

## Chapter 16.08

### SHORELINE MASTER PROGRAM

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#### Part 1 – Title and Purpose

**16.08.010 Title.** This chapter shall be known as the Town of Steilacoom Shoreline Master Program, hereafter referred to as the Master Program. (Ord.1494 §2(part), 2013).

**16.08.020 Authority.** The Master Program is adopted in accordance with the Shoreline Management Act (Chapter 90.58 RCW) and the state Shoreline Guidelines (Chapter 173-26 WAC). Where these regulations require that public access be provided, the requirement shall be construed to be limited to the extent of the lawful and constitutional authority of the Town to require public access or to require the easement, fee ownership or interest requested. (Ord.1494 §2(part), 2013).

**16.08.030 Purpose.** The purpose of this Master Program is to:

- (a) Promote the public health, safety, and general welfare of the community;
- (b) Guide future development in the shorelines of the Town in a positive, effective, and equitable manner;
- (c) Achieve no net loss to the ecological functions of the Town’s shorelines; and
- (d) Assume and carry out the responsibilities and policies of the Shoreline Management Act, Revised Code of Washington (RCW) 90.58. (Ord.1494 §2(part), 2013).

**16.08.040 Shoreline Elements.** The following elements have been considered in the preparation of this Master Program for the Town of Steilacoom. The goals and objectives established for these elements provide the basis for policies and regulations included under the general use requirements of this Master Program.

**(A) Shoreline Use Element**

(1) Goal:

(a) To consistently manage the shoreline and adjacent areas through policies that provide for recreation, public access, transportation and navigation-related facilities, commercial development and residential development in a manner that protects, promotes and enhances the shoreline environment of Steilacoom.

(2) Policies

(a) Land use patterns will locate activities and development in areas of the shoreline that are compatible with adjacent uses, habitat and ecological systems.

(b) Like or similar uses should be clustered.

(c) Any development proposal should be encouraged to provide for increased public access and increased recreational opportunities.

**(B) Economic Development Element**

(1) Goal:

(a) To provide for economic development by guiding the optimum siting and design of commercial, port, transportation and industrial facilities and any other development dependent on a shoreline location, while ensuring compatibility with environmental goals.

(2) Policies

(a) Commercial, port and industrial facilities on shorelines should locate in those areas with existing nonresidential uses

(b) Commercial, transportation, port and industrial facilities should provide physical and visual access to the shoreline

(c) Commercial, transportation, port and industrial facilities should be aesthetically pleasing with the surrounding area

(d) Commercial, transportation, port and industrial facilities should enhance or improve the shoreline

(e) Commercial, transportation, port and industrial facilities should be water-dependent, water-related, or provide an opportunity for water-enjoyment uses by the public

**(C) Public Access Element**

(1) Goal

(a) To provide for public access to shoreline areas in a manner that does not adversely affect the shoreline while protecting citizen rights and public safety

(b) To visually and functionally enhance Puget Sound shoreline access points within Steilacoom for the benefit of the public.

(2) Policies

(a) Development in the shoreline should be sited, designed and constructed to maximize public use and access to the shoreline

(b) Access to the shoreline should include access from the water side of the shoreline where feasible

(c) Publicly owned areas within the shoreline should provide public access

**(D) Circulation Element**

(1) Goals

(a) To provide for safe and convenient streets, parking areas, paths and transportation facilities

(b) To assure efficient movement of pedestrian and vehicular traffic with a minimum disruption to the shoreline environment

(2) Policies

(a) Development or improvement of transportation facilities in routes in the shoreline area should utilize existing corridors as much as possible

(b) Development or improvement of transportation facilities in the shoreline area should increase public access to the shoreline area

(c) Development or improvement of transportation facilities in the shoreline area should provide safe, convenient and efficient methods of public access

(d) Development or improvement of transportation facilities in the shoreline area should be coordinated with the shoreline use element.

**(E) Recreation Element**

(1) Goal

(a) To provide for the preservation and expansion of recreation opportunities in the shoreline areas.

(2) Policies

(a) Recreational development should preserve, enhance or create scenic views and vistas.

(b) The Town should actively work to acquire any shoreline areas that may be used for potential recreation areas or public access

(c) The shoreline should be linked by a system of paths, trails and bikeways, and walkways.

**(F) Conservation Element**

(1) Goal

(a) To preserve and restore natural shoreline resources including scenic vistas, views, beaches, wildlife, estuaries, habitats and any other ecological functions

(2) Policies

(a) The Town should implement siting criteria, design standards and best management practices through the use of best available science to ensure the long-term preservation and enhancement of unique shoreline features, natural resources, and fish and wildlife habitat.

(b) The Town should establish a procedure to designate areas where there is an opportunity to restore and enhance the natural shoreline for the benefit of fish and wildlife habitat.

(c) The Town should assure no net loss of shoreline ecological functions during permit review and approval for shoreline uses and development.

**(G) Historical/Cultural Element**

(1) Goal:

(a) To identify, protect and restore shoreline areas, buildings and sites having historical, cultural, educational or scientific values.

(2) Policies

(a) The Town should provide a process to identify, protect and restore buildings, sites, and other shoreline areas that have historic, cultural, scientific or educational value

(b) Shoreline areas within the Steilacoom Historic District should be developed in accordance with the Historic Preservation regulations of Steilacoom Municipal Code Chapter 2.14.

**(H) Urban Design Element**

(1) Goal

(a) To provide planning and design standards within the shoreline area which complement and reflect the image and character of the Town as a whole

(2) Policies

(a) Building and development within the shoreline should complement the historic image and design of the Town.

(b) Shoreline areas within the Steilacoom Historic District should be developed in accordance with the Historic Preservation regulations of Steilacoom Municipal Code Chapter 2.14.

(l) **Flood Hazard Management Element**

(1) Goal

(a) To protect the Town of Steilacoom from losses and damage created by flooding along Puget Sound and Chambers Creek

(2) Policies:

(a) The Town should seek regional solutions to flooding problems through coordinated planning with state and federal agencies, other appropriate interests, and the public.

(b) The Town should ensure that flood hazard protection projects have a positive environmental benefit that emphasizes long-term solutions over short-term solutions. (Ord.1494 §2(part), 2013).

**16.08.050 Definitions.** The following definitions, along with those in Chapter 90.58 RCW, and Chapter 173-26 WAC, shall govern the terms of this Master Program. If any definition contained herein conflicts or differs from definitions contained in Chapter 90.58 RCW or Chapter 173-26 WAC, the wording in the state law or regulation shall prevail. All other terms not defined shall have their ordinary dictionary definition. (Ord.1494 §2(part), 2013).

**Accessory building and accessory structure.** The terms “accessory building and “accessory structure” as used in this Master Program shall have the same meanings as those terms are defined in the Town Zoning Ordinance, SMC §18.08.070 and §18.08.880, respectively.

**Accretion.** Natural accretion is the buildup of land by the action of the forces of nature by deposition of water- or airborne material. Artificial accretion is a similar buildup of land due to human activity, such as the accretion formed by a breakwater, or beach fill deposited by mechanical means. As used in this Master Program, “accretion” means both natural and artificial accretion.

**Activity.** An occurrence associated with a use; the use of energy toward a specific action or pursuit. Examples of shoreline activities include, but are not limited to, fishing, swimming, boating, dredging, fish spawning, or wildlife nesting.

**Adjacent Lands.** Lands adjacent to the lands within the shoreline jurisdiction.

**Agriculture.** Agriculture includes agricultural uses and practices including, but not limited to producing, breeding, growing or increasing agricultural products or crops. As used in this Master Program, “agriculture” includes agricultural activities, agricultural products, agricultural equipment, agricultural facilities and agricultural lands, all as defined in WAC 173-26-020.

**Appurtenance.** An “appurtenance” as used in this Master Program shall have the same meaning as that term is defined in WAC 173-27-40(2)(g). An appurtenance is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field and grading for an exempt, new single family residence which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

**Aquaculture.** Aquaculture means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

**Associated Wetlands.** Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

**Average grade level.** "Average grade level" means 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: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

**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 Facility.** A boating facility includes boat launch ramps, covered moorage, dry boat storage and marinas. The term excludes docks serving four or fewer single-family residences.

**Bulkheads.** Walls installed at or near, and parallel to, the ordinary high water mark whose sole purpose is to contain and prevent the loss of soil by erosion, wave, or current action. Bulkheads are used to protect banks by retaining soil at the toe of the slope, or by protecting the toe of the bank from erosion and undercutting.

**Channel Migration Zone.** The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

**Conditional Use, Shoreline.** A use, development, or substantial development that is classified as a conditional use or is not classified within the Master Program.

**Critical areas.** Critical areas are as defined under chapter 36.70A RCW and include the following areas and ecosystems:

- (a) Wetlands;
- (b) Areas with a critical recharging effect on aquifers used for potable waters;
- (c) Fish and wildlife habitat conservation areas;
- (d) Frequently flooded areas; and
- (e) Geologically hazardous areas.

**Critical resource areas.** Critical resource areas include critical saltwater and freshwater habitats as used in WAC 173-26-221 and additional shoreline and shoreland areas identified by the Town of Steilacoom that warrant special protection necessary to achieve no net loss of ecological functions.

**Critical Saltwater Habitat.** Critical saltwater habitats include kelp beds; eelgrass beds; spawning and holding areas for forage fish; subsistence, commercial and recreational shellfish beds; mudflats; intertidal habitats with vascular plants, and areas with which priority species have a primary association.

**Development, Shoreline.** Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Master Program at any state of water level.

**Dock.** A dock is a fixed or floating platform structure anchored in and/or floating upon a water body and connected to land to provide moorage or landing for waterborne vessels and/or water-dependent recreation uses.

**Dredging.** Dredging is the removal or displacement of earth such as gravel, sand, mud, or silt from lands covered by water. Lands covered by water include stream beds and wetlands. Dredging is normally done for specific purposes or uses such as maintaining navigation channels, constructing bridge footings, or laying submarine pipelines or cable.

**Dredge spoil** is the material removed by dredging.

**Dredge spoil disposal** is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands or for disposing of the material in an acceptable manner.

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

**Emergency.** Emergency is an unanticipated and imminent threat to public health, safety, or the environment and that require immediate action within a timeframe too short to allow full compliance with the provisions of this Master Program. Emergency construction does not include development of new permanent protective structures where none previously existed.

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

**Exemption.** Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments and are therefore exempt from the Substantial Development Permit (SDP) process of the SMA. Although exempt from the SDP process, these developments must otherwise comply with the applicable provisions of the Shoreline Management Act and this Master Program.

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

**Feasible.** "Feasible" as used in this Master Program shall have the same meaning as that term is defined in WAC 172-26-020(15). In order to be feasible, an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) The

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

**Ferry System.** As used in this Master Program, the term "ferry system" refers to ferry vessels, docks, terminal buildings, loading lanes and parking areas.

**Flood Control.** Flood control means any undertaking for the conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream overflow.

**Floating Home.** A single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

**Floodway.** For the purposes of this Master Program means the area established as such in Federal Emergency Management Agency flood insurance rate maps.

**Hydric Soil.** Hydric soil means soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper soil horizon(s), thereby influencing the growth of plants.

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

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

**Low Impact Development (LID) Technique.** A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of onsite natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

**Marina.** A marina is a public or private facility providing boat moorage space, fuel or other commercial services to boat operators.

**Native Vegetation.** Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site constitute native vegetation. Examples include trees such as Douglas Fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

**Nearshore.** The estuarine/delta, marine shoreline and areas of shallow water from the top of the coastal bank or bluffs to the water at a depth of about 10 meters relative to



Mean Lower Low Water. The nearshore extends landward into the tidally influenced freshwater heads of estuaries and coastal streams.

**Nonresidential Development.** Nonresidential development includes the activities involved in commerce, industry, wholesale, retail, service and business trade and public uses not regulated elsewhere in this Master Program.

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

**Normal maintenance.** Normal maintenance includes interior and exterior repairs and incidental alterations. As used in this Master Program "normal maintenance and repair" shall have the same meaning as those terms are described in WAC 173-27-040(2) (b) and SMC 16.08.120(2). Normal maintenance and repair may include, but is not limited to, painting, roof repair and replacement, plumbing, wiring and electrical systems, mechanical equipment replacement and weatherization. Incidental alterations may include construction of nonbearing walls or partitions.

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

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

**Pier.** A structure that projects over, and is raised above the water but is attached to land, and that is used for boat moorage, swimming, fishing, public access, float plane moorage, or similar activities requiring access to deep water.

**Public Access.** Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

**Primary Structure.** A primary structure is the structure associated with the principle use of the property. It may include single family residential appurtenant structures (such as garages, attached decks, driveways, utilities, and septic tanks and drainfields) that cannot feasibly be relocated. It does not include structures such as tool sheds, gazebos, greenhouses, or other ancillary residential improvements that can feasible be moved landward to prevent the threat of erosion.

**Residential Development.** Residential development includes single-family residences, multi-family structures, and the creation of new residential lots through land subdivision. New over-water residences, including houseboats and floating homes, are prohibited.

**Restoration.** Restoration is the reestablishment or upgrading of impaired ecological processes or functions. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the area to pre-European settlement conditions.

**Revetment.** Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents. The principal features of a revetment are: 1) heavy armor layer, 2) filter layer, and 3) toe protection.

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

**Setback.** As used in this Master Program, "setback" means the distance between a building or structure and the ordinary high water mark. Setbacks shall be the greater of the depth of the required vegetation conservation area, or that required by the zoning ordinance, SMC Title 18.

**Shorelands or shoreland areas** means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet; and all wetlands and deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of this Master Program; the same to be designated as to location by the Department of Ecology.

**Shoreline Jurisdiction** means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

**Shoreline Master Program or Master Program.** The comprehensive plan for the use of a described area, and the regulations for use of the area including maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's Comprehensive Plan. All other portions of the Shoreline Master Program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

**Shoreline Modifications.** Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, application of chemicals or significant vegetation removal.

**Shorelines.** "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes. Shorelines meeting these criteria within the Town of Steilacoom consist of the Puget Sound shoreline between the OHWM and the line of extreme low tide and the portion of Chambers Creek and Chambers Bay within Town limits.

**Shorelines of Statewide Significance.** "Shorelines of the State" that meet the criteria for "Shorelines of Statewide Significance" contained in RCW 90.58.030(f). Within the Town of Steilacoom, the entire length of Puget Sound lying seaward from the line of extreme low tide is a shoreline of statewide significance.;

**Shorelines of the State.** This term includes both "shorelines" and "shorelines of statewide significance."

**Soft-shore stabilization.** Soft-shore stabilization is a type of shore erosion control that relies on a combination of natural material such as gravels, bobbles, boulders, logs and other large woody debris, and native vegetation to provide shoreline stability. This type of stabilization replaces concrete seawalls, bulkheads, and rip-rap (hard structures) and allows for the enhancement and restoration of shoreline ecological functions.

**Streams.** Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined beds or banks, which influence the quality of fish habitat downstream. This definition includes watercourses that flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, stormwater run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

**Substantial Development.** Substantial development means any development of which the total cost or fair market value exceeds \$6,416.00, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold referenced in this subsection shall be adjusted for inflation by the Office of Financial Management every five years, as specified in RCW 90.58.030(3)(e) and WAC 173-27-040 as now or hereafter amended.

**Water-dependent Use.** A use or portion of a use which cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations.

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

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

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

**Water-related Use.** A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because: (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

**Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. Identification of wetlands and delineation of their boundaries pursuant to critical areas provisions in this Master Program shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the Town meeting the wetland designation criteria in that procedure are subject to the provisions of the Master Program.

**Variance.** Variance means to grant relief from the specific bulk, dimensional or performance standards set forth in this Master Program and not a means to vary a use of the shoreline.

**Vegetation Conservation.** Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

**Vegetation Conservation Area.** The Vegetation Conservation Area refers to either the building setback area, or a designated area in new developments. (Ord.1494 §2(part), 2013).

#### **16.08.060 Administration.**

(a) The Town Administrator or designee is the Shoreline Administrator (hereafter Administrator), and is vested with authority to:

- (1) Administer the Master Program;

(2) Grant exemptions from Shoreline Substantial Development Permits as provided herein;

(3) Grant revisions to Shoreline Substantial Development Permits, Shoreline Variance and Shoreline Conditional Use Permits as provided herein;

(4) Determine compliance with RCW 43.21C, the State Environmental Policy Act; and

(5) Adopt rules that are necessary and appropriate to carry out the provisions of this Master Program.

(b) The Administrator's duties and responsibilities include:

(1) Making administrative decisions and interpretations of the policies and regulations of this program and the Shoreline Management Act;

(2) Developing and proposing amendments to this Master Program to more effectively and equitably achieve its goals and policies;

(3) Seeking remedies for violations of this Master Program, the provisions of the Shoreline Management Act, or the conditions of Substantial Development, Conditional Use Permits and exemptions issued by the Town;

(4) Forwarding shoreline permits to Washington State Department of Ecology for Ecology action;

(5) Drafting staff reports providing analysis and recommendations for approval, conditional approval, or denial of applications for development to the Town Council and Hearing Examiner as appropriate; and

(6) Reviewing emergency actions for compliance with the Master Program.

(c) The Town Council's duties and responsibilities include:

(1) Holding public hearings and issuing approval, conditional approval, or denial of applications for Shoreline Substantial Development Permits and Shoreline Conditional Use Permits as provided herein.

(2) Holding public hearings to consider amendments to the Master Program.

(d) The Hearing Examiner's duties and responsibilities include:

(1) Holding public hearings and issuing approval, conditional approval, or denial of applications for Shoreline Variance as provided herein.

(e) Regulation of development of private property in this Master Program shall be consistent with all relevant constitutional and other legal limitations including limitations contained in chapter 82.02 RCW and RCW 43.21C.060 on the regulation of private property. (Ord.1494 §2(part), 2013).

#### **16.08.070 Applicability.**

(a) The regulations of this Master Program apply to all shorelines of the state within the Town and to the waters and underlying land of the Puget Sound extending to the middle of Puget Sound from the shoreline of the Town between the northern and southern limits of the Town and 200 feet landward of such waters, along with lands necessary for buffers for critical areas under RCW 90.58.030(2)(d)(ii).

(b) All proposed uses and development, as defined in this Master Program, occurring within the shoreline jurisdiction shall comply with this Master Program and Chapter 90.58 RCW.

(c) Uses and development regulated by this Program are subject to applicable provisions of the Steilacoom Municipal Code, the Steilacoom Comprehensive Plan, the Washington State Shoreline Management Act (Chapter 90.58 RCW), Growth Management Act (Chapter 36.70A RCW), State Environmental Policy Act ( Chapter 43.21C RCW), and other local, state and federal laws and regulations.

(d) Project proponents are responsible for complying with all applicable laws prior to commencing any use, development, or activity.

(e) The Master Program policies and regulations shall apply in addition to other Town regulations. Where the regulations of the Master Program conflict with other regulations, the regulations that provide more shoreland and shoreline protection, as determined by the Town, shall apply.

(f) Non-conforming uses and improvements within the shoreline jurisdiction shall be subject to this Program and applicable sections of the zoning ordinance.

(g) The Town's Critical Areas Ordinance, Chapter 16.16 SMC is adopted as a part of the Master Program. The provisions of Chapter 16.16 SMC shall apply to any use, alteration or development within the shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required.

(h) Uses and developments within the shoreline jurisdiction that meet the Reasonable Use Exception provisions of SMC 16.16.140 require a Shoreline Variance in accordance with this Master Program.

(i) The exemptions and partial exemptions listed in sections SMC 16.16.120 and 16.16.130 shall not apply within the shoreline jurisdiction. Such activities may require a Shoreline Substantial Development Permit, Shoreline Variance, or Shoreline Conditional Use Permit unless the Master Program and RCW 90.58.030(3)(e) specifically indicates the activity is exempt from the Shoreline Substantial Development Permit requirements. (Ord.1494 §2(part), 2013).

#### **16.08.080 Master Program Review and Update.**

(a) This Master Program shall be periodically reviewed as necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.

(b) The Town's Community Development Department shall annually issue a written report to the Town Council documenting all project review actions in shoreline areas. The first report shall be issued in May, 2013.

(c) The Town shall evaluate the cumulative effects of authorized development on shoreline conditions in conjunction with the review of the Master Program as required by RCW 90.58.080. This evaluation may involve a joint effort by the Town, state resource agencies, affected Indian tribes, and other parties. The evaluation shall result in a public written report to the Town Council and the Department of Ecology. (Ord.1494 §2(part), 2013).

**16.08.090 Amendments to Master Program.** Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173.26 WAC. Amendments to the Master Program do not become effective until approved by the Department of Ecology. Proposals for shoreline environment redesignation, for example amendments to the shoreline maps and descriptions, must demonstrate consistency with the criteria set forth in WAC 173-26-211(4) and the designation criteria in this Master Program. (Ord.1494 §2(part), 2013).

#### **16.08.100 Enforcement.**

##### **(A) Cease and Desist Order.**

(1) The Administrator is authorized to issue a cease and desist, or stop work, order if an activity being undertaken on the shorelines of the state is in violation of this Master Program or Chapter 90.58 RCW. The cease and desist order shall contain:

(a) A description of the specific nature, extent, and time of violation and the damage or potential damage; and

(b) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under subsection B may be issued with the order.

(2) Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed

(3) Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

(B) Civil Penalties.

(1) The Administrator is authorized to issue a civil penalty to any person who fails to conform to the terms of a Substantial Development Permit, Conditional Use Permit or Variance issued under this Master Program, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under this Master Program. The Administrator is authorized to work with the Department of Ecology to impose a joint fine.

(2) Notice of Correction. Prior to issuance of a fine, the Administrator shall provide a notice of correction in writing to the person engaging in the activity. The notice of correction shall include:

(a) A description of the condition that is not in compliance and a specific citation to the applicable code section or condition of approval as appropriate;

(b) A statement of what is required to achieve compliance;

(c) The date by which the Town of Steilacoom requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the Department of Ecology or others; and

(e) A notice that a request to extend the time to achieve compliance for good cause may be filed with the Administrator, and the time frame for making that request.

(3) Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(4) Aiding or abetting. Any person who, through an act of commission or omission procures aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(5) Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

(6) Application for remission or mitigation. Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the Town for remission or mitigation of such penalty. Upon receipt of the application, the Administrator may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

(7) Appeal. Persons incurring a penalty under this section may appeal the determination to the Town Council within 30 days of the notice of penalty or determination on an application for remission or mitigation.

(C) Criminal Penalties

(1) In addition to incurring civil liability under subsection B, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this Master Program shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. The fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars.

## Part 2 – Environmental Designations and Permitted Uses

### **16.08.200 Official Shoreline Environmental Designations Map.**

(A) The location of the various shoreline environmental designations are shown on the official Shoreline Map of the Town of Steilacoom, which shall bear the title Shoreline Environment Designations, June 29, 2012, and is hereby made a part of this Master Program. It shall be on display in the community development department.

(B) In the event of a mapping error, the Town will rely on the criteria contained in RCW 90.58.030(2) and WAC 177-32 pertaining to determination of shorelands, as amended.

(C) Any portion of the shoreline not designated by the official map shall be automatically designated Urban Conservancy until such time as the Master Program is amended to properly classify the shoreline portion. (Ord.1494 §2(part), 2013).

### **16.08.210 Shoreline Environmental Designations.**

(A) The shoreline of the Town of Steilacoom is divided among the following five Environmental Designations, as illustrated on the official Shoreline Environment Map. The purpose of each designation is as follows.

#### **(1) Aquatic Environment (A).**

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

(b) Application. The Town shall apply the Aquatic Environment designation to land that is waterward of the OHWM.

#### **(c) Aquatic Environment Management Policies**

(1) The primary uses within the Aquatic Environment should be water dependent recreation and the Pierce County / Washington State ferry facilities.

(2) Permitted and conditional uses within the Aquatic Environment should be linked to allowed activities and uses on the adjoining shoreline.

(3) New over-water structures should be allowed only for water-dependent uses, public access, or ecological restoration.

(4) New over-water structures should be designed to be the minimum size necessary to support the structure's intended use in order to minimize impacts to the environment.

(5) In order to reduce the impacts of over-water structures, new facilities should be designed for multiple uses.

(6) New developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

(7) Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.

(8) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

#### **(2) High Intensity Environment (HI)**

(a) Purpose. The purpose of the High Intensity Environment designation is to provide for intensive, water-oriented commercial and transportation use of the shoreline, while protecting existing ecological functions and restoring ecological functions in areas that have previously been degraded. The designation shall apply to the commercial area surrounding the Pierce County ferry dock.



(b) Application. The Town shall apply the High Intensity Environment designation to lands that currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

(c) High Intensity Environment Management Policies

(1) The primary use within the High Intensity Environment should be water-related commercial, recreation and the Pierce County ferry system.

(2) New development and redevelopment should encourage public access to the shoreline.

(3) The Town should seek opportunities for habitat restoration within this environment.

(4) Standards for density, setbacks, buffers, lot coverage limitations, shoreline stabilization policies and standards, vegetation conservation and restoration requirements, critical area protection, and water quality have been based upon the inventory and characterization report and existing use to promote no net loss of shoreline ecological functions.

(5) Full use of existing urban areas is required before expansion of intensive development is allowed.

(3) Medium Intensity Environment (MI)

(a) Purpose. The purpose of the Medium Intensity Environment designation is to recognize and provide for existing commercial and industrial use of the shoreline, while protecting existing ecological functions and restoring ecological functions in areas that have previously been degraded. The designation shall apply to the commercial and industrial areas within Chambers Bay and the marina area at Saltar's Point.

(b) Application. The Town shall apply the Medium Intensity Environment designation to lands that currently support medium-intensity uses related to commerce or industry; or are suitable and planned for commerce or industry.

(c) Medium Intensity Environment Management Policies

(1) The primary uses within the Medium Intensity Environment should be water oriented commercial, recreation and industrial.

(2) In order to decrease stormwater runoff, new development within the environment should be encouraged to use low impact development techniques including reduced impervious surfaces.

(3) The Town should seek opportunities for habitat restoration within this environment.

(4) Standards for density, setbacks, buffers, lot coverage limitations, shoreline stabilization policies and standards, vegetation conservation and restoration requirements, critical area protection, and water quality have been based upon the inventory and characterization report and existing use to promote no net loss of shoreline ecological functions.

(5) Full use of existing urban areas is required before expansion of intensive development is allowed.

(4) Shoreline Residential Environment (SR)

(a) Purpose. The purpose of the Shoreline Residential Environment designation is to accommodate residential development and accessory structures that are consistent with this Master Program. This designation shall apply to shorelines that do not meet the criteria for Urban Conservancy and that are characterized by single-family or multifamily residential development or are planned and platted for residential development.

(b) Application. The Town shall apply the Shoreline Residential Environment designation to land that currently supports predominantly single-family or multifamily residential development or is planned and/or platted for residential development.

(c) Shoreline Residential Environment Management Policies

(1) The primary use within the Shoreline Residential Environment should be residential and recreation.

(2) Development and redevelopment within this environment should encourage public access and joint use of community recreational facilities.

(3) In order to decrease stormwater runoff, new development within the environment should be encouraged to use low impact development techniques including reduced impervious surfaces.

(4) Standards for density, setbacks, buffers, lot coverage limitations, shoreline stabilization policies and standards, vegetation conservation and restoration requirements, critical area protection, and water quality have been based upon the inventory and characterization report and existing use to promote no net loss of shoreline ecological functions.

(5) Urban Conservancy Environment (UC)

(a) Purpose. The purpose of the Urban Conservancy Environment designation is to protect and restore relatively undeveloped or unaltered shorelines to maintain open space, floodplains, or habitat, while allowing a variety of compatible uses. This designation shall apply to shorelines that retain important ecological functions, even if partially altered. These shorelines are suitable for low intensity development, uses that are a combination of water related or water-enjoyment uses, or uses that allow substantial numbers of people access to the shoreline. The designation shall apply to the area surrounding the Cliff Avenue Waterway, the area surrounding the Fifth Street Waterway, Sunnyside Beach, Saltar's Point Beach, and the area between the commercial and industrial development in Chambers Bay.

(b) Application. The Town shall apply the Urban Conservancy Environment designation to land that is appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area; or land is suitable for water-related or water-enjoyment uses; or land that is open space, flood plain or other sensitive areas that should not be more intensively developed; or land that has potential for ecological restoration; or land that retains important ecological functions, even though partially developed; or land that has the potential for development that is compatible with ecological restoration.

(c) Urban Conservancy Environment Management Policies

(1) The primary use within the Urban Conservancy Environment should be water oriented recreation.

(2) Development and redevelopment within this environment should encourage retention and restoration of near shore habitat.

(3) Public access and recreation should be implemented whenever feasible and significant ecological impacts can be mitigated.

(4) Standards for density, setbacks, buffers, lot coverage limitations, shoreline stabilization policies and standards, vegetation conservation and restoration requirements, critical area protection, and water quality have been based upon the inventory and characterization report and existing use to promote no net loss of shoreline ecological functions.

(5) Water-oriented uses will be given priority over non-water oriented uses.

(B) Any shoreline areas annexed to the Town shall be designated Urban Conservancy until the Master Program is revised to include the area. (Ord.1494 §2(part), 2013).

**16.08.220 Permitted Uses and Modifications Within the Shorelines.**

(A) The following table summarizes the permitted, conditionally permitted and prohibited uses and shoreline modifications by Shoreline Environment. All permitted and conditionally permitted uses and modifications are subject to the provisions of this Master Program, the underlying zone and state regulations. The symbols used are:

P = Permitted - Permitted uses require Shoreline Substantial Development Permits or Shoreline Exemption statements, and may require other permits required by the Steilacoom Municipal Code and/or other regulatory agencies.

C = Conditional Use - Conditional uses require Shoreline Conditional Use Permit and may require other permits required by the Steilacoom Municipal Code and/or other regulatory agencies.

X = Prohibited – Prohibited uses are not allowed.

(B) Shoreline Variances are not shown below. Shoreline Variances are available to grant relief from specific bulk, dimensional or performance standards in this Master Program under certain circumstances, not to authorize shoreline uses and activities.

(C) Conflicts between uses allowed or prohibited in this Master Program and uses allowed or prohibited in the Zoning Ordinance, Title 18 SMC, shall be resolved in favor of the more restrictive use standard.

(D) All permitted and conditional uses in the Aquatic Environment are only allowed if the use is also allowed in the adjacent upland environment.

<b>Use or Modification</b>	<b>Aquatic</b>	<b>High Intensity</b>	<b>Medium Intensity</b>	<b>Shoreline Residential</b>	<b>Urban Conservancy</b>
<b>Agriculture</b> (16.08.700)	X	X	X	X	X
<b>Aquaculture</b> (16.08.710)	C	X	C	X	X
<b>Boating Facilities- Boat ramps</b> (16.08.720)	P	P	P	X	C
<b>Boating Facilities- Covered moorage</b> (16.08.720)	X	X	X	X	X
<b>Boating Facilities- Dry boat storage</b> (16.08.720)	X	X	P	X	X
<b>Boating Facilities- Marinas</b> (16.08.720)	P	P	P	X	X
<b>Breakwaters, jetties &amp; weirs</b> (16.08.950)	C	C	C	C	X
<b>Commercial – water oriented</b> (16.08.750)	C	P	P	X	X
<b>Commercial- non-water oriented</b> (16.08.750)	X	C	C	X	X

<b>Dredging</b> (16.08.900)	C	C	C	C	X
<b>Fill &amp; Grading</b> (16.08.910)	C	C	C	C	C
<b>Flood Control Projects</b> (16.08.540)	C	C	C	C	C
<b>Forest Practices</b> (16.08.700)	X	X	X	X	X
<b>Groins</b> (16.08.950)	X	X	X	X	X
<b>Habitat &amp; Natural Systems Enhancement Projects</b> (16.08.940)	P	P	P	P	P
<b>Industrial</b> (16.08.750)	X	X	P	X	X
<b>In-stream structures</b> (16.08.920)		P	P	P	P
<b>Land Subdivision</b> (16.08.730)	X	P	P	P	P
<b>Mining</b> (16.08.740)	X	X	X	X	X
<b>Parking</b> (16.08.760)	X	P	P	P	P
<b>Piers &amp; Docks</b> (16.08.930)	P	P	P	P	C
<b>Recreation – water oriented</b> (16.08.770)	C	P	P	P	P
<b>Recreation – non-water oriented</b> (16.08.770)	X	P	P	C	X
<b>Residential - Houseboats &amp; floating homes</b>	X	X	X	X	X

(16.08.780)					
<b>Residential - Multi-family and mixed commercial/ residential use</b> (16.08.770)	X	P	P	X	X
<b>Residential - Single family and accessory structures</b> (16.08.770)	X	X	X	P	P
<b>Shoreline stabilization - Hard</b> (16.08.950)	P	P	P	C	C
<b>Shoreline stabilization - Soft</b> (16.08.950)	P	P	P	P	P
<b>Signs</b> (16.08.790)	X	P	P	P	P
<b>Solid waste disposal</b> (16.08.960)	X	X	X	X	X
<b>Transportation – Bicycle &amp; pedestrian paths</b> (16.08.800)	X	P	P	P	C
<b>Transportation- Ferry system</b> (16.08.800)	P	P	X	X	X
<b>Transportation – Railroads</b> (16.08.800)	P	P	P	P	P
<b>Transportation – Streets</b> (16.08.800)	C	P	P	P	P

<b>Unclassified Uses</b> (16.08.810)	C	C	C	C	C
<b>Utilities – aboveground</b> (16.08.820)	C	C	C	C	C
<b>Utilities – underground</b> (16.08.820)	C	P	P	P	P

(Ord.1494 §2(part), 2013).

### Part 3- Permits and Process

#### 16.08.300 Permit Requirements – General.

(A) A permit is required for substantial development within the shoreline jurisdiction, unless a specific exemption applies.

(B) Based on the provisions of this Master Program, the Administrator shall determine if a Substantial Development Permit, a Shoreline Conditional Use Permit and/or a Shoreline Variance is required for each proposed development.

(C) A Substantial Development Permit is not required for exempt development. An exempt development requires a statement of exemption pursuant to SMC 16.08.320 and may require a Shoreline Variance from Master Program provisions and/or a Shoreline Conditional Use Permit.

(D) All uses and development shall be carried out in a manner consistent with the Steilacoom Municipal Code, this Master Program and Chapter 90.58 RCW (the Shoreline Management Act) regardless of whether a Substantial Development Permit, Statement of Exemption, Shoreline Variance, or Shoreline Conditional Use Permit is required.

(E) When a development or use is proposed that does not comply with the bulk, dimensional and/or performance standards of this Master Program, such development or use may only be authorized by approval of a Shoreline Variance, even if the development or use does not require a Substantial Development Permit.

(F) Any development or use listed as a Shoreline Conditional Use and all unlisted uses must obtain a Shoreline Conditional Use Permit even if the development or use does not require a Substantial Development Permit.

(G) Issuance of a Statement of Exemption, Shoreline Substantial Development Permit, Shoreline Variance, or Shoreline Conditional Use Permit does not constitute approval of any other Town, state, or federal laws or regulations.

(H) All shoreline permits or statements of exemption issued for development or use within the shoreline jurisdiction shall include written findings documenting compliance with bulk and dimensional policies and regulations of this Master Program. Conditions may be attached to the approval as necessary to assure consistency with this Master Program and Chapter 90.58 RCW. The conditions may include a requirement to post a performance financial guarantee assuring compliance with permit requirements, terms and conditions. The guarantee shall be in an amount to reasonably assure the Town that permitted improvements will be completed within the time stipulated.

(I) Permits required under this Master Program shall be processed consistent with the provisions of Title 14 SMC, the criteria in this Master Program, and the following provisions.

(1) The public comment period shall be a minimum of thirty days, except as set forth in subsection (3) below.

(2) All notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision

concerning an application as expeditiously as possible after the issuance of the decision, may submit the comments or requests for decisions to the Town within thirty days of the last date the notice is to be published pursuant to this subsection. The Town shall forward, in a timely manner following the issuance of a decision, a copy of the decision to each person who submits a request for the decision.

(3) (a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (1) of this section shall be twenty days. The notice provided under subsection (1) of this section shall state the manner in which the public may obtain a copy of the Town decision on the application no later than two days following its issuance;

(ii) The Town shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the Town Council, the appeal shall be finally determined within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) is categorically exempt under Chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(ii) Will serve an existing use in compliance with this Master Program, and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

(J) No permit shall be approved unless the proposed development is consistent with the provisions of this Master Program, Chapter 90.58 RCW (the Shoreline Management Act) and the rules and regulations adopted by the Department of Ecology to implement the Shoreline Management Act.

(K) An application shall be approved if it meets the criteria for issuance herein or approved with conditions if the application as conditioned can meet the criteria for issuance herein. The application shall be denied if it does not substantially comply with criteria imposed by this Master Program and the Shoreline Management Act. (Ord.1494 §2(part), 2013).

#### **16.08.310 Substantial Development Permit.**

(A) No person shall undertake substantial development, as defined by RCW 90.58.030, on the shorelines of the state without first obtaining a Substantial Development Permit from the Town Council, unless the use or development is specifically identified as exempt under SMC 16.08.320.

(B) The Town Council shall only issue a Substantial Development Permit when the development proposed is consistent with the policies and procedures of RCW.90.58; the provisions of WAC 173-27; and this Master Program. (Ord.1494 §2(part), 2013).

#### **16.08.320 Shoreline Exemptions.**

(A) The Administrator is hereby authorized to approve or deny requests for a statement of exemption from the Shoreline Substantial Development Permit requirement for uses and developments within shorelines that are specifically listed in RCW 90.58.030 and WAC 173-27-040. The statement shall be in writing and shall indicate the specific exemption of the Master Program that is being applied to the development, and shall provide a summary of the Administrator's analysis of the consistency of the project with this Master Program and the Shoreline Management Act. The list below is a summary of common exemptions that may occur within Town shorelines; a complete list of exemptions is provided in WAC 173-27-040.

Exempt developments include:

(1) Any development of which the total construction cost or fair market value, whichever is higher, does not exceed the dollar threshold established by the Office of Financial Management pursuant to WAC 173-27-040, and does not materially interfere with public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state;

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

(3) Construction of a normal protective bulkhead common to single family residences. A "normal protective bulkhead" is constructed at or near the ordinary high water mark to protect a single family residence and is for protecting land from erosion, not for the purpose of creating dry land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings;

(4) Emergency construction necessary to protect property from damage by the elements. Flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

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

(6) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his/her own use or for the use of his/her family, which residence does not have a building height that exceeds 35 feet from average grade and meets all requirements of the Steilacoom Municipal Code (SMC) and this Master Program;

(7) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of one or more single and multi-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either : (A) in salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction will be considered a substantial development for the purposes of this Master Program;

(8) The marking of property lines or corners, when such marking does not significantly interfere with the normal public use of the surface waters;

(9) Any project with certification from the Governor pursuant to Chapter 80.50 RCW;

(10) Watershed restoration projects as defined in WAC 173-27-040. The Town shall review the projects for consistency with the Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration;



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

- (a) The activity does not interfere with the public use of the surface waters;
- (b) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality and aesthetic values; and
- (c) The activity does not involve the installation of any structure and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.

(B) When a development meets the exemption criteria listed in this section or WAC 173-27-040, and is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, a copy of the Shoreline Exemption shall be sent to the Department of Ecology.

(C) Before issuing a Shoreline Exemption, the Administrator shall review this Master Program to determine if the proposed development requires a Shoreline Variance and/or a Shoreline Conditional Use Permit. (Ord.1494 §2(part), 2013).

**16.08.330 Shoreline Variance.** The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in the Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant or diminish the policies set forth in RCW 90.58.020. Variances from the use regulations of this Master Program are prohibited.

(A) The Hearing Examiner is authorized to approve a Shoreline Variance from the performance standards of this Master Program only when all of the criteria enumerated in WAC 173-27-170 are met.

(B) A Shoreline Variance should be granted in circumstances where denial of the permit would thwart the policies enumerated in RCW 90.58.020.

(C) In all instances, the applicant must demonstrate that extraordinary circumstances exist and the public interest will not suffer substantial detrimental effect.

(D) The applicant for a Shoreline Variance must demonstrate that the variance meets the criteria in WAC 173-27-170.

(E) Proposals that require a Critical Area Reasonable Use Permit pursuant to SMC 16.16.140 shall be processed as a Shoreline Variance.

(F) Prior to approval of any Shoreline Variance, the Hearing Examiner shall consider the cumulative environmental impacts of previous, existing, and possible future requests for like actions in the area. The total effects of approved Shoreline Variances should remain consistent with the policies of RCW 90.58.020 and shall not produce significant adverse effects to the shoreline ecological functions, processes, or other users.

(G) Before making a determination to approve a Shoreline Variance, the Hearing Examiner shall consider issues related to the conservation of valuable natural resources and the protection of views from public lands.

(H) Shoreline Variance requests related to the vegetation conservation standards in section 16.08.610 of this SMP and based on the applicant's/proponent's desire to enhance the view from the subject development may be granted where there are no likely detrimental effects to existing or future users, critical areas, other features or shoreline ecological functions and/or processes, and where reasonable alternatives of equal or greater consistency with this Program are not available. The shoreline variance criteria referenced in A above shall also be met.

(I) A Shoreline Variance shall not be granted when it would allow a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site.

(J) A variance issued per SMC 18.28.030 shall not be construed to mean approval of a Shoreline Variance from Shoreline Master Program use regulations.

(K) An issued Shoreline Variance does not provide relief from the variance requirements under SMC 18.28.030. (Ord.1494 §2(part), 2013).

**16.08.340 Shoreline Conditional Use Permit.** The purpose of a Shoreline Conditional Use Permit is to allow greater flexibility in the application of the use regulations of the Master Program in a manner consistent with the policies of RCW 90.58.020.

(A) The Town Council shall issue Shoreline Conditional Use Permits only when all the criteria enumerated in WAC 173-27-160 are met.

(B) Shoreline Conditional Use Permits should be granted in a circumstance where denial of the permit would result in a conflict with the policies enumerated in RCW 90.58.020.

(C) In authorizing a Shoreline Conditional Use, special conditions may be attached to the permit by the Town Council or by the Department of Ecology to minimize the effects of the proposed use. Uses that are specifically prohibited by the Master Program may not be authorized with the approval of a Shoreline Conditional Use Permit.

(D) In the granting of all conditional use permits, consideration shall be given to the cumulative impacts of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment. (Ord.1494 §2(part), 2013).

**16.08.350 Application Process.**

(A) Application form. Complete applications for a Substantial Development Permit, Shoreline Variance, and a Shoreline Conditional Use Permit shall include all information required by the Department of Ecology in WAC 173-27-180. The Administrator shall provide forms for applications for Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits.

(B) Burden of Proof. It is the applicant's responsibility to provide proof that the proposed development is consistent with the permit criteria requirements.

(C) Decision. The Administrator shall issue a notice of decision, pursuant to SMC 14.16.060, at the conclusion of the permit process. The Administrator shall also transmit the final decision, including findings and conclusions to the Department of Ecology and State Attorney General pursuant to RCW 90.58.140(6).

(D) Department of Ecology Review of permits.

(1) After the issuance of a Shoreline Variance or Shoreline Conditional Use Permit, the Administrator shall file the permit with the Department of Ecology for its approval, approval with conditions, or denial.

(2) The Department of Ecology will issue its decision on a Shoreline Variance or Shoreline Conditional Use Permit as specified in WAC 173-27-200.

(3) Upon receipt of the Department of Ecology's decision, the Administrator shall notify those interested persons having requested notification of such decision. (Ord.1494 §2(part), 2013).

**16.08.360 Local Appeals.** There are no administrative appeals for shoreline permit decisions made by the Town Council or Hearing Examiner. Decisions of the Administrator may be appealed to the Town Council pursuant to SMC 14.24.030. (Ord.1494 §2(part), 2013).

**16.08.370 Appeals to State Shoreline Hearings Board.**

(A) Appeals of the final decision of the Town Council or Hearing Examiner with regard to shoreline management shall be governed by the provisions of RCW 90.58.180.

(B) Appeals to the Shoreline Hearings Board of a decision on a Shoreline Substantial Development Permit, Shoreline Variance or Shoreline Conditional Use Permit may be filed by the applicant/proponent or any aggrieved party pursuant to RCW 90.58.180.

(C) The effective date of the Town's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

(1) For decisions on permits other than those described in subsection (2), the "date of filing" as used in this section refers to the date of actual receipt by the Department of Ecology of the Town's decision.

(2) For conditional use permits or variances approved by the Town, the "date of filing" means the date the decision of the Department of Ecology is transmitted by the department to the Town.

(3) For decisions involving a shoreline substantial development permit and approval of either a shoreline conditional use permit or variance, or both, the "date of filing" has the same meaning as defined in subsection (2). (Ord.1494 §2(part), 2013).

#### **16.08.380 Initiation of Development.**

(A) Development pursuant to a Shoreline Substantial Development Permit shall not be authorized until twenty one (21) days after the date of filing of the Town's decision with the Department of Ecology.

(B) Development for which a Shoreline Variance or Shoreline Conditional Use is required shall not begin and shall not be authorized until twenty one (21) days after the date of filing of the Department of Ecology's decision with the Administrator, or after all appeal proceedings before the Shoreline Hearings Board have terminated. (Ord.1494 §2(part), 2013).

#### **16.08.390 Permit Timelines.**

(A) The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a Substantial Development Permit.

(B) Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the Master Program and state regulations, the Town Council may adopt different time limits for the commencement of construction or action during the processing of a Substantial Development Permit.

(C) The Administrator may authorize a single extension of the date of commencement of an approved Shoreline Substantial development Permit for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the Substantial Development Permit and to the Department of Ecology.

(D) Authorization to conduct development activities authorized by an approved Shoreline Substantial Development Permit shall terminate five years after the effective date. However, the Administrator may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.

(E) The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in this section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

(F) Revisions to permits may be authorized after original permit authorization has expired. The purpose of such revisions shall be limited to authorizations of changes which are consistent with WAC 173-27-100 and SMC 16.08.400 and which would not require a permit for the development or change. If the proposed change constitutes substantial development then a new permit is required. This procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

(G) The Administrator shall notify the Department of Ecology in writing of any change to the effective date of a permit with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application. (Ord.1494 §2(part), 2013).

#### **16.08.400 Revision to Permits.**

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

(B) Applicants for permit revision shall submit detailed plans and text describing the proposed changes. Revisions to Substantial Development Permits and Conditional Use Permits shall be reviewed and approved or denied by the Town Council following the procedures for the issuance of the original permit. Revisions to Shoreline Variances shall be reviewed and approved or denied by the Hearing Examiner following the procedures for the issuance of the original permit.

(C) The Town Council or Hearing Examiner, as appropriate, may approve the revision only if the proposed changes are within the scope and intent of the original permit, and are consistent with this Master Program and 90.58 RCW.

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

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

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

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

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

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

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

(D) Revisions shall be processed in accordance with WAC 173-27-100. (Ord.1494 §2(part), 2013).

### **Part 4- General Provisions**

**16.08.500 Archaeological and Historic Resources.** Archaeological and historic resources include those recorded with the State Historic Preservation Office, those listed in Chapter 2.14 SMC, and those inadvertently unearthed during development. Archaeological sites are also subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (archaeological sites and records) and Chapter 25-48 WAC (archaeological excavation and removal permit).

(A) Policy

The Town shall endeavor to prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes and the State Department of Archaeology and Historic Preservation.

(B) Regulations

(1) All shoreline permits issued in areas documented to contain archaeological resources shall include a requirement that the area be inspected or evaluated by a professional archaeologist in coordination with the affected Indian tribes.

(2) All shoreline permits shall include a condition to immediately stop work and notify the Town, the State Department of Archaeology and Historic Preservation, and affected Indian tribes if archaeological resources are uncovered during excavation. (Ord.1494 §2(part), 2013).

**16.08.510 Building Setbacks, Bulk, Height and Lot Dimensions.** This section identifies the minimum distance that a new shoreline use or new development must be setback from the Ordinary High Water Mark (OHWM) to protect shoreline functions and processes. Building and structure setback means the minimum distance a building or structure is placed behind (landward from) the OHWM, and establishes an area adjacent to a shoreline that separates and protects the area from adverse impacts associated with adjacent land uses.

(A) Policies

(1) New shoreline uses and developments should be located sufficiently landward of the marine shoreline to ensure the safety and stability of the proposed development and protect the waterbody from potential adverse effects of development.

(2) Building setbacks and vegetation conservation areas should be used to ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the applicable Shoreline Environment Designation in SMC 16.08.210.

(B) Regulations

(1) The following table summarizes the minimum building setbacks from the Ordinary High Water Mark (OHWM) by Shoreline Environmental designation.

(2) Critical area buffers may increase building setbacks. When critical area buffers and building setbacks from OHWM overlap, the buffer or setback furthest landward from the OHWM applies.

(3) Building height, bulk dimensions, street, rear, and side yard setbacks, maximum lot coverage, minimum lot frontage and lot dimensions are regulated under the zoning ordinance, Title 18 SMC. In no case shall the height of any structure exceed 35 feet from the average grade without a shoreline variance.

(4) The following table shall be used in conjunction with the written provisions for each use.

<b>MINIMUM BUILDING &amp; STRUCTURE SETBACK FROM ORDINARY HIGH WATER MARK</b>				
	High Intensity	Medium Intensity	Shoreline Residential	Urban Conservancy
<b>BOATING FACILITIES</b>				
On shore structures	0 feet	0 feet	----	25 feet
Launch Ramps	0 feet	0 feet	----	0 feet

<b>NON-RESIDENTIAL DEVELOPMENT</b>				
Water-dependent , Water-related and water-enjoyment uses	0 feet	25 feet	---	----
Non-water-oriented uses	25 feet	80 feet	---	---
<b>RECREATION DEVELOPMENT</b>				
Water-dependent, and water-related development	0 feet	0 feet	0 feet	0 feet
Water -enjoyment development	10 feet	10 feet	10 feet	10 feet
Non-water oriented development	25 feet	25 feet	75 feet	---
	High Intensity	Medium Intensity	Shoreline Residential	Urban Conservancy
<b>RESIDENTIAL DEVELOPMENT</b>				
Single family	---	---	100 feet, or 50 feet from the top of a geological hazard area, whichever is greater –see note 1	100 feet, or 50 feet from the top of a geological hazard area, whichever is greater –see note 1
Multi-family/mixed use	25 feet	25 feet	---	---
<b>TRANSPORTATION</b>				
Streets & Railroads	See note 2	See note 3	170 feet – see note 1	25 feet
Pathways & Bicycle paths	25 feet - see note 4	25 feet - see note 4	25 feet - see note 4	25 feet - see note 4
Ferry System	0 feet	---	---	---
<b>UTILITIES</b>				

Utilities	See note 5	See note 6	25 feet - See note 6	50 feet - See note 6
<b>OTHER</b>				
All other buildings and structures not listed above	25 feet	25 feet	25 feet	25 feet
<b>NOTES</b>				
<p>Note 1. Reductions in setbacks for primary residential structures and streets require a shoreline variance, but in no case shall the setback from OHWM be less than 50 feet.</p> <p>Note 2. Improvements such as asphalt pavement associated with existing streets and railroads may be expanded within the existing rights-of-way landward unless such expansion is not feasible.</p> <p>Note 3. Improvements such as asphalt pavement associated with existing streets and railroads may be expanded within the existing rights-of-way landward unless such expansion is not feasible. New streets to service the former mill site may be created perpendicular to Chambers Creek Road, but not parallel within the shoreline jurisdiction. Chambers Creek Road may be realigned to be further inland as part of a shoreline restoration/enhancement project.</p> <p>Note 4. Pathways and bikeways are permitted within existing rights-of-way. Spurs off of pathways &amp; bikeways to provide direct access to the shoreline may encroach into the setback provided that there is no net loss of shoreline function.</p> <p>Note 5. Utilities shall be placed within existing rights-of-way as far landward as is feasible.</p> <p>Note 6. Utilities shall be placed within new or existing rights-of-way as far landward as is feasible. (Ord.1494 §2(part), 2013).</p>				

**16.08.520 Critical Areas – General.** Critical areas include the following areas and ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

(A) Policies

(1) Regulation of critical areas within the shoreline jurisdiction should be consistent with the goals and policies of the Shoreline Management Act and this Master Program.

(2) Regulation of critical areas within the shoreline jurisdiction should provide a level of protection that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

(B) Regulations

(1) Subject to the exceptions listed below, the Town’s Critical Areas regulations in Chapter 16.16 SMC, codifying Ordinance 1380, adopted October 5, 2004 and amended by Ordinance 1450, adopted January 6, 2009, and Ordinance 1485, adopted September 18, 2012, Ordinance 1541 adopted February 16, 2016, and Ordinance 1562, adopted February 7, 2017 are incorporated by reference, except that permit, nonconforming, appeal and enforcement provisions shall be governed by this Master Program and not Chapter 16.16 SMC.

(2) In the event development or performance standards in Chapter 16.16 SMC are inconsistent with standards and requirements in this Master Program, the provisions most protective of the resource shall govern.

(3) Development applications that are processed according to the Public Agency and Utility exceptions under SMC 16.16.130 or the Reasonable Use Exception of SMC 16.16.140

shall be processed as a shoreline variance according to the provisions of this Master Program and WAC 173-27.

(4) Development activities that would otherwise qualify for an exemption from a critical areas permit under SMC 16.16.120 shall comply with this Master Program. Such activities may require a Shoreline Substantial Development Permit, Shoreline Variance, or Shoreline Conditional Use Permit unless specifically exempt from Shoreline Substantial Development Permits under this Master Program and RCW 90.58.030(3)(e).

(5) Applications for variances under SMC 16.16.300 and SMC 16.16.680 shall be processed as shoreline variances according to the provisions of this Master Program and Chapter 173-27 WAC.

(6) The provisions of Chapter 16.16 SMC shall apply to any use, alteration, or development within the shoreline jurisdiction whether or not a shoreline permit or written exemption is required.

(7) Within the shoreline jurisdiction, the regulations of Chapter 16.16 SMC shall be liberally construed together with this Master Program to give full effect to the objectives and purposes of this Master Program and the Shoreline Management Act.

(8) In order to ensure consistent treatment of critical areas, lands necessary for buffers of critical areas within the shoreline jurisdiction shall be included within the Town's shoreline jurisdiction pursuant to RCW 90.58.030(2)(d)(ii).

(9) Applicants for shoreline permits and exemptions shall demonstrate, through best available science, how their proposed activity will protect hydrologic connections between water bodies, water courses, and associated wetlands. (Ord. 1577 §2 (part B(1)), 2017: Ord.1494 §2(part), 2013).

**16.08.530 Critical Areas - Critical Saltwater Habitats.** Critical saltwater habitats include kelp beds; eelgrass beds; spawning and holding areas for forage fish; subsistence, commercial and recreational shellfish beds; mudflats; intertidal habitats with vascular plants, and areas with which priority species have a primary association.

(A) Policy

(1) The Town should protect critical saltwater habitat by limiting construction in such areas.

(2) The Town should cooperate with federal, state and tribal authorities on critical habitat management plans.

(B) Regulations

(1) Docks, bridges, utility crossings and other structures shall not intrude into or over critical saltwater habitats unless all of the following are demonstrated:

(a) The public need for the structure is clearly demonstrated.

(b) Alternative sites or alignments are not feasible or would entail unreasonable or disproportionate costs.

(c) The structure, including mitigation, will result in no net loss of shoreline environmental function.

(d) The project, including mitigation, is consistent with the state's interest in resource protection and species recovery.

(2) The Town shall consult all federal, state and tribal entities with jurisdiction and/or expertise in reviewing any activity that may intrude into a critical saltwater habitat.

(3) Applicants for overwater and nearshore developments in marine and estuarine environments shall provide an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. The methods and extent of the inventory shall be consistent with accepted research methodology. (Ord.1494 §2(part), 2013).



**16.08.540 Critical Areas - Flood Hazard Reduction.** Flood hazard protection includes actions taken to reduce damage or hazards associated with flooding. Flood hazard provisions also apply to shoreline modification, shoreline uses and development that may increase flood hazards. Flooding is a natural process of rivers and streams.

(A) Policies

(1) Flood hazard reduction planning should occur early in the development of new projects.

(2) Non-structural flood hazard reduction methods should be preferred over structural means, including restoration of more natural hydrological conditions.

(3) Flood hazard planning should include all watershed plans, Chapter 16.16 SMC (the Critical Areas Ordinance) as incorporated into the Master Program, Chapter 13.50 (the stormwater management ordinance), and the National Flood Insurance Program.

(4) Flood hazard protection measures should not result in a net loss of shoreline ecological function.

(5) Development in flood plains should not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted after 1994 and approved by the Department of Ecology pursuant to chapter 86.12 RCW.

(6) New development or new uses in the shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

(B) Regulations

(1) New structural flood hazard reduction measures in shoreline jurisdiction shall be allowed only when the applicant can demonstrate by a scientific and engineering analysis that the structural measures are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with this master program.

(2) Applicants for all proposed flood hazard protection methods shall provide a mitigation analysis under SMC 16.08.590.

(3) Flood hazard protection methods shall comply with the regulations in SMC 16.08.950, Shoreline Stabilization.

(4) All approved flood hazard protection measures shall be designed, constructed and maintained to not result in a net loss of shoreline ecological function.

(5) Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the Department of Ecology that evaluates cumulative impacts to the watershed system.

(6) New structural flood hazard reduction measures shall be placed landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland, riverine or floodplain restoration.

(7) New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and immittigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

(8) Removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and Department of Ecology regulations. Applicants for removal shall provide a biological and geomorphological study demonstrating that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

(9) When evaluating alternate flood control methods, the Town shall consider the removal and relocation of structures within flood prone areas.

(10) Where feasible and appropriate, the Town shall consider the removal of artificial restrictions to natural channel migration, restoration of off-channel hydrological connections and returning river processes to a more natural state. (Ord.1494 §2(part), 2013).

**16.08.550 Critical Areas - Geological Hazards.** Geological hazard areas are those areas which may not be suited to development consistent with public health, safety, or environmental standards, because of their susceptibility to erosion, sliding, earthquake or other geological events as designated by WAC 365-190-080(4).

The following regulations apply to geological hazard areas located within the shoreline jurisdiction, and are in addition to the regulations in Chapter 16.16 SMC.

(A) Policies

(1) Development of lands with geological hazard areas within the shoreline jurisdiction should not cause a foreseeable risk from geological conditions to people or improvements during the life of the development.

(2) Development of lands with geological hazard areas within the shoreline jurisdiction should avoid the need for structural shoreline stabilization during the life of the development.

(3) Development of lands with geological hazard areas within the shoreline jurisdiction should result in no net loss of ecological function.

(B) Regulations

(1) The Town shall not approve any development or the creation of any new lots that would cause a foreseeable risk from geological conditions to people or improvements during the life of the development.

(2) In addition to the geotechnical engineering reports required by SMC 16.16.740 and SMC 16.16.750 as incorporated into the Master Program, the applicant for any development shall provide an evaluation of the future need for slope or shoreline stabilization.

(3) Development in geologic hazard areas that would require structural shoreline stabilization shall not be allowed except when the applicant has demonstrated all of the following:

(a) Structural stabilization is necessary to protect an allowed use.

(b) No alternative locations are available for the allowed use.

(c) The proposed stabilization structure or other measure is designed in strict compliance with SMC 16.08.950 and WAC 173-26-231.

(d) The proposed stabilization structure is designed to achieve no net loss of ecological function.

(4) Stabilization structures and other measures to protect existing primary residential structures within geological hazard areas may be allowed only when the applicant has demonstrated all of the following:

(a) All alternatives to constructing the stabilization structure or other measure, including relocation or reconstruction of the residential structure, are not feasible or less expensive than the proposed stabilization measure.

(b) The proposed stabilization structure or other measure is designed in strict compliance with SMC 16.08.950 and WAC 173-26-231.

(c) The proposed stabilization structure or other measure is designed to achieve no net loss of ecological function. (Ord.1494 §2(part), 2013).

**16.08.560 Critical Areas – Wetlands.** Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated

soil conditions. The following regulations apply to wetland areas located within the shoreline jurisdiction, and are in addition to the regulations in Chapter 16.16.SMC.

(A) Policies

Regulation of wetlands and wetland buffers within the shoreline jurisdiction shall achieve, at minimum, no net loss of wetland area functions, including lost time when the wetland does not perform the function.

(B) Regulations

(1) Identification of wetlands and delineation of their boundaries pursuant to critical areas provisions in this Master Program shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the Town meeting the wetland designation criteria in that procedure are subject to the provisions of this Master Program.

(2) Notwithstanding the wording in SMC 16.16.410 as incorporated into the Master Program, allowed activities within wetlands may require a shoreline permit or authorization.

(3) Proposals to alter wetlands or wetland buffer areas shall include the mitigation sequencing analysis of SMC 16.08.590. Any approved alteration to a wetland or wetland buffer area shall be based upon the wetland rating, scientific and technical information and the mitigation sequencing analysis, and shall demonstrate how no net loss of wetland area and function is to be achieved.

(4) Standard buffers for wetlands shall be as set forth in SMC 16.16.430 as incorporated into the Master Program.

(5) Mitigation for unavoidable impacts to wetlands and wetland buffers shall be as set forth in SMC 16.16.440 as incorporated into the Master Program. (Ord.1494 §2(part), 2013).

**16.08.570 Emergency Actions.** An emergency is an unanticipated and imminent threat to public health, safety, or the environment and that requires immediate action within a timeframe too short to allow full compliance with the provisions of this Master Program. Emergency construction does not include development of new permanent protective structures where none previously existed.

(A) Policy

The Town should review all actions taken on an emergency basis for consistency with this Master Program.

(B) Regulations

(1) Actions taken to address an emergency shall be reasonable under the circumstances, be designed to have the least possible impacts on shoreline ecological functions and processes; and be designed to comply with the provisions of this Master Program, to the extent feasible.

(2) The party undertaking the emergency action shall notify the Town of the existence of the emergency and emergency action(s) as soon as possible, not to exceed one (1) working day following commencement of the emergency action.

(3) Within seven (7) days following completion of emergency activity, the party shall provide the Town a written description of the work undertaken, site plan, description of pre-emergency conditions and other information requested by the Town to determine whether the action was permitted within the scope of an emergency action.

(4) The Administrator shall evaluate the action for consistency with the provisions of WAC 173-27-040(2) (d) (exemptions from substantial development permits) and determine whether the action taken, or any part of the action taken, was within the scope of the emergency actions allowed in this section.

(5) The Administrator may require mitigation for impacts to shoreline ecological functions.

(6) If the Administrator determines that the emergency action was not warranted, he or she may require that the party obtain a permit and/or require remediation of or mitigation for the actions taken. (Ord.1494 §2(part), 2013).

**16.08.580 Nonconforming Structures, Uses and Development.**

(A) Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height, or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

(B) Uses and developments that were legally established and are nonconforming with regard to the use regulations of this Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in this master program upon approval of a Shoreline Conditional Use permit.

(C) A use which is listed as a conditional use but which existed prior to adoption of this Master Program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use in SMC 16.08.220 but which existed prior to the applicability of this Master Program to the site and for which a Shoreline Conditional Use permit has not been obtained shall be considered a nonconforming use.

(D) A structure for which a Shoreline Variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

(E) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Shoreline Conditional Use permit. A Shoreline Conditional Use permit may be approved only upon a finding that:

- (1) No reasonable alternative conforming use is practical; and
- (2) The proposed use will be at least as consistent with the policies and provisions of the act and this Master Program and as compatible with the uses in the area as the preexisting use.
- (3) Conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

(F) Any structure nonconforming as to height or setback standards that becomes damaged may be repaired or reconstructed; provided, that:

- (1) The extent of the previously existing nonconformance is not increased; and
- (2) The building permit application for repair or reconstruction is submitted within 180 days of the occurrence of damage or destruction.

(G) If a nonconforming use is abandoned for 180 consecutive days, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (E) above shall be considered a conforming use for purposes of this section.

(H) An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with SMC Title 17 and state subdivision requirements prior to the effective date of this Master Program but which does not conform to the present lot size standards may be developed if permitted by other Town land use regulations and so long as such development conforms to all other requirements of this Master Program.

(l) Any non-conforming uses or structures which are not covered by RCW 90.58.270(5) or RCW 90.58.620, and not addressed in this Master Program must comply with WAC 173-27-080. (Ord.1494 §2(part), 2013).

**16.08.590 No Net Loss Standard and Mitigation Sequencing.** State law requires that new uses and activities in the shoreline achieve no net loss of shoreline ecological function. Mitigation sequencing refers to the process to design a project or activity to have the least impact on the environment.

(A) Policy

All uses, developments and shoreline modifications along the Town's shoreline shall be designed, located, sized, constructed and/or maintained to achieve no net loss of shoreline ecological functions.

(B) Regulations

(1) Mitigation sequencing shall apply to all applications for development within the shoreline jurisdiction.

(2) The following mitigation sequencing guidelines are in order of preference, and shall be applied during the design, construction and operation of all developments:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;  
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations;

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

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

In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

(3) Failure to demonstrate that the mitigation sequencing standards have been met may result in permit denial. The Town may request necessary studies by qualified professionals to determine compliance with this standard and mitigation sequencing.

(4) Maintenance activities shall be conducted in a manner that minimizes impacts to fish, wildlife, and their associated habitat and utilizes best management practices.

(5) The Town shall consider alternative mitigation measures proposed by the applicant that may be less costly than those prescribed in this Master Program, provided that the alternatives are as effective in meeting the requirements of no net loss. (Ord.1494 §2(part), 2013).

**16.08.600 Public Access.** Public access to the shoreline includes physical access to the shore, use of the water and view of the shoreline from adjacent properties.

(A) Policies

(1) Development in the shoreline should be sited, designed and constructed to maximize public use and access to the shoreline.

(2) Access to the shoreline should include access from the water side of the shoreline where feasible.

(3) Publicly owned areas within the shoreline should provide public access.

(B) Regulations

(1) Public access is required for all new shoreline development and uses, except for a single family residence or residential projects containing four (4) or fewer dwelling units. The requirement of public access to shorelines does not confer the right to enter upon or cross private property, except for dedicated and marked public easements.

(2) Public access shall normally be provided on the property that is the subject of the application. The Town may approve off-site public access if there are unavoidable health or safety hazards to the public which cannot be prevented by any feasible means; or security requirements that cannot be satisfied through the application of alternative design features or other solutions; or unacceptable environmental harm, such as damage to fish spawning areas, that will result from the public access that cannot be mitigated; or if a significant conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

(3) Examples of off-site public access include enhancing existing public access points, developing view points at nearby street ends, and improving or extending trail systems along the shoreline. The amount and type of off-site public access provided shall be commensurate with the size of the shoreline development or use.

(4) Where appropriate, the Town may condition public access by limiting hours of use or using fences, terracing, hedges, or landscaping to separate uses and activities.

(5) Public access sites shall be barrier free for the physically disabled where feasible.

(6) Public access sites shall be connected directly to the nearest public street.

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

(8) Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat as a condition running with the land.

(9) Signs indicating the access and hours of access, if limited, shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Signs controlling or restricting public access may be approved as a condition of permit approval.

(10) Development on or over the water shall be constructed as far landward as possible to avoid interference with views from surrounding properties to the shoreline and adjoining waters.

(11) Public access shall be designed to prevent a net loss of shoreline ecological function.

(12) Where a development or use will interfere with an existing public access, the development or use shall provide public access to mitigate this impact. Interference with public access may include blocking access or discouraging use of existing on-site or nearby public access. (Ord.1494 §2(part), 2013).

**16.08.610 Vegetation Conservation.** Vegetation conservation refers to specific measures that are designed to protect existing native vegetation and/or restore or enhance native vegetation where such actions contribute to improved ecological functions.

(A) Policies

(1) Existing native vegetation landward of the OHWM should be retained to the extent feasible. The goals of preserving and restoring vegetation should be balanced with the need to accommodate preferred shoreline uses and developments and provide views of the shoreline.

(2) Shoreline enhancement projects should include restoration of native vegetation.

(3) Vegetation within critical areas should be managed in accordance with the Critical Areas Ordinance as incorporated into the Master Program.

(4) Vegetation on Town-owned properties should be managed in accordance with the Urban Forestry Management Ordinance, the Critical Areas Ordinance and the regulations of this Master Program.

(5) New developments and uses should be designed to minimize tree removal and vegetation clearing. Existing trees and shrub cover should be preserved, and where feasible, restored, to provide wildlife habitat, maintain water quality and ensure soil and slope stability.

(6) Development proposals that require extensive vegetation removal for purposes including, but not limited to creating views or expansive lawns should not be allowed. The Town should allow selective clearing for such purposes only when slope stability and ecological functions are not compromised. Trimming and pruning are preferred over removal of native trees and shrubs. Shoreline landowners may not be guaranteed an unobstructed view of the water.

(B) Regulations

(1) General

(a) The Town shall allow limited and selective clearing for purposes including, but not limited to creating views or lawns when slope stability and ecological functions are not compromised. Techniques shall include pruning, windowing and other measures that preserve plant composition and structure. No more than twenty-five (25) percent of a single tree's leaf bearing crown may be removed and no more than twenty-five (25) percent of the canopy cover of any stand of trees may be removed for view preservation. If additional trimming is requested in subsequent years, the cumulative removal may not exceed 25% within any 4 year period.

(b) Clearing invasive, non-native shoreline vegetation listed on the Pierce County Noxious Weed List is permitted. The disturbed areas must be promptly revegetated using native species.

(c) When enhancing or restoring shoreline vegetation, project proponents shall use native species from the list maintained by Pierce County that are of a similar diversity, density, and type to that occurring in the general vicinity of the site prior to any shoreline alteration. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.

(d) The following uses and structures are permitted in the Vegetation Conservation Area without a variance:

(i) Boating facilities accessory to a single-family residential development including piers, docks and floats;

(ii) Pedestrian beach access structures, including stairs and stair towers;

(iii) Public access trails and paths and structures for public access including but not limited to stairways, stair towers, piers, docks, or floats;

(iv) Fences;

(v) Retaining walls;

(vi) Pathways;

(vii) One (1) residential accessory structure provided that the structure does not exceed 200 square feet.

(e) The above uses and structures are allowed in the Vegetation Conservation Area so long as they are designed to avoid and minimize the removal of native vegetation to the extent feasible.

(2) New developments

(a) New developments shall be designed to avoid and minimize the removal of native vegetation to the extent feasible.

(b) New developments shall include a Vegetation Conservation Area that overlaps with and is the same in size and dimension as the building setback in SMC 16.08.510 to minimize the loss of ecological functions and processes of natural shoreline vegetation described in SMC 16.08.610 A. 5. Unless otherwise specified, all shoreline uses and developments, including preferred uses and uses exempt from permitting requirements, shall maintain the Vegetation Conservation Area as well-vegetated buffers to provide wildlife habitat, maintain water quality and ensure soil and slope stability.

(c) Prior to granting a shoreline permit or determining that a proposed use/development is exempt from permitting, the Town shall evaluate site development plans to assess vegetation impacts and identify opportunities for vegetation enhancement. As needed, the Town shall condition approval of new developments to ensure the following

(i) Homes and other structures are placed in areas that require minimal removal of native trees and shrubs; and

(ii) Established native forest stands are preserved to maintain slope stability and prevent surface erosion; and

(iii) Areas that can be enhanced or restored using native woody species are replanted to improve ecological functions and mitigate the effects of the development. Native plant communities are preferred over non-native ornamental plantings because native plants have greater ecological value.

(3) Maintenance

(a) Maintenance, removal and trimming of vegetation within critical areas and their buffers shall be governed by the critical areas ordinance, Chapter 16.16 SMC as incorporated into the Master Program.

(b) Maintenance, removal and trimming of vegetation within Town-owned properties within the shoreline jurisdiction shall be governed by the Urban Forestry Management Ordinance, Chapter 16.18 SMC.

(c) Pruning and management of trees, shrubs, and other woody plants on non-Town owned or managed properties within the shoreline jurisdiction shall comply with Tree Care Industry Association standards. No more than 25% of the limbs on any single tree may be removed and no more than 25% of the canopy cover in any single stand of trees may be removed for view enhancement. Tree topping is prohibited.

(4) Hazard trees

(a) The Administrator shall determine whether a tree is a hazard tree. If not immediately obvious, the determination shall be made after review of a report by a qualified arborist or forester.

(b) In order of preference, hazard trees may be converted to a habitat tree, thinned to remove the hazardous condition, pushed over and retained as large woody debris, or removed entirely. Complete removal is permitted only when pruning is not sufficient to address the hazard. (Ord.1494 §2(part), 2013).

**16.08.620 Water Quality.** Water quality means the physical, chemical and biological characteristics of water. Water quality is a measure of the condition of water relative to the requirements of humans, fish and wildlife species, and biotic communities.

(A) Policies

(1) The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quality of surface and ground water over the long term.

(2) Shoreline use and development should minimize, through effective education, site planning and maintenance, the need for chemical fertilizers, pesticides, herbicides or other similar chemical treatments that could contaminate surface or ground water or cause adverse effects on shoreline ecological functions and values.

(3) Appropriate buffers along all wetlands, streams and marine water bodies should be provided and maintained using low-maintenance techniques that reduce the need for herbicide and pesticide use.

(4) Effective erosion control and water-runoff treatment methods should be provided for all shoreline development and use in accordance with Chapter 13.50 SMC

(5) The Town should encourage the use of pervious materials and other low impact development techniques designed to reduce the volume of stormwater runoff.



(B) Regulations

(1) All shoreline uses and activities shall use effective erosion control methods during both project construction and operation. Erosion control methods shall comply with the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington, applicable NPDES General Permit requirements, and the Stormwater Management provisions of Chapter 13.50 SMC.

(2) Any building or structure within the shoreline jurisdiction that is served by an existing on-site sewage system which fails shall connect to the Town's sanitary sewage system if the lot on which the building is situated is within 300 feet of the centerline of a street or alleyway in which a sewer lateral is located pursuant to SMC 13.12.010. Owners of failing existing on-site sewage system on lots that do not meet the 300-foot requirement shall locate any replacement system as far landward from the OHWM as possible and the replacement system shall be designed to meet all applicable water quality, utility, and health standards.

(3) Any new on-site sewage systems within the shoreline jurisdiction shall be located as far landward from the OHWM as possible and shall be designed to meet all applicable water quality, utility, and health standards.

(4) All materials that may come in contact with water shall be composed of non-toxic materials, such as wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenate or pentachlorophenol is prohibited in shoreline water bodies.

(5) Solid and liquid wastes and untreated effluents shall not be allowed to enter any ground water or surface water or to be discharged onto land. The release of oil, chemicals, genetically modified organisms or hazardous materials onto land or into the water is prohibited.

(6) Low Impact Development (LID) techniques shall be incorporated where feasible. (Ord.1494 §2(part), 2013).

## Part 5- Shoreline Uses

**16.08.700 Agriculture and Forestry.** There are no agricultural lands or forestry operations in the shoreline jurisdiction.

(A) Policy

Commercial agriculture and forestry are not compatible with the Town's shoreline environmental designations.

(B) Regulation

New commercial agriculture and forestry operations are prohibited within the Town's shoreline jurisdiction. (Ord.1494 §2(part), 2013).

**16.08.710 Aquaculture.** Aquaculture is the farming of food fish, shellfish or other aquatic plants or animals, and may include developments such as rearing pens, shore based structures, and shellfish rafts, as well as use of natural spawning and rearing areas.

(A) Policies

(1) Proposals for aquaculture activities should minimize adverse impacts on the Town's aesthetic values and views from upland properties.

(2) Aquaculture activities, if permitted, should minimize any adverse effect on the shoreland environment, and all proposals should demonstrate no net loss of ecological functions.

(3) Aquaculture should be conducted in a manner that controls pollution, avoids impacts on navigation and minimizes adverse impacts to fish and wildlife habitat.

(4) Aquaculture involving significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations through potential contribution of antibiotic resistant bacteria, or the escape of non-native species, or other adverse effects on Endangered Species Act-listed species should not be permitted.

(5) The Town recognizes that potential locations for aquaculture are restricted, that technology associated with some forms of present-day aquaculture is still in its formative stages and experimental, and recognizes the need for some latitude in the development of this use as well as its potential impact on existing uses and natural systems.

(B) Regulations

(1) No aquaculture project shall be permitted in areas where it would adversely affect critical areas or critical resource areas.

(2) Where allowed through a conditional use permit, all aquaculture projects shall provide a detailed operations plan demonstrating, through best available science, how the project will:

(a) Achieve no net loss of ecological function consistent with the mitigation sequence described in WAC-173-26-201(2)(e) and SMC 16.08.590.

(b) Ensure public access to publicly owned lands and waters and how that access will be maintained.

(c) Address impacts from mooring, parking, noise, lights, litter, and other activities associated with the proposal.

(3) All aquaculture projects shall be designed to ensure that suspended contaminated sediments are below state sediment standards at all times.

(4) No aquaculture project shall conflict with navigation and other water-dependent uses.

(5) Aquaculture shall be designed and located so as not to spread disease to native aquatic life, establish new nonnative species or significantly impact the aesthetic qualities of the shoreline.

(6) All aquaculture projects shall include provisions to ensure proper management of upland uses to avoid degradation of water quality of existing shellfish areas. Development accessory to aquaculture planting and harvesting shall be located away from the water's edge, unless it requires a location in, over or adjacent to the water.

(7) Commercial geoduck aquaculture shall be subject to the regulations contained in WAC 173-26-241. (Ord.1494 §2(part), 2013).

**16.08.720 Boating Facilities.** Boating facilities generally include boat launch ramps (public and private), covered moorage, dry boat storage, and marinas. Boating facilities do not include docks serving four or fewer single family residences.

(A) Boating Facilities Policies

(1) Boating facilities should be located and designed to minimize adverse effects on the shoreline and, as much as possible, protect and enhance the shoreline environment.

(2) Boating facilities should be designed and located so that adjacent fragile or unique natural and cultural features are preserved or enhanced.

(3) Marinas should be located to minimize the consumption of limited shoreline areas.

(4) Boating facilities should be located and designed such that their structure, features and operations will be aesthetically compatible with the areas affected and will not unreasonably impair shoreline views.

(5) New public boating facilities shall be designed to accommodate public access and enjoyment of the shoreline location including walkways, viewpoints, restroom and recreational facilities.

(B) Boating Facilities General Regulations

(1) Boating facilities may be permitted only if:

(a) It can be demonstrated that the facility will not adversely impact fish or wildlife habitat areas or associated wetlands; and

(b) Adequate mitigation measures ensure that there is no net loss of the functions or values of the shoreline and habitat as a result of the facility.

(2) New public boating facilities shall include adequate restroom facilities, parking spaces, and garbage and refuse containers including recycling bins.

(3) Construction materials, including preservatives, surface treatments and hardware, shall be environmentally neutral materials approved for use in aquatic environments by the applicable state agencies.

(4) Maintenance and repair of boating facilities shall be the minimum necessary to restore the facility to its original design, function, and capacity.

(5) Boating facilities that include piers and/or docks shall comply with the regulations in SMC 16.08.930.

(6) Moorage facilities shall be designed to protect against wakes caused by vessel traffic without the need for a breakwater where feasible.

(7) New boating facilities shall be designed to not interfere with navigation rights.

(8) Vessels shall not moor on waters of the state for extended periods except as allowed by applicable state regulations and unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

(C) Boat Launch Ramp Regulations

(1) Boat launch ramps shall be located on stable shorelines where water depths are adequate to eliminate or minimize the need for channel maintenance activities and on stable, non-eroding banks where the need for shore stabilization structures is minimized.

(2) Ramp structures shall be placed near flush with the foreshore slope to minimize the interruption of geohydraulic processes.

(3) Boat launch sites that are open to the public shall have adequate restroom facilities.

(D) Dry Boat Storage Regulations

(1) Only water-dependent aspects of dry-boat storage, such as boat hoists and boat launch ramps may be permitted within shoreline environment setbacks.

(2) Boat launch ramps associated with dry boat storage shall be consistent with applicable requirements in this section.

(E) Marinas Regulations

(1) Marinas shall be located on stable shorelines where water depths are adequate to eliminate or minimize the need for channel maintenance activities and on stable, non-eroding banks where the need for shore stabilization structures is minimized.

(2) Marinas shall be operated in a manner to preserve water quality and protect the public health and safety. An operational plan shall be submitted with the shoreline application and shall, at a minimum, demonstrate how the operator will provide:

(a) Adequate facilities and operational procedures for fuel handling and storage to prevent accidental spillage;

(b) Facilities, equipment, and procedures for the containment, recovery, and mitigation of spilled sewage, petroleum, and other hazardous materials;

(c) Signs located in areas easily visible to marina users; addressing the following:

(i) Regulations on handling and disposing of waste, sewage, or other toxic materials;

(ii) Regulations prohibiting the disposal of fish or shellfish wastes, scrap fish, viscera, or unused bait in or near the marina; and

(iii) The location of all public access facilities and pump out devices.

(d) Garbage or litter receptacles shall be located and sized to be convenient to marina users/visitor dock, including provisions for recycling waste;

(e) Safety equipment located on dock and pier facilities (e.g., life rings, hooks, and ropes);

(f) All pipes, plumbing, wires, and cables at or below ground and dock levels at the marina site;

(g) Adequate upland restrooms, available 24 hours per day, for use by any patron of the marina facility. The number and type of restrooms shall be determined based on the number of permanent and transient moorage slips within the marina.

(h) Adequate response to any additional issues raised during the application process.

(5) Marina buildings shall conform to the height limitations contained in the zoning code, Title 18 SMC, and structures shall be limited to office, restroom, waste disposal and fueling facilities.

(6) Boat maintenance activities shall only include routine repairs done by boat owners to keep their own boats in good repair.

(7) Boat launching may occur in conjunction with a marina development only if sufficient parking is provided for launch vehicles.

(F) Covered Moorage Regulations

(1) Replacement of covered moorage facilities that have deteriorated due to exposure to the elements shall be designed to minimize overwater coverage.

(2) New covered moorage is prohibited. (Ord.1494 §2(part), 2013).

**16.08.730 Land Subdivision.** New lots may be created through the subdivision processes in SMC Title 17. Minimum lot sizes are regulated through the zoning ordinance in SMC Title 18.

(A) Policies

(1) New lots created in the shoreline jurisdiction should not result in a net loss of shoreline ecological function, nor an increase in the armoring of the shoreline.

(2) Subdivisions of more than four lots should provide public access to the shoreline where feasible.

(B) Regulations

(1) New lots created through land subdivision shall not require structural flood hazard reduction measures, such as dikes, levees, or stream channel realignment, during the life of the development or use.

(2) New lots created through land subdivision shall not require shoreline stabilization measures in order for reasonable development to occur, as documented in a geotechnical analysis of the site and shoreline characteristics.

(3) Land subdivision of more than four lots shall provide public access as specified in SMC 16.08.600. Public access shall be depicted on the face of the recorded instrument. (Ord.1494 §2(part), 2013).

**16.08.740 Mining.** Mining is the removal of sand, gravel, soil, minerals and other earth materials for commercial and other uses. There are no commercial mining operations in the shoreline jurisdiction.

(A) Policy

Mining is not compatible with the Town's shoreline environmental designations.

(B) Regulation

Mining is prohibited within the Town's shoreline jurisdiction. (Ord.1494 §2(part), 2013).

**16.08.750 Nonresidential Development.** Nonresidential development includes the activities involved in commerce, industry, wholesale, retail, service and business trade.

(A) Nonresidential Development Policies

(1) Nonresidential development on the shoreline should provide physical and visual access to the shoreline, or other opportunities for the public to enjoy the shorelines of the state.

(2) Multiple use nonresidential development which includes open space and recreation should be encouraged.

(3) Nonresidential development should be aesthetically compatible with the surrounding areas.

(4) Priority should be given to water-dependent and water-enjoyment development over other uses. Non-water oriented uses should be restricted.

(5) Over-the water structures disrupt the natural environment by introducing shade, foreign materials and disturbance of the bed lands. Over-the-water nonresidential development should be limited to water-dependent uses, public access, or ecological restoration in order to minimize environmental harm from such structures.

(6) Nonresidential development should include landscaping to enhance the shoreline area.

(7) Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

(B) Nonresidential Development Regulations

(1) Over-the-water construction for nonresidential uses is limited to water-dependent uses, public access and ecological restoration. Over-water structures shall:

(a) Be the minimum necessary size to support the structure's intended use.

(b) Be designed to minimize conflicts with surface navigation.

(c) Be designed to minimize obstruction of views of the shoreline from upland areas.

(d) Be designed to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

(e) Be designed to prevent degradation of water quality and alteration of natural hydrographic conditions.

(2) All nonresidential development within the shoreline area shall provide for public visual and/or physical access to the shoreline. Where on-site public access is feasible, nonresidential development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure usable access to and/or along the shoreline for the general public.

(3) All nonresidential loading and service areas shall be located on the upland side of the nonresidential activity or provisions shall be made to screen the loading and service areas from the shoreline.

(4) All nonresidential development within shoreline jurisdiction shall assure no net loss of shoreline ecological functions.

(5) Nonresidential development shall maintain a setback from the OHWM consistent with SMC 16.08.510.

(6) Non-water oriented commercial and industrial development are prohibited unless part of a mixed use project that includes water-dependent uses and a significant public benefit such as providing public access or ecological restoration; or on property with severely restricted navigation where the commercial or industrial development includes a significant public benefit such as providing public access or ecological restoration. Non-water oriented commercial and industrial development may be allowed if the site is physically separated from the shoreline by another property or public right of way. (Ord.1494 §2(part), 2013).

**16.08.760 Parking Areas.** Commercial, industrial, transportation and recreational use of the shorelines all require parking areas as accessory to the main activity.

(A) Parking Area Policies

(1) Parking in shoreline areas should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance.

(2) Landscaping should consist of native vegetation in order to enhance the habitat opportunities within the shorelines area.

(B) Parking Regulations

(1) Parking for specific land use activities within the Town is subject to the requirements and standards set forth in SMC Title 18.

(2) The location of parking areas in shorelands shall be located as far landward as feasible.

(3) Parking shall be located on the landward side of the development unless parking is contained within a permitted structure. Where there is no available land area on the landward side of the development, parking shall extend no closer to the shoreline than a permitted structure.

(4) Parking areas shall not be permitted over the water.

(5) New parking areas are prohibited as a primary use within all shoreline environments.

(6) New parking areas shall comply with all water quality standards in SMC 16.08.620. (Ord.1494 §2(part), 2013).

**16.08.770 Recreational Development.** Recreational development, both public and commercial, provides opportunities for play, sports, relaxation, amusement or contemplation. It includes such activities as: scuba diving, hiking, canoeing, kayaking, sailing, photography, viewing and fishing. It also includes provision for parks, campgrounds, golf courses, and other outdoor recreation areas.

(A) Policies

(1) A variety of recreational experiences and activities should be encouraged to satisfy diverse recreational needs and demands. Shoreline recreational developments should be consistent with the Parks, Recreation and Open Space Element of the Comprehensive Plan.

(2) The location and design of shoreline recreational developments should relate to local population characteristics, density and special activity demands.

(3) Acquisition of potential shoreline areas for recreation or public access should be a priority.

(4) Shoreline parks, recreation areas and public access points should be linked by hiking paths, bicycle paths, easements and/or scenic drives.

(5) Recreational development should preserve, enhance or create scenic views and vistas. Development should be located, designed and operated to be compatible with the shoreline ecology.

(6) All recreational developments should make adequate provisions for:

(a) Vehicular and pedestrian access, both on-site and off-site;

(b) Proper water, solid waste, and sewage disposal methods;

(c) Security and fire protection for the use itself and for any use-related impacts to adjacent private property;

(d) The prevention of overflow and trespass onto adjacent properties; and

(e) Buffering of such development from adjacent private property or natural areas.

(B) Regulations

(1) Areas containing valuable resources or critical areas shall be set aside for low impact recreation or restricted access.

(2) Accessory use facilities that are not water-oriented, such as restrooms, commercial services, access roads, and parking areas shall be located landward of the ordinary high water

mark. Water-dependent structures such as bridges and overwater viewing platforms may be permitted as a Shoreline Conditional Use.

(3) All shoreline recreational development shall maintain and enhance features including critical areas, scenic views and aesthetic values.

(4) Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences, and signs, to prevent overflow onto adjacent private properties.

(5) Proposals for recreational development shall include adequate facilities for water supply, sewage, and garbage disposal.

(6) All public recreational development shall be located, designed and operated in a manner consistent with the purpose of the environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes results. (Ord.1494 §2(part), 2013).

**16.08.780 Residential Development.** Residential development includes single-family residences, multifamily development and the creation of new residential lots through land division. Single-family residences are a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

(A) General

(1) Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

(2) A Shoreline Substantial Development Permit is not required for construction of a single family residence by an owner, lessee, or contract purchaser for their own use or the use of their family. Single family residential construction and accessory structures must otherwise conform to this Shoreline Master Program.

(3) A Shoreline Variance or Shoreline Conditional Use Permit may be required for residential development for situations specified in this Master Program.

(4) Uses and facilities associated with residential development, which are identified as separate use activities in this Master Program, such as land disturbing activities are subject to the regulations established for those uses in this section. Land disturbing activities may be exempted from the Shoreline Substantial Development Permit requirement, provided it is associated with an exempted single family residence and the activity is confined to the construction site and grading does not exceed 250 cubic yards, including grading for structures.

(B) Policies

(1) Residential development should be permitted only where there are adequate provisions for utilities, circulation and access.

(2) Residential development should assure no net loss of shoreline ecological functions using mitigation sequencing in SMC 16.08.590. New subdivisions should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical impacts, and provide for public access to the shoreline.

(3) The density of development, lot coverage and height of structures should be governed by the Steilacoom Zoning Code and Building Code.

(4) Residential developments should be designed so as to protect water quality, shoreline aesthetic characteristics, views and public access. Additionally provisions should be made for erosion control and landscaping.

(5) In accordance with the Public Access requirements in SMC 16.08.600, new residential developments of more than four (4) dwelling units should provide dedicated and improved public access to the shoreline.

(6) Over-the water structures disrupt the natural environment by introducing shade, foreign materials and disturbance of the bed lands. Residential development is not a water-dependent use, and therefore new over-water residential development and accessory uses should be prohibited.

(7) Joint-use shoreline facilities and docks should be encouraged in all new subdivisions of more than four (4) dwelling units.

(8) Accessory uses and structures should be designed and located to blend into the site as much as possible. Accessory uses and structures should be located landward of the principal residence when feasible.

(C) Regulations

(1) Residential development in shoreline areas shall comply with all applicable requirements of the Town including design standards.

(2) All residential structures, accessory uses and facilities shall be designed to preserve views and vistas of the shoreline and Sound.

(3) Prior to issuance of a building permit or other development approval the developer shall submit adequate plans for preservation of shore vegetation, control of erosion during and after construction, and for replanting and landscaping after construction.

(4) New residential development is prohibited waterward of the OHWM, and within setbacks defined for each shoreline environment designation unless a variance is obtained in accordance with section 16.08.330 of this Program.

(5) New residential development shall assure no net loss of shoreline ecological functions.

(6) New residential development shall not be approved if geotechnical analysis demonstrates that flood control or shoreline protection measures are necessary to create a residential lot or site area. New residential development shall be located and designed to avoid the need for structural shore defense and flood protection works.

(7) If wetlands or other critical areas are located on the development site, clustering of residential units shall be required in order to avoid impacts to these areas in accordance with the Critical Areas Ordinance, Chapter 16.16 SMC, as incorporated into this Master Program.

(8) Storm drainage facilities shall include provisions to prevent the direct entry of uncontrolled and untreated surface water runoff into receiving waters as specified in the Town's adopted Stormwater Manual.

(9) New subdivisions and planned area developments of more than four (4) waterfront dwellings shall dedicate, improve, and provide maintenance provisions for a public access area along the shoreline for all residents of the development and the general public.

(10) New residential development shall maintain a minimum building setback from the OHWM consistent with SMC 16.08.510.

(11) One (1) accessory structure may be placed within the required shoreline setback without a variance provided that the structure does not exceed 200 square feet.

(12) Houseboats, floating homes and live aboard boats are prohibited. (Ord.1494 §2(part), 2013).

**16.08.790 Signs.** Signs are publically displayed boards or other means of notice whose purpose is to provide information, direction or advertising.

(A) Policy

Signs in the shoreline area should comply with the regulations in Steilacoom Municipal Code Chapter 18.24.

(B) Regulations

Plans and designs for signs shall be submitted for review along with the shoreline permit applications. Sign approval/disapproval shall be subject to any applicable chapters or section of the Steilacoom Municipal Code and the Building Code. (Ord.1494 §2(part), 2013).

**16.08.800 Transportation Facilities.** Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods and services. They



include roads, land highways, bridges and causeways, bikeways, trails, paths, railroad facilities, ferry systems, airports, bus shelters or other related facilities. The Town is prohibited from vacating any road which abuts a body of salt or fresh water except under the conditions outlined in RCW 35.79.035.

(A) Policies

(1) New transportation facilities should be located and designed to minimize damage or impact upon the shoreline environment and to result in no net loss of shoreline ecological functions.

(2) New transportation facilities should include provision for the joint use of transportation corridors for roads, utilities and non-motorized forms of transportation, including bicycle and pedestrian use.

(3) Abandoned or vacated road or railroad rights-of-way which offer immediate or potential opportunities for public access to the water or water-dependent use should be acquired and/or retained for such use.

(4) Pedestrian and bicycle trails are encouraged.

(5) New or expanded water-dependent transportation facilities should be located and designed to be compatible with adjoining non transportation uses in terms of noise, aesthetics, scale and other factors.

(6) Water-dependent transportation facilities and uses located in the shoreline should provide or enhance public access unless public access would create a significant ecological impact, a human health or safety hazard or is otherwise infeasible due to inherent constraints of the property.

(7) New or expanded water-dependent transportation development should protect existing shoreline ecological functions to the degree possible and restore impaired ecological functions and processes as feasible.

(B) Regulations

(1) Transportation facilities and services shall utilize existing transportation corridors whenever feasible.

(2) Landfills for transportation facility development shall not be permitted in water bodies or on associated wetlands and beaches EXCEPT when all structure or upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this program.

(3) Development, alternative use or vacation of road ends for any purpose in shoreline areas shall comply with the provisions of state law and this Master Program.

(4) New transportation facilities in shoreline areas shall be located and designed to minimize or prevent the need for shoreline protective measures.

(5) All transportation facilities in shoreline areas shall be designed, constructed, and maintained to prevent significant adverse environmental impact and to result in no net loss of shoreline ecological functions.

(6) Transportation and primary utilities shall jointly use rights-of-way, where feasible.

(7) Pedestrian and bicycle trails shall be developed in accordance with the standards in SMC 12.16.032 and 12.16.033, respectively.

(8) Maintenance, expansion or replacement of the ferry dock shall also be governed by the provisions in SMC 16.08.930.

(9) New or expanded water-oriented transportation uses or developments shall be designed to not have significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation and public access.

(10) Expanded ferry system components, including ticketing, vehicle loading queue areas, and other accessory terminal facilities, shall be located landward of the OHWM wherever feasible.

(11) New or expanded ferry system developments shall provide improved or new public access opportunities to the shoreline wherever feasible.

(12) Minor commercial uses that are accessory and clearly incidental to an allowed water-oriented transportation use may be provided on publicly owned docks and piers (e.g., espresso stand or other food stand at ferry terminal) provided the minimum size requirement for the ferry use is not violated – see SMC 16.08.930(B)(2). (Ord.1494 §2(part), 2013).

**16.08.810 Unclassified Uses and Activities.** Unclassified uses and activities are those that are not specifically identified or classified in this Master Program.

(A) Policy

All unclassified uses and activities should be reviewed for impact to the shoreline environment and compliance with state law and this Master Program.

(B) Regulations

(1) A Shoreline Conditional Use Permit is required for all uses and activities proposed in the shoreline area that are not classified by provisions in this Master Program.

(2) All Shoreline Conditional Use Permits shall ensure that the use or activity permitted shall be designed, constructed and maintained to result in no net loss of shoreline ecological function. (Ord.1494 §2(part), 2013).

**16.08.820 Utilities.** Utilities are services and facilities that produce, transmit, carry, store, process or dispose of electric power, natural gas, water, sewage, communications, oil and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are considered part of the primary use.

(A) Policies

(1) Utilities should use existing rights-of-way and corridors whenever possible.

(2) Utilities should be located, designed and constructed to protect water quality and flow, fish and wildlife habitats and other shoreline resources and to result in no net loss of shoreline ecological functions. Utilities should also be located so as not to interfere with scenic views.

(3) New utility facilities should be located so as not to require extensive shoreline modifications.

(4) Whenever possible, utilities should be placed underground or alongside or under bridges.

(5) Existing utilities should not be used to justify more intense development.

(6) New utility development should include public access to the shoreline, trail systems, and other forms of recreation, provided such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.

(B) Regulations

(1) New utility development shall provide for compatible, multiple-use of sites and rights-of-way when feasible.

(2) New utility production and processing facilities, such as power plants and sewage treatment plants that are not water-oriented shall not be allowed in the shoreline jurisdiction unless there is no feasible alternative site.

(3) New utility transmission facilities, such as water and sewage system lines, interceptors, and pump, lift and odor control stations; electrical energy and communication lines and cables; and petroleum and gas pipelines are prohibited in the shoreline jurisdiction unless there is no feasible alternative route outside of the shoreline jurisdiction. New wireless communication facilities are regulated by Chapter 18.22 SMC.

(4) New utility lines including electricity, communications, and fuel lines shall be located underground, except where infeasible.

(5) Transmission and distribution facilities shall cross shoreline areas by the shortest most direct route feasible, unless such route would cause significant environmental damage. Development of pipelines and cables on tidelands, particularly those running parallel to the shoreline, are prohibited unless there is no other feasible alternative.

(6) Utilities shall be located and designated so as to avoid the use of any structural or artificial shoreline modification.

(7) Any new utility facility shall be designed, constructed and maintained to result in no net loss of shoreline ecological function. (Ord.1494 §2(part), 2013).

## **Part 6- Shoreline Modifications**

**16.08.900 Dredging and Dredge Spoil Disposal.** Dredging is the removal or displacement of earth 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.

### **(A) Policies**

(1) Dredging and dredge material disposal should be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

(2) Dredging operations should be planned and conducted to minimize interference with navigation; avoid creating adverse impacts on other shoreline uses, properties, and ecological shoreline functions and values; and avoid adverse impacts to habitat areas and fish species.

(3) Dredge spoil disposal in water bodies should not be allowed except for habitat improvement or approved open water dredge disposal sites.

(4) Dredge spoil disposal on land should occur in areas where environmental impacts will not be significant.

### **(B) Regulations**

(1) Dredging and dredge spoil disposal shall be permitted only where it is demonstrated that the proposed actions will not result in significant damage to water quality, fish, and other essential biological elements, and will not adversely alter natural drainage and circulation patterns, currents, or reduce floodwater capacities, or adversely impact properly functioning conditions for proposed, threatened, or endangered species or the functions and values of the shoreline and associated critical areas.

(2) The Town shall condition all applications for dredging and dredge spoil disposal to include all feasible mitigating measures to protect habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials, or toxic substances, depletion of oxygen, disruption of food chains, loss of benthic productivity, and disturbance of fish runs and important localized biological communities. The Town may impose reasonable limitations on dredge spoil disposal operating periods and hours and may require buffer strips at land disposal sites.

(3) Dredging within the shorelines shall be permitted only:

(a) For navigational purposes;

(b) In conjunction with a water-dependent use;

(c) As part of an approved fish and wildlife habitat improvement project;

(d) To improve flood control, water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from reentering the water;

(e) In conjunction with a bridge, utility, navigational structure, or in-stream structure, for which there is a documented public need and where other feasible sites or routes do not exist.

(4) Dredging of established navigation channels and basins shall be restricted to maintaining the previously dredged location, including depth and width.

(5) Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins shall be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.

(6) New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

(7) Dredging and dredge spoil disposal shall not occur in wetlands unless for approved maintenance or habitat enhancement.

(8) When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.

(9) Dredged spoil material may be disposed at approved upland sites. If these upland sites are dry lands and fall within shoreline jurisdiction, the disposal of dredge spoils shall be considered landfill and must be consistent with all applicable provisions of this Master Program. Depositing dredge spoils within a water body shall be allowed only by Shoreline Conditional Use for wildlife habitat improvements.

(10) Disposal of dredge material shall be done in accordance with the Washington State Department of Natural Resources Dredge Material Management Program.

(11) Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material is prohibited, except when the material is necessary for the restoration of ecological functions as part of an approved habitat enhancement or cleanup project. When allowed, spoils must be placed waterward of the ordinary high-water mark. Habitat enhancement projects that include dredging or fill waterward of the OHWM shall be approved through a Shoreline Conditional Use Permit. (Ord.1494 §2(part), 2013).

**16.08.910 Fill and Grading.** Fill or land fill is the placement by man of sediment, earth retaining structures, or other material (excluding solid waste) in an aquatic area to create new shorelands or on shorelands to raise the elevation of the land, or create dry land. Grading is the excavation or fill of material.

(A) Policies

(1) Fill should be allowed only when necessary to facilitate water-dependent and water-related uses consistent with this Master Program and the Steilacoom Comprehensive Plan.

(2) Proposals for landfill operations should demonstrate that the operation will not be detrimental to the public interest, uses of the shoreline, or waterbody, public access, scenic views and public recreation.

(3) Fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

(4) The perimeter of the land fill should be designed to avoid or eliminate erosion and sedimentation impacts to the surrounding area.

(5) Because fill can affect the ecology of the area surrounding the fill site, the amount of fill allowed should be the minimum necessary to provide for the proposed activity.

(6) Grading should be consistent with the provisions of this Master Program, including, but not limited to, the regulations regarding critical areas, wetlands and their buffers, geologically hazardous areas, and shoreline vegetation.

(7) Excess material resulting from grading should be disposed of in a manner that prevents the material entering into a waterbody through erosion or runoff. Where large quantities of plants are removed by vegetation control activities authorized under this section, plant debris should be collected and disposed of in an appropriate location located outside of the shoreline setback.

(8) Areas disturbed by permitted grading should be stabilized with approved vegetation.

(B) Regulations- Fill

(1) Fill shall be permitted only where it is demonstrated that the proposed action will not:

- (a) Result in significant damage to water quality, shellfish or wildlife habitat; or
- (b) Adversely alter natural drainage and circulation patterns, currents or tidal flows,

or

- (c) Result in a net loss of shoreline ecological functions.

(2) Pier or pile supports shall be utilized in preference to fill. Fill for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven structurally infeasible. Where fill is permitted, the extent of fill shall be the minimum necessary to accommodate the proposed use.

(3) Fills shall be permitted only when part of an approved site development plan. Speculative land fill is prohibited. Approved landfills will at a minimum possess the following characteristics:

- (a) A method to prevent sedimentation from leaving the site;
- (b) A method of controlling the composition of the fill material to prevent materials from reaching out onto adjacent property (is) or into receiving waters and creating a nuisance;
- (c) A method of controlling the fill placement operations to ensure structural integrity of the fill so that a future purchaser will be protected from the need to undertake costly improvements to remedy latent site defects; and
- (d) The placement of the material will not obstruct surface or subsurface drainage to or from adjacent properties.

(4) Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support:

- (a) An approved water-dependent use;
- (b) Public access;
- (c) Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
- (d) Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources;
- (e) Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or
- (f) An approved mitigation action, environmental restoration, beach nourishment or enhancement project.

(5) Fill materials shall be clean sand, gravel, soil, rock, or similar material. Use of polluted dredge spoils and sanitary land fill materials are prohibited. The property owner shall provide evidence that the material has been obtained from a clean source prior to fill placement.

(C) Regulations- Grading

(1) Grading shall comply with the regulations for site development permits in Chapter 13.70 SMC.

(2) The grading must be the minimum necessary to accomplish the underlying reason for the grading.

(3) Except as is necessary during construction, dirt, rocks and similar materials shall not be stockpiled on the subject property. If stockpiling is necessary during construction, it must be located as far as feasible from the waterbody and strictly contained to prevent erosion and runoff.

(4) Grading is prohibited within the shoreline setback, except for the following:

- (a) For the purpose of shoreline habitat and natural systems enhancement projects, setting back shoreline stabilization measures or portions of shoreline stabilization measures from the OHWM, or soft structural shoreline stabilization measures under a plan approved by the Town.

- (b) As authorized by a valid shoreline permit or approval issued by the Town.

(c) Associated with the installation of improvements located within the shoreline setback or waterward of the OHWM, as permitted under this Master Program.

(d) Removal of invasive or noxious vegetation when disturbed areas are promptly revegetated with native species.

(e) As performed in the normal course of maintaining existing vegetation on a lot associated with existing buildings, provided such work:

(i) Does not modify any drainage course.

(ii) Does not involve the importation of fill material, except as needed for mulch or soil amendment.

(iii) Does not involve removal of native vegetation or vegetation installed as part of an approved restoration or enhancement plan, unless approved by the Administrator when mitigation is provided.

(iv) Does not result in erosion of the shoreline or undermine stability of neighboring properties.

(v) Does not result in the compaction of existing soils in a manner that significantly decreases the ability of the soil to absorb rainfall.

(vi) Is the minimum extent necessary to reasonably accomplish the maintenance activity.

(f) Installation and maintenance of storm drainage improvements when supervised by the Department of Public Works.

(g) As necessary to maintain or upgrade the structural safety of a legally established structure.

(h) For exploratory excavations under the direction of a professional engineer licensed in the state of Washington, as long as the extent of the grading does not exceed the minimum necessary to obtain the desired information. (Ord.1494 §2(part), 2013).

**16.08.920 In-Water Structures and Construction.** In-water work includes, but is not limited to the installation of new structures, repair of existing structures, restoration projects, and aquatic vegetation removal. In-water structures and activities are not subject to the shoreline setbacks established in SMC 16.08.510.

(A) Policies

(1) In-water construction should be designed to create as little disturbance to the water and surrounding area as possible.

(2) In-water work should be designed to protect watershed functions and processes, with special emphasis on protecting and restoring priority habitats and species.

(B) Regulations

(1) In-water structures and activities shall be sited and designed to avoid the need for future shoreline stabilization activities and dredging.

(2) In-water work shall be conducted in a manner that causes little or no siltation to adjacent areas. A sediment control curtain or other appropriate Best Management Practice shall be used in those instances where siltation is expected. BMPs shall be maintained in a functional manner during project installation.

(3) Fresh concrete or concrete by-products shall not be allowed to enter the water at any time during in-water installation. All forms used for concrete shall be completely sealed.

(4) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to perform the in-water work. All disturbed areas shall be protected from erosion using vegetation or other means and promptly restored to pre-construction condition when construction is complete.

(5) Any trenches, depressions, or holes created below the OHWM shall be backfilled prior to inundation by high water or wave action.

(6) Measurements shall be taken in advance and during construction to ensure that no petroleum products, hydraulic fluid, cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the lake during in-water activities. Appropriate spill clean-up materials must be on-site at all times, and any spills must be contained and cleaned immediately after discovery.

(7) If at any time, as a result of in-water work, water quality problems develop, immediate notification shall be made to the Washington State Department of Ecology. (Ord.1494 §2(part), 2013).

**16.08.930 Piers and Docks.** Piers and docks are structures which abut the shoreline and are used as a landing or moorage place for commercial and pleasure craft. Construction of such structures will require review and approval by the Washington State Department of Natural Resources, the Washington State Department of Fish and Wildlife, the US Army Corps of Engineers, and/or US Fish and Wildlife. The applicant is responsible for obtaining any necessary review or permit from any other agency with jurisdiction.

(A) Policies

(1) Multiple use and/or expansion of existing piers, wharves and docks should be encouraged over construction of new structures when possible.

(2) Piers and docks should be designed to cause minimum interference with the public use of the water and shoreline area.

(3) The design and placement of piers and docks should conserve or enhance water quality, and marine resource including fish and shellfish resources. The projects should provide for public access, docking, launching and recreational use.

(4) Pier and dock design and construction should allow for a maximum of littoral drift and should minimize interference with basic geo-hydraulic processes.

(5) New piers and docks may be permitted only if:

(a) It can be demonstrated that the new structure will not adversely impact critical resource areas or associated wetlands; and

(b) Adequate mitigation measures ensure that there is no net loss of the functions or values of the shoreline and habitat as a result of the new structure.

(B) Regulations

(1) New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section and WAC 173-26-231.

(2) Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

(3) Proposals for piers or docks shall include a description of the proposed structure including its size, location, design and details of any shoreline stabilization or other modification required by the project. New pier or dock construction, excluding docks accessory to single-family residences, shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.

(4) Piers and docks shall be located, designed and sited to minimize as much as feasible any adverse environmental impacts, including potential impacts on: littoral drift, sand movement, water circulation, water quality, and impact on marine resources (see also section 16.08.530 B). Mitigation shall include measures to ensure no net loss of the functions and values of the shoreline and habitat.

(5) The width and length of all docks and piers shall be the minimum necessary for the intended use. For all docks and piers in saltwater other than the ferry dock, the maximum dimensions are:

(a) For single use structures, floats shall not exceed 8 feet in width and 30 feet in length;

(b) Piers shall not exceed 6 feet in width; and

(c) Ramps and gangways shall not exceed 4 feet in width.

(d) Floats, vessels and anchor lines shall not ground on or rest on the substrate at any time.

(6) Adequate facilities and procedures for receiving, storing, dispersing and disposing of gasoline, oil or other petroleum products and other hazardous materials shall be required for all new piers and docks.

(7) Construction materials, including preservatives, surface treatments and hardware, shall be environmentally neutral materials approved for use in aquatic environments by the applicable state agencies.

(8) Docks and piers shall be accessed from upland support areas through a ramp or gangway and walkway system.

(9) Docks, ramps, piers, and walkways shall be grated or surfaced with light penetrable materials. To the extent feasible, structures shall be designed to minimize overwater coverage and avoid shading of aquatic vegetation. Consult with state and federal agencies with jurisdiction to determine the required amount and configuration of functional grating by dock component and any required in-water vegetation buffers.

(10) Replacement of more than 50 percent of the surface of any overwater segment of a pier or dock within a 5-year period requires the segment surface be replaced with light penetrable materials, such as grating or translucent surfaces.

(11) New residential development of two or more dwellings shall provide joint use or community dock facilities, when feasible, rather than individual docks for each residence. (Ord.1494 §2(part), 2013).

**16.08.940 Shoreline Habitat and Natural Systems Enhancement Projects.** Shoreline habitat and natural systems enhancement projects include those activities undertaken for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

(A) Policy

The Town should encourage shoreline habitat and natural systems enhancement projects

(B) Regulations

(1) The following activities are allowed uses, subject to the proper permit, in all shoreline environmental designations. The primary purpose of such actions shall be the restoration of the natural character and ecological functions of the shoreline.

(a) Establishment or enhancement of native vegetation.

(b) Removal of non-native or invasive plants upland of the OHWM.

(c) Conversion of structural shoreline stabilization to non-structural stabilization

(d) Implementation of any activity identified in the Town's Shoreline Restoration Plan.

(e) Habitat enhancement projects that include dredging of fill waterward of the OHWM shall be approved through a Shoreline Conditional Use Permit.

(2) In accordance with RCW 90.58.580, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, restoration projects are still required to comply with the regulations of this Master Program.

(3) Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Town Council for relief from the SMP development standards and use regulations under the



provisions of RCW 90.58.580. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology. (Ord.1494 §2(part), 2013).

**16.08.950 Shoreline Stabilization.** Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads. Soft structural stabilization includes beach enhancement, biotechnical vegetation measures, anchor trees, gravel placement and other actions. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization.

Shoreline hardening through structural stabilization typically results in adverse impacts to shoreline ecological functions such as beach “starvation” (cut off of sediment); habitat degradation; sediment impoundment; exacerbation of erosion; groundwater impacts such as raising the water table on the landward side; hydraulic impacts caused by increased reflectivity of the shoreline and redirected wave energy back onto the beach; loss of shoreline vegetation; loss of large woody debris, a source of organic material and habitat; and restriction of channel movement and creation of side channels.

The Shoreline Management Act exempts the construction of a normal protective bulkhead common to single family residences from the Substantial Development Permit requirement. These structures are required to comply with all the prohibitions and development standards of this section. The developer must obtain a statement of exemption from the Town, or Conditional Use Permit where required in accordance with section 16.08.220(D), before commencing construction of a bulkhead.

(A) Shoreline Stabilization Policies

(1) New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. New development on steep slopes or bluffs should be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

(2) New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.

(3) The Town should only permit structural shoreline stabilization when necessary to protect existing primary structures, public infrastructure, and/or for essential public facilities when other alternatives are infeasible.

(4) Proposals for shoreline modifications should be designed to protect life and property without impacting shoreline resources.

(5) Soft-shore stabilization such as protective berms or vegetative stabilization is preferred over hard structural means such as concrete bulkheads or extensive revetments.

(6) Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions or soft-shore stabilization would not be able to withstand the erosive forces of the current and waves as determined by a licensed geotechnical expert or engineer.

(7) Whenever feasible, the design of bank stabilization or protection works, when determined to be consistent with this Master Program, should provide for the long-term, multiple-use of shoreline resources and public access to public shorelines.

(8) Publicly financed or subsidized shoreline stabilization projects should provide pedestrian access to the shorelines if feasible.

(9) All flood protection measures should be placed landward of the natural flood boundary, including wetlands that are directly interrelated and inter-dependent with water bodies.

(10) All loss of vegetation and wildlife habitat that occurs through construction and/or maintenance of shoreline modification developments should be mitigated.

(11) Additions to or increases in size of existing shoreline stabilization measures should be considered new structures.

(12) Where feasible, the Town should encourage removal of failing, harmful, unnecessary or ineffectual shoreline armoring, and restoration of shoreline ecological functions and processes using non-structural methods.

(13) The Town should encourage and facilitate the voluntary relocation of existing developments that are located in erosion-prone or other hazardous areas when doing so will substantially reduce human health and safety hazards and improve ecological conditions.

#### (B) Shoreline Stabilization Regulations

(1) All new development, uses or activities within the shoreline area shall be located and designed to prevent or minimize the need for bank stabilization and flood protection works.

(2) Shoreline stabilization or protection works shall provide for the long term, multiple-use of shoreline resources and public access to public shorelines where feasible. The design of such structures shall not reduce the volume and storage capacity of streams and adjacent wetlands or flood plains.

(3) Geotechnical reports are required for all proposed shoreline stabilization projects with the exception of replacement structures as outlined in seven (7) below. Geotechnical reports shall include an analysis of the soils, substrate, and address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.

(4) All shoreline stabilization projects are subject to additional regulations for critical areas, vegetation conservation and public access under this Master Program.

(5) All new shoreline stabilization projects shall be the minimum necessary to address the identified erosion impacts. New projects shall provide the mitigation analysis set forth in SMC 16.08.590.

(6) New structural stabilization measures shall only be allowed under the following circumstances.

(a) For projects designed to protect existing primary structures all of the following conditions must exist:

(i) The geotechnical analysis provides conclusive evidence that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of the need for a structural stabilization.

(ii) The geotechnical analysis includes an analysis of on-site drainage issues, addresses drainage problems away from the shoreline edge, and provides evidence that proposed drainage solutions will not negate the need for structural shoreline stabilization.

(iii) The geotechnical report confirms that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion in the absence of hard armoring measures, or confirms that waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure but the need is not as immediate as three years, the report may still be used to justify more immediate authorization to protect against erosions using soft measures.

(iv) The erosion control structure will not result in a net loss of shoreline ecological functions.

(b) For projects designed to protect new developments all of the following conditions must exist:

(i) The geotechnical report confirms that the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

(ii) Nonstructural measures, such as placing the development further from the shoreline for non-water dependent development, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

(iii) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. For non-water dependent development, the damage must be caused by natural processes, such as tidal action, currents, and waves.

(iv) The erosion control structure will not result in a net loss of shoreline ecological functions.

(c) For projects designed to restore ecological functions or hazardous substance remediation projects pursuant to Chapter 70.105D RCW all of the following conditions must exist:

(i) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

(ii) The erosion control structure will not result in a net loss of shoreline ecological functions.

(7) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect existing principal uses or structures from erosion caused by currents, tidal action, or waves. "Replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

(a) The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.

(b) Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or the existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

(c) Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, it shall be removed as part of the replacement measure.

(d) Non-structural or soft-shore stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

(8) Use of refuse for the stabilization of shorelines is prohibited.

(9) Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, the design shall incorporate ecological restoration and public access improvements into the project.

(10) New erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas shall be mitigated to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems.

(11) Breakwaters, jetties and weirs located waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

(12) Where allowed as a conditional use, breakwaters, jetties, and seawalls shall meet all of the following criteria in addition to the other regulations in this section:

(a) Breakwaters, jetties, and seawalls shall only be allowed when shown to be necessary for purposes of navigation or habitat enhancement; or when required to protect from strong wave action public water-dependent uses such as a harbor, marina, or port that are located waterward of the existing shoreline.

(b) Breakwaters, jetties, and seawalls shall only be allowed when adverse impacts on water circulation, sediment transport, fish and wildlife migration, shellfish, and aquatic vegetation can be effectively mitigated.

(13) Open-pile, floating, portable, or submerged breakwaters, or several smaller discontinuous structures that are anchored in place, shall be preferred over fixed breakwaters.

(14) Groins shall not be allowed within the shoreline jurisdiction. (Ord.1494 §2(part), 2013).

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

(A) Policies

Solid waste disposal activities and facilities should not be located in shoreline areas because of the high risk of pollution of critical habitat areas.

(B) Regulations

Solid waste disposal sites or facilities, and solid waste dumping or disposal or discharge are not permitted in shoreline areas. (Ord.1494 §2(part), 2013).

## **Part 7 – Appendix A**

Appendix A – Critical Areas Ordinance (Steilacoom Municipal Code Chapter 16.16), effective February 7, 2017, consisting of Ordinance 1380, adopted October 5, 2004 and amended by Ordinance 1450, adopted January 6, 2009, and Ordinance 1485, adopted September 18, 2012, Ordinance 1541, adopted February 16, 2016, and Ordinance 1562, adopted February 7, 2017. (Ord. 1577 §1 (Appendix A), 2017)