

CHAPTER 4

GENERAL SHORELINE POLICIES AND REGULATIONS

The provisions of this chapter shall be applied either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation.

4.1. ARCHAEOLOGICAL AND HISTORIC RESOURCES

Archaeological areas, ancient villages, military forts, old settlers' homes, ghost towns, and trails were often located on shorelines because of the proximity of food and resources and because water provided an important means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved.

The following policies and regulations apply to archaeological and historic resources that are recorded at the State Historic Preservation Office and/or by the City of Mountlake Terrace, or which are inadvertently uncovered. Archaeological sites are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records). Developments or uses that may impact such sites shall comply with Chapter 25-48 WAC and the provisions of this chapter.

A. POLICIES

1. Consult with professional archaeologists, Washington State Department of Archaeology and Historic Preservation (DAHP), and affected Indian tribes to identify areas containing potentially valuable archaeological data, and to establish procedures for salvaging the data.
2. Preserve wherever feasible, sites with high value for scientific study and public observations.
3. Due to the limited and irreplaceable nature of archaeological and historic resources, prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes and DAHP.
4. Attach a special condition to shoreline permits in areas documented to contain archaeological resources providing for site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes to ensure that possible archaeological data are properly salvaged.
5. Ensure that all applicable provisions of the National Historic Preservation Act of 1966 and the State Historic Preservation Act (Chapter 43.51 RCW) are complied with.

B. REGULATIONS

1. All shoreline permits shall contain a special provision requiring permittees to notify the City of Mountlake Terrace if any possible archaeological data are uncovered during excavation or development.

2. All permits issued for development in areas known to be archaeologically significant shall provide for site inspection by a qualified archaeologist, in coordination with affected Indian tribes, prior to initiation of any development activity.
3. All development proposed for location adjacent to historical sites, which are registered on the state or national historic register, shall be located and designed so as to be complimentary to the historic site. Development, which degrades or destroys the historic character of such sites, shall not be permitted.
4. Developers and property owners shall immediately stop work and notify the City of Mountlake Terrace, DAHP (State Office of Archaeology and Historic Preservation), and affected Indian tribes if archaeological resources are uncovered during excavation.

4.2 CRITICAL AREAS

Critical areas include the following areas and ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, geologically hazardous areas, fish and wildlife habitat conservation areas, and frequently flooded areas within the shoreline jurisdiction.

A. POLICIES

1. Provide sufficient protection to critical areas located in the shoreline jurisdiction to ensure no net loss of ecological functions necessary to sustain shoreline natural resources.
2. Critical areas in the shoreline jurisdiction shall be consistent with the comprehensive plan, local and interlocal watershed plans, development regulations, and state, tribal, and federal programs to protect existing ecological functions and habitat.

B. REGULATIONS

1. Critical areas in the City's shoreline jurisdiction are regulated in accordance with the provisions of the City of Mountlake Terrace Critical Areas Ordinance, as codified in Chapter 16.15 MTMC per Ord. 2731, 2018. Chapter 16.15 MTMC is herein adopted by reference, except for the clarifications and modifications in subsection B.2 of this subsection.
2. The following provisions of the City of Mountlake Terrace Critical Areas Ordinance shall not apply to critical areas within shoreline jurisdiction:
 - a. The variance provisions in the Mountlake Terrace Critical Areas Ordinance shall not apply in shoreline jurisdiction. Variances shall require a shoreline variance based on the variance criteria listed in this Master Program and WAC 173-27-170.
 - b. The reasonable use exception provisions in the Mountlake Terrace Critical Areas Ordinance shall not apply in shoreline jurisdiction. Exceptions within shoreline jurisdiction shall require a shoreline variance based on the variance criteria listed in this Master Program and WAC 173-27-170.

- c. The exempt activities provisions of the Mountlake Terrace Critical Areas Ordinance shall not apply to Type S waters (shorelines of the state) or their buffers (shoreline buffers). Activities and alterations to shorelines of the state and their buffers shall be subject to the provisions of this Master Program.
 - d. Wetland buffer widths listed in the Mountlake Terrace Critical Areas Ordinance, shall not apply.
 - e. The Type S waters stream buffer widths, listed in the Mountlake Terrace Critical Areas Ordinance, shall not apply.
 - f. Critical areas and buffers in the Mountlake Terrace Critical Areas Ordinance do not extend shoreline jurisdiction beyond the limits specified in this Master Program.
 - g. Future amendments to the Mountlake Terrace Critical Areas Ordinance require Department of Ecology approval of an amendment to this Master Program to incorporate updated language.
 - h. If provisions of the Mountlake Terrace Critical Areas Ordinance conflict with provisions of this Master Program, the provisions most protective of the ecological resource shall apply, as determined by the Administrator.
 - i. If there are provisions of the Mountlake Terrace Critical Areas Ordinance that are not consistent with the Shoreline Management Act, Chapter 90.58 RCW, and supporting Washington Administrative Code chapters, those provisions shall not apply.
3. Wetland buffer widths in shoreline jurisdiction.
- a. Wetland buffer width. The use of the standard buffer widths requires the implementation of the measures in Table 4-1, where applicable, to minimize the impacts of the adjacent land uses. If an applicant chooses not to apply the mitigation measures in Table 4-2, then a 33% increase in the width of all buffers is required.

Table 4-1. Wetland buffer widths* (in feet) (Ecology 2018).

Category	<i>Without minimization measures</i>			<i>With minimization measures and habitat corridor</i>		
	Habitat Score			Habitat Score		
	<i>Low (3-5)</i>	<i>Moderate (6-7)</i>	<i>High (8)</i>	<i>Low (3-5)</i>	<i>Moderate (6-7)</i>	<i>High (8)</i>
1	100	150	300	75	110	225
2	100	150	300	75	110	225
3	80	150	300	60	110	225
4	50			40		

*An additional 15-foot building setback applies from Category 1-3 buffers.

- b. Wetland buffer minimization measures. Wetland buffer impact minimization measures can be used in allowing buffer averaging for development. Measures to minimize impacts on buffers shown in Table 4-2, below, allow buffer averaging to no less than 75% of the original buffer requirement (Ecology 2016). A request for buffer averaging requires a wetland report by a qualified professional detailing no net loss of wetland functions. In addition to applying all minimization measures, if a conservation easement corridor connects WDFW priority habitats within a wetland buffer with moderate habitat scores, a buffer reduction to 110 feet is allowed (Ecology 2018).

Table 4-2. Wetland buffer impact minimization measures.

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development (LID) techniques where appropriate (for more information refer to the drainage ordinance and manual)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion

Disturbance	Required Measures to Minimize Impacts
	<ul style="list-style-type: none"> Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> Use best management practices to control dust

4. Stream buffer widths.

- a. Required buffer widths in shoreline jurisdiction shall reflect the sensitivity of the particular stream and the risks associated with development. The type and intensity of human activity proposed to be conducted on or near the stream should also be considered.
- b. Buffers shall be measured from the ordinary high water mark. The buffer widths in Table 4.3 are minimums and may be increased by the Administrator in response to site-specific conditions and based on the information submitted to characterize the functions and values of the stream.

Table 4.3 Stream Buffer widths.

Water Type	Description	Minimum Buffer Width	Additional Buffer for Threatened or Endangered Species	Building Setback
S	Shoreline of the state (Per RCW 90.58.030)	150 feet	75 feet	15 feet
F	Defined channel and periodically inundated areas	100 feet	50 feet	15 feet
Np	Perennial	50 feet	0 feet (no anadromous fish)	15 feet
Ns	Seasonal	Determined based on review of technical information	0 feet (no anadromous fish)	15 feet
–	Intermittent streams			

4.3 FLOOD HAZARD REDUCTION

The following provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland

restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and of structural measures, such as weirs, dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the Federal Emergency Management Agency (FEMA) National Flood Insurance Program.

A. POLICIES

- A. Flood hazard reduction measures should be consistent with applicable provisions of City stormwater management, floodplain, and critical areas regulations, as well as the National Flood Insurance Program.
2. Structural flood control devices should be allowed only after it is demonstrated that nonstructural solutions are not feasible to reduce the hazard.
3. Participate in watershed-wide programs to reduce flood hazards and improve the shoreline ecology.
4. Discourage new development in shoreline areas that are reasonably likely to be harmed by flood conditions, or which would create or intensify flood hazard impacts on other properties.
5. Where feasible, preference should be given to nonstructural flood hazard reduction measures over structural measures.
6. New structural flood protection measures should only be allowed when necessary to protect existing development or to facilitate restoration projects.
7. Ensure that flood hazard reduction measures do not result in a net loss of ecological functions.

B. REGULATIONS

1. Development and redevelopment shall be located and designed to prevent the need for structural flood hazard reduction measures.
2. Nonstructural flood reduction measures shall be given preference over structural measures.
3. Flood control works shall be permitted when it is demonstrated by engineering and scientific evaluations that:
 - a. They are necessary to protect health/safety and or existing development;
 - b. Non-structural flood hazard reduction measures are infeasible; and
 - c. The flood control work will not result in a net loss of ecological function in the shoreline area.
4. New structural flood control works shall be placed landward of associated wetlands, and designated habitat conservation areas, except for works that improve ecological functions, such as wetland restoration.

5. Development within the shoreline environment shall meet the standards and provisions for protection of frequently flooded areas as provided to areas of special flood hazard in the current edition of the International Residential Code and International Building Code, and MTMC Title 15 and Title 16. In addition to any other standards, a minimum two foot elevation above base flood is required for all structures, and at least three feet for critical facilities above base flood.
6. All development in floodplains and flood protection measures shall be consistent with the applicable requirements of the National Flood Insurance Program, and applicable building codes regarding flood-proof construction.
7. Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.
8. Streambank vegetation shall be preserved to the maximum extent feasible consistent with safe construction requirements.
9. Cut-and-fill slopes and backfill areas shall be revegetated with natural grasses, shrubs and/or trees in keeping with existing river bank vegetation.
10. Require that new structural public flood hazard reduction measures, such as weirs, dikes and levees, 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 unmitigable 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.
11. The following uses or activities may be appropriate and/or necessary within the channel migration zone or floodway, subject to the regulations of this SMP:
 - a. Actions that protect or restore the ecosystem-wide processes or ecological functions.
 - b. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.
 - c. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
 - d. Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.

- e. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
- f. Existing structures that prevent active channel movement and flooding.
- g. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the stream.

4.4 PUBLIC ACCESS AND VIEWS

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

A. POLICIES

1. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
2. Physical access for swimming and non-motorized boating, passive recreation (such as interpretive trails), and habitat enhancement should be important objectives for the management of shoreline public access sites.
3. Public access provisions should be required for all shoreline development and uses, except for a single-family residence or residential projects containing less than four (4) dwelling units.
4. Regulate the design, construction, and operation of permitted uses in the shoreline jurisdiction to minimize, insofar as practical, interference with the public's use of the water.
5. Assure that public access improvements do not result in a net loss of shoreline ecological functions.
6. Public access facilities should be constructed of environmentally friendly materials, use low impact development techniques, and support healthy natural processes, when feasible.

B. REGULATIONS

1. Except where exempted below, the dedication and improvement of public access shall be required as a condition of Shoreline Substantial Development Permits or Conditional Use Permits for water-enjoyment, water-related, and non-water-dependent uses, where any of the following conditions are present:
 - a. The use or modification will create increased demand for public access to the shoreline.

- b. The use or modification will interfere with an existing public access way.
 - c. A use which is not a priority shoreline use under the Shoreline Management Act will locate on a shoreline of the state.
 - d. A use or modification located within shoreline jurisdiction will interfere with a public use of lands or waters subject to the public trust doctrine.
 - e. New multifamily residential development.
 - f. A subdivision of land into more than four parcels.
 - g. New boating facilities.
2. Shoreline development by public entities shall include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
3. Public access shall not be required if it is demonstrated to be infeasible where:
 - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means.
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
 - c. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
 - d. Unacceptable environmental harm will result from the public access which cannot be mitigated.
 - e. Significant undue and unavoidable conflict between any access provisions and the proposed use/modification and adjacent uses would occur and cannot be mitigated.
 - f. Statutory or constitutional requirements would prohibit the mandatory dedication of access without just compensation or compliance with statutory criteria.
4. In order to meet any of the conditions in subsection 3 of this section, the applicant must first demonstrate and the city determine in its findings that all reasonable alternatives have been exhausted, including but not limited to:
 - a. Regulating access by such means as maintaining a gate and/or limiting hours of use.
 - b. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazings, hedges, landscaping, etc.).

- c. Developing provisions for off-site access such as at a street end, vista, or trail system.
- 5. Exceptions. The following uses, developments, modifications, and activities are exempt from providing public access under this section:
 - a. The construction, repair, remodeling and use of one detached single-family dwelling unit, as well as the construction, remodeling, repair, and use of bulkheads, docks and other uses, modification and activities incidental to the use of the subject property as a detached single-family residence.
 - b. All shoreline uses, modifications, and activities in conservancy environments, or environmentally sensitive areas where the city determines that access would create distinct and unavoidable hazards to human safety or be contrary to city policies regarding the protection of unique and fragile environments.
- 6. Public Use Facilities.
 - a. In addition to the public access areas required by subsection 1 of this section, the applicant may propose and/or the City may require that benches, picnic tables, a public access pier or boardwalk, or other public use facilities be constructed on the subject property.
 - b. If public use facilities are required or proposed, the city will determine the size, location and other regulations (design considerations) on a case-by-case basis.
- 7. Timing. The public access required by this section must be completed and available at the time of occupancy or completion of work; provided, however, that the city may on a case-by-case basis defer the physical availability of public access in the following cases:
 - a. If the City determines that the size, location, or topography of the subject property makes it infeasible to provide public access without first obtaining public access on an adjacent property. If such a determination is made, public access shall be provided on the subject property at such time as public access on an adjacent property can be obtained.
 - b. If pre-existing legal or nonconforming improvements on the subject property physically preclude the provisions of public waterfront access within a reasonable period of time.
- 8. Easements recorded. In each case where public access is required, whether it is physically available at the end of development or deferred until a later date, all owners of the subject property must record a public easement, in a form approved by the city attorney, establishing the right of the public to access, use, and traverse that portion of the subject property.
- 9. Signs. The city shall require the posting of signs, obtained from the City at the City's cost, designating public access. The planning manager or his/her designee is authorized to establish

reasonable rules and regulations governing the public's use of public access and use areas under this chapter. Where appropriate, these rules and regulations shall be included within the document recorded under subsection 8 of this section.

10. Shoreline uses, modifications and activities shall be designed and operated to avoid blocking, reducing or adversely interfering with the public's existing physical and visual access to the water and shorelines.
11. Public access sites shall include provisions for disabled and physically impaired persons, where feasible.
12. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, at a minimum. Said recording with the county auditor's office shall occur at the time of permit approval (RCW 58.17.110).
13. The minimum width of public access easements shall be 25 feet, unless the Administrator determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary, as determined by the Administrator, to relieve the hardship, provided the larger easement is not needed for emergency access.
14. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

4.5 SHORELINE VEGETATION CONSERVATION

Vegetation conservation includes activities to protect and restore vegetation along or near 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.

Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practices activities over which the City of Mountlake Terrace has authority. Vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit. Vegetation conservation standards do not apply retroactively to existing uses and structures.

Where new developments and/or uses are proposed, native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, where feasible.

Important functions of shoreline vegetation include, but are not limited to:

- Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota.
- Providing organic inputs critical for aquatic life.
- Providing food in the form of various insects and other benthic macroinvertebrates.
- Stabilizing banks and minimizing erosion.
- Reducing fine sediment input into the aquatic environment through stormwater best management practices.
- Filtering and vegetative uptake of nutrients and pollutants from ground water and surface runoff.
- Providing a source of large woody debris into the aquatic system.
- Regulation of microclimate in the stream-riparian corridors.
- Providing habitat for wildlife, including connectivity for travel and migration corridors.

A. POLICIES

1. Native plant communities within shoreline jurisdiction including, but not limited to, wetlands, lakes, and streams should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.
2. Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation or with other species as approved by the City.
3. Conserve existing native vegetation to maintain and enhance water and sediment storage, removal of excess nutrients and toxic compounds, recruitment of large woody debris, bank stability, shade, and recruitment of organic matter.
4. Emphasize retention of native shoreline vegetation when reviewing plans for future development and encourage replanting and enhancement of shoreline vegetation when absent to reestablish and upgrade impaired ecological shoreline processes and functions.
5. Use soil bioengineering techniques when restoring degraded shorelines, wherever feasible, to minimize the processes of erosion, sedimentation, and flooding.
6. The City should provide information to the public about environmentally appropriate vegetation management, landscaping for shoreline properties and alternatives to the use of pesticides and herbicides which impact water quality and aquatic habitat.
7. Property owners should use the following Best Management Practices (BMPs) when maintaining residential landscapes:
 - a. Avoid use of herbicides, fertilizers, insecticides, and fungicides along drainage channels, and shores of Lake Ballinger, as well as in the water. If used, only organic fertilizer, weed and pest control is permitted within the shoreline jurisdiction.
 - b. Limit the amount of lawn and garden watering so that there is no surface runoff.

- c. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.
8. Aquatic weed management should involve usage of native plant materials wherever possible in soil bioengineering applications and habitat restoration activities. Where active removal or destruction of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal or modification of aquatic vegetation should be conducted in a manner that minimizes adverse impacts to native plant communities, and should include appropriate handling or disposal of weed materials and attached sediments.
9. Monitor and control aquatic invasive species in Lake Ballinger.

B. REGULATIONS

1. Alteration of native shoreline vegetation shall only be allowed as set forth below:
 - a. Landscaping or maintenance associated with an existing legal use or new permitted shoreline use or development. The use of native plant species shall be encouraged.
 - b. Removal of noxious weeds as listed by the state in Chapter 16-750 WAC, provided such activity shall be conducted in a manner consistent with best management practices and native vegetation is promptly reestablish in the disturbed area.
 - c. Modification of vegetation in association with a legal, nonconforming use provided that said modification is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife conservation areas.
 - d. Restoration activities conducted in accordance with an approved plan designed to improve ecological functions and values.
 - e. Selective pruning of trees for safety and adequate view protection. Protection of views should not take precedence over the objectives of this Master Program.
2. The removal or disturbance of existing vegetation and the alteration of topography shall be limited to the minimum necessary to accommodate approved shoreline development.
3. Exposed soils shall be immediately developed or revegetated to prevent erosion.
4. Revegetation must be planted such that complete coverage of exposed soils is attained within one growing season.
5. In all cases where clearing is followed by revegetation, native plants shall be preferred.
6. In all shoreline areas, the removal or disturbance of existing vegetation, land clearing, grading, filling, and alteration of natural drainage features and landforms shall be limited to the minimum necessary for approved shoreline development.

4.6 WATER QUALITY, STORMWATER, AND NON-POINT POLLUTION

Development of the shoreline and surrounding areas affects water quality in several ways. The creation of impervious surfaces increases stormwater runoff volumes, causing higher peak stormwater discharges at higher velocities, which cause scouring and erosion of stream banks. Erosion increases suspended solids concentrations and turbidity in receiving waters. Runoff from impervious surfaces, including roads and parking areas, as well as from grass or landscaped areas, including golf courses, lawns, and gardens, carries oil, grease, yard and garden chemicals, household wastes, sediment, bacteria, heavy metals, excess nutrients, and other pollutants into these waters. Increased nitrogen and phosphorus enrichment results in algal growth that depresses levels of dissolved oxygen in receiving waters. The degradation of water quality adversely impacts wildlife habitat and public health.

Maintaining high water quality standards and restoring degraded systems has been mandated in Chapter 90.58 RCW. The City of Mountlake Terrace regulates stormwater in Chapter 16.20 of the Mountlake Terrace Municipal Code.

A. POLICIES

1. Impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities, should be prevented.
2. All shoreline uses and activities should be located, designed, constructed, and maintained to mitigate the adverse impacts to water quality.
3. Stormwater impacts should be addressed through the application of all applicable City and State stormwater, including construction stormwater, erosion, and sedimentation, regulations.
4. New impervious surfaces should be limited within the shoreline management area by encouraging the use of pervious pavements and other low impact development technologies.
5. The City should encourage homeowners and property managers to use non-chemical weed and pest control solutions and natural and organic fertilizers if used at all.
6. Ensure that actions that affect stormwater runoff or water quality are consistent with other applicable regulations that address water quality and stormwater quantity, including public health, stormwater, water discharge standards, and plans. This may include recommendations outlined in the 2009 Lake Ballinger/McAleer Creek Watershed Strategic Action Plan.

B. REGULATIONS

1. An erosion and sedimentation control plan shall be submitted with a permit application for activities that involve the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion or siltation. The plan shall conform to applicable local and state regulations governing stormwater and erosion control and shall utilize Best Management Practices (BMPs) to prevent shoreline erosion and siltation.

2. The bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or permanent basis, shall be prohibited in the shoreline. This does not apply to the incidental storage of such materials for residential use.
3. All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment, and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and fugitive dust controls.
4. All shoreline development shall comply with Chapter 16.20 MTMC, and implement applicable Low Impact Development techniques to the maximum extent feasible, pursuant to the standards contained in the Department of Ecology Stormwater Manual, and the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound or successor.
5. Construction materials that come in continuous, direct contact with surface waters shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the City of Mountlake Terrace building official determines that there is no feasible alternative to toxic treatments that will provide the structural characteristics necessary for the project.

4.7 SHORELINE BULK AND DIMENSIONAL STANDARDS

Bulk and dimensional standards for shoreline development shall be determined by standards of the underlying zoning, as specified in the MTMC, except for those shoreline-specific bulk and dimensional standards summarized in Table 4-4 below. Additional buffer or setback requirements may apply to development within or adjacent to critical areas.

Table 4-4 Dimensional Standards Table.

Standard	Shoreline Environment			
	Aquatic	Natural	Shoreline Residential ¹	Urban Conservancy ²
Maximum Height ³	N/A	N/A	3 stories, not to exceed 35 feet	35 feet
Shoreline Setback ⁴	N/A	N/A	50 feet ⁵	100 feet ⁵
Maximum Impervious Surface ⁶	N/A	N/A	25% of lot area	10% of lot area
Minimum Lot Frontage and Width	N/A	N/A	55 feet	400 feet
Minimum Lot Size ⁷	N/A	N/A	8,400 sq. ft.	20 acres

Notes

1. The underlying zoning is Single Household Residential (RS 8400).
2. The underlying zoning is Recreation and Park District (REC).
3. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances per Chapter 19.120 MTMC.
4. Measured from OHWM (ordinary high watermark).
5. Other building setbacks apply per the underlying zoning district pursuant to Title 19 MTMC, except setbacks for accessory structures and overwater structures are subject to Chapter 5 of this SMP.
6. Impervious surface as defined in Chapter 16.20 MTMC, stormwater regulations.
7. Square footage applies to portion of lot landward of OHWM.