

AGENDA

Lynnwood Planning Commission

Thurs., Oct. 28, 2004 — 7:00 pm — City Council Chambers, 19100 – 44th Ave. W., Lynnwood

A. Call to Order Chair JOHNSON
 Commissioner BIGLER
 Commissioner DECKER
 Commissioner ELLIOTT
 Commissioner PEYCHEFF
 Commissioner POWERS
 Commissioner WALTHER

B. APPROVAL OF MINUTES

1. Minutes of Sept. 23, 2004 Planning Commission meeting
2. Minutes of Sept. 30, 2004 "Special" Planning Commission meeting

C. CITIZEN COMMENTS – on matters **not** on tonight's agenda:

D. COMMISSION MEMBER DISCLOSURES:

E. PUBLIC HEARINGS: None

F. NEW BUSINESS:

1. **Planning Commission Training:** Discussion about the need for Commissioner training, how to be informed of training opportunities, and related budget concerns.

G. WORK SESSIONS:

1. **Shoreline Master Program:** An early draft was presented to the Commission on Sept. 9 and a work session was conducted on Sept. 23. This is an opportunity to review, discuss and ask questions about the most recent draft.

H. UNFINISHED BUSINESS: None

I. DIRECTOR'S REPORT & INFORMATION:

1. **City Council Actions**
2. **Joint Meeting with City Council – Oct. 14**
3. **Commissioner Terms and Re-appointments**
4. **Upcoming Meetings**

J. ADJOURNMENT

The public is invited to attend and participate. To request special accommodations for persons with disabilities, contact the City at 425-670-6613 with 24 hours advance notice.

**Lynnwood Planning Commission
Meeting of October 28, 2004**

Staff Report

Agenda Item: G-1

Shoreline Master Program - Draft

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Dennis Lewis, Senior Planner

BACKGROUND:

An early draft of the Shoreline Master Program (SMP) was given to the Planning Commission on September 9th, and the Commission had an opportunity to ask questions about the draft on September 23rd. At this meeting, the Commission will receive the next edition of the draft SMP.

At the last meeting, staff updated the Commission on the review and adoption schedule for this project. We informed the Commission that it is now intended to get the SMP to final draft stage and hold a public meeting to solicit public comments. At that point, the final draft can be submitted to our grant-funding agency for acceptance. We need to accomplish this by December 15th. So, the expectation is that the SMP will be on the Commission's agenda October 28, November 18, and December 9.

SHORELINE MASTER PROGRAM CONTENTS:

New information from Department of Ecology staff has caused us to expand the focus of the SMP for Lynnwood. We are now planning for the areas of shoreline jurisdiction within the adopted Lynnwood Urban Growth Area. There are two additional shoreline jurisdiction areas within the UGA. The Puget Sound shoreline area of Meadowdale Park, and the western shore of Martha Lake are the areas that must be studied and included within the Lynnwood SMP. Adding coverage for these areas increases the complexity and volume of our SMP.

The September 9 draft of the SMP contains two environment designations. These two designations are: "aquatic" and "high-intensity". The October 28 draft adds two new environment designations. The new designations are: "shoreline residential" and "rural conservancy". The "shoreline residential" will only apply to the Martha Lake shoreline. The "rural conservancy" designation will only apply to the developed park portion of Meadowdale Park. The other two designations, "aquatic" and "high-intensity", will also apply to the Meadowdale Park shoreline area.

In addition to modifying the draft SMP to include these new environment designations, there are other additions and modifications. The draft now has a cover and a table of contents. Section 7 on Administrative Regulations has been added, as well as an

appendix including definitions. And, minor editing and formatting changes have been made. This version of the draft is still incomplete. It is expected that a complete draft will be available by the November 18th Commission meeting.

ENCLOSURE:

Draft Lynnwood Shoreline Master Program

DRAFT
Lynnwood Shoreline Master Program
October 28, 2004

Section 1 – Introduction

Shoreline Management Act

Washington's Shoreline Management Act (SMA) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is *"to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."* The Act establishes a broad policy giving preferences to uses that: protect the quality of water and the natural environment, depend on proximity to the shoreline, and preserve and enhance public access or increase recreational opportunities for the public along shorelines. The jurisdiction of the SMA in Lynnwood applies to the marine waters of the Puget Sound and the land beneath them, and the shorelands extending 200 feet landward from the ordinary high water mark of Puget Sound.

The SMA contains the following major policy provisions:

- Protecting against adverse effects to the public health; the land and its vegetation and wildlife; and, the waters of the state and their aquatic life.
- Planning for and fostering all reasonable and appropriate uses of the shoreline.
- Protecting public rights of navigation and public access to the shoreline and enhancing the public interest.

The SMA establishes a balance of authority between local and state government. Cities and counties are the primary regulators but the state, through the Department of Ecology, has authority to review local programs and permit decisions. Under the SMA, each city and county adopts a shoreline master program (SMP) that is based on state guidelines but tailored to the specific needs of the community. Local SMP's combine both plans and regulations. The plans are a comprehensive vision of how shoreline areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must meet.

Lynnwood has been required since 1972 to have a SMP. For reasons not known, the City has never prepared a SMP. Both the state and the City acknowledge that compliance with this state law is overdue. This document fulfills the City's obligation to comply with the SMA. Revised state regulations to guide preparation, updating, and administering SMP's were issued by the state in January 2004. These revised regulations were followed in preparation of the Lynnwood Shoreline Master Program.

Public Participation

(To be added later)

Legal Framework and Applicability of SMP

(To be added later)

SMP Relationship to Other Regulations

(To be added later)

Physical and Environmental Context

The City of Lynnwood's Puget Sound shorelines and shorelands are contained within a seven-acre territory which is noncontiguous to and west of the main part of the City. This smaller part of Lynnwood is surrounded on the north, east, and south by the City of Edmonds. The principal uses within this part of Lynnwood are the City's sewage treatment facilities, the Burlington North & Santa Fe (BNSF) Railway mainline, and Puget Sound shoreline and tidelands. All uses in the area pre-date the passage of the Shoreline Management Act (SMA).

The Puget Sound shoreline in this area is oriented along a north-northeast to south-southwest axis, with the Sound on the west and land on the east. The BNSF railway parallels the shoreline in a narrow corridor running between the toe of a 100-foot high bluff on the east, and the Sound tidelands on the west. At high tide, there is little, if any, exposed land to the west of the railway track bed. The City's sewage treatment facilities are located in a narrow, steep sided ravine cut into the bluff and oriented along an east-west axis. The outfall from the sewage treatment facility runs under the railroad track bed and extends 1,000 feet offshore into the Sound, and discharges at a depth of 200 feet. A small volume stream runs through the City property. In the upper reaches, the stream is in an open streambed. As the stream approaches the treatment facility, it enters underground piping. The piping carries the stream water under and around the treatment facility. It then passes under the railroad track bed in a large concrete pipe and then exits the pipe on the west side of the railroad tracks onto the tidelands.

The BNSF railway provides a complete barrier to accessing the shoreline from the Lynnwood landside. No vehicular or pedestrian access is allowed across the railway tracks. The City does have an access easement on the east side of the tracks that permits limited vehicular access from the north side of the treatment plant to the south side. This limited access easement does not allow access on or across the railroad tracks. In addition to the access limitation created by the railway line, the City's use of its property for sewage treatment facilities also establishes an access barrier. The City's property, where the treatment facilities are located, is fenced and gated. Only authorized personnel are allowed to enter the property. The limitation on public access into the treatment plant site is necessitated by the potentially hazardous nature of operations at the plant. Each of these barriers makes it highly unlikely that future pedestrian or vehicular access to the Lynnwood shoreline will be

provided via the landside in Lynnwood. The closest railroad crossing point is approximately one-half mile north of the Lynnwood shoreline.

The area of Lynnwood subject to the SMA may be one of the smallest areas in the state of Washington required to have a Shoreline Master Program. The 4.2-acre area under current shoreline jurisdiction has a limited number of existing uses and a limited number of property owners. Few changes in land use are anticipated and pressures to bring about such change are minimal. The character of the shoreline is uniform and the opportunity for either degradation or enhancement is limited. *Given these circumstances, it would seem that the Shoreline Master Program needed to fully comply with the SMA should be relatively concise and straightforward. It should be simple even, or at least, minimally complex. However, the complexity of the SMA and its implementing regulations will dictate the content, length, and complexity of this Shoreline Master Program.*

An additional factor increasing the length and complexity of this Shoreline Master Program is the desirability of anticipating and planning for the inclusion of unincorporated area within the time horizon of the Program. There are two areas within the adopted Lynnwood Urban Growth Area (UGA) that contain SMA jurisdictional shorelines. There is an additional short stretch of Puget Sound shoreline north of the current city limits and north of City of Edmonds. This is at Meadowdale Beach Park where Lund's Creek enters the Sound. The second area of shoreline jurisdiction in the Lynnwood UGA is a short section of the western shoreline of Martha Lake.

How to Use the Document

(To be added later)

Section 2 – Goals

Master Goal

1. The city's Puget Sound shoreline is among the most valuable, scarce, and fragile of our natural resources. It is the intent of this Shoreline Master Program to manage the shoreline giving preference to water-dependent and water-related uses, and to encourage development and other activities to co-exist in harmony with the natural conditions. Uses that result in long-term over short-term benefits are preferred, as are uses which promote sustainable development.

Shoreline Use Goals

2. Reserve shoreline and water areas particularly suited for specific and appropriate uses, especially water-oriented and water-dependent uses, for such uses whether they are existing or potential.
3. Establish and implement policies and regulations for shoreline use consistent with the Shoreline Management Act of 1971. These policies and regulations should insure that the overall land use pattern in the shoreline area is compatible with existing shoreline environment designations and will be sensitive to and not degrade habitat and ecological systems and other shoreline resources.
4. Ensure that proposed shoreline uses do not minimize the rights of others or infringe upon the rights of private ownership.
5. Encourage restoration of shoreline areas that have been degraded or diminished in ecological value and functions as a result of past activities or catastrophic events.
6. Ensure that planning, zoning, and other regulatory and nonregulatory programs governing lands adjacent to shoreline jurisdictions are consistent with SMA policies and regulations and the provisions of this SMP.

Economic Development Goal

1. Allow continuation and enhancement of existing uses consistent with achieving other goals for preservation and conservation of resources.

Public Access Goals

1. It is a goal of the city to provide the maximum reasonable opportunity for the public to view and enjoy the amenities of the shoreline area, while assuring that such access does not contribute to intrusions upon private property, nuisance, personal danger, or over-burdening of fragile natural resources.
2. The city should maintain the public shoreline and tidelands in public ownership for continued public access and use.

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

Circulation Goals

1. It is the goal of the city to provide for the safe and efficient movement of people and goods within the shoreline area while recognizing and enhancing the unique, fragile, and scenic character of the shoreline area with minimum disruption to the shoreline environment and minimum conflict between the different uses.
2. It is the goal of the city to provide for emergency services access to the shoreline area.

Recreation Goal

1. It is the goal of the city to provide recreational opportunities for the public in the shoreline area consistent with protection of shoreline resources, and within the limitations of safe access.

Conservation Goal

1. It is the goal of the city to protect and enhance unique and fragile areas of flora and fauna and scenic vistas to help assure the continued availability of these resources for future generations.

Historic and Cultural Values Goal

1. Identify, protect, preserve, and restore important archaeological, historical, art and cultural sites located within the shoreline jurisdiction area for educational and scientific uses and enjoyment of the natural amenities by the general public.

Section 3 – Environment Designations

Environment Designation Classification Requirements

Shoreline Master Programs are required by state regulations to contain a system to classify shoreline areas into specific environment designations. The classification system must be based on the existing use pattern, the biological and physical character of the shoreline, classification criteria provided by state regulations, and the goals of the Lynnwood Comprehensive Plan. Taking the foregoing into account, the City of Lynnwood has chosen to use two of the six state recommended standard environment designations for the jurisdictional shoreline currently within the city limits. These two designations are “aquatic” and “high-intensity”. To plan for the additional areas of shoreline jurisdiction within the Lynnwood UGA will require use of two more environment designations. These additional two designations are “shoreline residential” and “rural conservancy”.

Aquatic Environment

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. This is the default environment designation for areas waterward of the high-water mark. This environment designation makes the most sense for the Lynnwood submerged and intertidal lands, and so it is used for those lands. The aquatic designation applies to all of the area in Lynnwood’s jurisdiction west of the Ordinary High Water Mark (OHWM). The aquatic environment within current Lynnwood jurisdiction is 2.9 acres in area.

Management Policies:

1. Structures, which are not water-dependent, and uses which will substantially degrade the existing character of the area should be prohibited.
2. Diverse public access opportunities should be encourage and developed and should be compatible with the existing shoreline and aquatic uses.
3. Aquaculture practices should be encouraged in those tidelands, waters, and beds most suitable for such use.
4. Several industries using the same tidelands should be given preference over single-industry use.
5. In appropriate areas, fishing and water recreation should be protected from competing uses.
6. All uses and activities in navigable waters or their beds should be located and designed to minimize interference with surface navigation, and allow for the safe, unhindered passage of fish and animals, particularly those life cycles are dependent on such migration.

7. Deep draft uses, if allowed, should not occur in areas requiring extensive initial or maintenance dredging.
8. Filling operations should minimize possible adverse environmental impacts.
9. Motorized vehicle travel should be discouraged on all tidelands, except for boat launching areas and other permitted water-dependent uses.
10. Development of underwater pipelines and cables on tidelands 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.
11. Abandoned and/or neglected structures which cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with the provisions of this program.

High Intensity Environment

The purpose of the "high-intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. This environment designation is to be applied to shoreline areas within municipalities currently supporting high-intensity uses, or suitable and planned for high-intensity water-oriented uses. This is the environment designation applied to that part of Lynnwood located east of the ordinary high water mark of Puget Sound and within 200 feet east of the mark. The high-intensity environment within current Lynnwood jurisdiction is 1.3 acres in area.

Management Policies:

1. Because high-intensity use tends to preclude other shoreline uses, emphasis should be given to directing new development into already developed areas consistent with the Master Program.
2. Full utilization of existing high-intensity areas should be achieved before additional areas are designated High-Intensity.
3. Reasonable, long-range projections of regional economic need should guide the amount of shoreline designated High-Intensity.
4. Priority should be given to water-dependent, water-related, and water-enjoyment uses over other uses. Uses, which derive no benefit from a water location, should be discouraged or prohibited.
5. Visual and physical public access should be required. Where possible, industrial and commercial facilities should be designed to permit pedestrian waterfront activities.

6. Planning for the acquisition of land for permanent public access to the water in the High-Intensity environment should be encourage and implemented.
7. Aesthetic considerations should be actively promoted by means such as sign control regulations, appropriate development siting, screening and architectural standards, flexible lot design process planned unit developments, and maintenance of natural vegetation buffers.
8. In order to make maximum use of the available shoreline resources and to accommodate future water-dependent uses, the redevelopment and renewal of substandard or degraded high-intensity shoreline areas should be encouraged.
9. Developments within the High-Intensity environment should be compatible with uses and activities in adjacent, including aquatic, environments.

Shoreline Residential

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. This environment designation does not apply to any area within current Lynnwood jurisdiction. The designation will only apply to the shoreline of Martha Lake should that area be annexed to the City of Lynnwood.

Management Policies:

1. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
2. Local governments may establish two or more different "shoreline residential" environments to accommodate different shoreline densities or conditions, provided both environments adhere to the provisions of this chapter.
3. Multifamily 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.

Rural Conservancy

The purpose of the "rural conservancy" environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples of uses that are appropriate in a "rural conservancy" environment include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development and other natural resource based low-intensity uses. This environment designation does not apply to any area within current Lynnwood jurisdiction. The designation will only apply to the shoreline of Meadowdale Park should that area be annexed to the City of Lynnwood.

Management Policies:

1. Uses in the "rural conservancy" environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
2. Except as noted, commercial and industrial uses should not be allowed. Agriculture, commercial forestry, and aquaculture when consistent with provisions of this chapter may be allowed. Low intensity water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.
3. Water-dependent and water-enjoyment recreation facilities that do not deplete the resources over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are mitigated.
4. Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the rural conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (h) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.
5. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.
6. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231. New development should be designed and located to preclude the need for such work.

7. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. As a general matter, meeting this provision will require density, lot coverage, vegetation conservation and other provisions.
8. Scientific studies support density or lot coverage limitation standards that assure that development will be limited to a maximum of ten percent total impervious surface area within the lot or parcel, will maintain the existing hydrologic character of the shoreline. However an alternative standard developed based on scientific information that meets the provisions of this chapter and accomplishes the purpose of the environment designation may be used.
9. Master programs may allow greater lot coverage to allow development of lots legally created prior to the adoption of a master program prepared under these regulations. In these instances, master programs shall include measures to assure protection of ecological functions to the extent feasible such as requiring that lot coverage is minimized and vegetation is conserved.
10. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.

Section 4 – General Policies and Regulations

The following general policies and regulations apply to shoreline uses and modification activities irrespective of environment designations. Policies are the bridge between goals and regulations, translating the general into the specific. Shoreline policies are legally enforceable. Regulations are more specific, enforceable controls and standards for shoreline development.

1. All new shoreline uses and shoreline modification activities, including those that do not require a Shoreline Substantial Development Permit, must conform to all applicable Goal provisions, General provisions, Environment Designation provisions (including the shoreline environment maps), Specific Shoreline Use provisions and Shoreline Modification Activity provisions.
2. Shoreline modification activities must be in support of an allowable shoreline use which conforms to the provisions of the Master Program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or approved shoreline use are prohibited.
3. Shoreline uses, modification activities, and conditions listed as “prohibited” shall not be eligible for consideration as a Shoreline Variance or Shoreline Conditional Use Permit.
4. The policies listed in the Master Program shall provide broad guidance and direction and shall be used by the Director in interpreting the “regulations.”
5. Where provisions of the Master Program conflict, the more restrictive provisions shall apply unless specifically stated otherwise.

A. Archaeological and Historic Resources

Where archaeological or historic resources are either recorded at the State Historic Preservation Office and/or with the City of Lynnwood, or where they have been uncovered, the following policies and regulations apply.

Policies:

1. Archaeological and historic resources, because of their limited and irreplaceable nature, are valuable links to our past and should be considered whenever a development is proposed along the State’s shorelines.
2. Public or private uses and activities should be prevented from destroying or altering any site having historic, prehistoric, cultural, scientific, or educational purpose or value as identified by the appropriate authorities.

Regulations:

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City if any phenomena of possible archaeological interest is uncovered during excavation. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data is properly salvaged. The developer shall receive permission from the State Office of Archaeology and Historic Preservation prior to further disturbance of the site (RCW 27.53.0 or its successor).
2. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by an archaeologist. 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.
3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education, and public observation. When the City determines that a site has significant archaeological, natural scientific or historical value, a substantial development permit which would pose a threat to the resources of the site shall not be issued. The City may require that development be postponed in such areas to allow investigation of public acquisition potential, retrieval and preservation of significant artifacts, and/or development of a mitigation plan.
4. In the event that unforeseen factors constituting an emergency, as defined in RCW 90.58.030 or its successor, necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from any shoreline permit requirements. The City shall notify the Washington State Department of Ecology, the State Attorney General's Office, and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites, including middens, located both in and outside the shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) or its successor and RCW 27.53 (Archaeological Sites and Records) or its successor and shall comply with WAC 25-48 or its successor as well as the provisions of the Master Program.
6. Archaeological excavation may be permitted subject to the provisions of this program.
7. Identified historical or archaeological resources shall be considered for site planning in park, open space, public access, and site planning with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
8. Interpretive signs of historical and archaeological features shall be provided when appropriate.

9. Areas of known or suspected archaeological middens shall not be disturbed and shall be fenced and identified during construction projects on the site.

B. Clearing and Grading

The purpose of the clearing and grading section is to ensure that shoreline uses and activities are designed and conducted in a manner to minimize damage to the ecology and environment of the shoreline area. All shoreline uses and activities must conform to the clearing and grading provisions herein, including development which does not require a shoreline permit. (See also Water Quality in subsection K for related provisions.)

Policies:

1. Clearing and grading activities should be designed and conducted to minimize impacts to water quality and wildlife habitat. Sedimentation of creeks, streams, ponds, lakes, and wetlands and resulting degradation of water quality should be avoided.
2. Clearing and grading should be limited to the minimum necessary to accommodate permitted shoreline development.
3. Negative environmental impacts associated with clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, bioengineering and/or use of erosion and drainage control methods as well as long-term maintenance.
4. Following project completion, remaining disturbed areas should be promptly replanted.
5. Clearing and grading activities should be designed with the objective of maintaining native vegetation areas.
6. For extensive clearing and grading proposals, a clearing and grading plan addressing native species removal, erosion and sedimentation control, and protection of sensitive area native vegetation zones should be required.

Regulations:

1. Clearing and grading shall be permitted landward of the native vegetation zone when associated with a permitted shoreline use, provided that upon completion of construction, remaining cleared areas shall be replanted within the first applicable planting season. Replanted areas shall be fully re-established within three (3) years of completion of construction and shall be properly maintained.
2. Except as provided for in this program, existing native vegetation between the OHWM and the top of any bank ten (10) feet or higher that is waterward of the development shall be retained.

3. All vegetation that is within the native vegetation zone or other buffer and which is likely to be disturbed by the clearing and grading activity shall be protected by a temporary fence or other marking determined by the City to adequately protect the vegetation. This also includes root zones of trees which must remain. The temporary fencing/markings shall be installed and approved by the City before any clearing and grading begins, and maintained until construction is completed.
4. Land alteration (clearing, grading, filling) shall be limited to the minimum necessary for development. Surface drainage systems or substantial earth modifications involving greater than five hundred (500) cubic yards of material shall be designed by a licensed engineer to prevent maintenance problems or adverse impacts to shoreline features.

C. Environmental Impacts

Minimizing the impacts shoreline uses and activities have on the environment is a key purpose of the Shoreline Management Act. This section addresses those issues. All shoreline uses and activities, including development which does not require a Shoreline permit. Must conform to these environment impact provisions.

Policy:

1. The adverse environmental impacts of shoreline uses and activities should be minimized during all phases of development (e.g., design, construction, and management).

Regulations:

1. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site and shall adhere to the guidelines, policies, standards, and regulations of applicable water quality management program and regulatory agencies.
2. Solid waste, liquid waste, and untreated effluent (i.e., discharge from a source containing pollutants) shall not be allowed to enter any water bodies or to be discharged onto land. If there is evidence of discharge, the activity shall be suspended until the deficiency has been satisfactorily corrected.
3. The release of oil, chemicals, or other hazardous material onto or into the water is prohibited. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
4. All shoreline uses and activities shall utilize effective measures to minimize any increase in surface water runoff and to control, treat, and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Such measures may include, but are not limited to, dikes, catch

basins, or settling ponds, installation and required maintenance of oil/water separators, grassy swales, interceptor drains and landscaped buffers.

5. All shoreline uses and activities shall utilize effective erosion control methods during project construction and operation.
6. All shoreline uses and activities shall be located, designed, constructed, and managed to minimize adverse impacts to fish and wildlife resources including spawning, nesting, rearing and habitat areas, and migratory routes.
7. All shoreline uses and activities shall be located, designed, constructed, and managed to minimize interference with beneficial natural shoreline processes such as water circulation, sand and gravel movement, erosion, and accretion.
8. The location, design, construction, and management of shoreline uses and activities shall minimize adverse impacts to surrounding land and water uses.
9. The location, design, construction and management of shoreline uses and activities shall avoid hazards to public health and safety.
10. All shoreline uses and activities shall be located and designed to minimize the need for shoreline stabilization measures and flood protection. (See Section 6, Shoreline Modification Activity Policies and Regulations.)
11. Herbicides and pesticides shall not be allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies (Washington State Department of Agriculture or Washington State Department of Ecology, U.S. Department of Agriculture or U.S. Environmental Protection Agency).
12. See Environmentally Sensitive Areas in the next subsection for additional provisions which may apply.

D. Environmentally Sensitive Areas

Environmentally sensitive areas are primarily regulated through the Lynnwood Municipal Code, Chapter 17.10, Environmentally Sensitive Areas. The provisions in the Master Program supplement those regulations and apply to all uses and activities, including those which do not require a shoreline substantial development permit.

Policies:

1. Unique, rare, and fragile shoreline resources including, but not limited to, aquifer recharge areas; fish and wildlife habitat; fish breeding, rearing or feeding areas; frequently flooded areas; geologically hazardous areas; marshes, bogs, swamps and streams; tidal lagoons; mud flats; and salt marshes and aquatic vegetation should be preserved.

2. All shoreline uses and activities should be located, designed, constructed, and managed in ways which protect and/or do not adversely affect those natural features which are valuable, fragile, or unique.
3. Development should be located away from shorelines that have been identified as unstable and/or sensitive to erosion to prevent hazardous conditions and property damage as well as to protect valuable environmental features.
4. Some areas, because of unique and/or fragile geological or biological characteristics, should be protected from public access (e.g., wetlands, shoregrass, kelp beds, etc.).
5. In areas adjacent to environmentally sensitive features and their native vegetation zones, use intensities should be regulated to protect environmentally sensitive features.

Regulations:

1. When a development site includes some or all of one or more environmentally sensitive areas, or part of a native vegetation zone(s) for such areas(s), the sensitive features and their native vegetation zones shall be left undisturbed and maintained as open space, except as permitted by other provisions of the Shoreline Master Program. All development shall be set back far enough to avoid damage to such features and their native vegetation zones.
2. Native vegetation zones shall be equal to those buffers established in Lynnwood Municipal Code, Chapter 17.10, Environmentally Sensitive Areas, as amended, except that native vegetation zones from Puget Sound shall be established in the Master Program.
3. Regulation 2 above, notwithstanding, native vegetation zones from those portions of Puget Sound which exhibit unique, rare and/or fragile resources (including, but not limited to tidal lagoons, mud flats, and salt marshes) may be increased under the Lynnwood Municipal Code, Chapter 17.10.
4. When sensitive areas and/or sensitive area native vegetation zones are disturbed, revegetation with native or other approved vegetation shall be required. (See subsection B, Clearing and Grading in this section for regulations protecting sensitive areas during construction.)
5. Fish and wildlife habitat enhancement or restoration shall be allowed when approved by appropriate resource agencies.
6. If development results in impacts to a sensitive area, in-kind and on-site replacement of resource functions shall be provided unless it is found that in-kind and on-site replacement is not feasible or practical due to the physical characteristics of the site, and/or that a greater benefit can be demonstrated by an alternative location. In such cases, substitute resources of equal or greater ecological value shall be provided.

7. The functions of replacement areas shall be equal to or greater than those being altered. The replacement ratio will be determined on a case-by-case basis and shall be proposed in a mitigation plan developed by appropriate experts, approved by the Director and paid for by the applicant. All mitigation plans shall also be approved by resource agencies.
8. Where sensitive area replacement activities are proposed, an applicant shall permanently protect the replacement area through legal instruments such as sensitive area tracts, conservation easements, or a comparable use restriction.

E. Native Vegetation Zone

The native vegetation zone is a required vegetation buffer encompassing all uplands from the OHWM to the dimensions specified for that particular shoreline environment. Its purpose is to protect and enhance the shoreline's natural character, water quality, native plant communities, and wildlife habitat along the shoreline. The native vegetation zone provisions apply to all shoreline development, uses, and activities, including those which do not require a shoreline permit, and to existing development. Standards for the native vegetation zone are based on the use category and the environment designations and are provided in Section 3, Environment Designations. In some cases, the standards are further refined by regulations in Section 5, Policies and Regulations for Shoreline Uses.

Policies:

1. Preservation of native plant species is key to maintaining the ecology of the shoreline as well as preserving its natural character.
2. Native plant communities within the shoreline jurisdiction should be protected, maintained, and enhanced.
3. Degraded shorelines should be restored to provide native habitats and enhance water quality.
4. Development should preserve existing environmental features to minimize disturbance of natural systems.
5. A native vegetation zone, immediately upland of the OHWM, should be established for each shoreline use and shoreline environment, recognizing the pattern of development and the ecology of the shoreline.
6. The City should implement a public education program emphasizing the importance of maintaining native vegetation in the shoreline area.

Regulations:

1. A vegetation buffer, called a native vegetation zone, shall be maintained immediately landward of the OHWM. The dimensions of the zone shall be those established for the particular use and environment.
2. Existing native vegetation within this zone shall remain unless specifically allowed to be altered or removed under the provisions of this section or Section 5, Policies and Regulations for Shoreline Uses.
3. New plantings in this zone shall be native plant species, or other approved species, similar in diversity, type, density, wildlife habitat value, water quality characteristics and slope stabilizing qualities to the original vegetation.
4. Removal of nonnative plants and plants on the State noxious weed list shall be allowed within the native vegetation zone.
5. Within the native vegetation zone, normal nondestructive pruning and limbing of native vegetation for maintenance and view shall be allowed provided it does not threaten the health of the vegetation. Individual tree cutting to remove a hazard may be allowed by the Director, subject to a report by an arborist or other approved expert.
6. No clearing, grading, or construction may be undertaken within the native vegetation zone unless specifically provided for in this section or in Section 5.
7. A path to the shoreline not more than four (4) feet in width, constructed by hand and designed to minimize environmental impacts, shall be allowed. The path may be wider when required for handicapped access.
8. Accessory utility lines determined by the Director to be necessary or required to reduce an impact may be allowed.
9. To allow flexibility when required because of site limitations, the depth of the native vegetation zone (measured from the OHWM) may be altered by averaging the depth, provided that:
 - a) The total area of the native vegetation zone shall not be less than otherwise required.
 - b) All portions of the native vegetation zone shall be contiguous.
 - c) The depth of the zone shall not be reduced more than twenty-five percent (25%) and shall be a minimum of twenty-five (25) feet (measured from the OHWM) at any point.
 - d) At least seventy-five percent (75%) of the resulting zone shall be located within the area that would otherwise be required.

- e) Any area altered shall be compensated for by a substitute area. Any area used as a substitute for an altered area must contain vegetation of comparable or better quality than the area being deleted.
10. Native vegetation zones and related restrictions required by the City for a preliminary plat shall be written on the face of the final plat, and for all other land shall be included in a separate covenant, easement or other similar document. The separate document shall be recorded with the County Auditor within one month of the imposition of the requirement.

F. Parking

The following provisions apply only to parking that is accessory to a permitted shoreline use. Parking as a primary use is prohibited within the shoreline jurisdiction. Additional parking regulations in the LMC, Chapter 18 may apply.

Policies:

1. Parking should directly serve a shoreline use and be sensitive to adjacent shorelines and properties.
2. Parking facilities should be located, designed, constructed, and operated to minimize adverse impacts to water quality, aesthetics, public access, vegetation and habitat, stormwater runoff, noise, and glare.
3. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g., recreational use on weekends, commercial use on weekdays).

Regulations:

1. Parking shall be prohibited over water.
2. Parking in the shoreline jurisdiction shall directly serve a shoreline use.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts to adjacent shorelines and properties. Landscaping shall consist of native vegetation or species contained in an approved plant list or landscape plan and shall be designed and installed to provide effective and appropriate screening within three (3) years of planting. Plantings shall be maintained for the life of the parking facility.
4. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and screened, or in cases when an alternate orientation would have less adverse impact on the shoreline.
5. Parking facilities shall provide safe and convenient pedestrian circulation within the parking area and to the shoreline.

6. Parking areas shall include facilities to control quantity and quality of surface water runoff to natural water bodies, using best management practices to retain natural flow rates. A maintenance program to assure proper functioning of such facilities over time shall be required.
7. See Section 5, Policies and Regulations for Shoreline Uses for restrictions related to specific uses.

G. Public Access –Visual and Physical

The provisions in this section recognize that there are two types of “public access” to the shoreline of Lynnwood. One type is *visual* public access – that is, the public’s ability to see the shoreline and water. The second type is *physical* public access – that is, the public’s ability to reach and touch the water’s edge. Possible ways to provide for such visual and/or physical public access include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launched, street ends, ingress pints, and parking.

With respect to private property, the following provisions are not intended to require property owners to increase the public’s visual or physical access to the Lynnwood shoreline. With respect to future development on private property, the fundamental principle underlying this section’s provisions is that such development should not result in a net loss of the public’s currently existing visual and physical access to the Lynnwood shoreline.

With respect to public property, the following provisions are intended to promote an increase in the public’s visual and physical access to the Lynnwood shoreline, in a balanced manner, through mechanisms such as the further improvement of existing public property and potential future acquisition of additional public property.

“Scenic vista” protection is still another aspect of public access and an important shoreline management objective. Consideration must be given to protecting the shoreline’s visual quality and to maintaining view corridors to and from waterways and their adjacent shoreland features.

Policies:

1. The City should establish a comprehensive public access plan to provide the public with increased visual and physical access. The plan should consider the following methods:
 - a) Acquisition of land and/or easements.
 - b) Incentives for providing visual and/or physical access.

- c) Requirements for public access when new development: is located in the Urban Environment, is a nonresidential use, or includes multiple-family uses of five or more building lots.
2. In single-family residential areas emphasis should be placed on providing public access to the water via unopened road rights-of-way ("road ends"), with a goal of providing comparable access in each neighborhoods.
 3. Acquisition of small, unbuildable lots should be considered as a way to increase opportunities for the public to enjoy the shoreline.
 4. Intense public use, as opposed to neighborhood use, of the shoreline should be limited to parks and the Urban environment.
 5. Upland public access parallel to the beach (such as a walking/bicycling path or promenade) should be provided waterward of all buildings in all commercial and all Urban environment development unless it cannot meet minimum requirements for health and safety.
 6. Public access, both visual and physical, should be considered in the review of any new private or public development which diminishes existing public access or increases demand for public access. In such cases, public access should be required unless health, safety, or environmental protection needs cannot be met.
 7. Shoreline development, uses, and activities should not unreasonably impair or detract from the public's physical and visual access to the water.
 8. Public access should be provided without adversely affecting the shoreline environment.
 9. City-owned shoreline should be reserved for water-dependent or public recreational uses, or maintained as open space.
 10. Public visual and physical access should be maintained or enhanced on shoreline street-ends, public utility corridors and easements (where possible), and public rights-of-way.
 11. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
 12. Public and private access spaces should be clearly marked and/or separated to avoid unnecessary user conflicts, and such marking/separation should be done in a way that does not unreasonably obscure views.
 13. Shoreline and water views from public upland areas should be preserved and enhanced where it would not risk environmental damage. However, such vegetation removal should achieve a filtered view and should not be excessive. (This policy does not apply to native vegetation zones.)

14. Development should minimize visual impacts to the natural shoreline landscape.

Regulations:

1. When new development increases demand for public access or reduces existing access by blocking or discouraging its use, provisions for visual and/or physical public access that mitigates those impacts shall be incorporated into any shoreline development that meets one or more of the following tests: Is in the Urban environment, includes nonresidential use, or provides five or more dwelling units or building lots.
2. The requirements in #1 above will not apply if the applicant demonstrates one or more of the following:
 - a) Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means.
 - b) Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
 - c) The cost of providing the access, easement, or an alternative public access amenity on or off the development site is unreasonably disproportionate to the total long-term cost of the proposed development.
 - d) Unacceptable environmental harm which cannot be adequately mitigated will result from the public access.
3. In order to meet any of the conditions (1) through (4) above, the applicant must first demonstrate, and the City determine in its findings, that all reasonable alternatives have been exhausted, including, but not limited to:
 - a) Regulating access by such means as maintaining a gate and/or limiting hours of use.
 - b) Designing separation of uses and activities (e.g., fences, terracing, hedges, other landscaping).
 - c) Provision(s) for access on a site geographically separate from the proposal such as a street end.
4. Development, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's existing physical and visual access to the water and shorelines.
5. The public's visual and physical access provided by shoreline street ends, public utilities, and rights-of-way shall not be diminished. (RCW 35.79.035 or its successor and RCW 36.87.130 or its successor).

6. Submerged public rights-of-way shall be preserved fro public access.
7. The permitting process shall include consideration of the balance between visual access and retention of native vegetation.
8. Development on the water shall be constructed of nonreflective materials that are compatible in color and texture with the surrounding area.
9. Public access sites shall be connected directly to the nearest public street.
10. Required public access shall be fully developed and available for public use at the time of occupancy of the use or activity in accordance with permit conditions.
11. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of the plat or short plat as a condition running with the authorized land use. Recording with the County Auditor's office shall occur at the time of permit approval. (RCW 58.17.110 or its successor.)
12. The standard State-approved logo or other approved sign(s) that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the City in conspicuous locations at public access sites. In accordance with regulation 2a above, signs may control or restrict public access as a condition of permit approval.
13. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
14. When properties are subdivided, owners of newly created lots which do not have frontage on the water shall be provided common access to the water, provided that it will not cause unacceptable environmental harm which cannot be adequately mitigated.

H. Shorelines of Statewide Significance

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of statewide significance (SSWS). Because these shorelines are resources from which all people in the state derive benefit, preference is given to uses which favor public and long-range goals. Within the City's jurisdiction all those areas lying seaward from the line of extreme low tide are shorelines of statewide significance. [RCW 90.58.030 (1)(e)(iii) or its successor.

Policies (In order of preference):

1. Recognize and protect the statewide interest over local interest.
 - a) Solicit comments and opinions from groups and individuals representing statewide interests by circulating the Master Program, and any amendments

thereof affecting Shorelines of Statewide Significance, to State agencies, adjacent jurisdictions, citizen's advisory committees and local officials, and statewide 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 individual 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 minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
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.
 - c) Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
4. Protect the resources and ecology of the shoreline.
- a) Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem including, but not limited to, stability, drainage, aesthetic values, and water quality.
 - b) All shoreline development should be located, designed, constructed, and managed to avoid disturbance of, and to minimize adverse impacts on, fish and wildlife resources including spawning, nesting, rearing, and habitat areas and migratory routes.
 - c) Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.
 - d) Shoreline materials including, but not limited to, bank substrate, soils, beach sands, and gravel bars should be left undisturbed by shoreline development.

5. Increase public access to publicly owned areas of the shoreline.
 - a) Give priority to developing paths and trail to shoreline areas, linear access along the shorelines, and to upland parking.
 - b) Locate development landward of the ordinary high water mark.
 - c) Limit public access when environmental or habitat values warrant such limitations.
6. Increase recreational opportunities for the public on the shoreline. Plan for and encourage development of facilities for recreational use of the shoreline.
 - a) Plan for and encourage development of facilities for recreational use of the shorelines.

I. Signs

Signs are regulated through LMC, Chapter 21.16, Signs. The following policies apply to signs within the jurisdiction of the Shoreline Master Program. These policies do not apply to publicly owned signs where the purposed is safety, direction, or information.

Policies:

1. Signs should be designed and placed so they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
2. Signs should not block or otherwise interfere with visual access to the water or shorelands.
3. Signs should be of a permanent nature, should serve an approved use, and should be attached to such use.

J. Utilities (Accessory)

Accessory utilities are associated with all types of shoreline development. These provisions apply to all development, including that which does not require a shoreline permit. (Refer to Section 5, Policies and Regulations for Shoreline Uses for primary use utility provisions.)

Policies:

1. Utilities are necessary to shoreline uses and should be properly installed and operated to protect the shoreline and water from degradation.
2. 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. Utility facilities should be designed and located in a manner which preserves the shoreline ecology and the natural landscape and minimizes conflicts with existing and planned land uses.

Regulations:

1. In shoreline areas, utility lines, including pipelines and cable, shall be placed underground unless demonstrated not to be feasible. Further, such lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible. Proposals for new corridors in the shoreline area involving a water crossing must fully substantiate the infeasibility of existing routes.
2. 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, provided such uses will not unduly interfere with utility operations or endanger public health and safety.
3. Septic fields shall be located on the landward side of development, where possible.
4. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion. Sites shall be replanted with native vegetation immediately following construction.

K. Water Quality

Maintaining high water quality standards and restoring degraded systems is mandated in the Shoreline Management Act (RCW 90.58.020 or its successor). Water quality is affected in numerous ways by human activity. The increase in non-porous surfaces that accompanies development increases surface water runoff, which causes scouring and erosion of streambanks. Erosion increases suspended solid levels and carries heavy metals, household wastes, and excess nutrients into the water. Increases nutrient enrichment depresses dissolved oxygen levels. This degradation of water quality adversely impacts wildlife habitat and public health. The purpose of these provisions is to minimize water quality impacts of shoreline uses and activities. These provisions apply to all shoreline development, including that which does not require a Shoreline Substantial Development Permit.

Policies:

1. All shoreline uses and activities, including sewers and/or septic systems, should be located, designed, constructed, and maintained to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, feeding areas, and migratory routes.
2. Setbacks, native vegetation zones, and stormwater management should be required to minimize negative impacts to water quality.

3. Surface water runoff should be treated on-site, unless precluded by slope or other sensitive area conditions.

Regulations:

1. All shoreline development shall minimize 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, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.
2. Where feasible, septic fields shall be located on the landward side of any new residence or business.
3. New residences or businesses on the shoreline within two hundred (200) feet of an existing sewer line and/or within an established sewer service area shall be connected to the sewer system.
4. All shoreline development shall comply with the applicable requirements of the Stormwater Management Manual for the Puget Sound Basin (Washington State Department of Ecology publication #91-75) as amended by the City's Engineering Design and Development Standards Manual.

Section 5 – Policies and Regulations for Shoreline Uses

This section contains policies and regulations for shoreline uses. The policies and regulations developed for each shoreline use, or category, are the primary set of criteria for evaluating proposed shoreline development. Some proposals will be subject to provisions of more than one use. Proposed development must also comply with Section 4 – General Policies and Regulations, and Section 6 – Policies and Regulations for Shoreline Modification Activities.

While not all shoreline uses require a shoreline permit, no development shall be undertaken on the shoreline of Lynnwood except those which are consistent with the Shoreline Management Act (SMA), applicable State guidelines, and the Lynnwood Shoreline Master Program. Shoreline uses which are not specifically identified shall be evaluated on a case-by-case basis for consistency with the SMA and the requirements of the SMP, and shall require a conditional use permit.

Only the High-Intensity and Aquatic environment designations apply to the area of current City of Lynnwood jurisdiction. The Shoreline Residential and Rural Conservancy designations are reserved for use within areas annexed to the city.

Shoreline Use	High-Intensity	Aquatic	Shoreline Residential	Rural Conservancy
Aquaculture	NA	P	NA	NA
Bulkheads and similar structures	SDP	NA	SDP	NA
Dredging	NA	SDP	NA	NA
Filling	NA	SDP	NA	NA
Land surface modification	SDP	NA	SDP	SDP
Moorage structures and facilities	SDP/CUP	SDP/CUP	SDP/CUP	NA
Parking (accessory)	P	NP	P	P
Piers and docks	SDP/CUP	SDP/CUP	SDP/CUP	NP
Public parks and recreational facilities	NP	NA	P	P
Railroad	SDP	NP	NP	NP
Recreational floats and mooring buoys	NA	P	NA	NA
Residential	NP	NP	P	SDP/CUP
Sewage treatment facilities	SDP/CUP	NP	NP	NP
Street	P	NA	P	P

P = Permitted

NP = Not Permitted

CUP = Conditional Use Permit

SDP = Substantial Development Permit

NA = Not Applicable

Section 6 – Policies and Regulations for Shoreline Modification Activities

These provisions pertain to all shoreline modification activities associated with or in support of a specific shoreline use. They also apply to project whose chief intent is to protect the shoreline of a particular property for which the permit applies. Flood control project and flood control programs must also conform to the provisions in Section 5, Subsection F, Flood Hazard and Stormwater Management.

Policies:

1. Rip rapping and other bank stabilization measures should be located, designed, and constructed primarily to prevent damage to existing development and property.
2. All new development should be located and designed to prevent or minimize the need for shoreline stabilization measures and flood protection works.
3. Stabilization and protection works which are more natural in appearance, more compatible with on-going shore processes, and more flexible for long-term streamway management, such as protective berms or vegetative stabilization, should be utilized over structural means such as concrete revetments or extensive riprap.
4. Structural solutions to reduce shoreline damage should be permitted only after it is demonstrated that nonstructural solutions would not be able to achieve the same purpose.
5. Sloping revetments or other energy-dissipating designs are preferred to reduce the destructive scouring effect of bulkheads on beaches.
6. Shoreline stabilization projects should provide for long-term multiple use and shoreline public access, where appropriate.
7. Natural features such as snags and stumps which support fish and other aquatic systems, and which do not intrude on the navigational channel or threaten other permitted uses, should be left undisturbed except in cases of an approved beach stabilization project.

Regulations:

1. All shoreline modification activities must be in support of an allowable shoreline use that is in conformance with the provisions of the Master Program. All shoreline modification activities not in support of a conforming shoreline use are prohibited.

Exception: Shoreline stabilization may be allowed as a shoreline use provided it can be demonstrated that such activities are necessary for the maintenance of shoreline stability and habitat, and complies with all other provisions of the Shoreline Master Program.

2. All applicable Federal and State permits shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.
3. All new development activities shall be located and designed to prevent or minimize the need for shoreline stabilization.
4. The City shall require and/or utilize the following information during its review of shoreline stabilization, modification, and flood protection proposals:
 - a) Project purpose;
 - b) Environment of the project including:
 1. Existing shoreline and stabilization and flood protection devices within three hundred (300) feet on each side of the proposed project;
 2. Physical, geological, and/or soil characteristics of the area;
 3. Net direction of littoral drift and tidal currents, if any;
 4. Profile rendition of beach and uplands; and,
 5. Physical or geological stability of uplands (beach type, slope and materials; uplands type, slope and materials; soils types [Soil Conservation Service]).
 - c) Design, construction materials, and methods (to include annotated drawings):
 1. Materials used, dimensions, designs;
 2. Slope angle; and,
 3. Location of project relative to toe and crest of uplands and upland structures;
 - d) Potential impact upon area shore and hydraulic processes, upland stability, adjacent properties, and shoreline and water uses;
 - e) Alternative measures, including nonstructural, which will achieve the same purposes.
5. The City shall require and utilize the following information in its review of all shoreline modification proposals:
 - a) Shoreline stabilization measures shall not be designed and constructed in such a manner as to result in channelization of normal stream flows;

- b) Stream channel direction modification, realignment and straightening are prohibited unless they are essential to uses that are consistent with this program;
 - c) Shoreline stabilization shall not be designed in a manner that will cause scouring of the beach at the toe of protective devices nor erosion on the level of the seaward beach or impact adjacent properties; and,
 - d) Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with native vegetation or other species approved by the City.
6. Publicly financed or subsidized works should provide public, pedestrian, shoreline access for low-intensity recreation.

Prohibited:

- 1. Shoreline stabilization and flood protection works are prohibited in wetlands and on point and channel bars. They are also prohibited in salmon and trout spawning areas, except for fish or wildlife habitat enhancement.
- 2. Beach enhancement is prohibited if it interferes with the normal public use of the navigable waters of the State.

A. Beach Enhancement

Beach enhancement concerns the upgrading of terrestrial and tidal shorelines along with submerged shorelines for the purpose of stabilization, recreational enhancement, and aquatic habitat creation or restoration using native or similar material. The materials used are dependent on the intended use and shoreline dynamics such as grade, drift, etc. For recreation purposes, various grades of clean sand or pea gravel are often used to create, restore, or enhance a beach. To restore or recreate a shore feature or an underwater aquatic environment, such as a reef, may require a rock matrix and/or combination of other materials appropriate for the intended environment.

Policies:

- 1. All beach enhancement projects should ensure that aquatic habitats, existing water quality levels, and flood-holding capacities are maintained.
- 2. Beach restoration/enhancement utilizing naturally regenerating systems should be required where:
 - a) The length and configuration of the beach will accommodate such systems;
 - b) Such protection is a reasonable solution to the needs of the specific site; and,

- c) Beach restoration/enhancement will accomplish one or more of the following objectives:
 - i. Recreate or enhance natural conditions.
 - ii. Create or enhance natural habitat.
 - iii. Mitigate erosion.
 - iv. Enhance public access to the shoreline.
- 3. Supplementary beach nourishment should be encouraged where existing shoreline stabilization is likely to increase impoverishment of existing beach materials at or downdrift from the project site.

Regulations:

- 1. Beach enhancement shall be a conditional use in all environments and shall be undertaken only for restoration, enhancement, maintenance or natural resources, or to enhance public access to the shoreline.
- 2. Beach enhancement may be permitted as a conditional use when the applicant has demonstrated that no significant change in littoral drift will result which will adversely affect adjacent properties or habitat.
- 3. Natural beach restoration/enhancement shall meet the following standards:
 - a) Design Alternatives. Design alternatives shall include the best available technology such as, but not limited to:
 - i. Gravel berms, drift sills, beach nourishment, and beach enhancement when appropriate.
 - ii. Planting with short-term mechanical assistance, when appropriate. All plantings provided shall be maintained.
 - b) Design Criteria. Natural beach restoration/enhancement shall not:
 - i. Detrimentially interrupt littoral drift, or redirect waves, current or sediments to other shorelines;
 - ii. Result in any exposed groin-like structures, provided that small "drift-sill" groins may be used as a means of stabilizing restored sediment as part of a well-planned beach restoration program;
 - iii. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;

- iv. Result in contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments;
 - v. Create additional dry land mass; and,
 - vi. Disturb significant amounts of valuable shallow water fish/wildlife habitat as determined by the Department of Fish and Wildlife, unless such habitat is immediately replaced by new habitat that is comparable or better.
- c) Natural Beach Restoration Construction Standards:
- i. The size and/or mix of new materials to be added to a beach shall be as similar as possible to the undisturbed beach sediment, but large enough to resist current, wake, or wave action at the site.
 - ii. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, or profile (but not so as to obviously create additional dry land mass).

Prohibited:

1. Beach enhancement is prohibited within spawning, nesting, or breeding habitat and also where littoral drift of the enhancement materials adversely affects adjacent spawning grounds or other areas of biological significance.
2. Dikes, levees, jetties, groins (except drift sills for beach enhancement), gabions and breakwaters are prohibited.

B. Shoreline Armoring (Revetments and Bulkheads)

In high-energy wave environments, bulkheads reflect some energy downward which may scour and erode the base, or “tot” of the bulkhead, lowering the beach level. This scouring at the toe may also undercut the bulkhead to the point of collapse. Bulkheading may also adversely impact long-shore fishery habitat. The slope and irregular surface of revetments tends to absorb the wave energy similar to the run-up on a natural beach.

The SMA exempts construction or repair of a normal protective revetment or bulkhead from the substantial development permit process when it is necessary to protect an existing single-family residence. Even when exempt, however, these structures must comply with all applicable Master Program regulations. A statement of exemption for an individual, single-family residence must be obtained from the City before commencing construction of any bulkhead or revetment.

Policies:

1. The use of armored structural revetments should be limited to situations where it is demonstrated that nonstructural solutions, such as bioengineering, setbacks, and buffers or any combination thereof, will not provide sufficient shoreline stabilization.
2. Because of the potential impact on complex, littoral long-shore drift systems and potential damage to other shoreline properties, bulkhead construction should be discouraged, unless it can be demonstrated that a revetment or nonstructural solution (bioengineering, setbacks, native vegetation zones) is not feasible.
3. Shoreline armoring should be designed, improved, and maintained to provide public access whenever possible.
4. Shoreline armoring should not be constructed waterward of feeder bluffs.
5. Neighboring property owners should be encouraged to coordinate planning and development of revetments or other solutions for an entire sector to avoid erosion or down-drift properties.

Regulations – General:

1. Revetments and bulkheads are permitted uses in the High-Intensity environment where there are either bulkheads or revetments within approximately 100 feet on either side of the property. If there are no bulkheads or revetments within 100 feet on either side of the property, new bulkheads and revetments shall be conditional uses. Bulkheads and revetments shall be prohibited in the Aquatic environment. Bulkheads and revetments may be permitted in the Aquatic environment only if they are permitted in the adjacent upland environment and are located at or near ordinary high water. In addition, where permitted or conditional uses, bulkheads or revetments to protect a platted lot where no structure presently exists will require an SSDP. A statement of exemption shall be obtained from the City prior to construction of any bulkhead or revetment in front of a single-family residence. The statement of exemption shall meet all requirements of this Master Program.
2. All forms of protective structures shall be designed, constructed, and maintained in a manner that does not degrade water quality and/or fisheries habitat, and conforms to state agency policies and regulations, including Washington State Department of Fish and Wildlife criteria and permit requirements.
3. Evidence of professional design of proposed protective structures is required if it is determined there are uncertainties, such as:
 - a) Inadequate data on local geophysical conditions;
 - b) Potential effect on adjacent property; or,
 - c) Potential adverse effects on beach seaward of structure.

4. Natural materials and processes such as protective berms, drift logs, brush, beach feeding, or vegetative stabilization shall be utilized to the maximum extent possible.
5. Revetments and bulkheads may be allowed only when evidence is presented which conclusively demonstrates that the following conditions exist:
 - a) Serious wave erosion threatens an existing development or land;
 - b) Bulkheads or revetments may be approved for the operations and location of water-dependent and water-related activities consistent with the Master Program, provided that all alternatives have proven infeasible (i.e., use relocation, use redesign, nonstructural shore stabilization options). Such bulkheads or revetments must meet other policies and regulations of this chapter; and,
 - c) That use of natural materials and processes and nonstructural solutions to bank stabilization are unworkable in protecting existing development.
6. Revetments should be constructed to provide no steeper than a 45 degree slope (1 horizontal to 1 vertical).

Prohibited:

1. Gabions (wire mesh filled with concrete or rocks) are prohibited in bulkhead construction.
2. Revetments and bulkheads shall be prohibited for any purpose if they will cause significant erosion or beach starvation.
3. Construction of a bulkhead, revetment, or other armoring structure for the purpose of retaining a landfill or creating dry land is prohibited, unless it is proposed in conjunction with a water-dependent or public use.
4. Shoreline hardening (i.e., revetments, bulkheads, seawalls) shall not be located on shores where valuable geo-hydraulic or biological processes are sensitive to interference and critical to shoreline conservation such as feeder bluffs, marshes, wetlands, or accretion shoreforms such as spits, hooks, bars, or barrier beaches.

Regulations – Location:

1. Shoreline armoring shall not be approved in any known or suspected midden site without the written permission of the Director of the State Office of Archaeology and Historic Preservation (the State Historic Preservation Officer) (RCW 27.53.060 or its successor).
2. Shoreline hardening (revetments and bulkheads) shall be permitted only where local physical conditions such as foundation-bearing material and surface and subsurface drainage are suitable for such alterations.

3. On all shorelines, armoring structures shall be located landward of the OHWM, landward of protective berms (artificial or natural), and generally parallel to the natural shoreline except as allowed below:
 - a) On marine accretion beaches, bulkheads shall be set back a minimum of twenty-five (25) feet landward of the OHWM and shall parallel the natural shoreline. However, for slopping or bluff/cliff shores, armoring structures shall be placed as far landward of the OHWM as is feasible.
 - b) On bluff or bank shorelines where no other armoring structures are adjacent, such structures shall be as close to the bank as possible. However, a revetment footing shall extend waterward sufficiently to permit adequate run-up to dissipate wave energy.
 - c) Revetments and bulkheads shall tie in flush with existing bulkheads on adjoining properties, except where the adjoining bulkheads extend waterward of the OHWM or the toe of the bank or permitted landfill, in which case the location requirements of the above shall apply.
4. Bulkheads and revetments to protect a platted lot where no structure presently exists shall be permitted with an SSDP where property is threatened as demonstrated in a geotechnical report and provided it complies with all other provisions in Regulations – General above.

Regulations – Design:

1. If an armored revetment is employed, the following design criteria shall be met:
 - a) The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
 - b) Filter cloth or adequate smaller filter rock shall be used to aid drainage and help prevent settling; and,
 - c) The toe reinforcement or protection must be adequate to prevent a collapse of the system from wave action.
2. Revetments shall be sited and designed consistent with appropriate engineering principles. Professional, geologic, site studies or design may be required for any proposed revetment or bulkhead if the City determines sufficient uncertainties or potential for damage to other shoreline properties and features exist.
3. When a revetment is required at a public access site, provision for safe access to the water shall be incorporated into its design.

4. Stairs or other permitted structures may be built into a revetment, but shall not extend waterward of it.
5. Revetments shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil/materials.
6. Adequate toe protection shall be provided to ensure revetment stability without relying on additional riprap.
7. Materials used in revetment construction shall utilize stable, nonerosion-prone, homogeneous materials such as concrete, wood, rock riprap, or other suitable materials which will accomplish the desired end with the maximum preservation of natural shoreline characteristics.

C. Dredging and Dredge Material Disposal

Dredged material disposal on land is also subject to the landfill policies and regulations of this Master Program.

Pursuant to WAC 173-14-040 or its successor, certain activities, such as those associated with normal maintenance and repair, are exempt from the requirements for a Shoreline Substantial Development Permit (SSDP), but may still require a shoreline conditional use permit or variance.

Actions exempt from the substantial development permits are required to comply with the SMA and all provisions of the Master Program. Ecology/Army Corps of Engineers notifications of dredging proposals will be reviewed by the City to determine whether the activity is exempt from the requirement for a substantial development permit and to ensure compliance with regulations of the Act and the Master Program.

Policies:

1. Dredging and dredge material disposal should be located and conducted in a manner which minimizes damage to the existing ecology and natural resources of the area to be dredged, and to the disposal site.
2. Dredging of bottom materials for the primary purpose of obtaining fill material is strongly discouraged.
3. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
4. Dredged material disposal in marine waters, other than for approved environmental enhancement or remediation projects or other uses permitted by this Shoreline Master Program, should only be allowed at sites designated through the Puget Sound Dredged Disposal Analysis (PSDDA) program (managed jointly by the Corps of Engineers, Environmental Protection Agency, Washington Department of Natural

Resources, and Washington Department of Ecology) and consistent with the policies and procedures of PSDDA.

5. When dredged material has suitable organic and physical properties, dredging operations should be encouraged to recycle dredged material for beneficial use in beach enhancement, habitat creation, sediment remediation (capping), or aggregate or clean cover material at a landfill (where appropriate).

Regulations – General:

1. Dredging shall be permitted as a conditional use in the Aquatic environment and shall be for the restoration, enhancement, or maintenance of natural resources and navigational channels.
2. Applications for shoreline dredging and dredged material disposal shall include a copy of all information, data, and analyses submitted in accordance with the PSDDA evaluation procedures for managing the in-water disposal of dredged material and the Corps of Engineers process for Section 10 (Rivers and Harbors Act), and Section 404 (Clean Water Act) permits. This shall include a copy of the PSDDA-approved Sampling Analysis Plan, the PSDDA data report and quality and control (QA/QC) report, and the suitability decision issued by the PSDDA agencies.
3. In evaluating permit applications for any dredging project, the adverse effects of the initial dredging, subsequent maintenance dredging, and necessary dredged material disposal shall be considered. Dredging and dredged material disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 - a) Result in significance and/or ongoing damage to water quality, fish, shellfish, and other essential marine biological elements; and,
 - b) Adversely alter natural drainage and circulation patterns, currents, and tidal flows, or significantly reduce flood water capacities.
4. Dredging and dredged material disposal shall be carefully scheduled to protect biological productivity and to minimize interference with fishing activities. Dredging activities shall not occur in areas used for commercial fishing (e.g., gill net, crabbing, etc.) during a fishing season, unless specifically addressed and mitigated for in the permit.
5. Dredging and dredged material disposal shall be prohibited on or in archaeological sites which are on or eligible to be listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.

Regulations – Dredging:

1. Dredging below the ordinary high water mark shall be permitted as a conditional use only:

- a) For navigation or navigational access;
 - b) In conjunction with a water-dependent use of water bodies or adjacent shorelines;
 - c) As part of an approved habitat improvement or environmental remediation project; or,
 - d) In conjunction with a navigational structure, wastewater treatment facility, or some other public facility for which there is a documented public need and where other feasible sites or routes do not exist.
2. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
 3. Dredging shall utilize techniques that cause minimum dispersal and broadcast of bottom material.

Prohibited Dredging:

1. New dredging activity is prohibited in the following locations:
 - a) In environmentally sensitive habitats (e.g., stream mouth estuaries, wetlands) except by shoreline conditional use permit.
 - b) Along net-positive drift sectors and where geo-hydraulic processes are active and accretion shoreforms would be damaged, altered, or irretrievably lost.
 - c) In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity, thus resulting in the need for continual maintenance dredging.
 - d) In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife.
 - e) In areas where concentrations of environmental pollutants or toxic chemicals are present in the bottom sediments and would be released in dredging operations, except as part of a permitted environmental enhancement or remediation program.
2. Dredging for the primary purpose of obtaining material for landfill is prohibited.

Regulations – Dredge Material Disposal:

1. Unconfined disposal of dredged material in marine waters, other than for approved environmental enhancement or remediation projects under a shoreline conditional use permit, shall only be allowed at sites identified through the process defined in

the PSDDA report and incorporated in Department of Natural Resources WAC 332-30-166 or its successor (Open Water Disposal Sites).

2. Yearly status reports shall be prepared and submitted by the dredge disposal permittee to the Director as requested. The reports shall state the quantity of material dumped, characterize the quality of the material, and review any factors necessary to verify continued compliance with the shoreline permit.
3. In-water disposal shall utilize techniques that cause the least dispersal and broadcast of materials, unless specifically designed and approved as a dispersal site.
4. Use of dredged materials for beach enhancement shall be conducted to comply with Section 6, Subsection A. Beach Enhancement, so that:
 - a) Dredged materials deposited on land shall constitute landfill and, when deposited within the jurisdiction of the Master Program, shall comply with the landfill regulations.
 - b) Near-shore or upland disposal of dredged materials not used for beach enhancement shall not be located upon, adversely affect, or diminish environmentally sensitive areas, recognized wildlife habitat, public access, water quality, or drainage.
 - c) Revegetation of land disposal sites with native species and other approved plants shall be required.

D. Landfill

Landfill is the placement of soil, sand, rock, gravel, existing sediment or other material (excluding solid waste) to create new land, tideland, or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation. Any landfill activity conducted within shoreline jurisdiction must comply with the following policies and regulations. Beach enhancement as defined in the Shoreline Master Program shall not be considered landfill.

Policies:

1. Landfill waterward of the OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses which are consistent with the Master Program.
2. Shoreline fills should be designed and located so that there will be no significant damage to existing natural resources, including surface water drainage systems.
3. In evaluating fill projects, factors that should be considered include:

- a) Conflict with potential and current public use of the shoreline and water surface area as identified in adopted City plans, policies, and programs;
 - b) Total water surface reduction;
 - c) Navigation restriction;
 - d) Impediments to water flow and drainage;
 - e) Reduction of water quality; and,
 - f) Destruction of habitat.
4. The perimeter of landfills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time.
 5. Where permitted, landfills 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 landfill activity is prohibited.

Regulations – General:

1. Landfill shall be permitted as a conditional use in the High-Intensity environment.
2. Landfill in the Aquatic environment shall be permitted as a conditional use only for water-dependent or public uses, or as part of a permitted environmental enhancement or remediation project.
3. Applications for landfill permits shall include the following:
 - a) Proposed use of the landfill area;
 - b) Source of the landfill material and physical, chemical, and biological characteristics of the fill material as required by the Director;
 - c) Method of placement and compaction;
 - d) Location of landfill relative to natural and/or existing drainage patterns;
 - e) Location of the landfill perimeter relative to the OHWM;
 - f) Perimeter erosion control or stabilization means; and,
 - g) Type of surfacing and runoff control devices.

4. Pile or pier supports shall be utilized whenever feasible in preference to landfills. Landfills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible.
5. Landfill shall be permitted only where it is demonstrated that the proposed action will not:
 - a) Result in significant damage to water quality, fish, shellfish, and/or wildlife habitat; or,
 - b) Adversely alter natural drainage and circulation patterns, currents, river and tidal flows, or significantly reduce flood water capacities.
6. Landfills shall be the minimum necessary to provide for the proposed use and shall be permitted only when tied to a proposal that is permitted by the Master Program. Speculative landfill activity is prohibited.

Regulations – Design and Construction:

1. Where landfills are permitted, the landfill shall be the minimum necessary to accommodate the proposed use.
2. Where landfills reduce public access, compensatory public access shall be provided as part of the development project.
3. Landfills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Perimeters of permitted landfill projects shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms, and appropriately sloped to prevent erosion and sedimentation both during initial landfill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the landfill.
4. Fill materials shall be sand, gravel, soil, rock, or similar material. Use of contaminated dredge material is prohibited. (See Section 5, Subsection H. Industry and Section 3).
5. The timing of landfill construction shall be regulated to minimize damage to water quality and aquatic life within the time restraints recommended by the Washington State Department of Fish and Wildlife.

E. Piers, Docks, Recreational Floats, and Mooring Buoys

Uses which may employ a pier or dock (for example industry) are subject to the provisions herein as well as to the provisions contained in Section 5, Policies and Regulations for Shoreline Uses. Community or joint-use docks which provide moorage for six (6) or more vessels also must comply with the provisions of Section 5, Subsection D. Boating facilities.

Pursuant to RCW 90.58.030 (3-e-vii) or its successor and WAC 173-14-040(h) or its successor, certain activities are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). For the benefit of the lot owner, surrounding properties, and water body users, the City will review all proposals for piers and docks to determine whether:

1. The proposal is or is not exempt from the requirements for a shoreline permit;
2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated; and
3. The proposal is consistent with the intent, policies, and regulations of the Act [RCW 90.58.140(1) or its successor] and this Program.

Exempt activities are subject to the provisions of the Master Program.

Policies:

1. Multiple use and expansion of existing conforming piers, docks, and floats should be encouraged over the addition and/or proliferation of new facilities. Joint use facilities are preferred over new, single-use piers, docks, and floats.
2. The use of mooring buoys should be encouraged in preference to either piers or docks.
3. Piers, docks, and floats should be designed to cause minimum interference with navigable waters, the public's use of the shoreline, and views from adjoining properties.
4. Piers, floats, and docks should be sited and designed to minimize possible adverse environmental impacts, including potential impacts on littoral drift, sand movement, water circulation and quality, and fish and wildlife habitat.
5. Proponents of commercial pier, float, and dock projects are encouraged to provide for public docking, launching, and recreational access.
6. Local programs and coordinated efforts among private and/or public agencies should be initiated to remove or repair failing, hazardous, or nonfunctioning piers and docks and restore such facilities and/or shore resources to a natural and/or safe condition.
7. Use of natural, nonreflective materials in pier and dock construction should be encouraged. When plastics and other nonbiodegradable materials are used, precautions should be taken to ensure their containment.
8. The proposed size of the structure and intensity of use or uses of any dock, pier, and/or float should be compatible with the surrounding environment and land and water uses.

Regulations – General:

1. Piers and docks shall be conditionally permitted in High-Intensity and Aquatic environments.
2. Proposals for piers and docks shall include, at a minimum, the following information:
 - a) Description of the proposed structure, including its location, dimensions, materials, design, and any shoreline stabilization or other modification required by the project;
 - b) Ownership of uplands, tidelands, and shorelands within three hundred (300) feet of the property boundaries;
 - c) Proposed location of piers, floats, or docks relative to property lines, OHWM, the line of navigation, the construction limit line, and the contour of the extreme low tide, as applicable;
 - d) Location, width, height, and length of piers and docks on adjacent properties; and,
 - e) Agreements, if any, for cooperative use.
3. In areas identified by the City, the Washington State Department of Fish and Wildlife, or the Department of Natural Resources as having a high environmental value for shellfish, fish life, or wildlife, piers and docks shall be prohibited, except:
 - a) Where functionally necessary to the propagation, harvesting, testing, or experimentation of said marine fisheries or wildlife, or
 - b) Unless approved as a conditional use if it can be demonstrated that the dock or pier will not be detrimental to the natural habitat or species of concern.
4. Piers, floats, buoys, and docks shall not interfere with use of navigable waters.
5. Piers and docks may be limited in length or prohibited, where necessary, to protect navigation, public use, or habitat values.

Regulations – General Design and Construction Standards:

1. Pilings must be structurally sound prior to placement in the water. The minimum number of pilings shall be used, favoring large spans on fewer pilings over smaller spans on more pilings.
2. Piles, floats, or other members in direct contact with water shall not be treated or coated with biocides such as paint or pentachlorophenol; and the use of arsenate compounds or creosote-treated members is prohibited.

Regulations – Mooring Buoys and Recreational Floats – General

1. Mooring buoys and floats for recreational use shall be permitted in the Aquatic environment offshore from the High-Intensity environment. Mooring buoys for commercial use shall be permitted only as conditional use offshore from the High-Intensity environment.
2. Buoys shall not interfere with navigation, shall be visible in daylight one hundred (100) yards away, and shall have reflectors for night visibility.
3. If a buoy is located offshore of the extreme low tide line, the owner shall obtain a lease for the bed of navigable waters from the Department of Natural Resources. [WAC 332-30-122 (1)(ii) or its successor].
4. Buoys shall lie between the waterfront property side lot lines extended beyond the shoreline, except those on Department of Natural Resources tidelands. Vessels moored to the buoys shall not swing across the extended side lot lines. Where the configuration of the waterfront lot precludes these requirements, a mooring buoy owner shall file with the City a written statement from the affected, adjacent, waterfront property owners agreeing to the buoy placement.
5. Mooring buoys shall be installed at least twenty (20) yards from other permitted piers, docks, floats, or buoys so as not to interfere with or obstruct existing piers, docks, floats, or buoys.
6. Owners of waterfront property are permitted to install one (1) mooring buoy per waterfront lot, except that where the waterfront lot is owned in community, the City may permit upon the owner's application, additional buoys with the total not more than one (1) per owner in the community. [WAC 332-30-122 (1)(ii) or its successor].
7. Buoys shall be located offshore no farther than two hundred (200) feet beyond extreme low tide, the -3 fathom depth contour (-18 feet at mean low tide), or the line of navigation, whichever is closest to shore. [WAC 332-30-148(2) or its successor].

Section 7 – Administrative Regulations

A. General

The administrative system is designed to assign responsibilities for implementation of the Master Program and shoreline permit review, to prescribe an orderly process by which to review proposals and permit applications, and to ensure that all persons affected by the Master Program are treated in a fair and equitable manner. Figure 7-1 illustrates the Shoreline Substantial Development Permit (SSDP) process and Figure 7-2 illustrates the shoreline Variance and Conditional Use process.

B. Director

1. The City of Lynnwood Director of Community Development or his/her designee, hereinafter known as the Director, is vested with the following:
 - a) Overall administrative responsibility for the Master Program;
 - b) Authority to grant statements of exemption from shoreline permits;
 - c) Authority to approve, approve with conditions, or deny shoreline substantial development permits and permit revisions in accordance with the policies and regulations of the Master Program, provided that the decision may be appealed in accordance with Section I below;
 - d) Authority to decide whether a shoreline variance permit application is minor, qualifying it for administrative decision; if the shoreline variance is not minor, it will be processed following the procedures in Subsection J, paragraph 5 of this section;
 - e) Authority to approve, approve with conditions, or deny shoreline variance permit applications determined to be minor, provided that the decision may be appealed in accordance with Section I below;
 - f) Authority to refer any application for a Shoreline Substantial Development Permit, or a shoreline variance or conditional use to the Planning Commission for a recommendation; and
 - g) Authority to determine compliance with RCW 43.21C, State Environmental Policy Act or its successor.
2. The duties and responsibilities of the Director shall include:
 - a) Specifying the required application forms and submittal requirements including the type, details, and number of copies for substantial development, conditional use, and shoreline variance permits. At a minimum, the application shall include the information required in WAC 173-14-110 or its successor.

- b) Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this program.
- c) Making administrative decisions and interpretations of the policies and regulations of this program and the Shoreline Management Act.
- d) Determining whether a Shoreline Substantial Development Permit, shoreline conditional use permit, or shoreline variance permit is required.
- e) Collecting applicable fees.
- f) Determining that all applications and necessary related information are provided.
- g) Making field inspections.
- h) Conducting a thorough review and analysis of permit applications and related materials, and making written findings and conclusions.
- i) Making decisions pursuant to paragraph 1 above.
- j) Referring applications to the Planning Commission for recommendations when requested by the applicant or when the Director deems appropriate.
- k) Submitting applications and all relevant information and materials along with written findings and recommendations to the Hearing Examiner pursuant to paragraph 1 above.
- l) Providing technical and administrative assistance to the Council, as needed, for effective and equitable implementation of this program and the Act.
- m) Providing a summary report of shoreline management permits issued during the past calendar year to the Council in February of each year. The report should include findings and conclusions on significant administrative determinations and appeals, identification of problem areas, and recommendations on how the Master Program can be improved.
- n) Proposing amendments to this program as deemed necessary to more effectively and equitably achieve its goals and policies.
- o) Seeking remedies for alleged violations of this program, the provisions of the Act, or of conditions of any approved shoreline permit.
- p) Coordinating information with affected agencies.
- q) Forwarding shoreline permits to Ecology for filing or appropriate action.

- r) Deciding whether to require any applicant granted a shoreline permit to post a bond or other acceptable security to assure that the applicant and/or the applicant's successors in interest shall adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or securities shall have a face value of at least one hundred (100) percent of the estimated development cost, including attached conditions. The City Attorney shall approve such bonds or securities as to form.

C. Hearing Examiner

1. The City of Lynnwood Hearing Examiner is vested with authority to:
 - a) Approve, approve with conditions, or deny Shoreline variance and shoreline conditional use permit applications after a public hearing and after considering the findings and recommendations of the Director, which shall be given substantial weight, provided that decisions may be appealed to the Council for a review on the record in accordance with the provisions of LMC 2.16.100.
 - b) Affirm, affirm with modifications, or reverse decisions on shoreline substantial development permit applications, minor Shoreline variance applications, and shoreline exemptions on appeal.
2. Further duties and responsibilities of the Hearing Examiner shall include:
 - a) Ensuring that proper notice is given to appropriate persons and the public for all hearings before the Hearing Examiner.
 - b) Referring applications to the Planning Commission for recommendations, when appropriate.
 - c) Considering recommendations of the Planning Commission when requested by the applicant or the Director.
 - d) Basing all decisions on shoreline permits and administrative appeals on the criteria established in the Act and the Master Program.
 - e) Deciding whether to require any applicant granted a shoreline permit to post a bond or other acceptable security to assure that the applicant and/or the applicant's successors in interest shall adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or securities shall have a face value of at least one hundred (100) percent of the estimated development cost, including attached conditions. The City Attorney shall approve such bonds or securities as to form.

D. City Council

1. The City Council is vested with authority to:
 - a) Decide local appeals of decisions made by the Hearing Examiner on Shoreline variance and Shoreline conditional use permits, provided that any decision may be further appealed to the State Shorelines Hearings Board as provided for in the Act.
 - b) Review and act upon any recommendations of the Director for amendments or revisions of the Master Program. To become effective any amendments to the Program must be reviewed and approved by the Department of Ecology, pursuant to RCW 90.58.190 or its successor and Chapter 173-19 WAC or its successor.

E. Permit or Exemption Required Before Undertaking Development or Activity

1. Permits Required
 - a) A development, use, or activity shall not be undertaken within the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Shoreline Master Program, unless it is consistent with the policy and procedures of the Shoreline Management Act, applicable State regulations and the Shoreline Master Program.
 - b) A substantial development shall not be undertaken within the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Shoreline Master Program, unless an appropriate shoreline permit has been obtained, the appeal period has been completed, any appeals have been resolved, and/or the applicant has been given permission by the proper authority to proceed.
 - c) Any person wishing to undertake substantial development or exempt development on shorelines shall apply to the Director for an appropriate shoreline permit or a Statement of Exemption.
 - d) If a development, use or activity is listed as a conditional use by the Shoreline Master Program, such development, use, or activity shall not be undertaken within the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Master Program, unless a Shoreline conditional use permit has been obtained, the appeal period has been completed, any appeals have been resolved, and/or the applicant given permission to proceed by the proper authority.
 - e) If a development, use, or activity cannot comply with the regulations of the Master Program, a Shoreline variance must be obtained before commencement of development or construction, or beginning the use or activity.

- f) If a project includes uses or activities that include both permitted and conditional uses, or a regular (major rather than minor) shoreline variance is required, the permit shall be heard and decided by the Hearing Examiner using the procedures, requirements, and criteria for a conditional use and/or shoreline variance.
 - g) See WAC 173-14-050 or its successor for a description of how the permit requirements apply to developments undertaken prior to the passage of the Shoreline Management Act of 1971.
 - h) See WAC 173-14-062 or its successor for a description of how the permit requirements apply to federal agency projects.
2. Statement of Exemption
- a) No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Master Program, unless a statement of exemption has been obtained from the Director.
 - b) The request for the statement of exemption shall be in writing, on forms required by the Director, and shall include the information required by the Director. In the case of an emergency, the Director may waive this requirement and authorize the use or activity orally or in writing. If authorized orally, it shall be put in writing as soon as possible.
 - c) The Director shall decide requests for a Statement of Exemption based on WAC 173-14-040 or its successor and the provisions of the Shoreline Management Act and the Master Program.
 - d) Before determining that a proposal is exempt, the Director may conduct a site inspection to ensure that the proposal meets the exemption criteria.
 - e) Exempt developments and activities shall comply with the Shoreline Management Act and the Master Program. The Director shall condition statements of exemption to ensure the exempt development or activity complies with the Shoreline Management Act and the Master Program.
 - f) In the case of development subject to the policies and regulations of the Master Program, but exempt from the substantial development permit process, shoreline management requirements may be made conditions of the building permits and/or other permits and approvals. For example, the approval of a building permit for a single-family residence can be conditioned with provisions from the Master Program.
 - g) Whenever a development falls within the exemptions stated in WAC 173-14-040 or its successor, but is still subject to those permits listed in WAC 173-14-115 (as amended), a letter exempting the development from the

substantial development permit requirements of Chapter 90.58 RCW or its successor shall be given to the applicant and Department of Ecology.

F. Fees

A filing fee in an amount established by the City Council by resolution shall be paid at the time of application. After the fact permit fees will be triple the normal amount.

G. Permit Application

The Director shall provide the necessary application forms for substantial development, conditional use, and shoreline variance permits. The application shall provide, at a minimum, the information required by WAC 173-14-110, or its successor along with the information required on the permit application.

H. Shoreline Substantial Development Permit Process

1. Shoreline Substantial Development Permit Review Procedure
 - a) The applicant shall submit a complete application in accordance with the provisions of LMC 2.16.055, a site plan, the required fees, and a SEPA Checklist to the Director.
 - b) The Director shall review the application and determine within 28 days whether it is complete. The application shall not be deemed filed until the Director determines the application is complete and all required fees are paid. If the application is not complete, the Director shall contact the applicant and request the needed information or fee.
2. Notice
 - a) The Director shall give notice of the shoreline application by at least one of the following methods:
 - i. Mailing of the notice by first class mail, postage prepaid, to the applicant, the property owner and each person identified by the real property records of the Snohomish County auditor as the owner within three hundred (300) feet of any boundary of the subject property, and of any contiguous property owned by the owner of the land on which the proposal will be sited. The notices shall include the information required by WAC 173-14-070 or its successor.
 - ii. Posting notice in a conspicuous manner on the property upon which the project is to be constructed.
 - iii. Any other means deemed appropriate to accomplish the objectives of reasonable notice to adjacent landowners and the public.

- b) Failure to receive a properly mailed notice shall not affect the validity of any testimony received at the hearing or of any action taken.
 - c) An affidavit(s) attesting that the notice has been properly published and/or properly mailed shall be completed and included in the application file.
 - d) Costs of notification shall be the responsibility of the applicant.
3. Public Comment - The City shall not make a decision on the permit until after the end of the comment period.
- a) A thirty (30) day public comment period shall be given for shoreline permits.
 - b) The public comment period shall be twenty (20) days for substantial development permits for a limited utility extension or for erosion control measures to protect a single-family residence and its appurtenant structures. (See Section 8, Appendix A for definition of "limited utility extension.")
 - c) SEPA review shall be conducted as provided by LMC Chapter 17.04 Environmental Policy or its successor. The required SEPA notices should be included with the shoreline notices when possible. The SEPA documents should be circulated with permit documents where possible.
4. Decision - After the thirty (30) day comment period has ended, the Director shall issue a decision on the application.
- a) The Director may approve, approve with modifications, or deny any substantial development permit.
 - b) In making the decision, the Director shall consider the applicable provisions of the Shoreline Management Act of 1971, as amended; WAC 173-14 or its successor; the Master Program; all other applicable law; and any related documents and approvals. The Director shall also consider whether the cumulative impact of additional past and future requests that reasonably may be made in accordance with the Comprehensive Plan, or similar planning document, for like actions in the area will result in substantial adverse effects on the shoreline environment and shoreline resources.
 - c) The applicant(s) shall have the burden of proving that a proposed development is consistent with the approval criteria and Master Program policies and regulations. [WAC 90.58.140(7) or its successor].
 - d) The Director may require additional information if necessary.
 - e) The Director shall issue a written decision which contains the following:

- i. A statement indicating the application is approved, approved with modifications, or denied;
 - ii. A statement of any conditions included as part of an approval or approval with modifications;
 - iii. A statement of facts upon which the decision, including any conditions, is based, and the conclusions derived from those facts; and
 - iv. A statement of the right of any person to appeal the decision of the Director pursuant to section I below.
- f) The Director may refer the application to the Planning Commission for review and recommendations prior to deciding the application. The application shall also be referred to the Planning Commission for a recommendation at the request of the applicant. The Planning Commission makes its recommendation following its review of the proposal, the environmental checklist, and the tentative threshold determination.
- g) The permit, whether approved or denied shall be in the form required by WAC 173-14-120 or its successor.
5. Distribution/notification of Administrative Decision.
- a) The Director shall mail the applicant the original of the completed permit form and the findings and conclusions.
 - b) All persons who submitted comments on the application during the comment period (see paragraph 3 above) and anyone else requesting notification in writing, shall be notified in a timely manner of the decision and shall be mailed a copy of the decision.

I. Appeals

- 1. Local appeals.
 - a) The decision of the Director may be appealed to the Hearing Examiner within twenty-one (21) calendar days following the issuance of a written decision by the Director.
 - b) Appeals shall be initiated by filing with the City Clerk a notice of appeal setting forth the action being appealed and the principal points upon which the appeal is based together with a filing fee as prescribed by resolution of the Council.

- c) If an appeal is filed, the case shall be reviewed as an open record hearing by the Hearing Examiner, who shall follow the procedures established in LMC 2.16.130 or its successor.
 - d) The Hearing Examiner shall consider the criteria in paragraph H.4.b above and may refer the application to the Planning Commission for a recommendation. The decision of the Hearing Examiner shall be the final City action.
 - e) Within eight (8) days of final action by the City, including completion of appeals or expiration of appeal periods, the Director shall file copies of the action with the Department of Ecology and the Attorney General pursuant to WAC 173-14-090 or its successor.
2. Washington State Department of Ecology Appeal Period
- a) On the day the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Attorney General, the twenty-one (21) day appeal period begins. (Ecology generally sends a letter to the Director and the applicant informing them of the date the application was received.)
 - b) During the twenty-one (21) day appeal period, the City decision on the permit may be appealed to the Washington State Shorelines Hearings Board as provided by RCW 90.58.180 or its successor and WAC 461-08 or its successor.
 - i. Development pursuant to a shoreline permit shall not begin and is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(5)(b &c) or its successor and WAC 173-14-090 or its successor or until all review proceedings initiated within twenty-one (21) days from the date of such filing have been terminated, except as provided in RCW 90.58(b) or its successor.
3. Revisions to Permits
- a) When an applicant wishes to revise a permit, the applicant must submit detailed plans and text describing the proposed changes. If the Director determines that the revisions proposed are within the scope and intent of the original permit, consistent with WAC 173-14-064 or its successor, the Director may approve the revision.
 - b) "Within the scope and intent of the original permit" means all of the following:
 - i. No additional over-water construction is involved, except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten (10) percent, whichever is less;

- ii. Ground area coverage and height of each building is not increased more than ten (10) percent;
 - iii. Additional structures do not exceed a total of two hundred fifty (250) square feet;
 - iv. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the City of Lynnwood Shoreline Master Program;
 - v. Additional landscaping is consistent with conditions, if any, attached to the original permit and with the applicable Master Program;
 - vi. The use authorized pursuant to the original permit is not changed; and
 - vii. No substantial, adverse, environmental impact will be caused by the project revision. WAC 173-14-064 (2)(a-g) as amended.
- c) If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, an application for a new shoreline permit must be submitted. If the revision involves a conditional use or shoreline variance which was conditioned by the Department of Ecology, the revision also must be reviewed and approved by Ecology. [WAC 173-14-064 or its successor].
 - d) A City or Ecology decision on revision to the permit may be appealed within twenty-one (21) days of such decision, in accordance with RCW 90.58.180 or its successor and WAC 173-14-064 or its successor.
 - e) Construction allowed by the revised permit that is not authorized under the original permit is undertaken at the applicant's risk until the expiration of the appeals deadline.

4. Duration of Permits

- a) Substantial Progress
 - i. Substantial progress towards completion of a permitted activity shall be undertaken within two (2) years after approval of the permit. See Section 8, Appendix A for definition of "substantial progress."
 - ii. The Director may, with prior notice to parties of record and to Ecology, grant one extension of the two (2) year time period for substantial progress for up to one (1) year based on reasonable factors which would justify the extension, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction. The request for the

extension must be filed with the Director before the end of the time limit.

- b) Five Year Permit Authorization
 - i. The authorization granted by an approved permit to construct any structure or conduct any use or activity shall terminate five (5) years after the date the permit is approved by the City, except that the permit may be authorized for a lesser period of fixed duration.
 - ii. Where an approved permit authorizes construction, the use and maintenance of the structure or facility may continue after the five (5) year period, provided the structure was completed during the five (5) year time limit or any approved extension.
 - iii. Where an approved permit authorizes a use or activity which does not require a structure, such as mining or maintenance dredging, the use or activity shall cease at the end of the five (5) year limit or any extension as granted in paragraph (4) below.
 - iv. The Director may, with prior notice to parties of record and to Ecology, grant one (1) time extension of up to one year based on reasonable factors which would justify the extension. The request for the extension must be filed with the Director before the end of the time limit.
- c) The running of the time periods shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or litigation.
- d) When a permit is conditioned, the conditions shall be satisfied prior to occupancy or use of a structure, or prior to commencement of a nonstructural activity, provided an alternative compliance limit may be specified in the permit.
 - i. Revisions to permits may be authorized after the original permit has expired under paragraph b of this section, provided this procedure shall not be used to extend the original permit time requirements. [WAC 173-14-060 or its successor].

Figure 7-1

J. Shoreline Variance and Shoreline Conditional Use Permits

This subsection applies to all applications for Shoreline variances and Shoreline conditional use permits. Where a development includes several uses or activities and one or more uses or activities require a Shoreline conditional use permit, all uses and activities shall be processed and decided following the shoreline conditional use procedures.

1. Shoreline variance: The purposes of a shoreline variance permit is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program, where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020 or its successor.
 - a) Application - An application for a shoreline variance shall be submitted on a form provided by the City. The application should be accompanied by maps, a completed environmental checklist, applicable fees, and any other information specified in the Master Program or requested by the Director.
 - b) Criteria for Granting Shoreline variances - Shoreline variance permits for development that will be located landward of the ordinary high water mark (OHWM), except within wetlands (marshes, bogs, or swamps) may be authorized provided the applicant can demonstrate all of the following:
 - i. The strict requirements of the bulk, dimensional, or performance standards set forth in the Master Program preclude or significantly interfere with a reasonable economic use of the property not otherwise prohibited by the Master Program.
 - ii. The hardship described above is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, natural features, and the application of the Master Program, and is not, for example, from deed restrictions or the applicant's own actions.
 - iii. The design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment.
 - iv. The shoreline variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area and will be the minimum necessary to afford relief.
 - v. The public interest will suffer no substantial detrimental effect. [WAC 173-14-150(2) or its successor].
 - c) Applications for shoreline variance permits where the development authorized by the shoreline variance will be located either waterward of the ordinary high water mark (OHWM) or within marshes, bogs or swamps may be approved or approved with conditions or modifications subject to approval by Ecology, if the decision maker finds the applicant has demonstrated compliance with all of the following criteria as well as those stated in paragraphs b and d:

- i. The strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes a reasonable economic use of the property not otherwise prohibited by the Master Program.
 - ii. The public rights of navigation and use of the shorelines will not be adversely affected.
 - d) In the granting of all shoreline variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if shoreline variances were granted to other developments in the area where similar circumstances exist, the total of the shoreline variances should also remain consistent with the policies of RCW 90.58 or its successor and should not produce substantial adverse effects to the shoreline environment.
- 2. Conditional Uses - The purpose of a shoreline conditional use permit is to allow greater flexibility in applying the use regulations of the Master Program in a manner consistent with the policies of RCW 90.58.020, or its successor provided that shoreline conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of State policy enumerated in RCW 90.58.020 or its successor. In authorizing a conditional use, special conditions may be attached to the permit by the City or the State Department of Ecology to prevent undesirable effects of the proposed use. Uses which are specifically prohibited by the Master Program may not be authorized with approval of a shoreline conditional use permit.
 - a) Uses classified as conditional uses may be authorized provided that the applicant can demonstrate all of the following:
 - i. The proposed use will be consistent with the policies of RCW 90.58.020 or its successor and the policies of the Master Program.
 - ii. The proposed use will not interfere with the normal public use of the public shorelines.
 - iii. The proposed use of the site and design of the project will be compatible with other permitted uses within the area.
 - iv. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is located.
 - v. The public interest suffers no substantial detrimental effect. [WAC 173-14-140(1) or its successor].
 - vi. The proposed use is consistent with the provisions of the Zoning Ordinance (LMC Title 21) and the Comprehensive Plan.

- b) Other uses which are not listed in the Master Program as permitted or conditional uses and are also not prohibited may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in 2a above that 1) extraordinary circumstances preclude reasonable economic use of the property in a manner consistent with the policies of RCW 90.58.020, or its successor) that the proposed use would not produce significant adverse effects on the shoreline environment.
3. If the Director decides that a shoreline variance permit application is minor in its potential impacts, the Director shall decide the application following the procedures in Section H above Shoreline Substantial Development Permit Process, under 1. Usually a shoreline variance shall be considered minor if it meets the following criteria:
- a) Projects of relatively small scale;
 - b) Projects involving only one property; or
 - c) Projects which have not generated significant public input.
5. Applications for shoreline variances not determined by the Director to be minor and all shoreline conditional use permits shall be decided by the Hearing Examiner following the procedures in LMC 2.16.100, or its successor, supplemented by the following provisions:
- a) The Director shall prepare a staff report identifying the approval criteria, providing available information on the application, analyzing the proposal, making a recommendation on the proposal, making recommended findings of fact and conclusions of law, and including any other information or recommendations which the Director believes are appropriate. The Director shall send a copy of the staff report to the applicant and the Hearing Examiner.
 - b) The Director may refer the application to the Planning Commission for a recommendation.
 - c) In making the decision, the Hearing Examiner shall consider the applicable criteria in 1 and 2 above. The applicant has the burden of proof to show that the proposal complies with the decision criteria and all applicable requirements. [RCW 90.58.140(7) or its successor].
 - d) The Hearing Examiner may refer the application to the Planning Commission for a recommendation.
 - e) The decision of the Hearing Examiner may be appealed within twenty-one (21) calendar days of the date of the decision to the City Council, which shall review the decision on the record according to procedures and criteria established in LMC 2.16.140 or its successor. The Council shall issue a written

decision within thirty-two (32) days of the public hearing date, unless the applicant and any adverse parties agree in writing to an extension of time.

6. The Director shall mail the final City decision to the applicant, the State Department of Ecology, and the State Attorney General. The permit must be received by Ecology within eight (8) days of the date of the decision. Within eight (8) days of the date of the decision, the Director shall also mail the decision to any person who requested notice of the decision.
7. The State Department of Ecology shall approve, approve with conditions, or deny all Shoreline variance and shoreline conditional use permits approved by the City. Ecology's decision must be made within thirty (30) days of the date the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Washington State Attorney General. Ecology will send a letter to the applicant and the City informing them of the decision. Upon receipt of the Ecology decision, the Director shall notify those interested persons who requested notification.
8. Twenty-one Day Appeal Period
 - a) If the permit or shoreline variance was denied by the City, the twenty-one (21) day appeal period begins on the day the denied permit or shoreline variance and other information required by WAC 173-14-090 or its successor are received by Ecology and the Attorney General. Ecology usually sends a letter to the Director and the applicant informing them of the date the application was received.
 - i. If the permit or shoreline variance was approved by the local government, the twenty-one (21) day appeal period begins on the day the permit or shoreline variance was approved or denied by Ecology.
 - ii. During the appeal period, the local government and/or Ecology decision on the permit may be appealed to the Washington State Shorelines Hearings Board as provided by RCW 90.58.180 or its successor. The applicant or any other party authorized to conduct activities or uses by the decision shall not begin construction, development, or any authorized use or activity until after the twenty-one (21) day appeal period. Construction or use may occur during the time a court appeal is underway provided 1) the permit was approved by the local government and the State Shorelines Hearings Board, and 2) permission is granted for the construction, use or activity under RCW 90.58.140(5)(9) or its successor.

Figure 7-2

K. Nonconforming Development

Applicability:

This section applies to shoreline uses or structures which were lawfully constructed or established prior to the effective date of the Master Program, but which do not conform to present regulations or standards of the Master Program or the policies of the Shoreline Management Act.

Nonconforming uses and development may be continued provided that they shall meet the following provisions:

1. Nonconforming Uses
 - a) Nonconforming uses shall not be altered or expanded in any way that increases the nonconformity.
 - b) If a nonconforming use is discontinued for twelve (12) consecutive months, any subsequent use shall be conforming.
 - c) A nonconforming use cannot be changed to another nonconforming use.
2. Nonconforming Structures
 - a) Expansion which increases the nonconformity shall not be allowed without a shoreline variance. Repair, reconstruction, and expansion of nonconforming structures which does not increase the nonconformity shall be permitted.
 - b) Permitted expansion of a nonconforming structure shall not obstruct the existing views of the water from primary waterfront residences or public rights-of-way to any greater degree than a fully conforming structure.
 - c) If a nonconforming structure is damaged or destroyed, it may be reconstructed to the configuration existing immediately prior to the time the structure was damaged or destroyed unless a shoreline variance is granted. Pursuant to paragraph a, above, any repair or reconstruction under this paragraph shall be allowed to include expansion which does not increase the nonconformity. Reconstruction under this paragraph must be commenced within two (2) years of the date of damage and completed within one (1) year of the commencement of reconstruction, provided that a written request, submitted no later than twenty-one (21) days prior to either deadline for an extension of six months, may be granted, provided that the owner is not responsible for the delay.

L. Master Program Review

The Master Program shall be periodically reviewed by the Director and City Council and adjustments made as necessary to reflect changing local circumstances, new information or improved data, and/or changes in State statutes and regulations. This review process shall be consistent with WAC 173-19 or its successor requirements and shall include a local

citizen involvement effort and public hearing to obtain the views and comments of the public.

M. Amendments to Master Program

The provisions of the Master Program may be amended as provided for in RCW 90.58.120, 90.58.200 or its successor and WAC 173-19 or its successor. Any person, including the City, may submit an application for an amendment to the Director together with any required fee. Any amendment to the Master Program must satisfy the requirements of the State Environmental Policy Act (Chapter 43.21C RCW or its successor) and WAC 197-11 or its successor.

The City Council shall approve, modify, or deny an application for an amendment after conducting at least one public hearing to consider the proposal. Prior to conducting the hearing, the City shall publish notice of the hearing a minimum of once in each of the three (3) weeks immediately preceding the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:

1. Reference to the authority under which the action is proposed;
2. A statement or summary of the proposed changes to the Master Program;
3. The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
4. Reference to the availability of the proposal for public inspection at the local government office, or upon request.

As provided by State law, amendments and revisions to the Master Program are not effective unless approved by the Washington State Department of Ecology.

Proponents for shoreline environment redesignations (i.e., amendments to the shoreline maps and descriptions) have the burden of demonstrating consistency with shoreline environment designation criteria of the Master Program and WAC 173-16-040(4) or its successor.

The Director shall send a copy of any locally approved amendment and the information required by WAC 173-19-062 or its successor to Ecology within fourteen days of the date of the City's decision. If Ecology denies or modifies the proposed amendment, the local government may appeal the decision to the Growth Management Hearings Board as provided in RCW 90.58.190

N. Severability

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

O. Inspections

Whenever it is necessary to make an inspection to enforce any of the provisions of this ordinance or whenever the Director has reasonable cause to believe that there exists in any building, or upon any premises, any condition which makes such a building or premises nonconforming, the Director may enter such building or premises. If the building or premises is occupied, the Director shall first present proper credentials and demand entry. If the building or premises is unoccupied, the Director shall first make reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Director shall have recourse to every remedy provided by law to secure entry, including administrative search warrant. Enforcement of this ordinance shall be in accordance with the provisions of LMC 1.25, Code Enforcement.

Section 8 – Appendices

A. Definitions

B. Inventory Map portfolio

C. Inventory Analysis

D. Bibliography

E. References

A. Definitions

Accessory Dwelling Unit - Separate living quarters contained within, or detached from, a single-family dwelling on a single lot, containing 800 square feet of floor area or less, excluding any garage area or accessory buildings, and sharing a single driveway with the primary dwelling; provided no recreational vehicle shall be an accessory dwelling unit.

Accessory Building or Structure - A subordinate building or structure that is incidental to the principal building or structure on the same lot. Accessory dwelling units are not considered accessory buildings or structures.

Accessory Use - A use that is customarily incidental and related to the principal use.

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

Act - The Shoreline Management Act, Chapter 90.58 RCW or its successor [WAC 173-14-030(1) or its successor].

Adjacent Lands - Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The Shoreline Management Act directs local governments to develop land use controls (i.e., zoning, etc.) for such lands consistent with the policies of the Shoreline Management Act, related rules, and the local master program. See RCW 90.58.340 or its successor.

Administrator - Director of the Department of Planning and Community Development, or designee, charged with responsibility for administering the Shoreline Master Program.

Agriculture - See LMC Title 21.

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

Applicant - An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit, however designated [RCW 90.58.030(1d) or its successor].

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single-family residence. "Normal appurtenance" means a garage, boat house, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty (250) cubic yards, except to construct a conventional drainfield [WAC 173-4-040(lg) or its successor]. Appurtenances must be landward of the ordinary high water mark (OHWM) and the perimeter of marshes, bogs, and swamps.

Aquaculture - The cultivation of fish, shellfish, and/or other aquatic animals or plants, including the harvesting and incidental preparation of these products for human use. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings, and growing areas.

Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the culture of clams and oysters on tidelands and subtidal areas.

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

Average Grade Level - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure, provided that, in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure [WAC 173-14-030(3) or its successor]. Note: This definition of "average grade level" differs from the definition in the City of Lynnwood Zoning Code (Chapter 21 of the City of Lynnwood Municipal Code). Structures within shoreline jurisdiction shall comply with the definition contained herein.

Backshore - The accretion or erosion zone, located landward of the line of ordinary high tide, which is normally wetted only by storm tides. A backshore may take the form of a more or less narrow storm berm (ridge of wave-heaped sand and/or gravel) under a bluff, or it may constitute a broader complex of berms, marshes, meadows, or dunes landward of the line of ordinary high water. It is part of the littoral drift process along its seaward boundary.

Backshore marina - See Marina.

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

Beach Enhancement/Restoration - The process of restoring a beach to a state more closely resembling a natural beach using beach feeding, vegetation, drift sills, and other non-intrusive means, as applicable.

Beach Feeding - The process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

Beach Scarp - A steep slope produced by wave erosion.

Benthic Organisms - Organisms that live in or on the bottom of a body of water.

Berm - A linear mound, or series of mounds, of sand and/or gravel generally paralleling the water at, or landward of, the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best Available Technology - The most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective, and (preferably) low maintenance.

Best Management Practice (BMP) - See LMC Title 17.

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

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

BMP - See Best Management Practices.

Boat House - An upland building used primarily for boat storage.

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

Boating Facilities - Includes marinas, boat launch facilities, dry storage facilities, marine travel lifts, and marine railways.

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

Breakwater - Offshore structure, usually aligned parallel to shore, sometimes shore-connected, that provides protection from waves.

Buffer - A parcel or area of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland area from upland impacts and to provide habitat for wildlife. The "native vegetation zone" is a buffer protecting the ecology and resources of Puget Sound. A buffer may be used to protect any sensitive area.

Building - Any structure having a roof, designated for shelter of persons, animals or property.

Bulkhead - A solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action. Bulkheads may be built of posts and timbers, concrete, large rocks (riprap), or other materials. The normal purpose of a bulkhead is to protect land from erosion, not to create land. It is essentially a vertical structure (differentiated from a revetment, which slopes) that absorbs some of the wave energy.

Channel - An open conduit for water either naturally or artificially created, but not including artificially created irrigation, return flow, or stockwatering channels. [WAC 173-14-030(8b) or its successor]. See also Stream.

City - The City of Lynnwood.

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

Clearing - An activity associated with property modification or maintenance. Clearing means the destruction or removal of vegetative ground cover and/or trees including, but not limited to, root material removal and/or topsoil material.

Coastline - The line where terrestrial processes give way to marine processes - tidal currents, wind waves, etc.

Community Structure - A building, dock, or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.

Community or Joint-use Dock - A structure or structures which are intended for the common use of the residents of adjoining parcels or subdivision, short subdivision or community located on adjacent uplands. A community dock is not for the purpose of serving the public. If a community dock accommodates six (6) or more vessels, it is considered a marina.

Conditional Use - A use or the expansion of a use permitted on shorelines which, because of certain characteristics, requires a special degree of control to make it consistent with the intent and provisions of the Act and these regulations, and compatible with other uses permitted on shorelines.

Conditional Use Permit - Local governments are authorized under the Shoreline Management Act to include provisions for authorizing land uses and developments that may be permitted by Conditional Use permits (CUP). The purpose of the Conditional Use permit is to allow greater flexibility in varying the application of the use regulations of the Master Program.

Council - Legislative body of the City of Lynnwood.

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

Day - Means a calendar day beginning at midnight and ending on the following midnight. When counting the number of days for notices required by the Master Program, the day a notice is mailed, posted, or published is not counted, but the day of any hearing is counted. The day of the hearing shall be counted as an entire day, even though the hearing takes place before midnight and an entire twenty-four hour period has not passed. When counting the number of days or years for other time limits established by this title, the day a decision is made is not counted in computing the time limit.

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

Department - The city's Department of Community Development.

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; pile driving; 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 or its successor, at any state of water level [RCW 90.58.030(3d) or its successor].

Director - The director of the department.

Dock - A floating platform which abuts the shoreline, extending waterward from ordinary high water, or from the bottom of a ramp extending from a pier, generally used as a landing or moorage place for commercial and/or pleasure craft.

Dredge Spoil - The material removed by dredging. Same as dredge material.

Dredged Material Disposal - Depositing of dredged materials on land or into water bodies. The purpose may be to create additional lands, to dispose of the by-products of dredging, or to enhance or remedy an environmental condition.

Dredging - Removal or displacement of earth or sediments such as gravel, sand, mud or silt, and/or other materials or debris from any stream, river, lake or marine water body, and associated shorelines and wetlands. Dredging is normally done for specific purposes or uses such as constructing and maintaining navigation channels, turning basins, harbors and marinas; installing submarine pipelines or cable crossing; or repairing and maintaining dikes or drainage systems. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for shellfish harvesting or cleanup of polluted sediments.

Drift Sector - A particular reach of marine shore in which littoral drift may occur without significant interruption, and which contains any and all natural sources of such drift as well as any shoreform(s) accreted by such drift. Each normal drift sector contains these shore process elements: feeder bluff or estuary, driftway, littoral drift, and accretion shoreform.

Drift Sills - Small groins which hold sediments in place without blocking longshore drift.

Driftway - That portion of the shore process corridor, primarily that lower backshore and the upper intertidal area, through which sand and gravel are transported by the littoral drift process. It is the critical link between the feeder bluff and the accretion shoreform.

Dune - A hill or ridge of sand piled up by the wind and/or wave action.

Ecology (Washington State Department of Ecology) - Use of "Ecology" or "Washington State Department of Ecology" is preferred over "DOE" to avoid confusing the Washington State Department of Ecology with the federal Department of Energy.

Emergency - An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Master Program. Emergency construction is construed narrowly as that which is

necessary to protect property from the elements [or its successor 90.58.030(3eiii); WAC 173-14-040(1d) or its successor].

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

Envelope - The enclosing shell of a building's volume.

Environmentally Sensitive Areas - Those areas with especially fragile biophysical characteristics and/or with significant environmental resources as identified by the City or by a scientifically documented inventory accomplished as part of the SEPA/NEPA process or other recognized assessment. Environmentally sensitive areas include, but are not limited to, aquifer recharge areas; wildlife habitat areas; fish breeding; rearing or feeding areas frequently flooded areas; geologically hazardous areas (e.g., steep, unstable slopes); wetlands (i.e., marshes, bogs, and swamps); streams; tidal lagoons; mud flats; salt marshes; and marine vegetation areas.

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

Estuary - The zone in which fresh water and saltwater mingle and affect the total land and water habitat.

Estuarine Zone, Estuary - The zero-gradient sector of a stream where it flows into a standing body of water, together with associated wetlands. Tidal flows reverse flow in this zone twice daily, determining its upstream limit. It is characterized by low bank channels branching off the main streamway to form a broad, near-level delta. The bank, bed, and delta materials are typically silt and clay. Banks are stable with vegetation ranging from marsh to forest, and the water is usually brackish due to daily mixing and layering of fresh and salt water. Estuarine shores are rich in aquatic and other bird and animal life, and in their natural condition are the most productive of all shoreline habitats in terms of the marine food chain.

Exemption - Certain developments are exempt from the definition of substantial developments and, therefore, are exempt from the substantial development permit process of the Shoreline Management Act. An activity that is exempt from the substantial development provisions of the Shoreline Management Act must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or Variance permits may also still be required even though the activity does not need a substantial development permit. [RCW 90.58.030(3e) or its successor; WAC 173-14-030(6); 040] or its successor.

Extreme Low Tide - The lowest line on the land reached by a receding tide [RCW 90.58.030(2a) or its successor]. For the purposes of the Shoreline Master Program, it is the contour 4.5 feet below Mean Lower Low Water (datum plane 0.0). [WAC 332-30-106 (18) or its successor].

Fair Market Value - The expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform

the operation, or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project. [WAC 173-14-030(7) or its successor].

Feeder Bluff, Erosional Bluff - Any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, whose eroded earth, sand, or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

Floating Home - A nonvessel structure designed and operated substantially as a permanently based over-water residence. Floating homes lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.

Flood Hazard Management - A program or major project carried out on a single parcel or coordinated on a series of parcels for the primary purpose of preventing or mitigating damage due to flooding. Flood hazard management projects or programs may employ physical and/or regulatory controls.

Floodplain - Synonymous with one hundred-year floodplain, this 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 limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the Shoreline Management Act [WAC 173-22-030(2) or its successor].

Floodway - Those portions of the area of a river valley lying streamward from the outer limits of a watercourse, and upon which flood waters are carried during periods of flooding that occur with reasonable regularity, though not necessarily annually. The floodway is identified, under normal conditions, by changes in surface soil conditions, or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the Federal government, the State, or a political subdivision of the State. The limits of the floodway are based on flood regulation ordinance maps or by a reasonable method which meets the objectives of the Shoreline Management Act. [RCW 90.58.030(2g) or its successor; WAC 173-22-030(3) or its successor].

Foreshore - In general terms, the beach between mean higher high water and mean lower low water.

Foreshore Marina - See Marina.

Forest Practice - Any activity conducted on, or directly related to, forest land and relating to growing, harvesting, or processing timber. This includes: 1) site preparation and regeneration, 2) protection from insects, fire, and disease, 3) silvicultural practices such as thinning, fertilization, and release from competing vegetation, and 4) harvesting. Forest practices do not include log storage. (See industrial use.) These activities include, but are not limited to, road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation,

fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control. See WAC 222-16-010(21) or its successor.

Forest Land - All land which is capable of supporting a merchantable stand of timber and is not being actively used in a way which is incompatible with timber growing. [WAC 222-16-010 or its successor].

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

Grading - An activity associated with property modification or maintenance, grading means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials.

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

Groin - Also referred to as a spur dike or rock weir, this is a barrier-type structure extending from the backshore or streambank into a water body, generally perpendicular to the shore, for the purpose of protecting a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials.

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

Height - The distance measured from the average grade level to the highest point of a structure. Television antennas, chimneys, and similar structures or appurtenances shall not be used in calculating height except where they obstruct the view of residences adjoining such shorelines. Temporary construction equipment is excluded in this calculation [WAC 173-14-030(9) or its successor]. For all over-water structures, height shall be measured from ordinary high water mark.

Hook - A spit or narrow cape of sand or gravel which turns landward at its outer end.

Houseboat - A particular type of vessel licensed and designed for use as a mobile structure with adequate self-propulsion and steering equipment to be operated as a vessel but also characterized by detachable utilities or facilities for residential use. When principally used as an over-water residence, it is a "live-aboard vessel."

HPA - Hydraulic Project Approval. The permit issued by the Washington State Department of Fish and Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW or its successor.

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

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

Industrial Use - Uses intended primarily to provide for ship and boat building, haul out and repair and related uses serving boating needs.

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

Intertidal - The substratum from the extreme low water of spring tides to the upper limit of spray or influence of ocean-driven salts. It includes all land that is sometimes submerged, but sometimes exposed to air. (Source: M.N.Dethier, A Marine and Estuarine Habitat Classification System for Washington State 10 [Washington State Department of Natural Resources, Washington Natural Heritage Program, 1990).

Jetty - A structure projecting out into the sea at the mouth of a river for the purpose of protecting a navigation channel or harbor, or to influence water currents.

Lagoon - See Tidal Lagoon.

Landfill - The placement of soil, sand, rock, gravel, existing sediment or other material (excluding solid waste) to create new land, tideland or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation.

Levee - A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

Limited Utility Extension - The extension of natural gas, electricity, telephone, water, or sewer service where all of the following are met: 1) the extension is categorically exempt under the Washington State Environmental Policy Act (SEPA)(See WAC 197-11-800(24) or its successor) for the utility improvements which are categorically exempt under SEPA), 2) the extension will serve existing uses that are in compliance with the Shoreline Management Act, and 3) the project does not involve the construction of more than 2,500 linear feet of utility lines or pipes within shoreline jurisdiction.

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

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

Live-aboard Vessel - A vessel licensed and designed for use as a mobile structure with adequate self-propulsion and steering equipment to be operated as a vessel, but which is principally used as an over-water residence. Principal use as an over-water residence means essentially full-time occupancy within the City's jurisdiction for a total of more than sixty (60) days, whether or not consecutive, in any calendar year.

LMC – Lynnwood Municipal Code.

Marina - A commercial or public facility with the primary purpose of providing moorage for six (6) or more vessels, which consists of a system of piers, buoys, or floats. Foreshore marinas are located in the intertidal or offshore zone (the Aquatic environment). Backshore marinas are located landward of OHWM. There are two common types of backshore marinas, one with wet moorage that is dredged out of the land to artificially create a basin, and the other, dry moorage, which has upland storage with a hoist, marine travel lift, or ramp for water access.

Marine Travel Lift - A mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.

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

Marsh - Soft, wet area periodically or continuously flooded to a shallow depth, usually characterized by a particular subclass (monocotyledons) of grasses, cattails, and other low plants.

Marshes, Bogs, and Swamps - Lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. Such lands must have one or more of the following attributes: a) at least periodically, the land predominately supports hydrophytes, and/or 2) the substrate is predominately undrained hydric soil. [WAC 173-22-030 (5) or its successor]. See Hydrophyte, Hydric Soil.

Mean Higher High Tide (MHHT) - The plane of the arithmetic mean of the higher of two (2) daily high tides calculated from the most recent 19-year tidal cycle.

Mean Low Water (MLW) - The plane of the arithmetic mean of all low tides calculated from the most recent 19-year tidal cycle.

Mean Lower Low Water (MLLW) - The plane of the arithmetic mean of the lower of two (2) daily low tides calculated from the most recent 19-year tidal cycle (datum plane 0.0).

Midden - An ancient refuse heap. Often a source of archaeological material.

Mining - Removal and primary processing of naturally occurring materials from the earth for economic use. "Processing" includes screening, crushing, stockpiling - all of which utilize materials removed from the site where the processing activity is located. Processing does not include the manufacture of molded or cast concrete, or asphalt products, asphalt mixing operations, or concrete batching operations.

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

Muds - Sediments in which the size of the particles is smaller than 1/16 mm. In order for sediments in a tidal inlet to be classified as critical habitat, they need to contain at least 30% by weight of mud (i.e., 30% of the sediments, by weight, have to pass through a 1/16 mm mesh sieve).

Multi-family Dwelling or Residence - A building containing two or more dwelling units including, but not limited to, duplexes, apartments, and condominiums.

Natural Riparian Habitat Corridor - The streamside environment maintained in its natural state, primarily for fisheries and wildlife habitat, and water quality improvements, and, secondarily, for flood control works, while allowing controlled access to avoid damage to the resource.

Native Vegetation Zone - A required vegetation buffer measured horizontally upland from and perpendicular to the ordinary high water mark (OHWM).

Nonconforming Development - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable Shoreline Management Act/SMP provision, and which no longer conforms to the applicable shoreline provisions. [WAC 173-14-055(1) or its successor].

Nonwater-oriented - Nonwater-oriented uses serve to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Nonwater-oriented use examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores, and gas stations.

Normal appurtenance - See Appurtenance.

Normal Maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. [WAC 173-14-040(1b) or its successor]. (See Normal Repair.)

Normal Protective Bulkhead - See Bulkhead.

Normal Repair - To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice, or causes substantial adverse effects to the shoreline resource or environment. [WAC 173-14-040(1b) or its successor]. (See Normal Maintenance.)

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

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

Open Space -See LMC Title 21.

Parking - The temporary storage of automobiles or other motorized vehicles.

Periodic - Occurring at regular intervals.

Person(s) - Includes organizations and corporations.

Point - A low profile shoreline promontory of more or less triangular shape, the top of which extends seaward.

Pier - A fixed platform above the water which abuts the shoreline, extending waterward from ordinary high water, and which is generally used as a landing or moorage place for industrial, commercial, and/or pleasure craft.

Principal Building, Adjacent - A principal building located on a lot abutting the applicant's lot.

RCW - Revised Code of Washington.

Recreation - Refreshment of body and mind through forms of play, sports, relaxation, amusement or contemplation.

Recreational Development, Active - activities that generally require the use of constructed facilities such as playgrounds, athletic fields, boat ramps, and marinas.

Recreational Development, Passive - activities that require a minimum of facilities such as swimming, picnicking, hiking, canoeing and fishing.

Recreational Floats - Anchored off-shore platforms used for water-dependent recreational activities such as swimming and diving.

Replacement Area - An area of replacement native vegetation which compensates for the disturbance of a portion of the required Native Vegetation Zone. (See Section III.E. regulations 10 and 11 for requirements that must be met to allow for such disturbance.)

Residential Development - Construction or alteration of one or more buildings, structures, or portions thereof which are designed for and used to provide a place of abode for human beings. This includes single-family residences and multifamily dwellings, accessory uses, and structures normally associated with residential uses and structures. Residential development includes land divisions, including short plats, of residentially zoned land. It also includes all modifications to land and vegetation associated with construction, preparation, or maintenance of residential structures or accessory structures.

Restoration - To revitalize or reestablish the characteristics and natural processes of a degraded shoreline resource.

Revetment - A sloping structure built to protect a scarp, embankment, or shore against erosion by waves or currents. Usually built of riprap, with a heavy armor layer, one or more filter layers of smaller rock or filter cloth, and "toe" protection. A revetment slopes shoreward and has a rough or jagged facing. Its sloping face absorbs wave energy and differentiates it from a bulkhead, which is a vertical structure.

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

Riparian Management Zone - A specified area alongside a shoreline where specific measures are set out in the Forest Practice Regulations to protect water quality and fish and wildlife habitat. [WAC 222-30 or its successor].

Riprap - A layer, facing, or protective mound of stones placed to prevent erosion, scouring, or sloughing of a structure or embankment.

Rock Weir - See Groin.

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

Salmon and Steelhead Habitats - Gravel bottom streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, cover and refuge from predators and high water; streams creeks, rivers, estuaries, and shallow areas of saltwater bodies used as migration corridors; and salt water bodies used for rearing, feeding, and refuge from predators and currents.

Salt Tolerant Vegetation - Vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand. [WAC 173-22 or its successor].

Scarification - Loosening the top soil and/or disrupting the forest floor in preparation for regeneration.

Seawall - Structure separating land and water areas primarily to prevent erosion and other damage by wave action. Generally more massive and capable of resisting greater wave forces than a bulkhead or revetment.

Seaward - To or toward the sea.

Sediment - The material deposited by water or wind.

Setback - The required distance measured horizontally from the ordinary high water mark to any allowed development.

Shoreland areas - Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous

floodplain areas landward two hundred feet from such floodways; and all wetlands, including river deltas associated with streams, rivers and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

Shorelands - See "Shoreland areas."

Shoreline Armoring - Structural protection from wave erosion including revetments, bulkheads, sea walls, gabions, and so forth.

Shoreline Environment Designations - The categories of shorelines established by local Shoreline Master Programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. [WAC 173-16-040(4) or its successor].

Shoreline Jurisdiction (Associated Wetlands [Jurisdictional]) - The proper term describing all of the geographic areas covered by the Shoreline Management Act, related rules, and the applicable master program. 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 two hundred (200) feet from such floodways; and all marshes, bogs, swamps, and deltas associated with the streams, lakes, and tidal waters subject to the Shoreline Management Act. See RCW 90.58.030 (2f) or its successor, WAC 173-16-030(17) or its successor; WAC 173-22-030(10) or its successor. Also, such areas within a specified local government's authority. See definitions of shorelines, shorelands, shorelines of the state, and Shorelines of Statewide Significance, and wetlands, jurisdictional.

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

Shoreline Stabilization and Flood Protection - Actions taken to reduce adverse impacts caused by current, flood, wake, or wave action. These actions include all structural and nonstructural means to reduce impacts due to flooding, erosion, and accretion. Examples of specific structural and nonstructural shoreline modification activities include revetments, riprap, bulkheads, and bank stabilization.

Shoreline Permit - A Substantial Development, Conditional Use, Revision, Variance, or any combination thereof. [WAC 173-14-030(13) or its successor].

Shoreline Substantial Development Permit - A mechanism through which the City determines whether a proposed development or activity complies with the State of Washington Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Master Program.

Shorelines - All of the water areas of the State, including reservoirs and their associated wetlands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d) or its successor and shorelines of state-wide significance.

Shorelines Hearings Board (SHB) - A six-member, quasi-judicial body, created by the Shoreline Master Program, which hears appeals by any aggrieved party on the issuance of a shoreline permit and appeals by local government on Washington State Department of Ecology approval of master programs, rules, regulations, guidelines, or designations under the Shoreline

Management Act. [RCW 90.58.170 or its successor; 90.58.180 or its successor; and WAC 173-14-170 or its successor; 173-14-174 or its successor].

Shorelines of State-wide Significance - A select category of shorelines of the State, defined in RCW 90.58.030(2)(e) or its successor, where special preservation policies apply and where greater planning authority is granted by the Shoreline Management Act [RCW 90.58.020 or its successor]. Within the City's jurisdiction all those areas lying seaward from the line of extreme low tide are shorelines of state-wide significance [RCW 90.58.030 (1)(e)(iii) or its successor].

Shorelines of the State - Shorelines and shorelines of state-wide significance.

Sign - Any letter, figure, design, symbol, trademark or other device which is intended to attract attention to any activity, service, place, political office, subject, firm, corporation or merchandise, **except** traffic signs or signals, public or court notices, signs not visible from the public right-of-way or adjacent properties, signs on moving vehicles, newspapers, leaflets or other printed materials intended for individual use or individual distribution to members of the public, government flags, flags and buntings exhibited to commemorate national patriotic holidays and temporary banners announcing charitable or civic events.

Single-family Residence (SFR) - A detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are a normal appurtenance. [WAC 173-14-040(1)(g) or its successor].

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

Solid Waste Disposal - Discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste, including hazardous waste, on land or in the water.

Solid Waste - Solid and semi-solid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes, and sortyard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances, and other discarded commodities. Solid waste does not include wastewater, dredge material, agricultural, or other commercial logging wastes not specifically listed above. See landfill and dredging material.

Spit - An accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berm on the windward side and a more gently sloping, muddy, or marshy shore on the leeward side. A curved spit is normally called a hook.

Spur Dock - See Groin.

SSDP - Shoreline Substantial Development Permit.

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or

below the surface of the ground or water, except for vessels. [WAC 173-14-03015 or its successor].

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

Substantial Development - Any development of which the total cost or fair market value exceeds two thousand five hundred (2,500) dollars [or another amount established in 90.58.030(3)(e) RCW or its successor], or any development which materially interferes with the normal public use of the water or shorelines of the State, except as specifically exempted pursuant to RCW 90.58.030(3)(e) or its successor and WAC 173-14-040 or its successor. See definitions for Development and Exemption.

Substantial Progress - Substantial progress toward completion of a permitted activity includes all of the following, where applicable: the making of contracts, signing of notice to proceed, completion of grading and excavation and the laying of major utilities; or, where no construction is involved, commencement of the activity. [WAC 173-14-060 or its successor].

Subtidal - The area of the marine environment below extreme low tide.

Sustainable Development - Development which maintains a balance between the health of the natural environment and the needs of the human community which lives within it.

Swamp - A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

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

Tidal Inlet - A salt water bay, subject to the daily influence of the tides, whose mouth is narrower than its length. The inlet is considered to be all lands and waters seaward of the ordinary high water mark, and extending to its mouth. Within tidal inlets, specific areas that constitute critical habitat are designated for special protection under the Master Program.

Tidal Flats - Marshy or muddy areas of the seabed which are covered and uncovered by the rise and fall of tidal water.

Tidal Lagoon - A body of saline water (salinity greater than 0.5 parts per thousand) with a constricted or subsurface outlet that is subject to the periodic, but not necessarily daily, exchange of water with Puget Sound or a tidal inlet. The exchange may occur seasonally, during storms, or during the highest spring tides. The connection between the sea and the lagoon does not necessarily have to be on the surface; the connection can be subsurface through permeable gravel or sand berms.

Tidal Water - Includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream. [WAC 173-22-030(9) or its successor].

Tidelands - Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

Toxic Material - Any material damaging marine life including, but not limited to, paints, varnishes, anti-fouling agents, bleaches, petroleum, and contaminated bilge waste water.

Transient Moorage - Moorage for a stay of less than two (2) weeks.

Transportation Facilities - 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, ferry terminals, float plane terminals, heliports, and other related facilities.

Upland - Generally described as the area above and landward of the OHWM.

Utilities, Accessory - Small scale distribution systems directly serving a permitted shoreline use. They include power, telephone, cable, water, sewer, septic, and stormwater lines.

Utilities, Primary - Facilities that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information. Primary utilities include solid waste handling and disposal facilities, wastewater treatment facilities, utility lines, electrical power generating or transfer facilities, radio, cellular telephone and microwave tower, and gas distribution and storage facilities.

Variance - A means to grant relief from the specific bulk, dimensional, or performance standards specified in the applicable Master Program. Variance permits must be specifically approved, approved with conditions, or denied by the Washington State Department of Ecology. (See WAC 173-14-150 or its successor).

Vessel - A ship, boat, barge, or any other floating craft which is designed and used for navigation and does not interfere with normal public use of the water. [WAC 173-14-030(18) or its successor].

View Corridor - An area free of buildings and other view-blocking structures which provides visual access to water and/or the shoreline.

WAC - Washington Administrative Code.

Water-bar - A diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which cause soil movement and erosion.

Water-dependent Use - A use or a portion of a use which requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

Water-enjoyment Use - A recreational use, or other use facilitating 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 the location, design, and operation ensure 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 foster shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, and other improvements facilitating public access to shorelines of the State. General water-enjoyment uses may include, but are not limited to, restaurants, museums, aquariums, educational/scientific reserves, resorts, and mixed use commercial, provided that such uses conform to the above water-enjoyment specifications and the provisions of the Master Program.

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

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

1. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,
2. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include: 1) manufacturers of ship parts large enough that transportation becomes a significant factor in the product(s) cost, 2) professional services serving primarily water-dependent activities, and 3) storage of water-transported foods.

Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

Wave Direction - The direction from which waves approach an observer.

WDFW - Washington State Department of Fish and Wildlife.

Washington State Department of Ecology - See Ecology.

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

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

Wetlands, Jurisdictional - See "shoreland areas."

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

B. Inventory Map portfolio

C. Inventory Analysis

D. Bibliography

E. References

Lynnwood Planning Commission
Meeting of October 28, 2004

Staff Report

Agenda Item: I

Upcoming Commission Meetings

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information**
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Ron W. Hough, Planning Manager

■ The following schedule is for planning purposes – subject to adjustments.

Oct. 14 Special Joint Meeting with City Council

Oct. 28 Public Hearing: None
Work Session: Shoreline Master Program

Nov. 18 Public Hearing: Environmentally Critical Areas – LMC Ch. 17
Work Session: Shoreline Master Program

Dec. 9 Public Meeting: Shoreline Master Program
Work Session: Planning Commission's Annual Report
Election of Officers Prep – for January 2005

Jan. 13 Public Hearing: None
Business: Election of Officers for 2005
Work Session: TBA