

**CITY OF MONROE**  
**GRANT No. Go300022**

# **CITY OF MONROE**

## **SHORELINE MASTER PROGRAM**

*Prepared by*



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# Chapter 1: Introduction

## A. Requirements of the Shoreline Management Act Purpose

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In 1971, the State of Washington legislature enacted the Shoreline Management Act (SMA) in order to address growing concern about the quality of the state’s shoreline environments. The Act (RCW 90.58) recognizes that “shorelines are among the most valuable and fragile” of the state’s resources. The Act, and the City of Monroe, recognize and protect private property rights along the shorelines, while aiming to preserve the quality of this unique resource for all state residents.

The primary purpose of the Act is to provide the management and protection of the state’s shoreline resources by planning for their reasonable and appropriate use. A citizen’s initiative in 1972 designated the area to be regulated under the Act, and includes lands within two hundred (200) feet of the shoreline.

### B. The City of Monroe’s Role in Implementing the Shoreline Management Act

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In order to protect the public interest in the preservation of the shorelines of the state, the Shoreline Management Act establishes a planning program coordinated between the state and local jurisdictions to address the types and effects of development occurring along the state’s shorelines. By law, the City is responsible for the following:

1. Development of an inventory and analysis of the natural characteristics and land use patterns along shorelines covered by the Act. This inventory provides the foundation for development of a system that classifies the shoreline into distinct environments. These environments provide the framework for implementing shoreline policies and regulatory measures.
2. Preparation of a “Master Program” to determine the future of the shorelines. This future is defined through the goals developed for the following land and water use elements: economic development, public access, circulation, recreation, shoreline use, conservation, historical/cultural protection, and floodplain management. Local government is encouraged to adopt goals for any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to implement the intent of the Shoreline Management Act. In addition, policy statements are developed to provide a bridge between the goals of the Master Program and the use activity regulations developed to address different types of development along the shoreline. Master Program regulations are developed and adopted, as appropriate, for various types of shoreline development, including the following: commercial development, industry, in-stream structures, mining, recreational development, residential development, transportation and parking, and utilities.

3. A shoreline restoration chapter (see Chapter 7) has also been included in the Master Program for the first time, as directed under WAC 173-26.
4. Development of a permit system to further the goals and policies of both the Act and Master Program.

Local governments have the prime responsibility for initiating the planning program and administering the regulatory requirements. The Washington Department of Ecology (DOE) must approve the Shoreline Master Program before it becomes effective. The City of Monroe must develop a Shoreline Master Program that is consistent with the guidance and intent provided in the Shoreline Management Act. The role of the DOE is to provide support and review of the Shoreline Master Program and subsequent shoreline permit requests.

## G. Purpose of the Shoreline Master Program

The Shoreline Management Act defines a Master Program as a “comprehensive use plan for a described area.” The shoreline planning process differs from the more traditional planning process in that the emphasis is on protecting the shoreline environment and utilizing the shoreline appropriately for preferred uses through management of uses, rather than trying to maximize development potential.

The purposes-intent of the Monroe Shoreline Master Program, as a comprehensive use plan, are:

1. To carry out the responsibilities assigned to the City of Monroe by the Washington State Shoreline Management Act (RCW 90.58).
2. To promote the public health, safety, and general welfare by providing a guide to regulations for the future development of the shoreline resources of the City of Monroe.

— To further, by adoption, the policies of RCW 90.58, and the goals of this Master Program, both described in this document.

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### 1. Legislative Findings and Washington Shoreline Management Act Policies

According to the Revised Code of Washington (RCW) 90.58.020, the Washington State legislature finds the shorelines of the state are among the most valuable and fragile of the state’s 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 in the shorelines, necessitating an increase in the coordination in

the management and development of the shorelines of the state. The legislature further finds that many of the shorelines of the state and uplands adjacent thereto are in private ownership and that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest associated with the shorelines which, at the same time, shall be consistent with public interest; therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

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

## **B. Title**

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

## **C. Applicability**

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

## **D2. Shoreline Jurisdiction of the State and Shorelines of Statewide**



# Significance – the Skykomish River

The Shoreline Management Act defines “shorelines of the state” as the total of all “shorelines” and “shorelines of statewide significance” within the state. In Monroe, the shoreline area to be regulated by the City’s Program includes:

- The Skykomish River and Woods Creek within the City’s municipal boundary;
- The upland area landward 200 feet of the ordinary high water mark (OHWM) of the Skykomish River and Woods Creek;
- The Washington Administrative Code (WAC) further specifies certain streams as shorelines of the state, WAC 173-18-350 (Snohomish County, Streams). The Skykomish River and Woods Creek are both identified as shorelines of the state. In addition, lakes larger than 20 acres are considered “shorelines of the state.” Although the Tye Stormwater Facility and shorelands 200 feet from its ordinary high water mark;
- All associated wetlands;
- The mapped floodway areas associated with the Skykomish River as identified within the Federal Emergency Management Agency’s Preliminary Flood Insurance Study for Snohomish County, Washington and Incorporated Areas and accompanying flood insurance rate map (FIRM) (dated xx), or a more recent Federal Emergency Management Agency adopted Flood Insurance Study and companying flood insurance rate map (FIRM) consistent with MMC Chapter 20.05.110 – Flood hazard area development standards.
- The mapped 100-year floodplain areas which extend landward 200 feet as measured on a horizontal plane from the edge of the floodway areas, as depicted on effective FIRM mapping consistent with MMC Chapter 20.05.110 – Flood hazard area development standards.
- is not a natural lake and was constructed for the purpose of detaining stormwater generated by development of the Frylands area of Monroe. DOE determined in June 2007 that it meets the State definition of a “shoreline of the state.” Accordingly, this updated SMP will for the first time regulate the Tye Stormwater Facility as a shoreline.

The Skykomish River and associated shorelands is a shoreline of statewide significance in Western Washington within Monroe, as defined by RCW 90.58.030, include “natural rivers or segments” of rivers that are “downstream of a point where the annual flow is measured at one thousand cubic feet per second or more” and “those shorelands associated with” these waters. The legislature determined that the Skykomish River met the criteria, and in and designated by WAC 173-18, designated this river as a shoreline of statewide significance.

Shorelines thus designated are important to the entire state. Because the shorelines of the Skykomish River are a major source of benefit for all people in the state, the Monroe Shoreline

Master Program gives preference to the shoreline uses that favor public and long range goals. Accordingly, this Master Program gives preference to uses that meet the principles outlined below, listed in the order of preference. These principles, defined in RCW 90.58.020, are incorporated into the City of Monroe Shoreline Master Program:

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 shorelines.
5. Increase public access to publicly owned areas of the shoreline.
6. Increase recreational opportunities for the public on the shoreline.

Commented [PD(1)]: Why removed? Basic policy of the SMA

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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 interests of the state and the people. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique to, or dependent on use of, the state's shorelines. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized by this Program, shall be given priority for ~~single family residences, parks, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are parks, open space, and limited commercial developments~~ 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 people to enjoy the shorelines of the state.

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

## D. The Monroe Shoreline Master Program

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### I. Amendment History

#### 1975 Shoreline Master Program

The City of Monroe adopted its first Shoreline Master Program (SMP), prepared by Snohomish County (County), on May 28, 1975. The County prepared the SMP for the unincorporated areas of Snohomish County as well as the municipalities of Arlington, Brier, Gold Bar, Granite Falls, Index, Lake Stevens, Monroe, Mountlake Terrace, Sultan, and Woodway.

Snohomish County had extensive public involvement for the development of the SMP. The County made a concerted effort to implement the approach for citizen participation as outlined in the Washington Administrative Code (WAC) 173-16-040(1) (Final Guidelines). The County Board of Commissioners established a Citizens Advisory Committee (CAC) that served as the primary vehicle for gathering public input during the planning process. The CAC was composed of 50 citizens, of which 36 were "citizens-at-large."

In addition to gathering information, the CAC was also responsible for formulating the draft SMP, including the submission of findings and recommendations to the Snohomish County Planning Commission.

The County also established a Technical Advisory Panel (TAP) to advise the CAC. The TAP consisted of representatives of various public and private agencies having the information and expertise related to shoreline management problems and use activities.

Snohomish County worked on their master program between 1973 and 1974, with final adoption by the Snohomish County Board of County Commissioners on September 25, 1974. Their process included the citizen committee, field trips, four public hearings before the Snohomish County Planning Commission, and three public hearings before the County Board of County Commissioners before the final adoption.

#### **1981 Shoreline Master Program Amendments**

Between 1980 and 1981, City staff worked with the Planning Commission and City Council to make the City of Monroe SMP more consistent with the actual zoning within the City and the Comprehensive Plan land use designations. The revisions included three changes to the shoreline designations and various text amendments to elements, goals, and policies.

The map amendments were as follows: the western boundary of the City along the southern boundary of State Route 2 from Rural to Urban, Woods Creek south of State Route 2 from Rural to Conservancy, and Woods Creek north of State Route 2 from Rural to Urban. Text amendments were made to three sections of the SMP: Master Program Elements, Shoreline Planning Elements, and Shoreline Use Activities.

The Planning Commission reviewed these amendments at six public meetings, including one public hearing prior to forwarding a recommendation to the City Council. The City Council held an additional workshop before a public hearing to consider the amendments. The City Council adopted the final revision on October 14, 1981.

#### **1982 Shoreline Master Program Amendments**

In 1982 the City of Monroe further revised the 1980 amendments to reflect the recommendations made by the Washington State Department of Ecology (DOE). The additional amendments affected the 100-year floodplain boundary and two of the shoreline designations. The DOE requested that the City's 100-year floodplain be consistent with the U.S. Army Corps of Engineers' study results.

The DOE also requested the northern Woods Creek shoreline designation be removed because the area was outside the City's jurisdiction and that the southern portion of Woods Creek

shoreline designation remain Rural, with an allowance for the lumber mill as a non-conforming use. The City Council adopted the subject amendments on October 27, 1982.

#### **1989/1990 Shoreline Master Program Amendments**

In 1989 the City considered two separate amendments to the Shoreline Master Program. The first amendment changed the shoreline designation for nine (9) lots along Terrace Street from Rural to Suburban. This change was made to better reflect the actual use of land within the shoreline jurisdiction. The City Council took final action on this amendment on July 26, 1989.

The second set of amendments included changes to various shoreline designations along Woods Creek, a revision to the shoreline boundary along the western corporate boundary of the City, and a revision to the wetland definition. The shoreline boundary and definition changes were made for compliance with changes in state law.

The Woods Creek amendments focused on the west bank of the creek. The 1975 Shoreline Master Program designated the entire area around Woods Creek as "Conservancy," which did not reflect the actual land uses along the west bank and outside of the 100-year floodplain. The proposed amendments recommended the designations along the west bank of Woods Creek, north of Perry Street be changed from Conservancy to Urban, and the area south of Perry Street was recommended to change from Conservancy to Suburban. The "Urban" designation allowed for commercial and industrial activities, and the "Suburban" designation allowed for residential uses.

In 1985 the State modified the language of the Shoreline Management Act to allow local jurisdictions to reduce the area of influence the Act has authority over. The City considered amendments removing the property in the north-west corner of the City, in the area currently known as the Frylands Industrial Park and Monroe Valley Industrial Park. This amendment was proposed since the subject area did not flood frequently and was not generally associated with the shoreline of the Skykomish River. It was additionally argued that there were already several layers of permitting that protected development in the subject area, including a floodplain permit, the State Environmental Policy Act, and forthcoming sensitive areas regulations.

The Planning Commission reviewed these changes between February and May 1989, and held one public hearing on May 15, 1989. The City Council reviewed these amendments between April 1989 and January 1990. The Council took final action to approve the above amendments on January 10, 1990.

#### **1998 Comprehensive Plan—Shoreline Element**

Between 1997 and 1998, the City of Monroe worked on significant amendments to the 1994 City of Monroe Comprehensive Plan. The amendments included the establishment of a Shoreline Element, in compliance with Washington State House Bill 1724 (Regulatory Reform Act). The Regulatory Reform Act, passed in 1995, was adopted to improve government efficiency and required cities to incorporate their SMP into their comprehensive plans, as an element.

The Shoreline Element of the City of Monroe Comprehensive Plan includes the goal and policy statements of the SMP, a description of the applicable shoreline environments, a description of shoreline use activities, and a brief discussion on shorelines of statewide significance. This

element was not sent to the DOE for review since the existing SMP remained in place and was not amended.

The Monroe Planning Commission reviewed the proposed Shoreline Element between August and September 1997. After holding a public hearing, the Planning Commission forwarded a recommendation to the City Council to approve the proposed element. The City Council reviewed the proposed element and the Planning Commission's recommendation in January and February 1998. The City Council took final action to adopt the proposed element on February 11, 1998.

### 2002 2008 Shoreline Master Program Update

In November 2000, DOE adopted new Shoreline Master Program Guidelines. This was the first time the State had significantly updated the guidelines since their original adoption in 1971. The new guidelines incorporated the "best available science" criteria into the recommended policy and regulatory framework. The new guidelines also provided jurisdictions with the opportunity to pursue one of two "paths." One path (Path A) required a general level of shoreline inventory information, and similar general policies and regulations. The second path (Path B) requires jurisdictions to provide a more detailed inventory of shoreline conditions, as well as more specific policy and regulatory language addressing protection and restoration of the shoreline. The two-path option was intended to offer jurisdictions, through adoption of a "Path B" Shoreline Master Program, the opportunity to seek protection from "takings" allegations resulting from recent listings under the Endangered Species Act.

The City of Monroe opted to pursue the higher level of legal protection offered under the Path B option and began an update of its 1975 Shoreline Master Program, as revised between 1979 and 1999. The City began with a shoreline inventory to collect scientific data on the existing conditions of the shoreline within the City of Monroe and the associated Urban Growth Areas (UGA).

The City applied for and received a grant from the Washington State DOE to complete a shoreline inventory in June 2001 (Appendix B). While the inventory was being compiled, the State's guidelines were appealed by various parties, and in August 2001, the Shorelines Hearings Board invalidated Parts III and IV of the new Shoreline Master Program guidelines, leaving only Parts I and II (procedural rules for Shoreline Master Program amendments). Because the City had already entered into an agreement with DOE, the City continued its work on the shoreline inventory, eventually completing it in November 2002.

Although new shoreline guidelines were not in place for the City to follow, the City of Monroe applied for and was awarded a second grant by the DOE to update the Shoreline Master Program (SMP) and shoreline regulations in June 2002. The City had already completed the inventory and intended on establishing a new master program that would provide some protection against a Takings claim under Endangered Species Act. During the same time the City was considering proceeding with the SMP update, there was discussion at the state level that the various groups who appealed the shoreline guidelines were willing to negotiate a settlement. In the summer of 2003, DOE issued new draft shoreline management guidelines for review. The new guidelines provide additional clarity for local governments and businesses and are simpler, by eliminating the two-path approach, than the 2000 version of the guidelines and they provide for private property protections. DOE adopted this new rule in December 2003.

The City began its review efforts in December 2002, by presenting the City of Monroe Planning Commission with a copy of the existing Shoreline Element of the City of Monroe Comprehensive Plan and Title 19 (Shoreline Management) of the Monroe Municipal Code. Between December 2002 and April 2007, the Planning Commission has held numerous public workshops to review proposed shoreline designations and a Shoreline Master Program template.

The City notified residents and property owners within the shoreline jurisdiction of the Shoreline Master Program update process and invited them to attend Planning Commission meetings and provide comment. In addition to the affected property owners, the City also notified parties of interest including the Tulalip Tribes of Washington, 1000 Friends of Washington, the Pilchuck Audubon Society, and The Stilly-Snohomish Fisheries Enhancement Task Force of the Shoreline Master Program update process. A public hearing before the Monroe Planning Commission on the Draft Shoreline Master Program was held on January 22, 2007, and continued to April 9, 2007. On May 14, 2007, the Planning Commission made its final recommendation to City Council to adopt the updated Shoreline Master Program. City Council held its first study session on the draft SMP on June 12, 2007. In June 2007, DOE determined that the Tye Stormwater Facility (TSF) must be regulated as a shoreline of the state. Accordingly, staff prepared additional analysis of TSF (Appendix C), notified the newly affected property owners, and held a combined public hearing/Planning Commission meeting on August 13, 2007. The revised draft SMP was then returned to City Council for additional consideration at an August 28, 2007 study session and a final public hearing. City Council adopted the SMP on October 23, 2007.

City staff sent the Draft Plan to the State Office of Community, Trade and Economic Development (CTED) and other state agencies on May 16, 2006, for the required 60-day review period. In a letter dated May 18, 2006, CTED indicated that it had received the document and requested that the final document be sent to CTED following adoption. The staff also sent the document to the DOE for their review and approval.

In March 2008 the Department of Ecology held a public hearing on the draft document in Monroe. Testimony in support of the document was provided by Robin Hansen, representing Cadman Inc. Ecology also received three letters of comment, one each from the Snohomish County Department of Public Works, Cadman, Inc. and Welcome Four. Responses to the letters of comment were provided by the City of Monroe to Ecology. The Washington Office of the Attorney General also reviewed the revised draft on behalf of Ecology. Further revisions to the shoreline designations map were made to reflect local information concerning the precise boundary of the 100-year floodplain and to remove from shoreline jurisdiction those parcels that are already fully developed within the floodplain, but are otherwise not required to be regulated under the SMA. Contingent on incorporation of minor required edits, the Department of Ecology approved the SMP on July 28, 2008. These changes and minor editorial revisions were finalized on August 13, 2008.

This 2008 Shoreline Master Program includes the following sections of this document:

- Chapter 1 – Introduction
- Chapter 2 – Environment Designation Provisions
- Chapter 3 – General Provisions
- Chapter 4 – Shoreline Modification Provisions

- Chapter 5 – Shoreline Use Provisions
- Chapter 6 – Administration Provisions
- Chapter 7 – Shoreline Restoration Plan
- Chapter 8 – Definitions

## Appendix A – Critical Areas Regulations

### 2. – Monroe Setting

Monroe is located in Snohomish County, approximately seventeen miles east of Everett and approximately seven miles north of the King/Snohomish County line, at the confluence of the Skykomish River and Woods Creek. The Skykomish River and Woods Creek are both designated as shorelines of the state (WAC 173-18-350 Snohomish County, Streams); the Skykomish River is also designated as a river of statewide significance. Both streams are fish bearing with native runs of chinook salmon and bull trout. The Tye Stormwater Facility is also regulated as a shoreline of the state as a lake exceeding 20 acres. See Figure 1 for a map of the City's regulated shorelines.

### 3. – Monroe Shoreline Jurisdiction

The City of Monroe's former shoreline boundary appeared to have been based partially on the floodway and partially on the floodplain as mapped by the Federal Emergency Management Agency (FEMA). As part of initial Shoreline Inventory development (Appendix B), the shoreline boundary associated with the Skykomish River and Woods Creek was re-evaluated and updated. As stated in RCW 90.58.030, the upland extent of shoreline jurisdiction "means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters...." The section goes on to say that local government "may determine that portion of a one hundred year flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom." The City has used its discretion to designate as regulated shoreline the larger of the FEMA mapped 100-year floodplain or those areas landward 200 feet from the ordinary high water mark along the Skykomish River and Woods Creek shorelines where the waterbody is continuous with the City limits, and associated wetlands. The floodplain projection is based on 2006 FEMA data. For the purposes of the Shoreline Master Program, the City has locally modified the shoreline boundary to exclude portions of the floodplain to correct for local topography and site-specific conditions not available to FEMA. The Snohomish River floodplain as it extends into the Fryelands area is not part of shoreline jurisdiction, nor is the Skykomish River floodplain area west of Cadman and east of Al Borlin Park. Finally, the optional inclusion of areas up to the 100-year floodplain into shoreline jurisdiction was not extended to cover fully developed parcels, including the City's Wastewater Treatment Plant.

The policies and regulations of this program shall apply to the waters of the Skykomish River, Woods Creek, and the Tye Stormwater Facility and adjacent "shorelands" within the Monroe City Limits. See the official Shoreline Environmental Designations Map for depiction of the area regulated by this Program. All shoreline jurisdiction boundaries depicted on the 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 at the project level to confirm the extent of shoreline jurisdiction shown on this map, particularly with respect to the actual location of the ordinary high water mark, the edges of wetlands, and the determination that a wetland is associated with a shoreline waterbody.

The Act further designates some shorelines as “shorelines of statewide significance”. The Skykomish River is designated as a “shorelines of statewide significance” within the City of Monroe.

Within City limits, the Tye Stormwater Facility and shorelands 200 feet from its ordinary high water mark are also regulated by this SMP. The majority of the Tye Stormwater Facility and its associated shorelands are in the 100-year floodplain of the Snohomish River.

## E. Document Organization

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

- Chapter 1. Introduction: provides background, purpose, legal authority, and identification of shoreline jurisdiction extent.

~~Chapter 2. Shoreline Goals: provides a set of shoreline goals developed with the community.~~

- Chapter 32. Shoreline Environment Designation Provisions: establishes a purpose and identifies designation criteria and management policies for specific areas within the shoreline jurisdiction.

- Chapter 43. General Provisions: provides general policies and regulations that apply broadly to uses and developments in all shoreline jurisdiction.

- Chapter 54. Shoreline Modification Provisions: establishes policies and regulations of shoreline modification activities and structures.

- Chapter 65. Shoreline Use Provisions: establishes policies and regulations of specific uses whenever they occur in shoreline jurisdiction.

- Chapter 76. Administrative Provisions: provides procedures and process for permit applications associated with shoreline development.

- Chapter 87. Definitions: provides definitions for terms used throughout this Program.



**PLACEHOLDER—Figure 1: Joint figure showing shoreline jurisdiction and environment designation**

As allowed by RCW 90.58.030, the City has chosen not to include in its Master Program critical area buffers lying outside shoreline jurisdiction. All shoreline jurisdiction boundaries depicted on Figure 1 are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation will be needed at the project level to confirm/verify information shown on this map, particularly with respect to the actual location of the ordinary high water mark, the edges of wetlands, and the determination that a wetland is associated with a shoreline waterbody.

Wetlands within the City of Monroe shoreline planning area are depicted on Figure 9 of the *Shoreline Master Program Inventory for the City of Monroe's Shorelines: Skykomish River and Woods Creek* (The Watershed Company 2002) and on the more recently updated Critical Areas map (City of Monroe 2004). Wetlands that are located within the floodplain of the Skykomish River, Snohomish River, and Woods Creek are also "associated." Wetlands located outside the 100-year floodplain may be associated. In order to determine if such wetlands do influence, or are influenced by, the Skykomish River, Snohomish River or Woods Creek, a site-specific determination must be made to determine if they should be included within shoreline jurisdiction.

There are additional floodplain areas within the City limits that are not contiguous with the shoreline waterbody: 1) portions of the Frylands are in the Snohomish River floodplain, 2) a small isolated section of the reformatory property west of Cadman is in the Skykomish River floodplain, and 3) Skykomish River floodplain area east of Al Berlin Park and north of SR 2. These shoreline areas within the City are separated from their respective waterbodies by Snohomish County jurisdiction. All areas are beyond 200 feet of the river's ordinary high water mark and are not designated as floodway; they are outside of the minimum area required to be designated as shoreline jurisdiction. Inclusion of these areas in the City's shoreline jurisdiction based on their occurrence in the floodplain would increase the regulatory burden on already developed areas and/or would not provide any meaningful protection to the waterbodies in question beyond that provided by the City's Critical Areas Regulations. In distant floodplain areas (and throughout the entire City), the primary potential affect of any development is limited to water quality and stormwater impacts which are regulated during and after construction by the City's stormwater manual (which is based on the latest Ecology stormwater manual) and after construction by individual property owner's land management practices that are not regulated by the SMP (such as car washing and herbicide applications).

The shoreline inventory information (Appendices B and C) provides the basis for designating the shoreline environments and management policies that will affect each part of the shoreline. Factors such as existing development patterns, biophysical capabilities and limitations, and the aspirations of the local citizenry all play a part in the shoreline environment designation categories selected. The management policies developed for each shoreline environment determine the uses and activities that can be permitted within each environment, and support the specific development standards that are also established. The City of Monroe has established seven (7) shoreline environments: Natural, Aquatic, High-Intensity, Urban Conservancy, Urban

~~Conservancy, Mining, Shoreline Residential, and Tye Stormwater Facility. These environments are discussed in Chapter 2: Environment Designations Provisions.~~

## E. How the Shoreline Master Program is Used

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The City of Monroe Shoreline Master Program is a planning document that outlines goals and policies for the shoreline of the City, and ~~it also~~ [guides future use and development by](#) establishing regulations for development occurring within the shoreline jurisdiction. The [overarching](#) goals and policies of the Shoreline Master Program are included in the Shoreline [and Natural Environment](#) Element of the City of Monroe Comprehensive Plan. The [core](#) development regulations [adopted in this Shoreline Master Program](#) are adopted in ~~Title 49~~ [Chapter 22.82](#) (Shoreline Management) ~~of~~ [within the Unified Development Code of](#) the Monroe Municipal Code.

In order to preserve and enhance the shorelines of the City of Monroe, 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 be consulted. The City Shoreline Administrator for the City of Monroe is the Community Development Director.

Some developments may be exempt from permits, while others may need to stay within established guidelines, or may require Substantial Development Permit and/or a Conditional Use Permit or Variance; **ALL** new development and uses must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program adopted by the City of Monroe and DOE.

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. Under the SMA, all shorelines of the state meeting the criteria established receive a given shoreline environmental designation. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment.

The Monroe Shoreline Master Program addresses a broad range of uses that could be proposed in the shoreline area. This thoroughness is intended to ensure that the Monroe 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 the aesthetic values of the shoreline that the community enjoys. The Shoreline Master Program provides the regulatory parameters within which development can occur, or it states that the community considers a certain type of use or activity is unacceptable within the City's shoreline jurisdiction, or it states that a use or activity may be considered when a discretionary permit is applied (such as a

Conditional Use Permit or shoreline Variance), but that the community should be able to ensure that the development is carried out in such a way that the public's interest protecting the shoreline is retained.

## 1. When Is a Permit Required?

The Shoreline Master Program regulates “development,” and further defines what is considered “substantial development” and would, therefore, require a Shoreline Substantial Development Permit (SSDP), unless the development/activity is exempt. Some development may require a Conditional Use Permit or a shoreline Variance from the provisions of the Master Program. 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(3d3a)).

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 effects 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 Conditional Use Permit or shoreline Variance from the Shoreline Master Program's provisions, although they do not meet the definition of a “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. 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 8: Definitions under “substantial development.”

Commented [PD(3)]: Was this section moved to ch. 7?

Commented [AB4R3]: Added Section E content back in per David's comment

## 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. The permitting process can be divided into three phases: pre-application, submittal, and review.

## 3. The Shoreline Permit Types

There are three types of permits: the Substantial Development Permit, the shoreline Conditional Use Permit, and the shoreline Variance permit. All of these permits use the same application form; however, they are processed slightly differently and have different criteria for approval.

Requests for a shoreline Substantial Development Permit, Variance, or a Conditional Use Permit require review by the City of Monroe Hearing Examiner (per Monroe Municipal Code, Chapter 21.20.050). There may be instances where a Conditional Use Permit or shoreline Variance may be approved without the need for a 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 applied for consistent with the criteria established in the Monroe Municipal Code Chapter 21.60 (Appeals). Requests for Conditional Use Permits and shoreline Variances require final approval by DOE. A description of shoreline application procedures and review criteria are discussed in Chapter 6, Administrative Provisions and in Title 19 of the Monroe Municipal Code.

A map of the shoreline jurisdiction and a description of the various shoreline designations are presented in Chapter 2 (Environment Designation Provisions).

## 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 Monroe Shoreline Master Program (SMP) must be mutually consistent with local plans and policy documents, specifically, the Monroe Comprehensive Plan and the City's Critical Areas Regulations (MMC Chapter 2022.0582, as adopted by Ordinance XXX), as incorporated into this Program herein (by reference Appendix A). The Monroe SMP must also be mutually consistent with the regulations developed by the City to implement its plans, such as including the zoning code, and subdivision regulations, and other development standards, as well as building construction and safety requirements. When there is a conflict, the most restrictive regulations, as determined by the City, should apply.

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

# Chapter 2: Shoreline Environment Designation Provisions

## A. Introduction

Seven environment designations have been adopted for the City’s shoreline areas: Aquatic, Natural, Urban Conservancy, ~~Urban Conservancy Mining~~, Shoreline Residential, High Intensity, and Tye Stormwater Facility. The criteria for assigning a specific designation to a particular section of shoreline are outlined in Ecology’s Shoreline Master Program Guidelines, WAC 173-26-211(5). The most important differences between the City’s proposed environment designations and the criteria provided in the WAC are the absence of a “Rural Residential” environment and the inclusion of ~~“Urban Conservancy Mining” and the~~ “Tye Stormwater Facility” environments. The reasons for ~~these~~ this differences ~~is~~ are that Monroe is an Urban Growth Area under GMA and therefore not appropriate for a “Rural Residential” designation, and there is a need for an environment that recognizes the specific characteristics of the ~~existing permitted aggregate extraction operations on the Skykomish River and the~~ created stormwater detention pond in Lake Tye Park.

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For each shoreline environment designation, a purpose, designation criteria, and general management policies are provided. Any area not explicitly assigned an environment designation shall be designated “Urban Conservancy.”

Figure 1 illustrates the shoreline designations, as described below.

Any area not explicitly assigned an environment designation shall be designated “Urban Conservancy.”

## B. Designations

### 1. “Natural” Environment

#### Purpose

The purpose of the “Natural” environment is to protect and restore those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low-intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes.

## Designation Criteria

~~A-The~~ “Natural” environment designation ~~will be~~is assigned to shoreline areas with ~~any at least~~one of the following characteristics:

- The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process ~~that would be damaged by human activity~~;
- The shoreline ~~is considered to represent~~s ecosystems and geologic types that are of particular scientific and educational interest;
- The shoreline is unable to support new development or uses without significant ecological impacts to ecological functions or risk to human safety;
- The shoreland is especially sensitive to human disturbance and important for the conservation and recovery of priority species;
- The shoreland is relatively far from human development and provides food or habitat for a priority, threatened, or endangered species; or
- The shoreland has unique recreational and scenic value that would be degraded by human development.

In the City of Monroe, the following areas are designated ~~as~~as “Natural”:

1. Lands within shoreline jurisdiction adjacent to, and west of, the “Aquatic” environment along Al Borlin Park, between the main channel of the Skykomish River and the side channel as it meanders over time;
2. Wetlands and forested upland habitat to the north, west and south of the Cadman ~~operations~~Site ~~a~~Area, located generally east of 177<sup>th</sup> Avenue SE, south of the Park Place Elementary school playing fields, and north of the “Aquatic” environment along the Skykomish River.

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2. ~~The boundary between the forested/wetland areas and the active mining site are established in Figure 2 of this SMP.~~

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~~Rationale: The highest quality, relatively intact, Category I wetlands and some areas of forested buffer located within shoreline jurisdiction were selected to receive the Natural designation. These areas fringe the active Cadman operation at the south end of the City (which will ultimately be transferred to the City for management as a park) and an area at the east end of Al Borlin Park. Both of these areas have high wildlife value, frequently interact with the Skykomish River, and have some level of current protection as they are designated as Parks/Open Space. The narrow Category I wetland fringe along Woods Creek and the narrow strips of Category I wetland through Al Borlin Park flanking railroad beds were not selected for designation as Natural because of their close proximity to residential, industrial, commercial, or active park development. The narrow, linear nature of these other Category I wetlands also reduces their wildlife value relative to the selected wetlands.~~

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## Management Policies

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1. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should be prohibited.
2. The following new uses should not be allowed in the “Natural” environment:
  - Commercial uses.
  - Industrial uses.
  - Non-water-oriented recreation.
  - Roads, utility corridors, and parking areas  
~~•s that can be located outside of “Natural” designated shorelines.~~
3. Single-family residential development is prohibited within the “Natural” environment.
4. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.
5. New development, subdivisions, or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. ~~The subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions should not be allowed. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions or to the vegetation necessary to maintain ecological functions.~~
6. Uses that are consumptive of physical, visual, and biological resources should be prohibited.
- ~~7. Physical alterations should only be considered when they serve to protect a significant, unique, or highly valued feature that might otherwise be degraded or destroyed or for public access where no significant ecological impacts would occur.~~
7. Uses and activities permitted in locations adjacent to shorelines designated “Natural” should be compatible and should ensure that the integrity of the “Natural” environment will not be compromised.
8. All allowed uses and developments should maintain or improve ecological functions and ecosystem-processes.

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## 2. “Aquatic” Environment

### Purpose

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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.



## Designation Criteria

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~~The~~ “Aquatic” environment designation ~~will be~~ assigned to shoreline areas waterward of the ordinary high water mark.

## Management Policies

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1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
2. The size of new in/over-water structures should be limited to the minimum necessary to support the structure’s intended use.
3. 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.
4. Provisions for the “Aquatic” environment should be directed towards maintaining and restoring habitat for priority aquatic species.
5. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- ~~6. Uses that adversely impact the ecological functions of critical aquatic habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence defined in Chapter 3, Section E.3.~~
- ~~7.6.~~ Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- ~~8.7.~~ In appropriate areas, where there is not unavoidable conflict with commercial navigation, fishing and recreational uses of the water should be protected against competing uses that would interfere with these activities.
- ~~9.8.~~ Development of underwater pipelines and cables in the aquatic environment should be discouraged except where adverse environmental impacts can be shown to be less than the impact of upland alternatives; when permitted, such facilities should include adequate provisions to ensure against substantial or irrevocable damage to the environment.
- ~~10.9.~~ Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or, if conforming with respect to use and location, restored to a usable condition consistent with the provision of this program.
- ~~11.10.~~ The above policies apply to the Aquatic environment associated with the Tye Stormwater Facility environment only as they are consistent with maintaining the primary purpose of the human-made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future developments within its catchment area. However, any loss of shoreline ecological functions must be mitigated.

### 3. “High Intensity” Environment

#### Purpose

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The purpose of the “High Intensity” environment is to accommodate high-intensity water-oriented and non-water-oriented commercial, transportation and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

#### Designation Criteria

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~~A~~ The “High Intensity” environment designation ~~will be~~ assigned to shoreline areas within ~~incorporated municipalities~~ the City that if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses as indicated on Figure 2 of this Program.

In the City of Monroe, the following areas are designated as “High Intensity”:

1. Lands within shoreline jurisdiction situated landward of the top of bluff as determined by the City on the west side of Woods Creek, between Charles Street and Simons Road;
2. Lands within shoreline jurisdiction in commercial development on the south side of Old Owen Road, west of Woods Creek and upstream of US-2; and
3. Rights-of-way of active transportation corridors, including SR 2, SR 203, 177<sup>th</sup> Avenue SE, Fryelands Boulevard, and the active Burlington Northern Santa Fe railroad lines.

~~3.4.~~ Lands within Skykomish River shoreline jurisdiction in ongoing industrial use generally located east of 177th Street SE and surrounded by City park and open space lands.

~~Rationale: Areas that currently support high intensity commercial, industrial or transportation uses were designated as High Intensity. These areas are also zoned Commercial, Light Industrial, or General Industrial. Except for road and railroad corridors, none of the areas designated as High Intensity abut the OHWM of Woods Creek, the Skykomish River, or the Tye Stormwater Facility.~~

#### Management Policies

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1. In regulating uses in the “High Intensity” environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. ~~Such specific situations should be identified in shoreline use analysis or special area planning.~~

~~If an analysis of water dependent use needs as described in WAC 173-26-201(3)(d)(ii) demonstrates the needs of existing and envisioned water dependent uses for the planning period are met, then provisions allowing for a mix of water dependent and nonwater dependent uses may be established. If those shoreline areas also provide ecological functions, apply standards to assure no net loss of those functions.~~

2. Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. ~~Reasonable long range projections of regional economic need should guide the amount of shoreline designated “high intensity.” However,~~ eConsideration should be given to the potential for displacement of non-water-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.
3. In order to make maximum use of available shorelines and to accommodate future uses, the redevelopment of shoreline areas with existing substandard or obsolete development should be encouraged.
4. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline ~~to comply with any relevant state and federal law.~~
5. The City will encourage conservation and/or restoration projects, such as conserving and enhancing riparian forest and vegetation or recreating off-channel habitat for salmonids.
- ~~5.6.~~ Where past mining operations have occurred within the “High Intensity” environment, restoration of ecological functions must be implemented as part of the reclamation process at the end of a mining operation.
- ~~6.7.~~ Where feasible, visual and physical public access should be required as provided for in the Public Access Element.
- ~~7.8.~~ Link, where practical, public access points with transportation routes such as bicycle and hiking paths.

## 4. “Urban Conservancy” Environment

### **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.

### **Designation Criteria**

An “Urban Conservancy” environment designation ~~will be~~ assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities or urban growth areas if any of the following characteristics apply:

- They are suitable for water-related or water-enjoyment uses;
- They are open space, floodplain or other sensitive areas that should not be more intensively developed;
- They have potential for ecological restoration;
- They retain important ecological functions, even though partially developed; or

- They have the potential for development that incorporates ecological restoration.

In the City of Monroe, the following areas are designated as “Urban Conservancy:”

1. Lands within shoreline jurisdiction along Woods Creek, upstream of US 2, with the exception of lands designated Shoreline Residential and High Intensity;
2. South of US 2, the entire shoreline of Woods Creek extending to the bottom of the bluff on the west side, and to the Skykomish River on the east side, with the exception of lands designated Natural upstream of the old railroad trestle, lands designated Shoreline Residential and High Intensity upland of the top of the bluff on the west side of Woods Creek, railroad and roadway lands designated High Intensity, and areas within shoreline jurisdiction designated Aquatic waterward of the Skykomish River OHWM;
3. West of the Skykomish River bridge, lands within shoreline jurisdiction lying generally south of the City’s wastewater treatment plant and encompassing the City’s Skykomish River Park (Sky River Park), [as well as areas lying east of 177<sup>th</sup> Street SE of Village Way and north of the Skykomish River \(City owned Cadman Site park and open space lands\) east of the Cadman mining operations area;](#)
4. Associated wetlands north of SR 2 and south and east of the Rivmont neighborhood, extending up an old side-channel of the Skykomish River; and
5. Lands between the western boundary of shoreline jurisdiction on the Reformatory property and 177<sup>th</sup> Avenue SE.

~~Rationale: Monroe’s shoreline parks (Al Borlin Park, Skykomish River Centennial Park, and Lewis Street Park) each meet at least three of the five designation criteria, and Al Borlin Park meets all five. They are zoned as Parks/Open Space, retain varying levels of ecological function, have high potential for restoration, and are not suitable for more intensive water dependent uses. The remaining areas selected for Urban Conservancy either have a moderate level of function as relatively undisturbed floodplain that has some development, but still retains ecological function (e.g., west side of Woods Creek upstream of SR 2), and/or are zoned for commercial or residential development and have other biological characteristics and a landscape position that make the more protective designation of Natural inappropriate.~~

### **Management Policies**

1. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
2. During development and redevelopment, all reasonable efforts should be taken to restore ecological functions. Where feasible, restoration and public access should be required of all non-water-dependent development.
3. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the “Urban Conservancy” designation.

These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

4. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
5. Water-oriented uses should be given priority over non-water-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

## 5. “Urban Conservancy—Mining” Environment

### Purpose

The purpose of the “Urban Conservancy—Mining” environment is to protect and restore ecological functions in settings where aggregate mining activities have historically been conducted and/or are currently being conducted under approved permits. All other uses allowed under the “Urban Conservancy” designation should be permitted within the “Urban Conservancy—Mining” designation, subject to the appropriate management policies under both designations.

### Designation Criteria

An “Urban Conservancy—Mining” environment designation will be assigned to shoreline areas appropriate and planned for continued aggregate mining activities, and that lie within the incorporated boundary of the City of Monroe or its urban growth area.

In the City of Monroe, the following areas are designated “Urban Conservancy—Mining”:

Lands within shoreline jurisdiction containing the area of existing mining operations as indicated on Figure 2 of this SMP, approved under Shoreline Substantial Development Permit, and described generally as lying east of 177<sup>th</sup> Street SE, south of Village Way, west of the City’s Skykomish River Park, and north of the Skykomish River.

### Management Policies

1. Restoration of ecological functions must be implemented as part of the reclamation process at the end of a mining operation.
2. Aggregate mining operations within the “Urban Conservancy—Mining” designation shall comply with established standards for shoreline stabilization, vegetation conservation, water quality, and shoreline modifications to ensure that new mining operations do not further degrade the shoreline and are consistent with an overall goal to improve ecological functions and habitat for priority species. See Chapter 5, Section E—Mining, Regulations 25–30 for regulations about reclamation.
3. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts mitigated.

Commented [AB5]: City Cadman Site (park / open space) moves to ‘Urban Conservancy’ environment, while remaining Cadman aggregate handling / processing facility moves to ‘High Intensity’ environment.

## 56. “Shoreline Residential” Environment

### Purpose

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The purpose of the “Shoreline Residential” environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

### Designation Criteria

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A “Shoreline Residential” environment designation ~~will be~~ assigned to shoreline areas that are predominantly single-family or multifamily residential development or are planned and platted for residential development.

In the City of Monroe, the following areas are designated “Shoreline Residential”:

1. Lands within shoreline jurisdiction on the three existing residential parcels east of Woods Creek and immediately south of Old Owen Road, generally north of the midpoint between US 2 and Old Owen Road, residential parcels extending up the creek, landward of the top of bank, south of Old Owen and Calhoun Roads;
2. Portions of residential parcels within shoreline jurisdiction along the top of the bluff west of Woods Creek, between Lewis Street and Charles Street; and
3. The area within shoreline jurisdiction of two residential parcels located between Old Owen Road and Calhoun Road, approximately five hundred (500) feet east of the intersection of the two roads.

~~RationaleNote: Areas zoned/planned for and areas containing single- or multifamily residential development were mapped as Shoreline Residential.~~ On the west side of Woods Creek, just upstream of Lewis Street Park, the residential parcels that extend to the creek were split into Shoreline Residential landward of the top of bank, and Urban Conservancy waterward of the top of bank.

### Management Policies

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1. Development should be permitted only in those shoreline areas where adequate setbacks or buffers are possible to protect ecological functions; there are adequate access, water, sewage disposal, utilities systems, and public services available; and where the environment can support the proposed use in a manner which protects or restores the ecological functions.
2. Standards for ~~density or minimum frontage width,~~ shoreline setbacks ~~and/or buffers,~~ lot coverage ~~limitations, buffers,~~ shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
3. Multi-family and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.

4. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
5. Commercial development should be limited to water-oriented uses.
6. Water-oriented recreational uses should be allowed, where impacts to ecological functions and residential properties can be prevented.

## **67. “Tye Stormwater Facility” Environment**

### **Purpose**

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The purpose of the “Tye Stormwater Facility” environment is to encourage and enhance recreational uses, public access, and appropriate development while accomplishing the water body’s primary function: storing and treating storm water runoff from nearby lands. [The purposed of this environment is additionally to facilitate efficient shoreline approvals for appropriate and planned upland park improvements.](#)

### **Designation Criteria**

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A “Tye Stormwater Facility” environment designation will be assigned to shoreline areas if they are human-made stormwater detention facilities with recreational and/or public access opportunities.

In the City of Monroe, the following areas are designated “Tye Stormwater Facility:”

1. Lands within shoreline jurisdiction (200 feet from the ordinary high water mark) surrounding “Lake Tye,” located south of State Route 2, with the exception of the Fryelands Boulevard right-of-way designated High Intensity.

Rationale: “Lake Tye” is a human-made stormwater detention pond, originally excavated to provide fill to elevate the Fryelands development above the 100-year floodplain. Since its construction in the early 1990s, a walking path, swimming beach, informal gravel boat launch, skateboard park, and commercial development have been installed around the pond. The development houses water-enjoyment uses as well as non-water-oriented uses. The area is planned for an additional commercial development. Additional parcels partially within shoreline jurisdiction house light industrial uses.

### **Management Policies**

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1. In regulating uses in the “Tye Stormwater Facility” environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses may also be allowed.
2. Policies and regulations shall assure no net loss of shoreline ecological functions relevant to the facility’s primary purpose of holding and treating stormwater as a result of new development. Any loss of ecological functions as a result of maintaining the facility’s primary purpose, expanding and improving recreational and public access uses, or constructing new developments shall be mitigated.

3. The City will encourage conservation and/or restoration projects, such as conserving and enhancing shoreline vegetation.
4. The City will encourage water-oriented recreational activities, such as swimming, angling, strolling, and small, non-motorized and electric motor boating.
5. Where feasible, visual and/or physical public access should be required.

Normal and routine maintenance activities for all existing public recreation and utility uses and structures within the Tye Stormwater Facility environment do not qualify as development and shall not require a shoreline substantial development permit or shoreline conditional use permit.

## C. Shoreline Use and Modification Matrix

The following [matrixes-matrix](#) indicates the allowable uses and shoreline modifications and some of the standards applicable to those uses and modifications. Where there is a conflict between the chart and the written provisions in Chapters 3, 4, or 5 of this [Shoreline Master Program](#), the written provisions shall apply.

Any use, development or substantial development not classified elsewhere in this [Shoreline Master Program](#) or listed below shall require a Conditional Use Permit (CUP).

The chart is coded according to the following legend.

- 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

|   | Natural        | High Intensity | Urban Conservancy             | Shoreline Residential | Tye Stormwater Facility | Aquatic <sup>1</sup> |
|---|----------------|----------------|-------------------------------|-----------------------|-------------------------|----------------------|
| <b>SHORELINE USE</b>  |                |                |                               |                       |                         |                      |
| Agriculture   | X              | X              | X                             | X                     | X                       | X                    |
| Aquaculture   | X              | X              | X                             | X                     | X                       | X                    |
| Boating facilities ( <a href="#">see notes and Chapter 5, Section F</a> ) | X              | X              | X <sup>6</sup> C <sup>5</sup> | X                     | P <sup>9</sup>          | P                    |
| <b>Commercial:</b>  |                |                |                               |                       |                         |                      |
| Water-dependent   | X              | P              | C                             | X                     | P                       | X                    |
| Water-related, water-enjoyment  | X              | P              | C                             | X                     | P                       | X                    |
| Non-water-oriented  | X              | C              | X                             | X                     | P                       | X                    |
| Flood hazard management   | C <sup>4</sup> | P              | P                             | P                     | P                       | X                    |

**Commented [AB6]:** Updated to provide additional opportunity for 'hand launch / portage access' associated with Cadman Site Park Master Plan... see footnote 6 below



The chart is coded according to the following legend.

- 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

|                                    | Natural | High Intensity | Urban Conservancy | Shoreline Residential | Type Stormwater Facility | Aquatic <sup>1</sup> |
|------------------------------------|---------|----------------|-------------------|-----------------------|--------------------------|----------------------|
| Forest practices <sup>7</sup>      | X       | P              | P                 | P                     | P                        | X                    |
| In-stream structures               | X       | C              | C                 | C                     | C                        | C                    |
| Industrial:                        |         |                |                   |                       |                          |                      |
| Water-dependent                    | X       | P              | X                 | X                     | X                        | X                    |
| Water-related, water-enjoyment     | X       | P              | X                 | X                     | X                        | X                    |
| Non-water-oriented                 | X       | C <sup>5</sup> | X                 | X                     | P                        | X                    |
| Mining                             | X       | X              | X                 | X                     | X                        | X                    |
| Parking (accessory)                | X       | P              | P                 | P                     | P                        | X                    |
| Parking (primary, including paid)  | X       | X              | X                 | X                     | X                        | X                    |
| Recreation:                        |         |                |                   |                       |                          |                      |
| Water-dependent                    | C       | P              | P                 | P                     | P                        | C                    |
| Water-related, water-enjoyment     | C       | P              | P                 | P                     | P                        | C                    |
| Non-water-oriented                 | X       | C              | C <sup>2</sup>    | C                     | P                        | X                    |
| Single-family residential          | X       | X              | X                 | P                     | X                        | X                    |
| Multifamily residential            | X       | P              | X                 | P                     | X                        | X                    |
| Land division (See Section 6.B.7.) | X       | P              | X                 | P                     | P                        | X                    |
| Signs:                             |         |                |                   |                       |                          |                      |
| On premises                        | X       | P              | X                 | X                     | P                        | X                    |
| Off premises                       | X       | X              | X                 | X                     | P                        | X                    |
| Public, highway                    | P       | P              | P                 | X                     | P                        | X                    |
| Solid waste disposal               | X       | X              | X                 | X                     | X                        | X                    |

The chart is coded according to the following legend.

- 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

|                                       | Natural        | High Intensity | Urban Conservancy | Shoreline Residential | Tye Stormwater Facility | Aquatic <sup>1</sup>            |
|---------------------------------------|----------------|----------------|-------------------|-----------------------|-------------------------|---------------------------------|
| <b>Transportation:</b>                |                |                |                   |                       |                         |                                 |
| Water-dependent                       | X              | P              | P                 | P                     | P                       | C                               |
| Non-water-oriented                    | X              | P <sup>3</sup> | C <sup>3</sup>    | C <sup>3</sup>        | P                       | C                               |
| Roads, railroads                      | X              | P <sup>3</sup> | C <sup>3</sup>    | P <sup>3</sup>        | P                       | C                               |
| Utilities (primary)                   | X              | P <sup>3</sup> | C <sup>3</sup>    | P <sup>3</sup>        | P                       | C                               |
| <b>SHORELINE MODIFICATIONS</b>        |                |                |                   |                       |                         |                                 |
| <b>Shoreline stabilization:</b>       |                |                |                   |                       |                         |                                 |
| Beach restoration/enhancement         | C <sup>4</sup> | P              | P <sup>4</sup>    | P                     | P                       | See adjacent upland environment |
| Bioengineering                        | C <sup>4</sup> | P              | P <sup>4</sup>    | P                     | P                       |                                 |
| Revetments                            | X              | C <sup>4</sup> | C <sup>4</sup>    | C <sup>4</sup>        | C                       |                                 |
| Bulkheads                             | X              | C <sup>4</sup> | C <sup>4</sup>    | C <sup>4</sup>        | C                       |                                 |
| Breakwaters/jetties/rock weirs/groins | X              | X              | X                 | X                     | X                       |                                 |
| Dikes, levees                         | X              | X              | X                 | X                     | P                       |                                 |
| Dredging                              | X              | X              | X                 | X                     | P <sup>10</sup>         |                                 |
| Hazardous waste cleanup <sup>8</sup>  | P              | P              | P                 | P                     | P                       |                                 |
| Fill                                  | X              | X              | X                 | X                     | P                       |                                 |
| Piers, docks                          | X              | X              | X                 | X                     | X <sup>11</sup>         |                                 |

**Notes to Matrix:**

1. The use or shoreline modification may be allowed in the Aquatic Environment if, and only if, permitted in the adjacent upland environment.
2. Public access, as approved by the City, is a condition of non-water-dependent development on properties with shoreline waterbody frontage.
3. The use may be allowed provided there is no other feasible route or location.
4. The shoreline modification may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions.
5. [Within the "Cadman Sky River" industrial property in the High Intensity environment of the Skykomish River,](#) continued aggregate washing, crushing and screening, and continued concrete batching facilities or concrete ready-mix facilities are permitted, together with accessory uses such as truck scales, office trailers, maintenance shops, equipment sheds, aggregate depots, and facilities for fueling equipment, provided that these facilities and activities are not expanded. See Section 5.E. Mining for conditions.
6. The existing boat launch at the Washington State Department of Fish and Wildlife Lewis Street Access Site may be modified and improved consistent with state and federal regulatory agency permits that must be obtained prior to Conditional Use Permit approval. [New hand launch](#)

**Commented [AB7]:** City to verify what is still ongoing / allowed at the Cadman Sky River location

facilities may be provided within the Cadman Site park area to provide access for kayaks, canoes, and similar non-motorized and hand launched watercraft along the Cadman Site pond and to adjacent Skykomish River shoreline. Improvements for any hand launch facilities must be consistent with state and federal regulatory agency permits which must be obtained prior to Conditional Use Permit approval. No other new boating facilities are allowed in the Urban Conservancy environment.

7. All forest practices subject to the Washington State Forest Practices Act (Title 222 WAC; Chapters 76.09 and 76.13 RCW) must conform to the provisions of that Act, this ~~Shoreline Master Program~~, and any other applicable City requirements. See Section 3.L Vegetation Conservation of this Master Program and Appendix A-Critical Areas Regulations (MMC Chapter 20.05) of this Master Program for other conditions.
8. Any cleanup activities must be coordinated with approval and oversight by the Department of Ecology, or conducted under Ecology's Voluntary Cleanup Program.
9. New boating facilities may be constructed to provide improved access for non-motorized and small electric boats ( $\leq 1.5$  hp). All facilities, including boat launches or piers and docks, will be designed in consultation with Washington Department of Fish and Wildlife. No facilities will be constructed to provide long-term moorage.
10. Dredging may only be conducted as necessary to maintain the stormwater detention function of the pond. Dredging must be conducted in a way that minimizes impacts to ecological functions and any impacts must be mitigated.
11. The prohibition on piers and docks does not apply to public recreational facilities, which are addressed under Boating Facilities.
- ~~12. The only new boating facility that may be permitted in the Urban Conservancy—Mining environment is a boat launch. A new boat launch or future improvements to a boat launch will be designed in consultation with Washington Department of Fish and Wildlife.~~

**Commented [AB8]:** See revisions to Note 6 above, which is intended to cover potential future plans for hand launch access within Cadman Site park area

# D. Site Development Standards

Commented [AB9]: Recommendation is to maintain this section; however remove side yard setback standards and minimum shoreline frontage standards (relying on MMC)

| Shoreline Environment  | Natural/ Urban Conservancy/ UC--Mining          |   | Tye Stormwater Facility                          |  |  |  | Shoreline Residential                                     |   |
|--|---|---|--|--|--|--|---|---|
|  | HI  |   | High Intensity                                   |  |  |  | UC  |   |
|  | LOS   | PS  | SC   | LI   | GC   | GI   | UR  | MR  |
| Setback/ buffer from the OHWM  | 200 ft <sup>b</sup>                             | 200 ft <sup>b, c</sup>                    | 25 ft  | 200 ft <sup>b, c</sup>                           | 200 ft <sup>b</sup>                              | 200 ft <sup>b</sup>                              | 200 ft <sup>b</sup>                                       | 200 ft <sup>b</sup>                                       |
| Height of Building <sup>d</sup>                                      | 35 ft   | 35 ft                                     | 35 ft  | 35 ft  | 35 ft  | 50 ft  | 35 ft   | 35 ft   |
| Maximum lot coverage, as a percentage of total lot area <sup>e</sup> | 10%   | Same as the closest most restrictive zone | None <sup>f</sup>                                | 75%  | None <sup>f</sup>                                | 75%  | 50%   | 60%   |
| Side-yard setbacks from the property line                            | 25 ft   | Same as the closest most restrictive zone | Based on the IBC/ IFC <sup>g</sup>               | Based on the IBC/ IFC                            | Based on the IBC/ IFC <sup>g</sup>               | Based on the IBC/ IFC <sup>g</sup>               | 5 ft for single-story, and 2 ft for each additional story | 5 ft for single-story, and 2 ft for each additional story |
| Rear yard setbacks from the property line                            | 25 ft   | Same as the closest most restrictive zone | Based on the IBC/ IFC <sup>g</sup>               | Based on the IBC/ IFC <sup>g</sup>               | Based on the IBC/ IFC <sup>g</sup>               | Based on the IBC/ IFC <sup>g</sup>               | 5 ft for single-story, and 2 ft for each additional story | 5 ft  |
| Front-yard setbacks from the property line                           | 50 ft from an arterial 25 ft from other streets | Same as the closest most restrictive zone | 25 ft from arterial 20 ft from all other streets | 25 ft from arterial 20 ft from all other streets | 25 ft from arterial 20 ft from all other streets | 25 ft from arterial 20 ft from all other streets | 40 ft living portion 20 ft garage                         | 20 ft from all street rights-of-way                       |
| Minimum shoreline frontage <sup>h</sup>                              | 50 ft   | 50 ft                                     | 50 ft  | 50 ft  | 50 ft  | 50 ft  | 75 ft   | 50 ft   |

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**Notes:**

- Land Use Zone Key: LOS=limited open space, PS=Public Open Space, SC=Service Commercial, LI=Light Industrial, GC=General Commercial, GI=General Industrial, UR=Urban Residential, MR=Multifamily Residential
- Setback/buffer reduction shall require approval of a shoreline Variance. See Critical Areas Regulations (MMC Chapter 20.05) adopted by as part of this Shoreline Master reference Program in Appendix A for information regarding criteria and standards for setback/buffer reduction.
- In the Tye Stormwater Facility environment designation, the OHWM setback/buffer is 25 feet.

Commented [AB18]: Added in new Reg in Chpt 3, B.2 to cover this... City to verify

- d. "Height of building" means the vertical distance from the finished average grade level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the average height level between the eaves and ridge for a gable, hip or gambrel roof.
- e. As defined in MMC 18.02.220, "Maximum Lot coverage" means the total impervious area to be covered by buildings, driveways, parking areas, sidewalks, pools, and similar impervious surface areas."
- f. No established maximum lot coverage, except as required by the landscape and parking district requirements found in the Monroe Municipal Code.
- g. IBC and IFC refer to International Building Code and International Fire Code.
- ~~h. Only applies when parcel abuts the shoreline waterbody.~~
- h. Proposals that include structures taller than 35 feet must submit a view analysis based on the definition for "height" found in WAC 173-27-030(9).
- i. Only applies to ongoing industrial use at Cadman Sky River property within Skykomish River shoreline jurisdiction to the east of 177<sup>th</sup> Avenue SE and otherwise surrounded by City owned park / open space lands.

# Chapter 3: General Provisions

## A. Introduction

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General policies and regulations are applicable to all uses and activities (regardless of Shoreline Master Program environment designation) that may occur along a jurisdiction's shorelines.

This chapter is broken up into different topic headings and is arranged alphabetically. Each topic begins with a discussion of background master program issues and considerations, followed by ~~an applicability statement~~, 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. General

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### 1.—Applicability

~~The following regulations describe the requirements for all shoreline uses and modifications in all environment designation.~~

### 12.—Policies

1. The City will 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, 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 evaluation 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 will keep records of all project review actions within shoreline jurisdiction, including shoreline permits, letters of exemption, and building permits.

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3. Where appropriate, the City will pursue the policies of this ~~Shoreline Master~~ Program 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 storm water 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. Involve affected federal, state, and tribal governments in the review process of shoreline applications.

## **2.3-Regulations**

1. All proposed uses and developments, including those that do not require a shoreline permit, occurring within shoreline jurisdiction, must conform to Chapter 90.58 RCW Shoreline Management Act and this ~~Shoreline Master~~ Program.
2. Shoreline uses ~~and~~, modifications~~s~~, and conditions listed as “prohibited” shall not be eligible for consideration as a shoreline Variance or shoreline Conditional Use Permit.
3. The “policies” listed in this ~~Shoreline Master~~ Program will provide broad guidance and direction and will be used by the City in applying the “regulations.”
4. Where provisions of this ~~Shoreline Master~~ Program conflict, the provisions most directly implementing the objectives of the Shoreline Management Act, as determined by the City, shall apply unless specifically stated otherwise.
5. All uses and development shall result in no net loss of ecological functions to the greatest extent feasible.
6. All newly created lots with shoreline frontage shall provide a minimum shoreline frontage width of 50 feet.

# **C. Archaeological and Historic Resources**

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## **1. Policies**

### **1. 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~~

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~~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 (Archeological excavation and removal permit) as well as the provisions of this chapter.~~

## ~~2. Policies~~

~~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.~~

- ~~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.~~

## ~~2.3. Regulations~~

- ~~1. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Resources) and shall comply with WAC 25-48 as well as the provisions of this ~~Shoreline~~ Master Program.~~
- ~~2. The City shall notify the Tulalip Tribes upon receipt of application for work in shoreline areas. The property owner shall allow the Tulalip Tribes to examine the site at a mutually agreed upon time.~~
- ~~3. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City, affected tribes and the Washington State Office of Archaeology if any phenomena of possible archaeological interest are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged.~~
- ~~4. 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 Native American 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.~~
- ~~5. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. Significant archaeological and historic resources shall be handled in conformance with the federal Native American Graves Protection and Repatriation Act. When the City determines that a site has significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued for activities which would pose a threat to the site. The City may require that development~~

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be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

6. 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.
7. Archaeological excavations may be permitted subject to [Chapter 25-48 WAC \(Archeological excavation and removal permit\)](#) and the provisions of this program.
8. Identified historical or archaeological resources shall be considered in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
9. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

## D. Critical Areas

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### 1. Policies

#### 1. Applicability

~~The following policies and regulations must be considered when making decisions affecting critical areas within Monroe's shoreline jurisdiction. In addition, specific policies and regulations are provided in Chapter 4, Shoreline Modification Provisions. This Shoreline Master Program adopts all regulations for critical areas as adopted by Ordinance 019/2003 in Monroe Municipal Code Chapter 20.05, except for the following:~~

- ~~• 20.05.050(B), Exemptions.~~
- ~~• 20.05.050(C), Exceptions.~~
- ~~• 20.05.055, Nonconforming uses.~~
- ~~• 20.05.080(A1), public agency and utility and reasonable use exception language.~~

~~Appendix A contains the adopted Critical Areas Regulations.~~

~~Critical areas are those lands especially vulnerable to development because of fragile biophysical characteristics and/or important resource values. The Growth Management Act (RCW 36.70A) defines critical areas as the following ecosystems:~~

- ~~• Critical aquifer recharge areas,~~
- ~~• Fish and wildlife conservation areas,~~

- ~~Frequently flooded areas,~~
- ~~Geologically hazardous areas, and~~
- ~~Wetlands.~~

## ~~21.~~ **Policies**

~~2. The City should preserve, enhance, and/or protect critical areas in shoreline jurisdiction for their ecological functions and values, as well as their aesthetic, scenic, and educational qualities.~~

~~2.3~~ Unique, rare, and fragile and manmade features as well as scenic vistas, ~~and wildlife habitats~~ should be preserved and protected.

~~3. The diversity of aquatic life, wildlife, and habitat within the shoreline should be enhanced.~~

4. Conserve and maintain designated open spaces for ecological reasons and for educational and recreational purposes.

5. Recognize that the interest and concern of the public is essential to the improvement of the environment and sponsor and support public information programs to that end.

~~6. The level of public access should be appropriate to the degree of uniqueness or fragility of the geological and biological characteristics of the shoreline (e.g., wetlands, spawning areas).~~

~~7.6~~ Intensive development of shoreline areas that are identified as hazardous or environmentally sensitive to development should be discouraged.

## **2. Regulations**

### ~~32.~~ **Regulations**

~~In September 2003, the City of Monroe adopted critical areas regulations in compliance with the Growth Management Act (GMA), and using the best available science. The City of Monroe Critical Areas Regulations (~~Appendix A~~), as adopted by Ordinance xxx (PENDING) and codified in MMC Monroe Municipal Code 20.0522.80 (Critical Areas Regulations), are herein incorporated into this Program except for the following. ~~are incorporated into the Shoreline Master Program:~~~~

- ~~220,8005.050(B), Exemptions.~~
- ~~220,8005.050(C), Exceptions, including public agency and utility exception (subsection C.1) and reasonable use exception (subsection C.2), and innovative development design (subsection C.3).~~
- ~~220,8005.06055, Nonconforming uses.~~
  - ~~20.05.080(A1), public agency and utility and reasonable use exception language.~~

~~The Critical Areas Regulations as adopted in this SMP are included in Appendix A. In the event of a contradiction between this SMP and the Critical Areas Regulations in Appendix A (MMC~~

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~~220.8005~~, the provision more protective of the environment shall apply, as determined by the City.

~~Section MMC 20.0522.80.090 (Stream Development Standards) of the Critical Areas Regulations as adopted in Appendix A~~ requires a minimum buffer of two hundred (200) feet from Type 1 streams. The Skykomish River and Woods Creek are both classified as Type 1 streams. ~~The Critical Areas Regulations MMC 20.0522.80~~ also include provisions for increasing the stream buffer as necessary to protect streams when either the stream is particularly sensitive to disturbances or the development poses unusual impacts.

~~The Critical Areas Regulations also have minimum buffer requirements and development standards for the various wetlands within the City of Monroe. The Shoreline Inventory (Appendix B), completed by The Watershed Company in 2002, found that the majority of wetlands within shoreline jurisdiction are Category I, Category II, and Category III, based on the Washington State Department of Ecology Wetland Typing System.~~

~~In~~ accordance with statute, wetlands associated with waters of the state fall within Shoreline Management Act jurisdiction. ~~Critical areas whose buffers otherwise fall~~ Buffer areas of wetlands and other critical areas that extend outside of the boundary of shoreline jurisdiction are regulated under the City of Monroe Critical Areas Ordinance (MMC 20.05). Activities occurring in these buffer areas would not require Shoreline Master Program review, and exceptions listed above shall not apply. ~~and not under the version adopted as part of this Shoreline Master Program (Appendix A).~~

Commented [PD(21)]: Why remove this section? I don't see new equivalent language.

Commented [AB22R21]: Added back in

~~Note:~~ Allowances for Tye Stormwater Facility fringe wetlands. Wetlands that have developed around the edges of the Tye Stormwater Facility must be delineated and protected as outlined in ~~Appendix A MMC 220.8005~~. However, the buffer from any Tye Stormwater Facility-fringe wetland ~~will~~ shall only extend to the waterward edge of paved roads or gravel parking areas greater than 50 feet in width. Water-dependent uses, such as docks, may be permitted in wetlands that have developed adjacent to the Tye Stormwater Facility, provided that any impacts are mitigated.

In addition to the Critical Areas Regulations, the City has adopted flood hazard area regulations, Monroe Municipal Code 14.01, which are administered by the City engineer. In accordance with WAC 173-26-221(3)(c), new structural flood hazard reduction measures should be allowed “only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts to ecological function and priority species and habitat can be successfully mitigated so as to assure no net loss and that appropriate vegetation conservation actions are undertaken.”

## E. Environmental Impacts

### 1. Applicability

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

## **1. Policies**

### **1.21. Policies**

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

- ~~1. In implementing this Shoreline Master Program,~~ The City will take necessary steps to ensure compliance with ~~Chapter 43.21~~ RCW 43.21c, the Washington State Environmental Policy Act of 1974, 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, according to the sequence described under regulation number 4 of this section.
3. ~~It is the policy of~~ The City of Monroe ~~to~~ will achieve “no net loss” of ecological functions consistent with WAC 173-26-201(2)(c).

## **23. Regulations**

1. All project proposals within shoreline jurisdiction, including those for which a shoreline permit is not required, shall comply with ~~Chapter 43.21e~~ RCW 43.21c, the Washington State Environmental Policy Act.
2. Projects that cause significant ecological impacts, as defined in Chapter 8 (Definitions), are not allowed unless mitigated, according to the sequence in Item 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 Item 4 below.
4. 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 and taking appropriate corrective measures.

5. The City will set mitigation requirements or permit conditions based on impacts identified. In determining appropriate mitigation measures, avoidance of impacts by means such as relocating or redesigning the proposed development will be applied first. Lower priority measures will be applied only after higher priority measures are demonstrated to be not feasible or not applicable. When critical areas are impacted, mitigation will be designed consistent with the Critical Areas Regulations, MMC 20.05, as adapted as part of this ~~Shoreline Master Program and included in Appendix A.~~

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

~~8.7.~~ Application of the mitigation sequence shall achieve no net loss of ecological functions for each new development and will not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

~~9.8.~~ When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

## F. Riparian Corridor Management and Flood Hazard Reduction

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### 1. Applicability

#### 1. Policies

~~The provisions in this section apply to those areas within shoreline jurisdiction lying along riparian corridors, including rivers, streams, associated wetlands in the floodplain, and river deltas. The 100-year floodplain includes channel migration zones (CMZ) and floodways (see Figure 8 of the Shoreline Master Program Inventory for the City of Monroe's Shorelines: Skykomish River and Woods Creek [(The Watershed Company 2002) [Appendix B] and Figure 9 of the Tye Stormwater Facility Addendum [Appendix C]).~~

~~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.~~

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~~2. Protecting and contributing to the restoration of ecosystem-wide processes and ecological functions found in the applicable watershed or sub-basin, and~~

~~In addition to the critical areas regulations, the City has adopted flood hazard area regulations, Monroe Municipal Code 14.01, which are administered by the City Engineer and are not adopted as part of this SMP. In accordance with WAC 173-26-221(3)(c), new structural flood hazard reduction measures should be allowed “only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts to ecological function and priority species and habitat can be successfully mitigated so as to assure no net loss and that appropriate vegetation conservation actions are undertaken.”~~

## ~~21. Policies~~

~~The following policies apply to those areas within shoreline jurisdiction lying along riparian corridors, including rivers, streams, associated wetlands in the floodplain, and river deltas. The and the -100-year floodplain, which includes channel migration zones (CMZ) and floodways (see Figure 8 of the *Shoreline Master Program Inventory for the City of Monroe’s Shorelines: Skykomish River and Woods Creek* [The Watershed Company 2002] [Appendix B] and Figure 9 of the *Tye Stormwater Facility Addendum* [Appendix C]).~~

1. The City will implement a comprehensive program to manage the City’s riparian corridors that integrates the following City ordinances and activities:
  - a. Regulations in this ~~Shoreline Master~~ Program.
  - b. The City’s Critical Areas Regulations ~~(as revised in Appendix A)~~.
  - c. The City’s zoning ordinance.
  - d. The City’s stormwater management plan and implementing regulations.
  - e. The City’s participation in flood hazard reduction programs, including the Federal Emergency Management Act and the Washington State Flood Control Assistance Account Program.
  - f. The construction or improvement of new public facilities, including roads, dikes, utilities, bridges, and other structures.
  - g. The ecological restoration of selected shoreline areas.
2. In regulating development on shorelines within SMA jurisdiction. The City will 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.

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- e. Protection of existing legal uses and legal 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.
  - f. Protection of recreation resources and aesthetic values, such as point and channel bars, islands, and other shore features and scenery.
3. The City will 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. 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 will give preference to and use non-structural 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.
  5. The City will discourage substantial stream channel modification, realignment, and straightening, and gravel removal as a means of flood protection.
  6. 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.
  7. In designing publicly financed or subsidized works, the City will give consideration to providing public pedestrian access to the shoreline for low-impact outdoor recreation.
  8. The City will protect wetlands to maintain their 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.
  9. 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).

10. 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.
11. The City will encourage uses that are less likely to be damaged by flooding in undeveloped floodplains. These uses include parks, open space, overflow parking, and recreational uses that do not require substantial buildings. These uses should be encouraged only if done in a manner that protects or restores ecological processes and functions.

## 23. 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 items (a) through (e) below in addition to the provisions of this [Shoreline Master Program](#). In cases of inconsistency, the provisions most protective of shoreline ecological functions and processes shall apply:
  - a. The City's comprehensive flood hazard reduction plan.
  - b. The applicable provisions of the City floodplain regulations adopted under Chapter 86.16 RCW.
  - c. A State-approved comprehensive flood control management plan, when available, and in accordance with Chapter 86.16 RCW and the National Flood Insurance Program.
  - d. The City stormwater management program.
  - e. Conditions of Hydraulic Project Approval, issued by Washington Department of Fish and Wildlife, may be incorporated into permits issued for flood protection.
3. New development, including significant vegetation removal and shoreline stabilization, is not allowed within the CMZ except for:
  - a. Protection and restoration actions that increase the ecosystem-wide processes or ecological functions.



- b. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists. Where such structures are allowed, mitigation shall be required that protects or restores impacted functions and processes in the affected portion of the watershed.
  - c. Repair and maintenance of an existing legal structure, provided that such actions do not create significant ecological impacts.
  - d. Development on a previously altered site where it is demonstrated that the development restores ecological processes and functions of the applicable portion of the watershed to a more natural condition.
  - e. Modifications or additions to an existing legal development, provided that channel migration is not further limited and that the new development includes appropriate ecological restoration. The City will set requirements based on the type of proposed use and the biophysical condition of the site. In this case, the new development must not adversely affect hydrological conditions and must include appropriate restoration measures as determined by the City.
  - f. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphologic processes normally acting in natural conditions, and that the measure increases habitat for priority species associated with the river or stream. It is the intent of this provision to allow measures that protect property at the same time as restoring ecosystem-wide processes and functions where scientific and technical information demonstrate that this may be accomplished.
4. The City shall determine whether or not the previous exceptions apply to the development proposal in question. The City may require the project proponent to submit documentation or analysis based on scientific and technical information demonstrating that the development proposal meets the exception criteria (a) through (f) above. Further, such exceptions will be allowed only where it can be shown that these activities, along with mitigation measures associated with the development, will not increase flood elevations, decrease storage capacity, or restrict the natural erosion and accretion processes associated with channel migration.
  5. Significant ecological impacts of all development in the CMZ and structural hazard reduction measures shall be mitigated according to the priorities listed under “mitigation,” Chapter 3, Section E.
  6. Otherwise allowed development in the CMZ 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 CMZ, the City will require that the construction method with the least negative significant ecological impacts be used.
  7. Existing hydrological connections into and between water bodies, such as streams, tributaries, wetlands, and dry channels, shall be maintained. Where feasible, obstructed channels shall be re-established as a condition of non-water-dependent uses, development in the CMZ, and structural flood hazard reduction measures.

8. Re-establishment of native vegetation waterward of a new structure is required where feasible. The City may require re-establishment of vegetation landward of the structure if it determines such vegetation is necessary to protect and restore ecological functions.
9. 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.
10. 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 the Public Access section.
11. Refer to the use, shoreline modification and development standards table in Chapter 2 for allowable uses and modification and development standards such as setbacks and clearing and grading within each environment designation.
12. All shoreline development must conform to the General Provisions and the Environment Designation Provisions stated in this ~~Shoreline Master~~ Program. See also provisions for vegetation conservation and shoreline stabilization.
13. Residential, commercial, and industrial uses that may be damaged by flooding are prohibited in 100-year floodplains. In determining whether a use may be damaged, the local government should consider its location, its design, the extent to which development has occurred in the floodplain, and whether access will be available to the use during flood events.
14. Hospitals, health care facilities, nursing homes, and retirement homes are prohibited within 100-year floodplains.
15. Residential, commercial, and industrial subdivisions and short subdivisions shall be designed so that each lot will have a building site outside the 100-year floodplain. The subdivision's internal street system should be laid out to provide access to each lot that is passable by passenger car during a 100-year flood event.
16. 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.
17. Removal of gravel for flood management purposes must be consistent with an adopted flood hazard reduction plan and with this Chapter and be allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

## **G. Parking (Accessory)**

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### **1. 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.~~

### **12. Policies**

1. Parking in shoreline areas should be allowed only if it directly serves a permitted shoreline use.
2. Parking facilities should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access and vegetation and habitat maintenance.
3. 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).
4. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.

### **23. Regulations**

1. Parking as a primary use shall be prohibited within the shoreline jurisdiction.
2. Parking in shoreline jurisdiction shall directly serve a permitted shoreline use.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall consist of native vegetation and plant materials approved by the City and be planted before completion of the parking area in such a manner that plantings provide effective screening within three years of project completion.
4. Parking facilities serving individual buildings located on parcels that are contiguous with shoreline waterbodies shall be located landward from the principal building being served, EXCEPT when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact 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, using best available technologies and include a maintenance program that will assure proper functioning of such facilities over time.

## H. Public Access (including Visual Access)

### 1. ~~Applicability~~

~~Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or 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.~~

~~On Monroe's shorelines, public access is provided primarily by Al Borlin Park, Skykomish River Centennial Park and boat launch, Lewis Street Park, Lake Tye Park, and the Cadman mining site on the Skykomish River. Figure 2 identifies existing and proposed public access opportunities in the City of Monroe's shoreline jurisdiction.~~

### 1. Policies

#### 2. Policies

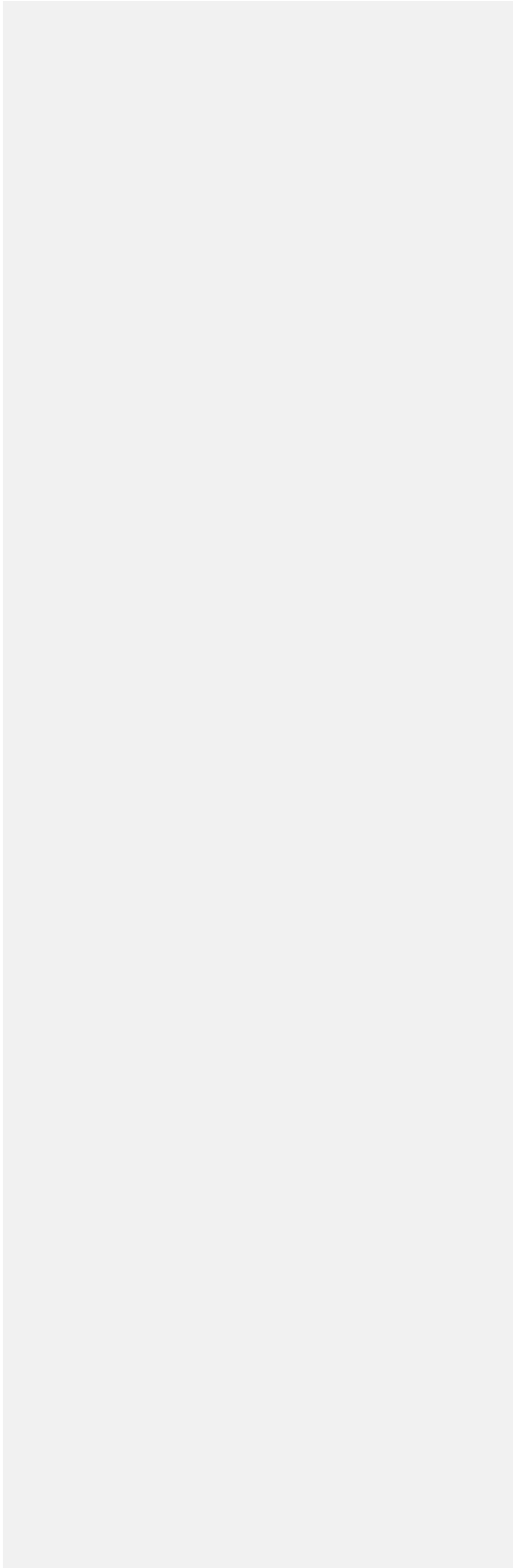
1. Development, uses, and activities on or near the shoreline should not impair or detract from the public's visual access to the water.
2. Public views from the shoreline and upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of vegetation that partially impairs views.
3. Visual access should be maintained, enhanced, and preserved on shoreline street ends, public utilities, and rights-of-way.
4. Public access should be provided as indicated in the City of Monroe Parks, Recreation and Open Space Plan (as amended) as long as those public access and park development measures are consistent with the provisions of this ~~Shoreline Master~~ Program.
- 4.5 Through capital improvements and other measures, the City will continue to enhance opportunities for the public to enjoy the shorelines within Shoreline Management Act jurisdiction. Figure 2 identifies existing and proposed public access opportunities in the City of Monroe's shoreline jurisdiction.

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**PLACEHOLDER – Figure 2: Public access map**



- ~~5.6.~~ The City will take measures to preserve and enhance the public access to the Skykomish River, Woods Creek and the Tye Stormwater Facility including at Al Borlin Park, Skykomish River Centennial Park and boat launch, Lewis Street Park, Lake Tye Park, and the Cadman Site on the Skykomish River, and provide public access to all Monroe shorelines, where appropriate.
- ~~6.7.~~ The City will encourage inclusion of Monroe shoreline public access points in the City's non-motorized transportation plan.
- ~~7.8.~~ The City will require that new public areas have adequate parking, located outside shoreline jurisdiction, where feasible.
- ~~8.9.~~ Public access should be considered in the review of all private and public developments (including land division) with the exception of single lot development and short plats.
- ~~9.10.~~ 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.
- ~~10.11.~~ The public's opportunities to enjoy the physical and aesthetic qualities of the shorelines should be enhanced on public properties and facilities may include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, and improved street ends.
- ~~11.12.~~ Public informational and educational displays to enhance the public's appreciation and enjoyment of the shorelines are encouraged.

## **23. – Regulations**

1. Development, uses and activities on public lands shall be designed and operated to avoid blocking, reducing or adversely interfering with the public's physical access to the water and shorelines, unless such access would cause ecological impacts.
2. Public access provided by shoreline street ends, public utilities, rights-of-way, and other public lands shall not be diminished. RCW 35.79.035 and RCW 36.87.130 restrict the City from vacating right-of-way which abuts on a body of fresh water unless the purpose of the vacation is to enable the public authority to acquire the vacated property for boat launching sites, or for park, viewpoint, recreational, and educational or other public purposes.
3. Shoreline development, uses and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual access to the water and shorelines, except that vegetation conservation and shoreline restoration activities may intrude into view corridors where necessary to protect or restore ecological functions. The City may require the development proposal to be relocated or reconfigured to reduce view blockage.
- ~~4. Public lands, such as street ends, rights of way, and utilities, shall provide, maintain, enhance, and preserve visual access to the water and shoreline in accordance with RCW 35.79.035 and RCW 36.87.130 (see above).~~

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~~5.4~~ Development on the water shall be constructed of non-reflective materials that are compatible in terms of color and texture with the surrounding area.

~~6.5~~ The dedication and improvement of public access shall be required as part of developments for water-enjoyment, water-related, and non-water-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access is required except:

- a. Where the City determines that more effective public access can be provided through other means.
- b. Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, the City will consider alternate methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.

- c. For individual single-family residences not part of a development planned for more than four parcels.

~~7.6~~ The City will work with project proponents to ensure that public access policies and priorities are implemented, especially in ensuring that the opportunities for continuous trails, linear parks and reclamation areas are not lost.

~~8.7~~ Shoreline development by public entities, including local governments, state agencies, and public utility districts, shall include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment or where the City determines that a more effective public access system can be achieved through alternate means, such as focusing public access at the most desirable locations.

## I. Shorelines of Statewide Significance

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### 1. ~~Applicability~~

~~The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of statewide significance. Within this City's jurisdiction, the Skykomish River is a shoreline of statewide 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.~~

## **1. 2. Policies**

In implementing the objectives of RCW 90.58.020 [as applicable to the Skykomish River, which is a shoreline of statewide significance](#), the City will base decisions and actions 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 [because these shorelines are major resources from which all people in the state derive benefit](#).
  - a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the Shoreline Master Program, and any amendments there of affecting shorelines of statewide 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, geology, limnology, aquaculture and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
  - a. Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
  - b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.
  - c. Protect and restore existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.
  - d. Protect and restore habitats for State-listed "priority species."
3. Result in long-term over short-term benefit.
  - 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 statewide 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. Prevent development activity that will interfere with the natural shoreline ecological functions.



- b. 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.
  - c. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.
  - d. Actively promote esthetic considerations when contemplating new development, redevelopment of existing facilities or general enhancement of shoreline areas.
5. Increase public access to publicly owned areas of the shoreline.
- a. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines and to developed upland parking.
  - b. Locate development landward of the ordinary high water mark so that access is enhanced.
  - c. Prevent development that would impede navigation on waters of the state.
6. Increase recreational opportunities for the public on the shoreline.
- a. Plan for and encourage development of facilities for recreational use of the shoreline.
  - b. Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for non-motorized access to the shoreline.

## J. Signage

### 1. Applicability

~~A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.~~

### 12. Policies

In addition to the signs standards established under [MMC 18.80](#), the following provisions apply to any commercial or advertising sign in shoreline jurisdiction, directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

- ~~1. Signs should be designed and placed so that they are compatible with the esthetic 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.

**Commented [AB25]:** Did not outright delete – this is still an option, but we wanted City staff to consider the shoreline access / view corridor specific provisions which might be helpful to maintain.

**Commented [AB26]:** Current adopted Sign code; update to new sign code Chapter depending on timing of adoption

~~3. The design of signs should not reduce auto safety or visual esthetics from adjacent property.~~

~~4. Signs should be of a permanent nature that are linked to the operation of existing uses and attached to said uses.~~

## **23. Regulations**

1. Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.
2. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.
3. Over-water signs or signs on floats or pilings are prohibited except those needed for navigation.
4. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.

5. Signs that do not meet the policies and regulations of this program shall be removed or conform within two years of the adoption of this Shoreline Master Program.

**Commented [PD(27)]:** Recommend retaining this policy.

~~8. No signs shall be placed in a required view corridor.~~

**Commented [AB28]:** Anita – flagged for your consideration, as to whether or not to keep

9. Allowable Signs: The following types of signs may be allowed in the High Intensity, Urban Conservancy, and Tye Stormwater Facility environments:

**Commented [PD(29)]:** Is the City sign code meant to replace sign regulations 9 & 10?

- 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.~~
- 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.~~

10. Prohibited Signs: The following types of signs are prohibited in all environments:

- a. ~~Signage in view corridors which impair visual access.~~
- b. ~~Off premises detached outdoor advertising signs.~~
- 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.~~
- e. ~~Commercial signs for products, services, or facilities located off site.~~

# K. Utilities (Accessory)

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## 1. Applicability

Accessory utilities are those on-site utility features such as power, telephone, cable, water and sewer lines, including stormwater systems, that are accessory to a primary shoreline 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. Accessory utilities shall be permitted as part of the primary use, but also must comply with the following policies and regulations.

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## 12. Policies

Accessory utilities shall be permitted as part of the primary use, but also must comply with the following policies and regulations.

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1. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation.
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.

## 23. 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, corridors 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 use 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. Accessory utility facilities should be located so as to avoid the need for bank stabilization structures, whenever feasible.
4. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and to assure no net loss of ecological functions.

# L. Vegetation Conservation

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## 1. Applicability and Concepts

This section applies to the conservation of native and non-invasive vegetation in shoreline areas, in order to preserve and restore vegetative cover and shading for fish habitat, reduce erosion along streams, and provide needed buffers from human activity in proximity to, or adjacent to, the shoreline environment. Policies and regulations in this section do not apply to forest practices, which are not otherwise regulated by the City of Monroe, or to noxious weed removal.

## 12. Policies

Policies and regulations in this section do not apply to forest practices, which are not otherwise regulated by the City of Monroe, or to noxious weed removal.

1. It is the policy of this ~~Shoreline Master~~ Program that native and non-native vegetation within the City shoreline areas be conserved and 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 ~~Shoreline Master~~ Program, are based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline.
2. This ~~Shoreline Master~~ Program 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 restoration of vegetation should be a condition of all development that causes significant vegetation removal and non-water dependent development within shoreline areas where vegetation has been degraded from a natural state.
4. Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use soil bioengineering techniques to arrest the processes of erosion, sedimentation and flooding.
5. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials. Proposals to apply aquatic herbicides must meet all state requirements.

## 23. Regulations

### All Shoreline Environments:

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1. The creation of new land parcels or lots that would require significant vegetation removal in order to develop is not allowed. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that development can be accomplished without significant vegetation removal. The City may make exceptions to this standard for

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water dependent development and for development in the High Intensity and Tye Stormwater Facility Environments only.

2. For activities conducted under the Washington State Forest Practices Act, conform to the provision of that Act and this [Shoreline Master](#) Program.
3. All development, including clearing and grading, shall minimize significant vegetation removal to the extent feasible. In order to implement this regulation, applicants proposing development that includes significant vegetation removal, clearing or grading, must provide, as a part of a shoreline permit or a letter of exemption application, a site plan, drawn to scale, indicating extent of the proposed clearing and/or grading. The City may require that the proposed development or extent of clearing and grading be modified to mitigate the impacts to ecological functions.
4. Restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which naturally occurs on-site unless the City finds that native plant materials are inappropriate or not hardy in the particular situation.

#### **Natural Environment:**

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5. Clearing, grading or significant vegetation removal are prohibited except for habitat and natural systems enhancement projects, research and scientific activities, public access, and low impact activities where ecological functions are not diminished or are mitigated.

#### **Urban Conservancy Environment**

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6. Wherever possible, development shall be located away from shorelines that have been identified as unstable and/or sensitive to erosion. The City may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions.
7. A condition of all development shall be that those shorelands on the site not occupied by structures, shoreline uses or human activities shall be revegetated.
8. The enhancement of vegetation shall be a condition of all non-water-dependent development in the Urban Conservancy environment except where the City finds that:
  - a. Vegetation enhancement is not feasible on the project site. In these cases, the City may require off-site vegetation enhancement that performs the same ecological functions within the watershed or drift cell, or
  - b. The restoration of ecological processes and functions can be better achieved through other measures such as the removal of channel constraints, or
  - c. Sufficient native vegetation already exists.

#### **High Intensity and Tye Stormwater Facility Environments**

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9. The impacts due to significant vegetation removal shall be mitigated according to the [mitigation](#) sequence described in Section E, Chapter 3.

10. A condition of all development shall be that those shorelands on the site not occupied by structures, shoreline uses or human activities shall be revegetated.

#### **Shoreline Residential Environment and Residential Development In Other Environments**

11. For properties within areas planned for residential development within the “Urban Conservancy” or “Shoreline Residential” environments, new development that will cause significant vegetation removal shall not be allowed except where the dimensions of existing lots or parcels are not sufficient to accommodate permitted primary residential structures outside of the buffer (see [Appendix AMMC 20.05](#) – Critical Areas Regulations). In these instances, the City will apply the mitigation sequence in Chapter 3, Section E, to minimize ecological impacts. Generally, this will mean placing the development away from the shoreline as far as possible, locating the development to avoid tree cutting, and modifying building dimensions to reduce vegetation removal.
12. The removal of native vegetation for replacement with lawn or nonnative plant materials is prohibited.

#### **Aquatic Environment**

13. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
14. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline Substantial Development Permit.
15. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment or benthos shall be considered development for which a Substantial Development Permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a Substantial Development Permit.
16. Where large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.
17. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public’s interest. A Conditional Use Permit shall be required in such case.

# M. Water Quality

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## 1. Applicability

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

## 12. Policies

1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by altering water quality, quantity, or flow characteristics.
2. The City should require reasonable setbacks, buffers, and storm water storage basins to achieve the objective of lessening negative 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.
4. As a general policy, the City will seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. The City will 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 of Monroe has a policy of adopting the latest version of the Department of Ecology *Stormwater Management Manual for Western Washington* to regulate stormwater discharge and management. The City will encourage practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies.
5. All measures for the treatment of runoff for the purpose of maintaining and/or enhancing water quality should be conducted on-site before shoreline development impacts waters off-site.
6. The above policies apply to the Tye Stormwater Facility environment and its associated Aquatic environment only as they are consistent with maintaining the primary purpose of the human-made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future developments within its catchment area. Any loss of ecological functions should be mitigated.

## 23. Regulations

1. All shoreline development, both during and after construction, shall avoid or minimize ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that the receiving water quality and shore properties and features are not adversely affected. ~~Control measures include, but are not limited to, catch~~

~~basins or settling ponds, oil intercepter drains, grassy swales, planted buffers, fugitive dust controls, or best available technologies as directed by the City.~~

**Commented [AB31]:** Unnecessary – covered by SW management requirements BMPs

~~2. All development shall adhere to all required setbacks, buffers, and standards in this Shoreline Master Program. (Refer to Shoreline Use Provisions, Environment Designation Provisions, and the Critical Areas Regulations in MMC 20.05 in Appendix A for specific limits.)~~

**Commented [AB32]:** This doesn't need to be stated. These things are all required

3. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this ~~Shoreline Master~~ Program. Where there is a conflict, provisions most protective of the natural ecology shall apply. The City of Monroe adopts the latest version of the Department of Ecology *Stormwater Management Manual for Western Washington* to regulate stormwater discharge and management.
4. The above regulations apply to the Tye Stormwater Facility environment and its associated Aquatic environment only as they are consistent with maintaining the primary purpose of the human-made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future developments within its catchment area. Any loss of ecological functions must be mitigated.



# Chapter 4: Shoreline Modification Provisions

## A. Introduction

Shoreline modifications are structures or actions that 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, filling, 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. Provisions tailored to specific shoreline modification activities follow general provisions, which apply to all shoreline modification activities. This chapter provides policies and regulators for shoreline modification features, including shoreline stabilization measures.

## B. General

### ~~1. Applicability~~

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

### ~~1.2. Policies~~

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

1. All new shoreline development should be located and designed to prevent or minimize the need for shoreline modification activities.

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2. When shoreline modifications are necessary, they should be as compatible as possible with ecological shoreline processes and functions.
3. When shoreline modifications are necessary, the first preference shall be using soft-bank stabilization techniques in order to maintain ecological shoreline processes and functions to the greatest extent possible.
4. Only those modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed will be allowed.
5. Mitigation sequencing shall be required for all modification proposals.
6. Shoreline modification of existing natural shorelines should be discouraged.
7. In the review of proposals involving modifications to the shoreline, consideration should be given to the potential cumulative impacts of similar proposals. Steps should be taken to prevent the gradual degradation of the shoreline due to the cumulative impacts of seemingly small modifications.
8. The above policies apply to the Tye Stormwater Facility environment and its associated Aquatic environment only as they are consistent with maintaining the primary purpose of the human-made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future developments within its catchment area. Any loss of ecological functions should be mitigated.

## **2.3 Regulations**

1. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this ~~Shoreline Master~~ Program. Except as otherwise noted, all shoreline modifications not associated with a legally existing or an approved shoreline use must demonstrate that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources values. If those conditions are met, the activity shall require a Conditional Use Permit (CUP).
2. Structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose. Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation, 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.
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.

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6. In addition to the permit information required by WAC 173-27-180, the City shall require and consider the following information when reviewing shoreline modification proposals:
  - a. Construction materials and methods.
  - b. Project location relative to the ordinary high water mark (OHWM).
  - c. General direction and speed of prevailing winds.
  - d. Profile rendition of beach and uplands.
  - e. Beach and upland soil type, slope, and material.
  - f. Physical or geologic stability of uplands.
  - g. Potential impact to natural shoreline processes, adjacent properties, and upland stability.
7. Shoreline modification materials shall be only those approved by applicable state agencies. No toxic or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.
8. The above regulations apply to the Tye Stormwater Facility environment and its associated Aquatic environment only as they are consistent with maintaining the primary purpose of the human-made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future developments within its catchment area. Any loss of ecological functions must be mitigated.

## C. Shoreline Stabilization (Including Bulkheads)

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### 1. ~~Applicability~~

~~Shoreline stabilization includes actions taken to address the impacts of erosion to property, dwellings, or essential structures caused by natural processes, such as current, flood, tide, wind, or wave action. These include structural and nonstructural methods.~~

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

~~“Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while “soft” structural measures rely on softer materials, such as biotechnical vegetation measures or beach enhancement.~~

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

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~~As applied to shoreline stabilization measures, “normal repair” and “normal maintenance” include the patching, sealing, or refinishing of the existing structure, the replenishment of sand or other materials that have been washed away, and the replacement of less than one third of the structure. Normal maintenance and normal repair are limited to those actions that are typically done on a periodic basis. Construction that causes significant ecological impacts is not considered normal maintenance and repair. Complete definitions of “normal repair” and “normal maintenance” can be found under the definition of “substantial development” in Chapter 8 of this SMP.~~

~~As applied to shoreline stabilization measures, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose.~~

~~Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.~~

~~The Washington State Administrative Code, at WAC 173-27-040(2)(c), states that a “normal protective” bulkhead common to single family residences does not require a Substantial Development Permit. The section adds the following qualifications:~~

~~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 Washington Department of Fish and Wildlife.~~

~~Note that residential bulkheads and other forms of “development” that are exempt from a permit requirement must still conform to the provisions of this Shoreline Master Program and the Shoreline Management Act.~~

## **1. Policies**

### **2. Policies**

1. “Soft” shoreline stabilization of natural materials such as protective berms, beach enhancement, or vegetation stabilization are strongly preferred over “hard” structural shoreline stabilization made of materials such as steel, wood, or concrete. Nonstructural or “soft” measures have less adverse and cumulative impacts on shore features and habitats.

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Proposals for structural solutions, including bulkheads, should demonstrate that natural methods are unworkable.

2. Bulkheads and other structural stabilizations should be located, designed, and constructed primarily to prevent damage to existing development and minimize adverse impacts to ecological functions. New development requiring bulkheads and/or similar protection should not be allowed. Shoreline uses should be located in a manner so that bulkheading and other structural stabilizations are not likely to become necessary in the future. A “normal protective” bulkhead common to single-family residences does not require a Substantial Development Permit (WAC 173-27-040(2)(c)). Note that residential bulkheads that are exempt from a permit requirement must still conform to the provisions of this Program and the Shoreline Management Act.
3. Structural modifications will be allowed only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes (WAC 173-26-231(2)(a)).
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.
5. The above policies apply to the Tye Stormwater Facility environment and its associated Aquatic environment only as they are consistent with maintaining the primary purpose of the human-made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future developments within its catchment area. Any loss of ecological functions should be mitigated.

## **23. Regulations**

1. New stabilization measures are not allowed except to protect or support an existing or approved development, for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 10.105D RCW.
2. New development shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization.
3. New structural stabilization measures shall not be allowed except when necessity is demonstrated in accordance with the criteria provided in WAC 173-26-231(3)(a)(iii)(B), (D) and (E), and unless there is conclusive evidence documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by currents or waves. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
4. Shoreline stabilization and flood protection measures shall not reduce performance of existing ecological functions or ecosystem-wide processes, and shall be constructed in a manner so as to prevent the loss of in-channel habitat. Soil bioengineering methods shall be the preferred method of bank protection. Use of bank hardening methods, such as rip-rap,

concrete walls, or extensive revetments, shall only be allowed when the applicant demonstrates that soil bioengineering will not be effective. The report must be prepared by an engineer or other qualified specialist with experience in evaluating suitability of and designing non-structural stabilization measures. All stabilization and protection works shall include revegetation in their design and implementation.

5. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics.
6. New development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
7. New development that would require shoreline stabilization that causes significant impacts to ecological functions, adjacent or downstream properties, and shoreline areas shall not be allowed.
8. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents and waves in accordance with WAC 173-26-231(3)(a)(iii)(C), (D) and (E). Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
9. All stabilization measures will be the minimum in size and impact to accomplish necessary stabilization.
10. Shoreline stabilization proposals must incorporate cumulative effects analysis to determine how the project may affect adjacent shoreline areas upstream and downstream of the site. Cumulative effects must be evaluated by utilizing expertise in several different fields of study (i.e., geomorphologists, biologists, hydrologists).
11. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, incorporate ecological restoration and public access improvements into the project.
12. The above regulations apply to the Tye Stormwater Facility environment and its associated Aquatic environment only as they are consistent with maintaining the primary purpose of the human-made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future developments within its catchment area. Any loss of ecological functions must be mitigated.

## D. Fill

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### 1. Applicability

A fill means 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. Most fills destroy the existing natural character of a shoreline and can result in erosion and silting problems, impacts to habitat, along with diminishing of the water surface area. (Note: the placement of fill to replace shoreline areas that have been removed by normal erosion processes is covered under Shoreline Stabilization.

### 12. Policies

1. Fill should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes and public access to the shoreline.
2. Where permitted, fills should be the minimum necessary to provide for the proposed use and should be permitted only when tied to a specific development proposal that is permitted by the Master Program. Speculative fill is prohibited.
3. Fills landward of the ordinary high water mark should be permitted only when necessary to accommodate uses listed as permitted in Chapter 2.C (Shoreline Use and Modification Matrix) of the Master Program, and when significant impacts can be avoided or mitigated.
4. Fills waterward of the ordinary high water mark should be discouraged and only allowed through a Conditional Use Permit when necessary to facilitate water-dependent uses consistent with the Master Program, for necessary river crossings, and for projects beneficial to the environment.
5. The perimeter of fills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time.
6. Mitigation for wetland impacts must be implemented pursuant to the Critical Areas Regulations contained in [Appendix AMMC 20.05](#).
7. Fills should not adversely impact navigation.

### 23. Regulations

1. Applications for fills shall include the following:
  - a. Proposed use of the fill area;
  - b. Physical, chemical, and biological characteristics of the fill material;
  - c. Source of fill material;
  - d. Method of placement and compaction;
  - e. Location of fill relative to natural and/or existing drainage patterns;

- f. Location of the fill perimeter relative to the floodway;
  - g. Perimeter erosion control and stabilization means;
  - h. Type of surfacing and runoff control devices; and
  - i. Location of wetlands or other sensitive areas.
2. Fill waterward of the ordinary high water mark shall be permitted as a conditional use only:
    - a. In conjunction with a water-dependent use permitted under this Master Program.
    - b. In conjunction with a bridge, utility, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist.
    - c. As part of an approved restoration project; or
    - d. For fishing or wildlife habitat enhancement projects.
  3. Pier or pile supports shall be utilized in preference to fills. Fills for approved road development in floodplains or wetlands shall be permitted only if pile or pier supports are proven structurally infeasible.
  4. Fills shall only be permitted in conjunction with a specific development already permitted by the Master Program or proposed simultaneously as part of a Conditional Use Permit application.
  5. Speculative fills are prohibited.
  6. Fills shall be permitted only where it is demonstrated that the proposed action will not:
    - a. Result in significant adverse impacts to water quality, fish, and/or wildlife habitat.
    - b. Result in significant adverse impacts to natural drainage and current patterns or floodwater capacities.
  7. Where fills are permitted, the fill shall be the minimum necessary to accommodate the proposed use.
  8. Fill shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation for the affected area. Fill perimeters shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms to prevent material movement. In ~~addition~~addition, the sides of the fill shall be appropriately sloped to prevent erosion and sedimentation, both during initial fill activities and afterwards.
  9. Fill materials shall be clean sand, gravel, soil, rock, or similar material. Use of polluted dredge spoils and sanitary fill materials are prohibited. The developer shall provide evidence that the material has been obtained from a clean source prior to fill placement.
  10. Fills shall be designed to allow surface water penetration into aquifers, if such conditions existed prior to the fill.



# Chapter 5: Shoreline Use Provisions

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## A. Introduction and General Policies

The provisions in this chapter apply to individual shoreline uses. For any specific development, Shoreline Modification Provisions and General Provisions also apply. The uses are presented in alphabetical order. Also refer to the Shoreline Use and Modification Matrix in Chapter 2, Section C.

As summarized in WAC 173-26-176, the Act establishes policy that preference be given to uses that are unique to or dependent upon a shoreline location. Consistent with this policy, these guidelines use the terms “water-dependent,” “water-related,” and “water-enjoyment,” as defined in WAC 173-26-020, when discussing appropriate uses for various shoreline areas.

Shoreline areas, being a limited ecological and economic resource, are the setting for competing uses and ecological protection and restoration activities. Consistent with RCW 90.58.020 and WAC 173-26-171 through 186, the following preferences and priorities shall be applied in the order listed below when determining allowable uses and resolving use conflicts in all shoreline areas. Consequently, this Master Program includes the following policies that apply to the location of uses along the shoreline.

1. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
2. Reserve shoreline areas for water-dependent and associated water-related uses.
3. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
4. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
5. Limit non-water-oriented uses to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

## B. Commercial Development

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### 1. Applicability

Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices, and private or public indoor recreation facilities. Excluded from this category are boating, transportation, and industrial facilities.

Uses and activities associated with commercial development that are identified as separate uses in this program include Mining, Industry, Transportation and Parking, and Utilities. In-stream structures, shoreline stabilization, flood protection, and other shoreline modifications are sometimes associated with commercial development and are subject to those shoreline modification regulations in addition to the standards for commercial development established herein.

### 21. Policies

1. ~~Except for those properties with no direct shoreline water body access and that are not contiguous with a shoreline water body, n~~New commercial development located in shoreline areas should be limited to those that are water-oriented uses and activities as defined herein. ~~In reviewing shoreline development proposals~~Where permitted, the City will first give preference to water-dependent commercial uses over non-water-dependent commercial uses (where appropriate) and, second, give preference to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses.

Non-water-oriented commercial development is strongly discouraged; however, when permitted, it should not displace water-oriented development in shoreline areas and should be conditioned with the requirement for ecological restoration and public access enhancements.

2. Non-water-oriented commercial developments should be prohibited except in the High Intensity and Tye Stormwater Facility environments, and except for those properties with no direct shoreline water body access and that are not contiguous with a shoreline water body. Water-enjoyment and water-related uses should be permitted over water only as part of a mixed-use project that features water-dependent uses.
3. Commercial developments should be designed and located to prevent net loss of shoreline ecological functions and should not have adverse impacts on other shoreline uses, public access or recreation.

~~along shorelines in a way that ensures the protection and preservation of natural areas or systems identified as having geological, ecological, biological, or cultural significance.~~

4. New commercial development on shorelines should be encouraged to locate in those areas with existing legal commercial uses and in a manner that will promote the efficient use of shoreline areas.

5. Commercial development should be encouraged to utilize existing transportation corridors and minimize the number of ingress/egress points. Ingress-egress should be designed to minimize potential conflicts with and impact on regular corridor traffic.

~~6. Commercial development should conform to the City development standards and design guidelines. Structures should not significantly impact views from upland properties, public roadways or other public areas, and from the water. See Site Development Standards in Chapter 2, Section D.~~

~~7.6. For all new water-dependent commercial development, ecological restoration and public access enhancement should be considered. For all new water-related and water-enjoyment development, ecological restoration and public access should be required unless demonstrated to be infeasible. For all otherwise allowed new nonwater-oriented development, ecological restoration and public access, where feasible, should be required as a permit condition.~~

## 23. Regulations

1. The City shall require and utilize the following information in its review of commercial development proposals:
  - a. Nature of the commercial activity (e.g., water-dependent, water-related, water-enjoyment, non-water-oriented, mixed-use), including a breakdown of specific shoreline use components.
  - b. The reason(s) why the project needs a shoreline location.
  - c. A description of design measures to mitigate impacts and achieve objectives of this [Shoreline Master Program](#).
  - d. Provisions for ecological restoration and for public visual and physical access to the shoreline.
  - e. Provisions to ensure that the development will not cause significant ecological impacts or adverse environmental impacts.
  - f. Layout, size, height, and general appearance of all proposed structures.
  - g. Pedestrian and vehicular circulation, pavements, landscaping, and view corridors.
  - h. For mixed-use proposals, the mix of water-oriented and non-water-oriented uses and activities, structure locations, site designs and bulk considerations, enhancements for physical and visual public access to the shoreline (both public and private space), and other design measures that address the goals and policies of the Shoreline Master Program.
2. Non-water-oriented commercial developments may be permitted [when allowed by underlying zoning \(MMC xx\), when consistent with as indicated in the Shoreline Use Matrix in Chapter 2, Section C of this Program](#), and in accordance with WAC 173-26-241(3)(d)(i) and (ii) which provides the following criteria:

- 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 project 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.

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~~b.~~

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3. Non-water-oriented uses are allowed in the Tye Stormwater Facility environment and may be permitted in the High Intensity environment as a conditional use.

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4. ~~3.~~ 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 area’s visual qualities achieve no net loss of ecological functions.

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~~5.~~ To this end, the City may adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards without a shoreline Variance) and/or prescribe operation intensity and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.

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~~4.~~ The amount of impervious surface shall be the minimum necessary to provide for the intended use, and shall be consistent with the lot coverage standards listed above in Chapter 2, Section D. The City of Monroe has a policy of adopting the latest version of the Department of Ecology Stormwater Management Manual for Western Washington to regulate stormwater discharge and management. The City will encourage practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies. The remaining land area shall be landscaped with native plants or treated as directed by the City.

Commented [PD(33)]: Recommend leaving this section.

~~5.~~ See Critical Areas Regulations (Appendix A) and Chapter 2D of this SMP for buffer/setback requirements and other development standards.

~~56.~~ All new development proposals will be reviewed by the City for ecological restoration and public access opportunities. When restoration and/or public access plans indicate opportunities exist, the City may require that those opportunities be either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished. Public access provisions shall conform to the requirements in Chapter 3 (General Provisions), Section H.

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~~All new water related and water enjoyment development shall be conditioned with the requirement for ecological restoration and public access unless those activities are demonstrated to be not feasible. (See definition of “feasible.”)~~

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~~All new nonwater oriented development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access.~~

Commented [PD(34)]: These two sections should remain, given they support some key goals of the State Shoreline Mgt. Act.

~~5.7~~ All commercial loading and service areas shall be located on the upland side of the commercial activities, or provisions must be made to set back and screen the loading and service area from the shoreline and water body.

## C. Industrially

### 1. Applicability

~~Industrial developments and uses are facilities for processing, manufacturing, and storing of finished or semi-finished goods. Excluded from this category and covered under other sections of the Shoreline Master Program are boating facilities, 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 Shoreline Master Program. In Monroe, industrial development of the shoreline is not anticipated due to the lack of suitable locations for industrial development, limitations to navigation and physical characteristics of the shoreline adjacent to the Skykomish River, and is allowed only in the High Intensity and Tye Stormwater Facility environments. There are only small areas of High Intensity in Monroe, and they are located on uplands far separated from the shoreline water body. The areas of the Tye Stormwater Facility environment that are zoned for industrial uses are also separated from the shoreline water body.~~

### 12. Policies

- ~~1. Regional and state-wide needs for industrial facilities should be carefully considered in reviewing new proposals as well as in allocating shorelines for such development. Such reviews or allocations will be coordinated with adjacent counties and cities, and the state in order to minimize duplicate, under-utilized facilities elsewhere in the region or unnecessary adverse impacts on other jurisdictions.~~
- ~~2.1. Industrial development should be prohibited except in areas of High Intensity in Monroe and Tye Stormwater Facility environments.~~
- ~~2. Expansion or redevelopment of existing legally established industrial areas, facilities, and services to incorporate mixed-use development should be encouraged over the addition and/or location of new or single-purpose industrial facilities.~~
- ~~3. Industrial development should not be designed and located to prevent net loss of shoreline ecological functions and should not have adverse impacts on other shoreline uses, public access, or recreation. on sensitive and ecologically valuable shorelines, such as wetlands or wildlife habitat areas, nor on shores inherently hazardous for such development, such as flood-prone and erosion-prone areas and steep or unstable slopes.~~
4. New industrial development on properties with shoreline water body frontage should be required to provide physical and/or visual access to shorelines whenever possible and when

such access does not cause significant interference with operations or hazards to life and property.

5. The amount of paving and construction of structures should be minimized. ~~Areas not needed for industrial activities should be either left undeveloped or restored.~~
6. Ecological restoration should be a condition of all non-water-dependent industrial development and considered as part of water-dependent development.

## 32. Regulations

1. ~~Industrial uses and developments shall be prohibited throughout shoreline jurisdiction except in High Intensity and Tye Stormwater Facility environments. All shoreline development must conform to the General Provisions and the Environment Designation Provisions stated in this Program. Only water dependent and water related industrial development shall be permitted where there is direct access to the shoreline water body. Existing nonwater oriented uses in the High Intensity and Tye Stormwater Facility environments only may be expanded, provided ecological restoration is provided, as directed by the City. New nonwater oriented industrial development may be allowed, in the High Intensity and Tye Stormwater Facility environments only, where there is no access to the shoreline water body.~~
2. ~~For parcels contiguous with a shoreline water body, accessory development which does not require a shoreline location shall be located upland of the water dependent portions of the development. Industrial uses on properties not contiguous to the shoreline may be allowed in the High Intensity and Tye Stormwater Facility environments subject to the provisions of this SMP and Title 18 of the Monroe Municipal Code.~~
3. ~~Industrial uses and developments shall achieve no net loss of ecological function. New nonwater dependent industry shall not cause significant ecological impacts. The applicant must demonstrate that adequate consideration has been given to, and plans made to mitigate, negative environmental impacts, and that environmental cleanup and restoration can be accomplished. In addition, new nonwater oriented industrial development shall be prohibited on shorelines except when:~~
  - 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; or~~
  - b. ~~the subject property is not contiguous with nor provides access to the shoreline water body.~~
4. ~~The amount of impervious surface shall be the minimum necessary to provide for the intended use. New industrial development shall have no more than 75 percent total lot coverage. The City of Monroe has a policy of adopting the latest version of the Department of Ecology Stormwater Management Manual for Western Washington to regulate stormwater discharge and management. For these regulations, maximum lot coverage is defined under MMC 18.10.220, as "the total area to be covered by buildings, driveways, parking areas, sidewalks, pools, and similar impervious surface areas"; a credit towards the total impervious surface coverage may be provided through the use of permeable materials, such as pervious concrete, subject to the approval of the City's Engineering Department. The City will~~

Commented [PD(35)]: Recommend leaving this sentence, given it supports some key goals of the State Shoreline Mgt. Act.

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~~encourage practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies. The remaining land area shall be landscaped with native plants or treated as directed by the City.~~

~~5. Storage and/or disposal of industrial wastes are prohibited within shoreline jurisdiction.~~

46. 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 may require specific facilities to support those activities as well as demonstration of a cleanup/spill prevention program.

~~7. See Critical Areas Regulations (Appendix A) and Chapter 2D of this SMP for buffer/setback requirements and other development standards.~~

58. Display and other exterior lighting shall be designed, shielded, and operated to minimize glare, avoid illuminating nearby properties and the water, and prevent hazards for public traffic.

## D. In-Stream Structures

### 1. Applicability

~~“In stream structure” means a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In stream structures may include those for irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. This section covers both the structures themselves and their support facilities. This applies to their construction, operation, and maintenance, as well as the expansion of existing structures and facilities.~~

### 12. Policies

~~This section covers both in-stream structures themselves and any necessary associated facilities. This applies to their construction, operation, and maintenance, as well as the expansion of existing structures and facilities.~~

~~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, hydrogeologic processes, and natural scenic vistas.~~

~~2. The location and planning of in stream structures should be designed and located to prevent net loss of shoreline ecological functions and should not have adverse impacts on other shoreline uses, public access or recreation should give due consideration to the full range of~~

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~~public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.~~

**Commented [AB36]:** These are generic and apply to all development types, and are covered elsewhere

~~31. Careful consideration should be given to avoiding or minimizing land and water use conflicts with properties in shoreline jurisdiction and with properties adjacent to, upstream of, and downstream of the proposed site.~~

~~42. Proposals for in-stream structures and associated facilities should give careful consideration to the design, location, security, and construction of access roads, impoundment structures and reservoirs, penstocks, and power houses to minimize adverse ecological and public access impacts to the shoreline and the surrounding area.~~

~~5. Applications for in-stream structures should clearly document the suitability of the proposed site for the specific type of development, including alternative locations. Such site suitability analysis should thoroughly consider the environmental effects of the proposed facilities at the primary site and at alternative sites.~~

~~36. All diversion structures should be designed to permit natural transport of bed load materials.~~

~~74. In-stream structures and their support facilities should be designed to minimize removal of riparian vegetation and the necessity for massive shore defense structures.~~

~~8. All nonwater oriented facilities associated with in-stream structures, such as staging and storage areas, switching yards, and utility transmission lines should be located at least 200 feet landward of the OHWM.~~

~~97. Mitigation should be required for loss of fisheries, wildlife resources, and natural systems, including wetlands and sensitive areas. No net loss in function or value of acreage should occur as a result of in-stream structures. When required, the City will apply the mitigation sequence in Chapter 3, Section E, to minimize ecological impacts and mitigation measures should be properly planned and monitored to ensure their effectiveness.~~

**Commented [AB37]:** Mitigation required for all development. This is general policy language covered elsewhere

~~10. In-stream structures and associated facilities should be located and designed so they do not interfere with public navigation of the watercourse, including commercial and recreational navigation. Such uses include barging, rafting, sail boarding, kayaking, and canoeing.~~

~~54. In-stream structures and associated facilities should not be located where they will adversely impact publicly owned lands or waters used extensively for recreation. Impacts that should be avoided include the visual impact of the structure or facilities, the intrusion of roads or utility corridors into undeveloped area used for recreation, reduced water noise, and significant visual impacts from reduced water flows.~~

~~12. In-stream structures should be designed and constructed to ensure public access to and along the shoreline, in accordance with the public access policies and regulations contained in this Shoreline Master Program. Existing public access and recreational opportunities should be retained, enhanced, or replaced.~~



13.6. In-stream structures should provide trails and other access links as well as appropriate ancillary facilities, such as parking and sanitary facilities, if recreational opportunity is created.

~~14. Proposals for in-stream structures should be evaluated for their impacts on ecological processes within the watershed and the resultant impacts on flood hazards and wildlife habitats.~~

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## 23. Regulations

### General

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1. All permit applications for in-stream structures shall contain, at a minimum, the following:
  - a. A site suitability analysis, which provides sufficient justification for the proposed site. The analysis must fully address alternative sites for the proposed development.
  - b. Proposed location and design of primary and accessory structures, transmission equipment, utility corridors, and access/service roads.
  - c. Provision for public access to and along the affected shoreline and proposed recreational features at the site, where applicable.
  - d. A plan that describes the extent and location of vegetation which is proposed to be removed to accommodate the proposed facility, and any site revegetation plan required by this Shoreline Master Program.
  - e. A hydraulic analysis prepared by a licensed professional engineer that sufficiently describes the project's effects on streamway hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.
  - f. A hydrologic analysis that analyzes the project's effects on ecological processes, including delivery and rate of water and sediment, geomorphology, and recruitment of large woody debris.
  - g. Biological resource inventory and analysis that sufficiently describe the project's effects on fisheries and wildlife resources, prepared by a professional biologist.
  - h. Provision for erosion control, protection of water quality, and protection of fishery and wildlife resources during construction.
  - i. Long-term management plans that describe, in sufficient detail, provisions for protection of in-stream resources during construction and operation. The plan shall include means for monitoring its success.
2. In-stream structures may be required to provide public access, provided public access improvements do not create significant ecological impacts or other adverse environmental impacts to and along the affected shoreline nor create a safety hazard to the public. ~~Public access provisions shall include, but not be limited to, any combination of trails, vistas, parking, and any necessary sanitation facilities.~~ Required public access sites shall be dedicated for public use through fee acquisition or recorded easement. ~~The public access provisions in this Master Program apply.~~

3. All shoreline development must conform to the General Provisions, [Shoreline Modification Provisions](#), and the Environment Designation Provisions stated in this [Shoreline Master Program](#).

### **Site Development**

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4. Temporary and emergency erosion control drainage measures, such as, but not limited to, silt curtains, berms, and stormwater catch basins, shall be utilized during construction to prevent shoreline erosion and siltation of the water body. Temporary erosion and drainage control devices may be removed following construction completion, provided that an approved erosion control and maintenance plan has been implemented by the contractor(s). Materials adequate to immediately correct emergency erosion situations shall be maintained on-site.
5. All debris, overburden, and other waste materials from construction not useful for channel restoration shall be disposed of in such a manner as to prevent their entry into a water body by erosion or from drainage, high water, or other vectoring mechanisms.
6. All heavy construction equipment, as well as fuel storage and repair areas, shall be located greater than 200 feet from the OHWM. Construction material staging areas shall be located greater than 200 feet from the OHWM, EXCEPT during construction and assembly periods. Service roads shall be of a size that is minimally necessary to safely accomplish maintenance and repair of the facility and shall be designed and located to minimize vegetation removal and erosion and sedimentation impacts. Hazardous and/or toxic materials storage shall be prohibited within shoreline jurisdiction, and such materials shall be prevented from entering the water through accidental spillage at staging or storage areas located outside immediate shoreline jurisdiction.

### **Structural Development**

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7. Structures shall be designed, located, and constructed in such a manner as to avoid extensive topographical alteration and to minimize or avoid, as much as possible, impacts to the natural features of the shoreline. Structures shall be designed and located to minimize removal of riparian vegetation and to return flow to the stream in as short a distance as possible.
- ~~8. Where practicable, transmission lines shall be located underground. Utilities and transmission lines shall be located so as to minimize obstruction or degradation of a scenic view.~~
- ~~89. Subject to the approval of the appropriate state authority, in-stream structures shall provide for adequate upstream and downstream migration of anadromous fish, where applicable. The City shall not approve an in-stream structure project that has a significant ecological impact on anadromous fishes or state-listed priority species.~~
- ~~940. On run-of-the-river developments, impoundments shall be located in such a manner as to minimize impacts to natural scenic values.~~

### **Impacts and Mitigation**

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- ~~140. The creation of in-stream structures should not be allowed unless it is designed and located to prevent net loss of shoreline ecological functions and should not have adverse impacts on~~

~~other shoreline uses, public access or recreation. In-stream structures shall not diminish the ecological processes that occur in the watershed (or sub-basin) or diminish habitat for priority species.~~

~~121. Mitigation shall be required of the proponent for the loss of state-listed priority species, habitats, or ecological functions. The mitigation required shall be commensurate to the value and type of resource or system lost and shall be in accordance with the mitigation sequence. No net loss in function, value, or acreage shall occur from such development.~~

~~132. Mitigation for loss of natural systems and resources is required. A mitigation plan that details the objectives of the mitigation activities shall be prepared by the proponent and be subject to the approval by the Washington Department of Ecology in consultation with the Washington Department of Fish and Wildlife.~~

## E. Mining

### 1. Applicability

~~Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, "processing" includes washing, screening, crushing, and stockpiling. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations, or concrete batching operations. (See "Industry" for general standards relating to these uses, and the sections below for standards applicable to potential continued concrete batching operations at the existing mining operation.)~~

~~There is currently one mining operation within the area of shoreline jurisdiction in Monroe, permitted under Shoreline Substantial Development Permit SL 195003, adopted by City of Monroe Resolution 96/07, which will expire in 2012. The permit allows excavation of gravel and sand from the floodplain, and under certain conditions from an active gravel bar. Shoreline Substantial Development Permit SL 195003 also allows processing and concrete batching operations, and the Master Plan implementing the permit discloses the permit holder's plans to continue aggregate processing and concrete batching operations for imported aggregates after 2012 across a small, 37-acre portion of the currently occupied larger site.~~

### 12. Policies

- ~~1. There are no active or authorized mining operations in shoreline jurisdiction. Existing sand and gravel mining operations may be reauthorized, with the exception of river bar scalping or other extraction activities waterward of the ordinary high water mark (OHWM), provided that appropriate permits are secured for the proposed activity and the activity is consistent with the City's critical area regulations and protective of endangered, threatened, or sensitive species. and n No new mining activities (e.g., expanding the boundary of the extraction area or the materials extracted) should be permitted within shoreline jurisdiction.~~

- ~~2. Where past mining operations have occurred within the “High Intensity” environment, restoration of ecological functions must be implemented as part of the reclamation process at the end of a mining operation.~~
- ~~2. All impacts shall be mitigated and, where possible, shoreline enhancement should also be encouraged.~~
- ~~3. All practical measures shall be taken to protect the downstream natural character of the shoreline, including hydrology, geomorphology, sediment flux, and ecological functions both during operations and after mining activities cease.~~
- ~~4. All practical measures shall be taken to protect water bodies from all sources of pollution, including, but not limited to, sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of mining wastes and spoils. Maximum protection should be provided for anadromous fisheries resources.~~
- ~~5. Mining activities should allow the natural ecosystem wide processes to function with a minimum of disruption during their operations and should re-create a high quality riparian and wetland ecosystem. No net loss in shoreline ecological function or value should occur as a result of mining.~~
- ~~6. Mining operations shall minimize adverse visual and noise impacts and should not have adverse impacts on shoreline uses, public access or recreation, on surrounding shoreline areas, and should include ecological restoration as feasible during operations.~~

## **23. Regulations**

### **General**

- ~~1. Existing sand and gravel mining operations may be reauthorized, with the exception of river bar scalping or other extraction activities waterward of the ordinary high water mark, provided that appropriate permits are secured for the proposed activity and the activity is consistent with the City’s critical area regulations and protective of endangered, threatened, or sensitive species. No new mining activities (e.g., expanding the boundary of the extraction area or the materials extracted) shall be permitted within shoreline jurisdiction.~~
- ~~2. Gravel storage and processing, concrete batching, sales, and equipment storage is allowed when adjacent to an active or reclaimed excavation site.~~
- ~~3. Mining, including the excavation of sand, gravel, and other minerals, shall be done in strict conformance to the Washington State Surface Mining Reclamation Act, Chapter 78.44 RCW, and applicable provisions of the City code and this Program.~~
- ~~4. Mining waterward of the Ordinary High Water Mark is prohibited.~~
- ~~5. Mining waterward of the Ordinary High Water Mark is prohibited. Excavation of sand, gravel, and other river materials upland of the Ordinary High Water Mark may be permitted as a conditional use, provided the proposed activity: secures all necessary permits; is consistent with the City’s Critical Areas Regulations (as adopted in Appendix AMMC 20.05)~~

and protective of endangered, threatened, or sensitive species and this Program; is consistent with the environmental policies and the provisions of WAC 173-26-241(3)(h); and is located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070. See Regulations 25-30 below for additional reclamation requirements.

- 6.2. All ~~impacts from past mining impacts~~ shall be mitigated through site ~~remediation and restoration, including: restoration during site operations in portions of the site where operations have permanently ceased;~~ restoration of the site after all mining activities have ceased; and shoreline enhancement in both disturbed and undisturbed portions of the ~~past mining~~ site.
7. ~~Mining activities that take place adjacent to a river shall take all practical steps to ensure that no negative downstream impacts to the hydrology, geomorphology, and sediment flux of the river occur, either during mining operations or after mining operations cease.~~
8. ~~All practical measures should be taken to protect water bodies from all sources of pollution, including, but not limited to, sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of mining wastes and spoils. Maximum protection should be provided for anadromous fisheries resources.~~
9. ~~Mining proposals shall provide the following information as part of an application for a shoreline permit:~~
  - a. ~~Materials to be mined.~~
  - b. ~~Quantity of materials to be mined, by type.~~
  - e. ~~Quality of materials to be mined, by type. For certain minerals, a qualified geologist's evaluation may be required.~~
  - d. ~~Mining technique and equipment to be utilized.~~
  - e. ~~Depth of overburden and proposed depth of mining.~~
  - f. ~~Lateral extent and depth of total mineral deposit.~~
  - g. ~~Cross section diagrams indicating present and proposed elevations and/or extraction levels.~~
  - h. ~~Existing drainage patterns, seasonal or continuous, and proposed alterations thereof, including transport and deposition of sediment and channel changes that may result.~~
  - i. ~~Proposed means of controlling/handling surface runoff and preventing or minimizing erosion and sedimentation, including impacts to banks both upstream and downstream of the excavation.~~
  - j. ~~The location and sensitivity of any affected flood hazard areas and wetlands.~~
  - k. ~~Subsurface water resources or aquifer recharge areas: origin, depth, and extent.~~
  - l. ~~Quality analysis of overburden, excavation material, and tailings with plans for storage, usage, or disposition.~~
  - m. ~~Mining plan and scheduling, including seasonal, phasing, and daily operation schedules.~~

- n. ~~Reclamation plan that meets the requirement of this chapter and, at a minimum, Chapter 78.44 RCW (for surface mining operations only).~~
- o. ~~Screening, earthen berm buffering, and/or fencing plans that meet the requirements of this Shoreline Master Program.~~
- p. ~~Description of impacts to ecosystem wide processes and ecological functions within the sub-basin and to aquatic and riparian habitats.~~

~~10.3. Mining operations remediation activities shall comply with all local, state and federal water quality standards and pollution control laws. Operations shall utilize effective techniques to prevent or minimize surface water runoff, erosion, and sedimentation; to prevent reduction of natural flows; to protect all shoreline areas from acidic or toxic materials; and to maintain the natural drainage courses of all streams. Surface water runoff shall be impounded as necessary to prevent accelerated runoff and erosion.~~

~~11. Mining and associated activities shall not be allowed where such uses would result in short-term or long-term significant ecological impacts to result in net loss of shoreline ecological functions or ecosystem wide processes.~~

~~12. Where mining and associated activities are allowed, they shall be conducted in a manner that is consistent with the policies of the environment designation in which they are located; impacts to fish and wildlife habitat shall be avoided, and all disturbed areas shall be restored upon completion of mining. Destruction of critical habitat for priority species is prohibited.~~

~~13. Surface mining reclamation plans shall provide for subsequent use of the property that is consistent with the policies of the environment designation in which it is located and shall assure that ecological functions of the shoreline are restored.~~

~~14. In locations where gravel removal has been allowed in the past, any future authorization to continue shall be based on studies as required above, and no further authorization shall be granted except in conformance with this provision.~~

~~15. Overburden, mining debris, and tailings shall not be placed in water bodies or floodways and shall be stored and protected in such a manner so as to prevent or minimize erosion or seepage to surface and ground waters.~~

~~16. Mining operations shall provide maximum protection for anadromous fisheries resources, including, but not limited to, limitations on the periods of the year during which mining activities may occur.~~

~~17. If substantial evidence indicates that mining operations are causing, or continuation of operation would cause, significant adverse impacts to water quality or to the geohydraulic functioning of a river, the City may terminate the mining permit or impose further conditions on the mining operation.~~

~~18. In no case shall mining operations impair lateral support and thereby result in earth movements extending beyond the boundaries of the site.~~

~~19. Precautions shall be taken to ensure that stagnant or standing water, especially that of a toxic or noxious nature, does not develop, and that flooding and evaporation will not lead to the stranding of fish in open pits.~~

~~20. Activities such as truck storage, rock crushing, storage of material from off site, etc are prohibited, except when such activities occur adjacent to an active or reclaimed excavation site more than 200 feet from the banks of the main stem of the Skykomish River.~~

### **Setbacks and Buffers**

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~~21. A minimum 200-foot buffer of undisturbed soils and native vegetation shall be maintained and/or planted between the mining site (including all accessory facilities) and adjacent properties and abutting bodies of water or wetlands.~~

~~22. Mining activities should be set back a sufficient distance from water bodies and wetlands to minimize erosion, protect water quality from all possible sources of pollution, and preserve the natural vegetation and aesthetics of the shoreline environment.~~

~~23. Where the potential for stream avulsion exists, river banks shall be stabilized per an approved stabilization plan that includes the use of biological bank stabilization techniques (“bioengineering”) and that is designed to prevent avulsion in the 100-year storm event.~~

~~24. Mining equipment, works, and structures shall be sited and stored as far landward as feasible from the OHWM. Minimum setbacks and buffer areas are established in the chapter entitled Environment Designations and in the Critical Areas Regulations found in Appendix A. Any facilities located within the 100-year floodplain must be able to withstand a 100-year flood without becoming hazardous.~~

### **Reclamation**

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~~25. Reclamation plans to create high quality riparian and/or wetland ecosystems shall be submitted with each permit application and shall provide for reclamation of the site into a use that is permitted by this program and shall also indicate when reclamation shall occur. See Washington State Surface Mining Reclamation Act Chapter 78.44 RCW. In the event of a conflict between the City’s reclamation policies and State law, the State law shall control.~~

~~26. In order to ensure the future use and viability of shoreline areas subsequent to mining activities, the reclamation plan shall include the following provisions to be fulfilled within one year of completed mining operations:~~

~~a. All equipment, machinery, buildings, and structures not involved in reclamation activities shall be removed from the site upon review and approval of the reclamation as required by state and local agencies.~~

~~b. No stagnant or standing water shall be allowed to collect or remain except as provided in an approved site reclamation plan. Such areas shall be flood proofed.~~

~~c. Backfill material shall be of natural, compatible materials. Combustible, flammable, noxious, toxic, or solid waste materials are prohibited as backfill.~~

- d. ~~All overburden, waste, and nontoxic material storage piles and areas shall either be leveled, sodded and planted, or returned to the excavated area for reuse as backfill and subsequently sodded and planted.~~
  - e. ~~The site shall be rehabilitated so as to prevent erosion and sedimentation during and after reclamation.~~
27. ~~Suitable drainage systems approved by the City engineer shall be installed and maintained if natural, gradual drainage is not possible. Such systems should collect, treat, and release surface runoff as close to original flow patterns as possible and in such a manner as to prevent erosion and sedimentation.~~
28. ~~To the extent possible, topography of the site shall be restored to the contours existing prior to mining activity. Contours of the reclaimed site shall be compatible with the surrounding land and shoreline area.~~
29. ~~Revegetation shall consist of compatible, native, self-sustaining trees, shrubs, legumes, or grasses, with species, size, and quantities and locations as approved by the City.~~
30. ~~All toxic and acid-forming mining refuse and materials shall be either treated so as to be nonpolluting prior to on-site disposal or removed and properly disposed of away from shoreline areas.~~

## F. Recreational Development, including Boating Facilities

Commented [AB38]: Boating facilities were not previously covered in any Shoreline Use or Shoreline Modification section – only in the Shoreline Use Table

### 1. Applicability

~~Recreational development includes facilities for passive recreational activities such as hiking, photography, viewing, and fishing. 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, subdivisions, and motels are not addressed directly in this category.~~

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



## 12. Policies

This section applies to both publicly and privately owned shoreline recreational developments and associated facilities, including boating facilities, intended for use by the public or a private club, group, association or individual.

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Commented [PD(39)]: Recommend a "boating facilities" definition or subset to recreation definition.

1. The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with the City of Monroe Parks, Recreation and Open Space Plan (as amended). State-owned shorelines, being particularly adapted to providing beaches, ecological study areas, and other recreational uses, should be given special consideration for park and recreational uses.
- ~~2. Shoreline recreational development shall be given priority and shall be primarily related to access to, enjoyment and use of the water and shorelines of the state.~~
- ~~3. Recreational developments and plans should promote preservation of the natural character, resources and ecological functions and processes.~~
42. Recreational developments should be located, designed, and operated to be compatible with and to prevent, or if that is not possible, minimize, adverse impacts on environmental quality and valuable natural features as well as adjacent and surrounding land and water uses. Favorable consideration should be given to proposals that complement their environment and surrounding land and water uses and leave natural areas undisturbed and protected.
35. Shoreline recreational development shall be given priority. Shoreline areas with a potential for providing recreation or public access opportunities should be identified for this use, acquired by lease or purchase, and incorporated into the public park and open space system.
- ~~46. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.~~
7. Within shoreline jurisdiction, water-dependent recreational uses, such as angling, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking and nature study. Water-enjoyment uses should have priority over non-water-oriented recreational uses, such as baseball or soccer.
58. The linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking paths, bicycle paths, easements, and/or scenic drives, should be encouraged. Recreational facilities should be integrated with public access systems.
69. Recreational developments should be located and designed to preserve, enhance, or create scenic views and vistas. Such scenic views should be identified in the shoreline inventory.
- ~~740.~~ Where appropriate, non-intensive recreational uses may be permitted in floodplain areas.
- ~~844.~~ The use of shoreline street ends and publicly owned lands for public access and development of recreational opportunities should be encouraged.

~~429.~~ All recreational developments within shoreline jurisdiction, including new or improved boating facilities, should make adequate provisions for:

- a. ~~Protection of~~No net loss of ecological functions.
- b. Vehicular and pedestrian access, both on-site and off-site.
- c. Proper water supply and solid and sewage waste disposal methods.
- d. Security and fire protection.
- e. The prevention of overflow and trespass onto adjacent properties, including, but not limited to, landscaping, fencing, and posting of property.
- f. Buffering of such development from adjacent private properties or natural areas.

~~42.10.~~ Trails and pathways on steep shoreline bluffs should be located, designed, and maintained to protect bank stability.

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## 23. Regulations

### General

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1. The City shall require and utilize the following information in its review of recreational development proposals:
  - a. Nature of the recreational activity (e.g., water-dependent, water-related, water-enjoyment, non-water-oriented, mixed-use), including a breakdown of specific shoreline use components.
  - b. The reasons why the project needs a shoreline location.
  - c. Special considerations for enhancing the relationship of the activity to the shoreline.
  - d. Provisions for ecological restoration and for public visual and physical access to the shoreline;
  - e. Provisions to ensure that the development will not cause adverse environmental impacts.
  - f. Layout, size, height, and general appearance of all proposed structures.
  - g. Pedestrian and vehicular circulation, parking areas, pavements, landscaping, and view corridors.
  - h. Horticultural or maintenance methods, including lawn or turf care, plant maintenance, and allowable beach uses.
- ~~2.~~ ~~2.~~ Water-oriented recreational developments may be permitted as indicated in Chapter 2, Section C, Shoreline Use and Shoreline Modification Matrix. In accordance with said matrix and other provisions of this Shoreline Master Program, Non-water-oriented recreational developments may be permitted by CUP (except in the Tye Stormwater Facility environment which allows non-water-oriented recreational developments) only where it can be demonstrated that:

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- 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 will be of appreciable public benefit by increasing shoreline ecological functions together with public use, enjoyment, or access to the shoreline.
- ~~3. Accessory parking shall not be located in shoreline jurisdiction unless there is no other feasible option.~~
- 4.3. All new recreational development proposals will be reviewed by the City for ecological restoration and public access opportunities. When restoration and/or public access plans indicate opportunities exist, the City may require that those opportunities be either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.
4. All new non-water-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access.
5. The City shall consult the Shoreline Restoration Element and the City of Monroe Park, Recreation and Open Space Plan to determine the applicability and extent of ecological restoration and/or public access required.
- ~~5. Public access provisions shall conform to the requirements in Section H, Chapter 3.~~
6. Recreational development should be designed and located to prevent net loss of shoreline ecological functions. ~~that causes significant ecological impact is not allowed, except as provided below.~~ Public water-oriented recreational development that would cause unavoidable ~~significant~~shoreline ecological impacts may be permitted if the project includes ecological restoration that will improve ecological functions within the same stream reach or within Tye Stormwater Facility, as appropriate. Compensating ecological mitigation or restoration must be in place and functioning prior to construction of the recreational facility.
7. Valuable shoreline resources and fragile or unique areas, such as wetlands, shall be used only for non-intensive uses and nonstructural recreation developments.
8. Substantial structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM and at least 25 feet in the Tye Stormwater Facility environment and at least 200 feet or as otherwise allowed under the Critical Areas Regulations (see Appendix A) in all other environments. ~~These areas~~ may be linked to the shoreline by walkways.
9. For recreational developments that require the use of fertilizers, pesticides, or other toxic chemicals, such as play fields, the applicant shall submit plans demonstrating the methods to be used to prevent these applications and resultant leachate from entering adjacent water bodies, consistent with the City's adopted Best Management Practices for such uses.

10. Prohibited Boating Facilities: Marinas, overwater moorage, wet boat storage and private boat launch ramps or other private boat launch facilities shall be prohibited along the Skykomish River and Woods Creek shorelines.
11. New boating facilities may be constructed to provide improved access for non-motorized and small electric boats (<1.5 hp) along the Lake Tye shoreline. All facilities, including boat launches or piers and docks, shall be designed in consultation with WDFW and shall be consistent with all applicable standards of this Chapter.
12. New boating facilities may be allowed to provide recreational access for hand launched, non-motorized boats within the Cadman Site park area within the Skykomish River shoreline area. Boating facilities shall be of the minimum size necessary to provide hand launch access, and shall run parallel to the shoreline where proposed. Such facilities shall be constructed consistent with the adopted Cadman Site Park Master Plan, and shall not include boat ramps. Access to hand launch facilities shall be from pedestrian pathways, and parking shall not adjoin the hand launch location. All necessary federal and state permits shall be obtained prior to a Conditional Use Permit approval.
13. The existing boat launch at the Washington State Department of Fish and Wildlife Lewis Street Access Site may be modified and improved consistent with state and federal regulatory agency permits that must be obtained prior to Conditional Use Permit approval.

## **Design**

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10. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance, or restore desirable shoreline features, including unique and fragile areas, scenic views, and aesthetic values. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements, and setbacks, as deemed appropriate to achieve this intent.
11. Recreational developments shall provide facilities for nonmotorized access to the shoreline, such as pedestrian and bicycle paths. Motorized vehicular access is prohibited on beaches, bars, spits, and stream beds, EXCEPT for boat launching and maintenance activities in designated areas.
12. To protect natural resources and adjacent properties, recreational facility design and operation shall prohibit the use of all-terrain and off-road vehicles in the shoreline area, EXCEPT where specific areas for such use are set aside and controlled, and then only when it can be demonstrated that demand is sufficient to warrant such activity.
13. Proposals for developments shall include a landscape plan that utilizes primarily native, self-sustaining vegetation. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of play areas/fields, selected view points, or other permitted structures or facilities. (See Chapter 3, Section L, "Vegetation Conservation") Where feasible, such facilities requiring vegetation removal shall be set back to avoid significant vegetation removal.
14. No recreational buildings or structures shall be built over water except water-dependent and/or public access structures, such as bridges or viewing platforms.

15. Proposals for recreational development shall include adequate facilities for water supply, sewage, and garbage disposal. Where sewage treatment facilities are not available, the appropriate reviewing authority shall limit the intensity of development to meet City, county, and state on-site sewage disposal requirements.

## **G. Residential Development**

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### **1. Applicability**

~~Residential development means one or more buildings, structures, lots, parcels or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, including single family residences, duplexes, other detached dwellings, floating homes, multi family residences, apartments, townhouses, mobile home parks, other similar group housing, condominiums, subdivisions and short subdivisions, 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. Residential development does not include hotels, motels or any other type of overnight or transient housing or camping facilities. In Monroe, residential development is allowed in the High Intensity and Shoreline Residential environments.~~

~~Although some owner-occupied single family residences are exempt from the Substantial Development Permit process, they still must comply with all of the provisions of this section and of the Shoreline Master Program. Subdivisions and short subdivisions must also comply with all of the provisions of this section and the Shoreline Master Program. Uses and facilities associated with residential development which are identified as separate use activities in this program, such as Boating Facilities, Bulkheads, Shoreline Stabilization and Flood Protection, Utilities, Fill, and Clearing and Grading, are subject to the regulations established for those uses in addition to any special conditions relating to residential areas established in this section.~~

~~The General Provisions and Environment Designation Provisions also apply.~~

### **21. Policies**

1. ~~Residential development is allowed in the High Intensity and Shoreline Residential environments and~~Residential development should be permitted only where there are adequate provisions for utilities, circulation, and access.
2. Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment (WAC 173-26-241(3)(j)).
3. ~~Residential development should be prohibited in environmentally sensitive areas, including, but not limited to, wetlands, geohazardous areas, floodways, and critical habitats.~~

~~4.3. Residential developments should be designed and located in compliance with 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 City's zoning regulations (MMC 18.10), Critical Areas Regulations (MMC 20.05), the comprehensive plan, and this Program.~~

New residential development should be designed so as not to cause significant ecological impacts or significant adverse impacts to shoreline aesthetic characteristics, views, and public use of the shoreline and the water.

~~5. Recognizing the single purpose, irreversible, and space consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space between structures to provide space for outdoor recreation, to protect and restore ecological functions and ecosystem wide processes, to preserve views, and to minimize use conflicts.~~

~~6. Adequate provisions should be made for protection of groundwater supplies, erosion control, drainage systems, aquatic and wildlife habitat, geohydraulic processes, and open space.~~

~~7.4. New multiunit residential development, including duplexes, fourplexes, and the subdivision of land for more than four parcels, should provide community and/or public access in conformance with Chapter 3, Section H of this Shoreline Master Program.~~

~~8. New residential development should be located and designed so as to not cause significant adverse impacts to or result in the displacement of other nearby shoreline uses, including recreational uses.~~

~~9.5. New residential development should be located and designed so as to minimize conflicts or incompatibilities with water oriented uses.~~ Residential development should not be allowed where occupants would be exposed to noise, bright lights, or other necessary impacts of water development uses, such as industrial activities.

~~10.6. Appurtenances should be located landward of the principal residence.~~

~~11.7. New residences should be designed and located so that shoreline armoring or structural erosion control measures will not be necessary to protect the structure.~~

~~12.8. When demonstrated to be necessary, shoreline stabilization measures should be designed and located to avoid or minimize adverse impacts. Replacement shoreline stabilization structures should be designed to minimize ecological impacts.~~

~~13.9. The creation of new residential lots should not be allowed unless it is designed and located to prevent net loss of shoreline ecological functions and should not have adverse impacts on other shoreline uses, public access or recreation. demonstrated that the lots can be developed with no net loss to ecological functions.~~

~~14.10. The application of non-organic chemicals, including fertilizers, herbicides and pesticides, within shoreline jurisdiction is discouraged.~~

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## 23. Regulations

1. Residential development applications for a “letter of exemption,” as described in the administrative provisions of MMC 19.01.060, for residential development shall include the following information:
  - a. Size, location, dimensions, predominant materials, and method of construction (e.g., wood frame, poured-in-place concrete, driven short piles) for all structures.
  - b. Existing trees over 6-inch caliper proposed for removal.
  - c. Expected amount of earthwork, clearing, and grading.
  - d. Location and extent of paved or gravel surfaces.
  - e. Character and extent of existing vegetation and proposed vegetation restoration/landscaping plans.
  - f. If shoreline stabilization measures are involved, a geotechnical report consistent with Section C, Chapter 4 of this Shoreline Master Program.
2. Although some owner-occupied single-family residences, subdivisions, and short subdivisions are exempt from the Substantial Development Permit process, they still must comply with all of the provisions of this Program.

~~All residential development shall meet the provisions of this Shoreline Master Program. In order to implement the objectives of the Shoreline Management Act, RCW 90.58.020, the City shall review development proposals for such actions. Persons intending to carry out the types of single-family development described above shall apply for a “letter of exemption,” as described in the administrative provisions of Chapter 19.01 of the Monroe Municipal Code. The application for the letter of exemption shall describe the information required in Regulation 1 of this section.~~

3. ~~Residential development is prohibited within floodways, channel migration zones, wetlands, critical wildlife habitats, and other hazardous areas, such as steep slopes and areas with unstable soils or geologic conditions.~~

### Development Standards

4. ~~3. New residential development shall comply with” the standards for building height, lot coverage, setbacks, and buffers as outlined in Chapter 2.D, Site Development Standards, zoning requirements (in MMC 18.10), stormwater management regulations (in MMC 15.01), and the Critical Areas Regulations (in Appendix A MMC 20.05), and this Program. The City of Monroe has a policy of adopting the latest version of the Department of Ecology Stormwater Management Manual for Western Washington to regulate stormwater discharge and management. The City will encourage practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies.~~

### Appurtenances and Accessory Structures

5. ~~4. Appurtenances, as defined in this Shoreline Master Program consistent with Chapter 173-27 WAC, shall be subject to the same conditions as primary residences, except that for the~~

**Commented [PD(40)]:** This statement excludes residential development that does not qualify for a shoreline exemption under WAC 173-27-040 (2). Regulations need to apply to all RD development.

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**Commented [PD(41)]:** Are all these prohibitions specifically called out in other SMP sections? If not the regulation should remain.

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protection of human health and safety and ecological functions further restrictions may apply.

5. Accessory uses that are not appurtenant structures shall be reasonable in size and purpose and compatible with on-site and adjacent structures, uses, and natural features. Accessory structures that are not water-dependent are not permitted waterward of the principal residence unless there is a compelling reason to the contrary.
6. Accessory and appurtenant structures should not be located within shoreline buffers to assure that buffer integrity is maintained.

#### **Public Access**

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7. Subdivisions and planned unit developments of five or more waterfront lots/units shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public. When required, public access easements shall be a minimum of 25 feet in width and shall be in compliance with public access standards contained herein.
8. Residences, appurtenances, and accessory structures shall not be located in required view corridors.

#### **The Creation of New Residential Lots**

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9. The creation of new lots shall be prohibited unless all of the following can be demonstrated.
  - a. A primary residence can be built on each new lot without any of the following being necessary:
    - i. New structural shoreline stabilization.
    - ii. New development or clearing and grading that does not meet vegetation conservation standards in Section C, Chapter 3.
    - iii. New structures in the required shoreline setback, geohazardous areas, wetland, required wetland buffer, critical habitat, or critical habitat buffer (see [Appendix AMMC 20.05](#) for Critical Areas Regulations).
    - iv. Causing significant erosion or reduction in slope stability.
    - v. Causing increased flood or geological hazard in the new development or to other properties.
  - b. Adequate sewer, water, access, and utilities can be provided.
  - c. The intensity and type of development is consistent with the City comprehensive plan and development regulations.
  - d. Potential adverse environmental impacts (~~including ecological impacts~~) can be avoided or mitigated to achieve no net loss of [shoreline](#) ecological functions, taking into consideration temporal loss due to development and potential cumulative impacts to the environment.



- e. The proposed development is consistent with other development standards outlined in Chapter 2, Section D (Site Development Standards).

## H. Transportation and Parking

### 1.1. 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, 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.

### Policies

#### 2. Policies

The policies and regulations identified in this section pertain to any project, within any environment, that is effecting some change in present transportation facilities.

1. Non-water-dependent transportation facilities should be located outside shoreline jurisdiction, if feasible. (See definition of “feasible.”)
2. Transportation facilities should provide safe, reasonable, and adequate circulation systems to shorelines and should include circulation systems for pedestrian, bicycle, and public transportation where appropriate.
3. Transportation and parking plans and projects should be consistent with the Shoreline Master Program public access policies General Provisions (Chapter 3) and Shoreline Modification Provisions (Chapter 4), public access plan, and environmental protection provisions.
4. Circulation system planning to and 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 Shoreline Master Program.
- 5.4. Proposed transportation and parking facilities should be located, planned, and designed to prevent net loss of shoreline ecological functions and should not have adverse impacts on other shoreline uses, public access or recreation, where routes will have the least possible adverse affect on unique or fragile shoreline features and existing ecological functions or on existing or future water dependent uses. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.

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~~6. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support a preferred use. Chapter 3, Section G (Parking) contains policies and regulations to minimize the environmental and visual impacts of parking facilities.~~

~~7.5~~ Restoration of shoreline ecological functions should be a condition of new and expanded non-water-dependent transportation and parking facilities.

~~8.6~~ New roads, railroads, and bridges in shoreline jurisdiction should be minimized and allowed only when related to and necessary for the support of permitted shoreline activities. Major new highways, freeways, and/or railways should be located out of shoreline jurisdiction.

~~9.7~~ Road and railroad locations should be planned to fit the topographical characteristics of the shoreline such that minimum alteration of natural conditions results. New transportation facilities should be located and designed to minimize the need for shoreline protection measures and minimize the need to modify natural drainage systems. The number of waterway crossings should be limited to the maximum extent possible.

~~10.8~~ When existing transportation corridors (or rights-of-way, including railroad) are abandoned, they should be reused for water-dependent use or public access.

~~11.9~~ Joint use of transportation corridors within shoreline jurisdiction for roads, utilities, and motorized forms of transportation should be encouraged.

## **2.3. Regulations**

### **General**

1. Applications for new or expanded transportation facilities development in shoreline jurisdiction shall include the following information:
  - a. Demonstration of the need for the facility.
  - b. An analysis of alternative alignments or routes, including alignments or routes outside shoreline jurisdiction.
  - c. An analysis of potential impacts complying with the State Environmental Policy Act, including an analysis of comparative impacts of feasible alternative routes. (See the definition of “feasible” in Definitions, Chapter 7.)
  - d. Description of construction, including location, construction type, and materials.
  - e. Description of mitigation and restoration measures.
- ~~2. New nonwater dependent transportation facilities shall be located outside shoreline jurisdiction, if possible. In determining the feasibility of a non-shoreline location, the City will apply the definition of “feasible” and weigh the action’s relative public costs and benefits, considered in the short and long term time frames.~~
- ~~2.3. All new and expanded transportation facilities shall be conditioned with the requirement to mitigate adverse impacts consistent with Section E, Chapter 3 of this Shoreline Master Program. New or expanded transportation facilities shall be designed and located to prevent net loss of shoreline ecological functions and should not have adverse impacts on other~~

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Commented [PD(42)]: This regulation reflects an important element of WAC 173-26-241 (3) (k) and should remain. Could be reworded to reflect WAC: "Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction".

~~shoreline uses, public access or recreation. hat cause ecological impacts shall not be allowed unless the development includes S~~shoreline mitigation/restoration may be required that increases the ecological functions being impacted to the point where:

~~a.~~ Short- and long-term risks to the shoreline ecology from the development are eliminated.

~~a.~~

~~b.~~ Long-term opportunities to increase the natural ecological functions and processes are not diminished.

~~b.~~

~~e.~~ 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.

~~4. Restoration of shoreline ecological functions shall be a condition of new and expanded nonwater dependent transportation and parking facilities if they would diminish short or long term opportunities to restore ecological functions or ecosystem wide processes within a watershed.~~

~~c. 5.~~

3. Transportation facilities allowed to cross over waterbodies, waterways, and wetlands shall:

a. Utilize elevated, open pile, or pier structures whenever feasible.

b. Be built high enough to allow the passage of debris and provide three feet of freeboard above the 100-year flood level.

c. Be designed to provide minimal disturbance to banks

~~2.~~ Except where water crossing is necessary, roads, railroads, and other transportation facilities permitted shall be located landward of: critical areas, the channel migration zone and officially designated fish and wildlife habitats.

~~4.~~

~~5. 6.~~ All new roads and railroads transportation facilities, if permitted parallel to shoreline areas, shall be:

~~a. A~~ adequately set back from water bodies and shall provide buffer areas of compatible, self-sustaining vegetation.

~~b.~~ Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.

c. 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.

d. Designed to avoid steep or unstable areas and fit the existing topography in order to minimize cuts and fills.

~~3.~~

~~4. 7. 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. 8. Shoreline transportation facilities shall be sited and designed to avoid steep or unstable areas and fit the existing topography in order to minimize cuts and fills.~~

~~6. 9. All new and expanded transportation facilities in shoreline jurisdiction shall be consistent with the City's comprehensive plan and applicable capital improvement plans.~~

~~6.~~

~~7. 10. New and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the Shoreline Master Program.~~

~~8.7. 11. Transportation facilities and services shall utilize existing transportation corridors whenever possible, provided that facility additions and modifications will not adversely impact shoreline resources and are otherwise consistent with this Program. If expansion of the existing corridor will result in significant adverse impacts, then a less disruptive alternative shall be utilized.~~

~~8.12. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies where adverse impact to the shoreline can be minimized by doing so.~~

~~9.13. Fills for transportation facilities are prohibited in water bodies, wetlands, and on accretion beaches; EXCEPT, when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this Program, such fill may be permitted as a CUP. Placement of transportation facilities in all critical areas, including streams and wetlands, must comply with the Critical Areas Regulations (see Appendix AMMC 20.05).~~

~~14. New and expanded transportation facilities shall not diminish public access to the shoreline, as described in Chapter 3, Section H.~~

~~15.0. The following regulation applies to shoreline road ends:~~

~~RCW 37.79.035 and RCW 35.87.130 prohibit the City from vacating any City road which abuts a body of fresh water unless the street or road is not currently used or suitable for boat~~

moorage or launching site or for a park, viewpoint, recreation, education or other public purposes (see RCW legal procedure to vacate streets).

~~16. Waterway crossings shall be designed to provide minimal disturbance to banks.~~

171. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts. If necessary,

18. Culverts and similar devices shall be designed consistent with the latest version of the Washington Department of Fish and Wildlife's *Design of Road Culverts for Fish Passage* guidelines. Culverts shall be located so as to avoid relocation of the stream channel unless relocation is part of an approved restoration plan.

~~19. Bridges, crossings, debris grates, culverts, and similar devices used by fish shall meet all requirements set by the Washington Department of Fish and Wildlife.~~

20. 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.

~~1221. 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 as a conditional use. Placement of transportation facilities in all critical areas, including streams and wetlands, must comply with the Critical Areas Regulations (see Appendix A).~~

### **Construction and Maintenance**

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~~1322. Overburden, debris, and other waste materials from both construction and maintenance activities, including drainage ditch clearing, shall not be deposited into or sidecast on the shoreline side of roads or in water bodies, wetlands, and other unique natural areas. Such materials shall be deposited in stable locations where reentry and erosion into such areas is prevented.~~

~~1423. All shoreline areas disturbed by facility construction and maintenance shall be replanted and stabilized with compatible, native self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained until established by the agency or developer constructing or maintaining the road. The vegetation restoration/replanting plans shall be as approved by the City.~~

~~1524. The City shall give preference to mechanical means rather than the use of herbicides for roadside brush control on City roads in shoreline jurisdiction. If the situation requires the use of herbicides, they shall be applied to noxious weeds only, so that chemicals do not enter adjacent water bodies or damage or kill beneficial native shoreline vegetation.~~

~~1625. No machinery shall operate within a stream bed except in compliance with a hydraulics permit issued by the Washington Department of Fish and Wildlife.~~

# I. Utilities (Primary Uses)

## 1. 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 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 K, "Utilities," 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.~~

## 12. Policies

The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants 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 K, "Utilities," for on-site accessory use utilities.

1. Utilities should utilize existing transportation and utility sites, rights-of-way and corridors whenever possible rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
2. All utility facilities should be designed and located to ~~avoid or, if that is not possible, minimize harm to~~ prevent net loss 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.
3. Utility processing facilities, such as solid waste disposal facilities, sewage treatment plants, or parts of those facilities, that are non-water-oriented should not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.
4. ~~Utilities should be prohibited in wetland buffers of Category II-IV wetlands, critical fish and wildlife habitat conservation areas, or other unique and fragile areas unless no feasible alternatives exist. Utilities should be prohibited in wetlands and buffers of Category I wetlands.~~
5. New utility facilities should be located so as not to require extensive shoreline protection works.
6. Utility facilities and corridors should be located so as to protect scenic views and public access. Whenever possible, such facilities should be placed underground or alongside or under bridges.

7. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

## 23. Regulations

### General

1. Applications for new or expanded utility facilities in shoreline jurisdiction shall include the following:
  - a. Demonstration of the need for the facility.
  - b. An analysis of alternative alignments or routes, including alignments or routes outside shoreline jurisdiction.
  - c. An analysis of potential impacts complying with the State Environmental Policy Act, including an analysis of comparative impacts of feasible alternative routes.
  - d. Description of construction, including location, construction type, and materials.
  - e. Location of other utility facilities in the vicinity of the proposed project and any plans to include the facilities of other types of utilities in the project.
  - f. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the primary utility's useful life.
  - g. Plans for control of erosion and turbidity during construction and operation.
  - h. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.
2. ~~All utility facilities shall be designed and located to minimize 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 may require the relocation or redesign of proposed utility development in order to avoid significant ecological impacts, or significant adverse impacts, and/or public access impacts.
3. ~~Utility production and processing facilities, such as solid waste disposal facilities and sewage treatment 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.~~
- 4.3. 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 should be located in existing rights-of-way, ~~and~~ corridors and/or bridge crossings whenever possible. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
- 5.4. Development of facilities that may require periodic maintenance or that cause significant ecological impacts shall not be allowed unless no other feasible option exists. When permitted, those facilities shall include adequate provisions to protect against significant ecological impacts.

Commented [PD(43)]: Leave in, Required per WAC 173-26-241 (3) (l)

~~5.6.~~ Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities.

76. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner.

~~8. Utility lines shall utilize existing rights of way, corridors and/or bridge crossings whenever possible and shall avoid duplication and construction of new or parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.~~

Commented [PD(44)]: Leave in, Required per WAC 173-26-241 (3) (l)

97. The following utility facilities are not essentially water-dependent. The following new and expanded utility facilities are prohibited in shoreline jurisdiction unless authorized by Conditional Use Permit and where it can be shown that no feasible alternatives exist:

- a. Water system treatment plants.
- b. Sewage system lines, interceptors, pump stations and treatment plants.
- c. Electrical substations, lines and cables.
- d. Petroleum and gas pipelines.

~~108.~~ New solid waste disposal sites and facilities are prohibited.

~~149.~~ Sewage treatment, water reclamation, and desalinization plants may only be permitted by conditional use and shall be located where they do not interfere with and are compatible with recreational, residential, or other public uses of the water and shorelands.

### Location and Design

~~12. New utility lines including 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 impacts. Existing above ground lines shall be moved underground during normal replacement processes.~~

~~130.~~ 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.

141. Utility facilities requiring withdrawal of water from streams or rivers shall be allowed only with a documented water right, and located only where minimum flows as established by the Washington Department of Ecology can be maintained.

152. Utilities shall be located and designated so as to avoid or minimize the use of any structural or artificial shore defense or flood protection works.



163. 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.

174. Utilities shall utilize required setback areas to provide screening of facilities from water bodies and adjacent properties. Type of screening required shall be determined by the City on a case-by-case basis.

185. Underground (or water) utility lines shall be completely buried under the river bed in all river or stream crossings EXCEPT where any of the following apply:

- a. Such lines can be affixed to a bridge structure.
- b. Appropriate water or sewage treatment plant intake pipes or outfalls.
- c. It is demonstrated that above-ground lines would have a lesser impact.

196. 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.

2017. Filling in shoreline jurisdiction for utility facility or line development purposes is prohibited, except where no other feasible option exists and the proposal would avoid or minimize impacts more completely than other methods. Permitted crossings shall utilize pier or open pile techniques.

218. Power generating facilities are not permitted in shoreline jurisdiction.

# Chapter 6: Administrative Provisions

## A. Conditional Use Permits

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### 1. Conditional Use Permits - Generally

The Hearing Examiner shall have the authority to hear and make findings, conclusions, and recommendations, and the City Council shall have the authority to grant, in appropriate cases and subject to appropriate conditions and safeguards, shoreline Conditional Use Permits as authorized by Chapter 19.01 of the Monroe Municipal Code (MMC), and as consistent with the SMA (RCW 90.58.100(5)) and WAC 173-27-160. The application for a shoreline Conditional Use Permit shall be made on forms prescribed by the Community Development Department and shall be processed pursuant to the rules of the Hearing Examiner. Review will be for purposes of determining consistency with:

- The legislative policies stated in the Shoreline Management Act, RCW 90.58.020 (SMA).
- The Shoreline Master Program of the City of Monroe.

Notice of public hearings shall be published in the same manner as provided in the Monroe Municipal Code.

All Conditional Use Permits issued by the City must be submitted to the Department of Ecology for its approval or disapproval.

### 2. Conditional Use Permit Criteria

The purpose of a Conditional Use Permit is to allow greater flexibility in administering the use regulations of the Master Program in a manner consistent with the policies of the SMA. Conditional Use Permits may also be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA. In authorizing a Conditional Use, special conditions may be attached to the permit by the City of Monroe or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the SMA and this Master Program. The criteria for granting Conditional Use Permits is the following:

1. The uses which are classified or set forth in the Master Program as conditional uses may be authorized, provided the applicant can demonstrate all of the following:
  - a. That the proposed use will be consistent with the policies of the SMA and the policies of this Master Program.

- b. That the proposed use will not interfere with the normal public use of public shorelines.
  - c. That the proposed use of this site and design of the project will be compatible with other permitted uses within the area.
  - d. That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.
  - e. That the public interest suffers no substantial detrimental effect.
2. Other uses which are not classified or set forth in the Master Program may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth in Subsections 1 and 3 of this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of this Master Program.
  3. In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.
  4. Uses which are specifically prohibited by this Master Program may not be authorized pursuant to either Subsection 1 or 3 of this section.

### **3. Imposition of Conditions**

To ensure compliance with the criteria stated in ~~the~~ this Master Program, the Hearing Examiner shall have the authority to recommend, and the City Council shall have the authority to require and approve, a specific plan for a proposed use, to impose performance standards that make the use compatible with other permitted uses within the area, and to increase the requirements set forth in this Master Program which are applicable to the proposed use. In no case shall the City have the authority to decrease the requirements of this ~~Shoreline Master~~ Program when considering an application for a shoreline Conditional Use Permit; any such decrease shall only be granted upon the issuance of a shoreline Variance.

### **4. Subsequent Hearing—Publication of Notice**

At the City Council meeting following the filing of such findings by the Hearing Examiner, the City Council, on its own initiative or on request of an aggrieved party, whether the applicant or any other individual, may set another hearing date by giving notice in the newspaper and by mail in the manner prescribed for the Hearing Examiner, and at such public hearing determine on the merits whether the development is consistent with the criteria referenced in this Master Program. If at such hearing the majority of the Council determines that such development satisfies the criteria, then a shoreline Conditional Use Permit shall be issued upon the terms and conditions hereinafter prescribed and prescribed by the Council.

### **5. Compliance with Conditions**

1. Where plans are required to be submitted and approved as part of the application for a shoreline conditional use permit, modifications of the original plans may be made only after a review has been conducted by the Hearing Examiner and approval granted by the City Council.

2. In the event of failure to comply with the plans approved by the City or with any conditions imposed upon the shoreline conditional use permit, the permit shall immediately become void and any continuation of the use activity shall be construed as being in violation of this ~~Shoreline Master~~ Program and a public nuisance.

## **B. Variances**

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### **1. Variances - Generally**

The Hearing Examiner shall have authority to act upon, and the City Council shall have authority to grant, variances from the substantive requirements of this ~~Shoreline Master~~ Program. The application for a shoreline Variance shall be made on forms prescribed by the Community Development Department and shall be processed and acted upon in the same manner as is provided for Substantial Development and Conditional Use Permits. If a Variance application is not merged with a pending Substantial Development Permit application, the applicant shall pay the City the Variance application fee in effect at that time. All Variances issued by the City must be submitted to the Department of Ecology for its approval or disapproval.

### **2. Variance Criteria**

The purpose of a Variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in this Master Program where there are extraordinary or unique circumstances relating to the properties such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in the SMA. The criteria for granting Variances shall be consistent with WAC 173-27-170 and include the following:

1. Variances 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 exist, and the public interest shall suffer no substantial detrimental effect.
2. Variances for development and/or uses that will be located landward of the ordinary high-water mark, 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:
  - a. That the strict application of the bulk, dimensional, or performance standards as set forth in the Master Program precludes, or significantly interferes with, reasonable use of the property;
  - b. That the hardship described in (a) of this subsection is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions;

- c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Master Program, and will not cause adverse impacts to the shoreline environment;
  - d. That the Variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
  - e. That the Variance requested is the minimum necessary to afford relief; and
  - f. That the public interest will suffer no substantial detrimental effect.
3. Variances for development and/or uses that will be located waterward of the ordinary high water mark 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:
    - a. That the strict application of the bulk, dimensional or performance standards set forth in this Master Program precludes all reasonable use of the property;
    - b. That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and
    - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
  4. In the granting of all Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
  5. Variances from the use regulations of this Master Program are prohibited.

## C. Revisions to Permits

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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, this Master Program and/or the policies and provisions of Chapter 90.58 RCW. Changes that are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a Substantial Development, Conditional Use, or Variance Permit, the City Planning Department shall request from the applicant detailed plans and text describing the proposed changes in the permit.

1. If the planning staff determines that the proposed changes are within the scope and intent of the original permit, the revision shall be automatically approved, provided it is consistent with Chapter 173-27 WAC, the SMA, and this Master Program.

2. “Within the scope and intent of the original permit” means the following:
  - a. No additional over- or in-water construction will be involved.
  - b. 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.
  - c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this Master Program except as authorized under a 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.
  - 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, WAC 173-27-100, and this 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 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.
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 Ecology. In addition, the City shall notify parties of record of their action.
6. If the revision to the original permit involves a Conditional Use or Variance, the City shall submit the revision to Ecology for Ecology’s approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of Ecology’s receipt of the submittal from the City. The City shall notify parties of record of Ecology’s final decision.
7. The revised permit is effective immediately upon final decision by the City or, when appropriate under Subsection 6 of this section, upon final action by Ecology.

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 City's action by Ecology or, when appropriate under Subsection 6 of this section, the date Ecology's final decision is transmitted to the City 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.

## **D. Nonconforming Uses and Development Standards**

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1. "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or this Master Program, or amendments thereto, but which does not conform to present regulations or standards of this Master 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 this 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 173-27-240(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 this 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 this 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 this 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 this 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 this 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 this Master Program, but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the City of Monroe and so long as such development conforms to all other requirements of this Master Program and the Act.

## **E. Documentation of Project Review Actions and Changing Conditions in Shoreline Areas**

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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.



## **F. Amendments to This Master Program**

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If the City or Ecology determines it necessary, the City will review shoreline conditions and update this SMP within seven years of its adoption. In addition, it is acknowledged that on-going FEMA mapping efforts<sup>1</sup> may result in conflicts between this SMP's mapped shoreland designations and the true physical qualifications of those lands under the state criteria for designating shorelands. Pursuant to WAC 173-22-055, in the event that the shoreland designations shown on this SMP's map conflict with the shoreland definitions in the State criteria, the State criteria control, and the City would be obligated to treat the shoreland boundaries as defined by those State criteria. Upon discovery of any such discrepancy that removes SMP-mapped lands from the shoreland definition, the City will drop those lands from SMP regulation and will also amend this SMP within three years.

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<sup>1</sup> As of publication of this SMP, the latest floodplain mapping effort shows a 100-year floodplain that is consistent with the enclosed map of shoreline jurisdiction.

# Chapter 7: Shoreline Restoration Plan

## A. Introduction

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A jurisdiction's Shoreline Master Program applies to activities in the jurisdiction's shoreline zone. Activities that have adverse effects on the ecological functions and values of the shoreline must provide mitigation for those impacts. By law, the proponent of that activity is not required to return the subject shoreline to a condition that is better than the baseline level at the time the activity takes place. How then can the shoreline be improved over time in areas where the baseline condition is severely, or even marginally, degraded?

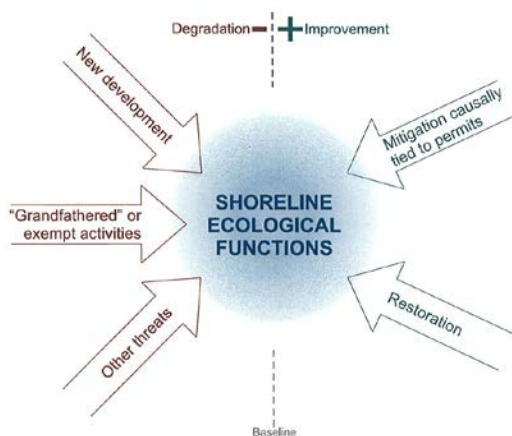
Section 173-26-201(2)(f) of the Guidelines says:

“master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.”

However, degraded shorelines are not just a result of pre-Shoreline Master Program activities, but also of unregulated activities and exempt development. The new Guidelines also require that “local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.” While some actions within shoreline jurisdiction are exempt from a permit, the Shoreline Master Program should clearly state that those actions are not exempt from compliance with the Shoreline Management Act or the local Shoreline Master Program. Because the shoreline environment is also affected by activities taking place outside of a specific local master program's jurisdiction (e.g., outside of city limits, outside of the shoreline zone within the city), assembly of out-of-jurisdiction actions, programs and policies can be essential for understanding how the City fits into the larger watershed context. The latter is critical when establishing realistic goals and objectives for dynamic and highly inter-connected environments.

As directed by the Guidelines, the following discussion provides a summary of baseline shoreline conditions, lists restoration goals and objectives, and discusses existing or potential programs and projects that positively impact the shoreline environment. Finally, anticipated scheduling, funding, and monitoring of these various comprehensive restoration elements are provided. In total, implementation of the Shoreline Master Program (with mitigation of project-

related impacts) in combination with this Restoration Plan (for restoration of lost ecological functions that occurred prior to a specific project) should result in a net improvement in the City of Monroe’s shoreline environment in the long term. The following graphic conceptually illustrates the operation of the SMP and the Restoration Plan on the shoreline environment condition.



Graphic conceptually prepared by Commissioner Dennis Gallagher.

In addition to meeting the requirements of the Guidelines, this Restoration Plan is also intended to support the City’s or other non-governmental organizations’ applications for grant funding, and to provide the interested public with contact information for the various entities working within the City to enhance the environment.

## B. Shoreline Inventory Summary

### 1. Introduction

The City conducted a comprehensive inventory of the Skykomish River and Woods Creek shorelines in 2002 (Appendix [A-B](#)). The primary purpose of the shoreline inventory was to facilitate the City of Monroe’s compliance with the State of Washington’s Shoreline Management Act (SMA) and updated Shoreline Master Program Guidelines. Secondary purposes were to support compliance with State of Washington’s Growth Management Act (GMA) and the federal Endangered Species Act (ESA). The inventory describes existing physical and biological conditions in the Skykomish River and Woods Creek shoreline zones, including recommendations for restoration of ecological functions where they are degraded. The full *Shoreline Master Program Inventory* is included as Appendix [A-B](#) and is summarized below. In addition, the Washington Department of Ecology identified the Tye Stormwater Facility in Lake Tye Park as a shoreline water body in June 2007 (see inventory addendum in Appendix [B-C](#)).

## 2. Shoreline Boundary

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated “shorelands.” 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<sup>1</sup> to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom (RCW 90.58.030)”

The City of Monroe’s former shoreline boundary appeared to have been based partially on the floodway and partially on the floodplain as mapped by the Federal Emergency Management Agency (FEMA). As part of Shoreline Inventory development, the shoreline boundary was re-evaluated and updated. As stated in WAC 173-22-040, “...local government may, at its discretion, include all or a larger portion of the one hundred-year floodplain within the associated shorelands.” The City has used its discretion to designate as regulated shoreline the larger of the 100-year floodplain or those areas landward 200 feet from the ordinary high water mark along the Skykomish River and Woods Creek shorelines where the waterbody is partially or fully encompassed by the City. The City reviewed maps showing the extent of both the 100-year floodplain and 200 feet from the floodway jurisdiction options, and found that the differences were minor. The only properties affected by the increase in shoreline jurisdiction were City parks and Cadman.<sup>2</sup> Under the minimum shoreline jurisdiction, only small areas (primarily wetland buffer) within the Cadman ~~property~~ Site would be outside of shoreline jurisdiction.

Commented [AB45]: Here is the info about how much of the floodway/floodplain is considered shoreline jurisdiction.

There are additional floodplain areas within the City limits that are not contiguous with the shoreline waterbody: 1) portions of the Fryelands are in the Snohomish River floodplain, and 2) a small isolated section of the reformatory property is in the Skykomish River floodplain. These shoreline areas within the City are separated from their respective waterbodies by Shoreline County jurisdiction. The Snohomish River is about 3 miles from Monroe’s City boundary, and the Skykomish is about 0.5 mile from the isolated reformatory floodplain area. Inclusion of these areas in the City’s shoreline jurisdiction would increase the regulatory burden on a developed residential area (Fryelands) and/or would not provide any meaningful protection to the waterbodies in question. In distant floodplain areas (and throughout the entire City), the primary potential ~~afecte~~ effect of any development is limited to water quality and stormwater impacts which are regulated during and after construction by the City’s stormwater manual (which is based on the latest Ecology stormwater manual) and after construction by individual

<sup>1</sup> According to RCW 173-220-030, 100-year floodplain is “that land area susceptible to being inundated by stream derived waters 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 act;”

<sup>2</sup> The difference appears more significant when comparing the previous shoreline jurisdiction map to the proposed map because of errors in the original map with respect to location of the floodway and omission of associated wetlands.

property owner's land management practices that are not regulated by the SMP (such as car washing, herbicide applications).

The Tye Stormwater Facility is also regulated as a shoreline of the state as a lake exceeding 20 acres. The majority of the Tye Stormwater Facility and its associated shorelands are in the 100-year floodplain of the Snohomish River.

### 3. Inventory

The *Final Shoreline Master Program Inventory for the City of Monroe's Shorelines: Skykomish River and Woods Creek* (The Watershed Company 2002) is divided into five main sections: introduction, land use and altered conditions, biological resources and critical areas, existing conditions analyzed by segment, and a gap analysis. The Skykomish River was divided into three segments (A, B and C) and Woods Creek was divided into two segments (A and B) based on gross land use and biological condition. Skykomish River Segment A extends from the downstream City limit at the west end of the Cadman Site, upstream to the end of the active Cadman gravel mining operation. Skykomish River Segment B extends from the east end of the Cadman Site to the mouth of Woods Creek, which lies immediately upstream of the SR 203/Lewis Street bridge over the river. Finally, Skykomish River Segment C extends from the mouth of Woods Creek upstream to the eastern extent of Al Borlin Park and the City limits adjacent to where the river nears and flows along SR 2 and a paralleling railway line. Woods Creek Segment A extends from the mouth of the creek at the Skykomish River, in Al Borlin Park just east of the SR 203 Skykomish River bridge, to the SR 2 bridge over the creek. Woods Creek Segment B extends from the SR 2 bridge to the City limits at the Old Owen Road bridge.

The 2002 report did not include the Tye Stormwater Facility and its associated shorelands. An August 2007 addendum (Appendix B€) addresses the Tye Stormwater Facility.

### 4. Land Use

1. Existing Land Use: The majority (approximately 98%) of the Skykomish River shoreline is zoned and planned for limited open space (primarily Cadman Inc. gravel operation) and parks/open space (Skykomish River Centennial Park, Al Borlin City Park). Cadman's current gravel extraction permit is valid until 2012; at that time, Cadman has indicated to the City that it will re-apply. Part of the original Cadman approval was the requirement for a 200-foot buffer measured from the ordinary high water mark. Much of this buffer area has been affected by mining-related activities and is in less than natural condition. Woods Creek shoreline use is more diverse, including residential, commercial, light industrial, and some parks/open space. Much of the Tye Stormwater Facility is surrounded by Lake Tye Park. Two parcels, one of which remains undeveloped, in the northeast corner are zoned for commercial use. Light industrial uses are also zoned for parcels that are separated from the water body by either Frylands Boulevard or a park-zoned parcel.
2. Parks and Open Space/Public Access: A dominant and beneficial feature of Monroe's shorelines are its parks. Skykomish River Centennial Park, Al Borlin Park, and Lewis Street Park occupy approximately half of the total shoreline length. In addition, the Cadman, Inc. gravel operation allows access to the Skykomish River for recreational fishing and other waterfront enjoyment uses. Much of the Tye Stormwater Facility is ringed by Lake Tye

Park, which includes a public beach, skateboard park, playgrounds, pedestrian/cyclist trail, and a gravel boat launch area.

The full shoreline inventory (Appendix [A-B](#)) and the *Tye Stormwater Facility Addendum* (Appendix [B-C](#)) include a more in-depth of discussion of the above topics, as well as information about Historic Land Use and Watershed Conditions; Impervious Surface; Filled Areas; Roads and Bridges; Flood Control Structures; Docks, Piers, and Over-Water Structures; Storm Water and Sewer Outfalls, and Other Utilities; and Culverts and Other Fish Passage Barriers.

## 5. Biological Resources and Critical Areas

1. **Skykomish River Segment A:** The most prominent land use feature of Segment A is the centrally located Cadman, Inc. gravel operation. However, the active use area is surrounded by a mix of forested and scrub-shrub wetlands and upland forest. The wetland complex formed in seasonal secondary channels of the Skykomish, and in and along the pre-1920s river channel. These wetlands include a series of beaver dams and ponds on the west edge of Cadman, plus several additional side channels and high-flow channels through the floodplain and riparian area. The wetland complex is tenuously connected to the main Skykomish River channel during normal flows, and is connected by high-flow channels on the north side of Cadman during flood events. The banks of the Skykomish River are generally well-vegetated with shrubs and maturing deciduous trees, mostly cottonwoods. Few or no conifers are present. Some invasive Himalayan blackberry and a considerable amount of invasive Japanese knotweed are present. No shoreline armoring was observed in this segment.
2. **Skykomish River Segment B:** The most prominent land use feature of Segment B is the Skykomish River Centennial Park. This land use will not change in the foreseeable future, although existing facilities in the park (such as ballfields) may be modified and expanded and new facilities may be constructed. Any expansions would not remove existing forested areas adjacent to the Skykomish, and are not expected to increase impervious surface. WDFW included the forested portion of Segment B as a riparian priority habitat because of its value as a “major migration corridor.” This corridor is the only significant wildlife habitat in Segment B, because of its function as a migration corridor and as a connection between the high-quality habitats in Segments A and C. The vegetated corridor is interrupted by WDFW boat ramp and associated parking area. Near the boat ramp, the banks are armored with rip-rap.
3. **Skykomish River Segment C:** Most of Segment C, more than two-thirds of Al Borlin Park, is mapped by WDFW as a priority riparian habitat because of its “excellent habitat for a broad array of wildlife species, and a major migration corridor. The portion of the park that is not specifically mapped as a priority riparian habitat actually has equal habitat value. The park is managed as a natural area, and is rather sparsely covered by formal and informal pedestrian trails. Except for a small grassy picnic area at the southwest tip of the park, the entire park is vegetated by a deciduous-dominant, mature forest. Snags and downed wood are abundant, and non-native species are limited except along trail margins and other edges. Much of the western half of the park is forested wetland, and the eastern half of the park likely contains pockets of forested wetland. The Skykomish River banks are subject to severe erosion where trees and shrubs are absent as a result of clearing for formal and informal trails, parking, or

grassy picnic areas. No armoring is present on the banks of the Skykomish, although the flanks of an old railroad bed bisecting Al Borlin Park are hardened.

4. Woods Creek Segment A: The right<sup>1</sup> bank of Woods Creek is primarily park and residential, with smaller areas of industrial and commercial. Much of the shoreline area in these zones is sloped, vegetated creek buffer unsuitable for additional development, although there are some fairly substantial intrusions by existing residential development. Vegetation conditions along the right bank of the creek are variable, ranging from a wide band of forested vegetation to a narrow (or non-existent) band near some residential and industrial areas. An unused railroad<sup>2</sup> crossing and associated elevated railroad grade occurs in the floodplain just downstream of SR 2. The current plan is to incorporate the old rail line into a multi-purpose trail as part of the King County Rails to Trails program that would connect Monroe to Duvall. Streambanks in this segment are generally stable. Rip-rap lines the bank and its toe around bridge abutments.
5. Woods Creek Segment B: The shoreline along the left bank of Segment B contains a mix of developed (commercial, some residential, and the Monroe Motel complex) and undeveloped (few structures) areas. However, habitat alteration has occurred even in the undeveloped areas through vegetation clearing to provide pasture/lawn areas associated with a private park and a few residences. The shoreline along the south half of the left bank is worth preserving as it is entirely forested and is part of a larger corridor of forested vegetation which extends northeast and east. Steep slopes likely preclude development. Unlike many of the shoreline areas in the City, this section appears to have very few non-native plant species. Residences and the hotel occupy the entire shoreline along the north half of the left bank. A section of high, failing bank is located along the left bank (east) at the outside of a wide bend. Additional banks bordering a mobile home park would likely be failing if not heavily armored.
6. Tye Stormwater Facility: Upland of the ordinary high mark, the stormwater pond is intermittently ringed with patches of red alder, black cottonwood, willows, Himalayan blackberry, and Scotch broom, with grasses, buttercup, thistle, reed canarygrass, and birds-foot trefoil underlying. Below the ordinary high water mark, patches of emergent vegetation are found, including cattail, yellow-flag iris, soft rush, and hardstem bulrush. In general, all vegetated areas are narrow, and adjacent to trails, roads, two developments, or other park facilities and uses.

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<sup>1</sup> "Right" and "left" banks are determined by facing downstream. In general, the right bank of Woods Creek is the west bank.

<sup>2</sup> Railroad-related developments in floodplain environments have several ecologically detrimental effects. 1) Most wooden railroad components are treated with creosote, which can leach toxins (such as carcinogenic polycyclic aromatic hydrocarbons) into the aquatic environment, accumulating in sediments, aquatic invertebrates, and finally into fish and terrestrial organisms. 2) Linear railroad features impede the natural flow paths of water, can increase erosion and reduce the natural recruitment of organic debris into the aquatic system.

## C. Restoration Goals and Objectives

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### Goal 1<sup>1</sup>

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Assure preservation, protection and restoration of salmon habitat to a sufficient extent and quality to support the productivity and diversity of all wild salmon stocks in the Snohomish River basin at a level that will sustain fisheries and non-consumptive salmon-related cultural and ecological values.

### Objectives

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1. Maintain and restore natural streambank conditions and achieve a net increase in the amount of natural streambank functions while protecting critical public facilities and infrastructure. Stabilize erosion areas using bioengineering techniques.
2. Protect natural watershed functions in the channel migration zone and floodplain and decrease hazards to people, property, critical facilities, and infrastructure.
3. Retain large woody debris in streams to support salmon<sup>2</sup> populations and watershed processes.
4. Eliminate human-made barriers such as blocking culverts and broken tide-gates to anadromous fish passage, prevent the creation of new barriers, and provide for transport of water, sediment and organic matter at all stream crossings.
5. Achieve no net loss in functions and values of wetlands that support watershed processes needed for salmon habitat within each sub-watershed in the Snohomish River basin, and achieve a net increase in wetland functions and values in sub-basins where historic loss of wetlands adversely affects watershed processes or fish habitat.
6. Protect and restore riparian areas sufficient to support salmon populations and watershed processes within the Snohomish River basin.
7. Avoid adverse habitat impacts to streams, riparian corridors, and wetlands, including both public works and private projects and operations.

### Goal 2

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Assure preservation, protection and restoration of all ecological functions.

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<sup>1</sup> Goal 1 and its objectives are excerpted from the Snohomish River Basin Salmon Conservation Plan (Snohomish Basin Salmon Recovery Forum 2005).

<sup>2</sup> "Salmon" (or salmonids) encompasses a group of fish that include chinook, coho, chum, pink and sockeye salmon, as well as steelhead and bull trout.



## Objectives

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1. Strive to control non-indigenous plants or weeds that are proven harmful to native and/or beneficial vegetation or habitats. In particular, Himalayan blackberry and Japanese knotweed should be targeted.
2. Make efforts to meet and maintain state and county water quality standards in the Skykomish River, Woods Creek and the Tye Stormwater Facility, and their contributing waters, through effective stormwater management of new developments and redevelopments, through reductions in landscape chemical usage in City parks and other facilities, and through removal of chemically treated wood products (such as creosote-treated wood).<sup>1</sup>
3. Modify and regulate public access on the public-owned shorelines to insure that ecological functions are not unduly damaged by public use. Specifically, pedestrian paths to steepened Skykomish River banks in Al Borlin Park should be closed or relocated.
4. Develop a public education plan to inform private property owners in the shoreline zone and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) on fish and wildlife habitats.
5. Encourage reconnection of fragmented habitats, in particular the wetland/upland complex on the Cadman, Inc. site with its relic channels and the Skykomish River, and maintain and enhance existing corridors between larger patches of habitat.
6. Evaluate the restoration potential of shoreline areas being considered for siting of new developments or uses, including utilities and transportation corridors. Where feasible, locate new developments and uses outside of areas with high restoration potential that may contribute substantially to improvements in ecological function.
7. Continue involvement in WRIA 7 planning processes to understand the watershed context and the City's role in maximizing long-term achievement of WRIA 7 goals.

## D. List of Existing and Ongoing Projects and Programs

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The following series of existing projects and programs are generally organized from the larger watershed scale to the City-scale, including City projects and programs and finally non-profit organizations that are also active in the Monroe area.

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<sup>1</sup> Understanding that the City's efforts to meet state and county water quality standards must be part of a regional effort that recognizes the contributions of upstream point and non-point sources of pollutants into Woods Creek and the Skykomish River.

## 1. Water Resource Inventory Area (WRIA) 7 Participation

The City is a member of the Snohomish Basin Salmon Recovery Forum, and participated in the drafting of the June 2005 *Snohomish River Basin Salmon Conservation Plan*. The Plan includes the City of Monroe's implementation commitment in the form of City Council Resolution 2005/005, approved 6 April 2005. The resolution specifically says that the City will: 1) continue to participate in the Forum "to support Plan implementation, evaluation, and management; 2) implement restoration and protection projects in the City of Monroe consistent with the Plan; and 3) implement policies, programs, and regulations consistent with the intent of the Plan as necessary to achieve salmon recovery, needs and goals." The "action menu," included in Section H of Chapter 7, was adopted by the Council as part of the resolution.

## 2. French Creek Watershed Management

The City of Monroe was an active member of the French Creek Watershed Management Committee (FCWMC), which co-authored with Snohomish County the December 2004 *French Creek Watershed Management Plan*. According to the Plan, approximately 12 percent of the watershed of French Creek, a tributary of the Snohomish River, is in Monroe. The Plan "presents a program to control nonpoint pollution, protect water resources, and address flooding and drainage problems" (FCWMC 2005). Although French Creek is not tributary to a Shoreline waterbody regulated by the City of Monroe, the City's efforts to directly and indirectly improve ecological functions in the French Creek watershed are an important component of overall watershed health. More information about the City's commitment to the French Creek watershed can be found in the Plan at [http://www.co.snohomish.wa.us/documents/Departments/Public\\_Works/surfacewatermanagement/stewards/FinalFrenchCrPlanDec2004.pdf](http://www.co.snohomish.wa.us/documents/Departments/Public_Works/surfacewatermanagement/stewards/FinalFrenchCrPlanDec2004.pdf).

## 3. Comprehensive Plan Policies

The *Environmental Element* chapter of the City of Monroe's 2005 Comprehensive Plan contains a number of general and specific goals and policies that direct the City to permit and condition development in such a way that the natural environment is preserved and enhanced. Techniques suggested by the various policies to protect the natural environment include requiring setbacks from sensitive areas, preventing adverse alterations to water quality and quantity, preserving existing vegetation, educating the public, and mitigating necessary sensitive area impacts, among others. The existing *Shoreline Element* (last updated in 1998) includes a commitment to "achieve an orderly balance of shoreline uses that do not unduly diminish the quality of the environment."

## 4. Critical Areas Regulations

The City of Monroe completed a substantial update of the critical areas regulations in ~~November 2003~~ 2017. The updated regulations are based on "best available science," and provide a high level of protection to critical areas in the City, particularly streams, wetlands, and fish and wildlife habitat conservation areas. Management of the City's critical areas using these regulations will insure that ecological functions and values are not degraded, and impacts to critical areas are mitigated fully. These critical areas regulations are one important tool that will

help the City meet its restoration goals. The adopted portions of the City's ~~eCritical aAreas~~ ~~rRegulations~~ are ~~included in Appendix A~~ adopted by reference in MMC Chapter 20.05.

## 5. Stormwater Planning

Per a 1991 Ordinance, the City of Monroe automatically adopts Ecology's latest *Stormwater Management Manual for Western Washington*. The stated purpose of the Manual is to: "provide guidance on the measures necessary to control the quantity and quality of stormwater produced by new development and redevelopment such that they comply with water quality standards and contribute to the protection of beneficial uses of the receiving waters."

The City received its final National Pollutant Discharge Elimination System (NPDES) Phase II permit in January 2007 from Ecology. The NPDES Phase II permit is required to cover the City's stormwater discharges into regulated lakes and streams. Under the conditions of the permit, the City must protect and improve water quality through public education and outreach, detect and eliminate illicit non-stormwater discharges (e.g., spills, illegal dumping, wastewater), manage and regulate construction site runoff, manage and regulate runoff from new development and redevelopment, and prevent pollution related to municipal operations.

Compliance with the terms of the permit is phased over five years, with full compliance required by 2012. The City currently has various programs to control stormwater pollution through maintenance of public facilities, inspection of private facilities, water quality treatment requirements for new development, source control work with businesses and residents, and spill control and response. Monitoring may be required as part of an illicit discharge detection and elimination program, for certain construction sites, or in waterbodies with a Total Maximum Daily Load (TMDL) Plan for particular pollutants, such as fecal coliform in Woods Creek. General water quality monitoring was not required in the first five-year term of the permit; however, the permit asks municipalities to assist in development of a monitoring program that will be implemented during the second five-year permit term. General water quality monitoring concerns include a) stormwater quality, b) effectiveness of best management practices, and c) effectiveness of the stormwater management program.

To date, the City is engaged in planning its strategy for compliance by 2012, and will be updating its *Stormwater Management Plan*. By 2010, the City will have developed its public education plan. The City has been monitoring water quality (dissolved oxygen and fecal coliform) in seven locations in Lake Tye, Woods Creek, and in the French Creek system using an Ecology grant. As part of compliance with the Phase II permit, the City will continue monitoring water quality in those locations.

In 2005, federal agencies approved Monroe's application to be qualified for an Endangered Species Act "take" limit when complying with the Regional Road Maintenance Program jointly developed by Washington Department of Transportation and a number of local jurisdictions. The Program includes, among other things, a detailed approach to managing stormwater runoff during road maintenance activities so that the potential to harm federally listed species is avoided and minimized to the maximum extent practicable. When Monroe's Public Works Department conducts various road maintenance activities consistent with the adopted best management practices, the City's exposure to an endangered species "takings" lawsuit is reduced and the City will be supported by the National Marine Fisheries Service if a lawsuit does occur.

## 6. Stilly-Snohomish Fisheries Enhancement Task Force

The Monroe Parks Department solidified a relationship with the Stilly-Snohomish Fisheries Enhancement Task Force, which is a member of the Woods Creek Coalition. As part of its *Buck Island Floodplain Forest Enhancement Project*, the Task Force has completed several vegetation enhancement projects in the past, specifically targeting removal of Himalayan blackberry and Japanese knotweed along the banks of Wood Creek, along park trails, and isolated pockets in the forest. Non-native vegetation is replaced with a mix of native trees and shrubs that enhance riparian and upland ecological functions for fish and/or wildlife. The Task Force submitted a report to the City, which included background information on the physical and biological character of Al Borlin Park; recommendations to enhance vegetation, increase public education efforts, and stabilize eroding Skykomish River bank at the southwest end of the island; and a proposed vegetation management schedule through 2004. This report is included as an appendix to the November 2002 *Shoreline Inventory Report* located in Appendix A.B. The City of Monroe Parks Department continues to work with the Task Force to improve the ecological functions of Al Borlin Park.

In a more recent letter to the Monroe Parks Department (Steiner, pers. comm., 28 March 2005), the Task Force listed projects completed at Al Borlin Park since 2003 and summarized its goals for Al Borlin Park as follows:

“The objective of our ongoing work out there is to promote vegetation conditions that will enhance Buck Island’s stability, re-establish healthy fish and wildlife habitat, and to enhance public education and passive recreation opportunities using the following strategies:

- Enhance floodplain forest canopy species diversity across the island.
- Reestablish a multi-layer forest canopy.
- Suppress aggressive invasive and noxious weed species, including Japanese knotweed, Himalayan blackberries and English ivy.
- Encourage public participation in the above strategies. “

Between April 2003 and March 2005 alone, the Task Force, using volunteers from the St. Thomas Moore School in Edmonds, the Everett Community Justice Center, and the Sky Valley Education Center in Monroe, accomplished the following:

Total # of trees and shrubs planted including live stakes/cuttings: 6,500  
Total area of riparian buffer planting: 3.2 acres  
Total understory area planted: 10 acres  
Total area of site preparation and maintenance: 5 acres

Contact Information: Ann Boyce, Executive Director, Stilly-Snohomish Fisheries Enhancement Task Force, ann@stillysnofish.org, <http://www.stillysnofish.org/>

## 7. Trout Unlimited

According to Craig McKelvey, president of the Sky Valley chapter, the Sky Valley chapter of Trout Unlimited is not currently working on their own projects (pers. comm., 13 March 2006).

Instead, they have been working on projects managed by the Stilly-Snohomish Fisheries Enhancement Task Force (see Chapter 7, Section D.6 above). They hope to be independently managing and implementing projects next year.

Contact Information: Craig McKelvey, President, Sky Valley Chapter of Trout Unlimited, [cwmckelvey@comcast.net](mailto:cwmckelvey@comcast.net), <http://www.localaccess.com/troutunlimited/index.html>

## **8. Adopt-A-Stream Foundation**

The Adopt-A-Stream Foundation conducts projects in Monroe as the opportunity arises. They are occasionally approached by property owners, but more often partner with Snohomish County or the Snohomish Conservation District. Projects have included placement of large woody debris along in-City portions of Woods Creek to stabilize streambanks and increase habitat complexity, and native riparian plantings to replace invasive species and increase shade and organic inputs. Many of these projects are funded by Community Salmon Fund grants. Depending on the grant, monitoring and maintenance of completed projects continues.

Contact Information: Tom Hardy, [aasf@streamkeeper.org](mailto:aasf@streamkeeper.org), <http://www.streamkeeper.org/>

## **9. Environmental Science School, Sky Valley Education Center**

Students at The Environmental Science School have recently begun enhancing pond-side vegetation on the north end of the Tye Stormwater Facility. In April 2007, students removed non-native plants (particularly Himalayan blackberry) and installed 110 native shrubs. The students will be maintaining and monitoring the plantings. The planting area, approximately 2,700 square feet, will be expanded in future areas.

Contact Information: Rob Sandelin, <http://www.nonprofitpages.com/nica/EES.htm>

# **E. List of Additional Projects and Programs to Achieve Local Restoration Goals**

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The following series of additional projects and programs are generally organized from the larger watershed scale to the City-scale, including City projects and programs and finally non-profit organizations that are also active in the Monroe area.

## **1. Unfunded WRIA 7 Projects**

Four potential projects within Monroe's boundaries are specifically identified in the June 2005 *Snohomish River Basin Salmon Conservation Plan*, including two projects within Cadman (Primary Mainstem #108 and #109), one project in Al Borlin Park (Primary Mainstem #113),

and one project in the East LOS subarea (Primary Mainstem #114). The following descriptions of each project are excerpted verbatim from the *Conservation Plan*:

#108 Cadman secondary channel improvement: Direct more flow through secondary-channel at head of bar adjacent to Cadman to enhance rearing year-round. Would potentially reduce erosion at Werkhoven Farm.

#109 Cadman wall-based channel reconnection: May be substantial opportunity to reconnect a wall-based channel and off-channel habitat on the quarry site once Cadman operations are complete. Discussion needed with Cadman and City of Monroe. Side-channel length = 7900ft.

#113 Buck Island side-channel enhancement: Increase connectivity along Buck Island between Woods Creek and the mainstem. Strategically placed LWD to promote side-channel and pool formation.

#114 SR 2 oxbow reconnections: Provide access to oxbow channels that are cut off by State Route 2 and the railroad. Probably ~~more costly~~ costlier than other similar projects because it would require the installation of large culverts under a major highway.

Project *Primary Mainstem #114* is the least likely of the above to occur as the land is privately owned and is currently in feasibility for development of a church or residences.

The June 2005 *Snohomish River Basin Salmon Conservation Plan* also includes projects in the French Creek system, which is tributary to the Snohomish River. Although the City has not elected to extend shoreline jurisdiction to include the Snohomish River floodplain in the City, any wetlands in the Snohomish River 100-year floodplain are within shoreline jurisdiction. The 100-year floodplain of the Snohomish River extends into the Fryelands area of the City. The following description of a French Creek floodplain wetlands projects is excerpted verbatim from the *Conservation Plan*:

#84 French Creek floodplain wetland restoration: Restore a portion of the 4000 acres of wetland in the floodplain that were present historically. Project would depend on willing sellers. Project would have both a high cost and a high benefit.

## 2. Cadman Site Restoration

The Cadman operation-Site and its on-site critical areas and their buffers are designated as Limited Open Space in the current zoning and future land use maps. According to the *Draft Supplemental Environmental Impact Statement*, the gravel pit first began operations in 1961 under a prior owner and before the area was annexed into the City. Cadman purchased the site in 1989, two years after it was annexed. In total, Cadman expects to remove approximately 11 million (M) tons of material over the life of the operation, with a peak output of approximately 1 M tons per year. The present operation plan calls for three phases, with different road and processing configurations for each phase. As portions of the site are closed, they are regraded, stabilized, and replanted. An attachment to the 2002 Master Plan includes conceptual grading and planting plans, the goals of which are to “create wildlife habitat and provide accessibility for future recreation”.

Once all mining is completed and Cadman has implemented the Washington Department of Natural Resources-approved reclamation plan, the site (less 37 acres to serve as a base for “long-term site operations”) will be deeded to the City for non-commercial public use and stewardship. Ten acres in the northeast portion of the site have already been conveyed to the City. Ideally, the reclamation plan and City management will result in:

1. Reestablishment of functional connections between the Skykomish River, the Cadman wetland complex, and the relic high flow channels.
2. Removal of unnatural fish migration barriers in the relic channel/wetland complex.
3. Restoration of a minimum 200-foot-wide vegetated buffer along the Skykomish River with native vegetation, including conifers.
4. Incorporation of environmental education materials into the park, either through interpretive signs, an environmental learning center, or other means.
5. Concentration of active use areas of the park away from high-quality forested wetland and upland habitats.
6. Development of relationships with local environmental restoration organizations, schools, or other interested groups to maximize volunteer and educational opportunities at the site.

These actions would implement *Primary Mainstem #108* and *Primary Mainstem #109* as described above under Section 5.1.

### **3. Accomplishments**

The three projects listed below have been implemented since they were originally identified as recommendations or opportunities in the November 2002 *Shoreline Master Program Inventory* (Appendix [A-B](#)). The full list of recommended projects is provided below in Section 5.4.

- Project 11: Segment C of the Skykomish River has a large area of eroding riverbank with a nearby trail and parking area. Vehicles were driving close to the bank edge, damaging and eliminating shoreline vegetation and causing sloughing of the destabilized bank into the river. Following a flood in 2005 that eroded additional bank area, vehicular access was suspended.
- Project 12: The Skykomish River portion of the train trestle in Segment C was removed in July/August 2005 by Cadman, Inc. after the bridge became dangerously close to collapse. The project was coordinated jointly coordinated with the Washington State Department of Natural Resources and Snohomish County. Bridge removal was followed by some in-stream habitat enhancement in the affected area.
- Project 18: The Old Owen Road bridge in Segment B of Woods Creek included in-water piers that impacted movement of water, large woody debris, and sediment downstream. The old bridge has been replaced by Snohomish County with a structure that does not include any in-water supports.

## 4. Recommended Projects

The following is a summary of the specific potential projects identified for the Skykomish River and Woods Creek in the *Recommendations* sections of the individual reach discussion of the 2002 *Shoreline Master Program Inventory* (Appendix [A-B](#)). The list of potential projects for each shoreline segment was created after assessing conditions in each segment, and is intended to contribute to improvement of impaired functions. The first “General” recommendation applies also to the Tye Stormwater Facility.

### General

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1. Plant, encourage, and preserve stream and riverbank vegetation to provide shade (temperature control) and stabilize banks (erosion/sedimentation control). Increase conifer component to provide future source of large woody debris recruitment.
2. Provide adequate treatment of storm and sanitary sewage discharges to the river and its tributaries (water quality).<sup>1</sup>
3. Preserve and enhance existing wetlands and their buffers (wildlife habitat).
4. Secure large woody debris along the river/stream banks.

### Skykomish River – Segment A

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5. Review and possibly improve Cadman’s water quality control measures to reduce turbidity of runoff water as applicable.
6. Restore shoreline areas disturbed through the gravel mining process by placing an adequate topsoil layer planted with a diverse assemblage of native riparian trees and shrubs consistent with Alternative 1 as described in the Draft EIS for the gravel operation. In addition, create a network of ponds and channels connecting to the river or existing channels.

### Skykomish River – Segment B

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7. Reduce the existing rip-rap bank protection adjacent to the WDFW parking area serving the boat ramp and/or supplement with soil and woody debris. If needed, consider alternative bank protection measures such as bank barbs or woody structures. Provide a wider buffer of native vegetation between the parking area and the river.
8. Reduce access to some of the fisherman trails along the river by increasing vegetation density. This would improve bank stability and provide other habitat functions including shade and terrestrial insect food supply.
9. Supplement existing rip-rap at the location of a sewage outfall with soil and native vegetation.

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<sup>1</sup> The treatment plant discharges are currently in compliance with the standards of the latest National Pollutant Discharge Elimination System (NPDES) permit.



10. Consider options to reduce need for chemical applications to lawn areas of Skykomish River Centennial Park.

#### **Skykomish River – Segment C**

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11. Trails and parking areas should be moved back from areas of eroding riverbank, and the banks and buffer area should be restored by planting native trees and shrubs.
12. Investigate alternative bank stabilizing methods for the area of heavily rip-rapped railroad embankment lining the uppermost end of this segment. Supplement the banks with soil and native vegetation.

#### **Woods Creek – Segment A**

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13. Encourage residential property owners along the right bank to increase the effective buffer widths along their properties by landscaping with native vegetation and increasing the density and diversity of such vegetation.

#### **Woods Creek – Segment B**

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14. Encourage residential property owners along this segment to 1) substitute bank stabilization methods which are more compatible with habitat functions for the existing rip-rap and concrete, and 2) increase the effective buffer widths along their properties by landscaping with native vegetation and increasing the density and diversity of such vegetation. Existing rip-rap should be reduced and/or supplemented with soil and woody debris. If needed, alternative bank protection measures such as bank barbs or woody structures should be considered. A wider buffer of native vegetation should be provided between the existing buildings and the creek.
15. Investigate feasibility of restoring the lower, piped section of a small Woods Creek tributary to provide an open, fish-passable channel. The piped section can be found on the right bank near the middle of the segment.
16. The City should work with the County to ensure that the in-water piers supporting Old Owen Road bridge are removed.
17. Consider retaining some of the land currently [in 2002] zoned “public open space,” but designated as “general commercial” on the comprehensive plan future land use map, as the “parks/open space” designation. In particular, forested, sloped areas on the left bank of Woods Creek, just north of SR 2 that are not already developed should be re-classified. Note: Although it is difficult to compare the maps available in 2002 to the current maps due to changes in mapping sophistication and detail, it appears that some of the area designated as “general commercial” in the future land use map available in 2002 has been amended to show “special regional use.”

#### **Tye Stormwater Facility**

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18. The City Parks Department should consider supporting The Environmental Science School in its native planting efforts. The School is looking for sources of native plants.

19. The City Parks & Recreation and Public Works Departments should consider minimizing areas of mowing of the Tye Stormwater Facility perimeter to accommodate native plantings.
20. The City Parks & Recreation Department should consider signage or other barriers to focus direct pond-side access to specific areas. This would reduce devegetation of the banks and exposure of bare soils to erosion.

The City shall encourage all development proposals to include a site-specific plan to improve and restore some level of lost ecological function, beyond required mitigation for any impacts that result explicitly from the development proposal. For example, projects could provide bands of native vegetation along the waterward edge of the property, reduce impervious surfaces through innovative use of pervious materials and reduce the impact of impervious surfaces through stormwater management that focuses on runoff quantity and quality, and remove or enhance armored banks.

## 5. Public Education

Consistent with Goal 2, Objective 4, above, the City should coordinate with non-profit environmental groups and educational institutions to develop a more comprehensive and collaborative education strategy. The resulting plan should include mechanisms for informing private property owners in the shoreline zone and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) on fish and wildlife habitats. Part of that strategy could incorporate Monroe Department of Public Works' public show-and-tell program that provides training about repair and maintenance of stormwater facilities, or a storm-drain stenciling program. The City Council also committed in its adopted WRIA 7 "Action Menu" (see chapter 7, Section H below) to provide its citizens with stormwater-related information.

## 6. Other Environmental Organizations

Although the following organizations include Monroe in their general service areas, they are not currently actively engaged in specific activities or programs that affect Monroe's shorelines. However, that does not preclude them from playing an active role in the future, particularly if any of Monroe's citizens solicit assistance from or become members in these organizations.

### **The Nature Conservancy**

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The mission of The Nature Conservancy is "to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive" (<http://www.nature.org/>). According to Peter Skidmore, Freshwater Program Manager, "The Nature Conservancy is not actively engaged in...work...in the Monroe area. I am not aware of anyone in our programs that is working with the City, or in this area specifically" (Skidmore, pers. comm., 9 March 2006).

**Contact Information:** Peter Skidmore, Freshwater Program Manager, Washington Chapter of The Nature Conservancy, [pskidmore@tnc.org](mailto:pskidmore@tnc.org), <http://www.nature.org/wherewework/northamerica/states/washington/>

### **Pilchuck Audubon Society**

The mission of the Pilchuck Audubon Society is “to conserve and restore natural ecosystems focusing on birds and other wildlife for the benefit of the earth's biological diversity. Through education, advocacy and community activism, PAS is committed to bringing people closer to wildlife in order to build a deeper understanding of the powerful links between healthy ecosystems and human beings and to encourage the involvement of our members in efforts to protect the habitat this wildlife depends upon for survival” (<http://www.pilchuckaudubon.org/>). According to Kristin Kelly, Smart Growth Director for the Pilchuck Audubon Society, the Society “has no current plans to do any type of restoration projects in the watersheds surrounding Monroe” (Kelly, pers. comm., 24 May 2006).

Contact Information: <http://www.pilchuckaudubon.org/>

## **F. Proposed Implementation Targets and Monitoring Methods**

As previously noted, a substantial portion of the City’s shoreline zone is occupied by City parks and open space. The total shoreline length of the City is approximately 4.5 miles, of which 2.3 miles is park (approximately 50%). Therefore, ecological function in the City’s shoreline zone has and can be significantly impacted by past, current, and future management of the parks. Because the park lands are owned by the City, the opportunities for restoration are greater and the obstacles for implementation are fewer than on private land.

**Table 1.** Implementation Schedule and Funding for Restoration Projects, Programs and Plans.

| <b>Restoration Project/Program</b>    | <b>Schedule</b>                                | <b>Funding Source or Commitment</b>  |
|---------------------------------------|--|--|
| D.1 WRIA 7 Participation              | Ongoing  | The City is an active member of the Snohomish Basin Salmon Recovery Forum. Membership at this time entails a commitment of staff time.   |
| D.2 French Creek Watershed Management | Ongoing  | The City was an active member of the French Creek Watershed Management Committee. The 2005 Plan includes a lengthy project/program list of recommendations, implementation schedule, and estimated cost. |
| D.3 Comprehensive Plan Policies       | Adopted in 20 <u>1</u> 05                      | The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the recently updated Comprehensive Plan.                 |
| D.4 Critical Areas Regulations        | Adopted in <u>S</u> eptember 200 <u>3</u> 2017 | The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with their recently updated Critical Areas Regulations.       |
| D.5 Stormwater Planning               | Ongoing  | Currently, staff time and materials are the only City resource commitments.  |
| D.6 Stilly-Snohomish                  | Ongoing  | Currently, staff time and materials are the only City  |

| Restoration Project/Program               | Schedule                       | Funding Source or Commitment  |
|---|--------------------------------|---|
| Fisheries Enhancement Task Force Projects |                                | resource commitments.   |
| D.7 Trout Unlimited                       | Ongoing                        | These programs currently require no City investments.   |
| D.8 Adopt-A-Stream Foundation             |                                |   |
| D.9 The Environmental Science Program     |                                |   |
| E.1 Unfunded WRIA 7 projects              | As funds and opportunity allow | The City Council passed a resolution in 2005 making a commitment to implement the Snohomish Basin Salmon Recovery Plan. Projects will be funded by the City, partnering agencies and non-profit organizations, and grants as projects and funding opportunities arise.  |
| E.2 Cadman Site Restoration               | Following completion of mining | As needed to further WRIA 7 obligations following Cadman/DNR reclamation.   |
| E.3 Recommended Projects                  |                                | Projects identified in <i>Recommendations</i> discussions would likely be implemented either when grant funds are obtained, when partnerships are formed between the City and other agencies or non-profit groups, or as may be required by the critical areas regulations and the Shoreline Master Program during project-level reviews by the City. |
| E.4 Public Education                      |                                | To be determined.   |
| E.5 Other Environmental Organizations     |                                |   |

Monitoring, on the other hand, is more easily accomplished and documented through standard Parks and Recreation Department reporting processes. The Parks and Recreation Department should annually assemble a memo quantitatively or qualitatively, as appropriate, outlining implementation of various restoration actions (by the City or other groups) on park lands. These actions may include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained, reductions in chemical usage to maintain turf, or linear feet of eroding shoreline stabilized through plantings. When available, the memo should include a description of the success of actions accomplished in prior years. If staffing and funding are limited, the Parks and Recreation Department should investigate partnerships with local environmental groups, other state or county agencies, or tribes to implement projects and conduct follow-up monitoring and reporting.

For projects implemented outside of park lands, the Planning Department is the most logical reporting agency. Most of those projects would be implemented on private property in either a critical area or its buffer, and are likely mitigation for a project that required a permit. Under the Critical Areas Regulations, up to five years of monitoring is required for mitigation projects, with annual monitoring reports to be submitted by the project applicant to the City. The City should annually assemble a memo outlining projects implemented that year in the shoreline zone, and attach monitoring reports submitted by the property owner. Restoration projects implemented by private property owners are dependent on volunteers or on submittal of a land use permit application. Accordingly, a timeline cannot reasonably be established.

City-assembled annual memos (by both the Parks and Recreation and Community Development Departments) should be submitted to Ecology. This background information will help the City and Ecology identify regulatory and implementation needs that can be addressed during the seven-year updates of the City's Shoreline Master Program.

## **G. Restoration Priorities**

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While the implementation scheduling for ongoing and prospective projects and programs is summarized in Table 1 in the previous section, the order of implementation may not, in all cases, be the same as the order of importance or priority. This discrepancy comes about because various obstacles get in the way of implementing projects in the exact order of their perceived priority. For example, as is listed below, restoring side channel and floodplain connectivity on and near the Cadman Site along Skykomish Segment A has a very high priority associated with it, but in terms of feasibility of implementation, these improvements must wait until the anticipated cessation of operations at the Cadman Site actually occur. Some projects, such as those associated with streamside riparian planting, are *relatively* inexpensive and easy to permit and so should be done in the short and intermediate term even though they may be perceived to be of lower priority than, say, reconnecting oxbows back to the main river channel. Straightforward projects for which funding is available should get under way for the worthwhile benefits they provide and to preserve a sense of momentum while permitting, design, site access authorization, and funding for the larger, more complicated, and more expensive projects are under way.

### **1. Priority 1 – Continue Water Resource Inventory Area (WRIA) 7 Participation**

Of basic importance is the continuation of ongoing, programmatic, basin-wide programs and initiatives such as the WRIA 7, Snohomish Basin Salmon Recovery Forum process described in Section 7(D)(1), above. This process provides an opportunity for the City to keep in touch with its role on a basin-wide scale and to influence habitat conditions beyond its borders, which, in turn, come back to influence water quality and quantity and habitat issues within the City.

### **2. Priority 2 – Skykomish River and Woods Creek Off-Channel, Side Channel and Floodplain Connectivity Improvements**

Floodplain habitats including off-channel and side channel habitats are typically described as the most diminished types of salmonid fish habitat relative to the pristine condition, and are also considered to be the most limiting. Projects in this category include the unfunded WRIA 7 projects listed in Section 7(E)(1): #108 Cadman secondary channel improvement, #109 Cadman wall-based channel reconnection, #113 Buck Island side-channel enhancement, and #114 SR 2 oxbow reconnections. Also included as this project type and at this priority level are the Cadman-vicinity floodplain projects of reestablishing functional connections between the Skykomish River, the Cadman wetland complex, and the relic high flow channels, removing

unnatural fish migration barriers in the process (items 1 and 2 under Section 7(E)(2)) and further removal of unused railroad bridges and embankment fill from waterways and the floodplain (items 12 and 14 under Section 7(E)(4)).

### **3. Priority 3 – Specific Bank and Riparian Projects – Trails, Revegetation, Bank and Soil Stabilization, Stormwater**

Projects in this category as listed in previous sections include the ongoing Buck Island Floodplain Forest Enhancement Project (Section 7(D)(6)), Cadman-vicinity Skykomish River buffer revegetation and park use management (items 3 and 5 under Section 7(E)(4)), general stormwater, wetland, and habitat provisions (items 1-4 and 18-20 under Section 7(E)(4)), Cadman turbidity improvements (item 5 under Section 7(E)(4)), topsoil placement in areas disturbed by gravel mining (item 6 under Section 7(E)(4)), riverbank rip-rap reduction adjacent to WDFW parking area (item 7 under Section 7(E)(4)), consolidation and reduction of fisherman trails along the riverbank (item 8 under Section 7(E)(4)), soil supplementation and native revegetation at the sewage outfall location (item 9 under Section 7(E)(4)), possible reductions in chemical applications to lawn areas of Skykomish River Centennial Park (item 10 under Section 7(E)(4)), incorporate soils and native plantings into rip-rapped railroad embankments (item 13 under Section 7(E)(4)), and possible daylighting of a Woods Creek tributary section (item 17 under Section 7(E)(4)).

### **4. Priority 4 – Public Education and Involvement**

Projects in this category as listed in previous sections include incorporating environmental education into park functions at the Cadman Site and cultivating participation from local environmental organizations (items 4 and 6 under Section 7(E)(2)) and working with homeowners along Woods Creek to reduce “hard” streambank armoring and enhance buffer areas with native vegetation (items 15 and 16 under Section 7(E)(4)).

### **5. Priority 5 – City Zoning, Regulatory, and Planning Policies**

City Zoning, Regulatory, and Planning Policies are listed as being of lower priority in this case simply because they have been the subject of a thorough review and have recently been updated accordingly. For the time being, it is considered more important to capitalize on this work by focusing on implementing projects consistent with these updated policies. Unimplemented or unused policies, by themselves, will not improve habitat. As time goes by, further review and potential updating of these policies may increase in priority. Policy-related items in this category as listed in previous sections include Comprehensive Plan Policies (Section 7(D)(3)), Critical Areas Regulations (Section 7(D)(4)), Stormwater Planning (Section 7(D)(5)), and possibly retaining as “parks/open space” some areas, especially along Woods Creek, designated as “general commercial” on the Comprehensive Plan’s future land use map (item 17 under Section 7(E)(4)).

## H. City of Monroe Salmon Recovery “Action Menu”

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Adopted as Resolution 2005/005, 6 April 2005.

### Projects:

- French Creek – Current projects underway for habitat restoration and shading along French Creek tributary east of Frylands Boulevard and south of SR 2. The City of Monroe is working in conjunction with the Monroe School District, Trout Unlimited, and other organizations (unfunded – public/private partnership).
- French Creek Restoration Project (Remlinger Farm) – Reconfigure Lake Tye, wetland creation, channel alignment, riparian and floodplain forest restoration, pumping plant reconfiguration, and barrier removal. Total Cost estimate \$75,000,000 (private proposal: World River Habitech, Terry Williams (Tulalip Tribes), Frank Braillard (Real Estate Investment), Dave Remlinger (French Slough Flood Control), Terry Negri (Certified Forester), Renette Villella (Farmer), and Dave Somers (Ecologist). [Since Council adopted this action item in 2005, the project has been abandoned]
- Storm drain stenciling and marking program (unfunded and a schedule has not been established).
- Fish ditch behind McDonalds/Chevron Station at the intersection of State Route 2 and Frylands Blvd – tree planting and removal of non-native vegetation (on-going volunteer program through the Sky Valley School).
- Al Borlin Park – reforest park with 2,000 cedars, spruce, hemlock and fir trees; suppress invasive plants including Japanese knotweed; provide erosion control measures at the west end of Buck Island including live tree pole cuttings, logs, native tree groupings, and planters. The program includes monitoring for five years, and is a joint project between the Stilly-Snohomish Fisheries Task Force and the City of Monroe. This project is underway and partially funded by the City of Monroe: total project cost \$37,247.57.
- Park, Recreation & Open Space Element of the City of Monroe Comprehensive Plan
  1. Purchase an additional 80 acres for conservation along major slopes, wetlands, and Woods Creek and Skykomish River corridors (unfunded and there are no specific locations identified).
  2. Waterfront access – Haskell Slough (not within the City of Monroe jurisdiction’s and unfunded, although it is identified in the 20-year Park Plan CFP, with a total budget of \$1,000,000)
  3. Skykomish River Trail - multi-purpose trail between Tester Road and Al Borlin Park (this project is identified in the Park Plan CFP to be funded between 2003-2008, with a total budget of \$597,480).

4. Great Northern Railroad Bridge Trail – Multi-purpose trail constructed on the Great Northern Railroad bridge extending from Al Borlin Park south across the Skykomish River to connect with the Snoqualmie Valley Trail in King County (identified in the 20 year Park CFP with a total budget of \$200,000 – currently unfunded). [Since Council adopted this action item in 2005, the Great Northern Railroad bridge has been removed]
5. Centennial Trail – Multi-purpose trail through the City of Monroe with trailheads at SR-522 and Al Borlin Park (unfunded).
6. Al Borlin boat launch – a non-motorized boat launch accessible from Simons Street (this project is identified in the Park Plan CFP to be funded between 2003-2008, with a total budget of \$10,694).

Regulatory:

- Critical Areas Regulations, using best available science and consistent with the requirements of the Growth Management Act. Adopted by Ordinance #019/2003 on September 3, 2003.
- Shoreline Inventory, accepted by the Washington State Department of Ecology in November 2002.
- Shoreline Master Program – the City is currently in the process of updating the Shoreline Master Program. This will include new shoreline designations and regulations for land within the shoreline jurisdiction.
- We currently require compliance with the “Storm Water Management Manual for Western Washington,” Department of Ecology, August 2001.
- The Public Works Department is in the process of adopting ESA compliant BMP and road maintenance standards.
- Improve stormwater management by developing ESA compliant Best Management Practices, developing an ordinance for the disposal of pet waste, monthly water quality monitoring beginning in April 2004 for fecal coliforms and dissolved oxygen, and develop prioritized strategies for examining storm sewer system for illicit discharges (begin work in April 2004 – applying for a grant).

Educational Programs:

- Mail out storm water brochures annually with utility bills, keep at City Hall, and keep on the web page (develop in 2004).



# Chapter 8: Definitions

As used herein, the following words and phrases shall have the following meanings:

1. “Act” means the Washington State Shoreline Management Act, chapter 90.58 RCW.
2. “Adaptive management” means the modification of management practices to address changing conditions and new knowledge. Adaptive management is an approach that incorporates monitoring and research to allow projects and activities, including projects designed to produce environmental benefits, to go forward in the face of some uncertainty regarding consequences. The key provision of adaptive management is the responsibility to change adaptively in response to new understanding or information after an action is initiated.
3. “Amendment” means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.
4. “Approval” means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.
5. “Aquatic” means pertaining to those areas waterward of the ordinary high-water mark.
6. “Bank full width” means the horizontal projection of bank full depth to the stream bank. Most river channels are bordered by a relatively flat area or valley floor.
7. “Bulkhead” means a solid wall erected generally parallel to and near the OHWM for the purposed of protecting adjacent uplands from waves or current action.
8. “Channel migration zone (CMZ)” means the lateral extent of likely movement along a stream reach with evidence of active stream channel movement over the past one hundred years. Evidence of active movement can be provided from aerial photos or specific channel and valley bottom characteristics. The CMZ shall include floodways and wetlands, as defined under chapter 90.58 RCW, whether associated with either shorelines of the state or shorelines of state-wide significance, as defined under chapter 90.58 RCW.

With the exception of shorelands in the “natural” and “rural conservancy” environments, areas separated from the active channel by legally existing artificial channel constraints that limit bank erosion and channel avulsion without hydraulic connections shall not be considered within the CMZ. All areas, including areas within the “natural” and “rural conservancy” environments, separated from the natural channel by legally existing structures designed to withstand the 100-year flood shall not be considered within the CMZ. A tributary stream or other hydraulic connection allowing federally proposed, threatened or endangered species fish passage draining through a dike or other constricting structure shall be considered part of the CMZ.

9. “Clearing” means the destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to root removal and/or topsoil removal.

10. “Commercial development” means those uses that involve wholesale, retail, service, and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices, and private or public indoor recreation facilities. Excluded from this definition are boating, transportation, and industrial facilities.

~~9-11.~~ “Critical area” means those lands listed in Ordinance 022/2017 and codified in MMC 20.05

~~10-12.~~ “Department” means the state Department of Ecology.

13. “Developed shorelines” means those shoreline areas that are characterized by existing development or permanent structures located within shoreline jurisdiction.

~~14-14.~~ “Development” means any manmade alteration of unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment and materials and subdivision of land. It does not include dismantling or removing structure if there is no other associated development or re-development. ~~For properties within the floodplain, development also includes the removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics.~~

**Commented [PD(46)]:** This last sentence should be removed. Inconsistent with the WAC definition of development

~~12-15.~~ “Development regulations” means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

~~13-16.~~ “Document of record” means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

~~14-17.~~ “Ecological functions” or “shoreline functions” means the physical, chemical, and biological processes that contribute to the proper maintenance of the aquatic and terrestrial environments that constitute the shoreline ecosystem. Ecological functions relevant to specific shoreline ecological systems include, but are not limited to:

a. Riverine:

- Hydrologic processes: Maintaining a natural range of flow variability, sideflow and overflow channel functions, reducing peak flows and downstream erosion, and helping to maintain base flows.
- Water quality: Temperature; removing excessive nutrients and toxic compounds.
- Dynamic sediment processes: Sediment removal, stabilization, transport, deposition, and providing spawning gravels.
- Habitat for: Proposed, threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline-dependent birds, invertebrates, and

mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.

- Hyporheic functions: Water quality, water storage, vegetation base, and sediment storage.

b. Wetlands:

- Flood attenuation.
- Water quality: Removing excessive nutrients and toxic compounds.
- Ground water recharge.
- Maintenance of base flows.
- Nutrient filtering.
- Habitat for: Proposed, threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline-dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.

~~45-18.~~“Exempt” developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.045, 90.58.140(9), 90.58.147, 90.58.355, 90.58.370, 90.58.390, 90.58.515, and 77.55.181(4) which are not required to obtain a Substantial Development Permit, but which must otherwise comply with applicable provisions of the Act and this Master Program. RCW 90.58 should be reviewed after each legislative session to identify possible new exemptions.

~~46-19.~~“Feasible” means, for the purpose of this master program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- a. The action can be accomplished with technologies and methods that have been used in the past, 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; and
- c. The action does not physically preclude achieving the project’s primary intended use.

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

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

~~47-20.~~“Fill” means 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. Most fills destroy the existing natural character of a shoreline and can result in erosion and silting problems, impacts to habitat, along with diminishing of the water surface area.

21. “Flood plain” is synonymous with 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 act.

18-22. “Floodway” is the area that has been established in federal emergency management agency flood insurance rate maps or floodway maps.

19-23. “Geotechnical report” or “geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative 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.

20-24. “Grading” means 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.

25. “Guidelines” means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

21-26. “Industrial developments and uses” means facilities for processing, manufacturing, and storing of finished or semi-finished goods.

22-27. “In-stream structure” means a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

23-28. “Letter of exemption” means a letter or other official certificate issued by a local government to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050 and RCW 90.58 as amended. 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 Master Program. The letter of exemption requirement is included in Chapter 19.01 of the Monroe Municipal Code.

24-29. “Local government” means any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW.

25-30. “May” means the action is acceptable, provided it conforms to the provisions of this master program.

26-31. “Mitigation” or “mitigation sequencing” means the process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following listed in the order of sequence priority, with (a) of this subsection 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 and taking appropriate corrective measures.

32. “Mining” is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, “processing” includes washing, screening, crushing, and stockpiling. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations, or concrete batching operations. (See “Industry” sections for general standards relating to these uses, and “Mining” sections for standards applicable to potential continued concrete batching operations at the existing Cadman Site.)

27-33. “Must” means a mandate; the action is required.

28-34. “Nonconforming development” or “nonconforming structure” means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

29-35. “Nonconforming lot” means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

30-36. “Nonconforming use” means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

~~34.37.~~ “Nonpoint pollution” means 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 not otherwise regulated under the National Pollutant Discharge Elimination System program.

~~32.38.~~ “Non-water-oriented uses” means those uses that are not water-dependent, water-related, or water-enjoyment.

~~39.~~ “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.

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~~33.40.~~ “Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Important fish or wildlife breeding habitat;
- Important fish or wildlife seasonal ranges;
- Important fish or wildlife movement corridors;
- Rearing and foraging habitat;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration; or
- Unique or dependent species.

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. 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 talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

~~34.41.~~ “Priority species” means 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 Washington 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 state-wide, by virtue of their inclination to congregate. Examples include heron colonies and fish spawning and rearing areas.
- c. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish 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.

35-42. “Proposed, threatened, and endangered species” or “PTE species” means those native species that are proposed to be listed or are listed in rule by the Washington Department of Fish and Wildlife pursuant to RCW 77.12.020 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act, 16 U.S.C. 1533.

43. “Provisions” means policies, regulations, standards, guideline criteria or designations.

44. “Public access” is the physical ability of the general public to reach and touch the water’s edge and/or 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.

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45. “Recreational development” includes facilities for passive recreational activities such as hiking, photography, viewing, and fishing. It also includes facilities for active or more intensive uses, such as parks, campgrounds, golf courses, and other outdoor recreation areas.

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36-46. “Residential development” means one or more buildings, structures, lots, parcels or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, including single-family residences, duplexes, other detached dwellings, floating homes, multi-family residences, apartments, townhouses, mobile home parks, other similar group housing, condominiums, subdivisions and short subdivisions, 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. Residential development does not include hotels, motels or any other type of overnight or transient housing or camping facilities.

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37-47. “Restoration” or “ecological restoration” means the significant upgrading of ecological shoreline functions through measures such as revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.

38-48. “Restore” means to significantly upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments.

39-49. “Revetment” means a facing of stone, concrete, etc. built to protect a embankment or shoreline structure against erosion by waves or currents.

50. “Riparian corridors” include rivers, streams, associated wetlands in the floodplain, and river deltas.

40-51. “Riverine” means pertaining to a river system, including associated lakes and wetlands.

44-52. “Shall” means a mandate; the action must be done.

42-53. “Shoreline areas” and “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.

43-54. “Shoreline modifications” means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

55. “Shorelines of statewide significance” are shoreline areas designated by the Shoreline Management Act of 1971 as important to the entire state. Within the City’s jurisdiction, the Skykomish River is a shoreline of statewide significance. 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.

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44-56. “Shoreline property” means an individual property wholly or partially within shoreline jurisdiction.

57. “Shoreline stabilization” includes actions taken to address the impacts of erosion to property, dwellings, or essential structures caused by natural processes, such as current, flood, tide, wind, or wave action. These include structural and nonstructural methods.

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

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“Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while “soft” structural measures rely on softer materials, such as biotechnical vegetation measures or beach enhancement.

As applied to shoreline stabilization measures, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose.

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45-58. “Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this master program, against taking the action.



59. “Signs” are defined as devices of any material or medium, including structural component parts, which are used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes.

46-60.“Significant ecological impact” means 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 that 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 that 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.

47-61.“Significant vegetation removal” means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal. In reviewing shoreline permits and letters of exemption, the City will determine whether or not the development proposal would cause significant vegetation removal. Unless the City determines otherwise, the following actions constitute significant vegetation removal:

- a. The removal of one or more healthy coniferous trees over 6” caliper.
- b. The removal of vegetation along the shoreline edge that provides direct shade during summer months on the shoreline.
- c. The removal of vegetation that could potentially lead to bank instability, instability, sedimentation into the water or soil erosion.
- d. The removal of vegetation that provides significant habitat or food source for Washington State Priority Species.

62. “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.

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48-63.“State master program” means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

49-64.“Storm water” means 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.

~~50.65.~~ “Substantial development” shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) 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. The following shall not be considered substantial developments for the purpose of this chapter:

- a. 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;
- b. 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 Washington Department of Fish and Wildlife;
- c. 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, chapter 173-27 WAC, or this Master Program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and this Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent, are not an emergency;

- d. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
- e. Construction or modification of navigational aids such as channel markers and anchor buoys;
- f. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the City of Monroe, other than requirements imposed pursuant to this chapter. "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. Construction authorized under this exemption shall be located landward of the ordinary high water mark;
- g. 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 and multiple family residences. This exception applies the fair market value of the dock does not exceed ~~ten~~ twenty 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;
- h. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
- i. 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;

- j. 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;
- k. 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; 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;
  - ii. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
  - iii. 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
  - iv. The activity is not subject to the permit requirements of RCW 90.58.550;
- l. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW.
- m. Watershed restoration projects as defined herein. The City 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 stream reach, 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 Washington Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county,

or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

- n. 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 following criteria:
      - (I) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:
        - Elimination of human-made fish passage barriers, including culvert repair and replacement;
        - Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
        - Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.
    - (II) A fish habitat enhancement project must be approved in one of the following ways:
      - By the Department of Fish and Wildlife pursuant to chapter 77.95 or 77.100 RCW;
      - By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;
      - By the Department of Ecology as a Department of Fish and Wildlife-sponsored fish habitat enhancement or restoration project;
      - Through the review and approval process for the Jobs for the Environment program;
      - Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the Conservation Commission through interagency

- agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service;
  - Through a formal grant program established by the legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration; and
  - Through other formal review and approval processes established by the legislature.
- (B) Fish habitat enhancement projects meeting the criteria of (n)(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 (n)(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 (n)(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. The City 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 of Fish and Wildlife shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The Department of Fish and Wildlife shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the Department of Fish and Wildlife determines that the review and approval process created by this section is not appropriate for the proposed project, the Department of Fish and Wildlife shall notify the applicant and the City 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) The City may not require permits or charge fees for fish habitat enhancement projects that meet the criteria of (n)(iii)(A) of this subsection and that are reviewed and approved according to the provisions of this section.

51-66. “Substantially degrade” means 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 that the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

67. “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, and other related facilities.

68. “Utilities” are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like. “Accessory utilities” are those on-site utility features such as power, telephone, cable, water and sewer lines, including stormwater systems, that are accessory to a primary shoreline use.

52-69. “Water-dependent use” means a use or portion of a use which cannot exist in a location that is not adjacent to the water but is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses include fishing, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, surface water intake, and sewer outfalls.

53-70. “Water-enjoyment use” means 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;
- Piers 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;
- Aquariums;
- Scientific/ecological reserves;
- Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

54-71. “Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

55-72. “Water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related,

and biological characteristics. Where used in this master program, the term “water quantity” refers only to development and uses regulated under this master program and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this master program, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

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

- a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Water-related uses include manufacturing of ship parts large enough that transportation becomes a significant factor in the product’s cost, professional services serving primarily water-dependent uses, and storage of water-transported foods. Other examples of water-related uses include the warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and upland log storage for water-borne transportation.



# Appendix A: Critical Areas Regulations

ALL SECTIONS DELETED – PER NEW INTEGRATION BY REFERENCE APPROACH

- 20.05.010 Authority
- 20.05.020 Purpose
- 20.05.030 Definitions
- 20.05.040 Maps and inventories
- 20.05.050 Applicability
- 20.05.060 Critical areas studies
- 20.05.070 Protection and mitigation measures
- 20.05.080 Wetland development standards
- 20.05.090 Stream development standards
- 20.05.100 Fish and wildlife habitat conservation areas standards
- 20.05.110 Flood hazard area development standards
- 20.05.120 Geologically hazardous areas
- 20.05.130 Bonds
- 20.05.140 Appeal
- 20.05.150 Enforcement

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APPENDIX **AB**

**FINAL SHORELINE MASTER PROGRAM INVENTORY FOR THE  
CITY OF MONROE'S SHORELINES: SKYKOMISH RIVER AND  
WOODS CREEK**



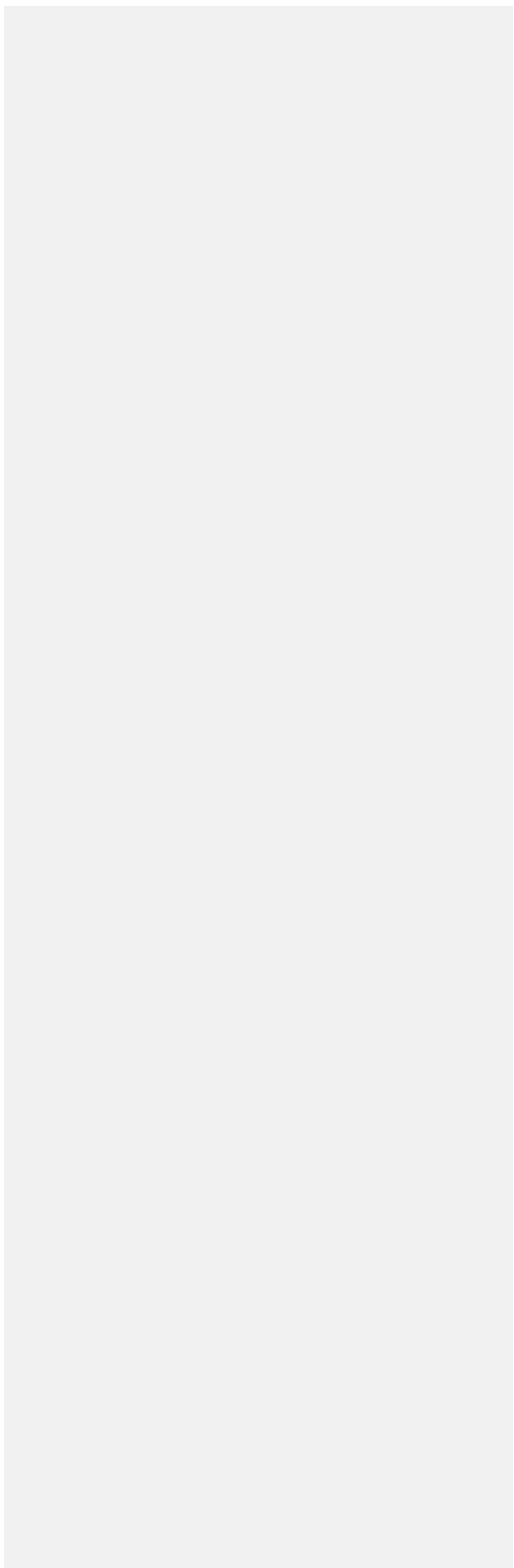
**APPENDIX BC**

**SHORELINE MASTER PROGRAM INVENTORY ADDENDUM:  
TYE STORMWATER FACILITY**

APPENDIX CD

SHORELINE MASTER PROGRAM AMMENDMENT HISTORY

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## Amendment History

### 1975 Shoreline Master Program

The City of Monroe adopted its first Shoreline Master Program (SMP), prepared by Snohomish County (County), on May 28, 1975. The County prepared the SMP for the unincorporated areas of Snohomish County as well as the municipalities of Arlington, Brier, Gold Bar, Granite Falls, Index, Lake Stevens, Monroe, Mountlake Terrace, Sultan, and Woodway.

Snohomish County had extensive public involvement for the development of the SMP. The County made a concerted effort to implement the approach for citizen participation as outlined in the Washington Administrative Code (WAC) 173-16-040(1) (Final Guidelines). The County Board of Commissioners established a Citizens Advisory Committee (CAC) that served as the primary vehicle for gathering public input during the planning process. The CAC was composed of 50 citizens, of which 36 were "citizens at large."

In addition to gathering information, the CAC was also responsible for formulating the draft SMP, including the submission of findings and recommendations to the Snohomish County Planning Commission.

The County also established a Technical Advisory Panel (TAP) to advise the CAC. The TAP consisted of representatives of various public and private agencies having the information and expertise related to shoreline management problems and use activities.

Snohomish County worked on their master program between 1973 and 1974, with final adoption by the Snohomish County Board of County Commissioners on September 25, 1974. Their process included the citizen committee, field trips, four public hearings before the Snohomish County Planning Commission, and three public hearings before the County Board of County Commissioners before the final adoption.

### 1981 Shoreline Master Program Amendments

Between 1980 and 1981, City staff worked with the Planning Commission and City Council to make the City of Monroe SMP more consistent with the actual zoning within the City and the Comprehensive Plan land use designations. The revisions included three changes to the shoreline designations and various text amendments to elements, goals, and policies.

The map amendments were as follows: the western boundary of the City along the southern boundary of State Route 2 from Rural to Urban, Woods Creek south of State Route 2 from Rural to Conservancy, and Woods Creek north of State Route 2 from Rural to Urban. Text amendments were made to three sections of the SMP: Master Program Elements, Shoreline Planning Elements, and Shoreline Use Activities.

The Planning Commission reviewed these amendments at six public meetings, including one public hearing prior to forwarding a recommendation to the City Council. The City Council held an additional workshop before a public hearing to consider the amendments. The City Council adopted the final revision on October 14, 1981.



### 1982 Shoreline Master Program Amendments

In 1982 the City of Monroe further revised the 1980 amendments to reflect the recommendations made by the Washington State Department of Ecology (DOE). The additional amendments affected the 100-year floodplain boundary and two of the shoreline designations. The DOE requested that the City's 100-year floodplain be consistent with the U.S. Army Corps of Engineers study results.

The DOE also requested the northern Woods Creek shoreline designation be removed because the area was outside the City's jurisdiction and that the southern portion of Woods Creek shoreline designation remain Rural, with an allowance for the lumber mill as a non-conforming use. The City Council adopted the subject amendments on October 27, 1982.

### 1989/1990 Shoreline Master Program Amendments

In 1989 the City considered two separate amendments to the Shoreline Master Program. The first amendment changed the shoreline designation for nine (9) lots along Terrace Street from Rural to Suburban. This change was made to better reflect the actual use of land within the shoreline jurisdiction. The City Council took final action on this amendment on July 26, 1989.

The second set of amendments included changes to various shoreline designations along Woods Creek, a revision to the shoreline boundary along the western corporate boundary of the City, and a revision to the wetland definition. The shoreline boundary and definition changes were made for compliance with changes in state law.

The Woods Creek amendments focused on the west bank of the creek. The 1975 Shoreline Master Program designated the entire area around Woods Creek as "Conservancy," which did not reflect the actual land uses along the west bank and outside of the 100-year floodplain. The proposed amendments recommended the designations along the west bank of Woods Creek, north of Ferry Street be changed from Conservancy to Urban, and the area south of Ferry Street was recommended to change from Conservancy to Suburban. The "Urban" designation allowed for commercial and industrial activities, and the "Suburban" designation allowed for residential uses.

In 1985 the State modified the language of the Shoreline Management Act to allow local jurisdictions to reduce the area of influence the Act has authority over. The City considered amendments removing the property in the northwest corner of the City, in the area currently known as the Fryelands Industrial Park and Monroe Valley Industrial Park. This amendment was proposed since the subject area did not flood frequently and was not generally associated with the shoreline of the Skykomish River. It was additionally argued that there were already several layers of permitting that protected development in the subject area, including a floodplain permit, the State Environmental Policy Act, and forthcoming sensitive areas regulations.

The Planning Commission reviewed these changes between February and May 1989, and held one public hearing on May 15, 1989. The City Council reviewed these amendments between April 1989 and January 1990. The Council took final action to approve the above amendments on January 10, 1990.

### 1998 Comprehensive Plan – Shoreline Element

Between 1997 and 1998, the City of Monroe worked on significant amendments to the 1994 City of Monroe Comprehensive Plan. The amendments included the establishment of a Shoreline Element, in compliance with Washington State House Bill 1724 (Regulatory Reform Act). The Regulatory Reform Act, passed in 1995, was adopted to improve government efficiency and required cities to incorporate their SMP into their comprehensive plans, as an element.

The Shoreline Element of the City of Monroe Comprehensive Plan includes the goal and policy statements of the SMP, a description of the applicable shoreline environments, a description of shoreline use activities, and a brief discussion on shorelines of statewide significance. This element was not sent to the DOE for review since the existing SMP remained in place and was not amended.

The Monroe Planning Commission reviewed the proposed Shoreline Element between August and September 1997. After holding a public hearing, the Planning Commission forwarded a recommendation to the City Council to approve the proposed element. The City Council reviewed the proposed element and the Planning Commission's recommendation in January and February 1998. The City Council took final action to adopt the proposed element on February 11, 1998.

#### **2002-2008 Shoreline Master Program Update**

In November 2000, DOE adopted new Shoreline Master Program Guidelines. This was the first time the State had significantly updated the guidelines since their original adoption in 1971. The new guidelines incorporated the "best available science" criteria into the recommended policy and regulatory framework. The new guidelines also provided jurisdictions with the opportunity to pursue one of two "paths." One path (Path A) required a general level of shoreline inventory information, and similar general policies and regulations. The second path (Path B) required jurisdictions to provide a more detailed inventory of shoreline conditions, as well as more specific policy and regulatory language addressing protection and restoration of the shoreline. The two-path option was intended to offer jurisdictions, through adoption of a "Path B" Shoreline Master Program, the opportunity to seek protection from "takings" allegations resulting from recent listings under the Endangered Species Act.

The City of Monroe opted to pursue the higher level of legal protection offered under the Path B option and began an update of its 1975 Shoreline Master Program, as revised between 1979 and 1999. The City began with a shoreline inventory to collect scientific data on the existing conditions of the shoreline within the City of Monroe and the associated Urban Growth Areas (UGA).

The City applied for and received a grant from the Washington State DOE to complete a shoreline inventory in June 2001 (Appendix B). While the inventory was being compiled, the State's guidelines were appealed by various parties, and in August 2001, the Shorelines Hearings Board invalidated Parts III and IV of the new Shoreline Master Program guidelines, leaving only Parts I and II (procedural rules for Shoreline Master Program amendments). Because the City had already entered into an agreement with DOE, the City continued its work on the shoreline inventory, eventually completing it in November 2002.

Although new shoreline guidelines were not in place for the City to follow, the City of Monroe applied for and was awarded a second grant by the DOE to update the Shoreline Master Program (SMP) and shoreline regulations in June 2002. The City had already completed the inventory and intended on establishing a new master program that would provide some protection against a Takings claim under Endangered Species Act. During the same time the City was considering proceeding with the SMP update, there was discussion at the state level that the various groups who appealed the shoreline guidelines were willing to negotiate a settlement. In the summer of 2003, DOE issued new draft shoreline management guidelines for review. The new guidelines provide additional clarity for local governments and businesses and are simpler, by eliminating the two-path approach, than the 2000 version of the guidelines and they provide for private property protections. DOE adopted this new rule in December 2003.

The City began its review efforts in December 2002, by presenting the City of Monroe Planning Commission with a copy of the existing Shoreline Element of the City of Monroe Comprehensive Plan and Title 19 (Shoreline Management) of the Monroe Municipal Code. Between December 2002 and April 2007, the Planning Commission has held numerous public workshops to review proposed shoreline designations and a Shoreline Master Program template.

The City notified residents and property owners within the shoreline jurisdiction of the Shoreline Master Program update process and invited them to attend Planning Commission meetings and provide comment. In addition to the affected property owners, the City also notified parties of interest including the Tulalip Tribes of Washington, 1000 Friends of Washington, the Pilchuck Audubon Society, and The Stilly-Snohomish Fisheries Enhancement Task Force of the Shoreline Master Program update process. A public hearing before the Monroe Planning Commission on the Draft Shoreline Master Program was held on January 22, 2007, and continued to April 9, 2007. On May 14, 2007, the Planning Commission made its final recommendation to City Council to adopt the updated Shoreline Master Program. City Council held its first study session on the draft SMP on June 12, 2007. In June 2007, DOE determined that the Tye Stormwater Facility (TSF) must be regulated as a shoreline of the state. Accordingly, staff prepared additional analysis of TSF (Appendix C), notified the newly affected property owners, and held a combined public hearing/Planning Commission meeting on August 13, 2007. The revised draft SMP was then returned to City Council for additional consideration at an August 28, 2007 study session and a final public hearing. City Council adopted the SMP on October 23, 2007.

City staff sent the Draft Plan to the State Office of Community, Trade and Economic Development (CTED) and other state agencies on May 16, 2006, for the required 60-day review period. In a letter dated May 18, 2006, CTED indicated that it had received the document and requested that the final document be sent to CTED following adoption. The staff also sent the document to the DOE for their review and approval.

In March 2008 the Department of Ecology held a public hearing on the draft document in Monroe. Testimony in support of the document was provided by Robin Hansen, representing Cadman Inc. Ecology also received three letters of comment, one each from the Snohomish County Department of Public Works, Cadman, Inc, and Welcome Four. Responses to the letters of comment were provided by the City of Monroe to Ecology. The Washington Office of the Attorney General also reviewed the revised draft on behalf of Ecology. Further revisions to the shoreline designations map were made to reflect local information concerning the precise

boundary of the 100-year floodplain and to remove from shoreline jurisdiction those parcels that are already fully developed within the floodplain, but are otherwise not required to be regulated under the SMA. Contingent on incorporation of minor required edits, the Department of Ecology approved the SMP on July 28, 2008. These changes and minor editorial revisions were finalized on August 13, 2008.

The 2008 Shoreline Master Program reflected a comprehensive update, and included the following sections:

- Chapter 1 – Introduction
- Chapter 2 – Environment Designation Provisions
- Chapter 3 – General Provisions
- Chapter 4 – Shoreline Modification Provisions
- Chapter 5 – Shoreline Use Provisions
- Chapter 6 – Administration Provisions
- Chapter 7 – Shoreline Restoration Plan
- Chapter 8 – Definitions
- Appendix A – Critical Areas Regulations