Grant No. 1100006
Ordinance No. 844-2013

City of Granite Falls
Shoreline Master Program

August 1, 2012

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This report was funded in part through a grant from the Washington Department of Ecology.

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CHAPTER 1

Introduction to the SMP

A. What is the Shoreline Master Program?

The City of Granite Falls Shoreline Master Program (SMP) is a planning document that outlines goals and policies for the shorelines of the City, and also establishes regulations for development occurring within shoreline jurisdiction.

1. Applicable Documents

The Shoreline Master Program includes the SMP and related documents. The following documents are considered part of the SMP:

- Shoreline Master Program (SMP);
- Shoreline Environment Designations Map (Appendix A)

2. Related Documents

There are many documents adopted by the City of Granite Falls that are not a part of the SMP, but should be consulted when developing or making a land use action within shoreline jurisdiction. The SMP is the document controlling properties within shoreline jurisdiction, however, more general development regulations on the overall project application process, drainage requirements, roads, etc., are found in the Granite Falls Municipal Code or adopted plans, policies, or programs. If there is a difference between the SMP and a related document, the more restrictive requirements should be followed.

The following list of related documents is not exhaustive, but a guide to the users of the SMP.

- Cumulative Impacts Analysis for the City of Granite Falls Shorelines
- Shoreline Restoration Plan for the City of Granite Falls Shorelines:
- City of Granite Falls Comprehensive Plan (Adopted November 2005, as amended)
- Title 19 of the Granite Falls Municipal Code
- City's Surface Water Management Program
- City's Stormwater Management Regulations
- National Flood Insurance Program and adopted Flood Insurance Rate Maps

B. History of the SMA

In 1969, the Washington State Supreme Court decided in the case of *Wilbur v. Gallagher* (77 Wn.2d 302), commonly known as the "Lake Chelan Case," that certain activities along shorelines were contrary to the public interest. The court findings required that the public interest be represented in the proper forum for determining the use of shoreline properties. The ramifications of this decision were significant in that developers, environmentalists, and other interested parties began to recognize—although probably for different reasons—the need for a comprehensive planning and regulatory program for shorelines.

Wilbur v. Gallagher was a case primarily involving property rights. It was decided at a time of heightened environmental awareness. At the same time, Congress was considering environmental legislation and subsequently passed a number of laws relating to protection of the environment including the National Environmental Policy Act (1969) and the Coastal Zone Management Act (1972). "Earth Day" and the concept of "spaceship earth" were part of the American scene. "Conservationists" had become "environmentalists" and some had even gone so far as to call themselves "ecologists." Whatever the name or concept, concern for fragile ecological areas became important, along with the rights associated with property ownership.

Voters of the state, seeing the failure of the Seacoast Management Bill in the state legislature, validated an initiative petition commonly titled the "Shoreline Protection Act." The state legislature, choosing between adoption of the people's initiative petition or its own alternative, passed into law the "Shoreline Management Act of 1971" (SMA) effective June 1, 1971, which contained the provision for both statutes to be deferred to the electorate in the November 1972 election. The election issue required that voters respond to two questions: (1) Did they favor shoreline management? and (2) Which alternative management program did they prefer? Most Washington voters favored both shoreline management and the legislature's alternative (providing greater local control), by an approximately 2-to-1 margin. It is important to keep in mind that the SMA was a response to a people's initiative and was ratified by the voters, giving the SMA a populist foundation as well as an environmental justification.

The SMA's paramount objectives are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or that offer opportunities for the public to enjoy the state's shorelines. With this clear mandate, the SMA established a planning and regulatory program to be initiated at the local level under State guidance.

This cooperative effort balances local and state-wide interests in the management and development of shoreline areas by requiring local governments to plan (via shoreline master programs) and regulate (via permits) shoreline development within SMA jurisdiction. (See "Geographic Applications of the SMA" below.) Local government actions are monitored by the Washington Department of Ecology (Ecology), which approves new or amended shoreline master programs (SMPs), reviews substantial development permits, and approves conditional use permits and variances.

After the SMA's passage in 1971, Ecology adopted Chapter 173-18 WAC to serve as a standard for the implementation of the SMA and to provide direction to local governments and Ecology in preparing SMPs. Two hundred forty-seven cities and counties have prepared SMPs based on that WAC chapter. Over the years, local governments, with the help of Ecology, developed a set of practices and methodologies, the best of which were collected and described in the 1994 *Shoreline Management Guidebook*.

In 1995, the state legislature passed Engrossed Substitute House Bill 1724, which included several RCW amendments to better integrate the Growth Management Act (GMA), the Shoreline Management Act, and the State Environmental Policy Act (SEPA). The bill also directed Ecology to review and update the state SMA guidelines every five years. In response, Ecology undertook a primarily in-house process to prepare a new WAC chapter (also referred to in this *SMP* as the "Guidelines"). After meeting with a series of advisory committees and producing a number of informal drafts, Ecology formally proposed a new WAC rule for the SMA in April 1999. Subsequently, in 2003, the Legislature further clarified the integration of the SMA and GMA.

The rule was appealed and then-Governor Gary Locke and former Attorney General Christine Gregoire cosponsored a year-long mediation effort in 2002 that culminated in a third draft, which was issued for public comment in July 2002. That proposal had the endorsement of the Association of Washington Business, the Washington Aggregates & Concrete Association, the Washington Environmental Council (WEC) and other environmental organizations – all of whom were parties to the lawsuit.

Ecology received about 300 comments on the version proposed in 2003. Seventeen changes were made in response to those comments, to clarify language and to delete obsolete or duplicative references. The final version was adopted December 17, 2003.

The City has incorporated by reference the Snohomish County Shoreline Management Master Program (as amended in 2006). The City's Comprehensive Plan contains a few policies specific to shorelines; generally, these policies encourage protection of the habitat and water quality associated with the City's shorelines. Regulations applicable to critical areas which are located within shoreline jurisdiction were last updated in 2005 consistent with Growth Management Act requirements for use of "best available science." Those regulations specify buffers for the South Fork Stillaguamish River and the Pilchuck River of 150 feet and wetland buffers of up to 100 feet.

Most of the uses, developments, and activities regulated under the Critical Areas Regulations are also subject to the City's Comprehensive Plan, the City of Granite Falls Municipal Code, the International Building Code, and various other provisions of City, state and federal laws. Any applicant must comply with all applicable laws prior to commencing any use, development, or activity. The City will ensure consistency between the SMP and other City codes, plans and programs by reviewing each for consistency during periodic updates of the City's Comprehensive Plan as required by State statute.

C. Implementation of the SMA

RCW 90.58.020 clearly states how the Shoreline Management Act shall be implemented in the following statement:

"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that 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 the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and 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 insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy 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. To this end 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 state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

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

D. Geographic Applications of the SMA

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Shorelands are defined as:

> *"those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 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 this chapter…Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its SMP as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom… Any city or county may also include in its SMP land necessary for buffers for critical areas (RCW 90.58.030)"*

In addition, rivers with a mean annual cfs of 1,000 or more are considered shorelines of statewide significance.

The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands.

1. Applicable Area

The City of Granite Falls is located in Snohomish County, Washington. The City is surrounded by areas of unincorporated Snohomish County. The City encompasses approximately 1.7 square miles. The study area for this report includes all land currently within the City's proposed shoreline jurisdiction, as well as relevant discussion of the contributing watershed. The total area subject to the City's updated SMP, not including aquatic area, is approximately 26 acres, and encompasses nearly one mile of shoreline.

The entirety of the South Fork Stillaguamish River and the Pilchuck River within City limits and the UGA are regulated Shorelines. The South Fork Stillaguamish River is considered a Shoreline of Statewide Significance (≥ 1,000 cubic feet per second). Associated wetlands, floodway, and contiguous floodplains are also considered within shoreline jurisdiction. The mapping of floodplains and floodways uses the latest information developed by Snohomish County and is in the final stages of review by FEMA. The Pilchuck River and the South Fork Stillaguamish River have floodplains that extend beyond the ordinary high water mark through portions of the City and the UGA. However, neither system has a designated floodway within or adjacent to the City boundary. The Pilchuck River LOMR prepared by Snohomish County Surface Water Management for the City of Granite Falls, depicts an extended floodplain along the Pilchuck River. Regardless, the presence of this floodplain is unlikely to change the minimum shoreline jurisdiction boundary in the absence of an expanded floodway.

No associated wetlands are mapped along the jurisdictional boundary of either river system and thus expansion of shoreline jurisdiction beyond the minimum jurisdiction is not anticipated.

E. How the Shoreline Master Program is Used

The City of Granite Falls Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the City, and also establishes regulations for development occurring within shoreline jurisdiction.

In order to preserve and enhance the shorelines of the City of Granite Falls, it is important that all development proposals relating to the shoreline are evaluated in terms of the City's Shoreline Master Program, and the City Shoreline Administrator is consulted. The Shoreline Administrator for the City of Granite Falls is the City Planner or his/her designee.

The Shoreline Management Act (SMA) 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. Pursuant to the Guidelines, shorelines of the state that meet the criteria established in WAC 173-26-211 are given a shoreline environment designation. The purpose of the shoreline designation system is to ensure that land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and that consideration is given to the special requirements of that environment.

The Granite Falls Shoreline Master Program addresses a broad range of uses that could be proposed in the shoreline area. This breadth is intended to ensure that the Granite Falls shoreline area is protected from activities and uses that, if unmonitored, could be developed inappropriately and could cause damage to the ecological system of the shoreline, displace "preferred uses" as identified in Chapter 90.58 RCW, or cause the degradation of shoreline aesthetic values. The Granite Falls Shoreline Master Program provides the regulatory parameters within which development may occur. In addition, it identifies those uses deemed unacceptable within Granite Falls shoreline jurisdiction, as well as those uses which may be considered through a discretionary permit such as a Conditional Use Permit or Shoreline Variance.

1. When Is a Permit Required?

A Shoreline Substantial Development Permit is required when a development or activity meets the definition of "substantial development" contained within Chapter 6 of this SMP. Substantial development is discussed in more detail in Section 7.C of this SMP. A development or activity is exempt if it meets the criteria listed in WAC 173-27-040. Some development may require a Shoreline Conditional Use Permit, if listed as such in the Use Tables contained in Section 5.B of this SMP; or a Shoreline Variance. Shoreline Conditional Use Permits and Shoreline Variances are discussed in more detail in Sections 7.D and E, respectively. However, **ALL** new development, uses, and activities must comply with the policies and regulations set forth in the City of Granite Falls Shoreline Master Program, including those developments, uses, and activities that are exempt from permits. Review under the State Environmental Policy Act (SEPA) may also be required.

"Development," is defined by the Shoreline Management Act of 1971 as:

> *A use consisting of the construction or exterior alteration of structures; dredging, drilling; dumping; filling; removal or 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)).*

This definition indicates that the "development" regulated by the Shoreline Management Act includes not only those activities that most people recognize as "development," but also those activities that citizens may do around their own home.

While the impact of these potential "developments" may seem inconsequential at first, they may have unwanted and damaging affects on the river ecology, the property of others, and the shoreline aesthetics.

Projects that are identified as "developments," but not "substantial developments," do not require a Shoreline Substantial Development Permit; however, they must still comply with all applicable regulations in the City's Shoreline Master Program, including Critical Areas Regulations. In addition, some developments may require a Shoreline Conditional Use Permit or Shoreline Variance from the Shoreline Master Program's provisions, although they do not meet the definition of "substantial development."

"Substantial development" is any "development" where the total cost or fair market value exceeds five thousand dollars ($5,000), or any development that materially interferes with the normal public use of the water or shoreline of the state. The five thousand dollar ($5,000) threshold will be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. A dock is not considered substantial development if the fair market value of the dock does not exceed ten thousand dollars ($10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars ($2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development.

Under the Shoreline Management Act, some types of development are exempt from the requirement to apply for and receive a permit before beginning work per RCW 90.58.030(3)(e). A complete list of developments and uses that are not considered "substantial development" is found in Chapter 6: Definitions under "substantial development." WAC 173-27-090, identifying exemptions from a Shoreline Substantial Development Permit, is included at Section 7.C.2.

2. The Permit Process

The City's Shoreline Administrator can help determine if a project is classified as a substantial development, determine if a permit is necessary or if a project is exempt from permit requirements, and identify which regulations in the SMP may apply to the proposed project. The Administrator can also provide information on the permit application process and how the SMP process relates to, and can coordinate with, the State Environmental Policy Act (SEPA) process.

3. The Shoreline Permit

There are three types of permits: the Shoreline Substantial Development Permit, the Shoreline Conditional Use Permit, and the Shoreline Variance. All of these permits use the same application form; however, they are processed slightly differently and have different criteria for approval. Shoreline Exemptions require City review to determine whether the proposal is indeed exempt from shoreline permits, and whether

the proposal meets the policies and regulations of the Shoreline Master Program. Requests for Shoreline Exemption are made on a separate application form.

Requests for a Shoreline Substantial Development Permit are reviewed by the Shoreline Administrator. Requests for a Shoreline Variance or Shoreline Conditional Use Permit require review by the City of Granite Falls Hearing Examiner. There may be instances where a Shoreline Conditional Use Permit or Shoreline Variance may be approved without the need for a Shoreline Substantial Development Permit. The Hearing Examiner will hold a public hearing on the proposal and approve, approve with conditions, or deny the application. The Hearing Examiner's decision is final, unless an appeal is filed pursuant to the procedures described in Section 7.C.4. Requests for Shoreline Conditional Use Permits and Shoreline Variances require final approval by DOE.

A map of the shoreline jurisdiction is presented in Appendix A and descriptions of the various shoreline designations are presented in Chapter 2 of this SMP.

4. Relationship of this Shoreline Master Program to Other Plans

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Granite Falls Shoreline Master Program (SMP) must be mutually consistent with local plans and policy documents, specifically, the Granite Falls Comprehensive Plan and the Granite Falls Municipal Code. The Granite Falls SMP must also be mutually consistent with the regulations developed by the City to implement its plans, such as the zoning code and subdivision code, as well as building construction and safety requirements.

Submitting an application for a shoreline development, use, or activity does not exempt an applicant from complying with any other local, county, state, regional, or federal statutes or regulations, which may also be applicable to such development or use.

F. Public Process for SMP Adoption

The City of Granite Falls involved the public and solicited feedback throughout the update process of this Shoreline Master Program. The City notified and solicited input from all relevant organizations and agencies at the beginning and throughout the local adoption process of the SMP update. The City's Planning Commission served as the guiding body during the preparation of this SMP.

CHAPTER 2

Environment Designation Provisions

A. Introduction

The Shoreline Management Act (Chapter 90.58 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. Shoreline environment designations provide a means of adapting broad policies to shoreline sub-units while recognizing different conditions and valuable shoreline resources, and a way to integrate comprehensive planning into SMP regulations. In accordance with WAC 173-26-211, the following shoreline environment designation provisions apply; including purpose, designation criteria, and management policies. Where there is a contradiction between the matrices and another SMP text provision, the text provision shall apply.

All areas not specifically assigned a shoreline environment designation shall be designated "Urban Conservancy" (UC).

B. Shoreline Environment Designation Maps

The Shoreline Environment Designation Map can be found in Appendix A. Pursuant to RCW 90.58.040, the map illustrates the shoreline environment designations that apply to all shorelines of the state within the City of Granite Falls' jurisdiction. The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands. The map should be used in conjunction with the specifications in Section C below. In the event of a mapping error, the City will rely upon the boundary descriptions and the criteria in Section C below.

C. Policies and Regulations

1. "Urban Conservancy" (UC) Environment

a. Purpose

The purpose of the "Urban Conservancy" environment 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

An "Urban Conservancy" environment designation will be assigned to shorelands that are planned for development that is compatible with maintaining ecological functions and have the potential to provide public trails and public viewpoints. The specific use of land in this designation is flexible, as long as the use benefits from being in close proximity to the water, building setbacks are maintained, ecological processes and functions and native vegetation and canopy cover are retained, and public trails and public view points are provided.

Shorelines designated “Urban Conservancy” generally have limited or no water access for water-dependent development.

c. Management Policies

Uses

1. Water-oriented uses should be given priority over nonwater-oriented uses.
2. Commercial and industrial activities enhancing ecological functions and the public’s enjoyment of publically accessible shorelines may be appropriate.
3. New multi-family development and new subdivisions of land into more than four parcels should provide public access.
4. Water -enjoyment recreation facilities that do not deplete the resource over time, such as angling, walking trails, wildlife viewing trails, and public viewpoints, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.
5. Development that hinders natural channel movement in channel migration zones should not be allowed.

Ecological Restoration and Public Access

6. During development and redevelopment, all reasonable efforts, as determined by the City, should be taken to restore ecological functions.
7. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy – Flexible" designation to ensure that new development does not cause a net loss of ecological functions and is consistent with an overall goal to improve ecological functions and habitat.
8. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
9. All development should be consistent with City of Granite Falls Flood Damage Prevention, GFMC 19.07.035 (Ordinance No. 799-10, as amended).

d. Specific Environment Designations

All areas within shoreline jurisdiction along the South Fork Stillaguamish River are assigned an “Urban Conservancy” environment. See also map in Appendix A.

2. "Shoreline Residential" (SR) Environment

a. Purpose

The purpose of the "Shoreline Residential" environment is to accommodate residential development and appurtenant structures in a manner in which there is no net loss of ecological functions. An additional purpose is to provide appropriate community access and recreational uses.

b. Designation Criteria

A "Shoreline Residential" environment designation will be assigned to City of Granite Falls' shorelands if they are predominantly single-family or multifamily residential development or are planned or zoned for residential development.

Some shoreline lots designated Shoreline Residential may not be suitable for permanent residential development due to environmental or flood hazard constraints. Such constraints must be evaluated on a case by case basis.

c. Management Policies

Uses

1. Water-oriented recreational uses should be allowed.
2. New residential development should be supported by adequate land area and services.
3. Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.
4. Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time. The development standards should achieve no net loss of ecological functions.
5. New multi-family development and new subdivisions of land into more than four parcels should provide public access.
6. New residential development should be located and designed so that future shoreline stabilization is not needed.
7. All development should be consistent with City of Granite Falls Flood Damage Prevention, GFMC 19.07.035 (Ordinance No. 799-10, as amended).

d. Specific Environment Designations

All areas within shoreline jurisdiction along the Pilchuck River are assigned a "Shoreline Residential" environment. See also the Environment Designation map in Appendix A.

3. "Aquatic" Environment

a. Purpose

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

b. Designation Criteria

An "Aquatic" environment designation will be assigned to areas waterward of the ordinary high-water mark.

c. Management Policies

1. New over-water structures are prohibited.
2. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.
3. Provisions for the “Aquatic” environment should be directed toward no net loss of ecological functions.
4. Uses that cause significant ecological impacts to critical freshwater habitats should not be allowed. Where those uses are necessary to achieve Shoreline Management Act objectives, their impacts shall be mitigated according to the sequence defined in Chapter 3 Section B.4.
5. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
6. Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with this SMP.

CHAPTER 3
General Provisions

A. Introduction

General policies and regulations are applicable to all uses and activities (regardless of shoreline environment designation) that may occur along the City's shorelines.

This chapter is divided into twelve different topic headings and is arranged alphabetically. Each topic begins with a discussion of background SMP issues and considerations, followed by general policy statements and regulations. The intent of these provisions is to be inclusive, making them applicable over a wide range of environments as well as particular uses and activities.

B. Policies and Regulations

1. Universally Applicable Policies and Regulations

a. Applicability

1. The following regulations describe the requirements for all shoreline uses and modifications in all shoreline environment designations.
2. Within shoreline jurisdiction, the purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Specifically, GFMC 19.05.020D shall not apply. Variance procedures and criteria have been established in this SMP, Chapter 7 Section E and in Washington Administrative Code (WAC) 173-27-170.4 Environmental Impacts.

b. Policies

1. The City should periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore the ecology to ensure no net loss of ecological functions, protect human health and safety, upgrade the visual qualities, and enhance residential and recreational uses on the City’s shorelines. 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. Upland vegetation.

d. Changing visual character as a result of new residential development, including additions, and individual vegetation conservation practices.

e. Shoreline stabilization and modifications.

2. The City should keep records of all project review actions within shoreline jurisdiction, including shoreline permits and letters of exemption.

3. Where appropriate, the City should pursue the policies of this SMP in other land use, development permitting, public construction, and public health and safety activities. Specifically, such activities include, but are not limited to:

a. Water quality and stormwater management activities, including those outside shoreline jurisdiction but affecting the shorelines of the state.

b. Aquatic vegetation management.

c. Health and safety activities, especially those related to sanitary sewage.

d. Public works and utilities development.

4. The City should involve affected federal, state, and tribal governments in the review process of shoreline applications.

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. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this SMP. Except as otherwise noted, all shoreline modifications not associated with a legally existing or an approved shoreline use are prohibited.

3. 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 5 for Shoreline Use Regulations, including exemptions, variances, conditional uses, and nonconforming uses.

4. The "policies" listed in this SMP will provide broad guidance and direction and will be used by the City in applying the "regulations." The policies, taken together, constitute the Shoreline Element of the Granite Falls Comprehensive Plan.

5. Where provisions of this SMP conflict, the provisions most directly implementing the objectives of the Shoreline Management Act, as determined by the City, shall apply unless specifically stated otherwise.

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 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 the resource, public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.

c. Regulations

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City, the state office of archaeology and historic preservation, and affected Indian tribes if any phenomena of possible archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged or mapped.
2. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by a professional archaeologist in coordination with affected Indian tribes. The permit shall require approval by the City before work can begin on a project following inspection. Significant archaeological data or artifacts shall be recovered before work begins or resumes on a project.
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 archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued which would pose a threat to the site. The City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
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 2744 (Indian Graves and Records) and RCW 2753 (Archaeological Sites and Records) and shall comply with WAC 25-48 as well as the provisions of this SMP.
6. Archaeological excavations may be permitted subject to the provisions of this program.
7. Identified historical or archaeological resources shall be included in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
8. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.
9. The City will work with affected tribes and other agencies to protect Native American artifacts and sites of significance and other archaeological and cultural resources as mandated by Chapter 27.53 RCW.

3. Critical Areas

Critical areas in shoreline jurisdiction are regulated by the Critical Area Regulations Applicable to Granite Falls Shoreline Master Program which are found at Appendix B. The appendices to this SMP are an integral part of this SMP and are administered under the provisions and procedures of this SMP.

4. Environmental Impacts

a. Applicability

The following policies and regulations apply to all uses and development in shoreline jurisdiction.

b. Policies

1. In implementing this SMP, the City should take necessary steps to ensure compliance with Chapter 43.21C RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.
2. All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and provide mitigation to ensure no net loss of ecological function.

c. Regulations

1. All project proposals, including those for which a shoreline permit is not required, shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.
2. Projects that cause significant ecological impacts, as defined in Definitions, are not allowed unless mitigated according to the sequence in subsection c. 4

below to avoid reduction or damage to ecosystem-wide processes and ecological functions.

3. Projects that cause significant adverse impacts, other than significant ecological impacts, shall be mitigated according to the sequence in subsection c.4 below.

4. The City will set mitigation requirements or permit conditions based on impacts identified per this SMP. In order to determine acceptable mitigation, the City Shoreline Administrator may require the applicant to provide the necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with a restoration plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.

   When applying mitigation to avoid or minimize significant adverse effects and significant ecological impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:

   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 (from subsection (e) above) and taking appropriate corrective measures.

5. The City may provide for or allow mitigation of an environmental impact through a comprehensive mitigation program such as a mitigation banking program if such mitigation measures will result in a greater benefit in terms of ecological functions and values. Such a program must be based on a comprehensive analysis of ecological systems such as provided by the analysis and restoration plan accomplished as part of this SMP.

   Mitigation measures shall be accomplished at locations in the following order of preference:

   a. On the site where impacts occur (first preference).

   b. If (a) is not feasible or beneficial in terms of ecological functions, then within or adjacent to the same water body.

c. If (b) is not feasible or beneficial in terms of ecological functions, then within the City of Granite Falls.

d. If (c) is not feasible or beneficial in terms of ecological functions, then within the UGA.

6. All shoreline development shall be located and constructed to avoid locally-specific significant adverse impacts to human health and safety.

5. Flood Hazard Reduction and River Corridor Management

a. Applicability

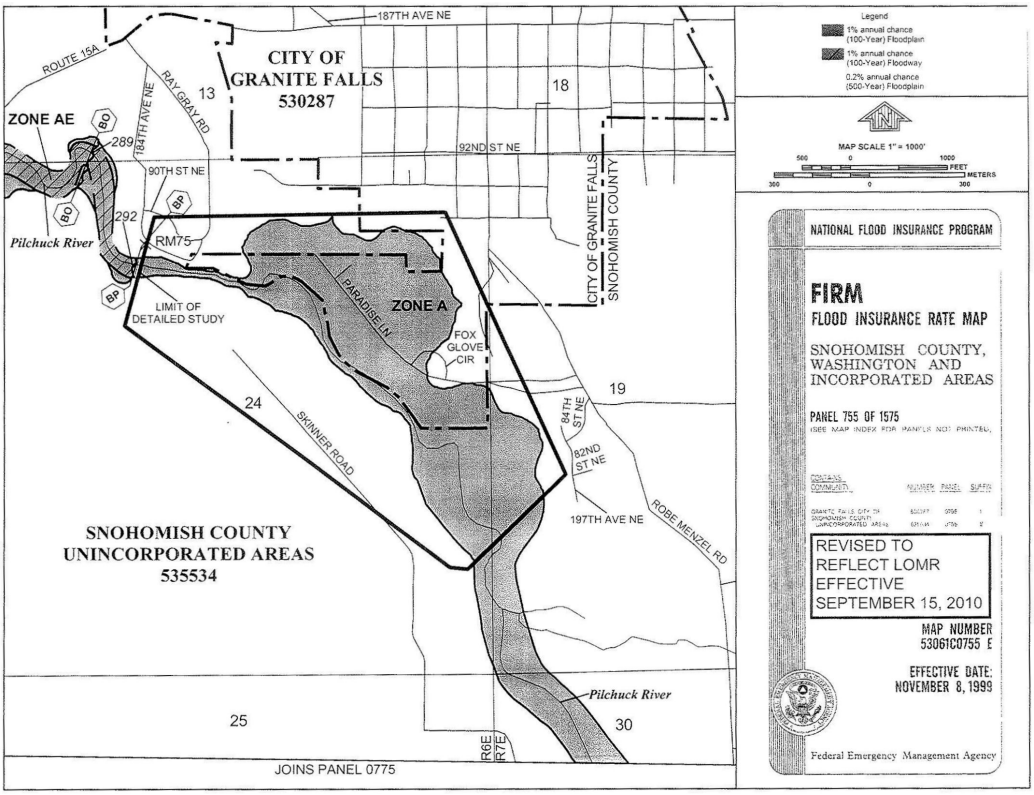
The provisions in this section apply to those areas within shoreline jurisdiction lying along a floodplain corridor, including rivers, streams, associated wetlands in the floodplain, and river deltas.

The provisions in this section are intended to address two concerns especially relevant to river shorelines:

1. Protecting human safety and minimizing flood hazard to human activities and development.
2. Protecting and contributing to the restoration of ecosystem-wide processes and ecological functions found in the applicable watershed or sub-basin.

The City's critical areas for frequently flooded areas, GFMC 19.07.020 apply to areas within the FEMA managed 100 year floodplain. The regulations in the City of Granite Falls Flood Damage Prevention, GFMC 19.07.035 (Ordinance No. 799-10, as amended) also apply.

Nearly all shorelands along the Pilchuck River and some shorelands along the South Fork Stillaguamish River are in the 100 year floodplain. FEMA re-mapped portions of the Pilchuck River. The figure below delineates the 2010 floodplain boundaries.



b. Policies

1. The City should implement a comprehensive program to manage the City's riparian corridors that integrates the following City ordinances and activities:
    a. Regulations in this SMP.
    b. The City's zoning code (GFMC Title 19).
    c. The City's Storm Water Management Plan (2009), and implementing regulations.
    d. The City's participation in the National Flood Insurance Program and compliance with the State's floodplain management law at Chapter 86.16. RCW.
    e. The ecological restoration of selected shoreline areas.
2. In regulating development on shorelines within SMA jurisdiction, the City should endeavor to achieve the following:
    a. Maintenance of human safety.
    b. Protection and, where appropriate, the restoration of the physical integrity of the ecological system processes, including water and sediment transport and natural channel movement.
    c. Protection of water quality and natural groundwater movement.

d. Protection of fish, vegetation, and other life forms and their habitat vital to the aquatic food chain.

e. Protection of existing legal uses and legal development of property (including nonconforming development) unless the City determines relocation or abandonment of a use or structure is the only feasible option or that there is a compelling reason to the contrary based on public concern and the provisions of the SMA.

3. The City should undertake flood hazard planning, where practical, in a coordinated manner among affected property owners and public agencies and consider entire drainage systems or sizable stretches of rivers, lakes, or marine shorelines. This planning should consider the off-site erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities. Flood hazard management planning should fully employ nonstructural approaches to minimizing flood hazard to the extent feasible.

4. The City should give preference to and use nonstructural solutions over structural flood control devices wherever feasible, including prohibiting or limiting development in historically flood-prone areas, regulating structural design and limiting increases in peak stormwater runoff from new upland development, public education, and land acquisition for additional flood storage. Structural solutions to reduce shoreline hazard should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the hazard.

   Where structural solutions are rebuilt, fish-friendly structures such as setback levees should be used.

5. Structural flood control works should not be allowed where they will result in any of the following:

   a. Intrusion into the channel migration zone (CMZ).

   b. Increased residential, commercial, or industrial development in undeveloped 100-year floodplains.

   c. Loss of flood storage capacity in undeveloped 100-year floodplains, unless authorized by a flood hazard management plan and all applicable government agencies.

   d. Deflecting or constricting flood flows to a degree that will result in significantly increased flood heights.

6. The City will protect river corridors' capacity to store flood waters and recharge groundwater and protect natural drainage ways, creeks, streams, and rivers to maintain their capacity to convey stormwater and flood water. Where feasible, the City will protect and restore hydrological connections between water bodies, watercourses, and associated wetlands.

7. Discourage those uses that pose a threat to groundwater quality or the quantity or quality of flow in the hyporheic zone (see Chapter 8, Definitions).
8. Discourage residential, commercial, and industrial uses within undeveloped floodplain areas unless scientific and technical information shows that ecological processes and functions can be protected or restored.

c. Regulations

1. The applicant shall provide the following information as part of a shoreline permit application.
    a. Location of the 100-year floodplain, channel migration zone (CMZ) or, if there is no CMZ, the bank full width boundary, and ordinary high water mark.
    b. Existing shoreline stabilization and flood-protection works on the site.
    c. Physical, geological, and soil characteristics of the area.
    d. Predicted impacts upon area shore and ecological processes, adjacent properties, and shoreline and water uses.
    e. Analysis of alternative construction methods, development options, or flood protection measures, both structural and nonstructural.
    f. Description of existing shoreline vegetation and measures to protect existing vegetation and to re-establish vegetation.
2. New development must be consistent with (a) through (e) below in addition to the provisions of this SMP. In cases of inconsistency, the provisions most protective of shoreline ecological functions and processes shall apply:
    a. The City's development regulations related to floodways, floodplains, drainage, and erosion regulations, specifically GFMC 19.07.035 Flood Damage Prevention (Ordinance No. 799-10, as amended) and critical areas for frequently flooded areas, GFMC 19.07.020.
    b. "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated November 8, 1999 in accordance with Chapter 86.16 RCW and the National Flood Insurance Program, the revisions in "City of Granite Falls Pilchuck River – Interim Flood Hazard Mapping, August 2007," and the Snohomish County and Incorporated Areas FIRM, dated September 15, 2010.
    c. The City's Stormwater Management Regulations, Article II of Chapter 13.20 of GFMC (Ordinance No. 796-10, as amended).
    d. Conditions required by state and federal approvals.
    e. Paragraph 60.3 of the National Flood Insurance Program and other FEMA regulations.
3. New structural flood hazard reduction measures, including dikes, levees, and overflow channels, may be allowed only as a conditional use and only when

consistent with development regulations related to floodways and floodplains and all of the following can be demonstrated:

a. The project does not further restrict natural channel movement, except that flood hazard reduction measures that protect an existing building, roadway, bridge, or utility line may be installed, provided the measure is placed as close to the existing structure as possible;

b. Other, nonstructural measures would not be feasible or adequate;

c. The measures are necessary to protect existing development or new public development, such as a roadway, that cannot be located further from the stream channel;

d. Impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and

e. Shoreline vegetation necessary to provide ecological functions is protected or restored.

4. Otherwise allowed shoreline modifications in the 100-year floodplain and flood hazard reduction measures shall employ the type of construction or measure that causes the least significant ecological impacts. When authorizing development within the 100-year floodplain, the City will require that the construction method with the least negative significant ecological impacts be used. For example, the City will not allow rock revetments to be used for erosion control if a "softer" approach using vegetation plantings and engineered woody debris placement is possible.

5. Existing hydrological connections into and between water bodies, such as streams, tributaries, wetlands, and dry channels, shall be maintained. Also refer to Chapter 3, Sections B3 (Critical Areas), B4 (Environmental Impacts), B11 (Vegetation Conservation), and B12 Water Quality and Quantity); Chapter 4, Section C6 (Shoreline Restoration and Ecological Enhancement); and the Restoration Plan (specifically Chapter 3 Restoration Goals and Objectives).

6. Where feasible, native vegetation should be planted when new structural flood hazard reduction measures are installed. The City Shoreline Administrator may require this vegetation to be planted waterward, on, or landward of the structure if it is determined such vegetation is necessary to protect and restore ecological functions.

7. Designs for flood hazard reduction measures and shoreline stabilization measures in river corridors must be prepared by qualified professional engineers (or geologists or hydrologists) who have expertise in local riverine processes.

8. If allowed, structural flood hazard reduction projects that are continuous in nature, such as dikes or levees, shall provide for public access unless the City determines that such access is not feasible or desirable according to the criteria in Chapter 3 Section B.7 Public Access.

9. Shoreline modification and development standards shall be as outlined in the matrices in Chapter 4 and Chapter 5 for allowable uses and modification and development standards such as setbacks and clearing and grading within each shoreline environment designation.
10. Bridges, culverts, and other river, stream, and waterway crossings shall be designed and constructed so they do not restrict flood flows such that flood elevations are increased. Where a bridge, culvert, or other waterway crossing replaces an existing crossing, the replacement structure shall not increase flood heights over those caused by the original structure.
11. The removal of gravel for flood control may be allowed only if a biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution.

6. Parking (Accessory)

a. Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. Except as noted, 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 the shoreline jurisdiction is prohibited.

b. Policies

1. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.
2. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).

c. Regulations

1. Parking in shoreline jurisdiction must directly serve a permitted shoreline use.
2. Parking as a primary use or that serves a use not permitted in the applicable shoreline environment designation shall be prohibited over water and within shoreline jurisdiction.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon the adjacent shoreline and abutting properties. A minimum of 15 feet of landscaping shall be provided between the parking and the shoreline unless there is a building between the parking and the shoreline. Landscaping shall consist of native vegetation and plant materials approved by the City Shoreline Administrator and shall be planted before completion of the parking area in such a manner that plantings provide effective screening between parking and the water body within five years of project completion. The 15’ of landscaping shall provide a semi-opaque screen that is intended to partially

block visual contact between uses and to create a strong impression of the separation of spaces. The City Shoreline Administrator may modify landscaping requirements to account for reasonable safety and security concerns.

4. Parking facilities serving individual buildings on the shoreline shall be located landward, if feasible, to minimize adverse impacts on the shoreline.
5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
6. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, as per the most recent edition of the City of Granite Falls Storm Water Management Plan.
7. Lighting associated with parking lots shall be beamed, hooded, or directed to minimize and avoid illumination of the water, setback areas, wetlands, and other wildlife habitat areas.
8. See Chapter 5 Section B Development Standards Matrix, for setback requirements.

7. Public Access

a. Applicability

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and the ability to have a view of the water and the shoreline from upland locations. Public access facilities may include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, and improved street ends.

The City should continue to improve public access to its shorelines and pursue opportunities to add new public access and recreation sites. The City should continue to work on opportunities for providing public access and recreation to Pilchuck River and South Fork Stillaguamish River.

Comprehensive documentation of existing parks and recreation facilities, public access points and trails are identified in the Capital Facilities Element of the City's Comprehensive Plan. This element also identifies parks, open space, and recreation deficiencies as well as future park acquisition and development needs. Similarly, Chapter 6 of the Shoreline Inventory & Analysis Report identifies existing parks and open space and identifies nearby access points that are outside City jurisdiction. The City's public access planning process provided by these documents provides more effective public access than individual project requirements for public access, as provided for in WAC 173-26-221(4)(d)(iii)(A).

b. Policies

1. Public access should be considered in the review of all private and public developments with the exception of the following:

a. One- and two-family dwelling units; or

b. Where deemed inappropriate due to health, safety and environmental concerns.

2. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation.

3. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.

4. Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.

5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.

6. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.

7. Public access and interpretive displays should be provided as part of publicly funded restoration projects where significant ecological impacts can be avoided.

8. City parks, trails and public access facilities adjacent to shorelines should be maintained and enhanced in accordance with City and County plans.

9. Commercial waterfront development should be encouraged to provide a means for visual access to the shoreline area, wherever feasible.

10. The acquisition of suitable upland shoreline properties to provide access to publicly owned shorelands should be encouraged.

11. The City should encourage property owners and developers to provide a public trail and public viewpoints on top of the bank (not necessarily directly along the shoreline) of the South Fork of the Stillaguamish River.

c. Regulations

1. Public access is required for the following development unless the conditions stated in 2, immediately below, apply.
   a. Land division into more than four lots and PRDs
   b. Non-water-oriented uses (including multi-family development)
   c. All commercial and industrial uses
   d. Development by or financed by public entities or on public land, including the City and public utility districts

e. Development or use that will interfere with an existing public access way. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.

2. Public access is not required as part of development if any of the following conditions apply:
   a. The development is a single family residence not part of a development planned for more than 4 parcels or the development is accessory to a single family residence
   b. Public access is demonstrated to be infeasible or undesirable due to reasons of incompatible uses, safety, security or impact to the shoreline environment. In determining infeasibility or undesirability, the City will consider alternative means of providing public access such as off-site improvements, separation of uses, and restricting the hours of public access to avoid conflicts.
   c. Where constitutional or legal limitations apply.
   d. Where the City determines that more effective public access can be provided through public access planning and other compensatory off-site public access improvements provided as part of the development.

3. The shoreline permit shall describe the impact, the required public access conditions, and how the conditions address the impact. Mitigation for public access impacts shall be in accordance with the definition of mitigation and mitigation sequencing in Chapter 3 Section B.4.

   Where public access is required as part of development, the City may allow payment in lieu of site access, where access at the public site would be dangerous or undesirable. The City will use the payment for public access improvements elsewhere.

   The Shoreline Administrator shall determine the amount of fee-in-lieu based on the cost of a trail, at least 8 feet wide, running the length of the shoreline with paving, lighting, and required site restoration.

4. Shoreline substantial development (including land division into more than four lots and PRDs) or conditional uses shall minimize impact to public views of shoreline waterbodies from public land or substantial numbers of residences.

5. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (This is a requirement of RCW 35.79.035 and RCW 36.87.130).

6. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.

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

8. Public access easements and permit conditions shall be recorded as a covenant against the title and/or on the face of a plat or short plat as a condition running

contemporaneous with the authorized land use. Said recording with the County Assessor's Office shall occur prior to permit approval (RCW 58.17.110).

9. Minimum width of public access easements shall be sufficient to provide clear, safe access to the shoreline. The Shoreline Administrator may require that the proposed public access improvements be modified to take advantage of special opportunities or to prevent impacts to adjacent sites (especially single-family residences).
10. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.
11. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
12. Public access facilities may be developed over water provided that all ecological impacts are mitigated to achieve no net loss of ecological functions.

8. Shorelines of State-Wide Significance

a. Applicability

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Within the City of Granite Falls jurisdiction, the South Fork Stillaguamish River is a shoreline of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.

b. Policies

In implementing the objectives of RCW 90.58.020 for shorelines of statewide significance, 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 lowest.

1. Recognize and protect the state-wide interest over local interest.
    a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the SMP, and any proposed amendments affecting shorelines of state-wide significance, to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials and state-wide interest groups.
    b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.

c. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.

2. Preserve the natural character of the shoreline.
   a. Protect and restore existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.
   b. Protect and restore habitats for State-listed "priority species."
3. Support actions that result in long-term benefits over short-term benefits.
   a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
   b. In general, preserve resources and values of shorelines of state-wide significance for future generations and restrict or prohibit development that would irretrievably 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.
   c. Shoreline development should be managed to ensure no net loss of ecological functions.
5. Increase public access to publicly owned areas of the shoreline.
   a. Give priority to developing paths and trails to shoreline areas, to provide linear access along the shorelines.
   b. Locate development landward of the ordinary high water mark so that access is enhanced.
6. Increase recreational opportunities for the public on the shoreline by planning for and encouraging development of facilities for recreational use of the shoreline.

9. Signage

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 located within shoreline jurisdiction that directs attention to a business, professional service,

community, site, facility, or entertainment, conducted or sold either on or off premises.

Signs in shoreline jurisdiction shall also adhere to all sign regulations. In the case of overlapping or conflicting regulations, the most stringent regulation shall apply.

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 shorelands.

c. Regulations

1. Prohibited Signs: The following types of signs are prohibited:
    a. Off-premises detached outdoor advertising signs.
    b. Commercial signs for products, services, or facilities located off-site.
    c. Spinners, streamers, pennants, flashing lights and other animated signs used for commercial purposes. Highway and railroad signs are exceptions.
    d. Signs placed on trees or other natural features, unless the City's Shoreline Administrator finds that these signs are necessary for public safety reasons.
2. Allowable Signs: The following types of signs may be allowed in all shoreline environments:
    a. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.
    b. Public information signs directly relating to a shoreline use or activity. Public information signs shall include public park signs, public access identification signs, and warning signs.
    c. Off-premise, free-standing 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.
    e. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.
3. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.
4. Over-water signs, signs on floats or pilings, and signs for goods, services, or businesses not located directly on the site proposed for a sign are prohibited.

5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
6. Signs shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 6 feet in height. When feasible, signs shall be flush-mounted against existing buildings.
7. Temporary or obsolete signs shall be removed within timeframes pursuant to GFMC 19.06.010M. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.
8. Signs that do not meet the policies and regulations of this section B.9 shall be removed or shall conform within two years of the adoption of this SMP.
9. No signs shall be placed in a required view corridor.

10. Utilities (Accessory)

a. Applicability

Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence. Accessory utilities do not carry significant capacity to serve other users and are considered a part of the primary use. They are addressed in this section because they concern all types of development and have the potential to impact the quality of the shoreline and its waters.

b. Policies

1. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation to ensure no net loss of ecological functions.
2. Accessory utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
3. Accessory utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

c. Regulations

1. In shoreline areas, accessory utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple uses of sites and rights-of-way.

Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.

3. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation. For sites within critical areas, see Appendix B Critical Area Regulations Applicable to Granite Falls Shoreline Master Program.
4. Utility discharges and outfalls shall be located, designed, constructed, and operated in accordance with best management practices to ensure degradation to water quality is kept to a minimum.
5. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring is a preferred method of utility water crossing over open trenching.
6. Stormwater management systems shall conform to applicable Granite Falls' stormwater regulations. Any conveyance pipes, detention tanks, or retention facilities shall be placed as far upland away from the shoreline as is feasible.

11. Vegetation Conservation

a. Applicability

The following provisions apply to any activity 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. They do not apply to forest practices managed under the Washington State Forest Practices Act. See Chapter 6 for definitions of "significant vegetation removal," "ecological functions," "clearing," "grading," and "restore."

b. Policies

1. Vegetation within the City shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of this SMP, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in the City of Granite Falls Shoreline Inventory and Analysis Report.
2. This SMP in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.

3. The removal of invasive or noxious weeds and replacement with native vegetation should be encouraged. Removal of noxious or invasive weeds should be conducted using the least-impacting method feasible, with a preference for mechanical rather than chemical means.

c. Regulations

1. Significant vegetation removal in the first 150 feet from the OHWM is prohibited.
2. All city regulations related to vegetation conservation shall apply, including the regulations pertaining to floodplains in GFMC 19.07.035 Flood Damage Prevention Section 7.4 (Ordinance 799-10) and the regulations related to Critical Areas in this SMP. If there is a conflict between regulations, the more stringent regulation shall apply.
3. Shoreline setback areas shall consist of an undisturbed area of native vegetation established to protect the integrity, functions and values of the affected habitat. Where existing vegetation in the required setback provides minimal vegetative cover and cannot provide the minimum water quality or habitat functions, vegetation enhancement shall be required. Where vegetation enhancement is required, a plan shall be prepared that includes plant densities that are not less than five feet on center for shrubs and ten feet on center for trees. Monitoring and maintenance of plants shall be required in accordance with the Critical Areas Regulations in this SMP (See Section 3.B.3 and Appendix B.
4. Vegetation restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which originally occurred on-site unless the City's Shoreline Administrator finds that native plant materials are inappropriate or not hardy in the particular situation.
5. In addressing impacts from significant vegetation removal, the City's Shoreline Administrator will apply the mitigation sequence described in Chapter 3 Section B.4.

12. Water Quality and Quantity

a. Applicability

The following section applies to all development and uses in shoreline jurisdiction that affect water quality, as defined below.

1. As used in this SMP, "water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity and hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics.
2. Where used in this SMP, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for

purposes of this SMP, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Because the policies of this SMP are also policies of the City's Comprehensive Plan, the policies also apply to activities outside shoreline jurisdiction that affect water quality within shoreline jurisdiction, as determined by the City's Shoreline Administrator. However, the regulations apply only within shoreline jurisdiction.

b. Policies

1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts that alter water quality, quantity, or hydrology.
2. The City should require reasonable setbacks, buffers, and stormwater storage basins and encourage low-impact development techniques and materials in accordance with best scientific and technical information to achieve the objective of preventing adverse impacts on water quality.
3. All measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade the existing water quality and quantity.
4. As a general policy, the City should seek to improve water quality, quantity (the amount of water in a given system, with the objective of providing for ecological functions and human use), and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. The City should implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs. The City should implement the City of Granite Falls Storm Water Management Plan, as updated and adopted by City ordinance.
5. All measures to treat runoff in order to maintain or improve water quality should be conducted on-site before shoreline development creates impacts to water.
6. Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and groundwater and/or soils, and adverse effects on shoreline ecological functions and values.
7. The City should create a public education campaign to educate shoreline property owners and local stores about best management practices for shorelines. This could include specific information about fertilizers, herbicides, and pesticides.

c. Regulations

1. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that water quality and quantity are not adversely affected. Control measures include, but are not limited to, low impact development techniques, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.
2. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this SMP.
3. Uses and development that require the application of pesticides, herbicides, fertilizers and other chemicals that could adversely affect water quality (except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations) are prohibited in shoreline jurisdiction.
4. The application of pesticides or herbicides in shoreline jurisdiction is prohibited except for those products specifically approved for use by the Department of Ecology in aquatic situations, and then only if used according to approved methods of and standards for application.

CHAPTER 4

Shoreline Modification Provisions

A. Introduction and Applicability

Shoreline modifications are structures or actions which permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, breakwaters, docks, and floats. Actions such as clearing, grading, landfilling, and dredging are also considered shoreline modifications.

Generally, shoreline modification activities are undertaken for the following reasons:

1. To prepare a site for a shoreline use
2. To provide shoreline stabilization or shoreline protection
3. To support an upland use

The policies and regulations in this chapter are intended to prevent or mitigate the adverse environmental impacts of proposed shoreline modifications. General provisions, which apply to all shoreline modification activities, are followed by provisions tailored to specific shoreline modification activities. This chapter provides policies and regulations for shoreline modification features including shoreline stabilization measures and docks and floats.

If a shoreline development entails more than one shoreline modification, then all of the regulations pertaining to each type of modification apply.

Even though a shoreline modification may not require a shoreline substantial development permit, it must still conform to the regulations and standards in this SMP. The City requires that a property owner contemplating a shoreline modification contact the City's Shoreline Administrator and apply for a "letter of exemption". No shoreline modification shall be undertaken without either a shoreline permit or a letter of exemption.

B. Shoreline Modification Matrix

The following matrix (Table 4) is the shoreline modification matrix. The matrix provides the permitted, conditional, and prohibited uses in all shoreline environmental designations. The numbers in the matrix refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated modification. Where there is a conflict between the matrix and the written provisions in this Chapter, the written provisions shall apply.

Table 1. Shoreline Modification Matrix

P = May be permitted C = May be permitted as a conditional use only X = Prohibited; the use is not eligible for a variance or conditional use permit N/A = Not applicable	**Urban Conservancy**	**Shoreline Residential**	**Aquatic**
Shoreline stabilization:			
Environmental restoration/enhancement	P	P	P
Bioengineering	P	P	X
Structural Shoreline Stabilization (bulkheads, revetments, gabions)	P[1]	P[1]	X
Dikes/levees	X	X	X
Clearing and Grading	P	P	N/A
Dredging	N/A	N/A	X
Hazardous waste cleanup	P	P	P
Fill[2]	P	P	X
Piers/docks[3]	X	X	X
Moorage piles, mooring buoys, & permanent swim floats	X	X	X

All shoreline modifications are subject to other provisions in this SMP. See, especially, Section C "Policies and Regulations" below.

Shoreline Modification Matrix Notes:

1. *Structural shoreline stabilization is allowed only to protect public roads, public utilities, and primary structures.*
2. *Fill in the floodplain, including within wetlands or below the OHWM, must meet all federal, state, and local ~~flood hazard reduction~~ regulations.*
3. *All over-water structures, including piers and docks, are prohibited on Pilchuck River and South Fork Stillaguamish River.*

C. Policies and Regulations

1. General Policies and Regulations

a. Applicability

The following provisions apply to all shoreline modification activities whether such proposals address a single property or multiple properties.

b. Policies

1. Structural shoreline modifications should be allowed only where they are demonstrated to be necessary:
    a. To support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or;
    b. For mitigation of impacts or to enhance the shoreline ecology.
2. The adverse effects of shoreline modifications should be prevented, or if that is not possible, minimized as much as feasible so that there is no net loss of ecological functions. Shoreline modifications should be limited in number and extent as much as feasible.
3. Allowed shoreline modifications should be appropriate to the specific type of shoreline and environmental conditions in which they are proposed.
4. The City should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions, as stated in WAC 173-26-231. 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.
5. Where applicable, the City should base 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.
6. Impaired ecological functions should be enhanced where feasible and appropriate while accommodating permitted uses, as stated in WAC 173-26-231. As shoreline modifications occur, the City will incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
7. In reviewing shoreline permits, the City should require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).

c. Regulations

1. All shoreline modification activities must be in support of a permitted shoreline use or to provide for human health and safety. Shoreline modification activities which do not support a permitted shoreline use are considered "speculative" and are prohibited by this SMP, unless it can be demonstrated that such activities are necessary to protect human health and safety, ecological functions, and the public interest.
2. Structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose or are not feasible (See Chapter 6 for definition of "feasible"). Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation of proposed structures, and vegetation enhancement.
3. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative and includes environmental enhancement.
4. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
5. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.
6. Shoreline modification materials shall be only those approved by the City and applicable state agencies. No toxic (e.g. creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.
7. In channel migration zones, natural geomorphic and hydrologic processes shall not be limited and new development shall not be established where future shoreline modifications will be required. New development, in the limited cases where it's allowed, shall include appropriate protection of ecological function.

2. Shoreline Stabilization

a. Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or essential structures caused by processes, such as current, flood, wind, or wave action. Structural shoreline modifications are only allowed to protect a primary structure or legally existing shoreline use (WAC 173-26-231). These include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and groundwater management, planning and regulatory measures to avoid the need for structural stabilization.

Structural methods include "hard" and "soft" structural stabilization measures.

Hard Structural Shoreline Stabilization means erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkheads, rip-rap, groins, and similar structures.

Soft Structural Shoreline Stabilization means erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear, sloping arrangement. Non-structural and "soft" structural stabilization measures can be cost-effective and practicable solutions.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Maintenance, Repair, and Replacement WAC 173-27-040(2)(b) defines normal maintenance and repair of existing structures and notes that many maintenance and repair activities are exempt from the requirement for a shoreline substantial development permit. As indicated in that section, normal maintenance and repair actions are not exempt from substantial development permits if "by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditions." Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

For the purposes of this section, repair of shoreline stabilization means the strengthening or reconstruction of less than 50 percent of the length of a shoreline stabilization measure over a 10-year period. Reconstruction or strengthening of more than 50 percent of the length of a shoreline stabilization structure over a 10-year period constitutes replacement. Expanding, enlarging, or extending a shoreline stabilization measure is considered a new measure.

Some shoreline stabilization measures for single-family residences may be exempt from a shoreline substantial development permit in accordance with WAC 173-27-040(2). However, such measures must comply with the provisions of this SMP.

b. Policies

1. Non-structural stabilization measures are preferred over "soft" structural measures. "Soft" structural shoreline stabilization measures are strongly preferred over hard structural shoreline stabilization Proposals for hard and soft structural solutions, including bulkheads, should be allowed only when it is demonstrated that nonstructural methods are not "feasible", as defined in Chapter 6. Hard structural shoreline stabilization measures should be allowed only when it is demonstrated that soft structural measures are not feasible.

2. Bulkheads and other structural stabilizations should be located, designed, and constructed primarily to prevent damage to existing primary structures and minimize adverse impacts to ecological functions.
3. New development requiring bulkheads and/or similar protection to protect a primary structure should not be allowed. Shoreline uses should be located in a manner so that bulkheads and other structural stabilization are not likely to become necessary in the future.
4. Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

c. Regulations

New Development

1. New primary structures shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization. New non-water dependent permanent structures that would require shoreline stabilization are prohibited. The division of land is prohibited where it would result in dealignment that will require structural shoreline stabilization over the life of the development.
2. New primary structures, including single-family residences, which include structural shoreline stabilization, will not be allowed unless all of the conditions below are met:
    a. The need to protect the primary structure from damage due to erosion caused by natural processes, such as currents, waves, and by manmade processes is demonstrated through a geotechnical report.
    b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.
    c. Nonstructural measures, such as placing the primary structure farther from the shoreline, planting vegetation, low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient.
    d. The structure will not result in a net loss of shoreline ecological functions.
3. New primary structures on steep slopes or bluffs 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 by a geotechnical engineer or related professional licensed and in good standing in the State of Washington.

New or expanded shoreline stabilization measures

4. New stabilization measures are not allowed except to protect or support an existing or approved primary structure, as necessary for human safety, for the

restoration of ecological functions, for water-dependent development or for hazardous substance remediation pursuant to Chapter 70.105D RCW. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the shoreline permit is prohibited.

5. New or replacement structural shoreline stabilization measures are allowed on South Fork Stillaguamish River and Pilchuck River shorelines for necessary flood hazard reduction provided that all feasible steps are taken to minimize adverse impacts to the natural environment. The structures must be in conformance with a City-approved flood hazard reduction program.
6. New or enlarged structural shoreline stabilization measures for a primary structure or residence shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis (see definition in Chapter 6), that the structure is in danger from shoreline erosion caused by currents, waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis by a licensed geotechnical engineer or related licensed professional, is not demonstration of need. The geotechnical report must demonstrate that erosion rates projected within three years would result in damage to an existing primary structure. The report must also evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The project design and analysis must also evaluate vegetation enhancement and low impact development measures as a means of reducing undesirable erosion.
7. "Hard" structural shoreline stabilization measures, such as bulkheads, are not allowed unless the applicant can demonstrate through a geotechnical analysis that "soft" structural measures such as vegetation or beach enhancement, or nonstructural measures, such as additional building setbacks, are not feasible.
8. Where structural shoreline stabilization measures are demonstrated to be necessary, as described in subsections c.6 and 7 above, the size of stabilization measures shall be limited to the minimum necessary. The City's Shoreline Administrator may require that the proposed structure be altered in size or design or impacts otherwise mitigated. Impacts to sediment transport shall be avoided or minimized.
9. The City's Shoreline Administrator will require mitigation of adverse impacts to shoreline functions in accordance with the mitigation sequence defined in Chapter 3 Section B.4 of the General Provisions. The City's Shoreline Administrator may require the inclusion of vegetation conservation, as described in Chapter 3 Section B.11, as part of shoreline stabilization, where feasible. In order to determine acceptable mitigation, the City's Shoreline Administrator may require the applicant to provide necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with

a restoration plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.

10. Shoreline stabilization measures that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM as long as the overriding intent is not to create dry land. Where the ecological restoration includes placement of new substrates, measures shall be taken to ensure that these substrates do not erode and reduce water depth of neighboring properties.

11. Following completion of shoreline modification activities, disturbed shoreline areas shall be restored to pre-project conditions or conditions set by the Shoreline Administrator (see regulation 9 above). Vegetation conservation measures, including the planting of native vegetation along the shoreline, may be required. Plantings shall consist of native grasses, shrubs, and trees as approved by the City's Shoreline Administrator in keeping with preexisting or typical naturally occurring bank vegetation. Vegetation shall be fully reestablished within three years. All revegetation projects shall include a program for monitoring and maintenance. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.

Replacement and Repair

12. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is need to protect primary structures from erosion caused by currents or waves and a nonstructural measure is not feasible. The demonstration of need does not necessarily require a geotechnical report by a geotechnical engineer or related professional licensed and in good standing in the State of Washington. The replacement structure shall be designed, located, sized, and constructed to minimize harm to ecological functions.

    Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structures 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. When an existing bulkhead is being repaired or replaced by construction of a vertical wall fronting the existing wall (as noted in the exceptions above), it shall be constructed no farther waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual OHWM.

Design of Shoreline Stabilization Measures

13. Bulkhead design and development shall conform to all other applicable City and state agency policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of bulkheads.
14. Gabions (wire mesh filled with concrete or rocks) are prohibited, except as a conditional use where it is determined that gabions are the least environmentally disruptive method of shoreline stabilization.
15. Stairs and other allowed structures may be built as integral to a bulkhead but shall not extend waterward of the bulkhead or structure unless it is necessary to access the shoreline or a use or structure is otherwise allowed over water.
16. Bulkheads shall be designed to permit the passage of surface water or groundwater without causing ponding or over-saturation of retained soil/materials of lands above the OHWM.
17. Adequate toe protection and proper footings shall be provided to ensure bulkhead stability without relying on additional riprap.
18. Materials and dimensional standards:
    a. New bulkheads and other shoreline stabilization structures shall not be constructed higher than 24 inches (twenty-four inches) above the OHWM or, if the bulkhead is set back from the shoreline, 24 inches above grade at the base of the bulkhead or structure. On steep slopes, new bulkheads may be built taller than 24 inches high if necessary to meet the existing slope. Replacement bulkheads may be built to the height of the original bulkhead.

       Exception: The City's Shoreline Administrator may waive this provision for flood hazard minimization measures conforming to this SMP.

    b. While structural materials are not the preferred method of shoreline stabilization, if structural shoreline measures are allowed according to subsections c.6 and 7 above, the following are examples of acceptable materials for shoreline stabilization structures, listed in order of preference from top to bottom:
       i. Large stones, with vegetation planted in the gaps. Stones should not be stacked steeper than 2 horizontal to 1 vertical slope.
       ii. Timbers or logs. Note the prohibition against toxic wood treatments.
       iii. Stacked masonry units (e.g., interlocking cinder block wall units).
       iv. Cast-in-place reinforced concrete.
    c. The following materials are not acceptable for shoreline stabilization structures:
       i. Degradable plastics and other nonpermanent synthetic materials.
       ii. Sheet materials, including metal, plywood, fiberglass, or plastic.
       iii. Broken concrete, asphalt, or rubble.

iv. Car bodies, tires or discarded equipment.

19. Fill behind bulkheads shall be limited to an average of two-thirds (2/3) cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.

Bioengineering

20. Bioengineering projects shall use native trees, shrubs, and grasses or ground cover, unless such an approach is not feasible.

21. All bioengineering projects shall include a program for monitoring and maintenance.

3. Fill

a. Applicability

Fill is the addition 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. Any fill activity conducted within shoreline jurisdiction must comply with the following provisions.

b. Policies

1. Fill waterward of OHWM should be prohibited.
2. Fill in shoreline jurisdiction should be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters which would result in a hazard to adjacent life, property, and natural resource systems.

c. Regulations

1. Fill waterward of OHWM is prohibited
2. Fill is **prohibited** in floodplains where they would alter the hydrologic characteristics, flood storage capacity, or inhibit channel migration that would, in turn, increase flood hazard or other damage to life or property. Fill is **prohibited** in floodway, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent use.
3. Fill shall be permitted only where it is demonstrated that the proposed action will not:
    a. Result in significant ecological damage to water quality, fish, shellfish, and/or wildlife habitat; or
    b. Adversely alter natural drainage and circulation patterns, currents, river flows or significantly reduce flood water capacities.
    c. Alter channel migration, geomorphic, or hydrologic processes.

4. Environmental cleanup action involving excavation/fill, as authorized by the City's Shoreline Administrator, may be permitted.
5. Sanitary fills shall not be located in shoreline jurisdiction.

4. Shoreline Restoration and Ecological Enhancement

a. Applicability

Shoreline restoration and ecological enhancement are the improvement of the natural characteristics of upland or submerged shoreline using native materials. The materials used are dependent on the intended use of the restored or enhanced shoreline area. An Ecological Restoration Plan accompanies this SMP and recommends ecological enhancement and restoration measures.

b. Policies

1. The City should consider shoreline enhancement as an alternative to structural shoreline stabilization and protection measures where feasible.
2. All shoreline enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.
3. Where possible, shoreline restoration should use maintenance-free or low-maintenance designs.
4. The City should pursue the recommendations in the shoreline restoration plan prepared as part of this SMP update. The City should give priority to projects consistent with this plan.
5. Shoreline restoration and enhancement should not extend waterward more than necessary to achieve the intended results.

c. Regulations

1. Shoreline enhancement may be permitted if the project proponent demonstrates that no significant change to sediment transport or river current will result and that the enhancement will not adversely affect ecological processes, properties, or habitat.
2. Shoreline restoration and enhancement projects shall use best available science and management practices.
3. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.
4. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided:
    a. The project's purpose is the restoration of natural character and ecological functions of the shoreline, and

b. It is consistent with the implementation of a comprehensive restoration plan approved by the City's Shoreline Administrator, or the City's Shoreline Administrator finds that the project provides an ecological benefit and is consistent with this SMP.

CHAPTER 5

Shoreline Use Provisions

A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction.

B. Shoreline Use and Development Standards Matrices

The following matrices (Table 5 and Table 6) indicate the allowable uses and some of the standards applicable to those uses and modifications. Where there is a conflict between the matrices and the written provisions in Chapters 3, 4, or 5 of this SMP, the written provisions shall apply. The numbers in the matrices refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated use or shoreline environment designation.

Table 2. Shoreline Use Matrix

P = May be permitted
C = May be permitted as a conditional use only
X = Prohibited; the use is not eligible for a variance or conditional use permit[8]
N/A = Not applicable

SHORELINE USE	Urban Conservancy[9]	Shoreline Residential[9]	Aquatic[10]
Agriculture	X	X	X
Aquaculture	C	C	C
Boating facilities[3]	X	X	X
Commercial:			
Water-dependent	P[1]	X	X
Water-related, water-enjoyment	P[1]	X	X
Nonwater-oriented	X[12]	X	X
Forest practices	X	X	X
Industrial:			
Water-dependent	P[11]	X	X
Water-related, water-enjoyment	P[11]	X	X
Nonwater-oriented	P[11]	X	X
In-stream structures	C	C	C
Mining	X	X	X
Parking (accessory to primary use)	P[2]	P[2]	X
Parking (primary, including paid)	X	X	X
Recreation:			
Water-dependent	P	P	X
Water-related, water-enjoyment	P	P	X
Nonwater-oriented	X	X	X
Single-family residential	P[4]	P[4]	X
Multi-family residential	P[4,5]	X	X
Land subdivision	P	P	X
Signs:			
On premise	P[6]	X	X
Off premise	X	X	X
Public, highway	P	X	X
Solid waste disposal	X	X	X
Transportation:			
Water-dependent	P	C	P
Nonwater-dependent	C	C	C[7]
Roads, railroads	P[7]	P	C[7]
Utilities (primary)	P[7]	P[7]	C[7]

Use Matrix Notes:

1. *Commercial uses are allowed provided the development, in accordance with Section 3.C.11, retains native vegetation, maintains required setbacks, and benefits from proximity to the*

water. All new commercial development shall provide ecological restoration and a publically accessible trail with viewpoints.

2. *Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the City.*
3. *Boating facilities are prohibited, but access for hand-launched boats is encouraged on public and private property, provided overwater structures or additional shoreline stabilization is not required.*
4. *Residences are allowed in shoreline jurisdiction only if it is not feasible, as determined by the City, to locate the building on the portion of the property outside shoreline jurisdiction.*
5. *Multifamily residences are allowed provided they are allowed by the underlying zone, retain native vegetation, and maintain required setbacks. All new multifamily development shall provide ecological restoration and a publically accessible trail with viewpoints.*
6. *Signs are allowed for public facilities only.*
7. *Roadways and public utilities are allowed if there is no other feasible alternative, as determined by the City, and all significant adverse impacts are mitigated.*
8. *For the treatment of existing nonconforming development, see Chapter 7 Section G.*
9. *Development in channel migration zones is allowed only by conditional use permit where it can be shown that such development would not prevent natural channel migration.*
10. *Uses noted as allowed in the Aquatic environment are allowed only if allowed in the adjacent upland environment.*
11. *Industrial uses shall only be permitted if consistent with the underlying zone and the City's Comprehensive Plan, as described in the GFMC and where scientific and technical studies demonstrate there will be no net loss of ecological functions.*
12. *Non-water-dependent commercial uses may be allowed when it supports water-dependent use (if the waters are navigable) or water-oriented use (where the waters are not navigable), see Section 5.C.2.C.*
13. *Forest land conversions to another use are not allowed unless the applicant can demonstrate that there will be no net loss of ecological functions.*

Table 3. Shoreline Development Standards Matrix[3]

DEVELOPMENT STANDARDS[3] *(See also section cited in parentheses)*	Urban Conservancy	Shoreline Residential	Aquatic
Commercial Development *(Ch. 5 Sec. C.2)*			
Water-dependent setback	150'	N/A	N/A
Water-related, water-enjoyment setback	150'	N/A	N/A
Nonwater-oriented setback	150'	N/A	N/A
Industrial Development *(Ch. 5 Sec. C.3)*			
Water-dependent	150'	N/A	N/A
Water-related and water-enjoyment	150'	N/A	N/A
Nonwater-oriented	150'	N/A	N/A
Accessory Parking *(Ch. 3 Sec. B.6)*			
Setbacks	150'	150'	N/A
Recreational Development			
Water-dependent park structures setback	150'[1]	N/A	N/A
Water-related, water enjoyment park structures setback	150'[1]	N/A	N/A
Nonwater-oriented park structures setback *(Ch. 5 Sec. C.7.c.4)*	N/A	N/A	N/A
Residential Development[2]	150'	150'	N/A

Other provisions in this SMP also apply.

Development Standards Matrix Notes:

1. *Public access features such as trails, decks, interpretive displays, and viewing platforms are not considered structures.*
2. *See regulation 5.C.6.c for residential development standards.*
3. *The maximum height of structures in shoreline jurisdiction is 33' above average existing grade.*

C. Shoreline Use Policies and Regulations

1. General Policies and Regulations

a. Applicability

The following provisions apply to all uses in shoreline jurisdiction.

b. Policy

1. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.
2. The City should ensure that all proposed shoreline development will not diminish the public's health, safety, and welfare, as well as the land or its vegetation and wildlife, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.
3. The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.
4. The City should encourage the full use of existing urban areas before expansion of intensive development is allowed.

c. Regulations

1. Developments that include a mix of water-oriented and nonwater-oriented uses may be considered water-oriented provided the City’s Shoreline Administrator finds that the proposed development does give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, are dependent on a shoreline location, or enhance the public’s ability to enjoy the shoreline.
2. All uses not explicitly covered in the SMP require a conditional use permit. The City’s Shoreline Administrator should impose conditions to ensure that the proposed development meets the policies of this SMP.
3. All development and uses must conform to all of the provisions in the SMP.
4. All development and uses shall conform to the shoreline use matrix and the development standards matrix in Section B of this chapter unless otherwise stated in this chapter.
5. In channel migration zones, natural geomorphic and hydrologic processes shall not be limited and new development shall not be established where future stabilization will be required.

6. As described in WAC 173-26-221(3)(c), appropriate development may be allowed in areas landward of roads because the road prevents active channel movement and flooding. This area is therefore not within a channel migration zone.

2. Commercial Development

a. Applicability

Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Examples include hotels, motels, lodges, grocery markets, shopping centers, restaurants, shops, offices, and private or public indoor recreation facilities. Commercial nonwater-dependent recreational facilities, such as sports clubs and amusement parks, are also considered commercial uses. This category also applies to institutional and public uses such as hospitals, libraries, schools, churches and government facilities.

Uses and activities associated with commercial development that are identified as separate uses in this program include 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 4 in addition to the standards for commercial development established herein.

b. Policies

1. Commercial projects should be required to include ecological restoration and a publically accessible trail with viewpoints.
2. Because the South Fork Stillaguamish River is a non-navigable waterway, new nonwater-oriented development should be allowed provided commercial development is allowed by the underlying zone, retains native vegetation, maintains required setbacks, provides ecological restoration, and provides a publically accessible trail with viewpoints.
3. Where possible, commercial developments are encouraged to incorporate Low Impact Development techniques into new and existing projects.

c. Regulations

1. All commercial structures shall be setback a minimum of 150 feet from the OHWM.
2. Water-oriented commercial developments may be permitted as indicated in Chapter 5 Section B, “Shoreline Use and Development Standards Matrices.”

3. Nonwater-oriented commercial developments may be permitted only where they are either **physically** separated from the shoreline **by another property or public right of way** and the following can be demonstrated:

    a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

    b. Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

4. Nonwater-oriented uses may be allowed as part of a mixed-use facility that includes water-dependent uses.

5. Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline's visual qualities, such as views to the waterfront and the natural appearance of the shoreline. To this end, the City's Shoreline Administrator may adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards without a shoreline variance permit) or prescribe operation intensity and screening standards as deemed appropriate.

6. All new commercial development shall provide ecological restoration and a publically accessible trail with viewpoints.

    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 a commercial development.

7. All commercial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment.

8. Commercial development and accessory uses must conform to the setback and height standards established in Section B "Development Standards Matrix" in this Chapter.

9. Low Impact Development (LID) techniques shall be incorporated where appropriate.

3. Industrial Development

a. Applicability

Industrial developments and uses are facilities for processing, manufacturing, and storing of finished or semi-finished goods. Included in industry are such activities as log storage, log rafting, petroleum storage, hazardous waste generation,

transport and storage, ship building, concrete and asphalt batching, construction, manufacturing, and warehousing. Excluded from this category and covered under other sections of the SMP are boating facilities, piers and docks, mining (including on-site processing of raw materials), utilities, solid waste disposal, and transportation facilities.

Shoreline modifications and other uses associated with industrial development are described separately in this SMP. These include dredging, fill, transportation facilities, utilities, piers and docks, bulkheads, breakwaters, jetties and groins, shoreline stabilization and flood protection, and signs. They are subject to their own regulations in Chapter 4 in addition to the provisions in this chapter.

b. Policies

1. Because the South Fork Stillaguamish River is a non-navigable waterway, new nonwater-oriented light industrial development should be allowed if public access (in the form of a publically accessible trail with viewpoints) and ecological restoration is provided as a significant public benefit.
2. Where possible, industrial developments are encouraged to incorporate Low Impact Development techniques into new and existing projects.

c. Regulations

1. The amount of impervious surface shall be the minimum necessary to provide for the intended use. The remaining land area shall be landscaped with native plants according to Chapter 3 Section B.11.c.5.
2. Permitted industrial uses shall be consistent with the underlying zone as defined in the City's Municipal Code.
3. Water-dependent industry shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and other harbor and channel maintenance activities.
4. Storage and disposal of industrial wastes is prohibited within shoreline jurisdiction; PROVIDED, that wastewater treatment systems may be allowed in shoreline jurisdiction if alternate, inland areas have been adequately proven infeasible.
5. At new or expanded industrial developments, the best available facilities practices and procedures shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective cleanup of those spills that do occur. The City's Shoreline Administrator may require specific facilities to support those activities as well as demonstration of a cleanup/spill prevention program.
6. Display and other exterior lighting shall be designed, shielded, and operated to avoid illuminating the water surface.

7. All industrial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment (including visual impacts) and public access facilities. Parking and service areas are prohibited between the building and the required publically accessible trail. All parking and service areas shall be screened from the shoreline and the trail by a 15' strip of native vegetation that consists of a mix of trees, shrubs and groundcover, that is able to provide a full visual screen within 5 years of planting. The City Shoreline Administrator may modify these landscaping requirements to account for reasonable safety and security concerns.
8. All new industrial development shall provide the following:
    a. A minimum of 10' of foundation landscaping, consisting of native trees, shrubs, and groundcover, shall be planted adjacent to the building between the building and the shoreline.
    b. A minimum of 20 ft^2 of transparent windows for every 50 lineal feet of building façade on the façade of the building that faces the shoreline and the publically accessible trail. The intent of this standard is to provide passive surveillance along the trail to promote safety and security.
9. Low Impact Development (LID) techniques shall be incorporated where appropriate.
10. All new industrial development shall not cause a net loss of ecological functions and shall provide ecological restoration and a publically accessible trail with viewpoints.

    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 industrial development.

4. In-Stream Structures

a. Applicability

In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow. They typically are constructed for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), recreational, or fisheries enhancement.

b. Policies

1. In-stream structures should provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and

water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. Within the City of Granite Falls, in-stream structures should be allowed only for the purposes of environmental restoration, maintenance of water levels, or water quality treatment.

c. Regulations

1. In-stream structures are permitted only for the purposes of environmental restoration, water quality management, or maintenance of water levels.
2. The City's Shoreline Administrator may require that projects with in-stream structures include public access, provided public access improvements do not create adverse environmental impacts or create a safety hazard.

5. Recreational Development

a. Applicability

Recreational development includes public and commercial facilities for recreational activities such as hiking, photography, viewing, and fishing, boating, swimming, bicycling, picnicking, and playing. It also includes facilities for active or more intensive uses, such as parks, campgrounds, golf courses, and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual.

Recreational uses and development can be part of a larger mixed-use project. For example, a resort will probably contain characteristics of, and be reviewed under, both the Commercial Development and the Recreational Development sections. Primary activities such as boating facilities, resorts, subdivisions, and hotels are not addressed directly in this category.

Uses and activities associated with recreational developments that are identified as separate use activities in this SMP, such as Boating Facilities, Residential Development, and Commercial Development, are subject to the regulations established for those uses in addition to the standards for recreation established in this section.

Commercial indoor nonwater-oriented recreation facilities, such as bowling alleys and fitness clubs, are addressed as commercial uses.

b. Policies

1. The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
2. Recreational developments and plans should promote the conservation of the shoreline's natural character, and achieve no net loss of ecological functions, and processes.

3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
4. Water-dependent recreational uses, such as angling, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking and golf. Water-enjoyment uses should have priority over nonwater-oriented recreational uses, such as field sports.
5. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, bicycle paths, easements, and scenic drives.
6. Where appropriate, nonintensive recreational uses may be permitted in floodplain areas. Nonintensive recreational uses include those that do not do any of the following:
    a. Adversely affect the natural hydrology of aquatic systems.
    b. Create any flood hazards.
    c. Damage the shoreline environment through modifications such as structural shoreline stabilization or vegetation removal.
7. Opportunities to expand the public's ability to enjoy the shoreline in public parks through dining or other water-enjoyment activities should be pursued.

c. Regulations

1. Water-oriented recreational developments and mixed-use developments with water-oriented recreational activities may be permitted as indicated in Chapter 5 Section B, "Shoreline Use and Development Standard Matrices." In accordance with this matrix and other provisions of this SMP, nonwater-oriented recreational developments may be permitted only where it can be demonstrated that all of the following apply:
    a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features, or the site's separation from the water.
    b. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
    c. The proposed use and development will appreciably increase ecological functions or, in the case of public projects, public access.
2. Accessory parking shall not be located in shoreline jurisdiction unless all of the following conditions are met:
    a. The City's Shoreline Administrator determines there is no other feasible option,
    b. The parking supports a water-oriented use, and
    c. All adverse impacts from the parking in the shoreline jurisdiction are mitigated.

3. All new nonwater-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and, in the case of public developments, public access. The City's Shoreline Administrator shall consult the provisions of this SMP and determine the applicability and extent of ecological restoration and public access required.
4. Nonwater-oriented structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM at least 150 feet unless it can be shown that there is no feasible alternative.
5. See Chapter 3 Section 12.c.3-4 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.
6. All new recreational developments shall be conditioned with the requirement to cause no net loss of ecological functions.

6. Residential Development

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, including single-family residences, duplexes, other detached dwellings, floating homes, multi-family residences, mobile home parks, residential subdivisions, residential short subdivisions, and planned residential development, together with accessory uses and structures normally applicable to residential uses, including, but not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages. Part-time, temporary residential activity, such as recreational vehicle parking, tents, or mobile homes, shall be regulated as residential development. Residential development does not include hotels, motels, lodges, or resorts.

Single-family residences are a preferred use under the Shoreline Management Act when developed in a manner consistent with this Shoreline Master Program.

b. Policies

1. Residential development should be prohibited in critical areas including, but not limited to, wetlands, steep slopes, floodways, and buffers.
2. The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan and the underlying zone.
3. Recognizing the single-purpose, irreversible, and space consumptive nature of shoreline residential development, new development should provide adequate setbacks or open space from the water to provide space for community use of the shoreline and the water, to provide space for outdoor recreation, to protect or restore ecological functions and ecosystem-wide processes, to preserve

views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.

4. Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.
5. Sewage disposal facilities, as well as water supply facilities, shall be provided in accordance with appropriate state and local health regulations.
6. New residences should be designed and located so that shoreline armoring will not be necessary to protect the structure. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:
    a. Constructing shoreline stabilization structures (such as bulkheads).
    b. Causing significant erosion or slope instability.

c. Regulations

1. New residential development within shoreline jurisdiction on rivers and streams shall adhere to the GFMC 19.07.035 Flood Damage Prevention Section 5 General Development Standards (Ordinance 799-10), as well as the following standards:
    a. Setbacks:
        i. Buildings on South Fork Stillaguamish River and Pilchuck River: All covered or enclosed structures shall be set back a minimum of 150 feet.
        ii. Patios and decks: Uncovered patios or decks shall be set back at least 150 feet from the OHWM.
    b. Maximum amount of impervious surface: 30%
    c. Height: Height shall not exceed thirty three feet.
2. Also see regulations for Shoreline Stabilization in Chapter 4 for those structures.
3. Garages and pavements for motorized vehicles (drives and parking areas) shall be set back at least 200 feet from the OHWM. If the Shoreline Administrator determines that the property is not sufficiently deep (measured perpendicularly from the shoreline) to allow construction of garages or parking areas outside of shoreline jurisdiction then (s)he may allow such elements to be built closer to the water, provided that the garage or parking area is set back from the water as far as physically possible.
4. The stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems in accordance with the City of Granite Falls Storm Water Management Plan.

5. The creation of new residential lots within shoreline jurisdiction on rivers and streams shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:
    a. The residence can be built in conformance with all applicable setbacks and development standards in this SMP.
    b. Adequate water, sewer, road access, and utilities can be provided.
    c. The intensity of development is consistent with the City's comprehensive plan.
    d. The development will not cause flood or geological hazard to itself or other properties; nor will the development require shoreline stabilization over the life of the development.
6. See Chapter 3 Section B.11 for regulations related to clearing, grading, and conservation of vegetation.
7. New multifamily development shall provide ecological restoration and a publically accessible trail with public viewpoints of the shoreline.
8. Residential development shall not cause a net loss in ecological functions.

7. Transportation

a. Applicability

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, airports, heliports, float plane moorage, and other related facilities.

The various transport facilities that can impact the shoreline cut across all environmental designations and all specific use categories. The policies and regulations identified in this section pertain to any project, within any environment, that is effecting some change in present transportation facilities.

b. Policies

1. Circulation system planning on shorelands should include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the SMP.
2. Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline.
3. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.

c. Regulations

General

1. Development of all new and expanded transportation facilities in shoreline jurisdiction shall be consistent with the City's Comprehensive Plan and applicable capital improvement plans.
2. All development of new and expanded transportation facilities shall be conditioned with the requirement to mitigate adverse impacts consistent with Chapter 3 Section B.4 of this SMP. Development of new or expanded transportation facilities that cause adverse impacts shall not be allowed unless the development includes shoreline mitigation/restoration that results in no net loss of ecological functions.

   If physically feasible, the mitigation/restoration shall be in place and functioning prior to project impacts. The mitigation/restoration shall include a monitoring and adaptive management program that describes monitoring and enhancement measures to ensure the viability of the mitigation over time.

Location

3. New nonwater-dependent transportation facilities shall be located outside shoreline jurisdiction, if feasible. In determining the feasibility of a non-shoreline location, the City's Shoreline Administrator will apply the definition of "feasible" in Chapter 6 and weigh the action's relative public costs and benefits, considered in the short- and long-term time frames.
4. New transportation facilities shall be located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, bulkheads, groins, jetties, or substantial site grading. Transportation facilities allowed to cross over water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges must be built high enough to allow the passage of debris and provide three feet of freeboard above the 100-year flood level.
5. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts. Culverts and similar devices shall be designed with regard to the 100-year storm frequencies and allow continuous fish passage. Culverts shall be located so as to avoid relocation of the stream channel.
6. Bridge abutments and necessary approach fills shall be located landward of wetlands or the OHWM for water bodies without wetlands; provided, bridge piers may be permitted in a water body or wetland as a conditional use.

Design/Construction/Maintenance

7. All roads and railroads, if permitted parallel to shoreline areas, shall provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives

and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.

8. Development of new and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where appropriate as determined by the City's Shoreline Administrator. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the SMP.
9. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies if feasible, where adverse impact to the shoreline can be minimized by doing so.
10. Fills for development of transportation facilities are prohibited in water bodies and wetlands; except, such fill may be permitted as a conditional use when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this SMP.
11. Development of new and expanded transportation facilities shall not diminish but may modify public access to the shoreline.
12. Waterway crossings shall be designed to provide minimal disturbance to banks.
13. All transportation facilities shall be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills, or sidecast materials without appropriate BMPs, as determined by the City's Shoreline Administrator.
14. All shoreline areas disturbed by construction and maintenance of transportation facilities shall be replanted and stabilized with native, drought-tolerant, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until established. The vegetation restoration/replanting plans shall be as approved by the City's Shoreline Administrator.

8. Utilities

a. Applicability

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants, pipelines and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities.

See Chapter 3 Section B.10, "Utilities (Accessory)," for on-site accessory use utilities.

Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste on any land area or in the water.

Solid waste includes solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material, agricultural wastes, auto wrecking yards with salvage and reuse activities, or wastes not specifically listed above.

b. Policies

1. New utility facilities should be located so as not to require extensive shoreline protection works.
2. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground, or alongside or under bridges.
3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

c. Regulations

1. All utility facilities shall be designed and located to prevent harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The City's Shoreline Administrator may require the relocation or redesign of proposed utility development in order to prevent loss of ecological functions.
2. Utility production and processing facilities, such as power plants or parts of those facilities that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. In such cases, adverse impacts shall be avoided.
3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of the shoreline area where feasible. Utilities shall be located in existing rights-of-way and utility easements whenever possible.
4. Development of pipelines and cables on shorelines, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance or that cause adverse impacts shall not be allowed unless no other feasible option exists. When permitted, those

facilities shall include adequate provisions to protect against net loss of ecological functions.

5. Restoration of ecological functions shall be a condition of new and expanded nonwater-dependent utility facilities.

   The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of utility development.

6. Utility development shall, through coordination with local government agencies, provide for compatible, multiple uses 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 liability for the owner. On Pilchuck River and South Fork Stillaguamish River, connections to existing trails or access sites shall be provided, but new public access shall not be required.

7. New solid waste disposal sites and facilities are prohibited. Existing solid waste disposal and transfer facilities in shoreline jurisdiction shall not be added to or substantially reconstructed.

8. New electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that above-ground lines would have a lesser impact. Existing aboveground lines shall be moved underground during normal replacement processes.

9. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

10. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.

11. Utility production and processing facilities shall be located outside shoreline jurisdiction unless no other feasible option exists. 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, and shall avoid significant ecological impacts.

12. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.

13. Filling in shoreline jurisdiction for development of utility facility or line purposes is prohibited, except where no other feasible option exists and the

proposal would avoid or minimize adverse impacts more completely than other methods. Permitted crossings shall utilize pier or open pile techniques.

14. Power-generating facilities shall require a conditional use permit.
15. 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.
16. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited in shoreline jurisdiction.
17. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenching, is the preferred method of utility water crossing.

CHAPTER 6
Definitions

Accessory use. Any structure or use incidental and subordinate to a primary use or development.

Adjacent lands. Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator. See Shoreline Administrator.

Alteration. Any human-induced action which impacts the existing condition of a critical area. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, pruning, limbing or topping, clearing, relocating or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities.

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 spawn.

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 state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. (WAC 173-27-040(2)(g))

Aquatic. Pertaining to those areas waterward of the ordinary high water mark.

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

Archaeological. Having to do with the scientific study of material remains of past human life and activities.

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

Average grade level. See “base elevation.”

Base elevation. The average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle that will enclose the proposed structure, excluding eaves and decks.

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

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.

Berm. A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the ordinary high water mark. 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). The best available conservation practices or systems of practices and management measures that:

(1) Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and

(2) Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

Bioengineering. The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

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.

Buffer or buffer area. Areas that are contiguous to and protect a critical area and are required for continued maintenance, functioning, and/or structural stability of a critical area.

Building height. Building height is measured from average grade level to the highest point of a structure: *Provided,* that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: *Provided further,* that temporary construction equipment is excluded in this calculation.

Building Setback. An area in which structures, including but not limited to sheds, homes, buildings, and awnings shall not be permitted within, or allowed to project into. It is measured horizontally upland from and perpendicular to the ordinary high water mark.

Bulkhead. A solid wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

Buoy. An anchored float for the purpose of mooring vessels.

Channel. An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stockwatering channels.

Channel Migration Zone (CMZ). The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. (The Department of Ecology is currently evaluating CMZ, including mapping, for several jurisdictions around Puget Sound, including Granite Falls. This information is expected in late 2011 or 2012).

City. The City of Granite Falls, Washington.

Clearing. The destruction or removal of vegetation groundcover, shrubs and trees including root material removal and topsoil removal.

Compensation. Replacement, enhancement, or creation of an undevelopable critical area equivalent in functions, values and size to those being altered by or lost to development.

Compensatory mitigation. Mitigation which compensates for an unavoidable impact by replacing, enhancing, or providing substitute resources or environments.

Comprehensive Plan. The document, including maps, prepared under the Growth Management Act and adopted by the City Council, that outlines the City's goals and policies related to management of growth, and prepared in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36.70A RCW.

Conditional use. A use, development, or substantial development which is classified as a conditional use; or a use development, or substantial development that is not specifically classified within the SMP and is therefore treated as a conditional use.

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

Creation, wetland mitigation. Manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevation that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.

Critical areas. "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous.

Critical Areas Regulations, Non-Shoreline Jurisdiction. Refers to the City of Granite Falls's Critical Areas Regulations, GFMC 19.07.020).

Critical habitat. Habitat necessary for the survival of endangered, threatened, sensitive species as listed by the Federal Government or the State of Washington. Habitat for species listed on the candidate list, or monitored species as listed by the Federal Government or the State of Washington, may be considered critical habitat.

Current deflector. An angled stub-dike, groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.

Degraded wetland. A wetland in which the vegetation, soils, and/or hydrology have been adversely altered, resulting in lost or reduced functions and values.

Department of Ecology. The Washington State Department of Ecology.

Developable area. Land outside of critical areas, their setback, and buffers.

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 stage of water level. (RCW 90.58.030(3)(d)).

Development regulations. The controls in Title 19 GFMC placed on development or land uses by the City of Granite Falls, including, but not limited to, zoning ordinances, Critical Areas Regulations, and all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, together with any amendments thereto.

Dock. A structure which abuts the shoreline and is used as a landing or moorage place for craft. A dock may be built either on a fixed platform or float on the water. See also "development" and "substantial development."

Dredging. Excavation or displacement of the bottom or shoreline of a water body.

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

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

Edge. Boundary of acritical area or buffer as delineated.

EIS. Environmental Impact Statement.

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 SMP.

Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (RCW 90.58.030(3)(e)(iii)).

Enhancement. Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

Environment designation(s). See "shoreline environment designation(s)."

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

Erosion hazard areas. Lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion.

Exemption. "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

Exotic species. Plants or animals that are not native to the Puget Sound Lowlands region.

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

Feasible. An action, such as a development project, mitigation, or preservation requirement, is feasible when it meets all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results.
(b) The action provides a reasonable likelihood of achieving its intended purpose.
(c) The action does not physically preclude achieving the project's primary intended use.

In cases where these regulations require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fish and wildlife habitats (of local importance). A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs and wetlands.

Floats. An anchored, buoyed object.

Floodplain. A term that is synonymous with the one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the SMA.

Floodway. 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 groundcover condition. 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.

Forested wetland. Wetlands with at least 30 percent of the surface area covered by woody vegetation greater than 20 feet in height or greater than 3-inch diameter at breast height.

Functions and values. Beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.

Gabions. Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geologically hazardous areas. Lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to varying degrees of potential risk of landslides, erosion, or seismic or volcanic activity; and areas characterized by geologic and

hydrologic conditions that make them vulnerable to contamination of groundwater supplies through infiltration of contaminants to aquifers.

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 impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes. If the project is in a Channel Migration Zone, then the report must be prepared by a professional with specialized experience in fluvial geomorphology in addition to a professional engineer.

Grade. See "base elevation."

Grading. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grassy Swale. A vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

Guidelines. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of shoreline master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending shoreline master programs. The Guidelines may be found under WAC 173-26 Part III.

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

Height. See "building height."

Hydric soil. Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region. (WMVC)

Hydrological. Referring to the science related to the waters of the earth including surface and groundwater movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

Landslide hazard areas. Areas that, due to a combination of slope inclination and relative soil permeability, are susceptible to varying degrees of risk of landsliding.

Land uses, high intensity. Land uses which are associated with moderate or high levels of human disturbance or substantial impacts including, but not limited to, a zone classification allowing four or more dwelling units per acre, active recreation, and commercial and industrial land uses.

Land uses, low intensity. Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation and open space.

Letter of exemption. A letter or other official certificate issued by the City to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act and this SMP.

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.

Low Impact Development (LID) technique. A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions. Additional information may be found in the City's Stormwater Management Regulations in Article II of Chapter 13.20 of GFMC (Ordinance No. 796-10, as amended) and the City of Granite Falls Storm Water Management Plan in addition to the 2005 State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 1 thorugh 6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, as now or hereafter amended.

GFMC. Granite Falls Municipal Code, including any amendments thereto.

May. Refers to actions that are acceptable, provided they conform to the provisions of this SMP and the SMA.

Mitigation (or mitigation sequencing). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following, which are listed in the order of sequence priority, with (a) being top priority.

(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.
(f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage facility. Any device or structure used to secure a boat, float plane or a vessel, including piers, docks, piles, lift stations or buoys.

Moorage pile. A permanent mooring generally located in open waters in which the vessel is tied up to a vertical column to prevent it from swinging with change of wind.

Multi-family dwelling (or residence). A building containing three or more dwelling units, including but not limited to townhouses, apartments and condominiums.

Must. A mandate; the action is required.

Native growth protection areas (NGPA). Areas where native vegetation is permanently preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Native plants or native vegetation. These are plant species indigenous to the Puget Sound region that could occur or could have occurred naturally on the site, which are or were indigenous to the area in question.

Nonconforming development. A shoreline use or structure which was lawfully constructed or established prior to the effective date of this SMP provision, and which no longer conforms to the applicable shoreline provisions.

Nonpoint pollution. Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

Nonwater-oriented uses. Those uses that are not water-dependent, water-related, or water-enjoyment.

Normal maintenance. Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. See also "normal repair."

Normal protective bulkhead. 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.

Normal repair. To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. (WAC 173-27-040) See also "normal maintenance" and "development."

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.

OHWM. See "ordinary high water mark."

Open space. Areas of varied size which contain distinctive geologic, botanic, zoologic, historic, scenic or other critical area or natural resource land features.

Ordinary high water mark (OHWM). 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 the City or the Department of Ecology. Any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water. (RCW 90.58.030(2)(b) and (c))

Periodic. Occurring at regular intervals.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (RCW 90.58.030(1)(e))

Pesticide management plan. A guidance document for the prevention, evaluation, and mitigation for occurrences of pesticides or pesticide breakdown products in ground and surface waters.

Pier. An over-water structure, generally used to moor vessels or for public access, that is supported by piles and sits above the OHWM. A pier may be all or a portion of a dock.

Pier element. Sections of a pier including the pier walkway, the pier float, the ell, etc.

Practicable alternative. An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. It may include an area not owned by the applicant which can reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

Priority habitats. 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:
(a) Comparatively high fish or wildlife density
(b) Comparatively high fish or wildlife species diversity
(c) Fish spawning habitat
(d) Important wildlife habitat
(e) Important fish or wildlife seasonal range
(f) Important fish or wildlife movement corridor
(g) Rearing and foraging habitat

(h) Important marine mammal haul-out
(i) Refugia habitat
(j) Limited availability
(k) High vulnerability to habitat alteration
(l) Unique or dependent species
(m) 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 medows). 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.
(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.

Provisions. Policies, regulations, standards, guideline criteria or designations.

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. (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.

RCW. Revised Code of Washington.

Re-establishment, wetland mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

Rehabilitation, wetland mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic function of a degraded wetland. Activities could involve breaching a dike or reconnecting wetland to a floodplain or returning tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres

Repair or maintenance activities. An action to restore the character, size, or scope of a project only to the previously authorized condition.

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

Restore. "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

Revetment. Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

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

Riparian area. A transitional area between terrestrial and aquatic ecosystems and which is distinguished by gradients in biophysical conditions, ecological processes, and biota.

Riparian habitat. An ecosystem that borders a stream which is occasionally flooded and periodically supports predominantly hydrophytes.

Riparian zone. A transitional area between aquatic ecosystems (lakes, streams, and wetlands) and upland terrestrial habitats.

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.

Riverbank. The upland areas immediately adjacent to the floodway, which confine and conduct flowing water during non-flooding events. The riverbank, together with the floodway, represents the river channel capacity at any given point along the river.

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

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

Seismic hazard areas. Areas that, due to a combination of soil and groundwater conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes.

SEPA (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 an EIS may be required to be prepared and public comments solicited.

Setback. A required open space, specified in this SMP, measured horizontally upland from and perpendicular to the ordinary high water mark. Setbacks are protective buffers which provide a margin of safety through protection of slope stability, attenuation of surface water flows, and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

Shall. A mandate; the action must be done.

Shorelands. Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 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 this chapter; the same to be designated as to location by the Department of Ecology. (RCW 90.58.030(2)(d))

Shoreline Administrator. City of Granite Falls City Planner or his/her designee charged with the responsibility of administering the Shoreline Master Program.

Shoreline areas (and shoreline jurisdiction). The same as "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline environment designation(s). The categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline environment designations include: Aquatic, High Intensity, Urban Conservancy, Natural, and Shoreline Residential.

Shoreline functions. See “ecological functions.”

Shoreline jurisdiction. The term describing all of the geographic areas covered by the SMA, related rules and this SMP. See definitions of "shorelines", "shorelines of the state", "shorelines of state-wide significance" and "wetlands." See also the “Shoreline Management Act Scope” section in the “Introduction” of this SMP.

Shoreline Management Act (SMA). The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Shoreline master program, *master program*, or *SMP*. This Shoreline Master Program as adopted by the City of Granite Falls and approved by the Washington Department of Ecology.

Shoreline modifications. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. 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.

Shoreline property. An individual property wholly or partially within shoreline jurisdiction.

Shoreline restoration or *ecological restoration*. The re-establishment 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. Shoreline restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Shoreline sub-unit. An area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline.

Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes. (RCW 90.58.030(2)(e))

Shorelines of the state. The total of all "shorelines" and "shorelines of state-wide significance" within the state.

Shorelines Hearings Board (SHB). A six member 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 or Department of Ecology approval of shoreline master programs, rules, regulations, guidelines or designations under the SMA.

Shorelines of state-wide significance. A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply.

Should. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this SMP, against taking the action.

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

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

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

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

Single-family dwelling or residence. A detached dwelling designed for and occupied by one family or duplex for two families including those structures and developments within a contiguous ownership which are a normal appurtenance.

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

Stormwater. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

Stream. A naturally occurring body of periodic or continuously flowing water where: contained within a channel. See also "channel." Streams are classified according to a locally appropriate stream classification system based on WAC 222-16-030. Streams also include open natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Streams are regulated as Fish and Wildlife Habitat Conservation Areas. Streams where the mean annual flow is greater than twenty cubic feet per second are also regulated as shorelines.

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.

Subdivision. The division or re-division of land, including short subdivision for the purpose of sale, lease or conveyance.

Substantial development. Any development which meets the criteria of RCW 90.58.030(3)(e). See also definition of "development" and "exemption".

Substantially degrade. To cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment if:
(a) The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or
(b) The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or
(c) Scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

Sub-unit. For the purposes of this SMP, a sub-unit is defined as an area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline.

Temporary cabana. A temporary fabric covered shelter that is less than 10' x 10'.

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

Transportation facilities. A structure or development(s), which aids in the movement of people, goods or cargo by land, water, air or rail. They include but are not limited to highways, bridges, causeways, bikeways, trails, railroad facilities, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

Unavoidable and necessary impacts. Impacts that remain after a person proposing to alter critical areas has demonstrated that no practicable alternative exists for the proposed project.

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

Utility. A public or private agency which provides a service that is utilized or available to the general public (or a locationally specific population thereof). Such services may include, but are not limited to, stormwater detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

Utilities (Accessory). Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence. Accessory utilities do not carry significant capacity to serve other users.

Variance. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this SMP and not a means to vary a use of a shoreline. Variance permits must be

specifically approved, approved with conditions, or denied by the City's Hearing Examiner and the Department of Ecology.

Vessel. Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water.

Visual access. Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

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.

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. Primary water-enjoyment uses may include, but are not limited to:

- Parks with activities enhanced by proximity to the water.
- Docks, trails, and other improvements that facilitate public access to shorelines of the state.
- Restaurants with water views and public access improvements.
- Museums with an orientation to shoreline topics.
- Scientific/ecological reserves.
- Resorts with uses open to the public and public access to the shoreline; and
- Any combination of those uses listed above.

Water-oriented use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

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 SMP, the term "water quantity" refers only to development and uses regulated under SMA and affecting water quantity, such as impervious surfaces and stormwater handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

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

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

Watershed restoration plan. A plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act. (WAC 173-27-040(o)(ii))

Watershed restoration project. A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(a) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream. (WAC 173-27-040(o)(i))

Weir: A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

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

street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Wetland category. See Appendix B Critical Areas Regulations Applicable to Granite Falls SMP

Wetland delineation. See Appendix B Critical Areas Regulations Applicable to Granite Falls SMP.

Wetland mitigation bank. A site where wetlands and buffers are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Wetlands rating system. See Appendix B Critical Areas Regulations Applicable to Granite Falls SMP.

Zoning. The system of land use and development regulations and related provisions of the Granite Falls City Code, codified under Title 19 GFMC.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.

CHAPTER 7
Administrative Provisions

A. Purpose and Applicability

1. The purpose of this chapter is to establish an administrative system designed to assign responsibilities for implementation of this SMP and to outline the process for review of proposals and project applications.

2. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act (SMA) (Chapter 90.58 Revised Code of Washington (RCW)) and to the policies and regulations of this SMP. Where inconsistencies or conflicts with other sections of the Granite Falls Municipal Code (GFMC) occur, this section shall apply.

   When considering development proposals on properties within shoreline jurisdiction, the City shall use a process designed to ensure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights.

B. Shoreline Permits

The procedures and requirements for development within specified areas implementing the Shoreline Management Act are summarized below, including shoreline exemptions, shoreline substantial development permits, shoreline conditional use permits and shoreline variances. Supplemental application requirements for a shoreline substantial development permit are included in 7.C1 below. Hearing procedures, effective dates and permit expirations are also summarized below.

The following is a summary of the procedures for shoreline permits:

1. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City.

2. Shoreline substantial development permits are a Type II Administrative Decisions With Public Notice review process and shall be processed and subject to the applicable regulations. Shoreline conditional use permits and variances are classified as Type III Quasi-Judicial, Hearing Examiner Decision review process and shall be subject to the applicable regulations.

   All applications, including exemptions, shall comply with WAC 173-27-140 Review Criteria for All Development, as amended:

   a. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is

determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

b. No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

3. Public notice. A notice of application shall be issued for all shoreline permit applications with a Type I or Type II review, 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).

4. Application review. The Administrator shall make decisions on applications for substantial development permits, and recommendations on applications for conditional use and variance permits based upon the policies and procedures of the Shoreline Management Act, and related sections of the Washington Administrative Code, and this SMP.

5. Hearing Examiner action. The Hearing Examiner shall review applications for a shoreline variance and shoreline conditional use permit and make decisions based upon:

   a. This SMP;

   b. The policies and procedures of the Shoreline Management Act and related sections of the Washington Administrative Code;

   c. Written and oral comments from interested persons;

   d. Reports from the Administrator; and

   e. City regulations for the Hearing Examiner's Office.

6. Filing with Department of Ecology. All applications for a permit or permit revision shall be submitted to the Department of Ecology upon final decision by local government, as required by WAC 173-27-130 or as subsequently amended. Final decision by local government shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

   After City approval of a shoreline 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.

   When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

7. 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.
8. 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.
9. 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.

C. Substantial Development Permits

1. Shoreline Substantial Development Permits

Any person wishing to undertake substantial development within the shoreline shall submit materials as required for a Type I review and specific supplemental materials described below. All shoreline substantial development permits shall be made to the Administrator for a shoreline permit, as required in this chapter and Chapter 90.58 RCW.

Supplemental Application Requirements for a Shoreline Development Permit

In addition to the application requirements of the specified submittal checklist, any person applying for a shoreline development permit shall submit with their application the following information:

a. The name and address of the applicant;
b. The location and legal description of the proposed substantial development;
c. The present use of the property.
d. The general description of the property and the improvements;
e. A description of the proposed substantial development and the intended use of the property. The following information will be provided on a site plan map:

1) Land contours, using five foot contour intervals; if project includes grading, filling or other alteration of contours, then either:

(a) Show both existing and proposed contours on a single map, clearly indicating which is which, and include subsections (e)(2) through (10) of this section; or

(b) Provide two maps, one showing existing contours, including subsection (e)(2) through (5) of this section, and the other showing proposed contours, including subsections (e)(6) through (10) of this section;

2) Size and location of exiting improvements which will be retained;

3) Existing utilities;

4) Ordinary high water mark as determined in the field;

5) Beach type: sand, mud, gravel, etc.;

6) Size and location of proposed structures;

7) Maximum height of proposed structures;

8) Width of setback, side yards;

9) Proposed fill areas; state type, amount and treatment of fill;

10) Proposed utilities;

f. Vicinity plan, indicating relation of site to adjacent lands. Show adjacent lands for at least 400 feet in all directions from the project site, and owner of record within 300 feet of project site;

g. Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;

h. Approximate dates of construction initiation and completion;

i. Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act of 1971;

j. Listing of any other permits for this project from State, Federal or local government agencies for which the applicant has applied or will apply;

k. Any additional material or comments concerning the application which the applicant wishes to submit may be attached to the application on additional sheets.

Substantial development permits require a Type I review Administrative Decision with Public Notice. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the department director. Appeals of the Director's decision on a Type I Shoreline permit are made to the State Shoreline Hearings Board. The department director action is the final City decision on a Type I application.

Decision criteria are pursuant to WAC 173-27-150 and the following shoreline policies:

a. A permit shall be granted only when the proposed development is consistent with the Granite Falls Shoreline Master Program.

b. A permit shall be granted only when the proposed development is consistent with the policy of RCW 90.58.020.

c. Surface drilling for oil and gas is prohibited in the waters of Granite Falls from on all lands within 1,000 feet landward from the ordinary high water mark.

d. A permit shall be denied if the proposed development is not consistent with the above enumerated policies.

e. The granting of any shoreline development permit by the City shall be subject to the conditions imposed by the Shoreline Hearings Board.

For the purposes of this chapter, the terms "development" and "substantial development" are as defined in RCW 90.58.030 or as subsequently amended.

2. Exemptions from a Substantial Development Permit

Certain developments are exempt from the requirement to obtain a substantial development permit pursuant to WAC 173-27-040. The process for review of shoreline exemptions is a Type I review Administrative Review Without Public Notice. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the department director. Appeals of the Director's decision on a Type I Shoreline permit are made to the State Shoreline Hearings Board. The department director action is the final City decision on a Type I application.

Such developments still may require a variance or conditional use permit, and all development within the shoreline is subject to the requirements of this SMP, regardless of whether a substantial development permit is required. Developments which are exempt from requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended. Below is a copy of WAC 173-27-040(2).

(2) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of

determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of 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;

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

(d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

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

(f) Construction or modification of navigational aids such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

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

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

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

(l) Any project with a certification from the governor pursuant to chapter 80.50 RCW;

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

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

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

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

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550;

(n) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;

(o) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(A) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(C) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

(p) A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife;

(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW; and

(iii) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows:

(A) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (p)(iii)(A)(I) and (II) of this subsection:

(I) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

• Elimination of human-made fish passage barriers, including culvert repair and replacement;

• Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

• Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

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

(II) A fish habitat enhancement project must be approved in one of the following ways:

• By the department of fish and wildlife pursuant to chapter 77.95 or 77.100 RCW;

• By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

• By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project;

• Through the review and approval process for the jobs for the environment program;

• Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;

• Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and

• Through other formal review and approval processes established by the legislature.

(B) Fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).

(C)(I) A hydraulic project approval permit is required for projects that meet the criteria of (p)(iii)(A) of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(II) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.

(D) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of (p)(iii)(A) of this subsection and that are reviewed and approved according to the provisions of this section.

3. Substantial Development Permit Decision Criteria

Shoreline substantial development permit applications shall be reviewed pursuant to WAC 173-27-150 and the following shoreline policies:

a. A permit shall be granted only when the proposed development is consistent with the Granite Falls Shoreline Master Program.

b. A permit shall be granted only when the proposed development is consistent with the policy of RCW 90.58.020.

c. Surface drilling for oil and gas is prohibited in the waters of Granite Falls on all lands within 1,000 feet landward from the ordinary high water mark.

d. A permit shall be denied if the proposed development is not consistent with the above enumerated policies.

e. The granting of any shoreline substantial development permit by the City shall be subject to the conditions imposed by the Shoreline Hearings Board.

The following is from WAC 173-27-150 Review Criteria for Substantial Development Permits.

(1) A substantial development permit shall be granted only when the development proposed is consistent with:

(a) The policies and procedures of the act;

(b) The provisions of this regulation; and

(c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.

(2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

4. Appeals - Shoreline Hearings Board

Any decision made by the Administrator on a substantial development permit or by the Hearing Examiner on a conditional use or variance permit shall be final unless an appeal is made. Persons aggrieved by the grant, denial, rescission or modification of a permit may file a request for review by the Shoreline Hearings Board in accordance with the review process established by RCW 90.58.180 or as subsequently amended, and with the regulations of the Shoreline Hearings Board contained in Chapter 461-08 WAC or as subsequently amended. The request for review must be filed with the Hearings Board within twenty-one (21) days of the date of filing pursuant to RCW 90.58.080.

D. Conditional Use Permits

1. Shoreline Conditional Use Permits

a. Purpose. The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of this SMP 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 or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Shoreline Management Act and this SMP. Uses which are specifically prohibited by this SMP may not be authorized pursuant to WAC 173-27-160.

b. Process and Application. Shoreline conditional use permits are a Type II review Quasi-Judicial, Hearing Examiner Decision. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA Responsible Official. The threshold determination shall be issued prior to the issuance of staff's or Design Review Board's recommendation on the application. Following issuance of the Design Review Board recommendation, if applicable, a public hearing will be held before the city Hearing Examiner. The decision of the Hearing Examiner on a Type II Shoreline

Permit application is appealable to the State Shoreline Hearings Board. The Hearing Examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type II application.

c. Uses are classified as conditional uses if they are (1) specifically designated as conditional uses elsewhere in this SMP, or (2) are not specifically classified as a permitted or conditional use in this SMP but the applicant is able to demonstrate consistency with the requirements of WAC 173-27-160 and the requirements for conditional uses in section D.2 below.

d. 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 to other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of the Shoreline Management Act and shall not produce substantial adverse effects to the shoreline environment.

2. Shoreline Conditional Use Permit Criteria

Shoreline conditional use permits may be granted, provided the applicant can satisfy the criteria for granting conditional use permits as set forth in WAC 173-27-160 or as subsequently amended.

The following is from WAC 173-27-160 Review Criteria for Conditional Use Permits.

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 local government or the department to prevent undesirable effects of the proposed use and/or assure consistency of the project with the act and the local master program.

a. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

    1. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

    2. That the proposed use will not interfere with the normal public use of public shorelines;

    3. 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 shoreline master program;

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

5. That the public interest suffers no substantial detrimental effect.

b. 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.

c. Other uses which are not classified or set forth in the applicable 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.

d. Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (a) or (b) of this section.

E. Variances

1. Shoreline Variances

a. Purpose. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this SMP and where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020. In all instances where a variance is granted, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Variances from the use regulations of this SMP are prohibited.

b. Application. Shoreline variances are a Type II review Quasi-Judicial, Hearing Examiner Decision. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA Responsible Official. The threshold determination shall be issued prior to the issuance of staff's or Design Review Board's recommendation on the application. Following issuance of the Design Review Board recommendation, if applicable, a public hearing will be held before the city Hearing Examiner. The decision of the Hearing Examiner on a Type II Shoreline Permit application is appealable to the State Shoreline Hearings Board. The Hearing Examiner action deciding the

appeal and approving, approving with modifications, or denying a project is the final City decision on a Type II application.

2. Shoreline Variance Criteria

Shoreline variance permits may be authorized, provided the applicant can demonstrate satisfaction of the criteria for granting shoreline variances as set forth in WAC 173-27-170 or as amended.

The following is from WAC 173-27-170 Review Criteria for Variance Permits.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

b. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

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

    2. That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not for example, from deed restrictions or the applicants own actions;

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

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

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

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

c. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

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

   2. That the proposal is consistent with the criteria established under subsection (b)(2) through (6) of this section; and

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

d. In the granting of all variance permits, 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.

e. Variances from the use regulations of the master program are prohibited.

F. Revisions to Permits

When an applicant seeks to revise a shoreline substantial development, conditional use, or variance permit, the City shall request from the applicant detailed plans and text describing the proposed changes in the permit. If the Administrator determines that the proposed changes are within the scope and intent of the original permit, the revision may be approved, provided it is consistent with Chapter 173-27 WAC, the Shoreline Management Act (SMA), and this SMP. "Within the scope and intent of the original permit" means the following:

1. No additional over-water construction will be involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less.

2. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit, provided that revisions involving new structures not shown on the original site plan shall require a new permit.

3. Landscaping may be added to a project without necessitating an application for a new permit if consistent with the conditions attached to the original permit and with this SMP.

4. The use authorized pursuant to the original permit is not changed.

5. No additional significant adverse environmental impact will be caused by the project revision.

6. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a variance granted as the original permit or a part thereof.

If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the City shall require the applicant to apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

The following is from WAC 173-27-100 Revisions to Permits.

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

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.

(2) "Within the scope and intent of the original permit" means all of the following:

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

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

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

(d) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;

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

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

(3) Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58

RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.

(6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.

(8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

G. Nonconforming Uses

Nonconforming development shall be defined and regulated according to the provisions of WAC 173-27-080; excepting that if a nonconforming development is damaged to the extent of one hundred percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged. In order for this replacement to occur, application must be made for permits within six months of the date the damage occurred, and all restoration must be completed within two years of permit issuance.

The following is from WAC 173-27-080 Nonconforming Use and Development Standards.

When nonconforming use and development standards do not exist in the applicable master program, the following definitions and standards shall apply:

1. "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 the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.
2. Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
3. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.
4. A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.
5. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
6. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
    a. No reasonable alternative conforming use is practical; and
    b. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

       In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the

master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

7. A nonconforming structure which is moved any distance must be brought into conformance with the applicable master program and the act.

8. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

9. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

10. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

H. Documentation of Project Review Actions and Changing Conditions in Shoreline Areas

The City will keep on file documentation of all project review actions, including applicant submissions and records of decisions, relating to shoreline management provisions in this SMP. In addition, as stated in the Restoration Plan, the City will track information using the City's permit system or a separate spreadsheet as activities occur (development, conservation, restoration and mitigation). The information that will be tracked includes:

- New shoreline development
- Shoreline variances and the nature of the variance
- Compliance issues
- New impervious surface areas
- Number of pilings
- Removal of fill
- Vegetation retention/loss
- Bulkheads/armoring

The City may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. This information will assist the City in monitoring shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

I. Amendments to This Shoreline Master Program

If the City or Department of Ecology determines it necessary, the City will review shoreline conditions and update this SMP within seven years of its adoption. Additionally, ESHB 1478 requires SMPs to be updated every eight years.

J. Severability

If any provision of this SMP, or its application to any person, legal entity, parcel of land, or circumstance is held invalid, the remainder of this SMP, or its application to other persons, legal entities, parcels of land, or circumstances shall not be affected.

K. Enforcement

1. Violations

a. It is a violation of this SMP for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the shorelines of the City without first obtaining the permits or authorizations required for the use by this Chapter.

b. It is a violation of this SMP for any person to use, construct, locate, or demolish any structure, land or property within shorelines of the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this SMP, provided that the terms or conditions are explicitly stated on the permit or the approved plans.

c. It is a violation of this SMP to remove or deface any sign, notice, or order required by or posted in accordance with this SMP.

d. It is a violation of this SMP to misrepresent any material fact in any application, plans or other information submitted to obtain any shoreline use or development authorization.

e. It is a violation of this SMP for anyone to fail to comply with any other requirement of this SMP.

2. Duty to Enforce

a. It shall be the duty of the Administrator to enforce this Chapter. The Administrator may call upon the police, fire, health, or other appropriate City departments to assist in enforcement.

b. Upon presentation of proper credentials, the Administrator or duly authorized representative of the Administrator may, with the consent of the owner or occupier of a building or premises, or pursuant to lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this SMP.

c. This SMP shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

d. It is the intent of this SMP to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this SMP.

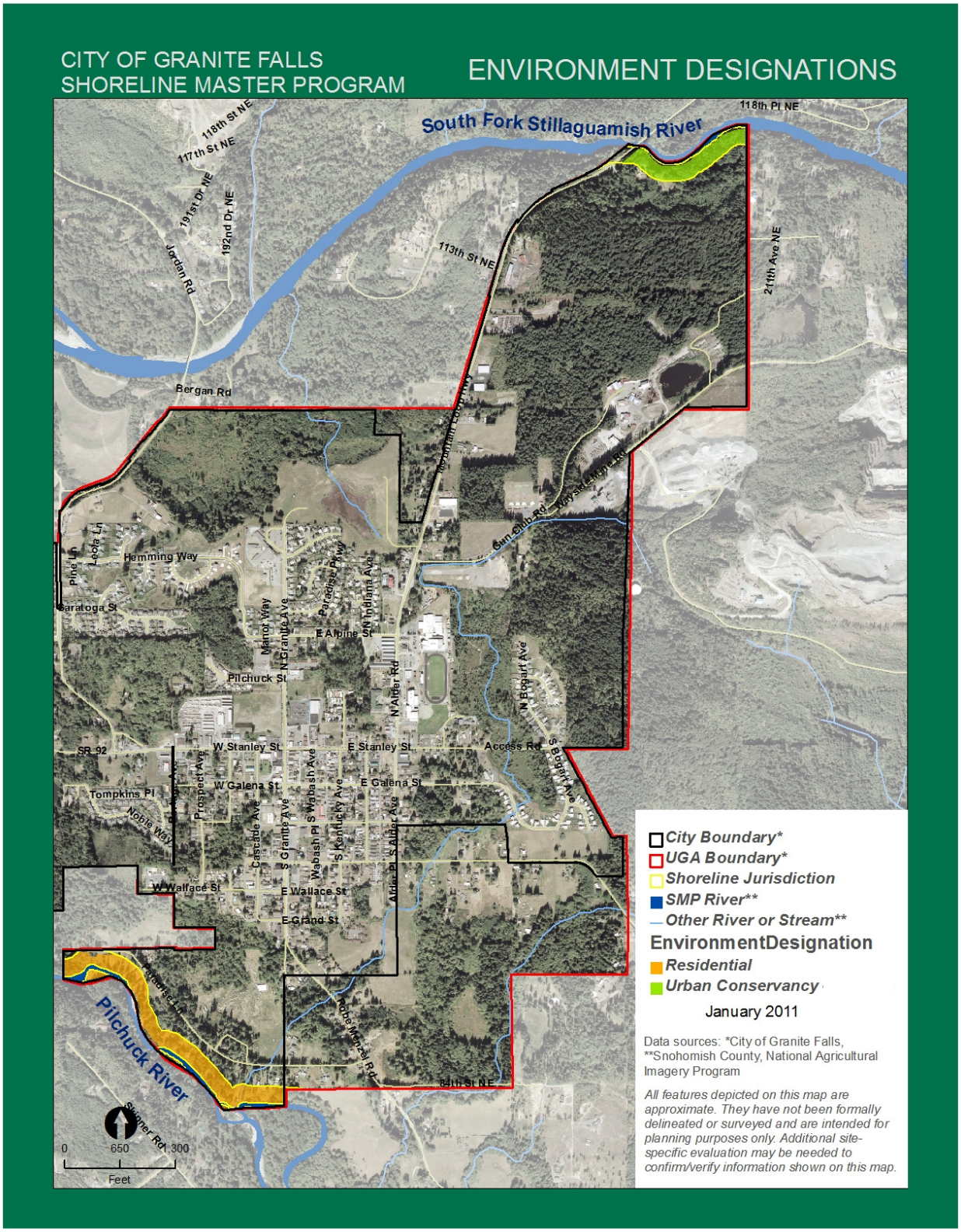
e. No provision of or term used in the SMP is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

3. Investigation and Notice of Violation

a. The Administrator or his/her representative shall investigate any structure, premises or use which the Administrator reasonably believes does not comply with the standards and requirements of this SMP.

b. If after investigation the Administrator determines that the SMP's standards or requirements have been violated, the Administrator shall follow the procedures for enforcement action and penalties shall be as specified in WAC 173-27-240 through 173-27-310, which are hereby adopted by this reference.

Appendix A:
Shoreline Environment Designation Maps


CITY OF GRANITE FALLS
SHORELINE MASTER PROGRAM
ENVIRONMENT DESIGNATIONS
South Fork Stillaguamish River
118th St NE
117th St NE
191st Dr NE
192nd Dr NE
Jordan Rd
113th St NE
118th Pl NE
211th Ave NE
Bergan Rd
Mountain Loop Hwy
Gun Club Rd
Hemming Way
Pine Ln
Leola Ln
Saratoga St
Manor Way
N Granite Ave
Paradise Pkwy
N Indiana Ave
E Alpine St
Pilchuck St
N Alder Rd
N Broadway Ave
SR 92
W Stanley St
E Stanley St
Access Rd
S Broadway Ave
W Galena St
E Galena St
Tompkins Pl
Noble Way
Prospect Ave
Cascade Ave
S Granite Ave
S Wabash Ave
S Kentucky Ave
S Alder Ave
W Wallace St
E Wallace St
E Grand St
Pilchuck River
Noble Memorial Rd
84th St NE
Summer Rd
0
650
300
Feet
City Boundary*
UGA Boundary*
Shoreline Jurisdiction
SMP River**
Other River or Stream**
EnvironmentDesignation
Residential
Urban Conservancy
January 2011
Data sources: *City of Granite Falls, **Snohomish County, National Agricultural Imagery Program
All features depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Appendix B:

Critical Area Regulations Applicable to Granite Falls Shoreline Master Program

A. General Provisions – Definitions.

1. Purpose and Intent. The purpose of this critical areas section is to identify environmentally critical areas and to protect these areas without violating any citizen's constitutional rights. Landslide, erosion, and seismic hazards, wetlands, aquifer recharge areas, critical habitats and flood hazard areas constitute critical areas that are of special concern to Granite Falls. The city finds that these critical areas perform a variety of valuable and beneficial biological and physical functions that benefit the city and its residents; certain critical areas may also pose a threat to human safety or to public and private property. By limiting development and alteration of these critical areas, this chapter seeks to:

a. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to flooding, erosion, volcanic eruptions, landslides, seismic events, or steep slope failures;

b. Protect unique, fragile and valuable elements of the environment, including wildlife and its habitat;

c. Mitigate unavoidable impacts to environmentally critical areas by regulating alterations in and adjacent to critical areas;

d. Prevent cumulative adverse environmental impacts to water quality and wetlands;

e. Meet the requirements of the Washington Growth Management Act with regard to the protection of critical area lands;

f. Coordinate environmental review and permitting of proposals to avoid duplication and delay;

g. Assure that best available sciences are incorporated into the following regulations. In order to accomplish this, best available sciences were reviewed in the process of developing the critical areas regulations and used to establish its components.

2. Definitions.

"Alteration" means any human-induced activity that changes the existing condition of a critical area. Alterations include but are not limited to: grading; filling; dredging; draining; channelizing; clearing or removing vegetation; discharging pollutants; paving; construction; demolition; or any other human activity that changes the existing landforms, vegetation, hydrology, wildlife, or wildlife habitat of a critical area.

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

"Applicant" means the person, party, firm, corporation, or other entity that proposes any activity that could affect a critical area.

"Aquifer" means a saturated geologic formation that will yield a sufficient quantity of water to serve as a private or public water supply.

"Aquifer recharge areas" means areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute significantly to the replenishment of potable ground water. Aquifer recharge areas are classified as follows:

"Aquifer recharge areas, high significance" means areas with slopes of less than 15 percent that are underlain by coarse alluvium or sand and gravel.

"Aquifer recharge areas, moderate significance" means: (1) areas with slopes of less than 15 percent that are underlain by fine alluvium, silt, clay, glacial till, or deposits from the Electron Mudflow; and (2) areas with slopes of 15 percent to 30 percent that are underlain by sand and gravel.

"Aquifer recharge area, low significance" means: (1) areas with slopes of 15 percent to 30 percent that are underlain by silt, clay, or glacial till; and (2) areas with slopes greater than 30 percent.

"Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year; also referred to as the "100-year flood."

"Buffer" or "buffer area" means a naturally vegetated and undisturbed or revegetated zone surrounding a critical area that protects the critical area from adverse impacts to its integrity and value, or is an integral part of the resource's ecosystem.

"City" means the city of Granite Falls.

"City clerk" means the city clerk of the city of Granite Falls or any other city official appointed by the mayor to administer this title.

"Clearing" means the removal of timber, brush, grass, ground cover, or other vegetative matter from a site that exposes the earth's surface of the site or any actions that disturb the existing ground surface.

"Critical areas" include the following areas and ecosystems: (1) wetlands; (2) areas with a critical recharging effect on aquifers used for potable water; (3) fish and wildlife habitat conservation areas; (4) frequently flooded areas; and (5) geologically hazardous areas. See WAC173-26-221(2)(a)(ii) and RCW 36.70A030(50 as specified in RCW 90.58.030.2.f.ii.

"Critical geologic hazard areas" means lands or areas subject to high or severe risks of geologic hazard.

"Critical habitat" means those habitat areas which meet any of the following criteria:

a. The documented presence of species listed by the federal government or state of Washington as endangered or threatened.
b. Those streams identified as "shorelines of the state" under the city of Granite Falls' shoreline master program.
c. Those wetlands identified as Class I wetlands, as defined in this chapter.

"Dangerous waste" means any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

a. Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
b. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means;

"Development right" means any specific right to use real property which inures to an owner of real property through the common law, statutory law of real property, the United States and Washington Constitutions and as further defined and delineated herein.

"Epicenter" means the location on the surface of the earth directly above the place where an earthquake originates.

"Erosion" means a process whereby wind, rain, water, and other natural agents mobilize and transport soil particles.

"Erosion hazard areas" means those lands susceptible to the wearing away of their surface by water, wind or gravitational creep. Erosion hazard areas are classified as low, moderate or high risk based on slope inclination and soil types as identified by the U.S. Department of Agriculture Soil Conservation Service (SCS):

a. Low: all sites classified with soil types designated by SCS as having no or slight erosion hazard.
b. Moderate: all sites classified with soil types designated as moderate hazard.
c. High: all sites classified with soil types designated as severe or very severe erosion hazard.

"Existing and ongoing agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and those existing activities involved in the production of crops or livestock. Activities may include the operation and maintenance of farm and stock ponds or drainage ditches; operation and maintenance of existing ditches or irrigation systems; changes from one type of agricultural activity to another agricultural activity; and normal maintenance, repair, and operation of existing serviceable structures, facilities, or improved areas. Activities which bring a nonagricultural area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years.

"Extremely hazardous waste" means any waste which:

a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of humans or wildlife; and
b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment.

"Flood hazard areas" means those areas subject to inundation by the base flood. These areas consist of the floodplain, flood fringe and floodway as determined by the city:

"Floodplain" means the total area subject to inundation by the base flood.

"Flood fringe" means that portion of the floodplain outside the floodway which is generally covered by floodwaters during the base flood. It is generally associated with standing water rather than rapidly flowing water.

"Floodway" means the channel of the stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot.

"Geologic hazard areas" means lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to potentially significant or severe risk of landslides, erosion, or volcanic or seismic activity.

"Grading" means any excavating, filling, clearing, leveling, or contouring of the ground surface by human or mechanical means.

"Ground water" means all water found beneath the ground surface, including slow-moving subsurface water present in aquifers and recharge areas.

"Growing season" dates are determined through onsite observations of the following indicators of biological activity in a given year: (1) above-ground growth and development of vascular plants, and/or (2) soil temperature at 12 inches below the ground surface is 41 °F (5 °C) or higher. If onsite data gathering is not practical, growing season dates may be approximated by using WETS tables available from the NRCS National Water and Climate Center to determine the median dates of 28 °F (−2.2 °C) air temperatures in spring and fall based on long-term records gathered at the nearest appropriate National Weather Service meteorological station. See page 133 and 68, *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (WMVC Supplement)

"Hazardous substance(s)" means any liquid, solid, gas or sludge, including any materials, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics of hazardous waste; and including waste oil and petroleum products.

"Hazardous substance processing or handling" means the use, storage, manufacture or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container.

"Hazardous waste" means all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

"Hazardous waste treatment and storage facility" means a facility that treats and stores hazardous waste and is authorized pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC. It includes all contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of hazardous waste.

"Impervious surface" means any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces include, but are not limited to, roofs and streets, sidewalks and parking lots paved with asphalt, concrete, compacted rock, compacted sand, limerock or clay.

"Lahars" means mudflows and debris flows originating from the slopes of a volcano.

"Landslide" means episodic downslope movement of a mass of soil or rock.

"Landslide hazard areas" means areas that, due to a combination of slope inclination, relative soil permeability and hydrologic factors, are susceptible to varying risks of landsliding. Landslide hazards are classified as Classes I through III based on the degree of risk as follows:

a. Class I/High: areas of greater than 30 percent slope with soils designated by SCS as moderate, severe or very severe erosion hazard.
b. Class II/Moderate: areas of 15 percent to 30 percent slopes with soils designated by the SCS as moderate or severe erosion hazard.
c. Class III/Low: areas with slopes less than 15 percent.

"Liquefaction" means a process by which a water-saturated granular (sandy) soil layer loses strength because of ground shaking commonly caused by an earthquake.

"Lot slope" means a measurement by which the average slope of the lot is calculated as a percentage. The lowest elevation of the lot is subtracted from the highest elevation, and the resulting number is divided by the horizontal distance between these two points. The resulting product is multiplied by 100.

"Magnitude" means a quantity characteristic of the total energy released by an earthquake. Commonly, earthquakes are recorded with magnitudes from zero to eight.

"Mitigation" means avoiding, minimizing, reducing, rectifying, eliminating, or compensating for adverse impacts.

"Native vegetation" means plant species that are indigenous and naturalized to the Granite Falls region and which can be expected to naturally occur on a site. Native vegetation does not include noxious weeds.

"Noxious weed" means any plant which, when established, is highly destructive, competitive, or difficult to control by cultural or chemical practices. The state noxious weed list in Chapter 16-750 WAC is the officially adopted list of noxious weeds by the State Noxious Weed Control Board.

"Qualified professional or consultant" means a person with experience, training and expertise that are appropriate for the relevant sensitive area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, soil science, engineering, environmental studies, fisheries, geology, geomorphology or a related field and related work experience and meet the following criteria:

a. A qualified professional for wetlands must have a degree in biology, ecology, soil science, botany or a closely related field and a minimum of five years of professional experience in wetland identification and assessment in the Pacific Northwest.
b. A qualified professional for geologically hazardous areas must be a professional engineering geologist or geotechnical engineer, licensed by the state of Washington.
c. A qualified professional for fish and wildlife conservation areas must have a degree in wildlife biology, zoology, ecology, fisheries, or a closely related field and a minimum of two years of professional experience.
d. A "qualified professional for sensitive aquifer recharge areas" means a Washington State licensed hydrogeomorphologist, geologist, engineer or other scientist with a minimum of two years of professional experience in preparing hydrogeologic assessments in Washington.

"Receiving parcel" means a parcel of land on which a development right is used.

"Recessional outwash geologic unit" means sand and gravel materials deposited by melt water streams from receding glaciers.

"Seismic hazard areas" means areas that, due to a combination of soil and ground water conditions, are subject to severe risk of ground shaking, subsidence, or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils, have a shallow ground water table and are typically located on the floors of river valleys.

"Sending parcel" means a parcel of land from which a development right has been severed, in accordance with this chapter.

"Sever" means the removal or separation of some specified right or use from the "bundle of rights" possessed by an owner of real property. The term connotes a removal or separation in perpetuity as distinguished from a restriction or limitation which may be overridden, deleted or subject to a time limitation.

"Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

Streams. Streams shall be classified according to the stream type system as provided in WAC 222-16-030, Stream Classification System, as amended. Streams are called Type S, Type F, Type Np, and Type Ns.

"Temporary erosion control" means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants during development, construction, or restoration.

"Utility line" means pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, communications and sanitary sewers.

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

B. Applicability.

1. Prior to fulfilling the requirements of this title, Granite Falls shall not grant any approval or permission to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement including, but not limited to, the following:

a. Building permit.
b. Conditional use permit.
c. Shoreline substantial development permit.
d. Shoreline variance.
e. Short subdivision.
f. Subdivision.
g. Variance.
h. Rezone.
i. Any other adopted permit or required approval not expressly exempted by this title.

2. Granite Falls shall perform a critical areas review for any Granite Falls permit approval requested for a proposal on a site which includes or is adjacent to one or more critical areas unless otherwise provided in this title. As part of all applications, Granite Falls shall verify the information submitted by the applicant to:

a. Confirm the nature and type of the critical areas and evaluate any required critical areas study.

b. Determine whether the development proposal is consistent with this title.

c. Determine whether any proposed alterations to critical areas are necessary.

d. Determine if the mitigation plans proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes, objectives and requirements of this chapter.

3. Mitigation sequencing: All adverse impacts to critical areas shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence:

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

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

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

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

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

f. Monitoring the impact and taking appropriate corrective measures.

C. Relationship to Other Regulations. These critical areas regulations shall apply as an overlay and in addition to zoning, land use and other regulations established by the city. In the event of any conflict between these regulations and any other regulations of the city, the regulations that provide greater protection to environmentally critical areas shall apply.

Areas characterized by particular critical areas may also be subject to other regulations established by this chapter due to overlap or multiple functions of some critical resources or critical areas. Wetlands, for example, may be defined and regulated according to the wetland and habitat provisions of this title. In the event of any conflict between regulations for any particular critical areas in this title, the regulations which provide greater protection to environmentally critical areas shall apply.

D. Other General Requirements.

1. A record of notice shall be placed on the title of any property subject to these critical areas regulations in the development review process.

2. A notice shall be provided to any adjacent property that may be impacted by critical areas buffers as required in this chapter.

E. Critical Area Determinations.

1. Special Studies Required.

a. When an applicant submits an application for any alteration proposal, the application shall indicate whether any environmentally critical area or buffer is located on the site. The designated official shall visit the subject property and review the information submitted by the applicant along with any other available information. If the designated official determines that the site potentially includes, is adjacent to, or could have probable significant adverse impacts to critical areas, the designated official shall notify the applicant that a special study(ies) is required. Any decision to require a critical area study pursuant to this title may be appealed to the planning commission upon filing a notice of appeal with the planning commission within 10 working days after the date of the designated official's decision.

2. Waivers from Study Requirements. The designated official may waive the requirement for a special study if there is substantial proof showing that:

a. There will be no alteration of the critical areas or required buffer; and

b. The alteration proposal will not impact the critical areas in a manner contrary to the purpose, intent and requirements of this chapter; and

c. The minimum standards required by this chapter are met.

3. Exceptions to Study Requirements. No special study is required for the following alteration proposals:

a. Alterations that are exempt from the provisions of this chapter as set forth in subsection C. of this section; and

4. Contents of Special Study.

a. Best available science shall be used in the special study and the Washington Department of Fish and Wildlife PHS database shall be consulted in the preparation of the study.

b. Wetlands Special Study. Required wetland studies shall be conducted by a qualified wetlands biologist.

(1) A map, of a scale no smaller than one inch equals 200 feet, and five-foot contours of the surveyed wetland boundary as determined by following the methods described in the approved federal wetland delineation manual and applicable regional supplements. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. Wetland delineations shall be valid for a period of five years and should be field-verified by agency staff prior to beginning site work.

(2) The site plan for the proposed activity at the same scale as the wetland map, showing the extent of the proposed activity in relationship to the surveyed wetland.

(3) A written analysis of the existing wetland type/classification including existing vegetation, soils, and hydrology (source of water in the system, relative water quality, seasonality of presence of water, if applicable). The existing wetland shall be classified according to subsection F.2 of this section. The written analysis must also classify wetlands according to the adopted Ecology's "*Washington State Wetland Rating System for Western Washington – Revised*" (Ecology Publication No. 04-06-025), August 2004, or as revised. All data forms and required figures must be submitted for review.

c. Landslide Hazard Special Study. Required landslide hazard studies shall be prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering.

(1) A contour map of the proposed site, at a scale no smaller than one inch equals 100 feet and five-foot contours. The site and the extent of the critical landslide hazard area as determined by the criteria in subsection G.3 of this section shall be clearly delineated.

(2) A discussion of surface and subsurface geologic conditions of the site.

(3) Review of site history regarding landslides.

(4) A description of how the proposed development will or will not impact each of the following on the subject area and adjoining property:

(a) Slope stability;

(b) Drainage;

(c) Springs or seeps or any other surface water;

(d) Existing vegetation.

(5) Recommended surface water management controls during construction.

d. Critical Erosion Hazard Area Special Studies. Required critical erosion hazard studies shall be prepared by a professional engineer licensed by the state of Washington.

(1) A map, of a scale no smaller than one inch equals 200 feet, of the site and the extent of the critical erosion hazard area as determined by the criteria in subsection G.4 of this section.

(2) Review site history regarding erosion.

(3) Identification of surface water management, erosion, and sediment controls appropriate to the site and proposal.

e. Seismic Hazard Area Special Studies. Required critical seismic hazard studies shall be prepared by a professional engineer licensed by the state of Washington.

(1) A map, of a scale no smaller than one inch equals 200 feet, and five-foot contours, of the site and the extent of the seismic hazard area as determined by the criteria in subsection G.5 of this section.

(2) Discussion of the potential impacts from the proposed development, and specific measures designed to mitigate any potential adverse impacts of the proposal.

f. Critical Habitat Special Studies.

(1) Required critical habitat studies shall be prepared by a qualified biologist with expertise in wildlife habitats.

(2) A map of a scale no smaller than one inch equals 200 feet of the site and the extent of the critical habitat area as determined by the criteria in subsection G.6 of this section.

g. Aquifer Recharge Area Special Studies.

(1) Required critical aquifer recharge area studies shall be prepared by a geologist or individual with experience preparing hydro-geologic assessments.

(2) A map of a scale no smaller than one inch equals 200 feet of the site and the extent of the high significance aquifer recharge area as determined by the criteria in subsection G.13 of this section.

F. Critical Areas Classifications.

1. Scope. To promote consistent application of the standards and requirements of this title, critical areas within the city shall be rated and classified according to their characteristics, function and value, and/or their sensitivity to disturbance.

2. Wetlands Classification. Wetlands shall be designated Category 1, Category 2, Category 3 and Category 4, according to Ecology's "*Washington State Wetland Rating System for Western Washington – Revised*" (Ecology Publication No. 04-06-025), August 2004, or as revised.

3. Geologically Hazardous Areas.

a. Designation. The following are considered geologically hazardous areas and shall not be altered except as otherwise provided by this chapter:

(1) Slopes of 40 percent or greater;

(2) Landslide hazard areas;

(3) Seismic hazard areas;

(4) Erosion hazard areas when associated with other environmentally sensitive areas;

(5) Other areas which the city has reason to believe are geologically hazardous.

b. Protective Requirements.

(1) Development proposals on properties which are designated as or which the city has reason to believe are geologically hazardous areas shall have a standard buffer of 25 feet from the top, toe and sides of such areas.

(2) The setback buffer requirement listed in subsection F.3.b(1) of this section may be increased by the city when necessary to protect public health, safety and welfare, based upon information contained in a geotechnical report or for other reasons related to the geologically hazardous conditions of the lot.

(3) The setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be replanted with native vegetation.

c. Permitted Alterations. Unless associated with another environmentally sensitive area, the designated official may allow alterations of an area identified as a geologically hazardous area or the standard buffers listed in subsection F.3.b of this section if he/she approves a geotechnical report which demonstrates that:

(1) The proposed development will not create a hazard to the subject property, surrounding properties, or rights-of-way, erosion or sedimentation to off-site properties or bodies of water;

(2) The proposal addresses the existing geological constraints of the site, including an assessment of soils and hydrology;

(3) The proposed method of construction will reduce erosion potential, landslide and seismic hazard potential, and will improve or not adversely affect the stability of slopes;

(4) The proposal uses construction techniques which minimize disruption of existing topography and natural vegetation;

(5) The proposal is consistent with the purposes and provisions of this chapter;

(6) The proposal mitigates all impacts identified in the geotechnical report; and

(7) All utilities and access roads or driveways to and within the site are located so as to require the minimum amount of modifications to slopes, vegetation or geologically hazardous areas.

d. Additional Requirements. As part of any approval of development on or adjacent to geologically hazardous areas or within the standard buffers required by subsection F.3.b of this section, the city may require:

(1) An environmentally sensitive area protective covenant or tract for the area approved for alteration or any geologically hazardous area not approved for alteration;

(2) The presence of the geotechnical consultant on the site to supervise during clearing, grading, filing and construction activities which may affect geologically hazardous areas, and provide the city with certification that the construction is in compliance with his/her recommendations and has met with his/her approval, and other relevant information concerning the geologically hazardous conditions of the site;

(3) Vegetation and other soil-stabilizing structures or materials be retained or provided.

4. Fish and Wildlife Habitat Conservation Areas. Fish and Wildlife Habitat Conservation Areas are those habitat areas which meet any of the following criteria:

a. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;

b. State priority habitats and areas associated with state priority species;

c. Habitats and species of local importance;

d. Naturally occurring ponds under twenty (20) acres;

e. Waters of the state;

f. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

g. State natural area preserves and natural resource conservation areas; and

h. Land essential for preserving connections between habitat blocks and open spaces.

5. Aquifer Recharge Classification. Aquifer recharge areas are classified as high, moderate, or low significance aquifer recharge areas according to the following criteria:

a. High Significance Aquifer Recharge Areas. High significance aquifer recharge areas are areas with slopes of less than 15 percent that are underlain by coarse alluvium or sand and gravel.

b. Moderate Significance Aquifer Recharge Areas. Moderate significance aquifer recharge areas are:

(1) Areas with slopes of less than 15 percent that are underlain by fine alluvium, silt, clay, glacial till, or deposits from the Electron Mudflow; and

(2) Areas with slopes of 15 percent to 30 percent that are underlain by sand and gravel.

c. Low Significance Aquifer Recharge Areas. Low significance aquifer recharge areas are:

(1) Areas with slopes of 15 percent to 30 percent that are underlain by silt, clay, or glacial till; and

(2) Areas with slopes greater than 30 percent. Low significance aquifer recharge areas are not designated critical areas and are exempt from critical areas review requirements.

6. Flood Hazard Classification. Flood hazard areas consist of the following components, as determined by the city:

a. Floodplain. The total area subject to inundation by the base flood.

b. Flood Fringe. That portion of the floodplain outside the floodway which is generally covered by floodwaters during the base flood. It is generally associated with standing water rather than rapidly flowing water.

c. Floodway. The channel of the stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot.

G. Performance Standards for Critical Areas.

1. General Requirements. All boundaries of critical areas established by the requirements of this chapter shall be clearly marked prior to any construction activities. All wetland and habitat buffers shall be permanently signed and fenced prior to final approval.

2. Wetlands. Note: In addition to City approval, state and federal authorization is required for work below the OHWM or within wetlands prior to beginning work.

a. Allowed Activities within Wetlands. The following uses shall be allowed within a wetland, provided they are conducted using best management practices:

(1) Outdoor recreational activities, including fishing, bird watching, hiking, swimming, and canoeing.

(2) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops.

(3) Existing and ongoing agricultural activities, as defined in this chapter, except that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.

(4) The maintenance of drainage ditches.

b. Allowed Activities within Wetland Buffers. In addition to those activities allowed in subsection G.2.a of this section, the following activities are allowed within wetland buffers; provided, that buffer impacts are minimized and that disturbed areas are immediately restored:

(1) Normal maintenance and repair of existing serviceable structures or improved areas. Maintenance and repair does not include modifications that change the character, scope or size of the original structure or improved area.

(2) Vegetation-lined swales and dispersion outfalls designed for stormwater management, provided, that they are placed within the outer 25 percent of the buffer of Category III and Category IV wetlands only.

(3) Trails should be limited to permeable surfaces no more than five feet in width for pedestrian use only, located only in the outer 25 percent of a wetland buffer, and should be located to avoid removal of significant trees (over 18 inches diameter).

c. Required Buffers.

(1) Buffer Requirements. The standard buffer widths in Table 6 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington. The city may allow buffer averaging as set forth in subsection G.2.c(3) of this section.

(a). The use of the standard buffer widths requires the implementation of the measures in Table 7, where applicable, to minimize the impacts of the adjacent land uses.

(b) If an applicant chooses not to apply the mitigation measures in Table 7, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.

(c) The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the eco-region. If the existing buffer is un-vegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

(d) Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 32 points for habitat function would require a buffer of 225 feet (75 + 150).

Table 6
Wetland Buffer Requirements

Wetland Buffer Requirements for Western Washington Wetland Category	**Standard Buffer Width**	**Additional buffer width if wetland scores 21-25 habitat points**	**Additional buffer width if wetland scores 26-29 habitat points**	**Additional buffer width if wetland scores 30-36 habitat points**
Category I: Based on total score	75ft	Add 30 ft	Add 90 ft	Add 150 ft
Category I: Bogs	190 ft	NA	NA	Add 35 ft
Category I: Natural Heritage Wetlands	190 ft	N/A	NA	Add 35 ft
Category I: Forested	75ft	Add 30 ft	Add 90 ft	Add 150 ft
Category II: Based on score	75 ft	Add 30 ft	Add 90 ft	Add 150 ft
Category III: (all)	60 ft	Add 45 ft	Add 105 ft	NA
Category IV: (all)	40 ft	NA	NA	NA

Table 7
Required measures to minimize impacts to wetlands
(Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland
Noise	Locate activity that generates noise away from wetland If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered Establish covenants limiting use of pesticides within 150 ft of wetland Apply integrated pest management
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development Prevent channelized flow from lawns that directly enters the buffer Use Low Intensity Development techniques (per PSAT publication on LID techniques)
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	Use best management practices to control dust
Disruption of corridors or connections	Maintain connections to offsite areas that are undisturbed Restore corridors or connections to offsite habitats by replanting

(2) Removal of Vegetation within the Buffer. Removal or alteration of existing vegetation in the buffer areas shall be avoided to the greatest extent practicable. Unavoidable buffer impacts shall be mitigated. Any disturbance of the buffer area shall be replanted with a diverse plant community of native vegetation appropriate for the site and approved by the city.

(3) Buffer Averaging.

(a) Buffer width averaging may be allowed to compensate for unavoidable buffer impacts, that lower intensity land uses would be located adjacent to areas where the buffer width is reduced, that in no case shall the buffer width be reduced by more than 25 percent, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

d. Wetland Mitigation and Restoration.

(1) Mitigation. All adverse impacts to wetlands shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence:

(a) Avoiding the impact altogether by not taking certain actions or parts of actions;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(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 during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; and/or

(f) Monitoring the impact and taking appropriate corrective measures.

e. Monitoring Program and Contingency Plan. A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.

(1) A contingency plan shall be established for indemnity in the event that the mitigation project is inadequate or fails. In addition to the bonding requirements in the development guidelines for public works standards, the applicant shall submit a performance and maintenance bond or other acceptable security device for financial guarantee(s). These devices are required to ensure the applicant's compliance with terms of the mitigation agreement. The amount of the performance and maintenance bond shall equal 150 percent of the cost of the mitigation project for a minimum of five years. The bond may be reduced in proportion to work successfully completed over the period of the bond if performance standards are meeting or exceeding goals. The bonding period shall coincide with the monitoring period.

(2) Within 90 days of completing construction and planting, the Applicant shall, at a minimum, record a Wetlands Notice. For mitigation sites, the Applicant shall record a restrictive covenant that includes a site map from the final wetland mitigation plan or as-built indicating the location of wetlands and their buffers. For mitigation sites that include wetland preservation, the Applicant shall record a conservation easement for the preserved area and the site map from the final wetland mitigation plan or as-built indicating the location of wetlands and their buffers. These documents must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.

(3) Monitoring programs prepared to comply with this section shall reflect the following guidelines:

(a) Scientific procedures shall be used to establish the success or failure of the project.

(b) For vegetation determinations, permanent sampling points shall be established.

(c) Vegetative success shall, at a minimum, equal 80 percent survival of planted trees and shrubs and 80 percent cover of desirable understory or emergent plant species at the end of the required monitoring period or the performance standards set forth in the mitigation plan. Noxious weeds shall be controlled, Japanese knotweed (Polygonum) eradicated, and invasive non-native species (e.g., Himalayan blackberry and reed canarygrass) shall not exceed 20 percent cover on mitigation sites. Additional standards for vegetative success, including, but not limited to, minimum survival standards following the first growing season, may be required after consideration of a report prepared by a qualified consultant.

(d) For hydrology determinations, permanent sampling points or wells shall be established.

(e) Hydrology success shall, at a minimum, show 30 consecutive days of saturation to the surface during the growing season or the performance standard set forth in the mitigation plan.

(f) Monitoring reports on the current status of the mitigation project shall be submitted to the city.

(g) The reports are to be prepared by a qualified consultant and reviewed by the city or a consultant retained by the city and should include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, as applicable, and shall be produced on the following schedule: within 90 days of completing construction and planting of the mitigation site(s) (year 0 or baseline); 12 months after completing the mitigation site construction and planting; and at the end of the growing season in year 2, 3, 5 and when required, year 7 and 10.

(h) Monitoring programs shall be established for a minimum of five years for herbaceous (emergent) wetland mitigation and ten years for wetland mitigation planting shrubs or trees.

(i) If necessary, failures in the mitigation project shall be corrected.

(j) Dead or undesirable vegetation shall be replaced with appropriate plantings.

(k) Damage caused by erosion, settling, or other geomorphological processes shall be repaired.

(l) The mitigation project shall be redesigned (if necessary) and the new design shall be implemented and monitored.

(5) Mitigation Ratios.

(a) Equivalent Areas. Where wetland alterations are permitted by the city, the applicant shall compensate for unavoidable wetland losses based on the replacement ratios in the following section.

(b) Acreage Replacement Ratio. When compensating for unavoidable wetland losses, the following acreage replacement ratios shall be used where the first number specifies the acreage of replacement wetlands and the second number specifies the acreage of wetlands altered:

Table 8
Acreage Replacement Ratio

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement	Preservation
Category I: Bog, Natural Heritage site	Not considered possible	6:1	Case by case	10:1
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

f. Increased Replacement Ratios. The City Designated Official may increase the ratios under the following circumstances:

(1) Uncertainty exists as to the probable success of the proposed restoration or creation;

(2) Longer than 13 months elapses between impact and completion of the approved mitigation plan;

(3) Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted;

(4) The impact was an unauthorized impact; or

(5) Where mitigation is to occur off site.

g. Restoration. Restoration is required when a wetland or its buffer has been altered in violation of this title. The following minimum performance standards shall be met for the restoration of a wetland and its associated buffer:

(1) The original wetland configuration should be replicated including depth, width, and length at the original location;

(2) The original soil types and configuration shall be replicated;

(3) The wetland and buffer areas shall be replanted with native vegetation which replicates the original in species, sizes and densities; and

(4) The original functional values shall be restored, including water quality and wildlife habitat functions.

6. Critical Habitat Areas.

a. All development sites containing wetlands shall conform to the wetland development performance standards set forth in subsection G.2 of this section.

b. All development sites adjacent to the Stillaguamish or Pilchuck Rivers shall retain a 150-foot buffer of native vegetation measured from the ordinary high water mark of the river.

c. Where nonfish species have been classified as endangered or threatened by the federal government or Department of Wildlife, the applicant shall provide a special study identifying the required habitat and recommending appropriate buffers based on the state Department of Wildlife priority habitat and species management recommendations.

d. For all fish and wildlife habitat areas that have been classified as endangered or threatened by the federal government, the applicant will provide a special study identifying the specified habitat based on the Department of Fish and Wildlife's (DFW) priority habitats and species program.

e. For all fish and wildlife that have been identified as "sensitive," the applicant will identify the species and note its presence in the SEPA documents and critical areas study.

7. Classification of Fish and Wildlife Habitat Areas.

a. Streams. Streams shall be classified according to the stream type system as provided in WAC 222-16-030, Stream Classification System, as amended.

(1) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules promulgated pursuant thereto.

(2) Type F Stream. Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by the salmonid fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size, are provisionally presumed to be used by salmonid fish. A provisional presumption of salmonid fish use may be refuted at the discretion of the designated official where any of the following conditions are met:

(a) It is demonstrated to the satisfaction of the city that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;

(b) It is demonstrated to the satisfaction of the city that the stream segment in question has confirmed, long-term, naturally occurring water quality parameters incapable of supporting salmonid fish;

(c) Sufficient information about geomorphic region is available to support departure from the characteristics described above for the presumption of salmonid fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;

(d) The Washington State Department of Fish and Wildlife has issued a hydraulic project approval pursuant to RCW 77.55.100, which includes a determination that the stream segment in question is not used by salmonid fish;

(e) No salmonid fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing Waters under WAC 222-16-031; provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.

(3) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purposes of clarification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see *Washington Forest Practices Board Manual*, Section 23), then said point shall be determined by a qualified professional selected or approved by the city.

(4) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall and that are not located downstream from any Type Np stream segment.

8. Fish and Wildlife Habitat Buffer Areas.

a. The establishment of buffer areas shall be required for regulated activities in or adjacent to habitat areas. Buffers shall consist of an undisturbed area of native vegetation established to protect the integrity, functions and values of the affected habitat. Activities within buffers should not result in any net loss of the functions and values associated with streams and their buffers.

(1) The following buffer widths are established:

Table 9
Stream Buffer Widths

Streams	Buffer
Type S Pilchuck River Stillaguamish River	150 feet
Type F: Drainage from Lake Gardner below dam	100 feet
Type Np	75 feet
Type N To be identified by applicant	50 feet

(2) Federal, State and Local Habitats and Species.

(a) Except for waters subject to subsection G.8.a of this section, and bald eagles subject to subsection G.8.a(2)(b) of this section, the establishment of buffer areas may be required for regulated activities in or adjacent to federal, state and local species and habitat areas as designated pursuant to this section. Buffers shall consist of an undisturbed area of native vegetation established to protect the integrity, functions and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby. Buffers shall be determined by the department based on information in the biological/habitat report, supplemented by its own investigations, the intensity and design of the proposed use, and adjacent uses and activities. Buffers are not intended to be established or to function independently of the habitat they are established to protect. Buffers shall be measured from the edge of the habitat area.

(b) Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

b. Where existing buffer area plantings provide minimal vegetative cover and cannot provide the minimum water quality or habitat functions, buffer enhancement shall be required. Where buffer enhancement is required, a plan shall be prepared that includes plant densities that are not less than five feet on center for shrubs and 10 feet on center for trees. Monitoring and maintenance of plants shall be required in accordance with this section. Existing buffer vegetation is considered "inadequate" and will require enhancement through additional native plantings and removal of nonnative plants when:

(1) Nonnative or invasive plant species provide the dominant cover;

(2) Vegetation is lacking due to disturbance and stream resources could be adversely affected; or

(3) Enhancement planting in the buffer could significantly improve buffer functions. If, according to the buffer enhancement plan, additional buffer mitigation is not sufficient to protect the habitat, the city shall require larger buffers where it is necessary to protect habitat functions based on site-specific characteristics.

c. Measurement of Buffers.

(1) Stream Buffers. All buffers shall be measured from the ordinary high water mark as identified in the field or, if that cannot be determined, from the top of the bank. In braided channels and alluvial fans, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

(2) Combination Buffers. Any stream adjoined by a wetland or other adjacent habitat area shall have the buffer which applies to the wetland or other habitat area unless the stream buffer requirements are more expansive.

d. Buffer widths may be modified by averaging buffer widths as set forth herein:

(1) Buffer width averaging shall be allowed only where the applicant demonstrates to the designated official that the average will not impair or reduce habitat, water quality purification and enhancement, stormwater detention, ground water recharge, shoreline protection and erosion protection and other functions of the stream and buffer, that the lower intensity land uses would be located adjacent to areas where the buffer width is reduced, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

(2) Notwithstanding the reductions permitted in subsection G.8.d(1) of this section, buffer widths shall not be reduced by more than 25 percent of the required buffer.

e. The buffer width stated in subsection G.8.a(1) of this section shall be increased in the following circumstances:

(1) When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse habitat impacts; or

(2) When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or

(3) When the minimum buffer for a habitat extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:

(a) The minimum buffer for that particular habitat; or

(b) Twenty-five feet beyond the point where the slope becomes 25 percent or less.

f. The designated official may authorize the following low impact uses and activities, provided they are consistent with the purpose and function of the habitat buffer and do not detract from its integrity. The uses and activities may be permitted within the buffer depending on the sensitivity of the habitat involved. To the extent reasonably practicable, examples of uses and activities which may be permitted in appropriate cases include pedestrian trails, viewing platforms and interpretive signage. Uses permitted within the buffer shall be located in the outer 25 percent of the buffer.

g. Trails and Open Space. For walkways and trails, associated open space in critical buffers located on public property or on private property where easements or agreements have been granted for such purposes, all of the following criteria shall be met:

(1) The trail, walkway and associated open space shall be consistent with the comprehensive parks, recreation, and open space master plan. The city may allow private trails as a part of the approval site plan, subdivision or other land use permit approvals.

(2) Trails and walkways shall be located in the outer 25 percent of the buffer, i.e., the portion of the buffer that is farther away from the critical area. Exceptions to this requirement may be made for:

(a) Trail segments connecting to existing trails where an alternative alignment is not practical.

(b) Public access points to water bodies spaced periodically along the trail.

(3) Enhancement of the buffer area is required where trails are located in the buffer. Where enhancement of the buffer area adjacent to a trail is not feasible due to existing high quality vegetation, additional buffer area or other mitigation may be required.

(4) Trail widths shall be a maximum width of 5 feet. Trails shall be constructed of permeable materials; provided, that impervious materials may be allowed if pavement is required for handicapped or emergency access, or safety, or is a designated non-motorized transportation route or makes a connection to an already dedicated trail, or reduces potential for other environmental impacts.

h. Allowed Activity – Utilities in Streams. New utility lines and facilities may be permitted to cross water bodies in accordance with an approved supplemental stream/lake study if they comply with the following criteria:

(1) Fish and wildlife habitat areas and required buffers shall be avoided to the maximum extent possible; and

(2) The utility is designed consistent with one or more of the following methods:

(a) Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone; or

(b) The utilities shall cross at an angle greater than 60 degrees to the centerline of the channel in streams perpendicular to the channel centerline; or

(c) Crossings shall be contained within the footprint of an existing road or utility crossing; and

(3) New utility routes shall avoid paralleling the stream or following a down-valley course near the channel; and

(4) The utility installation shall not increase or decrease the natural rate of shore migration or channel migration; and

(5) Seasonal work windows as determined by WDFW for in-water work are made a condition of approval; and

(6) Mitigation criteria of this section are met.

i. Stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, may be located within the outer 25 percent of buffers only if they will have no negative effect on the functions and purpose the buffers serve for the fish and wildlife habitat areas. Stormwater detention ponds shall not be allowed in fish and wildlife habitat areas or their required buffers.

j. For subdivisions and short subdivisions, the applicable wetland and associated buffer requirements for any development or redevelopment of uses specific indentified in, and approved as part of, the original subdivision or short subdivision application shall be those requirements in effect at the time that the complete subdivision application was filed; provided, that for subdivisions this provision shall be limited to final plats reviewed and approved under GFMC chapter 19.5 or as amended at the time of final plat approval. However, at the discretion of the Designated Official a buffer enhancement plan may be required in accordance with this section if the wetland or buffer has become degraded or is currently not functioning or if the wetland and/or buffer maybe negatively affected by the proposed new development.

k. Minor additions or alterations such as decks and small additions less than 120 square feet, interior remodels, or tenant improvements which have no impact on the habitat or buffer shall be exempt from the buffer enhancement requirements.

l. Required buffers shall not deny all reasonable use of property. A variance from buffer width requirements may be granted by the City of Granite Falls upon a showing by the applicant that:

(1) There are special circumstances applicable to the subject property or o the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirements: and

(2) Such buffer width variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

(3) The granting of such buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and

(4) The granting of the buffer width variance will not materially affect the subject habitat area; and

(5) If a variance application for stream buffers is merged with a pending shoreline development permit application, the applicant shall pay the City a single fee equal to the amount of the shoreline permit: and

(6) No variance from stream buffers shall be granted which is inconsistent with the policies of the Shoreline Management Act of the State of Washington and the Shoreline Master program for the City of Granite Falls.

(7) Best available science, as set forth in the City's adopted critical area regulations shall be taken into consideration in the granting of a buffer width variance.

9. Fish and Wildlife Habitat Alteration and Mitigation. After careful consideration of the potential impacts and a determination that impacts are unavoidable, unavoidable impacts to streams, associated fish buffers and wildlife habitat not exempt under this section, shall be mitigated as follows:

a. Adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence:

(1) Avoiding the impact altogether by not taking a certain action or parts of actions;

(2) Minimizing impacts by limiting the degree of magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(4) Reducing or eliminating the impact over time by preservation and maintenance operations;

(5) Compensating for the impact by replacing or providing substitute resources or environments;

(6) Monitoring the impact and taking appropriate corrective measures in accordance with this section.

b. Where impacts cannot be avoided, the applicant or property owner shall implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and implementation of the performance standards listed in this section. It is the applicant's responsibility to obtain the required state and federal authorizations for work waterward of the OHWM or within wetlands prior to beginning work

c. Alteration of habitat and their buffers may be permitted by the designated official subject to the following standards:

(1) Type S Streams. Alterations of Type S streams shall be avoided, subject to the reasonable use provisions of this chapter and conformance with the city of Granite Falls Shoreline Management Master Program. Access to the shoreline will be permitted for water-dependent and water-oriented uses subject to the mitigation sequence referred to in subsections G.9.a and b of this section;

(2) Type F, Np and Ns Streams. Alterations of Type F, Np and Ns streams may be permitted; provided, that the applicant mitigates adverse impacts consistent with the performance standards and other requirements of this chapter; and provided, that no overall net loss will occur in stream functions and fish habitat;

(3) Relocation of a stream may occur only when it is part of an approved mitigation or rehabilitation plan, and will result in equal or better habitat and water quality, and will not diminish the flow capacity of the stream.

10. Fish and Wildlife Mitigation Standards, Criteria and Plan Requirements.

a. Location and Timing of Mitigation.

(1) Mitigation shall be provided on site, except where on-site mitigation is not scientifically feasible or practical due to physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on site.

(2) When mitigation cannot be provided on site, mitigation shall be provided in the immediate vicinity of and within the same watershed as the permitted activity on property owned and controlled by the applicant, where practical and beneficial to the fish and wildlife habitat resources. When possible, this means within the same watershed as the location of the proposed project.

(3) In-kind mitigation, as defined in this section, shall be provided except when the applicant demonstrates and the designated official concurs the greater functional and habitat value can be achieved through out-of-kind mitigation, as defined in this section.

(4) Only when it is determined by the designated official that subsections G.10.a(1), (i2) and (3) of this section are inappropriate or impractical shall off-site out-of-kind mitigation be considered.

(5) Approved mitigation shall be completed prior to initiation of permitted FWHA impacts, unless a phased or concurrent schedule has been approved by the designated official.

11. Fish and Wildlife Habitat Performance Standards and Incentives.

a. The habitat performance standards and criteria contained in this section shall be incorporated into plans submitted for regulated activities. It is recognized that in specific situations, all the listed standards may not apply or be feasible to implement or individual standards may conflict, in which case the standard(s) most protective of the environment shall apply.

(1) Consider habitat in site planning and design;

(2) Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas;

(3) Integrate retained habitat into open space and landscaping;

(4) Where possible, consolidate habitat and vegetated open space in contiguous blocks;

(5) Locate habitat contiguous to other habitat areas, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;

(6) Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;

(7) Emphasize heterogeneity and structural diversity of vegetation in landscaping, and food-producing plants beneficial to wildlife and fish;

(8) Remove and control any noxious or undesirable species of plants and animals;

(9) Preserve significant trees and snags, preferably in groups, consistent with achieving the objectives of these standards;

(10) Buffers shall be surveyed, staked, and fenced with erosion control and/or clearing limits fencing prior to any construction work, including grading and clearing, that may take place on the site; and

(11) Temporary and erosion sedimentation controls, pursuant to an approved plan, shall be implemented during construction.

b. A landscape plan shall be submitted consistent with the requirements, goals, and standards of this chapter. The plan shall include measurable performance standards such as the number of habitat features to be created, plant survival and canopy cover and shall reflect the report prepared pursuant to this section.

c. As an incentive to encourage preservation of secondary and tertiary habitat, as those terms are defined in subsection A.2 the net amount of landscaping required by the city of Granite Falls may be reduced by one-quarter acre for each one acre of secondary or tertiary habitat and buffer preserved on the site; however, that amount cannot exceed 50 percent of the amount of required landscaping. The reduction shall be calculated on the basis of square feet or habitat preserved or enhanced and square feet of landscaping required. Habitat and habitat buffer that is enhanced by the applicant may also qualify for this reduction. Preservation of secondary or tertiary habitat shall be assured by the execution of an easement or other protective device acceptable to the city of Granite Falls.

12. Fish and Wildlife Habitat Monitoring Program and Contingency Plan.

a. A monitoring program shall be implemented to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.

b. A contingency plan shall be established for compensation in the event that the mitigation project is inadequate or fails. A performance, monitoring, and maintenance bond or other acceptable security device is required to ensure the applicant's compliance with the terms of the mitigation agreement. The amount of the performance, monitoring, and maintenance bond shall equal 125 percent of the cost of the mitigation project for a period of five years; provided, that the designated official may agree to reduce the bond in phases, in proportion to work successfully completed over the period of the bond. Failure to complete any required performance, monitoring, and maintenance shall result in forfeiture of the guarantee. Applicants who have previously defaulted will no longer be allowed to post a bond for performance, monitoring, and maintenance but will instead be required to submit an assignment of bank account to the city of Granite Falls for two times the cost of the mitigation project.

c. The monitoring program shall consist of the following:

(1) During monitoring, best available scientific procedures shall be used as the method of establishing the success or failure of the project;

(2) For vegetation determinations, permanent sampling points shall be established;

(3) For measurement purposes, vegetative success shall equal 80 percent survival of planted trees and shrubs and 80 percent cover of desirable understory or emergent species;

(4) Monitoring reports shall be submitted on the current status of the mitigation project to the designated official. The reports shall be prepared by a qualified scientific professional and reviewed by the city, shall to the extent applicable include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, and shall be produced on the following schedule:

(a) At time of construction;

(b) Thirty days after planting;

(c) Early in the growing season of the first year;

(d) End of the growing season of first year;

(e) Twice the second year; and

F. Annually thereafter;

(5) Monitoring shall occur three, four or five growing seasons, depending on the complexity of the fish and wildlife habitat system. Where site mitigation includes planting shrubs and trees monitoring shall be for a minimum of ten years (Year 0, 1, 2, 3, 5, 7 and 10);

(6) The applicant shall, if necessary, correct for failures in the mitigation project;

(7) The applicant shall replace dead or undesirable vegetation with appropriate plantings based on the approved planting plan or this section;

(8) The applicant shall repair damage caused by erosion, settling, or other geomorphological processes;

(9) Correction procedures shall be approved by a qualified scientific professional and the designated official; and

(10) In the event of failure of the mitigation project, the applicant shall redesign the project and implement the new design.