of flood damage, channel erosion hazards, or further limit channel migration.

4. Non-structural flood hazard reduction measures should be given preference over structural measures. Non-structural measures include setbacks, land use controls prohibiting or limiting development in historically flooded area, removal or relocation of structures in flood-prone areas, or bioengineering measures. Structural flood hazard reduction measures should be avoided whenever possible, and when necessary should be conducted in a manner that assures no net loss of ecological functions and ecosystem-wide processes.

5. The City should not allow new uses, the creation of new lots, or the construction of new developments where the development or use would further require structural flood hazard reduction measures in the reasonably foreseeable future.

4.5.2 Regulations

1. All development in the shoreline shall comply with the City's floodplain provisions (DMC Title 14), floodplain regulations of the sensitive areas regulations (DMC 14.42.500), Storm Drainage Utility regulations (DMC 9.06), and the National Flood Insurance Program.

2. All development in the shoreline jurisdiction located within the floodplains and floodways designated on the Federal Emergency Management Agency's Preliminary Flood Insurance Study for King County, Washington and Incorporated Areas and accompanying flood insurance rate map (FIRM) (dated November 6, 2012). or a more recent Federal Emergency Management Agency adopted Flood Insurance Study and accompanying FIRM for the Snoqualmie River (consistent with DMC Chapter 14.84 – Floodplain Regulations, section DMC 14.84.040.A), shall be required to demonstrate no net loss to ecological functions consistent with WAC 173-26-201(2).

4.6 Public Access

4.6.1 Policies

1. The City should expand the amount and diversity of shoreline public access opportunities consistent with the character and ecological functions of the shoreline, private property rights and public safety. Specifically, expand a network of walking and biking trails along the Snoqualmie River throughout shoreline jurisdiction and maintain and improve existing water-dependent shoreline access opportunities in the North McCormick Park Public Recreation and Taylor's Landing Public Recreation environments.

2. The City should ensure that public access improvements and amenities (such as viewpoints, trails, etc.) be designed to provide for public safety, to respect individual privacy, and to avoid or minimize visual impacts from neighboring properties.

3. The City should ensure that public access is provided as part of any development project by a public entity except when such access is shown to be inappropriate due to reasons of safety, security, or adverse impacts to shoreline functions and processes.

4. The City should encourage commercial, multi-family residential, and mixed-use developments to provide public physical or visual access to the shoreline as a condition of approval for development within the City's shoreline. Public access should be commensurate with the impacts of such development and the corresponding benefit, and should be balanced with the need to protect ecological functions and preserve the rights of private property owners.

4.6.2 Regulations

1. Shoreline development shall not block or interfere with normal public use of, or public access to publicly owned shorelines and water bodies.

2. Public access provided by shoreline street-ends, public utilities corridors, and rights-of way shall not be diminished pursuant to RCW 35.79.035, Limitations on Vacations of Streets Abutting Bodies of Water; and RCW 36.87.130, Vacation of Roads Abutting Bodies of Water Prohibited unless for Public Purposes or Industrial Use.

3. Public access shall be located and designed to respect private property rights, be compatible with the natural shoreline character, ensure no net loss of shoreline ecological functions, and ensure public safety.

4. The City shall require public access for any of the following uses/developments:

   a. Where use/development occurs on public land or is undertaken by any public entity, including public parks and public utility districts; or

   b. Where land is developed for a non-water-dependant commercial, multifamily, or mixed use, provided that the public access is compatible with the proposed use and consistent with this Program; or

   c. Where use/development will interfere with the public use of the lands or waters subject to the Act.

5. Where required public access is not feasible with uses/developments for safety reasons, or where site constraints would force public access requirements to result in an unreasonable burden on the proposed use/development, the City shall require:

   a. Consideration of all public access options available;

   b. Assessment of site alternatives that may better accommodate public access; and

   c. Agreement to an alternative public access plan where public access is provided or improved in an adjacent or nearby site.

6. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.

7. Required public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, or other area serving as a means of view and/or physical approach to shorelines of the state.

8. Public access locations shall be clearly marked with visible signage.

9. Public access trails and structures shall be allowed within shoreline buffers subject to the requirements of this Program and the Sensitive Areas Code (DMC 14.42), provided that such trails and structures are necessary to provide physical and/or visual access to the shoreline; and provided that mitigation is provided for temporary and permanent buffer impacts.

10. Public access shall be located adjacent to other public areas, accesses and connecting trails, and connected to the nearest public street, where ever possible.

4.7 Shoreline Vegetation Conservation

4.7.1 Policies

1. All new shoreline development and/or uses should retain existing native shoreline buffer vegetation, with the overall purpose of protecting and maintaining functions and processes. Important functions of shoreline buffer vegetation include: stabilizing banks and attenuating erosion, providing shade to maintain cool temperatures, removing sediments and excessive nutrients, providing habitat for terrestrial and aquatic wildlife, and providing woody debris and other organic material inputs.

2. Vegetation conservation and management in shoreline areas should include removal of non-native invasive plant species and noxious weeds as needed to facilitate establishment of stable native plant communities.

3. Woody debris should be left in stream corridors to enhance wildlife habitat and shoreline ecological functions, except where it threatens personal safety or public infrastructure such as bridge pilings, roads or flood control structures.

4. Native shoreline vegetation should be integrated with bioengineering to stabilize streambanks and minimize erosion.

5. Vegetation clearing should be limited to the minimum necessary to accommodate shoreline uses/development.

4.7.2 Regulations

1. To conserve and maintain shoreline vegetation, shoreline use and development shall comply with the buffer and habitat conservation areas standards established in DMC 14.42 as adopted by reference in Section 4.3. Shoreline uses and developments shall also comply with the City's setback standards established in DMC 14.10 (zoning district regulations); landscaping regulations in DMC 14.38; tree protection in DMC 14.40; and s torm drainage utility and erosion control regulations in DMC 9.06.

2. Proponents of all new shoreline uses or developments shall maintain existing native shoreline vegetation to the maximum extent practicable.

3. Vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline uses and developments and shall comply with the standards established in Tables 1 and 2 of Chapter 3 as well as the use-specific regulations contained in this Program.

4. Proponents of all new shoreline uses or developments shall demonstrate that site designs and layouts are consistent with the policies of this section.

DRAFT

5. A shoreline permit or written statement of exemption shall not mandate, nor guarantee removal of vegetation for the purpose of providing unobstructed horizontal or lateral visibility of the water or any specific feature near or far.

6. Vegetation conservation standards shall not limit or restrict the removal of hazard tree or non-native noxious weeds provided removal is consistent with landscaping regulations in DMC 14.38; tree protection in DMC 14.40; storm drainage utility and erosion control regulations in DMC 9.06 and critical areas regulations in DMC 14.42.

7. Vegetation conservation standards shall not limit vegetation removal not qualifying as significant vegetation removal, or otherwise restrict pruning, not including tree topping. Pruning of trees and shrubs shall be consistent with best management practices in the field of arboriculture and further the long-term health of the tree or shrub.

8. Permitted maintenance of Figure 2 designated utility maintenance corridors and active use recreation areas within the shoreline area shall include mowing and removal of volunteer vegetative growth.

4.8 Water Quality

4.8.1 Policies

1. Stormwater should be managed consistent with DMC 9.06, the City's stormwater management and erosion control regulations and the Comprehensive Plan.

2. Promote the use of low impact development techniques through incentives, permit requirements, and adopted City plans and policies.

3. Effective erosion/sedimentation controls for construction in shoreline areas should be required.

4. The City should discourage the use of fertilizers and herbicides adjacent to shorelines.

4.8.2 Regulations

1. Shoreline use and development shall incorporate all known, available, and reasonable methods of preventing, controlling, and treating stormwater to protect and maintain surface and ground water quantity and quality in accordance with the City's stormwater management and erosion control regulations (DMC 9.06) as well as the City's critical aquifer recharge area provisions of the critical areas code (DMC 14.42).

2. All materials that may come in contact with water shall be composed of non-toxic materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals.

4.9 Restoration

4.9.1 Policies

1. The City should encourage and facilitate cooperative restoration and enhancement programs between local, state and federal public agencies, tribes, non-profit organizations, and landowners.

2. The City should implement approved restoration plans to facilitate the restoration of impaired ecological functions through a variety of techniques, including seeking restoration partners, incentives for projects that incorporate restoration components, and securing available restoration grants and funding.

3. The City should establish a public outreach and education program for property owners adjacent to the shoreline to promote shoreline-friendly practices.

4.9.2 Regulations

1. Restoration of ecological functions and processes shall be allowed on all shorelines and shall be located, designed and used in a manner compliant with critical area regulations of DMC 14.42 and assures compatibility with other shoreline uses.

2. Ecological restoration projects shall be carried out in accordance with the City of Duvall Shoreline Restoration Plan (October 2011) and other applicable City-, County-, Tribal- or resource agency-approved restoration plans and in accordance with the policies and regulations of this Program.

4.10 Views and Aesthetics

4.10.1 Polices

1. Shoreline uses and development should be designed and maintained to minimize obstructions of the public's views of the water, including considerations of scale, arrangement, and modulation of site buildings and elements.

4.10.2 Regulations

1. New uses and developments shall conform to the dimensional standards of DMC Title 14 and this Program to maintain shoreline views.

2. Provision of visual access to shorelines shall be required consistent with Section 4.5 of this Program.

DRAFT

CHAPTER 5. SHORELINE MODIFICATION

5.1 Shoreline Stabilization

5.1.1 Policies

1. New permanent shoreline stabilization structures should be prohibited except in cases where an existing structure or public use is in imminent danger from water induced erosion and where associated with public recreational access facilities.

2. Where allowed, stabilization measures should use non-structural shoreline stabilization or biostabilization techniques.

3. Proposals to repair existing shoreline stabilization structures should include measures to enhance existing conditions for fish and wildlife, shoreline vegetation, water quality, and sediment transport.

4. Unless permitted by this Program as water-oriented, all new shoreline uses and developments should be located and designed to prevent the need for structural shoreline stabilization (bulkheads, riprap, etc.). The City should not allow new non water-oriented uses, the creation of new lots or the construction of new non water-oriented development where it would be reasonably foreseeable that the development or use would require structural bank stabilization.

5.1.2 Regulations

1. New or expanded structural shoreline stabilization shall be a conditional use in South McCormick Passive Recreation and Conservancy and Riverside Village designations, and shall be a conditional use when not incorporating bioengineering elements within the North McCormick Public Recreation, Taylor's Landing Public Recreation, and Aquatic designations. Structural shoreline stabilization shall be a permitted use when incorporating biostabilization elements within the North McCormick Public Recreation, Taylor's Landing Public Recreation, and Aquatic designations.

2. New structural shoreline stabilization shall only be allowed as a permitted or conditional use when consistent with this section and incorporated requirements of DMC 14.42.

3. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land shall be regulated to assure that lots created will not require shoreline stabilization in order for reasonable development to occur.

4. New shoreline stabilization structures are prohibited except in cases where there is a demonstrated threat to an existing legally established primary structure or public use from erosion caused by natural processes, or in cases where new shoreline stabilization is needed to provide for permitted water-oriented public uses. New stabilization shall

be limited to the minimum size necessary and shall use biostabilization or soft shore armoring techniques wherever feasible.

5. The need for new structural shoreline stabilization to protect an existing legally established primary structure or public use shall be demonstrated by a geotechnical analysis, which includes, at a minimum, documentation that the structure or public use is in danger from shoreline erosion caused by currents or waves. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge.

6. An existing shoreline stabilization structure may be repaired or replaced if there is a demonstrated need to protect an existing legally established primary structure or use from erosion provided:

   a. The repair or replacement is designed, located, sized, and constructed to assure no net loss of ecological functions, including consideration of fish and wildlife, shoreline vegetation, water quality, water movement, and sediment transport.

   b. The repair or replacement structure does not encroach waterward of the ordinary high-water mark,

   c. Existing structures should be removed as part of the replacement measure unless documented that less ecological impact could occur by removing the structure.

   d. Biostabilization methods or soft stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark (OHWM).

7. For purposes of this section "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

8. Geotechnical reports pursuant to this section that address the need to prevent potential damage to an existing primary structure or public use shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need for armoring is so great that it would foreclose on the opportunity to use measures that avoid or minimize impacts to ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure or public use, but the need is not as immediate as the three (3) years, that report may still be used to justify more immediate authorization to protect against erosion using soft shore stabilization measures.

9. In conjunction with any stabilization project, shoreline vegetation shall be protected and restored along or near shorelines to protect and restore the ecological functions and ecosystem-wide processes and to protect human safety and property.

10. Shoreline stabilization may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions.

5.2 Fill, Excavation, Ditching, Clearing and Grading

5.2.1 Policies

1. Fill, excavation, ditching, clearing and grading in shoreline jurisdiction should be allowed only in association with a permitted use and where allowed should be the minimum necessary to accommodate the proposed use.

2. Shoreline fill, excavation, ditching, clearing and grading should be designed and located so there will be no significant degradation of water quality, no alteration of surface water drainage, flood water storage, or conveyance capacity and no further limitation to channel migration which would pose a hazard to adjacent property or natural resources.

5.2.2 Regulations

1. All filling, excavation, ditching, clearing and grading activities in the shoreline shall comply with the provisions of DMC 10.12 (Best Management Practices for Construction and Site Development) and 9.06 (Storm Drainage Utility Code) and this Program.

2. Fill, excavation, ditching, clearing and grading is allowed in the shoreline only in association with a permitted use. Where allowed, the activity shall be the minimum necessary to accommodate the development.

3. All fill activities within floodway areas shall comply with DMC 14.84 (Floodplain Regulations) and may only be allowed for restoration projects.

4. Development that involves fill, excavation, ditching, clearing and grading within the shoreline jurisdiction shall obtain a shoreline substantial development permit or shoreline conditional use permit (as specified in Table 1), unless exempt by RCW 90.58.030. Clearing activities that do not qualify as significant vegetation removal do not require a shoreline substantial development permit or shoreline conditional use permit, however must comply with applicable standards of this Program.

5. Fill shall be permitted only where it is demonstrated that the proposed action will not:

   a. Result in significant ecological damage to water quality, fish, and/or wildlife habitat; or

   b. Adversely alter natural drainage and circulation patterns, currents, creek/river flows or significantly reduce flood water capacities or inhibit channel migration.

6. Filling, and/or excavation waterward of the OHWM may be allowed when necessary to support the following:

    a. Publicly sponsored ecological restoration or enhancement projects;

    b. City-approved restoration and mitigation projects that involve removal of shoreline armoring or shoreline vegetation enhancement;

    c. Biostablization / soft shore-bank stabilization projects; and

    d. Publicly sponsored non-restoration projects that provide public access or improve access to the shoreline for a substantial number of people.

7. Before the City can permit any filling, excavation, clearing or grading activities, the applicant must demonstrate all of the following:

    a. Alternatives to filling, excavation, clearing and grading are infeasible;

    b. Normal surface water movement and drainage patterns shall be maintained to the maximum extent feasible;

    c. Fill materials shall not adversely affect water quality or aquatic life;

    d. Fill shall allow surface water penetration into the ground where such conditions existed prior to the fill;

    e. The filling, excavation, clearing or grading shall be timed to minimize damage to shoreline ecological functions and processes and aquatic life; and

    f. Fill within the one hundred-year (100-year) floodplain shall not reduce the floodplain water storage capacity, inhibit channel migration, or in any way increase flood hazard or endanger public safety.

8. Fill, excavation, ditching, clearing or grading shall not be located where structural shore stabilization will be required to maintain materials placed or removed. Disturbed areas shall be immediately stabilized and re-vegetated, as applicable.

9. A temporary erosion and sediment control (TESC) plan shall be provided for all proposed filling, excavation, clearing and grading activities, except for clearing activities that do not qualify as significant vegetation removal.

10. Unavoidable impacts of filling, excavation, clearing and/or grading shall be mitigated as required by this Program and WAC 173-26-201(2).

5.3 Dredging and Dredge Material Disposal

5.3.1 Policies

1. Dredging and dredge material disposal should be prohibited except when associated with an approved and adopted watershed management plan, surface water management plan, restoration plan, and/or flood hazard reduction plan.

5.3.2 Regulations

1. Dredging waterward of the OHWM shall only be allowed as a conditional use and when necessary to support the following:

   a. A publicly sponsored ecological restoration or enhancement project that improves shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat;

   b. A City-approved restoration and mitigation project that involves removal of structural shoreline armoring and/or shoreline vegetation enhancement; or

   c. A biostabilization / soft shore-bank shoreline stabilization project, including biostablization associated with public projects.

2. Proposals for dredging and dredged material disposal shall include all feasible mitigation measures to protect freshwater habitats and to minimize adverse environmental impacts (e.g., turbidity, nutrient releases, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities).

5.4 In-stream Structures

5.4.1 Policies

1. In-stream structures should only be allowed for the purpose of environmental restoration and should provide for the protection and preservation of ecological functions and processes such as fish habitat.

2. Existing in-stream structures which are failing, unnecessary, harmful, or ineffective should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.

3. Natural in-stream features such as large woody debris, snags, uprooted trees or stumps should be left in place unless it can be demonstrated that they are causing bank erosion, higher flood stages or safety hazards.

DRAFT

5.4.2 Regulations

1. In-stream structures shall not include shoreline stabilization structures, outfall structures, or boat launch ramps, which are regulated as separate shoreline modifications or shoreline uses within this Program.

2. In-stream structures shall only be allowed when associated with an adopted watershed management plan, surface water management plan or restoration plan.

3. In-stream structures shall be designed by a licensed professional engineer with experience in analyzing hydraulic information and systems.

4. In-stream structures shall be located and designed to minimize the need for structural shoreline stabilization. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body.

5. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are actually causing bank erosion, safety hazards, or higher flood stages. Removal shall be done in coordination with Washington Department of Fish and Wildlife.

6. In-stream structures shall provide for adequate upstream or downstream migration of anadromous fish.

CHAPTER 6. USE SPECIFIC SHORELINE POLICIES AND REGULATIONS

6.1 Prohibited Uses

1. The following uses shall be prohibited in all shoreline environments:

   a. Agriculture (except as allowed in existing areas of agricultural use within the publically managed Dougherty Farmstead property).

   b. Forest Practices

   c. Mining

2. Other certain uses shall be prohibited in specific shoreline environments or portions of specific shoreline environments, as provided in Table 1 and Sections 6.2 through 6.8 of this Program.

6.2 Boating Facilities

6.2.1 Policies

1. New public hand-launch boat launch ramps should be permitted in the Duvall shoreline. If allowed, such facilities should be designed to accommodate public access and enjoyment of the shoreline location. Depending on the scale of the facility, public access should include walkways, viewpoints, and other recreational uses.

2. Trailer-launch boat launch ramp should be maintained as a permitted use in the Duvall shoreline at Taylor's Landing. If redevelopment of the Taylor's Landing boat launch is proposed and approved, such facilities should be designed to accommodate public access and enjoyment of the shoreline location. Depending on the scale of the facility, public access should include walkways, viewpoints, and other recreational uses.

3. Marinas, docks, piers, wet boat storage and private boat launch ramps should be prohibited within Duvall shoreline jurisdiction due to the specific nature and configuration of the Snoqualmie River shoreline in the City.

4. Locate, design, and operate public boat launch ramps to avoid adverse proximity impacts to adjacent land uses such as noise, light and glare, aesthetic impacts, and impacts to public visual access.

5. Dry boat storage should not be considered a water-oriented use and should only be allowed within the shoreline environment when approved through a conditional use permit, and only when providing public storage in the North McCormick Park shoreline environment for hand launch-able boats.

DRAFT

6.2.2 Regulations

1. Prohibited Boating Facilities: Marinas, docks, piers, extended moorage, wet boat storage and private boat launch ramps shall be prohibited within Duvall shoreline jurisdiction due to the specific nature and configuration of the Snoqualmie River shoreline in the City.

2. Public boat launches / boat ramps shall only be allowed in the Duvall shoreline jurisdiction when consistent with Section 3.3, Table 1 of this Program. Public boat launches / boat ramps are prohibited in the Riverside Village shoreline environment.

3. The City of Duvall shall require the following information in its review and evaluation of boating facility proposals in addition to the requirements of WAC 173-27-180 and Section 7.3, Shoreline Permits and Exemptions:

    a. A description of the existing natural shoreline features and uses;

    b. A description of the fluvial geomorphologic processes at the site including, accretion/erosion characteristics, flood levels, and surface drainage;

    c. A description of the ecological functions in the upland and aquatic environments;

    d. An estimate of the area of surface water to be appropriated;

    e. A description of any shoreline stabilization and/or flood control works proposed as part of the project;

    f. A description of any dredging that may be required as part of construction and maintenance; and

    g. Other information determined by the Planning Director to be relevant to the protection of the shoreline habitat and ecological functions and processes; and

    h. Other information determined by the Planning Director to be relevant to ensure protection of human health, safety, and welfare and to avoid or mitigate impacts to existing public uses and aesthetics.

    i. Boating facilities shall only be permitted if adequate mitigation measures ensure that there is no net loss of the functions or values of riparian habitat as a result of the facility.

4. Standards for Public Boat Launch / Boat Ramp:

    a. Boat launch ramps shall be located where water depths are adequate to eliminate or minimize the need for channel maintenance activities.

    b. Where boat ramps are permitted, associated parking shall be located as far from the shoreline OHWM and other sensitive shoreline resources as possible, and shall be oriented to avoid and minimize impacts to shoreline resources and ecological

functions. Associated parking facilities shall be consistent with Section 6.6 of this Program, and shall be located entirely outside of shoreline jurisdiction to the greatest extent feasible.

c. Siting of boat launch ramps shall consider bank stability and design shall minimize the need for shoreline stabilization.

d. Boat launch ramps shall avoid impediments to migrating fish and will not locate in spawning, feeding or rearing areas for salmonids.

e. Boat launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available. Rail and track systems shall be preferred over concrete ramps or similar facilities.

f. Launch access for hand-launch watercraft shall use gravel or other permeable material. Removal of vegetation for launch access shall be limited to twelve (12) feet in width. The boat launch ramp or pad shall be a maximum of ten (10) feet in width.

g. Removal of vegetation for launch access accessible by trailer shall be limited to eighteen (18) feet in width with four (4) feet of width revegetated and / or surfaced with permeable material once launch access has been constructed. The boat launch ramp shall be a maximum of fourteen (14) feet in width.

h. The boat launch shall be designed so that structures are aesthetically compatible with, or enhance, existing shoreline features and uses.

i. Redevelopment of the boat launch in Taylor's Landing shall include consideration of adequate restroom facility and waste disposal facility availability, with improvements to facilities provided as part of redevelopment if determined necessary by the Planning Director.

5. Standards for Dry Boat Storage:

a. Dry boat storage shall not be considered a water-oriented use and must be sited outside of all required shoreline and sensitive areas buffers.

b. Dry boat storage shall only be allowed within the North McCormick Park Public Recreation shoreline environment when approved through a conditional use permit.

c. Dry boat storage shall be prohibited in the South McCormick Park Passive Recreation and Conservancy, Riverside Village, and Taylor's Landing Public Recreation environments.

d. Dry boat storage shall only be permitted when providing seasonal, public storage for hand launch-able boats.

6.3 Commercial

6.3.1 Policies

1. Commercial development and use should be prohibited except within the Riverside Village environment, and within the South McCormick Park Passive Recreation and Conservancy and North McCormick Park Public Recreation environments when associated with commercial uses fronting Main Street.

2. Where permitted, the City should give first preference to water-dependent commercial uses over non-water-dependent commercial uses (where appropriate); and give second preference to water-related and water-enjoyment commercial.

3. Commercial development should be designed and located to prevent net loss of shoreline ecological functions and should not have adverse impacts on other shoreline uses, public access or recreation.

6.3.2 Regulations

1. Commercial uses and developments shall achieve no net loss of ecological functions.

2. Commercial uses and developments are prohibited except within the Riverside Village environment, and within the South McCormick Park Passive Recreation and Conservancy and North McCormick Park Public Recreation environments when associated with commercial uses fronting Main Street.

3. Water-oriented commercial uses and developments shall be permitted in shoreline jurisdiction when allowed by underlying zoning (DMC 14.10) and when consistent with this Program.

4. Commercial development, including all accessory structures shall be prohibited in, on, or over water or within floodways.

6.4 Industrial

6.4.1 Policies

1. Industrial development and use should be prohibited except when associated with industrial uses fronting Main Street within the South McCormick Park Passive Recreation and Conservancy environment.

2. Industrial development should be designed and located to prevent net loss of shoreline ecological functions and should not have adverse impacts on other shoreline uses, public access or recreation.

6.4.2 Regulations

1. Industrial uses and developments shall achieve no net loss of ecological functions.

2. Industrial uses and developments shall be prohibited throughout shoreline jurisdiction except when associated with industrial uses fronting Main Street within the South McCormick Park Passive Recreation and Conservancy environment.

3. Industrial uses and developments shall be prohibited within the Snoqualmie River floodway (west of the Snoqualmie Valley Trail).

6.5 Recreation

6.5.1 Policies

1. The City should provide diverse water-oriented recreation opportunities that are convenient and adequate for the community and that preserve shoreline resources and do not result in a net loss of ecological functions.

2. The City should plan for shoreline recreation facilities to serve projected growth and level of service standards, in accordance with the Comprehensive Plan.

3. Recreational uses in shoreline areas should be located where the uses would not result in adverse effects on shoreline functions and processes, and/or neighboring uses.

4. The City should encourage cooperation among public agencies, Tribes, non-profit groups and private landowners and developers to increase and diversify recreational opportunities.

6.5.2 Regulations

1. Recreational development shall include commercial and public facilities designed and used to provide recreational opportunities to the public.

2. Public water-oriented recreational development is a preferred shoreline use and shall be permitted when consistent with underlying zoning pursuant to DMC 14.10, this Program, and the Act.

3. Public recreational developments shall provide for non-motorized public access to the shoreline (e.g., pedestrian and/or bicycle paths), unless such access is infeasible due to public health and safety considerations.

4. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of picnic areas, selected views or other permitted structures or facilities. Any removal of vegetation shall comply with the regulations for vegetation conservation and all other provisions of this program.

5. Signs indicating the publics' right of access to shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access and entrances.

6. All temporary and/or permanent impacts to the shoreline buffer required for development of recreational facilities shall meet standards of mitigation, as specified by

this Program and the incorporated sensitive areas standards of DMC 14.42 so as to result in no net loss of ecological functions.

7. Non water-oriented recreational development shall require a shoreline conditional use permit. Activities and uses shall not be approved as a conditional use unless the applicant can demonstrate that:

    a. The basic project purpose cannot reasonably be accomplished on another site or sites in the general region while still successfully avoiding or resulting in less adverse impact to shoreline functions; and

    b. All on-site alternative designs that would avoid or result in less adverse impact to shoreline functions, such as a reduction in the size, scope, or configuration of the project, are not feasible.

8. Trails:

    a. Trails shall be a permitted use within all shoreline environments, except Aquatic.

    b. Trails shall be designed and located to avoid and minimize impacts to sensitive areas and shall comply with the standards of DMC 14.42 (Sensitive Areas Code).

9. Temporary Recreational Uses: Temporary recreational uses and activities include uses that occur within the shoreline for less than 14 consecutive days, and do not require and grading, fill, or installation of structures with foundations.

    a. Temporary recreational uses and activities that occur in areas of maintained lawn, trails, or paved surfaces shall not require a shoreline substantial development permit or other shoreline permit under this Program.

    b. Temporary recreational activities shall be sited to avoid short term or long term impacts to ecological functions within shoreline jurisdiction.

10. Maintenance, repair and reconstruction to park facilities shall be permitted when best management practices are implemented to avoid and/or minimize impacts to shoreline ecological functions, and when consistent with all other provisions of this Program. Permitted maintenance and repair shall include:

    a. Maintenance, repair and reconstruction of paths, boat launches, parking lots, picnic sheds, buildings, decks, fencing, furniture and other associated park facilities;

    b. Resurfacing in-kind of previous improvements including trails and parks maintenance access corridors;

    c. Maintenance of seasonal swim beach, including nourishment of beach area with clean sand material from a documented source when approved by the Planning Director;

d. Fine grading, rotor-tilling, or other surface smoothing activities in established lawn areas with no material import or export;

e. Maintenance of established landscaping;

f. Soft-surface trail maintenance using non-mineral, untreated surfacing only; and

g. Transport, set up, and removal of temporary recreational use structures such as tents, booths, stages, movie screen, exhibits, and other temporary event equipment.

6.6 Residential

6.6.1 Policies

1. Existing single-family residences and their appurtenant structures should be permitted to continue use in the RV environment; and regulated in all other environments consistent with DMC Title 14 (Unified Development Regulations).

2. Residential development should be designed to preserve existing shoreline vegetation, control erosion, protect water quality using best management practices, and to use low impact development techniques where appropriate.

6.6.2 Regulations

1. Residential development shall achieve no net loss of ecological function.

2. Mobile home park use shall be prohibited in all shorelines except where currently occurring within the Riverside Village designation. Replacement of an existing manufactured / mobile home shall be allowed within the Riverside Village zoning area without a shoreline substantial development permit only when:

   a. The replacement manufactured / mobile home is of equal or lesser footprint and is located within the same footprint of the removed manufactured home.

   b. There is no increase in the total number of manufactured homes within the Riverside Village shoreline environment.

3. Single-family and multifamily residential development and mixed-use development with residential use components shall be permitted in the South McCormick Park Passive Recreation designation to the east of the Snoqualmie Valley Trail where consistent with underlying zoning designation (DMC 14.10).

4. Mixed-use development with residential use components shall be permitted in the Riverside Village designation where consistent with underlying zoning designation (DMC 14.10).

5. New residential development and accessory structures shall be prohibited to the west of the Snoqualmie Valley Trail.

6. New residential development, including all accessory structures shall be prohibited in, on, or over water or within floodways.

7. As mandated by the RCW 90.58.320, no shoreline permit may be issued for any new or expanded building or structure of more than thirty five (35) feet above average grade level on shorelines, except where overriding considerations of the public interest will be served.

6.7 Transportation and Parking

6.7.1 Policies

1. Transportation facilities, including new facilities and repair and improvement of existing facilities should be located, designed, constructed and maintained to have minimum impacts on shoreline resources and ensure no net loss of shoreline ecological functions.

2. New transportation facilities should be located outside of shoreline jurisdiction unless there is no reasonably feasible alternative alignment or location or they are required to access a permitted use and then, they should be the minimum width possible.

3. New transportation facilities should be located and designed to minimize the need for shoreline protection measures, modifications to natural drainage systems, and crossing waterways.

4. Shoreline restoration and public access should be considered with planning and funding of transportation projects.

5. Parking is not a preferred shoreline use and should be allowed only to support a use authorized under this Program; parking supporting a use authorized under this Program should be sited outside of Shoreline Jurisdiction or as far landward from the OHWM of the Snoqualmie River as is feasible.

6.7.2 Regulations

1. Transportation regulations shall apply to any use or development where transportation infrastructure is or is proposed to be a primary land use, including new or expanded roadways and parking facilities.

2. New transportation facilities may be located within shoreline jurisdiction only when alternative locations are not feasible, and if permitted, they should be designed to minimize impacts to ecological functions; mitigation shall be provided consistent with this Program and DMC 14.42 (as incorporated).

3. Parking as a stand-alone use shall not be allowed in any shoreline environment, except that park & ride facility use shall be allowed within the existing King County Metro Duvall Park & Ride facility site.

4. Parking or loading facilities necessary to support an authorized shoreline use may be allowed in shoreline areas only when:

a. They are allowed by the underlying zoning and developed consistent with the City's sensitive areas regulations (DMC 14.42) as adopted in section 4.3.2;

b. The applicant can demonstrate that no other alternative location is feasible to serve the primary use of the site; and

c. The facility will not result in a net loss of ecological functions.

5. The following road and parking lot maintenance and repair activities are permitted provided that best management practices are implemented to avoid and/or minimize impacts to shoreline ecological functions and provided that activities are otherwise consistent with this program:

   a. Maintenance of existing roads, sidewalks, and parking lots provided that no work occurs outside of previously improved areas; and

   b. Resurfacing in-kind of previous improvements.

6.8 Utilities

6.8.1 Policies

1. The design and location of utility facilities should provide for no net loss of shoreline ecological functions.

2. New utility production and processing facilities, such as power plants and sewage treatment plants or parts of such facilities that are non-water oriented should not be located in shoreline areas unless there is no feasible alternative location.

3. Utility transmission facilities should be located outside of shoreline areas, to the maximum extent feasible.

4. Utility installation or maintenance projects in shorelines should restore areas to pre-project configuration, replant with native species and provide maintenance care until the newly planted vegetation is established.

5. Maintenance, repair, and reconstruction of existing utility infrastructure should be allowed when consistent with best management practices to minimize impacts to ecological functions and restore areas of temporary impact.

6.8.2 Regulations

1. New utility facilities shall be located outside of shoreline jurisdiction whenever feasible. When located within shoreline jurisdiction, utility facilities shall result in no net loss of shoreline ecological functions.

2. Utility facilities shall be designed and located as follows:

a. Above ground generating facilities, switching complexes, pumping stations, treatment plants, storage tanks, and substations shall be located outside of Shoreline Jurisdiction unless the Planning Director approves the necessity for a location within shoreline jurisdiction;

b. Utility transmission facilities shall be located in existing rights-of-way and cross shoreline jurisdiction by the most direct route feasible, unless an alternative route would result in less impact on shoreline ecological functions;

c. Utility facilities shall not parallel a water body unless located in an existing improved transportation or utility corridor, and provided that underground facilities do not adversely impact hyporheic exchange;

d. Underground utility lines shall be completely bored under the river bed in all river or stream crossings, where possible.

e. Underground stormwater utilities shall be designed to minimize need for additional future stormwater facilities and discharge points, and shall be designed to allow for immediate or future use of treated stormwater for ecological restoration projects wherever feasible.

3. Upon completion of utility installation within the shoreline area, shoreline areas and stream banks shall be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is established. Plantings shall be comprised of native species appropriate for conditions in the temporary area(s) of impact, with landscaping completed consistent with the requirements of this Program including applicable requirements of DMC 14.42.

4. Utility maintenance, repair, and reconstruction.

a. Activities qualifying as normal maintenance and/or repair of existing utility facilities and access corridors shall not be considered development. However, normal maintenance and/or repair activities shall be completed consistent with the requirements of this Program.

b. Repair and reconstruction of existing utility facilities not qualifying as normal maintenance and/or repair shall include any activity meeting the definition of development in Chapter 8 of this Program, including but not limited to activities requiring excavation, grading, fill, or construction of buildings or other structures.

c. Permitted public sanitary sewer utility maintenance activities:

i. Maintenance, repair and reconstruction of sewer lift stations, wastewater treatment facilities, force mains, conveyance pipe and associated infrastructure provided that no work shall occur outside of previously improved areas and that activities are consistent with all standards of this Program.

ii. Maintenance of sanitary sewer outfall manholes and outlet structures shall be allowed as normal maintenance and repair when occurring within outfall manholes and outlet structures.

iii. Maintenance of sanitary sewer outfall access road bridges and access routes as depicted on Map 2. Normal maintenance and repair of access routes shall include mowing. Fine-grading of existing access routes shall be allowed provided no grading exceeds 6-inches in depth, no grading occurs outside of the mapped access route corridor, and resurfacing is in-kind material.

d. The following stormwater system maintenance activities shall be permitted when best management practices are implemented to avoid and/or minimize impacts to shoreline ecological functions, and when consistent with all other provisions of this Program:

i. Maintenance, cleaning, and reconstruction of existing stormwater infrastructure, including: ditches, catch basins, stormwater ponds, bioswales, conveyance pipe, and outfall pipes and structures (provided infrastructure is not part of a stream or wetland).

ii. Maintenance and replacement of previously installed rock check dams within ditches or stormwater ponds.

iii. Maintenance and replacement of previously installed outfall pipe energy dissipaters or rock splash pads.

e. The following public water utility maintenance activities shall be permitted when best management practices are implemented to avoid and/or minimize impacts to shoreline ecological functions, and when consistent with all other provisions of this Program: maintenance and reconstruction of water system pipe, valves, hydrants, meters, appurtenances, and associated infrastructure provided that no work occurs outside of previously improved area.

f. Maintenance and repair to energy and communications utility facilities shall be permitted when best management practices are implemented to avoid and/or minimize impacts to shoreline ecological functions, and when consistent with all other provisions of this Program.

6.9 Unclassified Uses

Uses that are not classified or set forth herein may only be authorized as conditional uses provided the applicant can demonstrate that the criteria set forth in Section 7.3.6 of this Program are met. Unclassified uses approved as conditional uses should also remain consistent with the policies of this program and RCW 90.58.020.

CHAPTER 7. ADMINISTRATIVE PROVISIONS

7.1 General Compliance

1. To be authorized under this Program, all uses and developments shall be planned and carried out in a manner that is consistent with the DMC and this Program regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.

2. The City shall not issue any permit for development within shoreline jurisdiction until approval has been granted pursuant to the adopted Program.

3. A development or use that does not comply with the bulk, dimensional and/or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.

4. A development or use that is listed as a conditional use pursuant to this Program, or is an unclassified use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.

5. Issuance of a statement of exemption, shoreline substantial development permit, shoreline variance or shoreline conditional use permit does not constitute approval pursuant to any other federal, state or City laws or regulations.

6. All shoreline permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Planning Director, documenting compliance with bulk and dimensional policies and regulations of this Program. The Planning Director may attach conditions to the approval as necessary to assure consistency with the RCW 90.58 and this Program. Such conditions may include a requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.

7. The City shall not issue a permit for any new or expanded building or structure that exceeds a height of thirty five (35) feet above average grade level that will obstruct the view of a substantial number of residences except with a shoreline variance.

8. The Planning Director is authorized to enforce the provisions of this title, the ordinances and resolutions codified in it, and any rules and regulations promulgated there under pursuant to the enforcement and penalty provisions of WAC 173-27.

9. The City will track all shoreline permits and exemption activities to evaluate whether this Program is achieving no net loss. A no net loss report shall be prepared every eight (8) years as part of the City's Shoreline Master Program evaluation or Comprehensive Plan Amendment process.

DRAFT

10. All references to the Duvall Municipal Code (DMC), Washington State Administrative Code (WAC) and Revised Code of Washington (RCW) included in this Program shall be referenced by the specific code cited or as amended.

7.2 Administration

7.2.1 General Standards

1. Unless otherwise stated, this Program shall be administered according to the standards and criteria in RCW 90.58 and WAC 173-27, including WAC 173-27-060.

7.2.2 Interpretation

1. Interpretation of the policies and regulations of this Program shall be consistent with DMC 14.04.060 (Unified Development Regulations – Interpretation – General) and 14.04.070 (Unified Development Regulations – Interpretation), except that the word "shall" is mandatory, the word "may" is discretionary, and the word "should" is generally used in polices and is interpreted to define the conditions under which shoreline use or development is allowed or not allowed. The City shall consult with Ecology as needed to ensure that any formal written interpretation are consistent with the purpose and intent of chapter 90.58 RCW and this Program.

7.2.3 Permit Process

1. Shoreline substantial development permits, shoreline variances and shoreline conditional use permits shall be subject to all of the applicable requirements of DMC 14.08, 14.68, and 14.70.

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

3. Appeals to the Shoreline Hearings Board of a decision on a shoreline substantial development permit, shoreline variance or shoreline conditional use permit may be filed by the applicant/proponent or any aggrieved party pursuant to RCW 90.58.180.

4. The effective date of the City's decision (date of filing) shall be the date of actual receipt of the City's decision by the Department of Ecology as defined in WAC 173-27-130(6). For all approved shoreline substantial development permits, variances and conditional use permits, permit time requirements for construction commencement and/or authorization to conduct development activities shall be consistent with the provisions of WAC 173-27-090.

5. The effective date of decision involving approval or denial of a variance or conditional use permit shall be the date of transmittal of the Department of Ecology's final decision on a variance or conditional use permit to the City and the applicant, as defined in WAC 173-27-130(7).

6. Shoreline substantial development permits, shoreline variances and shoreline conditional use permits shall be filed with the Department of Ecology consistent with the provisions of WAC 173-27-130.

7. A permit revision shall be required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Revisions to any approved shoreline substantial development permit, shoreline variance and shoreline conditional use permit shall be governed by the provisions of WAC 173-27-100 (Revisions to permits).

7.2.4 Enforcement and Penalties

1. The Planning Director is authorized to enforce the provisions of this title, the ordinances and resolutions codified in it, and any rules and regulations promulgated there under pursuant to the enforcement and penalty provisions of WAC 173-27-270, 280, and 290.

2. This Program will be enforced by the means and procedures set forth in DMC 2.24.

7.3 Shoreline Permits and Exemptions

7.3.1 Shoreline Substantial Development Permit Required

1. Substantial development, as defined by this program and RCW 90.58.030, shall not be undertaken by any person on the shorelines of the state without first obtaining a substantial development permit from the Planning Director. A shoreline substantial development permit shall be required for all proposed use and development of shorelines unless the use or development is specifically identified as exempt from a substantial development permit, in which case a letter of exemption is required.

2. The Planning Director may grant a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW.90.58; the provisions of this WAC 173-27; and this Program.

3. The Planning Director is authorized to grant a shoreline substantial development permit when all of the criteria enumerated in WAC 173-27-150 are met.

7.3.2 Exemptions from a Substantial Development Permit

1. Uses and developments that are not considered substantial developments pursuant to RCW 90.58.030(3)(e) and WAC 173-27-040 (List of Exemptions) shall not require a substantial development permit but shall conform to the policies and regulations of this Program.

2. The list of activities considered exempt from the requirement to obtain a shoreline substantial development permit are those listed in RCW 90.58.030(3)(e) and WAC 173-27-040 (List of Exemptions), so long as the activity is otherwise allowed by DMC Title 14 and this Program.

DRAFT

3. If any part of a proposed development is not eligible for exemption as defined in RCW 90.58.030(3)(e) and WAC 173-27-040, then a substantial development permit is required for the entire proposed development project.

4. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

5. The burden of proof that a development or use is exempt is on the applicant or proponent of the development action.

7.3.3 Statement of Exemption

1. Any person claiming exemption from the substantial development permit requirements shall make an application to the Planning Director for such an exemption in the manner prescribed by the Planning Director.

2. The Planning Director is hereby authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments, consistent with Section 7.3.2 of this Program. The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the Planning Director's analysis of the consistency of the project with this Program and the Act. The letter shall be sent to the applicant and the Department. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and Act.

7.3.4 Shoreline Variance

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

2. Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the Act (RCW 90.58.020). In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

3. When a shoreline variance is requested, the hearing examiner shall have the authority to grant a variance consistent with the provisions of DMC 14.42 and 14.70. However, shoreline variances must have approval from the state. The State Department of Ecology shall be the final approval authority under WAC 173-27-200.

4. For development and/or uses located landward of the ordinary high water mark or outside if any wetland, the City is authorized to grant a variance from the performance standards of this Program only when all of the following criteria are met (WAC 173-27-170):

a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

b. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

e. That the variance requested is the minimum necessary to afford relief; and

f. That the public interest will suffer no substantial detrimental effect.

5. For development and/or uses located waterward of the ordinary high water mark or within any wetland, the City is authorized to grant a variance from the performance standards of this Program only when all of the following criteria are met (WAC 173-27-170):

a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

b. That the proposal is consistent with the criteria established under subsection (4)(b) through (f) of this section; and

c. That the public rights of navigation and use of the shorelines will not be adversely affected.

6. Before making a determination to grant a shoreline variance, the City shall consider issues related to the conservation of valuable natural resources, potential for cumulative impact of additional requests for like actions in the area, and the protection of views from nearby public roads, surrounding properties and public areas.

7. A variance from City development code requirements shall not be construed to mean a shoreline variance from the use regulations of this Program and vice versa.

8. Shoreline variances may not be used to permit a use or development that is specifically prohibited in an environment designation.

7.3.5 Shoreline Conditional Use Permit

1. The purpose of the conditional use permit is to provide greater flexibility in varying the application of the use regulations of this Program in a manner which will be consistent with the policies of RCW 90.58, particularly where denial of the application would thwart the policies of the Shoreline Management Act.

2. When a conditional use is requested, the hearing examiner shall be the final approval authority for the City. However, shoreline conditional uses must have approval from the state. The State Department of Ecology shall be the final approval authority under WAC 173-27-200.

3. Conditional use permits shall be authorized only when they are consistent with the following criteria:

   a. The proposed use is consistent with the policies of RCW 90.58.020, WAC 173-27-160 and all provisions of this Program;

   b. The use will not interfere with normal public use of public shorelines;

   c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this Program;

   d. The public interest will suffer no substantial detrimental effect;

   e. Consideration has been given to the cumulative impacts of additional requests for like actions in the area.

   f. The use will not cause significant adverse effects to the shoreline environment in which it is to be located.

4. Other uses not specifically set forth in the shoreline master program may be authorized through a conditional use permit if the applicant can demonstrate that other uses are consistent with the purpose of the shoreline environmental designation and compatible with existing shoreline improvements; however, uses specifically prohibited by this Program shall not be authorized.

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

6. The hearing examiner is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

7.3.6 Ecology Review

1. Ecology shall be notified of any substantial development, conditional use or variance permit decisions made by the Planning Director, whether it is an approval or denial. The notification shall occur after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed. When a substantial development permit and either conditional use or variance permit are required for a development, the submittal of the permits shall be made concurrently. The Planning Director shall file the following with the Department of Ecology and Attorney General:

   a. A copy of the complete application per WAC 173-27-180;

   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 City;

   d. The permit data sheet consistent with content in WAC 173-27-990;

   e. Affidavit of public notice; and

   f. Where applicable, the Planning Director shall also file the applicable documents required by the State Environmental Policy Act (RCW 43.21C).

2. When the project has been modified in the course of the local review process, plans or text shall be provided to Ecology that clearly indicates the final approved plan.

3. If Ecology determines that the submittal does not contain all of the documents and information required by this section, Ecology shall identify the deficiencies and notify the City and the applicant in writing. Ecology will not act on conditional use or variance permit application until the material requested in writing is submitted to them.

4. Ecology shall convey to the City and applicant its final decision approving, approving with conditions, or disapproving the conditional use or variance permit within thirty days (30) of the date of submittal by the City. The planning director will notify those interested persons having requested notification of such decision.

5. Ecology shall base its determination to approve, approve with conditions or deny a conditional use permit or variance permit on consistency with the policy and provisions of the Act and the criteria listed in this Program.

6. Ecology shall file shoreline substantial development permits, shoreline variances and shoreline conditional use permits consistent with the provisions of WAC 173-27-130.

DRAFT

7.3.7 Minimum Permit Application Submittal Requirements

1. Pursuant to WAC 173-27-180, all applications for a shoreline substantial development permit, conditional use or variance shall provide, at a minimum, the following:

    a. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

    b. The name, address and phone number of the applicant's representative if other than the applicant.

    c. The name, address and phone number of the property owner, if other than the applicant.

    d. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

    e. Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.

    f. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

    g. A general description of the property as it now exists including its physical characteristics and improvements and structures.

    h. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

    i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

        i. The boundary of the parcel(s) of land upon which the development is proposed.

        ii. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is

neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

iii. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

iv. A delineation of all wetland areas that will be altered or used as a part of the development.

v. A general indication of the character of vegetation found on the site.

vi. The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

vii. Where applicable, a landscaping plan for the project.

viii. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

ix. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.

x. Quantity, composition and destination of any excavated or dredged material.

xi. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

xii. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

xiii. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

DRAFT

7.3.8 Non-conforming Shoreline Uses

1. Legally established uses and developments that are nonconforming with regard to the use regulations of this Program may continue as legal nonconforming uses, consistent with the requirements of this section and WAC 173-27-080.

2. No existing building, structure or land devoted to a nonconforming use shall be expanded, enlarged, extended, reconstructed, intensified or structurally altered unless the use thereof is changed to a use permitted in the shoreline and underlying zoning except as follows: When authorized by conditional use permit, a nonconforming use may be expanded, enlarged, extended, reconstructed, intensified or structurally altered on land under the same ownership.

3. If a nonconforming use is changed to a conforming use, the nonconforming use shall not be resumed.

4. A use which is listed as a conditional use but which existed prior to adoption of this master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

5. 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 pre-existing nonconformities.

6. A nonconforming structure which is moved any distance must be brought into conformance with this Program and the Act.

7. A nonconforming use or a nonconforming structure that is discontinued or abandoned for a period of twelve (12) continuous months, or for twelve (12) months within any twenty-four (24) month period, such use shall not be resumed, notwithstanding any reserved intent not to abandon such use. Any subsequent use shall be conforming. Normal seasonal cessation of use, or temporary discontinuance for purposes of maintenance or improvements, shall not be included in determination of the period of discontinuance.

8. A non-conforming use authorized through a conditional use permit shall be considered a conforming use for the purposes of this section.

9. A legally non-conforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot or other natural disaster shall not be restored or reconstructed and used as before such happening; however, where the cost or extent of restoration does not exceed the thresholds established by DMC 14.76.070 (repair or reconstruction of nonconforming structure), it may be restored, reconstructed and used as before, provided consistency with DMC 14.76.070.

10. Such repairs and maintenance work as required to keep the structure in sound condition may be made to a nonconforming structure, provided no increase in nonconformity shall be allowed except as required by law or ordinance or authorized by the planning director.

DRAFT

CHAPTER 8. DEFINITIONS

8.1 Interpretation

The definitions included in Section 8.2 are derived from multiple sources. Definitions denoted with (1) are from the existing City of Duvall municipal code. Definitions denoted with (2) are from WAC 173-26-020 or RCW 90.58.030. Definitions denoted with (3) are derived from other sources or represent the best professional judgment of the authors.

8.2 Definitions

1. **Abandon[3]**. Abandon means to terminate the use of a structure by an affirmative act, such as changing to a new use; or to cease, terminate, or vacate a use or structure through non-action for a period exceeding six months.

2. **Accessory use[1]**. Accessory use means a use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property. Specific accessory uses for each zoning district are addressed in DMC Chapters 14.12 through 14.32.

3. **Accessory Structure[1]**. Accessory structure means a detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot or adjacent lot as that of the principal structure consistent with this title.

4. **Act[2]**. Act means the Shoreline Management Act of 1971 (RCW 90.58) as amended.

5. **Active Recreation**[3]. Active recreation means forms of play, amusement, or relaxation where the user is engaged, such as boating, fishing, and swimming. Active recreation frequently requires more intensive recreational development to provide access and allow for active use.

6. **Agriculture**[3]. Agriculture means any agricultural activity as defined by WAC 173-26-020(3).

7. **Allowed use**[3]. Allowed use means uses approved subject to the provisions of this Program, including meeting applicable performance and development standards. If a building permit or other development permit (e.g., stormwater permit) is required, the use is subject to the project review and approval process.

8. **Amendment[2]**. Amendment means a revision, update, addition, deletion, and/or re-enactment to the Duvall SMP.

9. **Appurtenance[2]**. Appurtenance means a structure or development which is necessarily connected to the use and enjoyment of a single-family residence. “Normal appurtenance” means a garage, boat house, deck, driveway, utilities, and fences, and grading which does not exceed 250 cubic yards (WAC 173-14-040 (1)(g) or its successor). Appurtenances must be landward of the ordinary high water mark OHWM.

10. **Associated Wetlands**[2]. Associated wetlands means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. In general, a wetland is "associated" if all or a portion of the wetland falls within that area that is 200 feet from the ordinary high water mark. A wetland outside of this area may also be associated if it is in proximity to the shoreline and there is a demonstrated influence between the wetland and the shoreline. Such influence can include hydraulic continuity, such as a surface or groundwater connection.

11. **Average Grade Level**[2]. Average grade level means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

12. **Base Flood**[1]. Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). Designated on flood insurance rate maps by the letter A or V.

13. **Best Management Practices**[1]. Best management practices means the physical, structural, and/or managerial practices that have been approved by city of Duvall, and that when used singly or in combination, provide the most effective means of preventing or reducing pollution of water or other undesirable effects.

14. **Biostabilization**[3]. Biostabilization means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

15. **Boat Launch or Ramp**[3]. Boat launch or ramp means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

16. **Boating Facilities**[2]. Boating facilities include marinas, boat launch ramps (public and private), wet and dry boat storage, related sales and service for pleasure and commercial watercraft, and docks (piers) except docks serving four or fewer single-family residences are excluded from this definition (WAC 173-26-241).

17. **Channel Migration Zone**[2]. Channel migration zone means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

18. **City**[3]. City means the City of Duvall.

19. **Clearing**[3]. Clearing means limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical, or any other means.

20. **Commercial Use**[3]. Commercial use means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

21. **Compatible**[3]. Compatible means uses or activities capable of existing together or in the vicinity of one another without disharmony or without generating effects or impacts which are disruptive to the normal use and enjoyment of surrounding property.

22. **Conservation**[3]. Conservation means the prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.

23. **Conditional Use, Shoreline**[2]. Shoreline conditional use means a use, development, or substantial development which is classified as a conditional use or is not classified within the master program.

24. **Department**, or **Department of Ecology**, or **Ecology**. Department, Department of Ecology, and Ecology mean the Washington State Department of Ecology.

25. **Development**[1]. Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or other structures. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level;

26. **Development Regulations**[2]. Development regulations means the controls placed on development or land uses by a county or City, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

27. **Development Standards**[3]. Development Standards means regulations including but not limited to, setbacks, landscaping, screening, height, site coverage, signs, building layout, drainage, parking and site design and related features of land use.

28. **Dock**[3]. A dock or pier is a landing and moorage facility for watercraft that abuts the shoreline and does not include recreational decks, storage facilities, or other appurtenances.

29. **Dredging**[3]. Dredging is the removal of material from the bottom of a stream, river or other water body.

DRAFT

30. **Excavation**[3].Excavation means the mechanical removal of earth material.

31. **Exempt Development**[2]. Exempt development means those uses, developments or activities set forth in Chapter 7 of the Duvall SMP which are not required to obtain a substantial development permit under RCW 90.58.030(3)(e) and WAC 173-27-040, but which must otherwise comply with applicable provisions of the Act and this Master Program.

32. **Fair Market Value**[2]. Fair market value of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials

33. **Feasible**[2]. Feasible means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) The action provides a reasonable likelihood of achieving its intended purpose; and (c) The action does not physically preclude achieving the project's primary intended legal use. In cases where this Program requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

34. **Fill**[3]. Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other earthen material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

35. **Fill material**[1]. Fill material means any solid or semi-solid material, including rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure, that when placed, changes the grade or elevation of the receiving site.

36. **Flood Hazard Reduction**[2]. Flood hazard reduction activities include actions taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

37. **Floodplain**[1]. Floodplain means the total land area adjoining a river, stream, watercourse, or lake subject to inundation by the base flood.

38. **Floodway**[1]. Floodway means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without

cumulatively increasing the surface water elevation more than one foot. Also known as the "zero rise floodway."

39. **Functions**[1]. Functions means the processes or attributes provided by areas of the landscape (e.g., wetlands, rivers, streams, and riparian areas) including, but not limited to, habitat diversity and food chain support for fish and wildlife, groundwater recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and floodwater attenuation and flood peak desynchronization, and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority. [Also referred to as *ecological functions* or *shoreline functions*; see WAC 173-26-200(2)(c)].

40. **Geotechnical Report or Geotechnical Analysis**[2]. Geotechnical report or geotechnical analysis means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

41. **Grade**[1]. Grade means the vertical elevation of the ground surface.

42. **Guidelines**[2]. Guidelines means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs. WAC 173-26

43. **Habitat Improvement**[3]. Habitat improvement means any actions taken to intentionally improve the overall processes, functions and values of critical habitats, including wetland, stream and aquatic habitats. Such actions may or may not be in conjunction with a specific development proposal and include, but are not limited to, restoration, creation, enhancement, preservation, acquisition, maintenance and monitoring.

44. **Hearings Board**[2]. Hearings Board means the shorelines hearings board established by the Shoreline Management Act of 1971.

45. **Height**[2]. Height is measured from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or

the applicable master program specifically requires that such appurtenances be included: Provided further, That temporary construction equipment is excluded in this calculation;

46. **Impervious surface**[1]. Impervious surface means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow compared to natural conditions prior to development. Common impervious surfaces may include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater. Impervious surfaces do not include surface created through proven low impact development techniques.

47. **In-stream Structure**[2]. In-stream structure means a man-made structure within a stream waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. In-stream structures do not include shoreline stabilization structures, outfall structures, or boat launch ramps, which are regulated as separate shoreline modifications or shoreline uses within this Program.

48. **Lot**[1]. Lot means a physically separate and distinct parcel of property, which has been created pursuant to the provisions of these regulations; a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

49. **Low Intensity Use or Development**[3]. Low intensity use or development means a use or development that has limited impact upon the land, resources and adjoining properties in terms of the scale of development, and frequency, amount, or concentration of use. Low intensity uses are mostly passive uses that do not substantially consume resources or leave noticeable or lasting adverse effects.

50. **Master Program**[3]. Master Program means the comprehensive shoreline master program for the City of Duvall, including the use regulations together with maps, diagrams, charts or other descriptive material and text.

51. **May**[2]. May means the action is acceptable, provided it conforms to the provisions of WAC 173-26 and this Program.

52. **Mitigation**[1]. Mitigation means individual actions that may include a combination of the following measures, listed in order of preference:

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

    b. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;

c. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;

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

e. Compensating for an impact by replacing or providing substitute resources or environments; and

f. Monitoring the mitigation and taking remedial action when necessary.

53. **Must**[2]. Must means a mandate; the action is required.

54. **Native shoreline vegetation**[3]. Native shoreline vegetation means vegetation comprised of plant species, other than noxious weeds, which are indigenous to Pacific Northwest lowlands and that reasonably could have been expected to naturally occur on the site.

55. **No Net Loss**[2]. No Net Loss means a standard intended to ensure that shoreline development or uses, whether permitted or exempt, are located and designed to avoid loss or degradation of shoreline ecological functions. The standard is met when proposed uses or developments are in compliance with the provisions of this master program. In cases where unavoidable loss results from allowed uses or developments, the standard is met through appropriate mitigation, consistent with the provisions of this master program.

56. **Nonconformance**[1]. Nonconformance means any use, improvement or structure established in conformance with the rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of these regulations due to the change in the code or its application to the subject property.

57. **Non-water Oriented Use**[2]. Non-water oriented use means any use that does not meet the definition of a water-dependent, water-related, or water-enjoyment use.

58. **Normal Maintenance or Repair**[2]. Normal maintenance or repair means interior and exterior repairs and incidental alterations. Normal maintenance and repair may include, but is not limited to, painting, roof repair and replacement, plumbing, wiring and electrical systems, mechanical equipment replacement and weatherization. Incidental alterations may include construction of nonbearing walls or partitions.

59. **Ordinary High Water Mark (OHWM)**[2]. Ordinary high water mark (OHWM) means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change hereafter in accordance with permits issued by the City or the Department of Ecology. In any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining freshwater shall

be the line of mean high water. On a site-specific basis, the Department of Ecology has the final authority on determining where the ordinary high water mark is located.

60. **Passive Recreation**[3]. Passive recreation refers to relaxation and activities focused on enjoying the natural beauty of the shoreline, shoreland open space areas, or wildlife. Passive recreation is associated with low impact recreational development such as trails, wildlife viewing platforms and areas, and interpretive signs.

61. **Permanent Structure**[3]. Permanent structure refers to a structure constructed with the intention to remain for an indefinite period of time.

62. **Permit**[2]. Permit means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW.

63. **Planning Director**[1]. Planning director means the director of the planning department of the city of Duvall or his/her designee.

64. **Preferred Shoreline Use**[2]. Preferred Shoreline Use is identified in the Act as a use that is unique to or dependent upon a shoreline location. Water-dependent, water-related, and water-enjoyment uses are preferred shoreline uses. Single-family residential development is also preferred use according to the Act.

65. **Prohibited**[3]. Prohibited means some developments and uses are viewed as inconsistent with the definition, policies or intent of the shoreline environment designation. For the purposes of this program, these uses are not considered appropriate and are not allowed, including by conditional use or Variance.

66. **Provisions**[3]. Provisions means policies, regulations, standards, guidelines, criteria, or environment designations.

67. **Pruning**[3]. Pruning means the removal of any of a tree's or shrub's living branches.

68. **Public Access**[2]. Public access means the public's ability to view, get to and/or use the State's public waters, the water/land interface and associated public shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing towers and other public sites or facilities.

69. **Primary Structure**[3]. Primary structure means the structure associated with the principal use of the property. If more than one structure is associated with the principal use of the property, the one with the highest assessed value shall be considered the primary structure.

70. **Restoration**[2]. Restoration means the reestablishment or upgrading of impaired ecological processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, removal or treatment of toxic materials, and stream channel restoration. Restoration

does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

71. **Riprap**[3]. Riprap means broken stone placed on shoulders, banks, slopes, or other such places to protect them from erosion.

72. **Sediment**[3]. Sediment is material settled from suspension in a liquid medium.

73. **Sensitive Area**[1]. Sensitive area(s) means those areas listed in DMC 14.42.

74. **Setback**[3]. Setback means the required minimum horizontal distance between the building line and the related front, side or rear property line.

75. **Shall**[2]. Shall means a mandate; the action must be done.

76. **Shoreline Armoring**[3]. Shoreline armoring or "structural shoreline armoring" refers to bulkheads, riprap and similar hard structures installed along the shore to stabilize the bank and prevent erosion. See shoreline stabilization.

77. **Shorelands or Shoreland Areas**[2]. Shorelands or shoreland areas means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and river waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

78. **Shorelines**[2]. Shorelines means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

79. **Shorelines of the State**[2]. Shorelines of the state are the total of all 'shorelines' within the City of Duvall.

80. **Shoreline Buffer**[23]. Shoreline buffer means the critical areas buffers assigned to 'shoreline of the state', including the Snoqualmie River. Buffers include an area contiguous to and required for protection of critical areas and shorelines.

81. **Shoreline Stabilization**[2]. Shoreline stabilization means actions taken to prevent or mitigate erosion impacts to property, dwellings, businesses, or structures caused by natural shoreline processes such as currents, floods, tides, wind or wave action. Shoreline stabilization includes structural armoring approaches such as bulkheads and revetments and nonstructural approaches such as biostabilization.

82. **Should**[2]. Should means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Program, against taking the action.

83. **Significant vegetation removal**[3]. Significant vegetation removal means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant impacts to ecological functions provided by such vegetation. The following do not qualify as significant vegetation removal:

    a. The removal of invasive or noxious weeds;

    b. The removal of hazard trees as documented consistent with the City Tree Protection Ordinance (DMC 14.40) where hazard tree removal would occur outside of shoreline minimum riparian zones and sensitive areas buffers and where it would not effect ecological functions;

    c. Pruning of trees and shrubs, not including tree topping, where pruning does not affect ecological functions

    d. Normal mowing of established public and private lawn / grass areas;

    e. Normal maintenance, including mowing and volunteer sapling clearing, of Figure 2 designated utility maintenance corridors and active use recreation areas within the shoreline area.

    f. Removal of racked flood debris as maintenance of established shoreline uses.

84. **Soft-shore bank stabilization**[3]. See bioengineering.

85. **Substantial Development**[2]. Shoreline development means any development with a total cost or fair market value of five-thousand seven hundred and eighteen dollars ($5,718.00) or more that requires a shoreline substantial development permit. The threshold total cost or fair market value of $5,718.00 is set by the state office of financial management and may be adjusted in the future pursuant to Shoreline Management Act requirements, as defined in RCW 90.58.030(3)(e) as now or hereafter amended.

86. **Transportation Facilities**[2]. Transportation facilities means a facility whose primary purpose is the movement and circulation of people, goods, and services. This includes, but is not limited to public roads, rails, parking areas, non-motorized travel corridors, trails, and similar features. It does not include driveways that are appurtenant to single-family residences.

87. **Utilities**[2]. Utilities are facilities which produce, store, collect, treat, carry, discharge, or transmit electric power, water, storm drainage, gas, sewage, reclaimed water, communications, or other public services. Accessory utility facilities are those associated with delivery of such public services to support individual uses and developments, such as distribution or service lines.

88. **Variance, Shoreline**[2]. A variance means a type of shoreline permit intended to grant relief from the specific bulk, dimensional, or performance standards set forth in this Program and not a means to vary a use of the shoreline.

89. **Vegetation Conservation[2]**. Vegetation Conservation includes activities to protect, enhance or and native vegetation along or near shorelines to minimize habitat loss, infestations of invasive plants, and erosion and flooding and therefore contribute to the ecological functions of shoreline areas.

90. **Water-dependent Use[2]**. means a use or portion of a use which requires direct contact with the water and which cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation. Boat launches, public fishing piers, and swim beaches are examples of water-dependent uses. Residential development is not a water-dependent use but is a preferred use of shorelines of the state.

91. **Water-enjoyment Use[2]**. Water-enjoyment use means those uses which provide for recreation involving the water or facilitates public access to the shoreline as the primary characteristic of the use, or a use which provides for aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and, through location, design and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. To qualify as water enjoyment, a use must be open to the general public and the waterward side of the project must be devoted to provisions that accommodate public enjoyment, and the project must meet the Shoreline Master Program public access requirements. Some examples of water-enjoyment uses include viewing towers, parks, trails and educational/scientific reserves. A restaurant, commercial use supporting water-oriented recreation activities, or similar use may qualify as a water-enjoyment use provided it includes public access to the shoreline.

92. **Water-oriented Use[2]**. Water-oriented use means any water dependent, water-related, or water enjoyment use.

93. **Water-related Use[2]**. Water-related use means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

    a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

    b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

94. **Water Quality[3]**. Water quality means the physical chemical, aesthetic, and biological characteristics of water.

95. **Wetland[1]**. Wetland means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created

from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, retention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands include those artificial wetlands intentionally created to mitigate wetland impacts.

8.3 Unlisted Words and Phrases

The definition of any word or phrase not listed in this SMP which is in question when administering this regulation shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one (1), but if it is not available there, then source number two (2) may be used and so on. The sources are as follows:

1. City development regulations;
2. Any City resolution, ordinance, code or regulations;
3. Any statute or regulation of the state of Washington (i.e., the most applicable);
4. Legal definitions from applicable case law or a law dictionary; and
5. The Webster's Dictionary.