

**Town of Hunts Point
Shoreline Master Program**

Working Draft – August 8, 2011

Contents

CHAPTER 1: INTRODUCTION..... 1

1.1 History and Requirements of the Shoreline Management Act..... 1

1.2 Shoreline Master Program Development and Public Participation..... 2

1.3 How the Hunts Point Shoreline Master Program is Used 2

1.4 Organization of this Shoreline Master Program..... 3

1.5 Relationship of this Shoreline Master Program to Other Plans 4

CHAPTER 2: DEFINITIONS 4

CHAPTER 3: ADMINISTRATION..... [2324](#)

3.1 Introduction [2324](#)

3.2 Program Administrator..... [2324](#)

3.3 Shoreline Permit Application..... [2422](#)

3.3.1 Permit Process..... [2423](#)

3.3.2 Hearing Examiner Review..... [2523](#)

3.3.3 Public Hearings..... [2524](#)

3.3.4 Washington State Department of Ecology Review [2524](#)

3.3.5 Duration of Permits..... [2624](#)

3.4 Shoreline Substantial Development Permits [2625](#)

3.4.1 Permit Required [2625](#)

3.4.2 Permit Review Criteria [2625](#)

3.4.3 Conditions of Approval..... [2725](#)

3.5 Exemptions from Shoreline Substantial Development Permits [2725](#)

3.5.1 Compliance with Applicable Regulations Required..... [2725](#)

3.5.2 Interpretation of Exemptions [2725](#)

3.5.3 Exemptions [2826](#)

3.5.4 Exemption Process..... [3532](#)

3.6 Revisions to Permits..... [3533](#)

3.7 Local Appeals..... [3734](#)

3.8	Appeal to the State Growth Management Hearings Board	3735
3.9	Shoreline Variances.....	3735
3.9.1	Application.....	3735
3.9.2	Criteria for Granting Variances Landward of Ordinary High Water Mark	3835
3.9.3	Criteria for Granting Variances Waterward of Ordinary High Water Mark	3836
3.10	Shoreline Conditional Use Permit	3936
3.10.1	Determinations of Shoreline Conditional Use Permits.....	3936
3.10.2	Criteria for Granting Conditional Use Permits	3937
3.11	Nonconforming Use and Development Standards	4037
3.12	Enforcement and Penalties	4139
3.12.1	Enforcement	4139
3.12.2	Penalty.....	4139
3.12.3	Violator's Liability	4239
3.13	Master Program Review	4239
3.14	Amendments to the Master Program	4240
3.15	Severability.....	4240
3.16	Conflict of Provisions.....	4240
CHAPTER 4: SHORELINE MANAGEMENT GOALS AND POLICIES		4340
4.1	Introduction	4340
4.2	Shoreline Use Element.....	4441
4.3	Economic Development Element.....	4441
4.4	Public Access Element.....	4442
4.5	Recreational Element	4442
4.6	Circulation Element.....	4542
4.7	Conservation Element	4542
4.8	Historic, Cultural, Scientific, and Educational Element	4543
4.9	Flood Control Element.....	4543
4.10	Restoration Element	4543
CHAPTER 5: SHORELINE ENVIRONMENT DESCRIPTION AND DESIGNATIONS		4643
5.1	Introduction	4643
5.2	Natural Environment	4644
5.2.1	Purpose.....	4644
5.2.2	Management Policies	4744
5.3	Shoreline Residential Environment.....	4744

5.3.1	Purpose.....	4744
5.3.2	Management Policies.....	4745
5.4	Stormwater Utility Environment.....	4745
5.4.1	Purpose.....	4745
5.4.2	Management Policies.....	4845
5.5	Aquatic Environment.....	4845
5.5.1	Purpose.....	4845
5.5.2	Management Policies.....	4845
CHAPTER 6: GENERAL REGULATIONS.....		5047
6.1	Introduction.....	5047
6.2	General Regulations.....	5047
6.3	Archaeological and Historical Resources.....	5148
6.3.1	Policies.....	5148
6.3.2	Regulations.....	5148
6.4	Environmental Impacts.....	5249
6.4.1	Policies.....	5249
6.4.2	Regulations.....	5349
6.5	Environmentally Sensitive Areas.....	5451
6.5.1	Policies.....	5451
6.5.2	Regulations.....	5552
6.6	Public Access.....	5552
6.6.1	Policies.....	5652
6.6.2	Regulations.....	5653
6.7	Vegetation Management.....	5753
6.7.1	Policies.....	5754
6.7.2	Regulations.....	5854
6.8	Water Quality.....	6157
6.8.1	Policies.....	6157
6.8.2	Regulations.....	6259
CHAPTER 7: SHORELINE USE POLICIES AND REGULATIONS.....		6359
7.1	Parking.....	6561
7.1.1	Policies.....	6561
7.1.2	Regulations.....	6561
7.2	Recreation.....	6561

7.2.1	Policies	6664
7.2.2	Regulations	6662
7.3	Residential Development	6662
7.3.1	Policies	6762
7.3.2	Regulations	6763
7.4	Signs	6863
7.4.1	Policies	6863
7.4.2	Regulations	6863
7.5	Transportation Facilities	6864
7.5.1	Policies	6864
7.5.2	Regulations	6864
7.6	Utilities (Primary)	6964
7.6.1	Policies	6965
7.6.2	Regulations	6965
7.7	Utilities (Accessory)	7065
7.7.1	Policies	7066
7.7.2	Regulations	7066
CHAPTER 8: Shoreline Modification Policies and Regulations		7166
8.1	Introduction	7166
8.2	Clearing and Grading	7268
8.2.1	Policies	7368
8.2.2	Regulations	7369
8.3	Shoreline Stabilization - General	7470
8.3.1	General Shoreline Stabilization Policies	7570
8.3.2	General Shoreline Stabilization Regulations	7571
8.3.3	Beach Restoration or Enhancement Regulations	7672
8.3.4	Soil Bioengineering Regulations	7772
8.3.5	Bulkhead Regulations	7873
8.4	Dredging and Dredge Material Disposal	8479
8.4.1	Policies	8580
8.4.2	Regulations	8680
8.5	Fill	8782
8.5.1	Policies	8782
8.5.2	Regulations	8883

8.6	Private Moorage	8883
8.6.1	Policies	8983
8.6.2	Regulations	9084
8.7	Shoreline Habitat and Natural Systems Enhancement Projects	10295
8.7.1	Policies	10295
8.7.2	Regulations	10395

[APPENDIX A: RESTORATION PLAN](#)

[APPENDIX B: SHORELINE ENVIRONMENT DESIGNATIONS MAP](#)

[APPENDIX C: CRITICAL AREAS REGULATIONS FOR SHORELINE JURISDICTION](#)

[APPENDIX D: NATIVE PLANT LIST](#)

DRAFT 8/8/2011

CHAPTER 1: INTRODUCTION

1.1 History and Requirements of the Shoreline Management Act

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

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

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

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

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

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

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

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

- Development of an **inventory** of the natural characteristics and land use patterns along shorelines covered by the act.
- Preparation of a "**Master Program**" to determine the future of the shorelines.
- Development of a **permit system** to further the goals and policies of both the act and the local Master Plan.
- Development of a **Restoration Plan** that includes goals, policies and actions for restoration of impaired shoreline ecological functions.

1.2 Shoreline Master Program Development and Public Participation

Hunts Point's original Shoreline Master Program was adopted in September 1975 (Ordinance 122) in compliance with the SMA. The 2011 Update of the Program has been developed through an extensive Public Participation Outreach Program, conducted by the Town's Planning Commission.

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

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

In late 2010, the Town hosted a "Shoreline Open House" to present the results of the Shoreline Inventory and to invite the community to participate in a "Visioning Workshop" in order to provide direction for the goals, policies, and regulations of the SMP. The general consensus of those present was that the community wished to retain the existing shoreline.

1.3 How the Hunts Point Shoreline Master Program is Used

The Hunts Point Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the town and establishes regulations for development occurring in the shoreline area. In order to preserve and enhance the shoreline of Hunts Point, all development proposals within the shoreline jurisdiction are evaluated for compliance with the Program. Some developments may be exempt from regulation, while others may need to stay within established guidelines, or may require a conditional use permit or variance; however, all proposals must comply with the policies and regulations established by the SMA as expressed through Hunts Point's Program.

Shoreline environmental designations have been assigned to all areas within the town's shoreline jurisdiction. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment. Hunts Point has designated its Lake Washington shoreline under four shoreline environments: Shoreline Residential, Natural, Aquatic, and Stormwater Utility. These environments are described in *Chapter 5: Shoreline Environment Description and Designations*.

Persons proposing any projects within the shoreline jurisdiction are required to consult with the Town's Shoreline Master Program Administrator to determine how the proposal is addressed in

the Master Program. The Town's Shoreline Administrator provides assistance in identifying whether a proposal is exempt from the permit process (Shoreline Exemption Permit) or whether the permit application process is applicable (Shoreline Substantial Development Permit). Requests for Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Uses are decided by the Town's Hearing Examiner. All decisions are made through an open record Public Hearing. Requests for conditional uses and variances require final approval by Ecology. A description of exempt projects, shoreline application procedures and criteria are discussed in *Chapter 3: Administration*.

A description and map of the area within the jurisdiction of this Shoreline Master Program are presented in *Chapter 5: Shoreline Environment Description and Designations*.

1.4 Organization of this Shoreline Master Program

The Hunts Point Shoreline Master Program is divided into eight Chapters:

Chapter 1: Introduction provides general background information on the state Shoreline Management Act; the development of the Shoreline Master Program in Hunts Point; and a general discussion of when and how the shoreline master program is used.

Chapter 2: Definitions provides definitions for terms found in this document.

Chapter 3: Administration provides the system by which the Hunts Point Shoreline Master Program will be administered, and provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, conditional use permits, and variances.

Chapter 4: Shoreline Management Goals and Policies lists the general goals and policies which guide the more detailed policies and regulations found in the individual section of the Hunts Point Shoreline Master Program.

Chapter 5: Shoreline Environment Description and Designations defines and maps the shoreline jurisdiction in the Town of Hunts. Policies and regulations specific to the four designated shoreline environments (Shoreline Residential, Natural, Aquatic, and Stormwater Utility) are detailed in this chapter.

Chapter 6: General Regulations sets forth the policies and regulations that apply to all uses, developments, and activities in the shoreline area of Hunts Point.

Chapter 7: ~~Specific~~ Shoreline Use Policies and Regulations sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas.

Chapter 8: Shoreline Modification ~~Activity~~ Policies and Regulations provides policies and regulations for those activities that modify the physical configuration or qualities of the shoreline area.

1.5 Relationship of this Shoreline Master Program to Other Plans

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

CHAPTER 2: DEFINITIONS

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

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

Act - The Shoreline Management Act [of 1971, as amended](#) (Chapter 90.58 RCW and WAC 173-~~14-27~~-030(1)).

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

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

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

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. (On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty cubic yards (250) [except to construct a conventional drainfield] and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark) (WAC 173-~~14-27~~-040(1g)).

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

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

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

and activities.

~~**Architectural Standards**—Rules, regulations, or guidelines relating to the design, size, configuration or location of buildings and structures including setbacks, height, and bulk restrictions. It may include other structural design or configuration conditions required as part of a variance or conditional use permit intended to improve the compatibility between adjacent structures, activities, or uses.~~

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

Average grade level - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure (WAC 173-~~1427~~-030(3)).

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

~~**Best available science**—Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process as defined by WAC 365-195-900 through 925.~~

BMPs - see *Best Management Practices*.

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

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

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

~~**Benthic organism**—Organisms that live in or on the bottom of a body of water.~~

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

~~**Berm**—A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent~~

~~activity, such as a parking lot, from transmitting excess noise and glare.~~

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

Bioengineering - see *Soil bioengineering*

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

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

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

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

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

Boating Facility - A moorage structure serving more than four single-family residences.

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

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

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

~~**CERCLA** - Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"); 1986 amendments are known as Superfund Amendments and Reauthorization Act or SARA.~~

~~CFR—Code of Federal Regulations.~~

~~CZMP—Coastal Zone Management Plan.~~

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

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

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

Community structure dock - A ~~building,~~ dock, or other structure ~~which~~ that is intended for the common use of the residents of Hunts Point.

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

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

~~*Conservation Easement* - A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.~~

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

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

~~Boat moorage, with or without walls, that has a roof to protect the vessel.~~

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

~~DNS—Determination of Nonsignificance, under SEPA.~~

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3d)).

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

~~**Downdrift** - The direction of movement of beach materials.~~

Dredge spoil - The material removed by dredging. ~~Same as Dredge Material.~~

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

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

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

~~**EIS** - Environmental Impact Statement.~~

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

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

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

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

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

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

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

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

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

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

Excavation - The artificial movement of earth materials.

Exemption - Certain specific developments are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (RCW 90.58.030(3e); WAC 173-1427-030(67) and -040). For a complete list of exemptions, see Chapter 3.

Fair market value - The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. The expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation and other costs incurred for the duration of the permitted project (WAC 173-1427-030(78)).

Feasible - An action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions.

- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or if studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- b. The action provides a reasonable likelihood of achieving its intended purpose; and
- c. The action does not physically preclude achieving the project's primary intended legal use. In determining infeasibility of a required action, the burden of proving infeasibility is placed upon the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits.

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

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

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

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

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

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

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

Geotechnical report or geotechnical analysis - A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the

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

Grading - The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.~~physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.~~

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

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

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

Growth Management Hearings Board - The growth management hearings board was established pursuant to chapter 36.70A RCW. The board is an independent quasi-judicial agency of the state of Washington with seven members appointed by the governor who are qualified by experience or training in matters pertaining to land use planning. The function of the board is to make informed decisions on appeals within the scope of its jurisdiction arising from implementation of the Growth Management Act, Shoreline Management Act, and State Environmental Policy Act, in a clear, consistent, timely, and impartial manner that recognizes regional diversity.

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

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

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

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

Hazardous tree - Any tree receiving an 11 or 12 rating under the Pacific Northwest Chapter of the International Society of Arboriculture Tree Risk Assessor rating method set forth in "Tree Risk Assessment in Urban Areas and the Urban/Rural Interface," which is hereby adopted by reference as Exhibit A, or any tree receiving a 9 or 10 rating under this method at the discretion of the town.

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

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

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

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

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

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

Interested party or interested person - Synonymous with "party of record", and means all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-14-070 (WAC 173-~~1427~~-030(12)).

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

Lake, shoreline - A body of standing water in a depression of land or expanded part of a river,

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

~~**Landfill**—the creation of, or addition to, a dry upland area (landward of the OHWM) or the creation of, or addition to, an in-water area (waterward of the OHWM) by depositing material into waters or onto shoreline, upland dry areas, or wetland areas.~~

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

Launching ramp - See *Boat launch or ramp*.

~~**Liberal construction**—A legal concept instructing parties interpreting a statute to give an expansive meaning to terms and provisions within the statute. The goal of liberal construction is to give full effect in implementing a statute’s requirements. See RCW 90.58.900.~~

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

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

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

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

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

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

Moorage Piles - Structural members that are driven into the lake bed to serve as a stationary

moorage point. They are typically used for moorage of small boats in the absence of, or instead of, a dock or pier. In some cases, moorage piles may be associated with a dock or pier.

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

Must - “Must” means a mandate; the action is required.

~~**NEPA – National Environmental Policy Act** – NEPA requires federal agencies to consider environmental factors when making decisions, especially for development proposals of a significant scale. As part of the NEPA process, EISs are prepared and public comment is solicited.~~

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

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

~~**NOAA – National Oceanic and Atmospheric Administration.**~~

Nonconforming use or development - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions (WAC 173-~~1427-055080~~(1)).

Normal maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-~~1427-040(4b2b)~~). See also *Normal repair*.

Normal protective bulkhead - Structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion~~A bulkhead, common to single family residences, constructed at or near the ordinary high water mark to protect an existing single family residence, and which sole purpose is for protecting land from erosion, not for the purpose of creating new land~~ (WAC 173-~~1427-040(4e2c)~~).

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

~~comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-1427-040(1b2b)). See also *Normal maintenance*.~~

OHWM, Ordinary High Water Mark - That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: *provided*, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(6).

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

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

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

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

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

Permit (or Shoreline Permit) - Any substantial development, variance or conditional use permit, or revision, or any combination thereof, authorized by the Act. Refer to WAC 173-27-

Pier - a fixed, pile-supported structure.

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

Priority Habitat - A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:
Comparatively high fish or wildlife density;
Comparatively high fish or wildlife species diversity;
Fish spawning habitat;

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

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

Priority Species - Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

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

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

Public access - Public access is the ability of the general public to reach, touch, and enjoy the

water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

Public interest - The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-1427-030(14)).

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

RCW - Revised Code of Washington.

RCW 90.58 - The Shoreline Management Act of 1971.

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

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

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

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

~~Restoration~~ - ~~To revitalize or reestablish characteristics and processes of a wetland or habitat diminished or lost by past alterations, activities, or catastrophic events.~~

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

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

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

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

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

SEPA - see *State Environmental Policy Act*

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

SMA - see *Shoreline Management Act*

SMP - see *Shoreline Master Program*

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

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

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

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

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

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

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

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

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

Shoreline modifications - Those actions that modify the physical configuration or qualities of

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

Shoreline permit - A substantial development, exemption, conditional use, revision, or variance permit or any combination thereof (WAC 173-1427-030(13)).

Shoreline Stabilization - Means for protecting shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding or erosion. Shoreline stabilization includes structural and non-structural methods, riprap, bulkheads, gabions, jetties, dikes and levees, flood control weirs, and bioengineered walls or embankments.

Shorelines - All of the water areas of the state, including reservoirs and their associated uplands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d). See RCW 90.58.030 (2)(d) and WAC 173-18, 173-19 and 173-22.

~~**Shorelines Hearings Board** - A state level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA. See RCW 90.58.170; 90.58.180; and WAC 173-14-170; 173-14-174.~~

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

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

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

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

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

- (a) The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
- (b) Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes under foreseeable conditions.
- (c) Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

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

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

Single-family residence - A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-1427-040(1g2g)).

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

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

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

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

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

~~**Streamway** - A general term describing the bed and banks of a stream.~~

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

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

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (WAC 173-14-03015).

Substantial Development - Any development of which the total cost or fair market value, whichever is higher, exceeds five thousand dollars (\$5,000), 718 dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. A list of activities and developments that shall not be considered substantial development is provided in Chapter 3.

Substantially degrade - means to cause significant ecological impact. ;

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

Town – The Town of Hunts Point.

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

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in ~~the applicable~~ this master program and not a means to vary a use of a shoreline. Shoreline VVariances permits must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-~~1427-1500~~30(17)).

WAC - Washington Administrative Code.

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

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

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

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

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

Watershed restoration plan - A plan developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, and/or the Department of Transportation acting within or pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to 43.21C RCW, the State 39 Environmental Policy Act.

Wetlands - "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands

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

CHAPTER 3: ADMINISTRATION

3.1 Introduction

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

3.2 Program Administrator

The Hunts Point Town Administrator, or his/her designee, (the “Shoreline Administrator”) is vested with the overall responsibility for administering the Shoreline Management Act and this Master Program. The Shoreline Administrator has the authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of this Master Program and with the authority to grant exemptions from shoreline substantial development permits in accordance with the policies and provisions of this Master Program.

The duties and responsibilities of the Shoreline Administrator shall include:

- Preparing and using application forms deemed essential for the administration of this Master Program.
- Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this Master Program.
- Making administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act.
- Collecting applicable fees, as established by the [TownCity](#).
- Determining that all applications and necessary information and materials are provided.
- Conducting field inspections, as necessary.
- Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate applications needs.
- Determining if a shoreline substantial development permit, conditional use permit or variance permit is required.
- Providing copies of permit applications to relevant staff and agencies for review and comment.
- Conducting a thorough review and analysis of shoreline exemption applications;
- Submitting variance, conditional use and substantial development permit applications and written recommendations and findings on such permits to the Town’s Hearing Examiner for his/her consideration and action.
- Assuring that proper notice is given to appropriate persons and the public for all hearings.
- Providing technical and administrative assistance to the Town’s Hearing Examiner as required for effective and equitable implementation of this program and the Act.
- Investigating, developing, and proposing amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies.
- Seeking remedies for alleged violations of this program, the provisions of the Act and this Master Program, or of conditions of any approved shoreline permit issued by the Town of Hunts Point.

- Acting as the primary liaison between local and state agencies in the administration of the Shoreline Management Act and this Master Program.
- Forwarding shoreline permits to the Department of Ecology for filing or action.

3.3 Shoreline Permit Application

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

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

The applicant must complete the necessary application forms provided by the Administrator for shoreline substantial development, shoreline exemption, conditional use and variance permits, in accordance with WAC 173-1427-110.

3.3.1 Permit Process

A completed application and documents for all shoreline permits shall be submitted to the Shoreline Administrator for processing and review. Any deficiencies in the application or

documents shall be corrected by the applicant prior to further processing. Application fees in an amount established by the Hunts Point Fees Resolution shall be collected at the time of application.

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

The Shoreline Administrator shall make recommendations in the case of Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances. The Shoreline Administrator shall make decisions in the case of Shoreline Exemptions or requests for revisions to approved permits.

3.3.2 Hearing Examiner Review

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

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

3.3.3 Public Hearings

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

3.3.4 Washington State Department of Ecology Review

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

The Town shall provide timely notification of the Department of Ecology's final decision to

those interested persons having requested notification from the Town pursuant to WAC 173-27-130.

3.3.5 Duration of Permits

The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a Shoreline Vvariance or Shoreline Cconditional Use Permit authorized by this chapter:

- A. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two (2) years of the effective date of the permit.
- B. Authorization to conduct development activities shall terminate five (5) years after the effective date of the permit: *provided*, that the Town may authorize a single extension before the end of the time limit, if a request for extension has been filed before the expiration date and with prior notice to parties of record and the Department of Ecology, for up to one (1) year based on reasonable factors.
- C. The running of a permit time period shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or legal action or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
- D. When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: *provided*, that an alternative compliance limit may be specified in the permit.
- E. Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired under subsection (b) of this section: *provided*, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

3.4 Shoreline Substantial Development Permits

3.4.1 Permit Required

- A Shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposal is specifically exempt per Section 3.5.

3.4.2 Permit Review Criteria

In order for the permit to be approved, the decision maker must find that the proposal is affirmatively consistent with the following criteria:

- A. The proposal is consistent with the policies and procedures of the Act (RCW 90.58).

B. The proposal is consistent with the provisions of Chapter 173-27 WAC, Shoreline Management Permit and Enforcement Procedures.

C. The proposal is consistent with this SMP.

3.4.3 Conditions of Approval

The Town may attach conditions to the approval of permits as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the Town's ability to require compliance with all other applicable laws and plans.

3.5 Exemptions from Shoreline Substantial Development Permits

3.5.1 Compliance with Applicable Regulations Required

An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the Act or this SMP, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this SMP and the Act.

3.5.2 Interpretation of Exemptions

and Exemptions

~~All uses and developments occurring within shoreline jurisdiction shall be compliant with 90.58 RCW.~~

~~A Shoreline Substantial Development Permit is required per the following guidelines:~~

- ~~• A development, use, or activity shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this shoreline Master Program unless it consistent with the policy and procedures of the SMA, applicable state regulations and this shoreline Master Program.~~
- ~~• A substantial development shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this Shoreline Master Program unless a shoreline substantial development permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the applicant has been given permission to proceed by the proper authority.~~

The following guidelines are to be used in determining whether or not a development proposal is exempt from the Shoreline Ssubstantial-~~shoreline~~ Ddevelopment Ppermit.

A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the

substantial development permit process.

- B. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or this Shoreline Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to this Shoreline Master Program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this Shoreline Master Program, such development or use can only be authorized by approval of a variance.
- C. The burden of proof that a development or use is exempt from the permit process is on the applicant.
- D. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
- E. The Town's Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Shoreline Master Program.
- F. Before determining that a proposal is exempt, the Town's Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline Management Act.

3.5.3 Exemptions

The Town shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed below, or as thereafter amended in WAC 173-27-040; RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515. Written Letters of Exemption or other written documentation are required for exempt activities and shall be issued consistent with Section 3.4.4.

- A. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred eighteen dollars (\$5,718,000) dollars or dollar value as amended by the State of Washington Office of Financial Management provided such development does not materially interfere with the normal public use of the water or shorelines of the state.

~~if such development does not materially interfere with the normal public use of the water or "shorelines of statewide significance." The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average~~

~~consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on "shorelines of statewide significance." The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;~~

- B. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
- C. Construction of a normal protective bulkhead common to single family residences. A "normal protective bulkhead" includes those structural and nonstructural developments installed at or near, and parallel to the ordinary high water mark for the sole purpose of protecting an existing single family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington Department of Fish and Wildlife.
- D. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate

means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to the Act and this Master Program, obtained. All emergency construction shall be consistent with the policies of the Act and this Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

E. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

F. Construction or modification of navigational aids such as channel markers and anchor buoys.

G. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level and meets all requirements of the Town of Hunts Point having jurisdiction thereof, other than requirements imposed pursuant to the Act. See Chapter 2 for definitions of single-family residence and residential appurtenances.¹ Construction authorized under this exemption shall be located landward of the OHWM.

H. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair

¹ The exemption as listed in the WAC indicates: “‘Single-family residence’ means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An ‘appurtenance’ is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM. *Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program*” Because of this leeway to define local circumstances, we added in Chapter 8 to the definition swimming pools, etc. that the County and City planners have noted have been interpretation questions.

market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

- I. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.
- J. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface waters.
- K. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.
- L. Any project with certification from the Governor pursuant to Chapter 80.50 RCW.
- M. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - 1. The activity does not interfere with the normal public use of the surface waters;
 - 2. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - 3. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - 4. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
 - 5. The activity is not subject to the permit requirements of RCW 90.58.550, Oil or natural gas exploration in marine waters.
- N. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW;
- O. Watershed restoration projects as defined in WAC 173-27-040. The Shoreline Administrator shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects.

1. Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - a. A project that involves less than ten miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
 - b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.
 2. -"Watershed restoration plan" means a plan, developed or sponsored by the Washington Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;
- P. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
1. The project has been approved in writing by the Washington Department of Fish and Wildlife;
 2. The project has received Hydraulic Project Approval by the Washington Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and
 3. The Shoreline Administrator has determined that the project is substantially consistent with this Shoreline Master Program. The Shoreline Administrator shall make such determination in a timely manner and provide it by letter to the project proponent. Fish habitat enhancement projects that conform to the provisions of

RCW 77.55.181 are determined to be consistent with this Master Program, as follows:

- a. In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the following criteria:
 - i. A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:
 - Elimination of human-made fish passage barriers, including culvert repair and replacement;
 - Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The Washington Department of Fish and Wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

- ii. A fish habitat enhancement project must be approved in one of the following ways:
 - By the Department of Fish and Wildlife pursuant to chapter 77.95 or 77.100 RCW;
 - By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;
 - By the Department of Ecology as a Department of Fish and Wildlife-sponsored fish habitat enhancement or restoration project;
 - Through the review and approval process for the Jobs for the Environment program;
 - Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation

commission through interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service;

- Through a formal grant program established by the legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration; and
- Through other formal review and approval processes established by the legislature.

- b. Fish habitat enhancement projects meeting the criteria of [P.3.a](#) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of [P.3.a](#) of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).
- c. A hydraulic project approval permit is required for projects that meet the criteria of [P.3.a](#) of this subsection and are being reviewed and approved under this section. An applicant shall use a Joint Aquatic Resource Permit Application form developed by the Office of Regulatory Assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the Department of Fish and Wildlife and to the Shoreline Administrator. The Shoreline Administrator shall accept the application as notice of the proposed project. The Department of Fish and Wildlife shall provide a fifteen-day (15) comment period during which it will receive comments regarding environmental impacts. Within forty- five (45) days, the Department of Fish and Wildlife shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The Department of Fish and Wildlife shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the Department of Fish and Wildlife determines that the review and approval process created by this section is not appropriate for the proposed project, the Department of Fish and Wildlife shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.
- d. Any person aggrieved by the approval, denial, conditioning or modification of a permit under this section may formally appeal the decision to the Hydraulic Appeals Board pursuant to the provisions of this chapter.

- e. No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of P.3.a of this subsection and that are reviewed and approved according to the provisions of this section.

3.5.4 Exemption Process

Whenever a development falls within the exemption criteria outlined above and the development is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the Town's Shoreline Administrator shall transmit a copy of the Exemption Permit to the applicant and the Washington State Department of Ecology. Exempt development as defined herein shall not require a substantial development permit, but may require a Shoreline Conditional Use Permit, Shoreline Variance and/or a Statement of Exemption.

~~3.3.8. Before determining that a proposal is exempt, the Town's Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline Management Act.~~

EXEMPTION FROM SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENTS DOES NOT CONSTITUTE EXEMPTION FROM THE POLICIES AND USE REGULATIONS OF THE SHORELINE MANAGEMENT ACT; THE PROVISIONS OF THIS MASTER PROGRAM; AND OTHER APPLICABLE LOCALITY, STATE, OR FEDERAL PERMIT REQUIREMENTS.

3.6 Revisions to Permits

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program or the policies and provisions of chapter 90.58 RCW. Changes that are not substantive in effect do not require approval of a revision.

- A. When an applicant seeks to revise a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit, the Shoreline Administrator shall request from the applicant detailed plans and text describing the proposed changes.
- B. If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this Master Program and the Act, the Shoreline Administrator may approve a revision.
- C. "Within the scope and intent of the original permit" means the following:
 - 1. No additional over water construction is involved except that pier, dock, or float construction may be increased by ten percent from the provisions of the original permit.

2. Ground area coverage may be increased a maximum of ten percent from the provisions of the original permit.
 3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this Master Program except as authorized under a Shoreline Variance granted as the original permit or a part thereof.
 4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this Master Program.
 5. The use authorized pursuant to the original permit is not changed.
 6. No adverse environmental impact will be caused by the project revision.
- D. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW and this Shoreline Master Program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (c) of this section, the Town shall require that the applicant apply for a new permit.
- E. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section, shall be filed with Ecology. In addition, the Shoreline Administrator shall notify parties of record of their action.
- F. If the revision to the original permit involves a conditional use or variance, the Shoreline Administrator shall submit the revision to Ecology for Ecology's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Ecology shall render and transmit to the Shoreline Administrator and the applicant its final decision within fifteen (15) days of the date of Ecology's receipt of the submittal from the Shoreline Administrator. The Shoreline Administrator shall notify parties of record of Ecology's final decision.
- G. The revised permit is effective immediately upon final decision by the Shoreline Administrator or, when appropriate under subsection F of this section, upon final action by Ecology.
- H. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one (21) days from the date of receipt of the Shoreline Administrator's action by Ecology or, when appropriate under subsection (e) of this section, the date Ecology's final decision is

transmitted to the Shoreline Administrator and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (c) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

3.7 Local Appeals

Any decision made by the Shoreline Administrator on an exemption, Master Program policy or regulation interpretation, permit revision, or other action within the responsibility of the Administrator, may be appealed by the applicant, private or public organization, or individual to the Town's Hearing Examiner within ten (10) calendar days following the issuance of a written decision by the Shoreline Administrator, or otherwise becomes effective. Such appeals shall be initiated by filing with the Administrator a notice of appeal setting forth the action being appealed and the principal points upon which the appeal is based, together with a filing fee as prescribed by the Hunts Point Fees Resolution.

3.8 Appeal to the State Growth Management Hearings Board

Any person aggrieved by the granting or denying of a Shoreline Substantial Development Permit, Shoreline Variance, or Shoreline Conditional Use Permit, the upholding of an exemption appeal, or by the rescinding of a permit pursuant to the provisions of this Master Program, may seek review from the State of Washington Growth Management Hearings Board by filing a request for the same within twenty-one days of receipt of the final order and by concurrently filing copies of such request with the Department of Ecology and the Attorney General's office. State Hearings Board regulations are provided in RCW _____ and Chapter _____ WAC. A copy of such appeal notice shall also be filed with the Town of Hunts Point Shoreline Administrator.

3.9 Shoreline Variances

The purpose of a Shoreline Variance Permit is strictly limited to granting relief to specific bulk dimensional, or performance standards set forth in the Master Program, and where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020. Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

3.9.1 Application

An application for a Shoreline Variance shall be submitted on a form provided by the Town accompanied by maps, completed environmental checklist, applicable fees, and any other information specified in this Master Program or requested by the Administrator. An applicant for a substantial development permit who wishes to request a Shoreline Variance shall submit the

Shoreline Variance application and the Shoreline Substantial Development Permit application simultaneously.

3.9.2 Criteria for Granting Variances Landward of Ordinary High Water Mark

Variance permits for development that will be located landward of the ordinary high water mark may be authorized provided the applicant can demonstrate consistency with the following variance criteria as listed in WAC 173-27-170:

- A. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes, or significantly interferes with, reasonable use of the property.
- B. That the hardship described above 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 permitted activities within the area and with uses planned for the area under the Comprehensive Plan and 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.
- F. That the public interest will suffer no substantial detrimental effect.

3.9.3 Criteria for Granting Variances Waterward of Ordinary High Water Mark

Variance permits for development and/or uses that will be located waterward of the ordinary high water mark or within any wetland may be authorized provided the applicant can demonstrate all of the following:

- A. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes all reasonable use of the property.
- B. That the proposal is consistent with the criteria established under subsection 3.7.2(a) through (f) of this section.
- C. That the public rights of navigation and use of the shorelines will not be adversely affected.

3.10 Shoreline Conditional Use Permit

The purpose of a Shoreline Conditional Use Permit is to provide a system within the Master Program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the Town of Hunts Point or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the Master Program.

3.10.1 Determinations of Shoreline Conditional Use Permits

- A. Uses specifically classified or set forth in this Shoreline Master Program as conditional uses shall be subject to review and condition by the Hearing Examiner and by the Department of Ecology.
- B. Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in this SMP.

3.10.2 Criteria for Granting Conditional Use Permits

Uses which are classified or set forth as conditional uses in the Master Program may be authorized, provided the applicant demonstrate all of the following conditional use criteria as listed in WAC 173-27-160:

- A. That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;
- B. That the proposed use will not interfere with the 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 Master Program;
- D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
- E. That the public interest suffers no substantial detrimental effect.

In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Other uses which are not classified or set forth in this Master Program may be authorized as

conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Master Program. Uses which are specifically prohibited by the Master Program may not be authorized.

3.11 Nonconforming Use and Development Standards

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

- A. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses;
- B. Consistent with RCW 90.58.XXX pending, residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following shall be considered a conforming structure: setbacks, buffers, or yards; area; bulk; height; or density.
 - 1. Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure shall be consistent with this Master Program, including requirements for no net loss of shoreline ecological functions.
 - 2. For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.
- BC. A nonconforming structure which is destroyed by fire or other act of nature (or accident) may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed, provided the replacement structure does not warrant new shoreline armoring and that an application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance, unless an extension for just cause is granted.
- ED. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming expansions of conforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances upon approval of a Shoreline Conditional Use Permit.

- | **DE.** A use which is listed as a conditional use, but which existed prior to adoption of the Master Program or any relevant amendment and for which a Shoreline Conditional Use Permit has not been obtained, shall be considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the applicability of the Master Program to the site and for which a Shoreline Conditional Use Permit has not been obtained, shall be considered a nonconforming use.
- | **EF.** A structure for which a Shoreline Variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities. Except that residential structures and their appurtenances which obtained a Shoreline Variance shall be considered conforming structures consistent with 3.11.B above.
- | **FG.** A structure which is being or has been used for a nonconforming use may not be used for a different nonconforming use.
- | **GH.** If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two (2)-year period, the nonconforming rights shall expire and any subsequent use shall be conforming.
- | **HI.** An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established prior to the effective date of the Act or the Master Program, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the Master Program and the Act.

3.12 Enforcement and Penalties

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

3.12.1 Enforcement

All provisions of the Master Program shall be enforced by the Shoreline Administrator and/or his/her designated representatives. ~~For such purposes, the Shoreline Administrator or his/her duly authorized representative shall have the power of a police officer.~~

3.12.2 Penalty

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

3.12.3 Violator's Liability

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

3.13 Master Program Review

This Master Program shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with the requirements of WAC 173-26 or its successor and shall include local citizen involvement and a public hearing to obtain the views and comments of the public.

3.14 Amendments to the Master Program

Any of the provisions of this Master Program may be amended as provided for in RCW 18.90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Department of Ecology.

3.15 Severability

If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances, are held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

3.16 Conflict of Provisions

Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the Town, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this SMP.

CHAPTER 4: SHORELINE MANAGEMENT GOALS AND POLICIES

4.1 Introduction

This section contains goals and policies that form the foundation of the Town of Hunts Point Shoreline Master Program and apply to all areas and all designated shoreline environments. The Shoreline Management Act requires jurisdictions to adopt goals, or “elements,” to guide and support major shoreline management issues. The elements required by RCW 90.58.100(2), when appropriate, include:

Shoreline Use – “A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land.” (Section 4.2)

Economic Development - “An element for the location and design of industries, projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.” Hunts Point does not have any commercial development, therefore this element is not required. (Section 4.3)

Public Access – “An element making provision for public access to publicly owned areas;” (Section 4.4)

Recreational Use – “An element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;” (Section 4.5)

Circulation – “An element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;” (Section 4.6)

Conservation – “An element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;” (Section 4.7)

Historic, cultural, scientific, and education – “An element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;” (Section 4.8)

Flood Control – “An element that gives consideration to the statewide interest in the prevention and minimization of flood damages.” Hunts Point does not have any areas identified as being within a FEMA flood control district, therefore this element is not required. (Section 4.9)

Restoration – An element to implement shoreline restoration projects. (Section 4.10)

In 1975, when Hunts Point first adopted its Shoreline Master Program, the primary stated goal was “To preserve the shoreline of Hunts Point for the primary use as a single family residential/recreational property, consistent with the preservation of the natural amenities.” Much has remained the same.

4.2 Shoreline Use Element

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

Policy 4.2.1: New residential development shall be designed to protect existing shoreline and water views through the use of the stringline setback, to promote public safety, and to avoid adverse impacts to shoreline habitats.

Policy 4.2.2: All activities, development and redevelopment within the Town’s shoreline jurisdiction shall be designed to ensure public safety and achieve no net loss of shoreline ecological functions.

4.3 Economic Development Element

The Hunts Point Comprehensive Plan does not permit commercial uses within the Town; therefore, an Economic Development Element is not required.

4.4 Public Access Element

Goal: Increase and enhance public access to shoreline areas for the enjoyment of shoreline amenities, consistent with the natural shoreline character and public safety within the Town’s Wetherill Nature Preserve.

Policy 4.4.1: Consider future acquisition of appropriate shoreline areas for community and public access.

Policy 4.4.2: Maintain and improve the nature trails within the Wetherill Nature Preserve for the benefit of pedestrian visitors.

4.5 Recreational Element

Goal: Encourage water-oriented recreational opportunities within the residential areas of the Town, while protecting the integrity and character of the shoreline.

Policy 4.5.1: Waterfront recreational uses are accessory to the primary use as a single-family residential area.

Policy 4.5.2: The waters of Cozy Cove and Fairweather Bay are available for boating, fishing, and swimming. Such recreational uses are monitored by the Marine Patrol.

4.6 Circulation Element

Goals: Maintain the present local transportation system of Hunts Point through an ongoing program of road maintenance. Limit the expansion of roadway surfaces. Minimize the impact of SR 520 on the shoreline environment. Maintain walking trails within the shoreline area in a manner consistent with protection of the existing ecological functions.

Policy 4.6.1: No additional vehicular traffic corridors shall be established to, from, or across the Town of Hunts Point.

Policy 4.6.2: Pedestrian and bicycle pathways shall be permitted.

Policy 4.6.3: Motorized vehicles shall be prohibited from the pedestrian trail system.

4.7 Conservation Element

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

Policy 4.7.1: Protect the Wetherill Nature Preserve through the continued prohibition of motorized access and boat launching, in order to protect the shoreline environment for future generations.

Policy 4.7.2: Water quality shall be maintained through the application of appropriate State of Washington water quality standards.

Policy 4.7.3: All future development shall achieve a Town goal of no net loss of shoreline ecological function.

4.8 Historic, Cultural, Scientific, and Educational Element

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

Policy 4.8.1: Encourage educational projects and programs that foster a greater appreciation for the importance of shoreline management, environmental conservation, and restoration of ecological functions.

4.9 Flood Control Element

Hunts Point is not within a flood control area; therefore, a Flood Control Element is not required.

4.10 Restoration Element

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

Policy 4.10.1: The Town shall implement the Restoration Plan attached as Appendix [A](#).

Policy 4.10.2: The Town shall encourage landowners to restore and enhance shoreline resources through the use of native plant materials.

Policy 4.10.3: The Town shall encourage landowners to abstain from the use of chemical fertilizers in order to lessen the impact of runoff on Lake Washington.

CHAPTER 5: SHORELINE ENVIRONMENT DESCRIPTION AND DESIGNATIONS

5.1 Introduction

This section defines ~~and maps the~~ shoreline jurisdiction and the particular shoreline environments within the Town of Hunts Point. [Shoreline jurisdiction in the Town of Hunts Point consists of the waters of Lake Washington, uplands areas extending 200 feet landward of the OHWM, and associated wetlands.](#)

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

Shoreline environment designations must be consistent with the designation criteria provided in the Shoreline Management Act. Specific development standards are established, which specify how and where permitted development can take place within each shoreline environment. The Hunts Point classification system is consistent with the environment designation system in WAC 173-26-211. In delineating environment designations, the Town aims to assure that existing shoreline ecological functions are protected with the proposed use, intensity and standards of development. [The Town's environment designation map is included in Appendix B.](#)

5.2 Natural Environment

5.2.1 Purpose

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

5.2.2 Management Policies

- A. Any uses that would substantially degrade the ecological functions or natural character of the shoreline area are not allowed.
- B. The following new uses are prohibited within the "natural" environment: commercial uses, industrial uses, nonwater oriented recreation, roads, utility corridors, parking areas.
- C. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the
- D. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed. Any new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

5.3 Shoreline Residential Environment

5.3.1 Purpose

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

5.3.2 Management Policies

- A. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
- B. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

5.4 Stormwater Utility Environment

5.4.1 Purpose

The purpose of the "Stormwater Utility" Environment is to accommodate the unique characteristics of the Washington State Department of Transportation stormwater facility associated with State Route 520.

5.4.2 Management Policies

- A. Vegetation shall be monitored and maintained to blend in with the surrounding residential area.
- B. Best Management Practices for water quality protection shall be employed at all times.

5.5 Aquatic Environment

5.5.1 Purpose

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

5.5.2 Management Policies

- A. Existing piers, moorage structures, and bulkheads shall be allowed to be maintained.
- B. New overwater structures shall be allowed for recreational uses associated with single-family development.
- C. Shared use of overwater structures shall be encouraged.
- D. Dredging of manmade channels (Haug Channel, Fairweather Basin, and Cozy Cove Inlet) shall be permitted to maintain water flow, navigability, and water depth. Dredging activity shall be the minimum amount required.
- E. Fill shall not be placed into Lake Washington, with the exception of material designed to enhance the natural habitat.

5.6 ~~Shoreline Environment Designation Map~~

~~The Town of Hunts Point Shoreline Environment Map depicts the physical boundaries under jurisdiction of this Master Program and graphically portrays the boundaries of the Town’s four shoreline environment designations: Natural Environment, Shoreline Residential, Stormwater Utility, and Aquatic. The Town Administrator is responsible for keeping and maintaining the Town’s official copy of the Shoreline Environment Map.~~



ENVIRONMENT DESIGNATION

TOWN OF HUNTS POINT SHORELINE MASTER PROGRAM

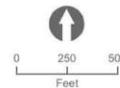
DRAFT



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

MAP LEGEND

- Environment Designation
- Natural
- Shoreline Residential
- Stormwater Utility
- Town Boundary



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

CHAPTER 6: GENERAL REGULATIONS

6.1 Introduction

Based upon the goals established in this Master Program, the following general policies and regulations apply to all uses, developments, and activities in the shoreline area of Hunts Point.

Each topic covered in this chapter begins with a description of its applicability, followed by general policy statements and general regulations. The intent of these provisions is to be inclusive, making them applicable to all environments, as well as particular shoreline uses and activities.

The regulations of this chapter are in addition to other adopted Town ordinances, resolutions, and codes. Where conflicts exist between regulations, those that provide more substantive protection to the shoreline area shall apply. The development regulations are intended to assure that shoreline development protects the public's interest in the shorelines' recreational and aesthetic values and assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.

6.2 General Regulations

- A. ~~—6.2.1 Policies—Environmentally sensitive areas within the shoreline management area are regulated by the Town's Critical Areas Regulations. All critical areas within the Town fall within the shoreline jurisdiction. If there are conflicts between the regulations contained in the SMP and the Critical Areas Regulations, those that are the most protective of shoreline ecological functions shall apply.~~

Minimum setbacks and height limits for specific shoreline developments, uses, and activities are described in Chapter 7, Shoreline Use Policies and Regulations. Chapter 3, Administration, contains the full list of activities that are exempt from the requirement to obtain a shoreline substantial development permit.

- B. All shoreline uses, and shoreline modification activities, including those that do not require a shoreline substantial development permit, must conform to the intent, policies, and regulations of this Master Program, including Shoreline Management Goals, Shoreline Environment Designation provisions (including the environment designation map), General Regulations, Shoreline Use Policies and Regulations, and Shoreline Modification Policies and Regulations.
- C. All shoreline development shall be designed in accordance with all applicable federal, state and local management codes and regulations, including those administered or required by the Army Corps of Engineers, the Federal Emergency Management Agency, the U.S. Department of Agriculture, the State Department of Fish and Wildlife, the State Department of Ecology, the State Department of Agriculture, the State Environmental Policy Act, the Town's code pertaining to critical areas within shoreline jurisdiction (Appendix C), the Town's zoning regulations, and other applicable local land use codes and regulations. Where there are conflicts between regulations, those which provide the

most protection to shoreline ecological functions shall apply.

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

~~(d) Shoreline uses, modification activities, and conditions listed as "prohibited" shall not be eligible for consideration for a shoreline variance or shoreline conditional use permit.~~

- E. Where provisions of this Master Program conflict, the more restrictive provisions shall apply unless specifically stated otherwise.

6.3 Archaeological and Historical Resources

Archaeological and historic resources, because of their finite nature, are valuable links to the past and should be considered whenever a development is proposed along the state's shorelines. Where such resources are recorded at the State Historic Preservation Office, or have been inadvertently uncovered, the following policies and regulations apply.

6.3.1 Policies

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

6.3.2 Regulations

- A. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the Town if any phenomena of possible archaeological interest are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data is properly handled. The Town shall subsequently notify the Muckleshoot Tribe and the State Office of Archaeology and Historic Preservation. Failure to comply with this requirement shall be considered a violation of the Shoreline Permit.
- B. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the Town determines that a site has significant archeological, natural scientific or historical value, a Shoreline Substantial Development Permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The Town may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
- C. In the event that unforeseen factors constituting an emergency as defined in RCW

90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The Town shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.

- D. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 2744 (Indian Graves and Records) and RCW 2753 (Archaeological Sites and Records) and shall comply with WAC 25-48 or its successor as well as the provisions of this master program.
- E. Identified historical or archaeological resources within public areas shall be managed to give maximum protection to the resource and surrounding environment.
- F. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

6.4 Environmental Impacts

6.4.1 Policies

The Shoreline Management Act (Act) is concerned with the environmental impacts that both a use and activity may have on the fragile shorelines of the state. Problems of degrading the shoreline and its waters with contaminants such as petroleum products, chemicals, metals, nutrients, solid or human waste, or soil sediments from erosion are all issues that are addressed.

- A. The adverse impacts of shoreline uses and activities on the shoreline environment should be avoided, if feasible, and then minimized during all phases of development (e.g., design, construction, management and use). Mitigation for impacts must be provided such that the use or activity overall will result in no net loss of shoreline ecological functions.
- B. The Town of Hunts Point should protect the ecological integrity of Lake Washington and associated wetlands and creeks. Ecological integrity is a term that refers to a system's overall health and wholeness, including the presence of all appropriate elements (physical and biological) and the occurrence of all processes (e.g. erosion and deposition) at appropriate rates. Protecting the ecological integrity is the primary directive for water policy in the United States Clean Water Act.
- C. The Town of Hunts Point shall plan for the restoration of ecological functions where they have been impaired. Master Program provisions, including goals, policies, and regulations, are intended to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the Master Program. Restoration goals will be achieved by providing development incentives to private property owners, restoration information and assistance to all interested parties, through Town projects and programs, and other means outlined in the Restoration Plan.
- D. The Town should consider the adoption of Low Impact Development (LID) standards,

such as those contained in the *Low Impact Development Manual: Technical Guidance for Puget Sound*, to further reduce environmental impacts within the Shoreline Environment.

6.4.2 Regulations

- A. Mitigation sequencing. Applicants shall demonstrate all reasonable efforts have been taken to avoid, minimize and then mitigate potential adverse impacts to ecological function resulting from new development and redevelopment in shorelines in the following sequence of steps listed in prioritized order:
1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
- B. Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
- C. The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- D. All shoreline uses and activities shall utilize best management practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Physical control measures include, but are not limited to, catch basins, settling ponds, oil/water separators, filtration systems, grass-lined swales, interceptor drains and landscaped buffers. All types of BMPs require regular maintenance to continue to function as intended.

- E. All shoreline developments and uses shall utilize effective erosion control methods during both construction and operation.
- F. All shoreline uses and activities shall be located, designed, constructed and managed to avoid, if feasible, and then minimize adverse impacts to water quality and fish and wildlife resources, including spawning, nesting, rearing, feeding and habitat areas, and migratory routes.
- G. All shoreline uses and activity shall be located, designed, constructed and managed in a manner that avoids, if feasible, and then minimizes adverse impacts to surrounding land and water uses and that is aesthetically compatible with the affected area.
- H. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
- I. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. Surface drainage systems or substantial earth modifications involving greater than 500 cubic yards of material shall be designed by a professional engineer. These designs shall seek to prevent maintenance problems, avoid adverse impacts to adjacent properties or shoreline features, and result in no net loss of shoreline ecological functions.
- J. All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline protection structures (bulkheading, riprap, etc.) and stabilization, landfills, groins, jetties, or substantial site regrades.
- K. Navigation channels shall be kept free of hazardous or obstructing uses and activities.
- L. Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.

6.5 Environmentally Sensitive Areas

Environmentally sensitive areas constitute the most environmentally fragile lands which support resources that are economically and culturally important to the state under the Shoreline Management Act. For example, they can be natural resources that provide fisheries habitat or areas that may threaten the health and safety of the public, such as floodways or unstable slopes. "Environmentally sensitive areas" include erosion hazard areas, landslide hazard areas, seismic hazard areas, steep-slope hazard areas, streams, wetlands, wellhead protection areas, wildlife habitat conservation areas, flood hazard areas and related buffers.

~~All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline protection structures (bulkheading, riprap, etc.) and stabilization, landfills, groins, jetties, or substantial site regrades.~~

6.5.1 Policies

A. Environmentally sensitive areas within shoreline jurisdiction are regulated by the Town

of Hunts Point Critical Areas Regulations for the Shoreline Management Area. If there are conflicts between the regulations contained in the SMP, those that are the most protective of shoreline ecological functions will apply.

- B. Unique, rare and fragile natural and man-made features as well as scenic vistas from public property and wildlife habitats should be preserved and protected from unnecessary degradation or interference.
- C. The Town of Hunts Point should protect the ecological integrity of its shoreline areas within its jurisdiction.

6.5.2 Regulations

- A. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region, and to facilitate the appropriate intensity of human use of such features, including but not limited to:
- Wetlands;
 - Fish and wildlife habitats, including streams, migratory routes, and spawning areas;
 - Geologically hazardous areas; and
 - Natural or man-made scenic vistas or features.
- B. All uses, developments, and activities on sites within shoreline jurisdiction must comply with all applicable federal, state and local management codes and regulations, including those administered or required by the Army Corps of Engineers, the Federal Emergency Management Agency, the U.S. Department of Agriculture, the State Department of Fisheries and Wildlife, the State Department of Ecology, the State Department of Agriculture, the State Environmental Policy Act, the Town's code pertaining to critical areas in shoreline jurisdiction (Appendix C of this SMP), the Town's zoning regulations, and other applicable local land use codes and regulations.
- C. Environmentally sensitive areas within shoreline jurisdiction are regulated by the Town's Critical Areas Regulations modified for consistency with the Shoreline Management Act and included in this SMP as Appendix C. If there are conflicts between the regulations contained in the body of the SMP and the Critical Areas Regulations in Appendix C of this SMP, those that are the most protective of shoreline ecological functions shall apply.

6.6 Public Access

Shoreline public access is the ability of the general public to enjoy the water's edge; to travel on the waters of the state; and to view the water and the shoreline from adjacent locations. The Town of Hunts Point, together with the Town of Yarrow Point, owns the public Wetherill Nature Preserve, ~~an eleven~~ 16-acre natural area with nature trails that wind through the property to Lake Washington. The Town is committed to searching for opportunities to increase and improve the visual and public access to the lake.

6.6.1 Policies

- A. Public access to the Hunts Point shoreline does not include the right to enter upon or cross private residential property, except where specifically provided by easements.
- B. Preservation and enhancement of the public's visual access to Lake Washington should be encouraged. Enhancement of views should not be construed to mean excess removal of vegetation that partially impairs views.
- C. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive shoreline environment and should be designed for universal accessibility.
- D. The level of public access should be commensurate with the degree of uniqueness or fragility of the shoreline. For example, public access should generally be limited and stronger access controls should be incorporated in highly fragile shoreline environments.
- E. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
- F. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever possible.

6.6.2 Regulations

- A. Public access shall be required for any development of more than four parcels. Such sites shall be fully developed and available for public use at the time of occupancy.
- B. Public access provided by public street ends, public utilities and rights-of-way shall not be diminished by a proposed use, activity or development.
- C. The following standards shall apply to all public access:
 - 1. Types of Access. Applicants required to provide, or who voluntarily provide, shoreline public access shall provide for both physical and visual access, unless due to dangerous or unsafe site conditions only visual access is feasible. Examples are listed in 2) and 3) below.
 - 2. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.
 - 3. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, boat or canoe and kayak launching ramp, dock area, view platform, or other area serving as a means of physical approach to public waters.

6.7 Vegetation Management

Vegetation within and adjacent to water bodies provides a valuable function for the health of aquatic ecosystems. Vegetation management involves both a passive and active management system. The intent of both systems is to minimize habitat loss and the impact of invasive plants, erosion, sedimentation and flooding. "Passive" vegetation management deals with protection and enhancement of existing diverse native plant communities along all shorelines including creeks, streams, wetlands, and lakes. "Active" vegetation management involves aquatic weed control as well as the restoration of altered or threatened shorelines using a technology called soil bioengineering. Soil bioengineering reestablishes native plant communities as a dynamic system that stabilizes the land from the effects of erosion. Vegetation management provisions apply even to those shorelines and uses which are exempt from a permit requirement. [See also Section 8.2, Clearing and Grading.](#)

6.7.1 Policies

- A. Native plant communities within shoreline jurisdiction should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.
- B. Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use soil bioengineering techniques to minimize the processes of erosion and sedimentation.
- C. Aquatic weed management should involve usage of native plant materials wherever possible in soil bioengineering applications and habitat restoration activities. Where active removal or destruction of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal or modification of aquatic vegetation should be conducted in a manner that minimizes adverse impacts to native plant communities and/or salmonid habitat, and should include appropriate handling or disposal of weed materials and attached sediments.
- D. The Town of Hunts Point should provide information to the public about environmentally appropriate vegetation management, salmon-friendly landscaping for shoreline properties, and alternatives to the use of pesticides and herbicides which impact water quality and aquatic stream habitat.
- E. Property owners should use the following Best Management Practices (BMPs) when maintaining residential landscapes:
 1. Avoid use of herbicides, fertilizers, insecticides, and fungicides along banks of streams, drainage channels, and shores of Lake Washington, as well as in the water.
 2. Limit the amount of lawn and garden watering so that there is no surface runoff.
 3. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.

6.7.2 Regulations

- A. To maintain the ecological functions that trees provide to the shoreline environment, significant trees shall be managed as follows:
1. The removal of significant trees shall be permitted:
 - a. When the tree is dead;
 - b. When the tree is hazardous;
 - c. To accommodate the building of new construction or additions to existing structures that cannot be located to avoid tree removal;
 - d. To accommodate a new driveway that cannot be reasonably located to avoid tree removal or an existing driveway that cannot be reasonably utilized because of the proximity of the tree;
 - e. To avoid substantial risk of damage to an existing residential structure, garage, or utility that may not reasonably be accomplished by pruning or trimming;
 - f. When the installation and maintenance of public facilities by the Town or its contractors cannot reasonably be accomplished without tree removal.
 2. A permit shall not be required for pruning or removal of trees less than six inches in diameter measured 54 inches above grade that are part of a grove's contiguous canopy if in the opinion of the Town arborist their removal does not damage the health of the groves.
 3. If the applicant asserts that the tree removal is necessary solely to assure that the property enjoys reasonable amounts of light and view, the tree removal permit application shall be processed as a Shoreline Variance.
 4. The applicant shall be responsible for mitigating for the removal of a significant tree by planting two similar trees of the same species or such species as recommended by the Town arborist. Replacement evergreen trees shall be a minimum height of 10 feet tall and have a full, well-developed crown of foliage. Deciduous trees shall be three inches in caliper. Mitigation is to occur on site and within shoreline jurisdiction unless otherwise determined by the Town arborist.
 5. Mitigation requirements must be met within six months of the tree removal or within six months of the expiration of a building permit, whichever is later. In the case of concurrent new construction or site development, mitigation requirements must be met before final inspection or certificate of occupancy is issued. At the sole discretion of Town staff, the Town may require the applicant to post a bond to guarantee compliance with tree removal mitigation requirements.

6. Trees planted as mitigation must be maintained with adequate water and care to survive a three-year warranty period or be replaced at the applicant's expense. An annual site inspection by the Town arborist, or an annual report by a qualified professional, shall be provided to the Town for each of the three years. The cost of the inspection, report preparation and report review report shall be paid for by the applicant.

7. At its sole discretion after request by a tree removal permit applicant, the Town may agree to replant new trees required as mitigation under subsection 4 of this section within the right-of-way or on other public property within shoreline jurisdiction. In such cases, the permit applicant shall pay into the Town's tree mitigation account the installed tree cost value of the mitigation trees as determined by the Town arborist.

8. Unlawful removal of significant trees shall be a civil infraction and any person, corporation or other entity that violates this section shall receive a fine of \$1,000 per violation plus \$1,000 per inch of diameter measured at 54 inches above grade for each significant tree that is illegally removed, not to exceed \$25,000.

~~A. The removal of trees within the shoreline jurisdiction is regulated by the Town's tree code (HPMC 8.25), which requires a permit from the Town to remove any trees over 6 inches in diameter.~~

B. All unique and fragile shorelines shall be protected from degradation caused by the modifications of the land surface within the shoreline area and/or the adjacent uplands.

C. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction.

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

1. Native significant trees.

2. Non-native significant trees.

3. Native non-significant trees.

4. Other native vegetation.

5. Other non-native vegetation.

- E. Where vegetation removal conducted consistent with this section results in adverse impacts to shoreline ecological function, new developments or site alterations shall be required to develop and implement a mitigation plan. Adverse impacts are assumed to result from removal of native trees, shrubs and groundcovers. Mitigation plans shall be prepared by a qualified professional.
- F. Restoration of any shoreline or streambank that has been disturbed or degraded shall use native plant materials, unless such restoration occurs within a developed and maintained ornamental landscape, in which case noninvasive plant materials similar to that which most recently occurred on-site may be used.
- G. Stabilization of exposed erosion-prone surfaces within the shoreline environment shall, wherever feasible, utilize soil bioengineering techniques.
- H. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including Washington Department of Fish and Wildlife requirements.
- I. The control of aquatic vegetation by hand pulling or placement of aquascreens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit. Control of aquatic vegetation by mechanical methods is exempt from the requirement to obtain a shoreline substantial development permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.
- J. The control of aquatic vegetation by derooting, rotovating or other methods which disturb the bottom sediment or benthos shall be considered development for which a shoreline substantial development permit is required.
- K. The application of herbicides or pesticides in lakes, rivers, streams, wetlands, or ditches requires a permit from the Washington Department of Ecology and may require preparation of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture.
- ~~L. To maintain the ecological functions that trees provide to the shoreline environment, significant trees shall be subject to the requirements of the Town's code, including requirements for mitigation.~~

6.8 Water Quality

Water quality is affected in numerous ways by human occupation and development of shoreline areas. Typically the increase in impermeable surfaces as a result of development increases stormwater runoff volumes, causing higher peak stormwater discharges at higher velocities that cause scouring and erosion of stream banks. Erosion increases suspended solids concentrations and turbidity in receiving waters, and carries heavy metals, household wastes, excess nutrients, and other pollutants into these waters. Increased nitrogen and phosphorus enrichment results in algal growth that depresses levels of dissolved oxygen in receiving waters. The degradation of water quality adversely impacts wildlife habitat and public health.

Maintaining high water quality standards and restoring degraded systems has been mandated in RCW 90.58. Water quality is impacted by a variety of uses and modifications and clearly needs broad policies and regulations to protect the shorelines and the associated waters of the state.

6.8.1 Policies

- A. All shoreline uses and activities should be located, designed, constructed and maintained to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, and feeding areas and migratory routes.
- B. The Town should require reasonable setbacks, buffers and stormwater treatment and detention facilities to achieve the objective of no net loss of shoreline ecological functions and maintenance of good water quality.
- C. All measures for the treatment of runoff to maintain and/or enhance water quality should be conducted on-site at the source of contamination.
- D. Dredging and filling activities should be conducted in a manner that protects the Town's water quality. For detailed information on requirements and policies related to dredging, see the Shoreline Modification Policies and Regulations section entitled Dredging and Dredge Material Disposal.
- E. The Town should provide general information to the public about the use of land and human activities which impact water quality.
- F. The following BMPs regarding water quality management should be supported:
 - 1. Hazardous materials should always be disposed of properly if they cannot be reused or recycled. Household products identified by such labels as poisonous, corrosive, caustic, flammable, volatile, explosive, or dangerous, and their associated containers, should never be dumped outdoors at a residence.
 - 2. Ground cloths or drip pans should be used beneath any outdoor work involving hazardous materials such as paints, wood preservatives, finishes, stains, and rust removers. Collected drips and spills should be recycled or disposed of properly.

3. The runoff from automobile washing should drain to vegetated areas, such as lawns. If soaps or detergents are used, products without phosphates should be selected. Use a high pressure hose with trigger to minimize water usage.
4. Limit the amount of lawn and garden watering so that surface water runoff containing pesticides, herbicides and fertilizers does not leave the property. Application of these chemicals should be avoided if precipitation is expected.
5. Boat maintenance and repair activities that can be moved on-shore should be moved accordingly. This action reduces some of the potential for direct pollution on Lake Washington.
6. Boat blasting and spray-painting activities should be sheltered by hanging windblock tarps to prevent dust and overspray from escaping. The Puget Sound Air Pollution Control Agency imposes limitations on this type of work, and therefore should be contacted.
7. Bilge and ballast water that has an oily sheen on the surface should be collected for proper disposal rather than dumped on land or over water. Several companies are available for bilge pumpout services. The problem can possibly be avoided if oil-absorbent pads are used to capture the oil in the bilge water before pumping. If pads are used, they must be recycled or properly disposed.
8. Paint and solvent mixing, fuel mixing, and similar handling of liquids should be performed on shore, or such that no spillage can occur directly in surface water bodies.
9. Feeding Canada geese and other waterfowl along the shoreline should be discouraged to prevent them from gathering in large numbers and potentially contaminating the water from bird droppings.

6.8.2 Regulations

- A. All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grass-lined swales, planted buffers, and fugitive dust controls.
- B. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.
- C. All shoreline development shall comply with the applicable requirements of the most recent edition of the King County Surface Water Design Manual and all applicable Town stormwater regulations. The Town may also rely on source control standards and other BMPs contained in the most recent version of the *Department of Ecology Stormwater*

CHAPTER 7: SHORELINE USE POLICIES AND REGULATIONS

As required by the Shoreline Management Act, this Master Program sets forth policies and regulations governing specific categories of uses and activities found within Hunts Point’s shoreline areas. The policies and regulations cover the following uses and activities:

~~Agriculture, Aquaculture, Boating Facilities, Commercial Development, Forest Practices, Industrial Development, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific, Historical, Cultural, or Educational Uses~~, Signage, Transportation, and Utilities (Primary and Accessory). The policies and regulations, which provide basic criteria for evaluating shoreline permit applications, are used to implement the broader goals, policies and intent of the Shoreline Management Act and this Program.

Table 7.1 Development Standards

REGULATION	Stormwater Utility	Shoreline Residential	Natural	Aquatic
Height Limit	NA	Not to exceed 30’ above original grade, 36’ above finish grade	NA	NA
Shoreline Setback	NA	Stringline or Set by Plat	NA	NA

Table 7.2 Shoreline Use Matrix
SHORELINE USE

SHORELINE USE	Stormwater Utility	Shoreline Residential	Natural	Aquatic
Agriculture	Prohibited	Prohibited	Prohibited	Prohibited
Aquaculture	Prohibited	Prohibited	Prohibited	Prohibited
Boating Facilities	Prohibited	Prohibited	Prohibited	Prohibited
Commercial Development	Prohibited	Prohibited	Prohibited	Prohibited
Industrial Development	Prohibited	Prohibited	Prohibited	Prohibited
Forest Practices	Prohibited	Prohibited	Prohibited	Prohibited
Mining	Prohibited	Prohibited	Prohibited	Prohibited
Parking as a Primary Use as an Accessory Use	Prohibited Conditional Use	Prohibited Permitted	Prohibited Conditional Use	Prohibited Prohibited
Recreational Facilities				

(non-residential) Water-dependent Water-related Water-enjoyment (trail) Non-water-oriented Primary Accessory	Prohibited Prohibited Permitted Prohibited Prohibited	Permitted Permitted Permitted Prohibited Permitted	Conditional Use Prohibited Permitted Prohibited Prohibited	Permitted Permitted Prohibited Prohibited Prohibited
Residential Single-Family Multi-Family	Prohibited Prohibited	Permitted Prohibited	Prohibited Prohibited	Prohibited Prohibited
Scientific, Historical, Cultural, or Educational Uses	Permitted	Permitted	Permitted	Permitted
Signs	Permitted	Permitted	Permitted	Permitted
Transportation	Conditional Use	Conditional Use	Conditional Use	NA
Utilities, Primary Solid Waste Disposal or Transfer Sites Stormwater Collection & Dispersion Utilities, Accessory	Prohibited Conditional Use Permitted	Prohibited Prohibited Permitted	Prohibited Prohibited Permitted	Prohibited Prohibited Permitted

~~7.2 — Agriculture~~

~~Agriculture refers to livestock, crop, vegetation and soil management. These activities are not applicable to the Town of Hunts Point and such use is prohibited. If such activities are established in the future, regulations will be established by amendment to this program.~~

~~7.3 — Aquaculture~~

~~Aquaculture is the farming or culturing of food fish or other aquatic plants and animals in lakes, streams and other natural or artificial water bodies. These activities are not applicable to the Town of Hunts Point. If such operations are established in the future, regulations will be established by amendment to this program. Such use is currently prohibited.~~

~~7.4 — Boating Facilities~~

~~Boating facilities are moorage structures serving more than four single family residences. These facilities are not applicable to the Town of Hunts Point. If such operations are established in the future, regulations will be established by amendment to this program.~~

~~7.5 — Commercial Development~~

~~Commercial development means those uses that are involved in wholesale, retail, service and~~

~~business trade. This type of use is not allowed within the Town of Hunts Point. If such uses are established in the future, regulations will be established by amendment to this program.~~

~~7.6—Forest Practices~~

~~Forest practices are those activities involving conversion to non-forest use. Due to the lack of timber harvest potential within the Town's shoreline jurisdiction, these activities are not applicable to Hunts Point and are not anticipated in the future.~~

~~7.7—Industrial Development~~

~~Industrial developments are facilities for processing, manufacturing and storage of finished or semifinished goods and food stuffs. Such activities are prohibited within the Town and are not anticipated in the future.~~

~~7.8—Mining~~

~~Mining is the removal of naturally occurring materials from the earth for beneficial uses. There are no mining activities existing or anticipated within shoreline jurisdiction.~~

7.1 Parking

Parking is the temporary storage of automobiles or other motorized vehicles. The following provisions apply only to parking that is accessory to a permitted shoreline use.

7.1.1 Policies

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

7.1.2 Regulations

- A. Parking in shoreline areas should be minimized should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, and vegetation and habitat maintenance.
- B. Parking in shoreline areas must directly serve a permitted shoreline use. Parking as a primary use and parking which serves a use not permitted in shoreline jurisdiction is prohibited.

7.2 Recreation

Recreational uses include passive activities, such as walking, viewing and fishing. Recreational development also includes facilities for active uses, such as swimming, boating, and other outdoor recreation uses. This section applies to the sole public shoreline recreational area within

Hunts Point, the Wetherill Nature Preserve. This section does not apply to private residences. The construction of swimming facilities, piers, moorages, and floats waterward of the OHWM shall be governed by the regulations relating to overwater structure construction in the Shoreline Modifications Section of this Shoreline Master Program.

Recreational use within the Wetherill Nature Preserve is limited to hiking trails.

7.2.1 Policies

- A. Give priority to shoreline recreational development in order to provide access, use, and enjoyment of the Town's shoreline.
- B. Develop recreational activity areas in a manner which complements local residential use and/or natural habitats.
- C. Assure recreational facilities are developed in a manner consistent with the purpose of the environment designation and achievement of no net loss of shoreline ecological functions.

7.2.2 Regulations

- A. Recreation within the Wetherill Nature Preserve shall be limited to passive activities, such as low-impact trails, viewpoints, interpretive signage and similar passive and low-impact facilities.
- B. Recreational development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.
- C. Accessory uses and support facilities, such as maintenance facilities, utilities, and other non-water oriented uses, shall be consolidated and located in upland areas outside shoreline, wetland and riparian buffers unless such facilities, utilities, and uses are allowed in buffers based on the regulations of this SMP.

7.3 Residential Development

Residential development means one or more buildings, structures, lots, parcels, or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, limited to single family residences, together with accessory uses and structures normally applicable to residential uses located landward of the OHWM, including, but not limited to, swimming pools, guest houses, garages, sheds, sports courts, and fences. Single-family residential development is prohibited in all shoreline environments other than "Shoreline Residential." in shoreline jurisdiction.

A shoreline substantial development permit is not required for construction within the Shoreline Residential environment by an owner, lessee or contract purchaser of a single-family residence for his/her own use or the use of his/her family. However, such construction and all normal appurtenant structures must otherwise conform to this Master Program. An "appurtenance" is

necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, swimming pools and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. [See Section 3.5.3.G]

7.3.1 Policies

- A. Recognize single-family uses as a preferred use when developed without adverse impacts to ecological functions.
- B. Residential development shall be permitted only where there are adequate provisions for utilities, circulation and access.
- C. Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.
- D. Residential development should be designed so as to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices and where possible, utilizing low impact development technologies.
- E. Prohibit over-water residential structures and floating residences are prohibited.

7.3.2 Regulations

- ~~(d) The City encourages the use of joint use piers and docks in lieu of individual piers and docks for each waterfront lot to protect the ecological functions of the lake.~~
- A. The Town shall encourage the use of alternative paving products, such as pervious pavers, as a mechanism for reducing impervious surfaces and surface water runoff.
- B. Development shall, at a minimum, achieve a no net loss of ecological functions necessary to sustain shoreline natural resources, including development exempt from a substantial development permit.
- C. View and vistas shall ~~continue~~ be regulated by residential height restrictions and setbacks as established by Table 7-1 of this SMP, as established by the Town's zoning code.
- D. Total impervious areas within the shoreline setback area of the R40 zone shall be limited to 200-15 percent of the required setback area, with no new impervious surfaces installed in the first 15 feet landward of the OHWMsquare feet,500 square feet within the R40 zone and 200 square feet within the R20 zone. Pathways providing access to the shoreline are permitted and shall utilize pervious materials.
- E. Total impervious areas within the shoreline setback area of the R20 zone shall be limited to 25 percent of the required setback area, with no new impervious surfaces installed in the first 15 feet landward of the OHWM. Pathways providing access to the shoreline are

[permitted and shall utilize pervious materials.](#)

7.4 Signs

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any sign within shoreline jurisdiction of the Town.

7.4.1 Policies

- A. All signs ~~shou~~shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.

7.4.2 Regulations

- A. All signs on floats, piers, or pilings shall be limited to address identification.
- B. Water navigational signs and local/highway signs necessary for operation, safety and direction are permitted.
- C. Additional permitted and prohibited signs, including their placement and dimensions, are described in Hunts Point Municipal Code 18.41 “Signs.”

7.5 Transportation Facilities

Transportation facilities are those structures and developments that aid in land, air, and water surface movement of people, goods, and services. They include roads and highways, bridges, bikeways, trails, floatplane moorage, and other related facilities. In Hunts Point, these uses account for a minimal percentage of the shoreline land inventory. However, these facilities have the potential to impact shoreline areas.

7.5.1 Policies

- A. Where possible, locate land circulation systems as far from the shoreline as feasible to reduce interference with natural shoreline resources or appropriate shoreline uses. When transportation facilities must be located along shorelines, efforts should be made to minimize the amount of land consumed. Where feasible, such transportation facilities should be sufficiently set back so that a usable shoreline area remains.

7.5.2 Regulations

- A. New road construction and expansion of existing roadways are subject to the Conditional Permitting process.
- B. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and

motorized and nonmotorized forms of transportation are encouraged.

- C. Shoreline restoration activities shall be part of all planned improvements for transportation corridors within the shoreline jurisdiction. There shall be no net loss of shoreline ecological function.
- D. All debris and other waste materials from roadway construction shall be disposed of in such a way as to prevent their entry into any water body.
- E. Float plane facilities shall conform to all applicable Town codes and Federal Aviation Administration standards and requirements for fuel, oil spills, safety and firefighting equipment, noise, and vehicle and pedestrian and swimmer separation.
- F. Heliport facilities are prohibited.

7.6 Utilities (Primary)

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

The Town of Hunts Point has a sanitary sewer trunk line that runs between (approximately) twenty feet offshore to twenty feet landward of the ordinary high water mark, owned and operated by the City of Bellevue. The creation of a stormwater [facility](#) is anticipated in conjunction with the SR 520 expansion at the southern terminus of Fairweather Basin.

7.6.1 Policies

- A. Whenever feasible, locate new utilities outside shoreline jurisdiction. Utilities that must be located within shoreline jurisdiction should be located within existing rights-of-way or corridors whenever feasible.
- B. Locate utility facilities and corridors to prevent loss of ecological function and preserve the natural landscape, including avoiding impacts to critical areas and minimizing clearing of vegetation.
- C. Ensure utilities in shoreline jurisdiction do not adversely affect water quality or prevent public use of the shoreline area.

7.6.2 Regulations

- A. Repair, maintenance, replacement and upgrades to the City of Bellevue's lakeshore sanitary sewer line shall be accomplished with no net loss of ecological function.
- B. In areas where utilities must cross shoreline jurisdiction, they shall do so by the most direct route feasible, unless such a route would negatively impact an environmentally

critical area, obstruct public access to the shoreline, or interfere with the navigability of a waterbody regulated by this SMP.

- C. Use of construction methods that avoid greater impact shall be used when feasible, which may include directional boring, use of sleeves or other construction methods which reduce or avoid temporary and long-term adverse ecological impacts.
- D. High voltage electric transmission lines are prohibited within the shoreline jurisdiction.
- E. Solid waste disposal sites are prohibited within the shoreline jurisdiction.

7.7 Utilities (Secondary Accessory)

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

7.7.1 Policies

- A. Utilities are necessary to serve shoreline uses and should be properly installed to protect the shoreline and water from contamination and degradation.

7.7.2 Regulations

- A. Utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they shall be placed underground.
- B. Utility facilities shall be designed and located in a manner which preserves the natural landscape and shoreline ecology, and minimize conflicts with present and planned land uses.
- C. Clearing for the installation or maintenance of utilities shall be kept to a minimum and, upon project completion, any disturbed area shall be restored as nearly as possible to pre-project conditions, including replanting with native species, or other species as approved by the Town. If the previous condition is identified as being undesirable, then landscaping and other improvements shall be undertaken.
- D. The location and construction of outfalls shall comply with all appropriate federal, state, and local regulations.
- E. The Town shall implement maintenance procedures to assure continued proper functioning of public surface water management and drainage systems.

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

CHAPTER 8: Shoreline Modification Activity Policies and Regulations

8.1 Introduction

Shoreline modification activities are those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modification activities are, by definition, undertaken in support of or in preparation for a permitted shoreline use. A single use may require several different shoreline modification activities. Shoreline modification policies and regulations are intended to assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to prevent, reduce and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act. A proposed development must meet all of the regulations for both applicable uses and activities as well as the general and environment designation regulations.

This chapter has been divided into four sections: Site Development (Clearing and Grading), Shoreline Stabilization, Dredging and Dredge Disposal, and Fill, and Overwater Structures Private Moorage, and Shoreline Habitat and Natural Systems Enhancement.

Table 8.1 Shoreline Modification Matrix
Shoreline Modification Activities (Note: See the actual standards contained within this chapter for a full explanation of activities and required conditions for permitted activities.)

Shoreline Modification ¹	Shoreline Residential	Natural	Utility	Aquatic
Clearing & Grading <u>(includes fill upland of OHWM)</u>	Permitted	Conditional Use	Conditional Use	<u>N/A Prohibited</u>
Shoreline Stabilization	Permitted	Conditional Use	Permitted	<u>Permitted</u>
Beach Restoration & Enhancement	Permitted	Conditional Use	Permitted	<u>Permitted</u>
Soil Bioengineering	Permitted	Prohibited	Prohibited	<u>Prohibited</u>
<u>Bulkheads</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>
<u>Breakwaters</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>
<u>Groins</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>
<u>Jetties</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>
Dredging & Fill	Conditional Use	Prohibited	Conditional Use	<u>Conditional Use</u>
<u>Dredging</u>				

Shoreline Modification ¹	Shoreline Residential	Natural	Utility	Aquatic
<u>Fill/Dredge Material Disposal</u>				
<u>Fill (waterward of OHWM)</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>Conditional Use, Permitted if restoration</u>
Private Moorage	Permitted	Prohibited	Prohibited	<u>Permitted</u>
Recreational Float	Permitted	Prohibited	Prohibited	<u>Permitted</u>
Moorage Cover	Prohibited	Prohibited	Prohibited	<u>Prohibited</u>
Boathouse	Permitted	Prohibited	Prohibited	<u>Permitted</u>
Pier, Float, Joint Use Structure, Buoy, Moorage Pile	Permitted	Prohibited	Prohibited	<u>Permitted</u>
Boatlift, Boatlift Canopy	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>
Launching Ramp	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>
Launching Rails	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>
<u>Shoreline Habitat and Natural Systems Enhancement</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>

¹ See the actual standards contained within this chapter for a full explanation of activities and required conditions for permitted activities.

8.2 Clearing and Grading

Clearing and grading is the activity associated with developing property for a particular use including commercial, industrial, recreational, and residential. Specifically, "clearing" means the destruction or removal of vegetative ground cover and/or trees including, but not limited to, root material removal and/or topsoil removal. "Grading" means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials. However, grading can also involve both the export of materials off-site or the import of materials from an off-site source and may be considered "fill" as regulated by the Shoreline Management Act if the action raises the elevation or creates dry land.. Both of these activities may cause erosion, siltation, increase runoff and flood volumes, reduce flood storage capacity, and damage habitat.

Although it may not technically be considered "development," clearing as an activity will be regulated in this section and in Section 6.7, Vegetation Management, in order to achieve the design goals and objectives of the Shoreline Management Act, particularly along Lake Washington, a shoreline of statewide significance where preservation of natural shoreline

characteristics is a high priority. Grading is considered a development activity for the purposes of this SMP.

8.2.1 Policies

- A. All clearing and grading activities should be designed and conducted to minimize impacts to wildlife habitat; to minimize sedimentation of creeks, Lake Washington, and wetlands; and to minimize degradation of water quality.
- B. Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development. Such activities should be discouraged in designated (structural) setback areas and allowed in other shoreline locations only when associated with a permitted shoreline development.
- C. Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods. Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.
- D. Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation or with other species as approved by the Town.
- E. All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age, and cover density.

8.2.2 Regulations

- A. For proposed land clearing, landfill, or grading activities over fifty (50) cubic yards in quantity, or a cut of two (2) feet or more, or a fill of two (2) feet or more, a clearing and grading plan addressing species removal, replanting, irrigation, erosion and sedimentation control and other methods of riparian corridor protection shall be required as part of the Site Development Permit. All clearing and grading activities must adhere to the requirements of the Town's code pertaining to land clearing and grading.
- B. Clearing and grading activities may only be allowed when associated with a permitted shoreline development.
- C. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not developed must be replanted with native species or other species as approved by the Town within six months of project completion. Replanted areas shall be planned and maintained such that, within three (3) years time, the vegetation is at least ninety (90) percent reestablished.
- D. Normal nondestructive pruning and trimming of vegetation for maintenance purposes

shall not be subject to these clearing and grading regulations. In addition, clearing by hand-held equipment of invasive nonnative shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations.

- E. Any significant placement of materials from off-site (other than surcharge or preload), or the substantial creation or raising of dry upland shall be considered fill and shall also comply with the fill provisions in Section 8.5.
- F. Alteration of the natural landscape shall only be allowed in association with a permitted shoreline use or development with limited exceptions as set forth below:
 - 1. Removal of noxious weeds as listed by the state in Chapter 16-750 WAC, provided such activity shall be conducted in a manner consistent with best management practices and the Town's engineering design standards and native vegetation is promptly reestablished in the disturbed area.
 - 2. Maintenance or restoration of view sheds situated on public lands provided that said activity is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife habitat areas.
- G. In all cases where clearing is followed by revegetation, native plants shall be preferred. Extensive lawns are discouraged due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.

8.3 Shoreline Stabilization - General

Shoreline stabilization includes actions taken to address erosion impacts to property caused by natural processes, such as current, flood, wake or wave action. These actions include all structural and nonstructural methods. "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete or boulder bulkheads, while "soft" structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. The means taken to reduce damage caused by erosion, accretion, and flooding must recognize the positive aspects of each of these processes in order to retain the benefits of these natural occurrences.

Specific structural methods included in this use activity are beach restoration and enhancement; soil bioengineering; and bulkheads. Many of these techniques are currently being used in Hunts Point, or are techniques that could be used to address local shoreline issues. Policies that address all three methods are below; specific policies applicable to the individual activities are found in subsequent sections.

8.3.1 General Shoreline Stabilization Policies

- A. Hard structural solutions to reduce shoreline damage from erosion should be allowed only after it is demonstrated that nonstructural or soft structural solutions would not provide sufficient protection to existing improvements. Nonstructural and soft structural solutions include (but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures).
- B. Proposals for shoreline stabilization activities should address the impact of these activities on Lake Washington and the larger aquatic environment. This planning should consider off-site erosion, accretion, or flood damage that might occur as a result of shoreline stabilization structures or activities.
- C. Shoreline stabilization on the Lake Washington shoreline should not be used to create new or newly usable land.
- D. Shoreline stabilization structures should allow passage of ground and surface waters into Lake Washington.
- E. The burden of proof for the need for shoreline stabilization to protect existing developments rests on the applicant(s).
- F. Areas of significance in the spawning, nesting, rearing, or residency of aquatic and terrestrial biota should be given special consideration in the review of shoreline stabilization actions.

8.3.2 General Shoreline Stabilization Regulations

- A. Shoreline stabilization structures shall be located, designed and constructed to minimize adverse impact on the property of others.
- B. All new shoreline development shall ~~ould~~ be located and designed to prevent or minimize the need for shoreline modification activities.
- ~~(h) Areas of significance in the spawning, nesting, rearing, or residency of aquatic and terrestrial biota should be given special consideration in the review of shoreline stabilization actions.~~
- C. Breakwater construction, jetties, and groins are prohibited within the waters of Hunts Point.
- D. Consideration shall be given to the impact of proposed shoreline modification structures on ecosystem-wide processes (e.g., sediment movement) and functions (e.g., habitat). Provisions shall be made to avoid and minimize impacts.
- E. Mitigation for shoreline stabilization must be provided to achieve no net loss of

ecological functions necessary to sustain shoreline natural resources.

- F. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or landward of, the shoreline stabilization being replaced.
- G. Shoreline stabilization shall be permitted only when it has been demonstrated that shoreline stabilization is necessary for the protection of legally established structures and public improvements. The Shoreline Administrator shall require a report prepared by a qualified professional that demonstrates that there are no other feasible options to the proposed shoreline stabilization that have less impact on the shoreline environment. Criteria for these reports shall be established by administrative rule.
- H. Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.
- I. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.
- J. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.
- K. Professional design (as approved by the Town) of all shoreline stabilization or modification structures is required.
- L. All shoreline modification activities shall be in support of a permitted shoreline use that is in conformance with the provisions of this Master Program unless it can be demonstrated that such activities are necessary and in the public interest.
- M. All shoreline modification activities within the Town must comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

8.3.3 Beach Restoration or Enhancement Regulations

Beach enhancement is the alteration of exposed and submerged shorelines for the purpose of stabilization, recreational enhancement, and or/aquatic habitat creation or restoration using native or similar material. The materials used are dependent on the intended use. For recreation purposes, various grades of clean sand or pea gravel are often used to create a beach above the ordinary high water mark. Restoration or re-creation of a shore feature may require a rock and gravel matrix and/or creation of other materials appropriate for the intended use. For purposes of restoring or enhancing salmonid habitat, small gravel sizes are preferred below the ordinary high water mark.

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

- B. Natural Beach restoration/Enhancement Design Standards: Natural beach restoration/enhancement shall not extend waterward more than the minimum amount necessary to achieve the desired stabilization and shall not disturb significant amounts of valuable shallow water fish/wildlife habitat without appropriate mitigation of the impacts.
- C. Natural Beach Restoration Construction Standards: The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake, or wave action at the site. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to obviously create additional dry land).
- D. Beach enhancement is prohibited within fish and/or wildlife spawning, nesting, or breeding habitat that would be adversely affected by it and also where littoral drift of the enhancement materials would adversely affect adjacent spawning grounds or other areas of biological significance.

8.3.4 Soil Bioengineering Regulations

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

The use of soil bioengineering as a shoreline stabilization technique is a viable and proven alternative to riprap, concrete and other structural solutions. It provides habitat while maintaining and preserving the natural character of the shoreline. Soil bioengineering is the preferred "best practices" choice when considering shoreline stabilization.

- A. All soil bioengineering projects shall use native plant materials appropriate to the specific area including trees, shrubs, and groundcovers.
- B. All cleared areas shall be replanted immediately following construction and irrigated (if necessary) to ensure that within three (3) years all vegetation is at least ninety (90) percent reestablished to achieve no net loss of ecological functions of the shoreline area. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.
- C. Bank stabilization in the form of a vegetated buffer zone shall be maintained (e.g., weeding, watering, dead plant replacement) for a minimum of three (3) years. Any buffer areas shall exclude activities that could disturb the site. Where determined necessary by the Shoreline Administrator, fencing may be required to ensure protection of buffer plantings.

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

8.3.5 Bulkhead Regulations

Bulkheads are shoreline structures, either sloped or vertical, usually constructed parallel to the shore. The primary purpose they serve is to contain and prevent the loss of soil caused by erosion or wave action. Bulkheads have historically been constructed of poured-in-place or precast concrete, concrete blocks, steel or aluminum sheet piling, wood or wood and structural steel combinations, and boulders. Bulkheads may be either thin structures penetrating deep into the ground or more massive structures resting on the surface. Uses and activities related to bulkheads which are identified as separate use activities in this program, such as Fill and Residential Development, are subject to the regulations for those uses in addition to the standards for bulkheads established in this section.

A. New or Enlarged Structural Stabilization (Bulkhead)

1. Submittal Requirements for nNew or eEnlarged hHard and sSoft structural stabilization shall Bulkheads include the preparation of a geotechnical report prepared by a qualified professional with an engineering degree. The report shall include the following:

- a. An assessment of the necessity for structural stabilization by estimating time frames and rates of erosion and documenting the urgency associated with the specific situation.
- b. An assessment of the cause of erosion, including on-site drainage issues, looking at processes occurring both waterward and landward of the OHWM.
- c. An assessment of the feasibility of using nonstructural or soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.

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

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

- a. There is a significant possibility that an existing structure will be damaged within three (3) years as a result of shoreline erosion in the absence of

hard structural stabilization measures;

- b. Waiting until the need is immediate will result in the loss of opportunity to use measures that would avoid impacts on ecological functions; or
 - c. Where the geotechnical report confirms a need to prevent potential damage to a structure, but the need is not as immediate as three (3) years, the report may still be used to justify more immediate authorization to protect against erosion using soft structural stabilization measures.
4. ~~i. For new soft structural stabilization measures, a demonstrated need must exist to protect the structure.~~
- ~~ii. For either hard or soft bulkheads, any on-site drainage issues must be directed away from the shoreline edge prior to considering structural stabilization.~~
5. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements must be explored and must be shown to be unfeasible or insufficient to protect the primary structure.

B. Replacement or Major Repair of Hard Structural Stabilization

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

- a. A repair needed to a portion of an existing stabilization structure that has collapsed, eroded away or otherwise demonstrated a loss of structural integrity, ~~or when in which~~ the repair work involves modification of ~~the toe rock or footings, and the repair is~~ 50 percent or greater ~~than the linear by~~ length of the existing hard shoreline stabilization measure's bottom course of rock or footings; or
 - b. A repair needed to an existing hard structural shoreline stabilization that has collapsed, eroded away, or otherwise demonstrated a loss of structural integrity when the repair work involves modification of more than 75 percent of the linear length of the existing hard structural shoreline stabilization measure's in which the repair work involves replacement of top or middle course of rocks or other similar repair activities.
2. The Town ~~may shall approve permit~~ a major repair or replacement of an existing hard structural stabilization measure with a hard structural shoreline stabilization measure to protect ~~an existing primary structures, including detached accessory dwelling units, in either of the following circumstances:~~

- ~~a. For a if the structure that is located more than 10 feet from the~~

~~OHWM, provided~~ conclusive evidence is ~~presented~~~~provided~~ to the Town that the structure is in danger from shoreline erosion caused by waves.

3. Submittal Requirements for Replacement or Major Repairs of Hard Bulkheads shall include a written narrative that provides a demonstration of need. A qualified professional (e.g., shoreline designer or other consultant familiar with lakeshore processes and shore stabilization), but not necessarily a licensed geotechnical engineer, shall prepare a written narrative consisting of the following:
 - a. An assessment of the necessity for hard or soft structural stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch, and location of the nearest structure.
 - b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard or soft structural shoreline stabilization.
 - c. An assessment of the feasibility of using soft structural stabilization measures in lieu of hard structural shoreline stabilization measures. Soft stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.
 - d. Design recommendations for minimizing impacts and ensuring that the replacement or repaired stabilization measure is designed, located, sized, and constructed to assure no net loss of ecological functions.
- C. Minor Repairs of Hard Shoreline Stabilization include those maintenance and repair activities not otherwise addressed in the subsections above. The Town shall allow minor repair activities to existing hard structural shoreline stabilization measures.
- D. Repair or Replacement of Soft Shoreline Stabilization
 1. Repair or replacement of soft shoreline stabilization measures shall be permitted.
 2. ~~shall be allowed by the Town.~~ The applicant shall submit to the Town design recommendations for minimizing impacts and ensuring that the replacement or repaired stabilization measure is designed, located, sized, and constructed to assure no net loss of ecological functions.
- E. General Submittal Requirements for New, Enlarged, Replacement and Major Repair Measures. Detailed construction plans shall be submitted to the Town, including the following:
 1. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWM.

2. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation. The sizing and placement of all materials shall be selected to accomplish the following objectives: Protect the property and structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from wind- and boat- driven waves; allow safe passage and migration of fish and wildlife; and minimize or eliminate juvenile salmon predator habitat.
 3. For hard structural stabilization measures when shoreline vegetation is required as part of mitigation, a detailed 3-year vegetation maintenance and monitoring program to include goals and objectives of the shoreline stabilization plan; a three-year monitoring plan, consisting of one site visit per year by a qualified professional, ~~with specifying submittal of~~ annual progress reports ~~submitted~~ to the Shoreline Administrator and all other agencies with jurisdiction; ~~and a contingency plan in case of failure; and proof of a written contract with a qualified professional who will perform the monitoring.~~
 4. Fees for ~~the Town Engineer or other~~ consultant selected by the Town to review the shoreline stabilization plan, the monitoring and maintenance program, the narrative justification of demonstrated need, and drawings shall be the responsibility of the project applicant. In addition, the Shoreline Administrator may require a fee for ~~the Town Engineer or other~~ consultant to review the geotechnical report and recommendations.
- F. General Design Standards - The following design standards shall be incorporated into the stabilization design:
1. Soft structural shoreline stabilization measures shall be used to the maximum extent feasible, limiting hard structural shoreline stabilization measures to the portion or portions of the site where necessary to connect to existing hard shoreline stabilization measures on adjacent properties. The length of hard structural shoreline stabilization connections to adjacent properties shall be minimized to the maximum extent feasible, and extend into the subject property from adjacent properties no more than needed.
 2. For enlarged, major repair or replacement of hard structural shoreline stabilization measures, excavation and fill activities associated with the structural stabilization shall be landward of the existing OHWM, except when not feasible due to existing site constraints or to mitigate impacts of hard structural stabilization by increasing shallow water habitat with gravel, rocks and logs.
 3. For short-term construction activities, hard and soft structural stabilization measures must minimize and mitigate any adverse impacts to ecological functions by compliance with appropriate timing restrictions, use of best management practices to prevent water quality impacts related to upland or in-water work, and

stabilization of exposed soils following construction.

4. For long-term impacts, new, enlarged or major repair or replacement of hard structural shoreline stabilization shall incorporate the following measures into the design wherever feasible: limiting the size of hard structural shoreline stabilization measures to the minimum necessary, including height, depth, and mass; shifting hard stabilization structures landward and/or sloping the structure landward to provide some dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat.
5. For new and enlarged hard shoreline stabilization, the following additional measures shall be incorporated into the design:
 - a. To increase shallow-water habitat, install gravel/cobble beach fill waterward of the OHWM, grading slope to a maximum of 1 vertical (v): 4 horizontal (h). The material shall be sized and placed to remain stable and accommodate alteration from wind- and boat-driven waves.
 - b. Plant native riparian vegetation as follows:
 - i. ~~A~~at least 75 percent of the nearshore riparian area located along the edge of the OHWM shall be planted;
 - ii. ~~T~~he vegetated portion of the nearshore riparian area shall average ten (10) feet in depth from the OHWM, but may be a minimum of 5 feet wide to allow for variation in landscape bed shape and plant placement provided that the total square footage of the area planted equals ten (10) feet along the water's edge;
 - iii. ~~R~~estoration of native vegetation shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. At least 3 trees per 100 linear feet of shoreline and 60% shrubs must be included in the plan;
 - iv. ~~P~~lant materials must shall be ~~native or other native or shoreline appropriate species~~ chosen from the list in Appendix D or otherwise approved by the Shoreline Administrator;
 - iv. ~~A~~n alternative planting plan or mitigation measure in lieu of meeting this section shall be allowed if approved by other state and federal agencies.
 - v. In addition, the Town shall accept existing native trees, shrubs and groundcover as meeting the requirements of this section, including vegetation previously installed as part of a prior development activity, provided that the existing vegetation provides a landscape

strip at least as effective in protecting shoreline ecological functions as the required vegetation.

6. Hard and soft shoreline stabilization measures shall be designed to not significantly interfere with normal surface and/or subsurface drainage into Lake Washington, constitute a hazard to navigation or extend waterward more than the minimum amount necessary to achieve effective stabilization.
7. Hard and soft stabilization measures are allowed to have gravel, logs and rocks waterward of the OHWM, as approved by the Town and federal and state agencies, to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat.
8. Stairs or other water access measures may be incorporated into the shoreline stabilization, but shall not extend waterward of the shoreline stabilization measure.
9. The shoreline stabilization measures shall be designed to ensure that the measures do not restrict public access or make access unsafe to the shoreline. Access measures shall not extend farther waterward than the face of the shoreline stabilization structure.

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

1. Where hard stabilization measures are not located on adjacent properties, the construction of a hard stabilization measure on the site shall tie in with the existing contours of the adjoining properties, as feasible, such that the proposed stabilization will not cause erosion of the adjoining properties.
2. Where hard stabilization measures are located on adjacent properties, the proposed hard stabilization measure may tie in flush with existing hard stabilization measures on adjoining properties, but by no more than as reasonably required. The new hard stabilization measure shall not extend waterward of the OHWM, except as necessary to make the connection to the adjoining hard stabilization measures. No net intrusion into the lake and no net creation of upland shall occur with the connection to adjacent stabilization measures.
3. Fill behind hard shoreline stabilization measures shall be limited to an average of one (1) cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered a regulated activity subject to the regulations in this Chapter pertaining to fill activities and the requirement for obtaining a Sshoreline Substantial Development Permit.

H. Replacement hard structural stabilization measures shall not encroach waterward of the

OHWL or waterward of the existing shoreline stabilization measure unless there is overriding safety or environmental concerns if the stabilization measure is moved landward of the OHWL. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. All other replacement structures shall be located at or landward of the existing shoreline stabilization structure.

- I. Specific Design Standards for Soft Structural Stabilization. In addition to the general design standards above, the following design standards shall be incorporated:
1. Provide sufficient protection of adjacent properties by tying in with the existing contours of the adjoining properties to prevent erosion at the property line. Proposals that include necessary use of hard structural stabilization measures only at the property lines to tie in with adjacent properties shall be permitted as soft structural shoreline stabilization measures. The length of hard structural stabilization connections to adjacent properties shall be the minimum needed and extend into the subject property from adjacent properties as reasonably required.
 2. Size and arrange any gravels, cobbles, logs, and boulders so that the improvement remains stable in the long-term and dissipate wave energy, without presenting extended linear faces to oncoming waves.

J. ~~Expansion of SMA Jurisdiction from Upland Shifts~~ in OHWL - If a shoreline stabilization measure from any action required by this Section or restoration projects, including shoreline stabilization improvements that are not mitigation, intended to improve ecological functions results in shifting the OHWL landward of the pre-modification location ~~that expands the shorelines jurisdiction onto any property other than the subject property~~, then shoreline regulations shall not apply to such affected property. If shoreline stabilization activities result in a reduced lot size for the subject property, the property's square footage prior to the stabilization improvement shall be considered for all aspects of compliance with the Town's zoning restrictions. For example, the Town's 30% maximum structure size based on lot square footage shall not be reduced as a result of these activities.

8.4 Dredging and Dredge Material Disposal Fill

~~Although these activities may occur separately from one another, they are often all parts of the same shoreline modification process and are, therefore, considered together in the following policies and regulations:~~

~~(a) Dredging and Dredge Material Disposal Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any stream, or lake and associated shorelines, side channels, and wetlands.~~ In a lake setting, dredging is normally done for specific purposes or uses such as deepening a navigational channel or obtaining bottom material. Dredge material is disposed of on land or into water bodies and may be intended for the purpose of creating new or additional lands for other uses. Dredge spoil

varies from clean river sand to organic sludge. While some of this material is deposited on land, a significant portion is dumped, intentionally or unintentionally, back into the water or immediately adjacent to the water. Of all activities on shorelines, dredging poses one of the greatest threats to water quality and aquatic life. In most cases, dredging occurs in shallow areas and may disturb the aquatic environment in the following ways: (1) temporary reduction of water clarity from suspended sediments, (2) loss of aquatic plants and animals by direct removal or from the sedimentation of suspended materials, (3) alteration of the nutrient and oxygen levels of the water column, and (4) suspension of toxic materials from the sediments into the water column.

One shoreline activity that involves dredging is the development of excavated moorage slips. These slips are boat-mooring locations where the lake bottom has been excavated into a channel to allow the boat to dock in otherwise too-shallow water. As a result of the dredging necessary, development of excavated moorage slips will disturb bottom sediments and aquatic life.

8.4.1 Policies

- A. Dredging in Lake Washington should be restricted to the minimum necessary to support existing water-dependent, water-oriented or water related use and only when other solutions would result in greater environmental impacts. New development should not be proposed in areas which would require maintenance dredging.
- B. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill or construction material is prohibited.
- C. In all cases, dredging operations should be planned and conducted to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values.
- D. Dredging operations should be designed and scheduled to avoid impacts to fish, including impacts to fish migration, rearing, feeding and spawning.
- E. Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological values and natural resources of the area to be dredged and of the disposal site. Proposals that include dredging shall provide mitigation to achieve no net loss of shoreline ecological functions.
- F. Dredge material disposal in waterbodies should be prohibited, except for habitat improvement projects.
- G. Dredging and dredge material disposal in water bodies should be prohibited in wetlands, except for habitat improvement projects the purposes of enhancing wetland functions. A design prepared by a qualified wetland scientist is required prior to allowing dredging and/or disposal of dredge spoils into a wetland.
- H. Dredging should utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.

8.4.2 Regulations

- A. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill or construction material is prohibited.
- B. The Town of Hunts Point may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.
- C. If suitable alternatives for land disposal are not available or are infeasible, water disposal sites shall be identified consistent with the following criteria: disposal will not interfere with geohydraulic processes; the dredge spoil has been analyzed by qualified personnel and found to be nonpolluting; aquatic life will not be adversely affected; and the site and method of disposal meets all requirements of applicable regulatory agencies.
- D. Dredging is only permitted as a conditional use activity in where the applicant can demonstrate that the proposal, including any necessary mitigation, will result in no net loss of shoreline ecological functions. New development shall not be sited in areas which may require future maintenance dredging.
- E. Excavated moorage slips for all residential uses are prohibited.
- F. Maintenance dredging of existing excavated moorage slips for noncommercial shoreline recreational uses may be permitted as a conditional use activity. However, deepening of existing moorage areas beyond maintenance dredging levels is prohibited.
- G. Dredging waterward of the ordinary high water mark may be permitted only for navigation or navigational access; in conjunction with a water-dependent use of water bodies or adjacent shorelands; as part of an approved habitat improvement project; if it improves water quality; and when applicable permits of other local, state and federal agencies have been obtained.
- H. When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use.
- I. Proposals for dredging and dredge disposal shall include details on all feasible mitigation measures to protect aquatic habitats. Dredging and dredge disposal shall not create a net loss of shoreline ecological functions.
- J. Dredging material which will not subsequently cause violation of State Water Quality Standards may be used in permitted landfill projects.
- K. Excavations on beaches shall include precautions to prevent the migration of fine grain sediments, disturbed by the excavation, onto adjacent beach areas. Excavations on beaches shall be backfilled promptly using material of similar composition and similar or coarser grain size.
- L. Dredging shall be timed so that it does not interfere with aquatic life.

- M. Individual disposal operations shall comply with Department of Natural Resources leasing practices, the Department of Ecology Water Quality Certification process, and the permit requirements of the State Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
- N. Depositing dredge materials in water areas may be allowed only by conditional use permit for one or more of the following reasons: for wildlife habitat improvement; to correct problems of material distribution adversely affecting fish; for permitted beach enhancement; when the alternative of depositing material on land is demonstrated to be more detrimental to shoreline resources than depositing it in water areas; or in approved open-water disposal sites as identified by appropriate agencies.
- O. Disposal of dredge material shall be done only in approved sites.
- P. Dredging and dredge material disposal is prohibited in wetlands, except for the purposes of enhancing valuable wetland functions. A design prepared by a qualified wetland scientist is required prior to allowing dredging and/or disposal of dredge spoils into a wetland.
- Q. Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.

8.5 Fill

~~(b) Fill is the placement of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the OHWM, in wetlands, or on shorelands in that manner that raises the elevation or creates dry land. Fill waterward of the OHWM is usually considered in locations where the water is shallow and where rooted vegetation often occurs. In their natural condition, these same areas provide valuable habitat for fish and wildlife feeding, breeding, and shelter. Biologically, the shallow vegetation areas tend to be highly productive portions of the lake. For these reasons, governmental agencies and scientific experts have generally sought to prohibit or restrict fill. The policies contained herein are intended to focus on the aspects of natural systems affected by dredging and the disposal of dredge material, man-made fill, cuts, excavations and site grading actions, while at the same time recognizing the community's needs. Fill occurring on dry land landward of the OHWM which does not exceed a cost of five thousand seven hundred eighteen (5,718) dollars or 250 cubic yards of material (per WAC 173-27-040), does not require a shoreline substantial development permit, as noted elsewhere in this Master Program. This development, however, must comply with all other applicable policies and regulations as defined in this Master Program. Fill upland of the OHWM is regulated under Section 8.2, Clearing and Grading.~~

8.5.1 ~~Policies and Regulations~~

- A. Fills waterward of the OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses which are consistent with this Master Program.

- B. Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface and subsurface drainage, or flood waters which would result in hazard to adjacent life, property, or natural resource systems.
- C. Where permitted, fill coverage should be the minimum necessary to provide for the proposed use. Fills should be permitted only when tied to a specific development proposal that is permitted by the master program.
- D. The perimeter of fills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time. Natural- appearing and self-sustaining control methods are preferred over structural methods.
- E. Replenishing sand on private beaches should be allowed, subject to the assurance of no net loss of ecological functions in the process.

8.5.2 Regulations

- A. Fills waterward of the OHWM shall be permitted as a conditional use only: in conjunction with a water-dependent or public use permitted by this Master Program; or fisheries; ~~aquaculture~~; or wildlife enhancement projects; and as part of an approved beach restoration project.
- B. Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.
- C. All perimeters of fills shall be provided with vegetation, retaining walls, or other satisfactory mechanisms for erosion prevention and sediment capture.
- D. Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions.
- E. Fill shall be permitted only where it is demonstrated that the proposed action will not: result in significant damage to water quality, fish, aquatic habitat, and/or wildlife habitat; or adversely alter natural drainage and circulation patterns, currents, or stream flows, or significantly reduce flood water holding capabilities.
- F. No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted along the Lake Washington shoreline in Hunts Point.

~~8.8 Overwater Structures: Piers, Docks, Floats, Buoys, and Moorage Covers~~ **8.6** Private Moorage

Private moorage facilities include piers and docks, recreational floats, moorage pilings, boatlifts, boatlift canopies, and moorage covers. Piers and docks are structures which abut the shoreline

~~and are used as a landing or moorage place for Hunts Point recreational watercraft or float planes. Piers are built on fixed platforms supported by piles above the water, while docks float upon the water. Some piers may terminate in a float section that is connected by a ramp. Recreational floats are also addressed in this section. These floats are independent, anchored, off-shore platforms used for water dependent recreational activities such as swimming and diving. Various mooring systems are discussed, including moorage piles. Launching ramps and lift stations used to place and remove boats from the water are also discussed. Buoys are floating devices anchored to the lake bottom used for navigational purposes or moorage. Boatlifts (including jetski lifts and platform lifts) are structures that elevate a boat or plane above the water's surface. A boatlift canopy is elevated above and usually supported by the boatlift. A moorage cover is made of a hard material to protect the vessel beneath it. Currently, all of these overwater structures are present along the shoreline in Hunts Point.~~

All of these types of facilities have positive and negative environmental aspects. Floating docks generally have less of a visual impact than those piers on pilings. However, in the nearshore, docks can interrupt littoral drift of sediments and other suspended materials, and significantly shade the aquatic environment throughout their length. Pile piers can provide diverse habitat for both desirable and undesirable aquatic life. Docks and piers alike create impediments to boat traffic. Pier construction requires regulation to protect navigation rights, to protect shoreline aesthetics, and to maintain the useable water surface and aquatic lands for life forms characteristic and important to those areas. Currently, the Hunts Point shoreline has 109 piers, docks, and moorage covers, with approximately 4.2 acres of overwater coverage.

8.6.1 Policies

- A. Pier construction should be consistent with current state and federal requirements for Lake Washington. Generally, these require fixed-pile construction, using metal or untreated pilings, narrow widths, and elevated and grated decking to minimize shading.
- B. Piers should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by pier construction.
- C. Substantial additions or alterations to overwater structures, including, but not limited to, substantial developments, should be in conformance with the policies and regulations set forth in this Master Program.
- D. Overwater structures, including piers, boatlifts, and moorage covers, should only be authorized after consideration of the effect such structures have on wildlife and aquatic life, water quality, scenic and aesthetic values, environmental sensitive resources, submerged lands, and submerged vegetation; and the effect such structures have on navigation, water circulation, recreational and commercial boating, sediment movement and littoral drift and shoreline access.
- E. Overwater structures should be designed to cause minimum interference with navigable waters and the public's safe use of the lake and shoreline.
- F. Use of non-reflective materials in construction should be encouraged.

- G. The proposed size of the structure and intensity of use or uses of any overwater structure should be compatible with the surrounding environment and land and water uses.
- H. Lighting facilities should be limited to the minimum extent necessary to locate the pier or dock at night.

8.6.2 Regulations

A. General Regulations

1. All new, reconstructed, repaired, or modified overwater structures shall comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
2. Proposed overwater structures that do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a variance.
- ~~3. No portion of the deck of a pier shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than five (4) feet above the OHWM.~~
3. All pier and dock dimensions shall be minimized to the maximum extent feasible. The proposed length must be the minimum necessary to support the intended use.
4. No skirting is permitted on any structure.
5. All over-water structures and other water-use developments shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.
6. Lighting associated with overwater structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.
7. Piles, floats and other water-use structures that are in direct contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, or pentachlorophenol. Use of wood members treated with arsenate compounds, ~~or~~ creosote or comparably toxic compounds is prohibited.
8. ~~Moorage facilities~~ Piers and docks shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish shall be generally non-reflective.
9. Only one pier per property shall be permitted. Joint use piers shall be encouraged. In cases of joint use piers, the joint use pier shall take the place of individual property piers.

10. In the following circumstances and as required by WAC 173-26-231(3)(b), a joint-use pier shall be required:
 - a. On lots subdivided to create one or more additional lots with waterfront access rights.
 - b. New residential development of two or more dwelling units with waterfront access rights.
11. Piers, docks, boatlifts and moorage piles shall be designed and located to meet the no net loss standard and mitigation sequencing.
12. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition.

B. Replacement of Existing Private Pier or Dock:

1. A pier modification project is considered to be a replacement when the entire existing structure is removed or when more than 50 percent of the pier-support piles are replaced. Pile replacement does not include piles that are repaired through sleeving or splicing.
2. A replacement of an existing pier or dock shall meet the following dimensional requirements:

Replacement Pier <u>or</u> Dock <u>or</u> Moorage Piles	Dimensional and Design Standards
Maximum Area: surface coverage, including all attached float decking, ramps, ells and fingers	<ul style="list-style-type: none"> ● No larger than existing pier or standard for new piers (Section 8.6.2.E.1), whichever is greater ● Area limitations shall include platform lifts
Maximum Length for piers, docks, ells, fingers and attached floats (<u>For Fairweather Basin, Haug Channel, and Cozy Cove Inlet, see 8.6.2.B.3</u>)	<ul style="list-style-type: none"> ● Minimum necessary for intended use, not to exceed 100 ft ● 26 ft. for ells ● 20 ft. for fingers and float decking attached to a pier
Maximum Width	<ul style="list-style-type: none"> ● 4 ft. for the nearshore 30 feet of pier or dock walkway, 6 ft. for remaining walkway. If applicant submits documentation of need for a wider walkway based on a disability, the nearshore walkway may be 6 ft. wide. Documentation may include a disabled parking placard or other materials at the

Replacement Pier <u>or</u> Dock <u>or</u> Moorage Piles	Dimensional and Design Standards
	<p>Shoreline Administrator's discretion.</p> <ul style="list-style-type: none"> • 4 ft. for ramp connecting pier to float • 6 ft. for ells • 2 ft. for fingers
Height of piers	<ul style="list-style-type: none"> • Minimum of 1.5 ft. above OHWM to bottom of pier stringers, except the floating section of a dock and float decking attached to a pier • Maximum of 4 ft. above OHWM for any piers or docks
Spacing	<ul style="list-style-type: none"> • Minimum of 20 feet apart from adjacent piers and the greater of <u>The greater of</u> 10% of the lot width or 10 feet from the side yard, except for joint-use structures
Decking for piers, docks walkways, platform lifts, ells and fingers	<ul style="list-style-type: none"> • Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of 40% light transmittance through the material • For docks and floats with float tubs, grated decking shall be used in all areas that are not directly above the float tubs.
Location of ells, fingers and deck platforms <u>(For Fairweather Basin, Haug Channel, and Cozy Cove Inlet, see 8.6.2.B.3)</u>	<ul style="list-style-type: none"> • No closer than 30 ft. waterward of the OHWM, measured perpendicular to the OHWM • Within 30 ft. of the OHWM, only the pier walkway or ramp is allowed
Pilings	<ul style="list-style-type: none"> • Wood treated with pentachlorophenol, creosote, chromated copper arsenate (CCA), or comparably toxic compounds shall not be used on pilings, decking, or any other part of the overwater structure in the replacement of pilings, decking, or any other part of the overwater structure. • First set of pilings for a pier or dock shall be located no closer than 18 ft from OHWM, <u>unless dictated by site-specific engineering or design considerations.</u> • The diameter of pilings shall be minimized to the maximum extent <u>allowed by site-specific engineering or design considerations.</u> • The spacing between pilings shall be maximized to the extent allowed by site-specific engineering or design considerations.

Replacement Pier <u>or</u> Dock <u>or</u> Moorage Piles	Dimensional and Design Standards
Mitigation	<ul style="list-style-type: none"> Existing skirting shall be removed and may not be replaced Existing in-water and overwater structures located within 30 ft. of the OHWM, except for <u>the subject replacement pier walkway and</u> existing <u>or authorized legal</u> shoreline stabilization measures or the subject pier or dock walkways, shall be removed <u>or relocated</u>.

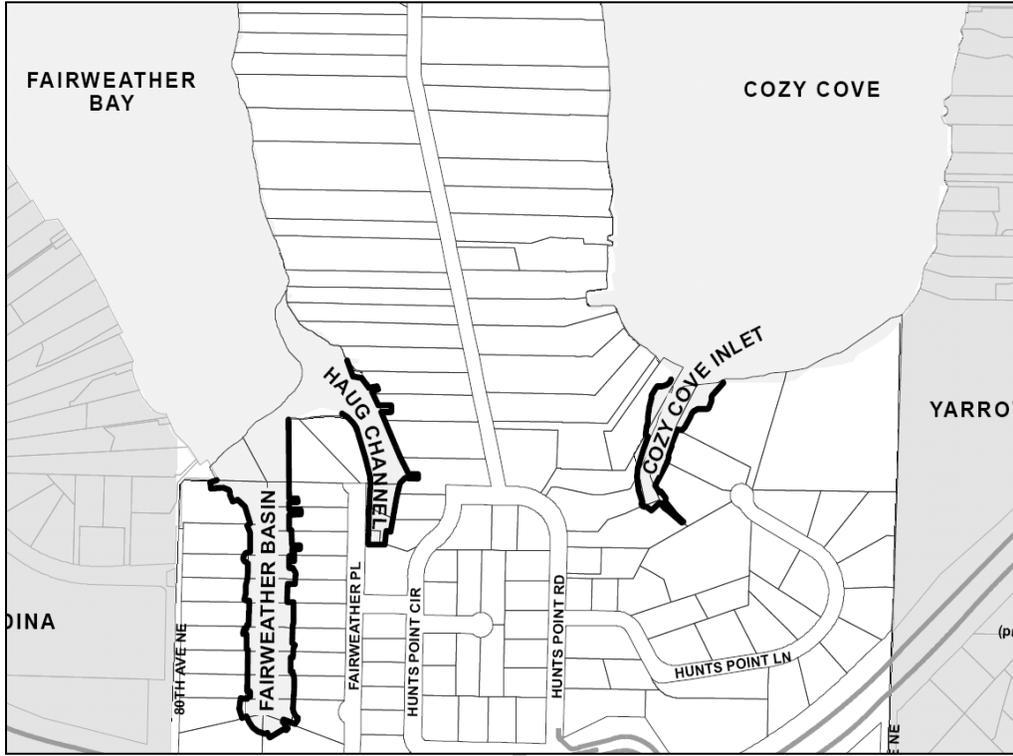
3. In Fairweather Basin, Haug Channel, and Cozy Cove Inlet (see shoreline indicated by dark line below), the following dimensional standards apply in lieu of dimensional standards for maximum length and location provided above in Section 8.6.2.B.2. All other standards from Section 8.6.2.B.2 apply.

<u>Replacement Pier or Dock</u>	<u>Dimensional and Design Standards</u>
<u>Maximum Length for piers, docks, ells, fingers and attached floats</u>	<ul style="list-style-type: none"> <u>In order to avoid interfering with navigation and public use of the water, private moorage facilities may extend no farther waterward than one-fifth the width of the channel in the location of the proposed structure or as regulated by plat restrictions</u> <u>Ells shall be no longer than 30 ft. or the existing length, whichever is greater or as regulated by plat restrictions.</u>
<u>Location of ells and deck platforms</u>	<ul style="list-style-type: none"> <u>Piers and ramps shall be as short as possible, provided the ell or platform is located waterward of any emergent or aquatic vegetation and extends no farther waterward than one-fifth the width of the channel in the location of the proposed structure or as regulated by plat restrictions.</u>
<u>Boardwalks</u>	<ul style="list-style-type: none"> <u>The overwater footprint of a boardwalk shall be shifted landward to the maximum extent allowed by site-specific engineering or design considerations</u> <u>Similar to replacement piers, existing boardwalk replacement is subject to height, decking, piling, and mitigation standards in 8.6.2.B.2 for those portions over the water.</u>

<u>Replacement of Existing Private Pier or Dock</u>	<u>Requirements</u>
<u>Proposals involving replacement of the entire private pier or dock, or 50 percent or more of the pier-support piles, or 100% of the pier decking</u>	<u>Must meet the dimensional, decking, and design standards for new piers as described in 8.8.2 above, except the Town may administratively approve an alternative design described in subsection 2, below.</u>

Mitigation

Existing skirting shall be removed and may not be replaced.



- 4. The Town shall approve the following modifications to a pier replacement proposal that deviates from the dimensional standards 8.6.2.B.2 or 8.6.2.B.3, above, subject to both US Army Corps of Engineer and Washington Department of Fish and Wildlife approval to an alternate project design. In addition, ~~the~~ following requirements and all other applicable provisions of this Chapter shall be met.

Administrative Approval for Alternative Design of Replacement Private Pier or Dock	Requirements
State and Federal Agency Approval	U.S. Army Corps of Engineers and <u>or</u> the Washington Department of Fish and Wildlife have approved proposal <u>(Note: both agencies are required to approve the project, but the applicant is only required to receive one of the approvals prior to submitting an application to the Town under these alternative design provisions.)</u>
<u>Maximum Area</u>	<u>No larger than existing pier</u>

Maximum length	26 ft. for fingers and float decking attached to a pier Otherwise, the pier and all components shall meet the standards noted in 8.8.2 above
Maximum Width	<ul style="list-style-type: none"> • 4 ft. for portion of pier or dock located within 30 ft. of the OHWM; otherwise, 6 ft. for walkways • 8 ft. for ells and float decking attached to a pier. • For piers with no ells or fingers, the most waterward 26 ft. section of the walkway may be 8 ft. wide. • Otherwise, the pier and all components shall meet the standards noted in 8.8.2 above

C. Pier and Dock Additions.

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

<u>Addition to Existing Pier or Dock</u>	<u>Dimensional and Design Standards</u>
<u>Dimensional standards</u>	<u>Enlarged portions must comply with the pier or dock standards for length and width, height, water depth, location, decking, pilings and materials as described in 8.6.2.B.2 and 8.6.2.B.3</u>
<u>Decking for piers, docks, walkways, ells and fingers</u>	<u>Must convert an area of decking within 30 ft. of the OHWM to grated decking equivalent in size to the additional surface coverage. Grated or other materials must allow a minimum of 40% light transmittance through the material</u>
<u>Mitigation</u>	<ul style="list-style-type: none"> • <u>Planting as described below in Section 8.6.2.E.3, not to exceed 1:1 ratio of pier enlargement area to planting area.</u> • <u>Existing skirting shall be removed and may not be replaced</u> • <u>Existing in-water and overwater structures located within 30 ft. of the OHWM, except for existing or authorized shoreline stabilization measures or the subject pier or dock walkways,</u>

<u>Addition to Existing Pier or Dock</u>	<u>Dimensional and Design Standards</u>
	<u>shall be removed at a 1:1 ratio to the area of the addition.</u>

D. Repair of Existing Pier or Docks

1. Repair proposals that replace 50 percent or greater of the existing pier-support piles are considered replacement piers and must comply with requirements for Replacement Piers. Pile replacement does not include piles that are repaired through sleeving or splicing.
2. Repair proposals that replace between 25 and 50 percent of the existing pier support piles or replace over 50 percent of the pier decking or pier decking substructure must meet the standards specified below.

Minor Repair of Existing Pier or Dock	Dimensional and Design Standards
Replacement pilings or moorage piles	<u>Use materials as described under 8.6.2.B.2</u> Minimize the size of pilings or moorage piles and maximize the spacing between pilings to the extent allowed by site-specific engineering or design considerations
Replacement of 50 percent or more of the decking or 50 percent or more of decking substructure	Replace any solid decking surface of the pier or dock located within 30 ft. of the OHWM with a grated surface material that allows a minimum of 40% light transmittance through the material

3. Other repairs to existing legally established moorage facilities where the nature of the repair is not described in the above subsections shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations. If the cumulative repair proposed over a three-year period exceeds thresholds established for reconstructed or repaired piers listed above, the current repair proposal shall be reviewed under those provisions.

E. New Piers

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

<u>New Pier or Dock or Moorage Piles</u>	Dimensional and Design Standards
Maximum Area: surface coverage, including all attached float decking, ramps, ells and fingers	<ul style="list-style-type: none"> • 480 sq. ft. for single-family use • 700 sq. ft. for joint-use facility used by 2 residential property owners • 1000 sq. ft. for joint-use facility used by 3 or more residential property owners

New Pier or Dock or Moorage Piles	Dimensional and Design Standards
	<ul style="list-style-type: none"> • These area limitations shall include platform lifts. • Where a pier cannot reasonably be constructed under the area limitation above to meet a necessary moorage depth, an additional <u>64</u> sq. ft. of area may be added for each additional foot of pier length up to a maximum of 100 ft.
Maximum Length for piers, docks, ells, fingers and attached floats (<u>For Fairweather Basin, Haug Channel, and Cozy Cove Inlet, see 8.6.2.E.2)</u>	<ul style="list-style-type: none"> • Minimum necessary for intended use, not to exceed 100 ft • 26 ft. for ells • 20 ft. for fingers and float decking attached to a pier
Maximum Width	<ul style="list-style-type: none"> • <u>4 ft. for the nearshore 30 feet of pier or dock walkway, 6 ft. for remaining walkway. If applicant submits documentation of need for a wider walkway based on a disability, the nearshore walkway may be 6 ft. wide. Documentation may include a disabled parking placard or other materials at the Shoreline Administrator's discretion.</u> • 6 ft. for remaining walkway. If applicant submits documentation of need for a wider walkway based on a disability, the nearshore walkway may be 6 ft. wide. Documentation may include a disabled parking placard or other materials at the Shoreline Administrator's discretion. • 4 ft. for ramp connecting pier to float • 6 ft. for ells • 2 ft. for fingers
Height of piers	<ul style="list-style-type: none"> • Minimum of 1.5 ft. above OHWM to bottom of pier stringers, except the floating section of a dock and float decking attached to a pier • Maximum of 4 ft. above OHWM for any piers or docks
Spacing	<ul style="list-style-type: none"> • Minimum of <u>20 feet apart from adjacent piers and the greater of</u> 10% 10% of the lot width or 10 feet from the side yard, except for joint-use structures
Decking for piers, docks walkways, platform lifts, ells and fingers	<ul style="list-style-type: none"> • Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of 40% light transmittance through the material • For docks and floats with float tubs, grated decking shall be used in all areas that are not directly above the float tubs.

New Pier or Dock or Moorage Piles	Dimensional and Design Standards
Location of ells, fingers and deck platforms (<u>For Fairweather Basin, Haug Channel, and Cozy Cove Inlet, see 8.6.2.E.2)</u>)	<ul style="list-style-type: none"> • No closer than 30 ft. waterward of the OHWM, measured perpendicular to the OHWM • Within 30 ft. of the OHWM, only the pier walkway or ramp is allowed
Pilings	<ul style="list-style-type: none"> • Wood treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds shall not be used on pilings, decking, or any other part of the overwater structure. • First set of pilings for a pier or dock shall be located no closer than 18 ft from OHWM. • The diameter of pilings shall be minimized to the maximum extent allowed by site-specific engineering or design considerations. • <u>allowed by site-specific engineering or design considerations.</u> • The spacing between pilings shall be maximized to the extent allowed by site-specific engineering or design considerations.
Mitigation	<ul style="list-style-type: none"> • Existing skirting shall be removed and may not be replaced • Existing in-water and overwater structures located within 30 ft. of the OHWM, except for existing or authorized shoreline stabilization measures or the subject pier or dock walkways, shall be removed. • <u>Existing skirting shall be removed and may not be replaced</u> • <u>Existing in-water and overwater structures located within 30 ft. of the OHWM, except for existing or authorized shoreline stabilization measures or the subject pier or dock walkways, shall be removed.</u> • Plantings as described below in 8.6.2.E.3

2. In Fairweather Basin, Haug Channel, and Cozy Cove Inlet, the following dimensional standards apply in lieu of dimensional standards for maximum length and location provided above in Section 8.6.2.E.1:

<u>New Pier or Dock</u>	<u>Dimensional and Design Standards</u>
<u>Maximum Length for piers, docks, ells, fingers and attached floats</u>	<ul style="list-style-type: none"> • <u>In order to avoid interfering with navigation and public use of the water, private moorage facilities may extend no farther waterward than one-fifth the width of the channel in the location of the proposed structure or as regulated by plat restrictions.</u>

<u>New Pier or Dock</u>	<u>Dimensional and Design Standards</u>
	<ul style="list-style-type: none"> • <u>30 ft. for ells, unless applicant demonstrates a need for greater length or as regulated by plat restrictions.</u>
<u>Location of ells and deck platforms</u>	<ul style="list-style-type: none"> • <u>Piers and ramps shall be as short as possible, provided the ell or platform is located waterward of any emergent or aquatic vegetation and extends no farther waterward than one-fifth the width of the channel in the location of the proposed structure</u>
<u>Boardwalks</u>	<ul style="list-style-type: none"> • <u>New overwater boardwalks are prohibited</u>

3. The Town shall approve the following modifications to a new pier proposal that deviates from the dimensional standards 8.6.2.E.1 or 8.6.2.E.2, above, provided Town zoning regulations regarding setback and length are followed. The following minimum requirements and all other applicable provisions of this Chapter shall be met.

<u>Administrative Approval for Alternative Design of New Private Pier or Dock</u>	<u>Requirements</u>
<u>State and Federal Agency Approval</u>	<u>U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife have approved proposal (Note: both agencies are required to approve the project, but the applicant is only required to receive one of the approvals prior to submitting an application to the Town under these alternative design provisions.)</u>
<u>Maximum Width</u>	<ul style="list-style-type: none"> • <u>6 ft. for the entire walkway.</u> • <u>8 ft. for ells</u> • <u>4 ft. for fingers</u>

43. Mitigation Requirements. All proposals involving new piers or docks are subject to the following mitigation requirements:

- a. Native riparian vegetation shall be planted in at least 50 percent of the nearshore riparian area located along the water's edge. The vegetated portion of the nearshore riparian area shall average ten (10) feet in depth from the OHWM, but may be a minimum of five (5) feet wide to allow for variation in landscape bed shape and plant placement.
- b. Restoration of native vegetation shall consist of a mixture of native trees, shrubs and groundcover and be designed to improve habitat functions.

- c. At least one (1) tree per 33 linear feet of shoreline and 60% shrubs shall be included in the plan. The shoreline length shall be rounded up to the nearest 33 foot increment to calculate the number of required trees.
- d. Plant density and spacing shall be appropriate for the site and commensurate with spacing recommended for each individual species proposed.
- e. An alternative planting plan or mitigation measure in lieu of meeting these requirements shall be allowed if approved by other state and federal agencies.
- f. The Town shall accept existing native trees, shrubs and groundcover as meeting the requirements of this section, including vegetation previously installed as part of a prior development activity, provided that the existing vegetation provides a landscape strip at least as effective in protecting shoreline ecological functions as the required vegetation.
- g. Joint-use piers shall be required to provide the same mitigation as required for one property, which can be split evenly between the subject properties.

354. Maintenance and Monitoring. In addition to a native planting plan, a five-year vegetation maintenance and monitoring plan shall be prepared. The monitoring plan shall include the following performance standards:

- a. Preparation of as-built drawings after installation of the mitigation plantings;
- b. Annual monitoring reports for five years that include written and photographic documentation on tree and shrub mortality, subject to the following success criteria: one hundred (100) percent survival of all planted native trees and shrubs during the first two (2) years after planting; and one hundred (100) percent survival of trees and eighty (80) percent survival of remaining native plants in years three (3) through five (5).
- c. Copies or reports that are submitted to state or federal agencies in compliance with permit approvals may be submitted in lieu of a separate report to the Town, provided the reports address a five-year maintenance and monitoring plan.

F. Boatlifts, Canopies, and Covered Moorage

- 1. Boatlifts and boatlift canopies may be permitted as an accessory to residential development provided the following:

Boatlift and Boat Canopy	Dimensional and Design Standards
Location	<ul style="list-style-type: none"> • Boatlifts shall be placed as far waterward of the OHWM as feasible and safe, within the limits of the dimensional standards for piers established in 8.6.2-B.2.E.1 & 2 • Bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent feasible, but not to exceed more than 7 ft. above an associated pier
Maximum Number	<ul style="list-style-type: none"> • Three of any combination of the following per dwelling unit: free-standing or deck-mounted boatlift jet ski lifts and/or platform lift • 1 boatlift canopy or moorage cover per dwelling unit
Canopy/Moorage Cover Materials	<ul style="list-style-type: none"> • Boatlift canopies shall be made of light-permeable fabric materials • Moorage covers shall be constructed of light-permeable materials
Platform Lift Materials	Any platform lifts shall be fully grated
Mitigation	When more than one boatlift is approved at a site, the applicant must mitigate for the additional structures by installing additional shoreline vegetation, removing existing piles, removing existing overwater cover, or installing grating on existing overwater cover proportional to the impacts of the added structure

Moorage covers shall follow the “covered moorage triangle.” equilateral (incorporate from zoning code)

2. All lifts, canopies and covers must comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

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

1. The area of the recreational float shall be minimized to the extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
2. No recreational float shall have more than one hundred (100) square feet when associated with a single family residence.
3. In addition, recreational floats must be in water with depths of 10 feet or more at

the landward end of the float and may be located up to a maximum waterward distance of one hundred fifty (150) feet, or where the water depth is thirteen (13) feet below the OHWM, whichever is reached first.

4. Recreational floats shall be designed and intended for swim use or other non-motorized use and shall be fully grated.
5. Retrieval lines shall not float at or near the surface of the water.
6. The floats must be built so that the deck surface is one (1) foot above the water's surface and they must have reflectors for nighttime visibility.
7. All float tubs shall be fully encapsulated.

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

1. A side setback of the greater of 10% of the lot width or 10 feet is observed, except for joint-use structures.
2. The pile is less than 6' above the OHWM.
3. Pile materials are consistent with material requirements in 8.6.2.A.7.
4. Moorage piles shall be located no closer than 30 ft. from the OHWM or any farther waterward than the end of the pier or dock.
5. A maximum of 2 moorage piles per detached dwelling unit shall be permitted, including existing piles, and a maximum of 4 moorage piles shall be permitted for joint-use piers or docks, including existing piles.

8.7 Shoreline Habitat and Natural Systems Enhancement Projects

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

8.7.1 Policies

- A. The Town should allow restoration projects, especially those identified in or consistent with the *Hunts Point Shoreline Restoration Plan* or the *Final WRIA 8 Chinook Salmon Conservation Plan*.
- B. The Town should protect and improve wildlife and aquatic habitats wherever feasible.

8.7.2 Regulations

- A. Shoreline enhancement may be permitted if the project proponent demonstrates that the enhancement will not adversely affect ecological processes, properties, or habitat.
- B. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters.
- C. Shoreline restoration and ecological enhancement projects shall be permitted in all shoreline environments, provided the project's purpose is the restoration of natural character and ecological functions of the shoreline.

DRAFT 8/8/2011

APPENDIX A: SHORELINE RESTORATION PLAN

DRAFT 8/8/2011

APPENDIX B: SHORELINE ENVIRONMENT DESIGNATIONS MAP

DRAFT 8/8/2011

APPENDIX C: CRITICAL AREAS REGULATIONS FOR SHORELINE JURISDICTION

DRAFT 8/8/2011

|
|

APPENDIX D: NATIVE PLANT LIST

DRAFT 8/8/2011

Suitable Plants for Lake Washington Shoreline

must be natives, preferably from Puget Sound stock (not an all-inclusive list)

TREES

Bigleaf maple (*Acer macrophyllum*)
Black cottonwood (*Populus balsamifera*)
Douglas-fir (*Pseudotsuga menziesii*)
Grand fir (*Abies grandis*)
Pacific willow (*Salix lucida*)
Paper birch (*Betula papyrifera*)
Red alder (*Alnus rubra*)
Scouler's willow* (*Salix scouleriana*)
Shore pine* (*Pinus contorta*)
Sitka spruce (*Picea sitchensis*)
Sitka willow (*Salix sitchensis*)
Western hemlock (*Tsuga heterophylla*)
Western red cedar (*Thuja plicata*)

SHRUBS

Beaked hazelnut (*Corylus cornuta*)
Bitter cherry (*Prunus emarginata*)
Evergreen huckleberry (*Vaccinium ovatum*)
Hardhack (spiraea) (*Spiraea douglasii*)
Mock orange* (*Philadelphus lewisii*)
Mountain ash (*Sorbus sitchensis*)
Nootka rose (*Rosa nutkana*)
Oregon grape (*Berberis nervosa* or *aquifolium*)
Red elderberry (*Sambucus racemosa*)
Red-flowering currant* (*Ribes sanguineum*)
Red-osier dogwood* (*Cornus sericea*)
Salal* (*Gaultheria shallon*)
Serviceberry (*Amelanchier alnifolia*)
Snowberry (*Symphoricarpos albus*)
Twinberry (*Lonicera involucrata*)
Vine maple* (*Acer circinatum*)
Western crabapple (*Pyrus fusca*)

GROUNDCOVERS

Bracken fern (*Pteridium aquilinum*)
Canada goldenrod (*Solidago canadensis*)
Deer fern (*Blechnum spicant*)
Goatsbeard (*Aruncus dioicus*)
Kinnikinnick* (*Arctostaphylos uva-ursi*)
Lady fern (*Athyrium filix-femina*)
lowbush penstemon (*Penstemon fruticosus*)
Pacific bleeding heart (*Dicentra formosa*)
Potentilla* (*Potentilla fruticosa*)
Solomon's star (*Smilacina stellata*)
Sword fern (*Polystichum munitum*)
western blue flax (*Linum perenne*)
western columbine (*Aquilegia formosa*)
Wild ginger (*Asarum caudatum*)
Wild lily-of-the-valley (*Maianthemum dilatatum*)
Wild strawberry* (*Fragaria chiloensis*)
Various sedges and rushes (wet soils) (*Carex*, *Scirpus*, *Juncus*)

EMERGENTS

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