

City of Lakewood  
Grant No. G1000045

Shoreline Master Program  
*Environment Designations, Policies and Regulations*  
Discussion Draft



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Shoreline Master Program  
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# Chapter 1 Introduction

## A. History and Requirements of the Shoreline Management Act

Washington's **Shoreline Management Act** (Act) was adopted by the public in a 1972 referendum "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The Act has three broad policies:

1. **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..."
2. **Protect shoreline natural resources,** including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."
3. **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."

This Act recognizes that "shorelines are among the most valuable and fragile" of the state's resources. The Act, and the City of Lakewood, recognize and protect private property rights along the shoreline, while aiming to preserve the quality of this unique resource for all state residents.

The primary purpose of the Act is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. In order to protect the public interest in preserving these shorelines, the Act establishes a coordinated planning program between the state and local jurisdictions to use in addressing the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

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

## B. Master Program Development and Public Participation

The City of Lakewood (City) obtained a grant from the Washington Department of Ecology (Ecology) in 2009 to conduct a comprehensive Shoreline Master Program (SMP) update. The first step of the update process was to inventory the City's shorelines as defined by the state's Shoreline Management Act (SMA) (RCW 90.58). American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, and Chambers and Clover Creeks comprise the SMA shorelines in the City of Lakewood. The inventory describes existing biological and physical conditions. These conditions were then analyzed and characterized to create a baseline from which future development actions in the shoreline will be measured.

Environmental designations were identified for the different shoreline reaches and goals, policies, and regulations for each were developed.

The Guidelines require that the City demonstrate that its updated SMP yields "no net loss" in shoreline ecological functions relative to the baseline due to its implementation. Ideally, the SMP in combination with other City and regional efforts will ultimately produce a net improvement in shoreline ecological functions.

## C. Purposes of the Shoreline Master Program

The purposes of this Master Program are:

1. To carry out the responsibilities imposed on the City of Lakewood by the Washington State Shoreline Management Act (RCW 90.58).
2. To promote the public health, safety, and general welfare, by providing a guide and regulation for the future development of the shoreline resources of the City of Lakewood.
3. To further, by adoption, the policies of RCW 90.58, and the goals of this Master Program, both which hereafter follow.
4. To comply with the Shoreline Master Program Guidelines (WAC Chapter 173-26), including a particular focus on including regulations and mitigation standards to ensure that development under the Shoreline Master Program will not cause a net loss of ecological functions.

## D. Legislative Findings and Washington Shoreline Management Policies

The Washington State Legislature finds the shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and uplands adjacent thereto are in private ownership and that unrestricted construction on the privately owned or

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publicly owned shorelines of the state is not in the best public interest; therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy is intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities.

### E. Shoreline Master Program Basics

The Lakewood Shoreline Master Program is a planning document that outlines goals and policies for the shoreline of the city and establishes regulations for development occurring in that area.

In order to preserve and enhance the shoreline of Lakewood it is important that all development proposals relating to the shoreline area be evaluated in terms of the City's Shoreline Master Program, and that the City Shoreline Administrator be consulted. Some developments may be exempt from regulation, while others may need to stay within established guidelines, or may require a conditional use permit application or variance application; ALL proposals must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program adopted by the City of Lakewood.

The Shoreline Management Act defines for local jurisdictions the content and goals that should be represented in the Shoreline Master Programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community. Under the Act, all shorelines of the state meeting the criteria established receive a given shoreline environmental designation. 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. Lakewood has designated its shorelines on American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Wauaghop Lake, and Chambers and Clover Creeks under five shoreline environments: Aquatic, Natural, Urban Conservancy, Shoreline Residential, and Urban - Stream Protection. These environments are described in Chapter 2: Shoreline Environments.

Persons proposing any shoreline development, land use, or other projects in the shoreline area must consult with the City of Lakewood Shoreline Master Program Administrator (the City's Community Development Director or designee) to determine how the proposal is addressed in the Master Program.

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The City's Shoreline Administrator will determine if a proposal is exempt from a Shoreline Substantial Development Permit (i.e. qualifies for a Shoreline Exemption), as well as provide information on the permit application process.

Requests for a variances, conditional use permits, and/or substantial development permits require review and recommendation by the City's Shoreline Administrator, with the decision by the Hearing Examiner. Requests for conditional uses and variances also require final approval by the State of Washington Department of Ecology. A description of exempt projects, shoreline application procedures and criteria are discussed in Chapter 6: Administration.

A description and map of the area within the jurisdiction of this Shoreline Master Program are presented in Chapter 3: Shoreline Environments.

## F. Organization of this Shoreline Master Program

This 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 Lakewood; and a general discussion of when and how a shoreline master program is used.

Chapter 2: Shoreline Environments, defines and maps the shoreline jurisdiction in the City of Lakewood and defines and maps the environment designations of all the shorelines of the state in the City of Lakewood. Policies and regulations specific to the five designated shoreline environments (Aquatic, Natural, Urban Conservancy, Shoreline Residential, and Urban – Stream Protection) are detailed in this chapter. Chapter 3: General Policies and Regulations, sets forth the general policies and regulations that apply to uses, developments, and activities in *all* shoreline areas of Lakewood.

Chapter 4: Specific Shoreline Use Policies and Regulations, sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. Specific setback regulations, reduction incentives and dimensional and density standards are also detailed in this chapter. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Commercial Development (Primary and Accessory), 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).

Chapter 5: Shoreline Modification Activity Regulations provides policies and regulations for those activities that modify the physical configuration or qualities of the shoreline area.

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Chapter 6: Administration, provides the system by which the Lakewood 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 7: Definitions, defines terms found in this document.

### G. 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 Lakewood, other plans and policy documents that must be considered include the Lakewood Comprehensive Plan and the adopted Surface Water Design Manual.

Proposals must also comply with the regulations developed by the City to implement its plans, such as the Land Use and Development Code (LMC 18A), as well as the Performance Code for Building and Facilities (LMC 15A).

### H. Title

This document shall be known and may be cited as the City of Lakewood Shoreline Master Program. This document may refer to itself as "The Master Program."

## Chapter 2 Shoreline Environments

### A. Introduction to Shoreline Environment Designations

The Shoreline Management Act (Chapter 90.59 RCW) and Shoreline Guidelines (Chapter 173-26 WAC) provide for shoreline environment designations to serve as a tool for applying and tailoring the general policies of the SMA to local shorelines. The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and the aspirations of the local citizenry.

Environment designations are categories that reflect the type of development that has or should take place in a given area. The Shoreline Master Program Guidelines recommend classifying shoreline environments using the categories described in WAC 173-26-211(5). Additionally, local governments may establish an alternative environment designation(s), provided that it is consistent with the purposes and policies of the Shoreline Management Act and the Guidelines, including WAC 173-26-211(5).

Once a shoreline segment has been given an environment designation, management policies are developed. These management policies are used as the basis for determining uses and activities that can be permitted in each environment designation. Specific development standards are also established, which specify how and where permitted development can take place within each shoreline environment.

### B. Need for Consistency

The Shoreline Management Act requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the local shoreline master program. Conversely, local comprehensive plans provide the underlying framework within which master program provisions should fit. The Growth Management Act requires that shoreline master program policies be incorporated as an element of the comprehensive plan, and that all elements be internally consistent. In addition, under the Growth Management Act, all development regulations must be consistent with the comprehensive plan.

The Shoreline Guidelines identify three criteria for use in evaluating the consistency between master program environment designation provisions and the corresponding comprehensive plan elements and development regulations. In order for shoreline designation provisions, local comprehensive plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

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(a) Provisions not precluding one another.

Comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criterion, the provisions of both the comprehensive plan and the master program must be able to be met. Further, when considered together and applied to any one piece of property, the master program use policies and regulations and the local zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.

(b) Use compatibility.

Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent existing or potential future water oriented uses, especially water dependent uses, from being restricted on shoreline areas because of impacts to nearby non-water-oriented uses. To be consistent, master programs, comprehensive plans, and development regulations should prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.

(c) Sufficient infrastructure.

Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

### C. City of Lakewood Shoreline Environment Designations

This Master Program establishes five shoreline environments for the City of Lakewood. These shoreline environments shall include the shorelines of the City of Lakewood, including shorelands, surface waters, and bedlands.

These environments are derived from the Lakewood Shoreline Analysis Report, the Lakewood Comprehensive Plan, and the environments recommended by the Shoreline Management Act and the Shoreline Guidelines. Lakewood's Shoreline Analysis Report provides an inventory of natural and built conditions within the City's shoreline jurisdiction. The conditions identified in the inventory have been compared with the recommended shoreline environments and the most appropriate environments selected. The five (5) Lakewood shoreline environment designations in order of most intensive to least intensive are:

1. Shoreline Residential,
2. Urban – Stream Protection,
3. Urban Conservancy,

4. Natural, and
5. Aquatic.

These shoreline environments are illustrated for the City of Lakewood in Figure 1 (Shoreline Management Environment Designations), located at the end of the SMP, and described in the text below. Each shoreline description includes a definition and statement of purpose, followed by designation criteria, management policies, and references to development standards that are specific to that Shoreline Environment. Shoreline development standards in each Shoreline Environment are summarized in Table II in Chapter 4.

Development standards pertaining to all shoreline areas are covered in Chapter 3 and development standards for particular uses are detailed in Chapter 4.

Any undesignated shorelines are automatically assigned an Urban Conservancy environment designation.

Please see Figure 1 for a Map of Shoreline Environments.

## D. Management Policies and Regulations

### 1. Shoreline Residential Environment

#### a) Purpose

The Shoreline Residential environment designation is designed to provide for residential uses and structures where the necessary facilities for development can be provided. An additional purpose is to provide appropriate public access and recreational uses.

#### b) Designation criteria

The Shoreline Residential environment designation is assigned to shoreline areas that are associated with lakes and are predominantly single-family or multifamily residential development or are platted, zoned and planned for residential development.

#### c) Designated Areas

##### 1) Description

Shoreline Residential areas include those areas adjacent to American Lake, Gravelly Lake, Lake Louise, and Lake Steilacoom, that are currently developed and/or platted and zoned as single family or multi-family residential uses, and where that use is anticipated to continue in the future.

##### 2) Rationale

The segments of shoreline designated as Shoreline Residential are predominately residential land uses and all areas are platted and planned for low to moderate residential density. Urban services and infrastructure are provided to these properties.

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### **d) Management policies**

- 1) Residential activities and development that protects and enhances the shoreline are preferred.
- 2) Limited non-residential uses, such as parks, day cares, home occupation businesses may be allowed, provided they are consistent with the residential character and the requirements of the underlying zone.
- 3) Development should be located, sited, designed and maintained to protect, enhance and be compatible with the shoreline environment.
- 4) Development regulations should require the preservation of 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.
- 5) Multifamily development, subdivisions of more than four lots and recreational developments should provide public access to the shoreline and joint use facilities for community recreational needs.
- 6) Low impact development (LID) techniques, such as minimizing effective impervious surfaces, infiltration of run-off, use of green roofs and pervious pavers, and other techniques, shall be encouraged.
- 7) Private property owners should be encouraged to preserve and enhance native shoreline vegetation and use environmentally friendly landscaping practices, through incentives, information and other assistance.

### **e) Regulations**

- a. Shoreline Use: Permitted, conditional and prohibited uses for the Shoreline Residential environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- b. Development Standards: Shoreline related development standards for the Shoreline Residential Environment are summarized in Table II of Chapter 4.

## **2. Urban – Stream Protection Environment**

### **a) Purpose**

The purpose of the Urban – Stream Protection environment designation is to ensure appropriate protections for stream functions, while recognizing the limited demand for water dependent uses in this environment. This designation reflects the current developed urban nature of upland areas and allows underlying zoning to control the type and intensity of development allowed outside of required stream and wetland buffers.

### **b) Designation Criteria**

The Urban – Stream Protection Environment is assigned to shoreline areas along Clover Creek which have the following characteristics:

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- 1) Riparian functions have been degraded as documented in the Shoreline Analysis and Characterization Report;
- 2) Enhancement of stream functions, mitigation of flood hazards and fostering economically productive uses are key management objectives; and
- 3) There is a mix of urban land uses in upland areas, including single family, higher density multifamily and commercial uses, depending on the underlying zoning.

### c) Designated Areas

- 1) Description

The Urban – Stream Protection designation is assigned to Clover Creek between Lake Steilacoom and the City of Lakewood limits.

- 2) Rationale

The Urban – Stream Protection designation will protect and enhance stream functions by encouraging enhancement of vegetative buffers and limiting development near the stream, while accommodating and allowing flexibility for existing and future uses in upland areas, including single-family residential and higher intensity commercial and multi-family uses, where allowed by underlying zoning.

### d) Management Policies

- 1) Stream functions should be protected, preserved and where possible enhanced per the Critical Areas provisions specific to the Shoreline Management Area that are adopted in this SMP, while encouraging redevelopment and allowing sufficient flexibility for accommodating existing and future upland shoreline uses.
- 2) Development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
- 3) Modification of the stream channel should not be allowed, except where there will be a clear improvement or restoration of stream functions.
- 4) Reflecting current land uses, a wide range of shoreline uses should be allowed outside or required critical area buffers, including single- and multi-family residential, parks and open space and commercial, depending on the requirements of the underlying zoning. No new industrial uses should be allowed.

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### e) Regulations

- a. Shoreline Use: Permitted, conditional and prohibited uses for the Urban – Stream Protection Environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- b. Development Standards: Shoreline related development standards for the Urban – Stream Protection Environment are summarized in Table II of Chapter 4.

## 3. Urban Conservancy Environment

### a) Purpose

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

### b) Designation criteria

Areas designated Urban Conservancy are those areas where one or more of the following characteristics apply:

- a. They are suitable for water-related or water-enjoyment uses,
- b. They are open space, flood plain or other sensitive areas that should not be more intensively developed,
- c. They have potential for ecological restoration,
- d. They retain important ecological functions, even though partially developed, or
- e. They have the potential for development that is compatible with ecological restoration.

### c) Designated Areas

#### a. Description

Urban Conservancy areas include:

- i. Shorelands of Chambers Creek between Lake Steilacoom and the confluence of Flett Creek,
- ii. Shorelands in all public parks, except for Fort Steilacoom Park,
- iii. Eagle Point (a private subdivision open space tract on American Lake, Parcel # 4001800540 ), and
- iv. Lakewold Gardens ( a private facility with public access on Gravelly Lake).

b. Rationale

This designation will preserve and enhance the ecological functions of the publicly-owned properties and undeveloped portions of the shoreline while retaining future options for passive and active shoreline recreation and public access. The publicly-owned parks offer potential for ecological restoration.

**d) Management policies**

1. Uses that preserve the natural character of the area or promote preservation of open space or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the current uses and conditions at the specific location.
2. Water dependent recreation uses, such as public access piers, recreational floats and boat launches, shall be the highest priority, provided they can be located, designed, constructed, operated, and mitigated in a manner that ensures no net loss of ecological function.
3. Public access and public recreation objectives should be implemented whenever feasible and whenever significant ecological impacts can be mitigated.
4. Water oriented recreation uses, such as viewing trails, benches and shelters, should be emphasized and non-water oriented uses should be minimized and allowed only as an accessory use; for example picnic areas, forest trails and small playground areas would be acceptable, but tennis courts and developed sports fields would not.
5. Standards should be established for shoreline stabilization, vegetation conservation, water quality, and shoreline modifications to ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
6. Approved low impact development techniques should be emphasized for any development occurring within the Urban Conservancy environment.

**e) Regulations**

- a. Shoreline Use: Permitted, conditional and prohibited uses for the Urban Conservancy environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- b. Development Standards: Shoreline related development standards for the Urban Conservancy Environment are summarized in Table II of Chapter 4.

**4. Natural Environment**

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### a) Purpose

The purpose of the Natural environment designation 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 agencies should include planning for restoration of degraded shorelines within this environment.

### b) Designation Criteria

A Natural environment designation should be assigned to shoreline areas if any of the following characteristics apply:

- 1) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be changed by human activity;
- 2) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
- 3) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

### c) Designated Areas

#### a. Description

The Natural environment designation is assigned to the portion of Chambers Creek that includes the south bank between the eastern edge of parcel 0220272012 and where Chambers Creek crosses the City boundary. The shorelands of Waughop Lake in Fort Steilacoom Park are also designated Natural.

#### b. Rationale

This portion of Chambers Creek, as well as Waughop Lake, have moderate/high ecological function, largely natural shoreline and would be unable to support significant new development without significant adverse impacts to ecological function.

### d) Management Policies

- 1) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
- 2) The following new uses should be prohibited in the Natural environment:
  - i. Commercial uses.
  - ii. Industrial uses.
  - iii. Non-water-oriented recreation, except the maintenance, repair and limited expansion of existing facilities and uses.

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- iv. Roads, utility corridors, and parking areas that can be located outside of Natural-designated shorelines.
  - v. Residential.
  - vi. Commercial forestry.
  - vii. Agricultural uses.
- 3) Single-family residential development may be allowed on private property as a conditional use if the density and intensity of such use is limited as necessary to protect the ecological functions and be consistent with the purpose of the environment.
  - 4) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact in the area will result.
  - 5) Over-water structures, such as docks and piers, should not be allowed because of their impacts to the Natural environment and because there is not sufficient demand for these structures to support the water dependent uses on Chambers Creek.
  - 6) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
  - 7) The subdivision of property that requires significant vegetation removal in order to achieve its intended purpose should not be allowed.

### **e) Regulations**

- a. Shoreline Use: Permitted, conditional and prohibited uses for the Natural environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- b. Development Standards: Shoreline related development standards for the Natural Environment are summarized in Table II of Chapter 4.

## 5. Aquatic Environment

### **a) Purpose**

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

### **b) Designation criteria**

Aquatic environment designation are assigned to areas waterward of the ordinary high-water mark.

- a. Designated Areas

All areas waterward of the OHWM are in the Aquatic environment.

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### b. Description

Aquatic areas include all areas waterward of the ordinary high-water mark as shown in Figure 1.

### c) **Designated Areas**

The Aquatic Environment is assigned to all areas within the shoreline jurisdiction waterward of the ordinary high water mark.

### d) **Management policies**

- 1) All developments and uses on waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- 2) Uses that adversely impact the ecological functions of critical freshwater habitats as documented in the Shoreline Analysis Report by the City or as may be documented by the Applicant or City during project review, should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
- 3) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

### e) **Regulations**

- a. Shoreline Use: Permitted, conditional and prohibited uses for the Shoreline Residential environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- b. Development Standards: Shoreline related development standards for the Shoreline Residential Environment are summarized in Table II of Chapter 4.

# Chapter 3 General Shoreline Provisions

## A. Introduction

Based on the general goals established for the Shoreline Master Program, the following policies and regulations apply to all uses, developments, and activities in the shoreline area of the City of Lakewood. General policies and regulations are broken into different topic headings and arranged alphabetically. Each topic begins with a description of its applicability, followed by general policy statements and more specific regulations. The intent of these provisions is to be inclusive, making them applicable to all environments, as well as particular shoreline uses and activities. Topics include the following:

1. Universally Applicable Policies and Regulations
2. Archaeological and Historic Resources
3. Environmental Impacts
4. Environmentally Sensitive Areas
5. Public Access
6. Restoration
7. Shorelines of Statewide Significance
8. Shoreline Vegetation Conservation
9. Water Quality, Stormwater, and Non-Point Pollution

The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist between regulations, the requirement that most supports the provisions of RCW 90.58.020 shall apply. These interlocking development regulations are intended to make shoreline development responsive to specific design needs and opportunities along the City's shorelines, protect 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.

These provisions address the elements of a SMP as required by RCW 90.58.100(2) and implement the governing principles of the Shoreline Master Program Guidelines as established in WAC 173-26-186.

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### B. Policies and Regulations

#### 1. Universally Applicable Policies and Regulations

##### a) Applicability

- 1) The following provisions describe how this SMP is to be applied and the requirements for all shoreline uses and modifications in all shoreline environment designations.

##### b) Policies

- 1) The City should keep records of all project review actions within shoreline jurisdiction, including shoreline permits and letters of exemption.
- 2) The City should involve affected federal, state, and tribal governments in the review process of shoreline applications.
- 3) The City should periodically review shoreline conditions to determine whether or not other actions are necessary to ensure no net loss of ecological functions, protect and enhance visual quality, and enhance residential and recreational uses on the City's shoreline. Specific issues to address in such evaluations include, but are not limited to:
  - a. Water quality,
  - b. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions),
  - c. Changing visual character as result of new residential development, including additions, and individual vegetation conservation practices (both along shoreline and in upland areas),
  - d. Shoreline stabilization and modifications.

##### c) Regulations

- 1) All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act, Chapter 90.58 RCW, and to the policies and regulations of this SMP.
- 2) The "policies" listed in this SMP are intended to provide broad guidance and direction for the "regulations" applied by the City. The policies, taken together, constitute the Shoreline Element of the Lakewood Comprehensive Plan.
- 3) If provisions within this SMP conflict, or where there is a conflict with other City policies and regulations, the provisions most directly implementing the objectives of the Shoreline Management Act, as determined by the Administrator, shall apply unless specifically stated otherwise.

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- 4) Shoreline uses, modifications, and conditions listed as “prohibited” shall not be eligible for consideration as a Shoreline Variance or Shoreline Conditional Use Permit. See Chapter 4 for Shoreline Use regulations, and Chapter 6 (Administration) for Exemptions, Variances, Conditional Uses, and Nonconforming Use Provisions.

## 2. Archaeological and Historic Resources

### a) Applicability

The following provisions apply to archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered.

Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter 25-48 WAC as well as the provisions of this chapter.

### b) Policies

- 1) Due to the limited and irreplaceable nature of archaeological and historic resources, prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation.
- 2) Ensure that new development is compatible with existing historic structures and cultural areas.

### c) Regulations

- 1) Local developers and property owners shall immediately stop work and notify the City, the Department of Archaeology and Historic Preservation and affected Native American tribes if archaeological resources are uncovered during excavation.
- 2) A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources. Failure to comply with this requirement shall be considered a violation of the Shoreline Permit.
- 3) Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City 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 City 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.

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- 4) 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 City 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.
- 5) Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 27-44 (Indian Graves and Records) and RCW 27-53 (Archaeological Sites and Records) and shall comply with WAC 25-48 or its successor as well as the provisions of this master program.
- 6) Identified historical or archaeological resources shall be considered in park, open space, public access, and site planning with access to such areas designed and managed to give maximum protection to the resource and surrounding environment.
- 7) Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

### 3. Critical Areas

Critical areas in shoreline jurisdiction are regulated by the Critical Areas and Natural Resource Lands Regulations, Ordinance No. 362 3(part), 2004, codified under Chapter 14A of the LMC, which is herein incorporated into this SMP except as noted below.

#### a) Applicability

Exceptions to the applicability of the Critical Areas and Natural Resource Lands Regulations in shoreline jurisdiction are provided below.

- 1) If provisions of the Critical Areas and Natural Resource Lands Regulations and other parts of the SMP conflict, the requirement that most supports the provisions of the Shoreline Management Act as stated in RCW 90.58.020 shall apply, as determined by the City.
- 2) Provisions of the Critical Areas and Natural Resource Lands Regulations that are not consistent with the Shoreline Management Act, Chapter 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction, as follows:
  - a. The provisions of the Critical Areas and Natural Resource Lands Ordinance do not extend shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing critical buffer areas that are outside shoreline jurisdiction, see 14A of LMC, Critical Areas and Natural Resource Lands Regulations.
  - b. Provisions of the Critical Areas and Natural Resource Lands Regulations that include a "reasonable use determination" shall not apply within shoreline jurisdiction. Specifically, sections 14A.142.080 and 14A.142.090 do not apply.

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- c. Provisions of the Critical Areas and Natural Resource Lands Regulations relating to variance procedures and criteria do not apply in shoreline jurisdiction. Specifically, section 14A.142.110 in the Critical Areas and Natural Resource Lands Regulations, which references variance procedures in the City Land Use and Development Code, does not apply. Shoreline Variance procedures and criteria have been established in this SMP, Chapter 6 Section C and in Washington Administrative Code WAC 173-27-170.4.

### 4. Environmental Impacts

#### a) Applicability

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.

#### b) Policies

- 1) Protect shoreline process and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, regulation of development within the shoreline jurisdiction, and incentives to encourage ecologically sound design.
- 2) Preserve the scenic aesthetic quality of shoreline areas and vistas to the greatest extent feasible.
- 3) Adverse impacts on the natural environment should be minimized during all phases of development (e.g. design, construction, operation, and management) and mitigation sequencing as described in the regulations should be applied to achieve no net loss of shoreline ecological functions.
- 4) Shoreline developments that propose to enhance environmentally sensitive areas, other natural characteristics, resources of the shoreline, and provide public access and recreational opportunities to the shoreline are consistent with the fundamental goals of this Master Program, and should be encouraged.

#### c) Regulations

- 1) All shoreline uses and developments shall be located, designed, constructed and mitigated to result in no net loss of ecological functions necessary to sustain shoreline natural processes.
- 2) 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.

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- 3) Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority; lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable:
  - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - b. 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;
  - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
  - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
  - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- 4) All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
- 5) Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation that is likely to achieve no net loss of ecological functions necessary to sustain shoreline processes shall be sufficient reason for permit denial.
- 6) Substantive authority under the State Environmental Policy Act may be used to mitigate any environmental impacts not specifically or adequately addressed by the regulations contained in this SMP.

## 5. Public Access

### a) Applicability

Public access includes 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. There are a variety of types of potential public access, including picnic areas, pathways and trails, promenades, bridges, street ends, ingress and egress, parking and others.

Existing public access to shorelines within the shoreline jurisdiction includes American Lake North Park, Harry Todd Park (Americian Lake), Edgewater Park (Lake Steilacoom), Fort Steilacoom State Park (Waughop Lake), and Chambers Creek Canyon Park. In addition, there are a number of public street ends where there may be potential for developing public access.

### b) Policies

- 1) Provide and enhance shoreline access to American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek through purchase or retention of access easements, signage of public access points, and designation and design of specific shoreline access areas for wildlife viewing.

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- 2) Shoreline areas that hold unique value for public enjoyment should be identified and retained, purchased, or easements should be acquired for public use. Prioritize sites in terms of short and long term acquisition and development.
- 3) Street crossings of Clover Creek and public street ends terminating at the creek should be considered for development of public access facilities.
- 4) Ensure the development of upland areas such as parking facilities and play areas, as well as the development of in-water and nearshore structures, such as docks and swimming areas, are located and designed in ways that result in no net loss of ecological function.
- 5) Access should be provided for a range of users including pedestrians, bicyclists, boaters and people with disabilities to the greatest extent feasible.
- 6) Public access provisions should be required for all water-enjoyment, water-related and non-water dependent uses and for the subdivision of land into more than four parcels.
- 7) Regulate the design, construction, and operation of permitted uses in the shoreline jurisdiction to minimize, insofar as practical, interference with the public's use of the water.
- 8) Improve access to all shoreline areas through expanded non-motorized connections and transit service.
- 9) Integrate shoreline public access trails with other existing and planned regional trails where feasible to provide non-motorized access and community connections.
- 10) Ensure existing and proposed public access and recreational uses do not adversely affect the integrity and character of the shoreline, threaten fragile shoreline ecosystem, or impair or detract from the public's visual or physical access to the water..
- 11) Preservation and enhancement of the public's visual access to all shoreline areas should be encouraged through the establishment of setbacks and height limits that ensure view corridors. Enhancement of views should not be construed to mean excess removal of vegetation that partially impairs views.
- 12) Public access to shoreline areas does not include the right to enter upon or cross private property, except for dedicated easements.
- 13) Physical access for swimming and non-motorized boating, passive recreation (such as interpretive trails) and habitat enhancement should be important objectives for the management of shoreline public access sites.

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- 14) Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed for accessibility by handicapped and physically impaired persons; auxiliary facilities should be located outside of the shoreline management area where feasible or near the outer edge of the shoreline management area if possible.
- 15) Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
- 16) Regulations shall ensure that the development of active recreational facilities results in no net loss of ecological function. Regulations should address upland concerns, such as the location and design of parking and auxiliary facilities and active play areas, as well as the development of in-water and nearshore structures, such as non-motorized boat launches, piers and swimming areas.
- 17) Public access facilities should be constructed of environmentally friendly materials, use low impact development techniques and sustain natural processes.
- 18) Regulations should provide detailed guidance for the construction of trails in particularly environmentally sensitive shoreline segments along Chambers Creek and Waughop Lake.
- 19) Continue to use the Parks and Recreation Advisory Board process to explore and identify public access opportunities at street ends.

### **c) Regulations**

- 1) Public access shall be required for all shoreline development and uses, except for a water dependent uses or the subdivision of land into four (4) or fewer parcels. Individual single-family residences not part of a development planned for more than 4 parcels are exempt.
- 2) Public access requirements shall be applied as follows:
  - a. A shoreline development or use that does not provide public access may be authorized provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.
    - i. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
    - ii. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
    - iii. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
    - iv. Unacceptable environmental harm will result from the public access which cannot be mitigated;or

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- v. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
- b. Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:
  - i. Regulating access by such means as limiting hours of use to daylight hours.
  - ii. Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.
  - iii. Providing access that is physically separated from the proposal, such as an offsite viewpoint or a trail system.
  - iv. Where the above conditions cannot be met, a payment in lieu of providing public access shall be required in accordance with RCW 82.02.020.
- 3) Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, natural vegetation shall not be excessively removed either by clearing or by topping.
- 4) Public access sites shall be connected directly to the nearest public street through a parcel boundary, tract, or easement.
- 5) Public access sites shall be made barrier free for the physically disabled where feasible.
- 6) Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
- 7) Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat, if applicable, or short plat as a condition running in perpetuity with the land. Recording with the Pierce County Recorder's Office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval).
- 8) The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Alternatively, where public access is prohibited, property owners may install signs indicating this, subject to size and location restrictions in a required permit.
- 9) Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.

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- 10) Physical public access shall be designed to prevent significant impacts to sensitive natural systems.
- 11) Where public access is to be provided by a trail , the following requirements shall apply:
  - a. The trail shall be no greater than 10 feet in total improved width, which may include 1 foot gravel shoulders. Not including landscaping; no more than 8 feet of improved surface is preferable in most cases.
  - b. Pervious pavement should be used for public access within the shoreline management area unless the Shoreline Administrator determines that such use is not in the public interest because of safety, durability, aesthetic or functionality concerns.
  - c. Where feasible, the trail shall be placed at least 50 feet from the Ordinary High Water Mark.
  - d. Landscaping should be native and drought tolerant or site appropriate.
  - e. Other specific conditions described in a trail or parks plan.
- 12) Whenever financially feasible and practical, the City shall require the use of building materials and technologies whose production and use result in reduced environmental impacts when developing public access to the shoreline. Porous pavements shall be used unless the applicant demonstrates to the satisfaction of the Shoreline Administrator that such materials would restrict accessibility, pose a safety hazard or are not sufficiently durable.

## 6. Restoration

### a) Applicability

Restoration refers to the reestablishment or upgrading of impaired ecological shoreline processes or functions. The following goals and policies are intended to guide actions that are designed to achieve improvements in shoreline ecological functions over time in shoreline areas where such functions have been degraded. The overarching purpose is to achieve overall improvements when compared to the condition upon adoption of the master program, as detailed in the Shoreline Analysis Report. Restoration is distinct from mitigation measures necessary to achieve no net loss of shoreline functions and the City's commitment to plan for restoration will be implemented primarily through non-regulatory means.

### b) System-Wide Restoration Policies

- 1) Reclaim and restore to the greatest extent feasible areas which are biologically and aesthetically degraded while maintaining appropriate use of the shoreline. Improve the water quality of all water bodies within the shoreline management area by managing the quality and quantity of stormwater in contributing systems, consistent at a minimum with the latest Washington Department of Ecology Stormwater Management Manual for Western Washington.

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- 2) Increase quality, width and diversity of native vegetation in protected corridors adjacent to lake and stream habitats to provide safe migration pathways for fish and wildlife, food, nest sites, shade, perches, and organic debris. Strive to control non-indigenous plants or weeds that are proven harmful to native vegetation or habitats.
- 3) Continue to work collaboratively with other jurisdictions and stakeholders to implement the Water Resource Inventory Area (WRIA) 12 Plan.
- 4) Seek funding where possible for various restoration actions and programs from local sources and by working with other WRIA 12 jurisdictions and stakeholders to seek federal, state, grant and other funding opportunities.
- 5) Develop a public education plan to inform private property owners in the shoreline zone and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) on fish and wildlife habitats.
- 6) Where feasible, protect, enhance, and encourage the restoration of lake areas and wetlands throughout the contributing basin where functions have been lost or compromised.

### **c) SMA Restoration Policies**

- 1) Target Waughop Lake (Fort Steilacoom Park), American Lake North Park, Harry Todd Park, and Edgewater Park for restoration of shoreline natural resources and functions while ensuring continued public access to the shoreline.
- 2) Restoration of aquatic and riparian habitat along Clover Creek should be encouraged and accomplished over time through incentives for private property owners, stormwater management improvements and City capital improvement projects.
- 3) The City of Lakewood should collaborate with Pierce County and the City of University Place for any restoration activities that would improve habitat and other ecological functions within Chambers Creek Canyon Park.
- 4) The City of Lakewood, Washington State Parks and Pierce County should collaborate on identifying and implementing shoreline restoration projects at Fort Steilacoom Park while ensuring continued public access.
- 5) Improve the health of lake shorelines by removing bulkheads and replacing these features to the extent feasible with bioengineered stabilization solutions to improve aquatic habitat conditions.
- 6) Improve the health of streams and habitat with stream bank stabilization using native vegetation.

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- 7) Target American Lake North Park and Harry Todd Park for limited habitat enhancements that are designed and sited to be compatible with the heavy active recreation use at these parks. Opportunities include planting of native vegetation where appropriate.
- 8) Improve habitat conditions by increasing large woody debris recruitment potential through plantings of trees along the lake shore, particularly conifers. Where a safety hazard will not be created, encourage the installation of large woody debris to meet short-term needs.
- 9) Target single family residential properties with incentives, outreach and information for homeowners who are willing to voluntarily remove bulkheads, plant native vegetation and encourage large woody debris recruitment.
- 10) Decrease the amount and impact of overwater and in-water structures within SMP lakes through minimization of structure size and use of more environmentally friendly materials, including grated decking.
- 11) Target American Lake North Park, Harry Todd Park, Springbrook Park and Open Space, and Chambers Creek Canyon Park for the use of environmentally friendly materials and design during the future planned development of recreational facilities.
- 12) Preserve and restore native vegetation along shorelines to the greatest extent feasible.
- 13) Monitor and control aquatic invasive species in American Lake, Gravelly Lake, Lake Louise, and Waughop Lake, and continue to participate in lake-wide efforts at Lake Steilacoom to reduce populations of non-native aquatic vegetation.

## 7. Shorelines of Statewide Significance

### a) Applicability

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of statewide significance. American Lake is a shoreline of statewide significance. Such shorelines are considered major resources from which all people of the state derive benefits, thus preference is given to uses which favor long-range goals and support the overall public interest.

### b) Policies

In implementing the objectives for shorelines of statewide significance (RCW 90.58.020), the City will base decisions in preparing and administering this SMP on the following policies in order of priority, 1 being the highest and 6 being the lowest.

- 1) Recognize and protect the state-wide interest over local interest.

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- a. Make all information associated with this SMP and proposed amendments publicly available, and consider comments and opinions from groups and individuals representing state-wide interests when developing and amending the SMP.
- 2) Preserve the natural character of the shoreline.
  - a. Designate and administer shoreline environments and use regulations to protect and restore the shoreline ecology and character.
  - b. Protect and restore diversity of vegetation and habitat associated with shoreline areas.
- 3) Support actions that result in long-term benefits over short-term benefits.
  - a. Restrict or prohibit development that would irreversibly damage shoreline resources.
- 4) Protect the resources and ecology of the shoreline.
  - a. All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
  - b. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or general enhancement of shoreline areas.
- 5) Increase public access to publicly owned areas of the shorelines.
  - a. Implement a comprehensive wayfinding signage program that directs the public to publicly owned shoreline areas.
- 6) Increase recreational opportunities for the public in the shoreline.
  - a. Plan for and encourage development of facilities for recreational use of the shoreline.

## 8. Vegetation Conservation (Clearing and Grading)

### a) Applicability

The following provisions apply to any activity, development, or use that results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities. See Chapter 7 for definitions of “significant vegetation removal,” “ecological functions,” “clearing,” “grading,” and “restore.”

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### b) Policies

- 1) Native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes. Vegetation conservation and restoration should be used to mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. Important functions of shoreline vegetation include, but are not limited to:
  - a. Providing shade necessary to maintain water temperatures required by salmonids and other organisms that require cool water for all or a portion of their lifecycles.
  - b. Regulating microclimate in riparian and nearshore areas.
  - c. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macroinvertebrates.
  - d. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence and severity of landslides.
  - e. Reducing fine sediment into the aquatic environment by minimizing erosion, aiding infiltration and retaining runoff.
  - f. Improving water quality through filtration and vegetative uptake of nutrients and pollutants.
  - g. Providing a source of large woody debris to moderate stream flows, create hydraulic roughness, form pools and increase structural diversity for salmonids and other species.
  - h. Providing habitat elements for riparian-associated species, including downed wood, snags, migratory corridors, food and cover.
- 2) Noxious and invasive weeds. Encourage management and control of noxious and invasive weeds. Control of such species should be done in a manner that retains on-site native vegetation, provides for erosion control and protects water quality. Use of non-toxic or natural controls is preferred.
- 3) Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods. Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.
- 4) All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age, and cover density.
- 5) Provide incentives for the retention and planting of native vegetation, and discourage extensive lawns due to their limited erosion control value, limited water retention capacity, and associated chemical

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and fertilizer applications particularly in areas recommended for designation as Shoreline Residential. Incentives could include additional flexibility with building setbacks from American Lake, Gravelly Lake, Lake Louise, and Lake Steilacoom, a simplified permit process with recommended planting plans, reduced or waiver of permit fees, and/or city participation in a pilot-project that promotes shoreline restoration.

- 6) The City should explore opportunities for the planting and enhancement of native vegetation at American Lake North Park, Harry Todd Park, Edgewater Park, and Fort Steilacoom Park.
- 7) In order to increase habitat and address other ecological functions within the shoreline environment such as wave attenuation, temperature regulation, and bank stabilization, encourage homeowners and property managers to leave diseased and fallen trees in place along the shoreline edge provided the trees are not a danger to public safety or private property.
- 8) The removal of mature trees and native vegetation along American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek should be regulated in a manner that provides greater protection than the current Tree Preservation regulations (LMC 18A.50.300). In particular, removal of non-hazardous mature trees and native vegetation within the required setback of American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek should be severely restricted regardless of lot size or use.
- 9) The City of Lakewood should provide information to the public about environmentally appropriate vegetation management, landscaping for shoreline properties and alternatives to the use of pesticides and herbicides which impact water quality and aquatic habitat.
- 10) Property owners should use the following Best Management Practices (BMPs) when maintaining residential landscapes:
  - a. Avoid use of herbicides, fertilizers, insecticides, and fungicides along drainage channels, and shores of American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek, as well as in the water.
  - b. Limit the amount of lawn and garden watering so that there is no surface runoff.
  - c. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.
  - d. 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

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should be conducted in a manner that minimizes adverse impacts to native plant communities, and should include appropriate handling or disposal of weed materials and attached sediments.

### c) Regulations

- 1) Clearing and grading activities and related 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:
  - a. 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 City of Lakewood's engineering and stormwater design standards, and native vegetation shall be promptly reestablished in the disturbed area. Noxious weeds removed under this provision shall be removed by hand or using small equipment to minimize negative impacts to the shoreline environment.
  - b. Pruning consistent with accepted arboricultural practices, maintenance of existing ornamental landscapes and other activities allowed pursuant to these regulations, provided that said modification is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife habitats.
  - c. Maintenance or restoration of views 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.
  - d. Removal of non-native vegetation, including trees up to six inches in diameter at breast height (dbh), provided all areas of exposed soil are replanted or stabilized.
- 2) All clearing and grading activities must adhere to the requirements of the City's code pertaining to land clearing and grading (LMC Chapter 12A – Public Works, Landscaping (LMC Chapter 18A.50.400 – 18A.50.445), landscape design objectives for specific uses (LMC 18A.50.231), and all additional requirements provided in the SMP. Additional clearing and grading performance standards may be required as a condition of permit issuance to ensure the proposal will result in no net loss of shoreline ecological functions.
- 3) Conserve vegetation. Shoreline developments shall address conservation and maintenance of vegetation through compliance with this Section, the critical area standards incorporated in Appendix A, and any other regulations specific to vegetation management that may be contained in other chapters of this SMP.
- 4) In all shoreline areas, land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development.
- 5) Properties within the buffers of Chambers Creek, Clover Creek and Waughop Lake shall maintain natural vegetation in an undisturbed state per LMC 14A.154.050 and .060.

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- 6) Native understory vegetation and trees within the Urban Conservancy Environment and within shoreline setback areas in all environments shall be retained, unless removal is necessary to provide water access, to provide limited view corridors, in association with a permitted development or to mitigate a hazard to life or property. Where limited removals are allowed pursuant to the conditions provided above, vegetation shall be replaced to assure no net loss is achieved.
- 7) Native understory vegetation and trees within the Natural Environment shall be retained, unless removal is necessary to mitigate a hazard to life or property or allow for limited development associated with an educational, historic, water-oriented, or cultural interpretation facility. Any removed vegetation must be replaced and/or other enhancements must be made to achieve no net loss in ecological functions.
- 8) Within all other shoreline areas, tree removal shall be limited to the minimum necessary to accommodate proposed structures and uses or to mitigate a hazard to life or property, and significant trees shall be replaced according to the following table, or, alternatively, the applicant may submit a tree replacement plan prepared by a qualified professional that demonstrates how no net loss will be achieved.
- 9) The City shall require a report prepared by a qualified professional as part of any substantial development permit that includes tree removal and land clearing. The report shall identify appropriate mitigation, performance assurances and maintenance and monitoring requirements necessary to assure no net loss of ecological function necessary to sustain shoreline processes. In assessing appropriate mitigation, the Citywide tree standards contained in LMC 18A.50.300 (Ordinance #264, 2001) shall be the minimum and the Shoreline Administrator may require additional mitigation to meet the no net loss standard. All development, including, but not limited to, development on lots that are less than 17,000 square feet that would otherwise be exempt under the Citywide tree regulations, shall be required to comply with the standards contained in this SMP as well as those in Title 18A LMC.
- 10) Restoration of any shoreline 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.
- 11) Snags and downed trees that are not in the path of proposed improvements and do not pose a hazard to life or property shall be retained for wildlife habitat.
- 12) Placement of 50 cubic yards or more of material from off-site (other than surcharge or preload), or the creation or raising of dry upland shall be considered fill and shall also comply with the fill provisions in Chapter 5.
- 13) Surfaces cleared of vegetation and not developed must be replanted with native species or other species as approved by the City within one (1) year. Replanted areas shall be planned and maintained such that, within three (3) years time, the vegetation is at least ninety (90) percent reestablished.

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- 14) Stabilization of exposed erosion-prone surfaces within the shoreline environment shall, wherever feasible, utilize soil bioengineering techniques instead of using hardscape or structural techniques.
- 15) 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 Ecology and Washington Department of Fish and Wildlife requirements. 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.
- 16) 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.
- 17) The application of herbicides or pesticides in American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek, wetlands, or surface water conveyances 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.
- 18) Prior to issuance of any construction, grading, or building permits, the City may require that the permittee post a cash guarantee to assure compliance with Vegetation Conservation (Clearing and Grading) standards. This amount should be equal one hundred fifty percent (150%) of the City Engineer's estimated cost of the project, or no less than two thousand dollars, unless a clear rationale for an alternative amount exists based on the specific details of the proposal.
- 19) Prior to final issuance of a building permit, land use permit or occupancy, a cash guarantee equal to thirty percent (30%) of the replacement cost of the landscaping may be required to assure compliance with Vegetation Conservation (Clearing and Grading) standards. The cash guarantee may be maintained for a three (3) year period, at which point the Building official and the City manager, or designee, will determine if the surety will be released or extended to maintain landscaped areas.
- 20) The Shoreline Administrator shall require the cash guarantees identified in Regulations 18 and 19 above when the proposal involves a shoreline variance, a setback reduction consistent with the flexible setback provisions of Chapter 4, Subsection C(3), or work within a critical area or buffer as defined in Appendix A.

## 9. Water Quality, Stormwater, and Non-Point Pollution

### a) Applicability

The following section applies to all development and uses in shoreline jurisdiction that affect water quality and storm water quantity. 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. In January of 2007, the City received its Western Washington Phase II Municipal Stormwater Permit from the Washington State Department of Ecology. Under this permit the City developed a Stormwater Management Program.

### b) Policies

- 1) All shoreline uses and activities should be located, designed, constructed and maintained to mitigate the adverse impacts to water quality.
- 2) Water quality education efforts should be used to reduce the potential sources of pollutants to American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek and other natural waterways. The reduction of sources of phosphorous should be emphasized in the Lake Steilacoom and American Lake sub-basins, and sources of fecal coliform in the Chambers Creek and Clover Creek sub-basins until the City can provide sufficient data to the Department of Ecology to have 303d listing removed from these water bodies. Phosphorous sources likely include failing septic systems and residential fertilizer application, among other source. Fecal coliform pollutant sources include failing septic systems, ducks, geese and dog feces.
- 3) Stormwater impacts should be addressed through the application of the most recent edition of the Adopted Surface Water Design Manual and all applicable City stormwater regulations.
- 4) New impervious surfaces should be limited within the shoreline management area by setting maximum impervious surface standards for new development and redevelopment and encouraging the use of pervious pavements and other low impact development technologies.

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- 5) The City should work with Pierce County Public Works and Utilities and the Pierce County Health Department to ensure existing septic systems are working properly to prevent groundwater and surface water degradation through excessive inputs of nutrients (nitrogen and phosphorus) and hazardous microbes. The Chambers Creek and Clover Creek subbasins should be emphasized due to their 303(d) listing for fecal coliform.
- 6) The City should work with Pierce County Public Works and Utilities to require connection to the sanitary sewer system when existing properties on septic systems are developed, redeveloped or substantially modified.
- 7) The City should continue to provide general information to the public about the use of land and human activities which impact water quality. This could be accomplished by encouraging educational curricula that provide students with first hand exposure to the issues and solutions, and through community activities, such as Adopt-A-Stream programs.
- 8) The City should encourage homeowners and property managers to use non-chemical weed and pest control solutions and natural fertilizers.

### **c) Regulations**

- 1) 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 during both construction and operation. Physical control measures include, but are not limited to, catch basins, settling ponds, oil/water separators, filtration systems, grassy swales, interceptor drains and landscaped buffers. All types of BMPs require regular maintenance to continue to function as intended. BMPs are identified in the City's adopted stormwater manual.
- 2) Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
- 3) The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- 4) Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.
- 5) All shoreline development shall comply with the applicable requirements of the City's adopted Surface Water Design Manual and all applicable City stormwater regulations.

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- 6) All shoreline development shall implement applicable Low Impact Development techniques to the maximum extent feasible, pursuant to the standards contained in the adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor.

## Chapter 4 Shoreline Use Provisions

### A. Applicability

As required by the Shoreline Management Act, this Master Program sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Boating Facilities, Commercial Development (Primary and Accessory), Forest Practices, Manufacturing 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.

The Shoreline Master Program for the City of Lakewood contains limited provisions for economic development along the shorelines of American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek. These water bodies, with the exception of Waughop Lake and portions of Chambers Creek, are substantially developed with residential uses, with little undeveloped shoreline remaining. As such, access to the water is primarily related to recreation and residential uses and is not considered particularly important to commercial or industrial interests.

### B. General Policies

- 1) When determining allowable uses and resolving use conflicts within the City's shoreline jurisdiction, apply the following preferences and priorities in the order listed below:
  - a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
  - b. Reserve shoreline areas for water-dependent and associated water related uses.
  - c. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
  - d. Treat single-family residential uses as a preferred use and encourage the continuation and development of this use where it can occur without significant impact to ecological functions or displacement of existing water-dependent uses.
  - e. Limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act, including opportunities for ecological enhancements and public access improvements.
- 2) Proposed economic use of the shoreline should be consistent with Lakewood's Comprehensive Plan. Conversely, upland uses on adjacent lands outside of immediate SMA jurisdiction (in accordance with

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RCW 90.58.340) should be consistent with the purpose and intent of this master program as they affect the shoreline.

- 3) New development should be designed to protect existing shoreline water views, promote public safety, and avoid adverse impacts to shoreline habitats.
- 4) All development and redevelopment activities within the City's shoreline jurisdiction should be designed to ensure public safety, enhance public access, protect existing shoreline and water views and achieve no net loss of shoreline ecological functions.
- 5) Encourage and in some cases require the use of Low Impact Development (LID) and "Green Building" practices, such as those promulgated under the Leadership in Energy and Environmental Design (LEED) and Green Built programs, for new development within the shoreline jurisdiction.
- 6) Proposed shoreline uses should not infringe upon the rights of others or upon the rights of private ownership.
- 7) Encourage shoreline uses which enhance their specific areas or employ innovative features for purposes consistent with this program.
- 8) Encourage restoration of shoreline areas that have been degraded or diminished in ecological value and function as a result of past activities or catastrophic events.

### C. Shoreline Use and Development Standards

The following tables (Tables 1 and Table 2) indicate the allowable uses by shoreline environment and the key standards that apply to development. Where there is a conflict between the tables and the written provisions in this SMP, the written provisions shall apply.

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1. Shoreline Use Table

TABLE I. SHORELINE USES

KEY

- P = Permitted Use
- C = Conditional Use
- X = Prohibited

**Shoreline uses are allowed only if permitted in both the shoreline environment and the underlying zoning. A use that occurs both on uplands and overwater, must meet the requirements of both the upland and aquatic environments. Please also refer to specific use policies and regulations in Section 4 below.**

Shoreline Use

	SHORELINE RESIDENTIAL	URBAN-STREAM PROTECTION	URBAN CONSERVANCY	NATURAL	AQUATIC
<b>Agriculture</b>					
Primary Use	X	X	X	X	X
Accessory Use	P	P	X	X	X
<b>Aquaculture</b>	P	P	P	P	P
<b>Boating Facilities</b>					
Marinas (public or private)	X	X	C	X	C
Floating Homes and Live Aboards	X	X	X	X	X
Community piers (private shared use)	P	X	P	X	P
Public pier	C	X	C	X/C**	C
Boat launch	X	X	C	X	C
<b>Water-oriented Commercial***</b>	P*	P*	C	X/C**	C
<b>Non-water oriented Commercial***</b>	P*	P*	C	X	X
<b>Forest Practices</b>	X	X	X	X	X
<b>Manufacturing</b>	X	X	X	X	X
<b>Mining</b>	X	X	X	X	X
<b>Parking</b>					
Parking (As a Primary Use)	X	X	X	X	X
Parking (As an Accessory Use)	P	P	P	X	X
<b>Recreational Facilities</b>					
Water-dependent	P	P	P	P	P
Water-enjoyment	P	P	P	P	P
Non-water oriented (As an Accessory Use)	P	P	P	C	X
Non-water oriented (As a Primary Use)	C	C	C	C	X
<b>Residential Development</b>					
Single family	P	P	C	C	X
Multi-family	P*	P*	X	X	X

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KEY

- P = Permitted Use
- C = Conditional Use
- X = Prohibited

**Shoreline uses are allowed only if permitted in both the shoreline environment and the underlying zoning. A use that occurs both on uplands and overwater, must meet the requirements of both the upland and aquatic environments. Please also refer to specific use policies and regulations in Section 4 below.**

Shoreline Use

	SHORELINE RESIDENTIAL	URBAN-STREAM PROTECTION	URBAN CONSERVANCY	NATURAL	AQUATIC
Scientific, Historical, Cultural, or Educational Uses	P	P	P	C	P
Transportation Facilities					
New Roads related to Permitted Shoreline Activities	P	C	C	X	X
Expansion of Existing Circulation Systems and driveways	C	P	C	C	C
Utilities (Primary)					
Solid Waste Disposal or Transfer Sites	X	X	X	X	X
Other	C	C	C	C	C
Utilities (Accessory)					
Local Public Water, Electric, Natural Gas Distribution, Public Sewer collection, Cable and Telephone Service, and Appurtenances	P	P	P	C	C
Other Uses and Activities					
Restoration activities	P	P	P	P	P

\*Only if the use is permitted in the underlying zoning classification.

\*\*Not permitted in the Chambers Creek SMA, Conditional Use in the Waughop Lake SMA

\*\*\*In the Shoreline Residential and Urban Conservancy Environments only limited accessory commercial uses are allowed, e.g. home occupations and day care in Shoreline Residential and concessions in the Urban Conservancy, per the use standards in Commercial Uses in this SMP and in underlying zoning.

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2. Shoreline Modification Table

The numbers in the table below refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated regulation.

**TABLE II. SUMMARY OF SHORELINE DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARD	SHORELINE RESIDENTIAL	URBAN – STREAM PROTECTION	URBAN CONSERVANCY	NATURAL	AQUATIC
Maximum Height <sup>1</sup>	35 ft.	35 ft.	35 ft.	35 ft.	N/A <sup>3</sup>
Shoreline Setback By Waterbody <sup>2,4</sup>  (Standard Setback/ Minimum Setback with enhancement)	Lake Louise and Lake Steilacoom: 75 ft. / 50 ft.  Gravelly Lake: 100 ft. / 75 ft.  American Lake: 85 ft. / 60 ft.	Clover Creek 50 ft. (no reduction allowed unless a variance is obtained)	150 ft. for Chambers Creek (no reduction allowed unless a variance is obtained)  100 ft. for Urban conservancy properties on all lakes (standard) may be reduced to 75 ft. (minimum) with enhancement	150 ft. <sup>4</sup> for Chambers Creek (no reduction allowed unless a variance is obtained)  50 feet for Waughop Lake (no reduction allowed unless a variance is obtained)	N/A <sup>3</sup>
Maximum Impervious Surface Coverage <sup>5</sup>	40%	40% for Residential Uses 60% for Multi-family uses 70% for Commercial uses	40%	5%	N/A <sup>3</sup>
Minimum Lot Frontage and Width	60 ft. (Lake Louise)	N/A	100 ft.	100 ft.	N/A <sup>3</sup>

DEVELOPMENT STANDARD	SHORELINE RESIDENTIAL	URBAN – STREAM PROTECTION	URBAN CONSERVANCY	NATURAL	AQUATIC
	80 ft. (Lake Steilacoom, American Lake)  100 ft. (Gravelly Lake)				
Minimum Lot Size and Lot Density	Underlying zoning: R1 – 25,000 gsf R2 – 17,000 gsf R3 – 7,500 gsf R4 – 5,700 gsf	Underlying zoning: R1 – 25,000 gsf R2 – 17,000 gsf R3 – 7,500 gsf R4 – 5,700 gsf MF2 – 35 dua MF3 – 54 dua	No further subdivision is allowed	No further subdivision is allowed	N/A <sup>3</sup>

<sup>1</sup> Height limits apply to all permanent and temporary structures and non-water related accessory structures. Development shall also be subject to the height limits established by the underlying zoning. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances.

<sup>2</sup> Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline. The standard setback applies unless the applicant implements voluntary enhancements as described in the following regulations and in Table III below. The setback may be reduced by the Shoreline Administrator to the minimum setback indicated in Table II. Please see zoning regulations for interior lot setbacks and other requirements that apply to specific zones. In the event of a conflict between a provision in this SMP and a provision in another part of the LMC, the requirement that provides the most protection to the shoreline management area shall be applied.

<sup>3</sup> Not Applicable. Land-based standards do not apply in the Aquatic environment because only water dependent structures and development, such as docks, are allowed. Height of all structures shall be the minimum necessary for the proposed water dependent use.

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<sup>4</sup> Developments associated with a ecological restoration or interpretation, water-dependent uses and public access are not required to meet the minimum setback. However, where such development can be approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking be allowed within the minimum setback.

<sup>5</sup> Partial credit may be given for use pervious pavements for driveways, parking areas, walkways, and patios, based on City review of the specifications for the particular product used. In no case shall the credit be used to develop more than an additional 10% of the lot with the pervious pavement.

### 3. Flexible Shoreline Setback Regulations

- a) The following standards shall apply for all proposals that request a reduction in the standard shoreline setback identified in Table II:
  - 1) The standard setback may be reduced down to the minimum setbacks identified in Table II for each shoreline environment and water body when setback reduction impacts are mitigated using a combination of the mitigation options provided in Table III to achieve an equal or greater protection of lake or stream ecological functions.
  - 2) At least one Water Related Action must be undertaken in order to achieve the full setback reduction allowed.
  - 3) A maximum of 15 feet in cumulative setback reduction may be achieved under Upland Related Actions.
  - 4) All property owners who obtain approval for a reduction in the setback must record the final approved setback and corresponding conditions in a Notice on Title, and provide a copy of the Notice on Title to the Shoreline Administrator.
  - 5) All property owners who obtain approval for a reduction in the setback must prepare, and agree to adhere to a shoreline vegetation management plan approved by the Shoreline Administrator. A statement regarding the setback reduction and the existence of this plan shall be added to a Notice on Title, and a copy of the Notice on Title shall be provided to the Shoreline Administrator.
  - 6) The vegetation management plan shall detail the required restoration of native vegetation, which shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. The Plan shall include appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality. Preparation of a revegetation plan shall be completed by a qualified professional and include a monitoring and maintenance program that shall, at a minimum, include the following:
    - a. The goals and objectives for the mitigation plan;
    - b. The criteria for assessing the mitigation;

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- c. A monitoring plan that includes annual progress reports submitted to the Shoreline Administrator and that lasts for a period sufficient to establish that performance standards have been met as determined by the Shoreline Administrator, but no less than two growing seasons and no more than five years; and
  - d. A contingency plan.
- 7) Whenever the Shoreline Administrator determines that monitoring has established a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the applicant or the property owner shall be required to institute correction action, which shall also be subject to further monitoring as provided in this section.
  - 8) The Shoreline Administrator may require a cash guarantee or other security in an amount sufficient to guarantee that all required mitigation measures will be completed in a manner that complies with conditions of approval and to guarantee satisfactory workmanship and materials for a period not to exceed five years. The Shoreline Administrator shall establish the conditions of the security according to the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.
  - 9) All costs associated with the mitigation/monitoring and planning including city expenses, shall be the responsibility of the applicant.
  - 10) Any further reduction of shoreline setbacks beyond the minimum listed in Table II shall require a Shoreline Variance.

**TABLE III. SHORELINE SETBACK REDUCTION MECHANISMS**

REDUCTION MECHANISM		REDUCTION ALLOWANCE
Water Related Actions		
1	Removal of an existing bulkhead which is located at, below, or within 5 feet landward of the shoreline's ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, beach/substrate (lake bottom) composition and stabilization of disturbed soils with native vegetation.	75% of frontage: 15 feet 50% of frontage: 10 feet 25% of frontage: 5 feet

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REDUCTION MECHANISM		REDUCTION ALLOWANCE
2	Preservation of existing natural shoreline conditions (e.g. no bulkhead or other unnatural shoreline features such as upland impervious surfaces or other structural alterations allowed) within 10 feet of the OHWM, including preservation of existing native vegetation.	10 feet
3	Hard structural shoreline stabilization measures are setback from the OHWM between 2 ft, to 4 ft. based on feasibility and existing conditions and are sloped a maximum angle of 3 vertical: 1 horizontal to provide dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat. Types of stabilization measures are defined and specific additional standards are provided in Chapter 6, Subsection C(2), Shoreline Stabilization.	5 feet
4	Soft structural shoreline stabilization measures that may include the use of gravels, cobbles, boulders and logs, as well as vegetation. The material shall be of a size and placed to remain stable and accommodate alteration from wind and boat-driven waves and shall be graded to a maximum slope of 1 vertical: 4 horizontal	5 feet
Upland Related Actions		
5	Preservation of existing trees and native vegetation and restoration of native vegetation, as necessary in at least 75 percent of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25 percent of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value.	15 feet
6	Preservation of existing trees and native vegetation and restoration of native trees, shrubs and groundcover vegetation in at least 25 percent of the reduced setback area. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value.	5 feet

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REDUCTION MECHANISM		REDUCTION ALLOWANCE
7	Installation of biofiltration/infiltration mechanisms such as rain gardens, bioswales, created and/or enhanced wetlands, infiltration facilities, ponds or other approved Low Impact Development techniques that treat the majority of surface water run-off from a site and meet or exceed adopted stormwater requirements. (Note: stormwater ponds serving more than one property should be located outside of shoreline jurisdiction if possible).	10 feet
8	Installation of a “green” roof in accordance with the standards of the LEED Green Building Rating System.	10 feet
9	Installation of pervious material for driveway or road construction.	5 feet
10	Limiting total impervious surface, e.g. pathways or patios for water access and enjoyment, in the reduced setback area to less than 5 percent, provided the applicant complies with all other development requirements	5 feet
11	Preserving or restoring at least 20 percent of the total lot area outside of the setback area as native vegetation. No more than 20 percent of the total lot area can be lawn.	5 feet

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### D. Specific Shoreline Use Policies & Regulations

#### 1. General Use Policies and Regulations

##### a) Applicability

The provisions in this section apply to all uses and development types permitted within the shoreline jurisdiction.

##### b) Policies

1. When determining allowable uses and resolving use conflicts within the City's shoreline jurisdiction, apply the following preferences and priorities in the order listed below:
  - a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
  - b. Reserve shoreline areas for water-dependent and associated water related uses.
  - c. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
  - d. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
  - e. Limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act, including opportunities for ecological enhancements and public access improvements.
2. All development and redevelopment activities within the City's shoreline jurisdiction should be designed to ensure public safety, enhance public access, protect existing shoreline and water views and achieve no net loss of shoreline ecological functions.
3. Encourage and in some cases require the use of Low Impact Development (LID) and "Green Building" practices, such as those promulgated under the Leadership in Energy and Environmental Design (LEED) and Green Built programs, for new development within the shoreline jurisdiction.
4. Proposed shoreline uses should not infringe upon the rights of others or upon the rights of private ownership.
5. Encourage shoreline uses which enhance their specific areas or employ innovative features for purposes consistent with this program.
6. Encourage restoration of shoreline areas that have been degraded or diminished in ecological value and function as a result of past activities or catastrophic events.
7. Forestry, industrial, and mining uses and activities are prohibited from the shoreline jurisdiction.

## 2. Agriculture

### a) Applicability

Agriculture includes, but is not limited to, the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140; finfish in upland hatcheries, or livestock, that has long-term commercial significance. There are no known agricultural activities of significance within the shoreline jurisdiction. Uses and shoreline modifications associated with agriculture that are addressed elsewhere in this program, such as shoreline stabilization, are subject to the regulations established for those uses in addition to the standards established in this section for agriculture.

### b) Policies

- 1) Agriculture should be permitted use activity in the Shoreline Residential and Urban – Stream Protection environments and prohibited in all other shoreline environments.
- 2) The creation of new agricultural lands by diking, draining, or filling marshes, channel migration zones, and associated marshes, bogs, and swamps, or by removing native vegetation should be prohibited..
- 3) All agricultural activities should be setback the from the shoreline according to the setbacks established for the shoreline environment in which the activity is occurring.
- 4) Appropriate techniques should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life fertilizer and pesticide use and application. The use of chemical pesticides and fertilizers should be discouraged.
- 5) Where ecological functions have been degraded, new agricultural development should be conditioned with the requirement for ecological restoration to ensure no net loss of ecological functions. The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of an agricultural development.

### c) Regulations

- 1) Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.
- 2) All agricultural activities, including the raising of livestock and poultry, shall occur outside of the established shoreline setback area.
- 3) The removal of native vegetation to accommodate agricultural activities shall be prohibited.
- 4) A buffer of natural or planted permanent native vegetation not less than 20 feet in width, measured perpendicular to the shoreline, shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and associated wetlands. The

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City's Shoreline Administrator shall determine the extent and composition of the buffer when the permit or letter of exemption is applied for.

- 5) Water withdrawals from SMP waterbodies for irrigation purposes shall be subject to Department of Ecology rules and regulations.
- 6) Manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within the shoreline jurisdiction.
- 7) Any water discharge from agricultural activities into SMP water bodies shall be prohibited.

### 3. Aquaculture

Aquaculture is the farming of food fish, shellfish, or other aquatic plants and animals. This activity is of statewide interest. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. The technology associated with some forms of aquaculture is still in its formative stages and experimental. This shoreline master program recognizes the necessity of some latitude in the development of this use.

#### a) **Policies**

- 1) Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions or significantly conflict with navigation and other water-dependent uses.
- 2) Aquaculture facilities should be designed and located such that they do not spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

#### b) **Regulations**

- 1) Aquacultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.
- 2) The applicant shall demonstrate that the proposed facility meets the requirements of Policy 2 above.
- 3) Impacts to ecological functions shall be mitigated in accordance with the sequence described in Chapter 3, Section 4(C)3.

### 4. Boating Facilities

#### a) **Applicability**

Boating facilities, including community piers, public or community boat launches and marinas, shall be subject to the policies and regulations of this Section and those for specific types of facilities in Chapter 5, Section F. Boating facilities as defined in this SMP do not apply to residential moorage facilities serving four

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(4) or fewer single-family residences. Policies and regulations for all overwater structures and moorage facilities, including those serving four or fewer single-family residences, are located in Chapter 5, Section F.

Accessory uses found in boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries and dry goods.

### **b) Policies**

- 1) Boating facilities should be located and designed to ensure no net loss of ecological functions or other significant adverse impacts, and should, where feasible, enhance degraded and/or scarce shoreline features.
- 2) Boating facilities should not unduly obstruct navigable waters and should consider adverse effects to recreational opportunities such as fishing, pleasure boating, swimming, beach walking, picnicking and shoreline viewing.
- 3) To the extent possible, boating facilities should be located in areas of low biological productivity as documented in a report prepared by a qualified professional at time of application.
- 4) Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. However, the need to protect and restore functions and to provide for water-dependent uses carries higher priority than the protection of views.
- 5) Limits shall be put on the number of slips allowed on community docks to address the potential for impacts on neighboring properties.
- 6) Accessory uses at boating facilities should be limited to water-oriented uses, or uses that provide physical and/or visual shoreline access for substantial numbers of the general public. Non-water-dependent accessory uses should be located outside of shoreline jurisdiction or outside of the shoreline setback whenever possible.

### **c) Regulations**

- 1) Location Standards.
  - a. New boating facilities shall not be permitted in areas where dredging will be required or where impacts to shoreline ecological functions and processes cannot be mitigated.
  - b. New boating facilities shall not significantly impact the rights of navigation on the water of the state.
  - c. Boating facilities shall not be located where their development would reduce the quantity or quality of critical aquatic habitat or where significant ecological impacts would occur.

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- d. Boating facilities shall be located and designed with the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft from floods or destructive storms.
  - e. Boating facilities shall not be located where it would be incompatible with the need to protect the public health, safety and welfare.
  - f. Boating facilities shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.
- 2) Facility Design.
- a. All boating facilities shall be designed to avoid and minimize impacts. All unavoidable impacts must be mitigated.
  - b. All boating facilities shall be the minimum size necessary to accommodate the anticipated demand. Specifically, the amount of overwater cover, the size and number of in-water structures, the waterward length of the facility, and the extent of any necessary associated shoreline stabilization or modification shall be minimized. Boating facilities shall meet all applicable Shoreline Modification regulations in Chapter 5. Community and public moorage facilities shall meet the size and usage requirements established in Chapter 5, Section F.
- 3) Site Design and Operation.
- a. Boating facilities shall be designed so that lawfully existing or planned public shoreline access is not blocked, obstructed nor made dangerous.
  - b. Boating facilities shall provide physical and/or visual public or community access for as many water-oriented recreational uses as possible, commensurate with the scale of the proposal. Features for access could include, but are not limited to, walk-on access or fishing platforms.
  - c. Public or community access areas shall provide space and facilities for physical and visual access to waterbodies, including feasible types of shore recreation.
  - d. Accessory uses at marinas or boat launches shall be limited to water-oriented uses or uses that support physical or visual shoreline access for substantial numbers of the general public. Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use.
  - e. It is the applicant's responsibility to comply with all state agency policies and regulations, including all applicable health, safety and welfare requirements associated with the primary use or accessory use.
  - f. The traffic generated by such a facility must be safely and conveniently handled by the streets serving the proposed facility.
  - g. The facility must be limited to day moorage only. No live-aboards or floating homes are allowed.

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- h. Covered moorage is prohibited, but boat lift canopies are allowed.
  - i. The perimeter of parking, dry moorage, and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas.
  - j. The facility must have provisions available for cleanup of accidental spills of contaminants
  - k. Public access shall be required, pursuant to the requirements and exemptions in the Public Access regulations contained in Chapter 3 of this SMP.
- 4) Boat Launch
- a. Location Standards – Boat launches for non-motorized boats shall be sited so that they do not significantly damage fish and wildlife habitats and shall not occur in areas with native emergent vegetation. Removal of native upland vegetation shall be minimized to the greatest extent feasible.
  - b. Public launch ramps shall, where feasible, be located only on stable shorelines where water depths are adequate to eliminate or minimize the need for dredging, filling, beach enhancement or other maintenance activities.
  - c. The design shall comply with all regulations as stipulated by state and federal agencies, affected tribes, or other agencies with jurisdiction.
  - d. The applicant shall demonstrate that the proposed length of a boat launch is the minimum necessary to safely launch the intended craft. In no case shall the ramp extend beyond the point where the water depth is 8 feet below the OHWM, unless the City determines that a greater depth is needed for a public boat launch facility.
  - e. Design Standards
    - i. Boat launches for non-motorized boats shall be constructed of gravel or other similar natural material.
    - ii. Preferred launch ramp designs for motorized boats, in order of priority, are:
      1. Open grid designs with minimum coverage of lake substrate.
      2. Seasonal ramps that can be removed and stored upland.
      3. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile.

## 5. Commercial Development

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### a) **Applicability**

Commercial development means those uses that are involved in wholesale, retail, service and business trade. Uses and activities associated with commercial development that are identified as separate uses in this program include Agriculture, Aquaculture, Mining, Industry, Boating Facilities, Transportation Facilities, Utilities (accessory), and Solid Waste Disposal. Piers and docks, bulkheads, shoreline stabilization, flood protection, and other shoreline modifications are sometimes associated with commercial development and are subject to those shoreline modification regulations in Chapter 5 in addition to the standards for commercial development established herein.

### b) **Policies**

- 1) Commercial development should be limited in the shoreline area based on the residential and recreational nature of the existing shoreline.
- 2) Water-oriented commercial developments are preferred over nonwater-oriented commercial uses.
- 3) Where possible, commercial developments are encourage to incorporate Low Impact Development techniques into new and existing projects.

### c) **Regulations**

- 1) New commercial uses shall be prohibited within all shoreline areas except:
  - a. Where the underlying zoning permits such uses;
  - b. Within the Urban Conservancy environment as an accessory use to a permitted recreational use or facility. Examples of limited accessory commercial uses to permitted recreational uses and/or facilities are as follows:
    - i. Concession stands,
    - ii. Booths associates with festivals sponsored by the City, and Private parties or receptions and banquets, and
    - iii. Boat rentals.
- 2) Other than those uses or facilities listed above, commercial vendors may not establish business facilities in shoreline jurisdiction. This prohibition does not preclude a vendor from being hired to provide services in connection with a permitted use.
- 3) Nonwater-oriented commercial developments may be permitted only where water-oriented uses are not reasonably expected to locate or where a proposed development does not displace or interfere with adjacent water-oriented uses.
- 4) All commercial loading and service areas shall be located or screened to minimize adverse impacts, including visual impacts, to the shoreline environment.

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- 5) Home occupations are allowed within the Shoreline Residential environment provided they meet the requirements of LMC 18A.70.200 18A.70.250 pertaining to Home Occupations.
- 6) Low Impact Development techniques shall be incorporated into new development as feasible, pursuant to the City's adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor.
- 7) Commercial development and accessory uses must conform to the setback and height standards established in Table II.

### 6. Parking

#### a) Applicability

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. Parking as a primary use and parking which serves a use not permitted in shoreline jurisdiction is prohibited.

#### b) Policies

- 1) Parking in shoreline areas should be minimized.
  - a. Parking facilities in shoreline areas should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance, and shall result in no loss of ecological functions.
  - b. Parking in shoreline areas should not restrict access to the site by necessary public safety vehicles, utility vehicles, or other vehicles requiring access to shoreline properties.

#### c) Regulations

- 1) Parking as a primary use is prohibited in Shoreline jurisdiction.
- 2) Parking in shoreline areas must directly serve a permitted shoreline use.
- 3) Parking facilities shall provide adequate provisions to control surface water runoff to prevent it from contaminating water bodies.
- 4) Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
- 5) Exterior parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Exterior parking facilities for nonresidential uses shall be landscaped with vegetation in such a manner that plantings provide an effective "full-screen" within three years of project completion when viewed from adjacent areas within Shoreline jurisdiction.

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- 6) New and reconstructed parking areas within the Urban Conservancy shoreline environment shall utilize Low Impact Development (LID) techniques as appropriate and as described in the most recent edition of the Low Impact Development Manual: Technical Guidance for Puget Sound.

### 7. Recreational Development

#### a) Applicability

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 both public and private noncommercial shoreline recreational facilities (excluding private residences) in Lakewood.

#### b) Policies

- 1) Recreational uses in the shoreline jurisdiction should be limited to water-oriented uses. Non-water-oriented recreational facilities may be allowed as an accessory use in limited circumstances where they support water oriented uses and do not displace water oriented uses.
- 2) The coordination of local, state and federal recreation planning should be encouraged. Shoreline recreational developments should be consistent with the City's Comprehensive Park and Recreation Plan.
- 3) Recreational developments should be designed to preserve, enhance or create scenic views and vistas.
- 4) The use of publicly owned lands for public access and development of recreational opportunities should be encouraged.
- 5) Priority for land acquisition should be given to open space that provides wildlife habitat and offers opportunities for education and interpretation within shoreline jurisdiction.
- 6) Shoreline areas with a potential for providing recreation or public access opportunities should be identified and acquired by lease or purchase, or through partnerships with nonprofit and service organizations, and incorporated into the park and open space system.
- 7) Links between existing and future shoreline parks, recreation areas and public access points should be created with a non-motorized trail system using existing rights-of-way or through acquisition of easements and/or land.
- 8) Recreational activities should be designed to avoid conflict with private property rights, and to minimize and mitigate negative impacts on adjoining property.
- 9) Public access should not contribute to a net loss of shoreline ecological functions.

#### c) Regulations

- 1) All structures associated with a recreational use, except water dependent structures, such as docks and boardwalks and limited water enjoyment structures such as open viewing platforms and benches, shall maintain a standard setback from the OHWM per Table II. However, existing structures may be replaced in their current location and configuration to the extent allowed by the Nonconforming Development

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provisions of Chapter 7, Section F, and state and federal agencies with jurisdiction. Any further setback reduction shall require approval of a shoreline variance application.

- 2) Private and public recreation areas shall protect existing native vegetation in the shoreline area and restore vegetation impacted by development activities. Recreational use and development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies by qualified professionals to determine compliance with this standard.
- 3) Water-dependent or water-related activities such as swimming, boating, and fishing, and activities that benefit from waterfront scenery such as picnicking, hiking and bicycling shall be emphasized in planning public and private (excluding residential) noncommercial recreation sites in the shoreline corridor.
- 4) All recreational developments shall make adequate provisions for:
  - a. Non-motorized and pedestrian access;
  - b. The prevention of trespass onto adjacent properties, including but not limited to landscaping and fencing;
  - c. Protection and restoration of environmentally sensitive areas and shoreline processes and functions;
  - d. Signs indicating the public's right of access to shoreline areas, installed and maintained in conspicuous locations at the point of access and the entrance; and
  - e. Buffering of such development from adjacent private property or natural area.
- 5) In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features.
- 6) Swimming areas shall be separated from boat launch areas.
- 7) The construction of swimming facilities, piers, moorages, floats and launching facilities waterward of the OHWM shall be governed by the regulations relating to overwater structure construction in the Shoreline Modifications Section of this SMP.
- 8) Fragile and unique shoreline areas with valuable ecological functions, such as wildlife habitats, shall be used only for non-intensive recreation activities that do not involve the construction of structures.
- 9) Recreation developments such as golf courses and playfields that require periodic use of fertilizers, pesticides or other chemicals, or that support high-intensity activities as a primary use, such as sporting events, shall be located outside of shoreline jurisdiction.
- 10) Proposals for new or expanded recreational development shall include provisions for public access to the shoreline, subject to the requirements and exemptions contained in Chapter 4, Subsection B(5)(c), Public Access Regulations.

## 8. Residential Development

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### **a) Applicability**

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, including single family residences and other detached dwellings together with accessory uses and structures normally applicable to residential uses located landward of the OHWM, including, but not limited to, swimming pools, garages, sheds, fences and saunas.

Residential development is preferred use under the City of Lakewood SMP and it is allowed where it can be accommodated without significant impacts to the shoreline. Residential development is prohibited in the Aquatic environment, and Natural environments and is a conditional use in the Natural and Urban Conservancy environments. Single-family and Multi-family development is limited to those underlying zones that currently allow it and is also subject to the requirements therein.

### **b) Policies**

- 1) Residential development should be permitted only where there are adequate provisions for utilities, circulation and access.
- 2) Recognizing the single purpose, irreversible and space consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space among structures to protect natural features, preserve views and minimize use conflicts.
- 3) The City should provide development incentives, including reduced shoreline setbacks, to encourage the protection, enhancement and restoration of high functioning buffers and natural or semi-natural shorelines.
- 4) Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.
- 5) 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.
- 6) 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.
- 7) The City should encourage the use of alternative paving products for walkways, driveways, and patios, such as pervious pavers, as a mechanism for reducing impervious surfaces and surface water runoff.
- 8) Development should, at a minimum, achieve no net loss of ecological functions necessary to sustain shoreline natural resources, even for exempt development.

**c) Regulations**

- 1) Residential development is permitted in the Shoreline Residential environments subject to the policies and regulations for the specific Shoreline Environment (see Chapter 4, Table II), the standards of the underlying zoning regulations and the general regulations in Chapter 3 of this Shoreline Master Program.
- 2) Structures or other development accessory to residential uses are permitted in shoreline jurisdiction, if allowed under all other applicable standards in this SMP and subject to the provisions of the City's zoning code.
- 3) All additions to residential structures must comply with all standards in this SMP, including required shoreline setbacks established in Chapter 4, Table II.
- 4) Nonconforming residential structures that are intentionally modified, replaced, repaired or enlarged are subject to the requirements in Chapter 6 (Administration – Nonconforming Use and Development Standards). These standards include, but are not limited to, compliance with all standards in this SMP for new and existing structures or portions of structures, including required shoreline setbacks established in Chapter 4, Table II, when proposed development exceeds fifty (50) percent of the fair market replacement cost of existing development.
- 5) Residential structures that are intentionally modified, replaced or repaired following a catastrophic loss are subject to the requirements in Chapter 6 (Administration – Nonconforming Use and Development Standards). These standards include, but are not limited to, compliance with all standards in this SMP for new and existing structures or portions of structures, including required shoreline setbacks established in Chapter 4, Table II, when proposed development exceeds seventy-five (75) percent of the fair market replacement cost of existing development.
- 6) Accessory uses and appurtenant structures not specifically addressed in the SMP shall be subject to the same regulations as primary residences.
- 7) In order to maintain visual access to the waterfront, all fences shall be setback a minimum of 15 feet from the OHWM.
- 8) To protect views and vistas maximum height limits have been established for each Shoreline Environment as indicated in Chapter 4, Table II, Summary of Shoreline Development Standards.
- 9) The stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems and other Low Impact Development techniques shall be incorporated into new development as feasible, in accordance with the City's adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound.
- 10) Low impact development stormwater facilities, such as swales and infiltration areas, may be located within the required shoreline setback area at the discretion of the shoreline administrator if no mature trees are removed.
- 11) Residential development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.

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The City may request necessary studies by qualified professionals to determine compliance with this standard.

### 9. Signs

#### a) Applicability

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 commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

#### b) Policies

- 1) Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
- 2) Signs should not block or otherwise interfere with visual access to the water or shorelines.
- 3) Outdoor advertising and billboards are not an appropriate use of the shoreline area within shoreline jurisdiction.

#### c) Regulations

- 1) Signs shall comply with the City's sign regulations.
- 2) Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.
- 3) All signs shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.
- 4) Temporary or obsolete signs shall be removed within ten (10) days of elections or termination of any other functions. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, and construction signs.
- 5) Signs that do not meet the policies and regulations of this program shall be removed or required to conform within two years of the adoption of this master program.
- 6) The following types of signs may be allowed in all shoreline environments:
  - a. Water navigational signs and highway signs necessary for operation, safety and direction.
  - b. Public information signs directly relating to a shoreline use or activity.
  - c. Off-premise, freestanding signs for community identification, information, or directional purposes.

- d. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
- 7) The following signs are prohibited:
- a. Off-premises freestanding outdoor advertising signs.
  - b. Spinners, streamers, pennants, flashing lights, and other animated signs used for commercial purposes.
  - c. Signs placed on trees or other natural features.
  - d. Commercial signs for products, services, or facilities located off-site.

## 10. Transportation Facilities

### a) Applicability

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, heliports, and other related facilities. In Lakewood, these uses account for a minimal percentage of the shoreline land inventory. However, the impact of these facilities on shorelines can be substantial.

### b) Policies

- 1) Normal operation and maintenance of all roadways in shoreline jurisdiction should be exempt.
- 2) New road construction in the shoreline jurisdiction should be minimized, and allowed by conditional use only when related to and necessary for the support of permitted shoreline activities.
- 3) Expansion of existing roadways should be allowed by conditional use if such facilities are found to be in the public interest.
- 4) Joint use of transportation corridors within the shoreline jurisdiction for roads, utilities and motorized and non-motorized forms of transportation should be encouraged, where feasible.

### c) Regulations

- 1) New road construction in shoreline jurisdiction shall be minimized and allowed only when related to and necessary for the support of permitted shoreline activities.
- 2) Transportation facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- 3) Expansion of existing roadways within the shoreline jurisdiction shall be allowed only when the proponent demonstrates that:
  - a. No alternative route is feasible;

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- b. The roadway is constructed and maintained to cause the least possible adverse impact on the land and water environment; and
  - c. The roadway is found to be in the public interest.
- 4) Transportation and primary utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline.
  - 5) Developers of roads must be able to demonstrate that efforts have been made to coordinate with existing land use plans including the Shoreline Master Program and the City's Comprehensive Plan.
  - 6) 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.
  - 7) Road designs must provide safe pedestrian and nonmotorized vehicular crossings where public access to shorelines is intended.
  - 8) Streets within shoreline jurisdiction shall be designed with the minimum pavement area required. Gravel and more innovative materials shall be used where feasible for pathways and road shoulders to minimize the amount of impermeable surfaces and help to maintain a more natural appearance.
  - 9) The City shall give preference to mechanical means for roadside brush control on roads in shoreline jurisdiction rather than the use of herbicides.

### 11. Utilities (Primary)

#### a) Applicability

Utilities are services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, sewage, and communications. Utilities in this SMP are divided into primary and accessory based on type and scale. The provisions of this section apply to primary use and activities such as solid waste handling and disposal, water transmission lines, sewage treatment facilities and mains, power generating or high voltage transmission facilities, gas distribution lines and storage facilities, stormwater mains and regional stormwater treatment facilities.

#### b) Policies

- 1) New primary utilities should be located outside of the SMA unless no other feasible option exists. Where allowed they should utilize existing transportation and utility sites, rights-of-way and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
- 2) Solid waste disposal activities and facilities should be prohibited in shoreline areas.
- 3) Primary utilities should avoid locating in environmentally sensitive areas unless no feasible alternatives exist.

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- 4) Wherever primary utility facilities and corridors must be placed in a shoreline area, they should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or designed to minimize impacts on the aesthetic qualities of the shoreline area.

### c) Regulations

- 1) Primary utilities shall be located outside of SMA jurisdiction unless no other feasible option exists.
- 2) Primary utilities shall be located landward of the ordinary high water mark unless such location is not feasible or would result in potentially greater environmental impacts.
- 3) Primary utility facilities shall avoid disturbance of unique and fragile areas, as well as wildlife spawning, nesting and rearing areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- 4) Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner.
- 5) Utility lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible and shall avoid duplication and construction of new corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
- 6) Solid waste disposal sites and facilities are prohibited in the shoreline environment.
- 7) Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.
- 8) Primary utility development shall provide screening of facilities from water bodies and adjacent properties. Screening, including landscaping and fencing, shall be designed to constitute a dense “full screen” .
- 9) Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
- 10) The City shall hold public meetings prior to the issuance of a Substantial Development Permit for a major primary utility project in accordance with the administrative procedures outlined in this Master Program to allow for the greatest amount of public input to help guide utility-related decisions.

### 12. Utilities (Accessory)

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### **a) Applicability**

Utilities have been split into accessory and primary with accessory meaning utilities that affect small-scale distribution services connected directly to the uses along the shoreline. For example, power distribution, telephone, cable, water and sewer service lines, stormwater collection and conveyance, are all considered as utilities accessory to shoreline uses. They are covered in this section because they concern all types of development and have the potential of impacting the ecological condition and visual quality of the shoreline and its waters.

### **b) Policies**

- 1) Utilities are necessary to serve shoreline uses and should be properly sited and installed to protect the shoreline and water from contamination and degradation.
- 2) Accessory utility facilities and right-of-ways should be located outside of the shoreline area to the extent possible. When utility lines require a shoreline location, they should be placed underground, where feasible.
- 3) Utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecology, and minimizes conflicts with present and planned land uses.

### **c) Regulations**

- 1) Utility developments shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, or endanger public health and safety.
- 2) In shoreline areas, accessory utilities shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, and existing corridors whenever possible..
- 3) Utility facilities shall be located and designed to avoid destruction of, or damage to, important wildlife areas, and other unique and fragile areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- 4) Clearing for the installation or maintenance of utilities shall be kept to a minimum, and upon project completion, any disturbed area shall be restored, to the greatest extent feasible, to pre-project conditions, including replanting with native species, or other species as approved by the City, and maintenance care. If the previous condition is identified as being undesirable for shoreline function, then landscaping and other improvements shall be undertaken.
- 5) The location and construction of outfalls shall comply with all appropriate federal, state, county and city regulations.
- 6) The City of Lakewood shall maintain, enhance and restore public natural drainage systems to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation for a no net loss of shoreline ecological functions.

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- 7) New utility lines including electricity, communications, and fuel lines 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.
- 8) Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
- 9) Proposals for new utility corridors shall fully substantiate the infeasibility of existing routes.

# Chapter 5 Shoreline Modification Provisions

## A. Introduction and Applicability

Shoreline modification activities are those actions that modify the physical configuration or qualities of the shoreline area, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as bulkheads, docks, piers and floats. Actions such as clearing, grading and dredging are also considered shoreline modifications. 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 activity 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: Clearing and Grading, Shoreline Stabilization, Dredging and Fill, and Overwater Structures.

## B. Table of Permitted Shoreline Modification Activities

The shoreline modification table below determines whether a specific shoreline modification is allowed within each of the shoreline environments. See standards following the table for a full explanation of activities and required conditions for permitted activities.

The table should be interpreted as follows:

- A. The letter "X" indicates the modification is not allowed in that shoreline environment.
- B. The letter "P" indicates the modification may be allowed only if the underlying zoning allows the modification.
- C. The letter "C" indicates the modification may be allowed subject to the shoreline conditional use review procedures specified in Chapter 6, and only if the underlying zoning allows the modification.

**TABLE IV. SHORELINE MODIFICATIONS**

Shoreline Modification Activity	Shoreline Residential	Stream Protection	Urban Conservancy	Natural	Aquatic	
<b>SHORELINE STABILIZATION</b>						
Beach Restoration and Enhancement	P <sup>1</sup> /C	X	C	C	See adjacent upland shoreline environment	
Soil Bio-engineering	P	P	P	P		
Structural Stabilization	P	X	C	X		
Breakwaters, jetties, and groins	X	X	X	X		
<b>DREDGING AND DISPOSAL</b>						
Clearing and Grading	P	P <sup>2</sup>	P	C <sup>2</sup>		
Dredging	C	X <sup>2</sup>	C	C <sup>2</sup>		
<b>FILL</b>						
Fill upland of OHWM	P	P <sup>2</sup>	P	C <sup>2</sup>		
Fill waterward of OHWM	C	C <sup>2</sup>	C	C <sup>2</sup>		
<b>OVERWATER STRUCTURES:</b>						
Recreational Float	P	X	X	X/C <sup>3</sup>		
Boathouse	X	X	X	X		
Pier and dock	P	X	P	X/C <sup>3</sup>		
Moorage piles and mooring buoys	P	X	P	X		
Boat Ramp	X	X	P	X		
Launching Rails	C	X	P	X		
Boat Lifts	P	X	X	X		
Boat Lift Canopies	P	X	X	X		
Moorage Covers	C	X	X	X		

## C. Policies and Regulations

### 1. General Policies and Regulations

<sup>1</sup> The placement of greater than 25 cubic yards of material below the OHWM requires a conditional use permit and is only allowed in conjunction with a water-dependent or public use, or other uses specified in the regulations.

<sup>2</sup> The critical area provisions of LMC Title 14A and Chapter 18A.40 shall apply.

<sup>3</sup> Note permitted in the Chambers Creek SMA, Conditional Use in the Waughop Lake SMA.

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### **a) Applicability**

The following provisions apply to all shoreline modification activities whether such proposal address a single property or multiple properties. Additional requirements as contained in other Chapters of this SMP apply. Where a general standard, environment standard or use standard conflicts with the provisions contained in this chapter, the more restrictive shall apply.

### **b) Policies**

- 1) The adverse effects of shoreline modifications should be reduced, as much as possible, and shoreline modifications should be limited in number and extent.
- 2) The city should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological function. This is to be achieved by preventing unnecessary shoreline modifications, by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions, and by requiring mitigation of identified impacts resulting from shoreline modifications.

### **c) Regulations**

- 1) All shoreline modifications must be in support of a permitted shoreline use or to provide for human health and safety.
- 2) All shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
- 3) In reviewing shoreline modification permits, the City shall require steps to reduce significant ecological impacts according to the mitigation sequence in Chapter 3, Section B.4.C.3.
- 4) The City shall base all shoreline modification decisions on available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant, as stated in WAC 173-26-231.

## **2. Shoreline Stabilization (Including Bulkheads)**

### **a) Applicability**

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 anchored logs, bioengineered 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

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erosion, accretion, and flooding must recognize the positive aspects of each of these processes in order to retain the benefits of these natural occurrences. Erosion does not occur without accretion (deposition and accumulation) of material eroded, such as formation of a beach or a sandbar. Likewise, accretion cannot occur unless material has been eroded.

Specific structural methods for stabilization include beach restoration and enhancement, soil bioengineering, and bulkheads. A key regulatory distinction in this SMP is made between new stabilization measures and the replacement of existing stabilization measures. New stabilization measures include the enlargement of existing structures. Some of these techniques are currently being used in Lakewood as described below, or they are techniques that could be used to address local shoreline issues.

General policies and regulations addressing shoreline stabilization methods applicable to the City are presented in the following sections. Additional discussion of the individual stabilization methods, and policies and regulations specific to them, are provided following the general policies and regulations section.

### Beach Restoration or Enhancement

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 recreational 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.

### Soil Bioengineering

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 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 shoreline areas 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.

### Bulkheads

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.

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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.

### Groins

Groins are barrier-type structures of rock, wooden piling or other materials constructed across the beach itself and extending into the water with the intent to obstruct sand and sediment carried by the littoral drift action along shorelines. Groins have limited applicability in Lakewood's shoreline jurisdiction because of the relatively small size of the jurisdictional lakes.

NOTE: EXEMPTIONS ARE DESCRIBED IN FULL IN CHAPTER 6 –ADMINISTRATION

### **b) Policies**

- 1) Shoreline stabilization should be located, designed, and maintained to protect and maintain shoreline ecological functions, ongoing shoreline processes, and the integrity of shoreline features. Ongoing stream or lake processes and the probable effects of proposed shoreline stabilization on other properties and shoreline features should be considered. Shoreline stabilization should not be developed for the purpose of filling shorelines.
- 2) Structural shoreline stabilization measures should only be used when more natural, flexible, non-structural methods such as placing the development farther from the OHWM, planting vegetation, or installing on-site drainage improvements, beach nourishment and bioengineering have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
  - a. No action (allow the shoreline to retreat naturally), increase buffers, and relocate structures.
  - b. Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach nourishment, protective berms, or vegetative stabilization.
  - c. Rigid works constructed of artificial materials such as riprap or concrete.
- 3) Structures should be located and designed to avoid the need for future shoreline stabilization where feasible. Land subdivisions should be designed to assure that future development of the created lots will not require shore stabilization for reasonable development to occur.
- 4) New or expanded structural shoreline stabilization should only be permitted where demonstrated to be necessary to protect an existing primary structure, including residences, that is in danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes.

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- 5) New or expanded structural shoreline stabilization for enhancement, restoration, or hazardous substance remediation projects should only be allowed when non-structural measures, vegetation planting, or on-site drainage improvements would be insufficient to achieve enhancement, restoration or remediation objectives.
- 6) Shoreline stabilization should not be permitted when it interferes with public access, or other appropriate shoreline uses including, but not limited to, navigation or private recreation.
- 7) In addition to conformance with the regulations in this section, non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged for shore stabilization. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, or other incentive programs.
- 8) Provisions for multiple use, restoration, and/or public shore access should be incorporated into the location, design and maintenance of shore stabilization for public or quasi-public developments whenever safely compatible with the primary purpose. Shore stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.
- 9) Materials used for construction of shoreline stabilization should be selected for long-term durability, ease of maintenance, compatibility with local shoreline features including aesthetic values, and flexibility for future uses.
- 10) New development that would require shoreline stabilization which causes significant impacts to adjacent properties should not be allowed.
- 11) Explore a range of solutions to reduce the amount of bulkheads and shoreline armoring over time around American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, and Waughop Lake and restore natural bank conditions. Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features should be the preferred method where feasible.

### **c) Regulations**

#### Shoreline Stabilization – General Requirements

- 1) The standards in this section apply to all developments and uses in shoreline jurisdiction.
- 2) Except as otherwise provided in these regulations, structural (soft and hard) solutions to reduce shoreline damage from erosion shall be allowed only after it is demonstrated through a geotechnical report that non-structural solutions would not provide sufficient protection to existing structures. If structural stabilization is necessary to protect structures, then the feasibility of soft structural measures shall be evaluated prior to consideration of hard structural measures. Soft structural stabilization measures shall be used unless the City determines that it is not feasible based on the geotechnical report required in this section and provided by the applicant.
- 3) The geotechnical report shall evaluate the necessity of structural stabilization measures by estimating timeframes and rates of erosion (damage within 3 years), urgency of replacement, alternative solutions

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and other pertinent factors. Non-structural solutions include (but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures).

- 4) Soft shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.
- 5) During construction or repair work on a shoreline stabilization measure, areas of temporary disturbance within the shoreline setback shall be restored as quickly as feasible to their pre-disturbance condition or better to avoid impacts to the ecological function of the shoreline.

### Shoreline Stabilization - New Development

- 6) New development, including the division of land into new parcels, shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization. New non-water dependent development that would require shoreline stabilization that would cause significant adverse impacts to adjacent or down-current properties is prohibited.
- 7) New development, including single-family residences, that includes structural shoreline stabilization will not be allowed unless all of the conditions below are met:
  - a. The need to protect the development from damage due to erosion cause by natural processes, such as currents and waves, and by manmade processes, such as boat wakes, is demonstrated through a geotechnical report.
  - b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.
  - c. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient.
  - d. The stabilization structure will not result in a net loss of shoreline ecological functions.
- 8) New development on steep or unstable slopes shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis prepared by a geotechnical engineer of related professional licensed and in good standing in the State of Washington.

### Shoreline Stabilization - New or Expanded Measures

- 9) New structural stabilization measures and enlargement of existing structural stabilization measures shall be limited to the minimum size necessary and shall be permitted only when it has been conclusively demonstrated through scientific analysis that shoreline stabilization is necessary to protect existing primary structures, public improvements, ecological function restoration projects or hazardous substance remediation projects from erosion, and that nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.

### Shoreline Stabilization - Replacement and Repair

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- 10) An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is a demonstrated need to protect legally established principal uses or existing structures from erosion caused by currents or waves and a nonstructural measure is not feasible.
- 11) 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, except as noted below.
- 12) Where existing structural stabilization is replaced by non-structural shoreline stabilization using bioengineering techniques and results in a documented improvement of shoreline functions, such stabilization may be allowed waterward of the ordinary high-water mark subject to state and federal approvals.
- 13) A major repair of a hard shoreline stabilization structure shall be allowed when the existing primary structure is 25 feet or less from OHWM. All other major repair proposals must include a written narrative prepared by a qualified geotechnical engineer that provides a demonstration of need. A major repair shall be defined as:
  - a. A repair needed to a portion of an existing stabilization structure that has collapsed, eroded away, or otherwise demonstrated loss of structural integrity, or in which the repair work involves modification of the toe rock or footing, and the repair is 50% or greater than the linear length of the shoreline stabilization measure; or
  - b. A repair to more than 75% of the linear length of the existing hard structural stabilization measure in which the repair work involves replacement of top or middle course rocks or other similar repair activities.
- 14) Minor repairs are repairs that do not meet the threshold established in regulation 9 above and shall be allowed without a demonstration of need.

### General Shoreline Stabilization - Design Requirements

- 15) Shoreline stabilization and modification projects shall first avoid, and then minimize, adverse impacts to the environment to the greatest extent feasible, and where such impacts cannot be avoided, mitigation shall be provided to achieve no net loss of shoreline ecological functions.
- 16) Shoreline stabilization should not be used to create new or newly usable land.
- 17) Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.
- 18) 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.
- 19) Shoreline stabilization shall be designed so as not to not cause a significant impact to adjacent properties, including the need for shoreline stabilization elsewhere.

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- 20) Professional design (as approved by the City) of all shoreline stabilization is required. 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.
- 21) All shoreline modification activities must comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
- 22) Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features shall be considered when replacing existing and constructing new shoreline stabilization solutions.
- 23) Public access shall be required as part of publicly financed shoreline stabilization measures unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

### Beach Enhancement

- 24) Beach enhancement along American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, and Waughop Lake may 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 and all other standards of the SMP are followed.
- 25) Replenishing sand and gravel on public and private beaches should be allowed, if it can be demonstrated that the proposal will result in no net loss of ecological functions.
- 26) Beach enhancement is limited to the placement of no more than 25 cubic yards of material below the ordinary high water mark. Proposals which exceed this threshold shall be subject to the requirements for Shoreline Fill in this Chapter, shall require a Conditional Use Permit and shall only be allowed in conjunction with a water-dependent or public use permitted by this Master Program, and for fisheries, aquaculture, or wildlife enhancement projects.
- 27) Natural beach restoration/enhancement activities shall not:
  - a. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
  - b. Disturb significant amounts of valuable shallow water fish/wildlife habitat without appropriate mitigation of the impacts.
- 28) 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.
- 29) The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to create additional dry land).
- 30) 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.

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### Soil Bioengineering

- 31) All soil bioengineering projects shall use native plant materials appropriate to the specific area including trees, shrubs, and groundcovers, unless demonstrated infeasible for the particular site.
- 32) Unless Critical Area and Resource Lands Regulations apply, all cleared areas shall be replanted immediately following construction and irrigated (if necessary) to ensure that within three (3) years all vegetation is one hundred (100) 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. Additional performance standards may be established by the Shoreline Administrator in administrative rules.
- 33) 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. The buffer zone 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.
- 34) 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.

### Breakwaters

- 35) Breakwaters, jetties, and groins shall not be permitted.

### Bulkheads

- 36) Bulkhead design and development shall conform to all other applicable local, state, and federal agency regulations, including regulations for shoreline stabilization in this Chapter.
- 37) On shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall tie in with the contours of the adjoining shorelines, as feasible, such that the proposed bulkhead would not cause erosion of the adjoining properties.
- 38) Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that the new bulkhead does not extend waterward of OHWM, except that which is necessary to make the connection to the adjoining bulkhead. In such circumstances, the remaining portion of the bulkhead shall be placed landward of the existing OHWM such that no net loss of lake occurs and the design complies with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
- 39) Replacement bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
- 40) Replacement bulkheads may be permitted if there is a demonstrated need to protect principal uses or structures from erosion caused by waves provided that:

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- a. The replacement bulkhead is designed, located, sized, and constructed to assure no net loss of ecological functions;
  - b. The existing bulkhead is removed; and
  - c. The proposal includes a report prepared by a geotechnical engineer that evaluates the necessity of the bulkhead consistent with Regulation 2 and 3.
- 41) When a bulkhead is required at a public access site, provisions for safe access to the water shall be incorporated into bulkhead design.
- 42) Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of a bulkhead.
- 43) Fill behind bulkheads shall be limited to an average of one (1) cubic yard per linear foot of bulkhead. Any filling in excess of this amount shall be considered a regulated activity subject to the policies and regulations in this SMP pertaining to fill activities and the requirement for obtaining a shoreline substantial development permit.

### 3. Dredging and Disposal

#### a) Applicability

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.

#### b) Policies

- 1) In all cases, dredging operations should be planned and conducted to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values. Proposals that include dredging should provide mitigation to achieve no net loss of shoreline ecological functions.
- 2) When allowed, dredging and dredge material disposal should be limited to the minimum amount necessary.

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- 3) Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill should not be allowed, except as part of a restoration or environmental cleanup project.
- 4) The City may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.

### **c) Regulations**

- 1) Dredging and disposal of dredge material shall avoid, and minimize significant ecological impact; impacts that cannot be avoided shall be mitigated to achieve no net loss of ecological processes and functions.
- 2) New development siting and design shall avoid the need for new and maintenance dredging.
- 3) Dredging may be permitted as a conditional use activity only:
  - a. When necessary to support a water-dependent use;
  - b. For expansion or alteration of public utility facilities;
  - c. As part of mitigation actions, environmental restoration and habitat enhancement projects;
  - d. When technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired;
  - e. When other solutions would result in greater environmental impact;
  - f. As part of an approved habitat improvement project;
  - g. If it improves water quality; and
  - h. When applicable permits of other local, state and federal agencies have been obtained.
- 4) Maintenance dredging associated with a water dependent use shall be restricted to maintaining the previously dredged and/or existing authorized location, depth and width.
- 5) Dredging for the primary purpose of obtaining fill or construction material is prohibited, except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. When dredging is allowed for fill materials, placement of fill must be waterward of the OHWM.
- 6) 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.
- 7) Dredging material which will not subsequently cause violation of State Water Quality Standards may be used in permitted landfill projects.

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- 8) Excavations on beaches below the OHWM in lands covered by water constitutes dredging and 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.
- 9) Dredging shall be timed so that it does not interfere with aquatic life.
- 10) Depositing dredge materials in all water areas shall be prohibited
- 11) Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.
- 12) Limitations may be imposed on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.

### 4. Fill

#### a) Applicability

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 a manner that raises the elevation or creates dry land.

Fill 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 250 cubic yards or the cost threshold identified in state law (WAC 173-27-040, five thousand seven hundred eighteen (5,718) dollars or 250 cubic yards of material; amount may be adjusted by the state annually based on inflation), 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.

#### b) Policies

- 1) Shoreline fill should be permitted as a conditional use in all shoreline environments, and only when when tied to a specific development proposal that is permitted by the master program.
- 2) Where permitted, fill coverage should be the minimum necessary to provide for the proposed use.

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- 3) In evaluating fill projects, factors such as current and potential public use of the shoreline and water surface area, water flow and drainage, water quality and habitat should be considered and protected to the maximum extent feasible. Further, the City should assess the overall value of the fill site in its present state versus the proposed shoreline use to be created to ensure consistency with the Shoreline Management Act and this Master Program.
- 4) Fills waterward of the OHWM should be restricted to the minimum necessary to support water-dependent uses, public access, cleanup and disposal of contaminated sediments as part of an interagency clean-up plan, disposal of dredged sediments in accordance with DNR rules, expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible, and for mitigation actions, environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.
- 5) 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.
- 6) 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.

### **c) Regulations**

- 1) Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions.
- 2) Fills waterward of the OHWM (not including small scale beach restoration that does not exceed 25 cubic yards) shall require a conditional use and shall be restricted to the minimum necessary to:
  - a. Support water-dependent uses,
  - b. Provide public access,
  - c. Allow for the remediation and disposal of contaminated sediments as part of an interagency clean-up plan,
  - d. Allow the disposal of dredged sediments in accordance with DNR rules,
  - e. Provide for the expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible, and
  - f. Accomplish mitigation actions, environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.
- 3) Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.

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- 4) All perimeters of fills shall be provided with vegetation, retaining walls, or other satisfactory mechanisms for erosion prevention and sediment capture.
- 5) Fill shall be permitted only where it is demonstrated that the proposed action will not:
  - a. Result in significant damage to water quality, fish, aquatic habitat, and/or wildlife habitat; or
  - b. Adversely alter natural drainage and circulation patterns, or significantly reduce flood water holding capabilities.
- 6) No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted within the American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom or Waughop Lake shoreline areas.
- 7) Any placement or removal of materials landward of the OHWM shall comply with the provisions of Vegetation Conservation (Clearing and Grading) of this SMP.

## 5. Overwater Structures and Launching Facilities

### a) Applicability

Piers and docks are structures which abut the shoreline and are often used as a landing or moorage place for watercraft. 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 independent anchored off-shore platforms, used for water-dependent recreational activities such as swimming and diving.

All of these types of facilities have positive and negative environmental aspects. Floating docks generally have less of a visual impact than 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. Excavated moorage involves dredging and will disturb bottom sediments and aquatic life. Docks and piers alike create impediments to boat traffic and fish travel. Pier construction requires regulation to protect navigation, to protect shoreline aesthetics, and to maintain the useable water surface and aquatic lands for life forms characteristic and important to those areas.

### b) Exemptions

Piers costing less than ten thousand (\$10,000) dollars for private, noncommercial pleasure craft, common to a single-family residence, are exempt from the requirement for a shoreline substantial development permit pursuant to RCW 90.58.030(3)(e)(vii) and WAC 173-27-040(h). The ten thousand dollar (\$10,000) threshold will be adjusted for inflation by the State Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period, and this change is hereby incorporated by reference.

The City will review all development proposals for piers to determine if:

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- 1) The proposal is or is not exempt from the requirement for a substantial development permit;
- 2) The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated such that there is no net loss of shoreline ecological functions; and
- 3) The proposal is consistent with the intent, policies, and regulations of the Act, RCW 90.58.10(12), and this Master Program.

### **c) General Policies**

- 1) New piers and docks should be allowed only for public access and water-dependent uses.
- 2) New piers and docks should be restricted to the minimum size necessary and permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.
- 3) Piers and docks should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by pier and dock construction.
- 4) The further proliferation of single-purpose, single-owner piers and docks should be discouraged. Preference should be given to the shared use piers in shoreline areas.
- 5) Substantial additions or alterations to overwater structures, including, renovations where the cost of the development exceeds fifty (50) percent of the fair market value of the existing structure based on information determined by the City, should be in conformance with all policies and regulations set forth in this Master Program, including (but not limited to) the maximum size, length and other dimensional standards.
- 6) Preference should be given to fixed-pile piers elevated above the OHWM. Floating docks should be allowed if the applicant can demonstrate why a fixed pile pier is not feasible or will result in greater impacts.
- 7) Recreational floats should be allowed where they are intended to support public or private recreational uses, or in lieu of fixed piers adjacent to residential land uses.
- 8) New moorage covers should not be allowed, except through a conditional use permit in the shoreline residential environment.
- 9) Overwater structures, including piers, should only be authorized after consideration of:
  - a. The effect such structures have on wildlife and aquatic life, water quality, scenic and aesthetic values, environmental sensitive resources, submerged lands, and submerged vegetation.
  - b. The effect such structures have on water circulation, recreational boating, sediment movement and littoral drift and shoreline access.

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- 10) Overwater structures and mooring buoys should be designed to cause minimum interference with navigable waters and the public's safe use of the lake and shoreline.
- 11) 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.
- 12) Lighting facilities should be limited to the minimum extent necessary to locate the pier or dock at night.

### **d) Regulations – Docks, Piers and Moorage Structures**

- 1) All new, reconstructed, repaired, or modified overwater structures must comply with all regulations contained in this SMP and all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
- 2) Mitigation shall be provided for all reconstructed, repaired, or modified overwater structures to ensure no net loss of ecological function.
- 3) Fixed pile piers elevated at least two (2) feet above the OHWM shall be preferred over floating docks. Floating docks shall be allowed if floating elements are not located within the first twenty (20) feet of the shoreline measured waterward of the OHWM, unless the applicant can demonstrate why adherence to this restriction is not feasible and an alternative design would result in less ecological impact.
- 4) New piers and docks shall be allowed only for public access and water-dependent uses, which includes a structure associated with a single family residence provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the regulations contained in this section. Piers and docks may be permitted accessory to a development provided:
  - a. No more than one (1) pier/dock for each single-family residence is permitted.
  - b. No more than one (1) pier, dock or other moorage structure is allowed for a water dependent commercial use or a multi-family (more than two units) development on a single lot or contiguous ownership with the required minimum lot width.
- 5) On lots that have less than the minimum lot width required for an overwater structure, joint-use piers/docks shall be required, except as follows; when lots on either side of the subject lot have legal pre-existing piers or docks and the applicant demonstrates to the satisfaction of the Shoreline Administrator that a shared use agreement is not feasible. Only in this case may the lot with less than the required minimum lot width be permitted an individual pier.
- 6) New piers and docks that are not accessory to single family residences shall be permitted only when intended for public use or when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.
- 7) New residential development of more than two dwellings shall provide a joint use or community moorage structure, rather than individual piers or docks.
- 8) New covered moorage in the Shoreline Residential environment is permitted by conditional use, however, the following requirements apply:

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- a. The applicant demonstrates that a joint use or community structure is not feasible;
  - b. The overwater structure does not create any potential adverse impacts to public safety;
  - c. Navigation rights are not significantly impacted;
  - d. The overwater structure does not cause environmental impacts that cannot be sufficiently mitigated;
  - e. The covered moorage is placed as far waterward of the OHWM as feasible and safe, within the limits of the dimensional standards for docks and piers established in this Section;
  - f. 1 covered moorage per moorage facility, including joint use piers; and
  - g. The overwater structure complies with all other conditional use criteria in WAC 173-27-160 as outlined in Chapter 6 of this Master Program.
- 9) New boat lifts and boat lift canopies are permitted. The following requirements apply:
- a. Boat lifts shall be placed as far waterward of the OHWM as feasible and safe, within the limits of the dimension standards for piers and docks.
  - b. Bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent feasible, the lowest edge of the canopy must be at least 4 ft. above the ordinary high water, and the top of the canopy must not extend more than 7 ft. above an associated pier.
  - c. One boat lift and boat lift canopy per dwelling unit, provided there is no maximum number for jet ski lifts.
  - d. The lift does not require the placement of pilings or permanent structures.
  - e. A maximum of 2 cubic yards of clean rock fill or pre-cast concrete blocks are permitted to anchor the boatlift if the substate prevents the use of anchoring devices.
  - f. No hydraulic fluid other than water shall be used in the boat lift system.
  - g. The applicant complies with any additional requirements established by administrative rule.
- 10) Proposed overwater structures which do not comply with the dimensional standards in Table V may only be approved if they obtain a variance.
- 11) All float tubs shall be fully encapsulated..
- 12) Floating docks are required to be designed to not ground during low water conditions.
- 13) All overwater structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe overwater structures shall be removed or repaired promptly by the owner.
- 14) Wooden components that will be in contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, pentachlorophenol, arsenate, creosote, or similar toxic substances. Structures shall be made out of materials that have been approved by applicable state and federal agencies.

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**TABLE V: DIMENSIONAL STANDARDS FOR DOCKS AND PIERS**

Standard	Dock	Pier
Height above OHWM <sup>1</sup>	N/A	2 ft.
Maximum Waterward Distance for all Moorage Structures or Floats <sup>2</sup>	Point at which 11 ft. water depth from OHWM is reached, not to exceed the following:  Lake Louise and Lake Waughop: 40 feet  All other Lakes: 80 Feet	Point at which 11 ft. water depth from OHWM is reached, not to exceed the following:  Lake Louise and Lake Waughop: 40 feet  All Other Lakes: 80 Feet
Maximum Width <sup>3</sup>	6 ft.	6 ft.
Maximum Surface Area <sup>4</sup>	400 sq. ft. (single owner) 600 sq. ft. (2 owners)  100 sq. ft for each additional owner over 2 up to a maximum size of 1,200 sq. ft.  Please note that all docks and piers must also meet water frontage standards	480 sq. ft. (single owner) 700 sq. ft. (2 owners)  120 sq. ft. for each additional owner over 2 up to a maximum size of 1,400 sq. ft.  Please note that all docks and piers and docks must also meet water frontage standards
Minimum Water Frontage Required – Single Family	60 ft. (Lake Louise) 80 ft. (Lake Steilacoom, American Lake) 100 ft. (Gravelly Lake) N/A (Waughop Lake)	60 ft. (Lake Louise) 80 ft. (Lake Steilacoom, American Lake) 100 ft. (Gravelly Lake) N/A (Waughop Lake)
Minimum Water Frontage Required –Private Shared Use or Recreation	One moorage for each 30 feet of parcel width up to 210 feet, plus one moorage for each additional 20 feet	One moorage for each 30 feet of parcel width up to 210 feet, plus one moorage for each additional 20 feet

1 No portion of a deck of a pier shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than six (6) feet above the water surface.

2 The proposed length must be the minimum necessary to support the intended use. The total dock length includes approach ramp and floating element(s). If 11 ft. average water depth is reached within the 15 ft. of approach ramp for a dock, a floating element will be permitted not to exceed the maximum length standard. A dock or pier may exceed the maximum length provided a report prepared by a qualified professional that includes verifiable survey

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information demonstrating the average water depth of 11 ft. is not attainable within the maximum length allowed from the OHWM. Existing public piers may be repaired or replaced to their previous length.

3 Includes all walkways and additional fingers. All pier and dock primary walkways or decks must be fully grated or contain other materials that allow a minimum of 40% light transmittance through the material. If float tubs for docks or floats preclude use of fully grated decking material, then a minimum 2-foot strip of grating down the center of the entire dock or float shall be provided. The maximum width of a ramp connecting a pier to a float should be minimized to the maximum extent practical and should be fully grated.

4 Includes all walkways, ramps, and additional fingers. Joint-use docks and piers must be utilized by two or more residential property owners. Existing public piers may be repaired or replaced to their previous square footage.

### e) Regulations - Recreational Floats

- 1) Recreational floats may be permitted, provided:
  - a. The area of a recreational float shall be minimized to the maximum extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. No recreational float shall have more than one hundred and fifty (150) square feet when associated with a private recreation land use, and four hundred (400) when associated with a public recreational land use.
  - b. Distance waterward from the OHWM. Recreational floats must be in water with depths of 11 feet or more at the landward end of the float and may be located up to a maximum waterward distance as shown in Table V.
- 2) Recreational floats shall be designed and intended for swim use or other nonmotorized use.
- 3) Recreational floats shall be fully grated.
- 4) Retrieval lines shall not float at or near the surface of the water.
- 5) Height. Recreational 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.
- 6) All float tubs shall be fully encapsulated.

### f) Regulations - Boat Launches

- 1) Launching rails may be permitted as a conditional use in the Shoreline Residential environment in lieu of a moorage pier, provided the applicant shall demonstrate that the proposed length of the rail is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. In no case shall the rail extend beyond the point where the water depth is eight (8) feet below the OHWM.

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- 2) Launching rails shall be anchored to the ground with the use of tie-type construction.
- 3) No more than one (1) launching rail per single-family residence or duplex is permitted.
  - a) Launching ramps may be permitted as a conditional use for recreational uses in the Urban Conservancy environment provided the applicant shall demonstrate that the proposed length of the ramp is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. In no case shall the ramp extend beyond the point where the water depth is eight (8) feet below the OHWM.
  - b) Public launching ramps and launching ramps serving more than 4 residential units are regulated as Boating Facilities and must comply with all policies and regulations in Chapter 5 of this SMP.

# Chapter 6 Administration

## A. Purpose and Applicability

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. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act and to the policies and regulations of this SMP. Where inconsistencies or conflicts with other sections of the Lakewood Municipal Code occur, this section shall apply.

## B. Program Administrator

### 1. Authority

- a) The City's Shoreline Administrator, i.e. the Community Development Director or designee, is hereby vested with:
  - 1) Overall authority for administering the Shoreline Management Act and this Master Program;
  - 2) Authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of this Master Program; and
  - 3) Authority to grant statements of exemption from shoreline substantial development permits in accordance with the policies and provisions of this Master Program.

### 2. Duties

- a) The duties and responsibilities of the Shoreline Administrator shall include:
  - 1) Preparing and using application forms deemed essential for the administration of this Master Program.
  - 2) Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this Master Program.
  - 3) Making administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act.
  - 4) Collecting applicable fees, as established in the City's fee schedule.
  - 5) Determining that all applications and necessary information and materials are provided.
  - 6) Conducting field inspections, as necessary,

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- 7) Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate applications needs.
- 8) Determining if a shoreline substantial development permit, conditional use permit or variance permit is required.
- 9) Providing copies of permit applications to relevant staff and agencies for review and comment.
- 10) Conducting a thorough review and analysis of shoreline exemption applications; reviewing other staff and agency comments; making written findings and conclusions; and approving, approving with conditions, or denying such exemptions.
- 11) Submitting shoreline substantial development permit shoreline variance and conditional use permit applications and written recommendations and findings on such permits to the City's Hearing Examiner for their consideration and action.
- 12) Submitting shoreline re-designation permit applications and written recommendations and findings on such permits to the Hearing Examiner for recommendation to the City Council.
- 13) Assuring that proper notice is given to appropriate persons and the public for all hearings.
- 14) Providing technical and administrative assistance to the City's Hearing Examiner, Planning Commission and City Council as required for effective and equitable implementation of this program and the Act.
- 15) Investigating, developing, and proposing amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies.
- 16) Enforcing and 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 City of Lakewood. The Shoreline Administrator may delegate these enforcement duties to a designated representative.
- 17) Acting as the primary liaison between local and state agencies in the administration of the Shoreline Management Act and this Master Program.
- 18) Forwarding shoreline permits to the Department of Ecology for filing or action.

## C. Substantial Development

Any person wishing to undertake substantial development within the shoreline shall submit materials as required under Chapter 18A.02 LMC and shall apply to the Shoreline Administrator for a shoreline permit, as required in this Chapter and Chapter 90.58 RCW. Specific submittal requirements may be established by administrative rule. For the purposes of this chapter, the terms "development" and "substantial development" are defined in RCW 90.58.030 or as subsequently amended.

### 1. Exemptions

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- a. Developments which are exempt from the requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended. Please see the definition of substantial development permit in the Chapter 6 Definitions.
- b. Applicants must still apply for an exemption approval on forms provided by the City, pursuant to Chapter 18A.02 LMC. Applicants shall be required to submit information necessary to determine the exemption and compliance with the requirements of this SMP. Submittal requirements shall be established by administrative rule.
- c. Before determining that a proposal is exempt, the City'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 this Master Program and the Shoreline Management Act.
- d. All development, use or activity with the shoreline is subject to the requirements of this SMP, regardless of whether a substantial development permit is required.
- e. Exempt development may still require a Variance or Conditional Use permit. For example, exempt development which cannot meet the dimensional standards in this SMP will require a Variance and certain uses are allowed in certain Shoreline environments only upon approval of a Conditional Use Permit.

## 2. Permit Process

- a. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City.
- b. Shoreline substantial development, conditional use and variance permits are a Process II application and shall be processed and subject to the applicable regulations of Chapter 18A.02 LMC, as amended.
- c. Public Notice. A notice of application shall be issued for all shoreline permit applications as provided for in Chapter 18A.02 LMC, as amended, excepting that the public comment period for the notice of application for a shoreline permit shall be not less than thirty (30) days, per WAC 173-27-1 10(2)(e).
- d. Public Hearing. The City shall hold a public meeting prior to the issuance of a Substantial Development Permit for a major primary utility project to allow for the greatest amount of public input to help guide utility-related decisions. The City may hold a public meeting or hearing prior to the decision on any Substantial Development Permit, Conditional Use or Variance when the Shoreline Administrator determines that the proposal could significantly impact another party or the proposal is of broad public concern. If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

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- e. Application review. The Administrator shall make decisions on applications for substantial development, conditional use and variance permits based upon: (1) the policies and procedures of the Shoreline Management Act and related sections of the Washington Administrative Code; (2) any public comment received on the application as it relates to compliance with the requirements of the Shoreline Management Act or this SMP; and (3) this SMP.
- f. Local Appeal. All decisions of the Administrator may be appealed to the Hearing Examiner pursuant to Chapter 14A.02 and related provisions. Any party may also appeal an SDP, Shoreline Variance or Conditional Use permit to the Shoreline Hearings Board as provided in Section E of this Chapter without first exhausting any local appeal opportunity. The decision of the Hearing Examiner may also be appealed to the Shoreline Hearings Board.
- g. Filing with Department of Ecology. All applications for a permit or permit revision shall be submitted to the Department of Ecology, as required by WAC 173-27-130 or as subsequently amended. After City approval of a Conditional Use or variance permit, the City shall submit the permit to the Department of Ecology for the Department's approval, approval with conditions, or denial, as provided in WAC 173-27-200. The Department shall transmit its final decision to the City and the applicant within thirty (30) calendar days of the date of submittal by the City.
- h. Hold on Construction. Each permit issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with the Department of Ecology, per WAC 173-27-190 or as subsequently amended. "Date of filing" of the City's final decision on substantial development permits differs from date of filing for a Conditional Use permit or variance. In the case of a substantial development permit, the date of filing is the date the City transmits its decision on the permit to the Department of Ecology. In the case of a variance or Conditional Use permit, the "date of filing" means the date the Department of Ecology's final order on the permit is transmitted to the City.
- i. Duration of permits. Construction, or the use or activity, shall commence within two (2) years after approval of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Administrator may authorize a single extension before the end of either of these time periods, with prior notice to parties of record and the Department of Ecology, for up to one (1) year based on reasonable factors.
- j. Compliance with permit conditions. When permit approval includes conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity. All uses and developments occurring within shoreline jurisdiction shall be compliant with 90.58 RCW.

## D. Variances and Conditional Use Permits

The Shoreline Management Act states that Master Programs shall contain provisions covering variances and conditional uses that are consistent with WAC 173-27. These provisions should be applied in a manner

which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

## 1. Shoreline Variance

### a) Purpose

The purpose of a variance is strictly limited to granting relief to specific bulk dimensional, or performance standards set forth in this Shoreline Master Program (SMP), and where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the SMP 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.

### b) Application

An application for a Shoreline variance shall comply with the provisions of Chapter 18A.02 LMC. An applicant for a substantial development permit who wishes to request a variance shall submit the variance application and the substantial development permit application simultaneously.

### C) Criteria for Granting Variances

1. Variances for development that will be located landward of the ordinary high water mark and landward of any wetland may be authorized provided the applicant can demonstrate consistency with the following variance criteria as listed in WAC 173-27-170:
  - c) 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.
  - d) 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.
  - e) 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.
  - f) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
  - g) That the variance requested is the minimum necessary to afford relief.
  - h) That the public interest will suffer no substantial detrimental effect.
- 2) Variances for a development 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:

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- 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 (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) In the granting of all variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- 4) Variances from the use regulations of the Master Program are prohibited.

## 2. Conditional Use

### a) Purpose

The purpose of a 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 City of Lakewood 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 this Master Program. Uses that are specifically prohibited by this Master Program may not be authorized with a conditional use permit.

### b) Application

An application for a Shoreline Conditional Use shall comply with the provisions of Chapter 18A.02 LMC. An applicant for a substantial development permit who wishes to request a Conditional Use shall submit the variance application and the substantial development permit application simultaneously.

### c) Criteria for Granting Shoreline Conditional Use Permits

1. Uses which are classified or set forth as conditional uses in the Master Program may be authorized, provided the applicant demonstrates all of the following conditional use criteria as listed in WAC 173-27-160:
  - b) That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;
  - c) That the proposed use will not interfere with the normal public use of public shorelines;
  - d) 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;

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- e) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  - f) That the public interest suffers no substantial detrimental effect.
2. 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.
  3. 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.
  4. Uses which are specifically prohibited by this Master Program may not be authorized.

## E. Appeals to the Shoreline Hearings Board

Any person aggrieved by the granting or denying of a shoreline substantial development permit, variance, or 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 Shorelines Hearing Board by filing a request for the same within twenty-one (21) days of the date of filing, as defined by Subsection C.2.g above, 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 90.58.180 and Chapter 461-08 WAC. A copy of such appeal notice shall also be filed with the City of Lakewood City Clerk. An appeal to the Shoreline Hearings Board may be filed without first exhausting any local appeal opportunity.

## F. Nonconforming Use and Development Standards

### 1. Applicability

"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. Nonconforming uses are also subject to LMC 18A.2.830. Where the standards in this Section are different than, more specific or conflict with the standards in LMC 18A.2.830, the standard in this Section shall apply. Where the standards contained in this Section do not address an issue related to nonconforming development, the standards contained in LMC 18A.2.830 shall apply.

### 2. Standards for Nonconforming Structures, Uses and Lots

#### a) Structures

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- 1) 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 modified or expanded provided that said modification or expansion does not increase the extent of nonconformity by further encroaching upon, extending into, or expanding the area within areas where construction or use would not be allowed for new development or uses, and the thresholds identified in (2) and (3) below are not exceeded. Modification or addition to a nonconforming structure shall not increase the building footprint lying within the required setback area.
- 2) If a nonconforming structure is intentionally modified and the cost of the proposed development exceeds fifty (50) percent of the fair market value of the replacement cost of the original structure, it shall be required to meet all applicable standards in the SMP.
- 3) If a nonconforming structure other than a dwelling unit located in a residential district or established mobile home park is unintentionally damaged to an extent not exceeding seventy-five (75) percent of the fair market value of the replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore the structure within one year of the date the damage occurred and all permits within two years.
- 4) If a nonconforming dwelling unit located in a residential district or established mobile home park is unintentionally damaged, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, regardless of degree of damage, provided that application is made for the permits necessary to restore the structure within one year of the date the damage occurred and all permits within two years.
- 5) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

### **b) Uses**

- 1) 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.
- 2) A use which is listed as a conditional use, but which existed prior to adoption of this Master Program or any relevant amendment and for which a conditional use permit has not been obtained, shall be considered a legal nonconforming use.
- 3) A legal nonconforming use may be re-established as a nonconformance, except that any nonconforming use that is discontinued for a period of six (6) continuous months shall not be re-established. To show that there has been a discontinuance or abandonment of the nonconforming use, there must be evidence that the property owner intended to discontinue or abandon the use. Vacancy of a property alone shall not constitute conclusive evidence.

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- 4) A structure which is being or has been used for a nonconforming use may not be used for another nonconforming use.

### c) Sites or Lots

- 1) 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 this 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 City of Lakewood and so long as such development conforms to all other requirements of this Master Program and the Act.

## G. Enforcement and Penalties

All provisions of this Master Program shall be enforced by the Shoreline Administrator and/or his designated representative. The enforcement procedures and penalties contained in WAC Chapter 173-27 and RCW Chapter 90.58 are hereby incorporated by reference. Please also see Chapter 1.8 and Chapter 1.44 LMC for additional information regarding the City's enforcement regulations and related penalties.

## F. Master Program Review By City

1. 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.
2. The City's established permit tracking system, aerial photos, reviewing of other available data, and field observations as feasible shall be used to periodically evaluate the effectiveness of this Shoreline Master Program in achieving no net loss of shoreline ecological functions with respect to both permitting and exemptions.
3. As part of any major update, an evaluation report assessing the effectiveness of the SMP in achieving no net loss shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.
4. The SMP review and update process shall be consistent with the requirements of WAC 173-26 or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

## G. Amendments to the Master Program

1. Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Any amendments shall also be subject to the procedures in BDMC 18.08.

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2. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Department of Ecology.

### H. 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 this Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

### I. 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 City, the requirement that most supports the purposes and provisions of the Shoreline Management Act as detailed in RCW 90.58.020 shall apply, as determined by the City, except when constrained by federal or state law.

## Chapter 7 Definitions

Accessory use or accessory structure - Any subordinate use, structure, or building or portion of a building located on the same lot as the main use or building to which it is accessory.

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

Act - The Shoreline Management Act (Chapter 90.58 RCW and WAC Chapter 173-27).

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 (see Chapter 90.58.340 RCW).

Administrator - The City Planning and Community Development Director or his/her designee, charged with the responsibility of administering the shoreline master program.

Agriculture - The cultivation of the soil, production of crops, and/or raising of livestock, including incidental preparation of these products for human use. In all cases, the use of agriculture related terms shall be consistent with the specific meanings provided in WAC 173-26-020.

AKART - An acronym for "all known, available, and reasonable methods of prevention, control, and treatment" (WAC 173-201A-020). AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

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

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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) (see WAC 173-27-040(2)(g)).

**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 173-27-030(1).

**Average grade level** - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure (WAC 173-27-030(3)).

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

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

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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 - Benthos are 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 grassy swales, retention ponds and other vegetative features.

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

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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. These devices are usually located along a pier.

Boat lift canopy – A translucent canopy or awning that is attached to the boat lift and shield the boat from sun and precipitation.

Boat rail or railway - A set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

Boathouse - A structure designed for storage of vessels located over water. Boathouses should not be confused with "houseboats".

Boating Facility – A public moorage structure or a private moorage structure serving more than four 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.

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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.

City - The City of Lakewood.

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

Commercial - Uses and facilities that are involved in wholesale or retail trade or business activities.

Comprehensive Plan - Comprehensive plan means the document, including maps adopted by the city council that outlines the City's goals and policies relating to management of growth, and prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans 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 applicable 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 - Boat moorage, with or without walls, that has a solid roof to protect the vessel and is attached to the dock itself of the substrate of the Lake.

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

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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.

Degrade - To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

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 - A floating moorage structure.

Down drift - 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 cleanup of polluted sediments.

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

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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.

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 173-27-040(2d)).

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.

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.

Environmentally Sensitive Areas Ordinance 03-1037, Lakewood - This ordinance provides the goals, policies, and implementing regulations for protecting the designated critical areas of Lakewood. The ordinance addresses environmentally sensitive area development controls; measures important for protecting and preserving these resources; preventing or mitigating cumulative adverse environmental impacts to critical areas; and serves to alert the public to the development limitations of critical areas.

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.

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

Excavated moorage slip - A boat mooring location that is man-made in that it requires dredging or excavation of excess sediment to afford access. Such slips may often involve dredging of the lake bottom waterward of the OHWM, or may include excavating a segment of the existing shoreline to enable moorage of a boat.

Excavation - Excavation is 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 (WAC 172-27-040). For a complete list of exemptions, see Chapter 8.

Fair market value - "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials (WAC 173-27-030(8)).

Fill – the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetland, or on shorelands in a 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 offshore and that may be associated with a fixed-pile pier, or may be a standalone structure, such as platforms used for swimming and diving.

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

Floating home - A structure designed and operated substantially as a permanently based over water residence. Floating homes are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.

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 - means 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 the area 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

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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 physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.

Grassy 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 up drift 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.

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.

Hearing Examiner - The Hearing Examiner of the City of Lakewood.

Height - The distance measured from the average grade level to the highest point of a structure: provided, that television antennas, chimneys and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines: provided further, that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)).

Heliport - any landing area or other facility owned and operated, and which is designed, used or intended to be used by private aircraft for landing or taking off of aircraft, including all associated or necessary buildings and open spaces.

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Hoist – A device used for lifting or lowering a load by means of a drum or lift-wheel around which rope or chain wraps. It may be manually operated, electrically or pneumatically driven and may use chain, fiber or wire rope as its lifting medium.

Houseboat - A vessel, principally used as an over water residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring and the presence of adequate self-propulsion and steering equipment to operate as a vessel. Principal use as an overwater residence means occupancy in a single location, for a period exceeding two months in any one calendar year. This definition includes live aboard vessels.

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 nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas, but excluding landscaping and surface water retention/detention facilities.

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 - Synonymous with "party of record", 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)).

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

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Lake - 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) by the addition of rock, soil, gravels and earth or other material. Does not include solid or hazardous waste.

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 rail - See also Boat launch or ramp and Boat railway.

Launching ramp - See also Boat launch or ramp and Boat railway.

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.

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:

a) Avoiding the impact all together by not taking a certain action or parts of an action;

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- b) 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;
- c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance operations;
- e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- f) 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.

Moorage Cover – See covered moorage.

Multifamily dwelling (or residence) - A building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.

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.

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Native plants - These are plants that 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 riparian habitat corridor - The streamside environment designed and maintained primarily for fisheries and wildlife habitat, water quality improvements and secondarily for flood control works.

NFIP - National Flood Insurance Program.

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 173-27-080).

Normal maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2b)). See also Normal repair.

Normal protective bulkhead - 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 (WAC 173-27-040(2)(c)).

Normal repair - 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 173-27-040(2b)). See also Normal maintenance.

OHW, Ordinary High Water Mark - That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: provided, that in any area where the ordinary high water mark cannot be

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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(11).

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. Commonly employed in parking lots and streets.

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.

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 173-27-030(13).

Pier - a fixed, pile-supported moorage 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;

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- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refuge 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 non-priority 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.

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(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 or another state.

Properly Functioning Conditions (PFC) - Conditions that create and sustain natural habitat-affecting processes over the full range of environmental variation, and that support productivity at a viable population level of PTE species. PFC indicates a level of performance for a subset of the more broadly defined “ecological functions,” reflecting what is necessary for the recovery of PTE species.

Proposed, Threatened, and Endangered (PTE) Species - Those native species that are proposed to be listed or are listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act.

Public access - Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

Public interest - The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030(14)).

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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, whether public, private or commercial, that provide a means for relaxation, play, or amusement. For the purposes of this Master Program, recreational facilities are divided into two categories:

1. Water-dependent (i.e. – moorage facilities, fishing piers, recreational floats) and
2. Non-water-dependent (i.e. – sports fields, golf courses, and RV camping)

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). Residential development includes single family development, multi-family development and the creation of new residential lots through land division.

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

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.

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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 is required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. The checklist will also help to reduce or avoid impacts from a proposal, and help the responsible governmental agency decide whether a full environmental impact statement (EIS) is required (WAC 197-11-960).

SMA - see Shoreline Management Act

SMP - see Shoreline Master Program

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.

Shorelands or Shoreland Areas - Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the Shoreline Management Act. Shorelands in the City of Lakewood are limited to those areas within 200 feet of the ordinary high water mark of American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Wauaghop Lake, and Chambers and Clover Creeks and any associated wetlands.

Shoreline Administrator - The City of Lakewood Planning and Community Development Director 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 173-26-211.

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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. In the City of Lakewood, shoreline jurisdiction includes American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Wauaghop Lake, and Chambers and Clover Creeks, those areas within 200 feet of the ordinary high water mark of these water bodies, and any associated wetlands. See definitions of Shorelines, Shorelines of the state, Shorelines of statewide significance, Shorelands, and Wetlands, .

Shoreline Management Act - Chapter 90.58 RCW, as amended. Washington's Shoreline Management Act was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

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 must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

Shoreline Modification - 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, conditional use, revision, or variance permit or any combination thereof (WAC 173-27-030(13)).

Shoreline stabilization – Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural measures such as bulkheads and nonstructural methods such as soil bioengineering.

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)..

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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. See RCW 90.58.170; 90.58.180.

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

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

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

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

Single-family residence - A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-27-040(2g)).

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.

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Stream - 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)).

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (WAC 173-27-030(15)).

Substantial Development - Any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen dollars (\$5,718), 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 definition 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 (RCW 90.58.030(3)(e)). 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 the state as defined in RCW [90.58.030](#) (2)(c). 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. A list of activities and developments that shall not be considered substantial development is provided in Chapter 8 (WAC 173-27-040(2)(a)).

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

Upland - Generally described as the dry land area above and landward of the ordinary high water mark.

Utilities - Services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, stormwater, sewage and communications.

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Utilities, Accessory - Utilities comprised of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer and stormwater service lines.

Utilities, Primary – Utilities comprised of trunk lines or mains that serve neighborhoods, areas and cities. Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities and mains, power generating or transmission facilities, gas storage and transmission facilities and stormwater mains and regional facilities.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in the applicable master program, but not a means to vary a shoreline use. Variance permits must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-27-170).

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 moorage structures (including those associated with residential properties), 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. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA.

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Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.

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:

1. 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,
2. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

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

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

Wetlands - "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that

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under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, 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 non-wetland areas to mitigate the conversion of wetlands.

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