

SHORELINE MASTER PROGRAM

ACKNOWLEDGEMENTS AND CREDITS

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Al York

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CONTRIBUTING STAFF MEMBERS, TECHNICAL ASSISTANCE AND SOURCE MATERIALS

Mary Davis, Planning Director, City of Mountlake Terrace
Emily J. Laven, Associate Planner, City of Mountlake Terrace
Barry Wenger, Department of Ecology, State of Washington
Larry Adamson, Community Development, Snohomish County
Snohomish County's Shoreline Management Master Plan
(used as a basis for creating a separate document for the
City of Mountlake Terrace Shoreline Management Master Program)

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Shoreline Master Plan Local Implementing Ordinance No. 993
Storm Drainage Ordinance No. 1807

USER'S GUIDE

USER'S GUIDE TO THE MASTER PROGRAM

COMPONENTS OF THE MASTER PROGRAM

The City of Mountlake Terrace Shoreline Management Master Program consists of several components, together with explanatory text and maps, all prepared to reflect the philosophy of the Shoreline Management Act of 1971 and the requirements of RCW 90.58 and WAC 173-16. Each of the components is designed to serve a separate and distinct purpose within the structure of the Master Program.

Goals and General Development Policies

The Goals express the desires of the people of the City of Mountlake Terrace with respect to the long-range development of the City's shorelines. Each element described in RCW 90.58.100(2) is addressed by a Goal and a series of General Development Policies. These goals and policies form the basis for all succeeding levels of the Master Program but, with the exception of the Shoreline Use Element, are not directly used in the Development Evaluation Process.

Use Activity Policies address each of the activities enumerated in WAC 173-16-060; and are intended to establish countywide policies for the conduct of each such activity.

Use Activity Regulations are designed to regulate the Use Activities in a manner compatible with the policies established for each such activity. These regulations establish minimum performance standards for shoreline activity conduct; deviation from these regulations can only be allowed subject to issuance of a Variance.

Environment Designation Criteria set forth the "ground rules" to be used in determining which Environment is appropriate for a given section of shoreline. These Criteria are not used in the Development Evaluation Process.

Environment Designations (Map)

The Environment Designations establish the kinds of activities allowed on a given section of shoreline. They also specify the intensity of use and the manner of use of that shoreline. The general philosophy underlying the use of each Environment is contained in the Environment Management Policies.

The Shoreline Management Act specifies that special consideration shall be given to Shorelines of Statewide Significance as defined by RCW 90.58.030 (2) (e). The Management Principles and Development Guidelines detail the nature of such consideration.

Natural Systems Considerations address the special characteristics of shoreline related natural systems. The issues and concerns discussed in the Natural Systems section should be carefully considered when appropriate to the issuance of substantial development permits or the revision of the Master Program.

DEVELOPMENT EVALUATION PROCESS

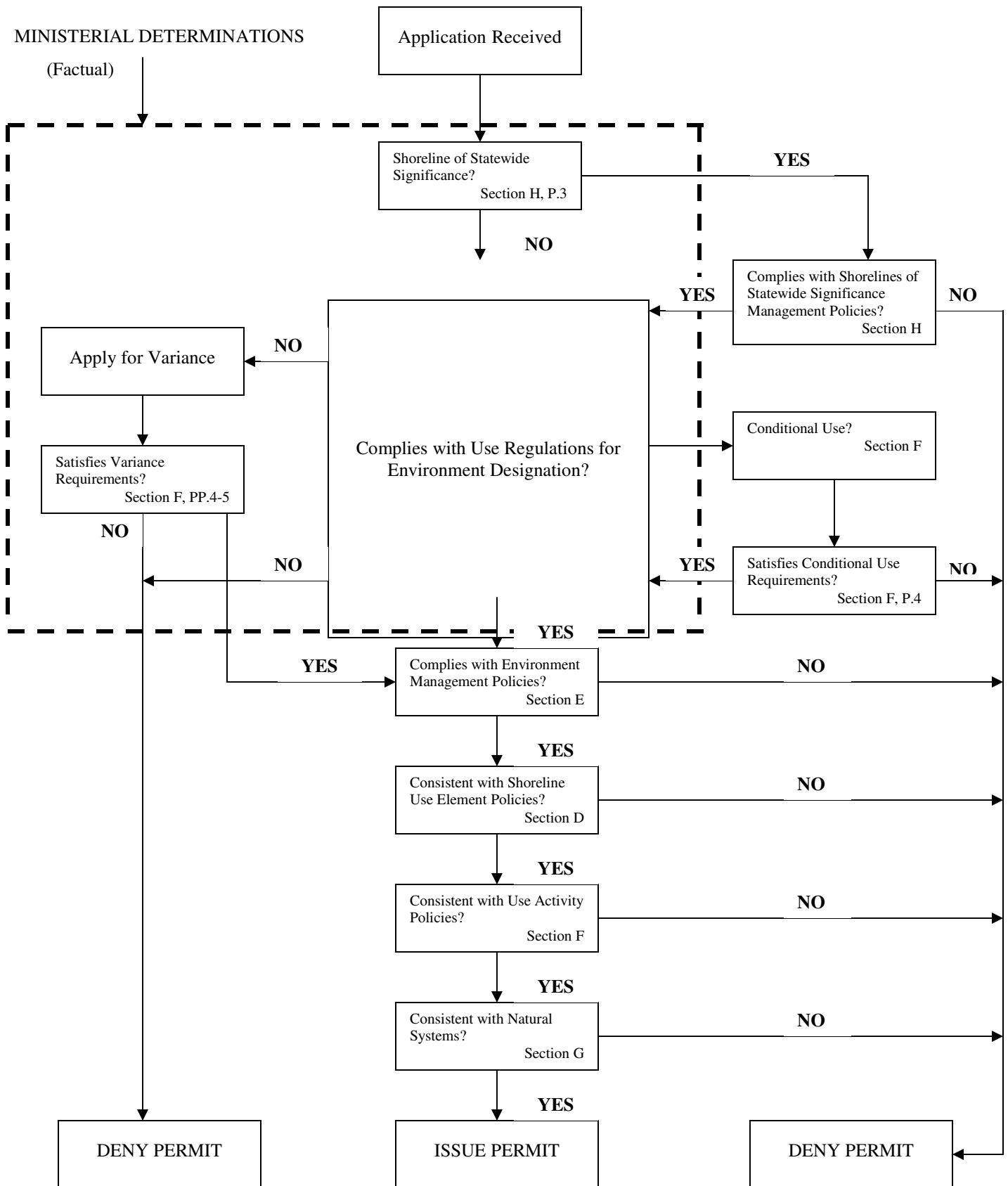
The sequence of steps in the review of a Substantial Development Permit application is graphically portrayed on the following page. There are two types of decisions required in this process. Most are judgmental decisions which call for the deciding authority to weigh the project against the policies of the Master Program and arrive at some conclusion regarding its compatibility with those policies. Since this type of decision contains a built-in element of flexibility, by its very nature, the Variance procedure is not applicable to these decisions.

The second type of decision is a factual determination wherein the project is weighed against the standards set forth in the Use Activity Regulations. Where there are special circumstances arising out of site considerations, the Variance procedure would provide relief to the property owner as appropriate. The Variance procedure is applicable to this type of decision since there is little or no latitude available to the deciding authority in the application of Use Regulations: the use is either allowed or not allowed; a standard is either met or not met. In the case of a negative answer in such circumstances, the applicant may apply for a Variance and, upon meeting the requirements for such Variance as spelled out in WAC 173-16-070, may receive approval to depart from the established regulations of the plan.

The sequence of evaluations would follow the flow lines of the diagram (See Figure 1) some steps might occur simultaneously in actual practice. A "no" ruling on any of the judgmental questions would be sufficient grounds for denial of the requested permit. A "no" ruling on a factual determination would lead to the Variance procedure; a "no" ruling from the Variance procedure would also be sufficient grounds for permit denial. Appeal from a permit denial would follow the steps outlines in the Shoreline Management Act (RCW 90.58).

The mechanics of the operation of the process outlined in the diagram are not included as part of this Master Program.

FIGURE 1 - SUBSTANTIAL DEVELOPMENT PERMIT EVALUATION PROCESS



MASTER PROGRAM ELEMENTS

SHORELINE MASTER PROGRAM ELEMENTS

GOALS AND GENERAL DEVELOPMENT POLICIES

The Shoreline Management Act of 1971 establishes seven basic land and water use elements which must be incorporated into the City of Mountlake Terrace's Shoreline Master Program. These elements include: shoreline use, economic development, public access, recreation, circulation, historic/cultural/scientific/education and conservation.

The following comprehensive set of shoreline goals and general development policies provide the foundation and the framework on which the remainder of the Master Program has been developed. These goals and policies are reflective of the level of achievement believed to be intrinsically desirable for all shoreline uses, resources, needs, and developments.

A. SHORELINE USE ELEMENT

Goal: Assure appropriate conservation and development of City of Mountlake Terrace's shorelines by allowing those uses, which are particularly dependent upon their location on and use of shorelines, as well as other development which provides an opportunity for substantial numbers of people to enjoy the shorelines. This must be done in a manner, which will achieve an orderly balance of shoreline uses that do not unduly diminish the quality of the environment.

Policies:

1. Permit only those uses or conditions which allow optional uses for future generations unless identified benefits clearly compensate for the physical, social and/or economic loss to future generations.
2. Assure that all uses and developments are as compatible as possible with the site, the surrounding area and the environment.
3. Provide site development performance standards and other appropriate criteria to developers indicating minimum acceptable standards to be achieved.
4. Identify all existing inappropriate uses and formulate a relocation program, using a variety of incentives to accomplish this objective.

5. Foster uses which protect the potential long-term benefits to the public from compromise by short-term economic gain or convenience.
6. Encourage multiple use of shorelines where location and integration of compatible uses or activities is feasible.
7. Shoreline land and water areas which, are particularly suited for specific and appropriate uses, should be reserved for such uses whether they are existing or potential.
8. Prohibit uses not water-surface nor shoreline dependent, which permanently alter the shoreline, conflict with, or preempt other shoreline dependent uses.
9. Allow uses, on a specified interim basis, which are not shoreline related, if not permanent and if not requiring permanent modifications of natural shorelines.
10. Implement a management system which will plan for and permit all reasonable and appropriate uses by providing a system of priorities. Those priorities will be established for each designated environment using the following criteria:
 - a. Protection and enhancement of natural areas or systems - those identified as containing or having unique geological, ecological or biological significance;
 - b. Water dependent uses - all uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations;
 - c. Water related uses - those uses which do not depend on a waterfront location to continue their operation, but whose operation is facilitated economically by a shoreline location;
 - d. Non-water related uses - those uses which do not need a waterfront location to operate though they may need easements or utility corridors for access to the water;
 - e. Prohibited uses - those uses which have no

relation to the water and whose operation is intrinsically harmful to the shoreline.

11. Encourage continuing biological, geological, ecological, and economic studies of shoreline systems, which will provide a continuously updated data base against which the impact of any proposal relative to the City of Mountlake Terrace Master Program can be judged.
12. Require all development to plan for and control runoff and when necessary treat it before discharging from the site.

B. ECONOMIC DEVELOPMENT ELEMENT

Goal: Allow only those industrial, commercial and recreational developments particularly dependent upon their location on and use of City of Mountlake Terrace's shorelines, as well as other developments that will provide substantial numbers of the public an opportunity to enjoy the shorelines. Minimal disruption of the natural environment is envisioned in the implementation of this goal.

Policies:

1. Give priority to commercial, industrial and recreational development that is water-surface or shoreline dependent and those developments that will provide substantial numbers of the public an opportunity to enjoy the shorelines.
2. Limit the adverse effects of new commercial, industrial and recreational development upon the physical environment and natural processes.
3. Prevent commercial and industrial development from scattering randomly or from locating in undeveloped areas prematurely.
4. Locate commercial and industrial development in areas already developed so long as such areas have not reached their carrying capacity.
5. Encourage the development of commercial, industrial and recreational activities, which can make use of existing public services.
6. Encourage development toward a multi-use concept to provide public access to the shoreline while

maintaining the economic viability of the principal use.

C. PUBLIC ACCESS ELEMENT

Goal: Assure and regulate safe, convenient and diversified access for the public to the publicly owned shorelines of Mountlake Terrace and assure that the intrusions created by public access will recognize the rights of private property owners, will not endanger life, and will not adversely affect fragile natural areas.

Policies:

1. Respect and protect the enjoyment of private rights in shoreline property when considering public access development.
2. Locate, design and maintain public access development so as to protect the natural environment and natural processes.
3. Provide for the public health and safety when developing public access.
4. Purchase or otherwise make available to the public shoreline properties if their value for public use merits such action.
5. Provide for and design various types of access which are appropriate to the shoreline environment and its specific uses.
6. Control and regulate public access on the publicly-owned shorelines to insure that the ecology shall not be unduly damaged by public use.

D. CIRCULATION ELEMENT

Goal: Permit safe and convenient circulation systems appropriate to the shoreline environment which cause minimum disruption to shoreline access, shoreline environment, and minimum conflict between the different users.

Policies:

1. Locate and design circulation systems so as to preserve a high number of options and to allow for rapid technological advances.

2. Locate and design circulation systems so as to insure the overall integrity of other social and economic activities and natural systems.
3. Design circulation systems which provide safe and efficient movement of people and products while providing for alternative modes of transportation.
4. Allow only those circulation activities which do not produce undue pollution of the physical environment and which do not reduce the benefits which people derive from their property without due compensation.
5. Locate and design major circulation systems well away from the land-water interface except for necessary crossings so that natural shorelines and floodplains remain substantially unmodified.
6. Encourage corridors for transportation and utilities when they must cross shorelines.

E. HISTORIC, CULTURAL, SCIENTIFIC, AND EDUCATION ELEMENT

Goal: Protect, preserve and encourage restoration of those sites and areas on the shorelines of Mountlake Terrace which have significant historic, cultural, educational or scientific values.

Policies:

1. Preserve and protect to the maximum extent all shoreline area sites, buildings, structures and objects which have been placed on the national or state historical register.
2. Preserve for scientific study and public observation all areas known to contain significant archaeological data.
3. Preserve for the public benefit, with opportunity for appropriate public utilization, significant historic, scientific, and educational areas of the shorelines.

F. RECREATIONAL ELEMENT

Goal: Provide additional opportunities and space for diverse forms of recreation for the public.

Policies:

1. Identify, preserve, protect and purchase, if feasible, areas with unique recreational characteristics before other development makes such action impossible.
2. Encourage recreational use consistent with the ability of the site to support such use.
3. Encourage location, design and operation of recreational development for maximum compatibility with other uses and activities.
4. Provide a balanced choice of recreational opportunities.
5. Encourage innovation and cooperative techniques among public agencies and private persons which increase and diversify recreation opportunities.
6. Encourage private investment in recreational facilities open to the public.
7. Do not substantially impair original natural or recreational values when developing recreational uses.
8. Give recognition to the recreational values of shorelines in their natural state.
9. Encourage compatible recreational uses in transportation and utility corridors.

G. CONSERVATION ELEMENT

Goal: Assure preservation, protection and restoration of Mountlake Terrace's unique and nonrenewable resources while encouraging the best management practices for the continued sustained yield of renewable resources of the shorelines.

Policies:

1. Protect the scenic and aesthetic qualities of shorelines and vistas to the fullest extent practicable.
2. Provide for a beneficial utilization of shoreline resources in a way, which will not have an unreasonable adverse impact on other natural systems or the quality of the environment.

3. Identify those areas which have a potential for restoration of damaged features or ecosystems to a higher quality than may currently exist, develop standards for improvement of the conditions in those areas, and provide incentives for achieving such standards.
4. Provide incentives to preserve unique, rare and fragile natural features and resources as well as scenic vistas, parkways and habitats of wildlife.
5. Give priority to maintaining the function of natural systems in appropriate environments.
6. Encourage the best management practices for the sustained yield of replenishable resources.
7. Identify those areas, which are necessary for the support of wild and aquatic life and those having unique geological/biological or historical significance, and establish regulations to minimize adverse impact on those areas.
8. Encourage public and private shoreline owners to promote the proliferation of wildlife, fish and plants without unduly interfering with existing activities.

H. IMPLEMENTATION ELEMENT

Goal: Further the intent and policy of the Shoreline Management Act of 1971 through a fair, balanced and impartial administration of the substantial development permit process and other legal requirements of the act.

Policies:

1. Base all official actions relating to Substantial Development Permits upon the Shoreline Management Act and this Shoreline Master Plan.
2. Employ the performance standards of the Master Program equitably to insure the highest degree of shoreline protection consistent with the proposed development.
3. Process Substantial Development Permits as expeditiously as the law and thorough analysis and review will allow.
4. Seek advice and assistance from recognized experts at federal, state, or local levels whenever technically

complex issues are involved in a Substantial Development Permit.

5. Grant variances from the provisions of the Master Program only in those limited instances when strict compliance with the provisions of the Master Program would prevent any reasonable use of the property involved; variances shall be granted in strict compliance with the provisions of the Washington Administrative Code relating to same. (WAC 173-16-070 (2)).
6. Approve Conditional Uses when they will further the intent of the Master Program, be compatible with their surroundings, and be regulated to minimize undesirable effects on the shorelines of the City; Conditional Uses shall be approved in strict compliance with the provisions of the Washington Administrative Code relating to same. (WAC 173-16-070 (1)).
7. Comply with the requirements of the State Environmental Policy Act in processing Substantial Development Permits, when applicable as a means of thoroughly evaluating the impact of a proposed development on the City's shorelines and, thus, furthering the intent of the Master Program.
8. Provide assistance to the general public as necessary and proper with regard to the provisions and requirements of the Shoreline Management Act of 1971 and the City of Mountlake Terrace's Master Program.
9. Provide for periodic review of shoreline uses and their locations as to appropriateness and compatibility with goals and policies.

SHORELINE PLANNING ENVIRONMENTS

SHORELINE PLANNING ENVIRONMENTS

Introduction

In order to plan and effectively manage shoreline resources, the City of Mountlake Terrace has developed a system of categorizing shoreline areas as part of its master program. This system is designed to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. To accomplish this, the environmental designations to be given any specific area will be based on the existing development pattern, the biophysical capabilities and limitations of the shoreline being considered for development and the goals and aspirations of the public.

The system to be utilized in the City of Mountlake Terrace is based upon the recommendations and requirements of the Shoreline Management Act's Final Guidelines (WAC 173-16-040 (4)). This system classifies the City's shorelines into five basic and distinct environments (Natural, Conservancy, Rural, Suburban, and Urban), which provide the framework for implementing shoreline policies and regulatory measures.

This system is designed to encourage uses in each environment which enhance the character of that environment. At the same time, the City will place reasonable standards and restrictions on development so that such development does not disrupt or destroy the character of the environment.

The basic intent of this system is to utilize performance standards, which regulate use activities in accordance with goals and general development policies previously developed as part of the master program. Thus, the particular uses or type of developments placed in each environment must be designed and located so that there are no effects detrimental to achieving the objectives of the environment designations and other master program development criteria.

This approach provides an "umbrella" environment class over present and future City land use planning and zoning of the shorelines. Since every area of the City as well as the remainder of the State is endowed with different resources, has different intensity of development and attaches different social values to these physical and economic characteristics, the environment designations should not be regarded as a substitute for on-going City and municipal planning and land use regulations.

General Designation Criteria

The determination as to which designation should be given any specific area in the City should be made in the following manner:

1. The resources of the shoreline area should be analyzed for their opportunities and limitations for different uses. Completion of the comprehensive inventory of resources is a prerequisite to identifying resource attributes which determine these opportunities and limitations.
2. Each of the plan elements should be analyzed for their effect on the various resources throughout the City's shoreline areas. Since shorelines are only a part of the system of resources within the City of Mountlake Terrace's jurisdiction, it is particularly important that planning for shorelines be considered an integral part of area wide planning.
3. Public desires should be considered through the citizen involvement process to determine which environment designations reflect local values and aspirations for the development of different shoreline areas within Mountlake Terrace.

The management objectives and features which characterize each of the environments are given in the following sections to provide a basis for environment designation and management within Mountlake Terrace.

Each environment category includes several elements including:

1. A statement of intent, which attempts to describe the basic function and purpose of the particular environment category.
2. Designation criteria, which define the development, uses and/or features and resources, which characterize each environment.
3. Management policies, which are designed to regulate use and development consistent with the character of each environment.

ENVIRONMENT POLICIES

URBAN ENVIRONMENT

Statement of Intent

The objective of the Urban Environment is to insure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

Designation Criteria

The Urban Environment is an area of high-intensity land use. This environment does not necessarily include all shorelines within an incorporated city, it is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as to areas planning to accommodate urban expansion. Shoreline areas to be designated in the Urban Environment should possess one or more of the following criteria:

1. Areas of high-intensity land use including recreation, residential, public facility, commercial, industrial development and intensive port activities.
2. Areas designated in the adopted plans of public agencies for expansion of urban uses.
3. Areas possessing few biophysical limitations for urban development.
4. Areas which can provide the necessary infrastructure of public services, utilities and access to accommodate urban development.

Management Policies

1. Because shorelines suitable for urban uses are a limited resource, emphasis should be given to directing new development into already developed, but under-utilized areas.
2. Give priority in Urban Environments to water dependent, industrial and commercial uses requiring frontage on navigable waters.

3. Give priority to planning for and developing public visual and physical access to the shoreline in the Urban Environment.
4. Identify needs and plan for the acquisition of urban land for permanent public access to the water in the Urban Environment.
5. Design industrial and commercial facilities to permit pedestrian waterfront activities where appropriate.
6. Link, where practical, public access points with nonmotorized transportation routes such as bicycle and hiking paths.
7. Encourage maximum multiple use of urban shoreline areas.
8. Promote redevelopment and renewal of substandard or obsolete urban shoreline areas in order to accommodate future water-dependent users and make maximum use of the available shoreline resource.
9. Actively promote aesthetics when considering urban shoreline development by means of sign control regulations, architectural design standards, planned unit development standards, landscaping requirements and other such means.
10. Regulate all urban shoreline development in order to minimize adverse impact upon adjacent land areas and shoreline environments.

SUBURBAN ENVIRONMENT

Statement of Intent

The objective of designating a Suburban Environment is to protect, maintain and enhance low and medium-density shoreline residential areas. Preservation of the natural and suburban character of shoreline areas placed in this environment is of prime importance.

Designation Criteria

The Suburban Environment should be applied to those shoreline areas, which possess or can accommodate extensive amount of suburban residential developments but are not suitable for most other types of urban uses. Areas to be designated in the

Suburban Environment should possess one or more of the following criteria:

1. Areas presently containing extensive amounts of low to medium-density residential development.
2. Areas which could serve as transition zones between urban and rural or urban, and conservancy environments.
3. Areas which do not possess the following biophysical limitations;
 - a. Areas of steep slopes presenting erosion and slide hazards;
 - b. Areas prone to flooding including the 100-year flood plain;
 - c. Areas of unstable stream bank configuration;
 - d. Areas with soils that have poor drainage or percolation, unless adequate drainage and sewer facilities are available or can be feasibly provided.
4. Areas which are suitable for low to medium-intensity recreational uses compatible with residential areas.
5. Areas designated in the adopted plans of public agencies for expansion of residential areas.
6. Areas which can provide the necessary infrastructure of public services, utilities and access to accommodate low and medium-density residential development.

Management Policies

1. Maintain and enhance the residential character of Suburban Environments by carefully controlling the type, location, scale and timing of new shoreline development.
2. Restrict Suburban Environments to low to medium-intensity residential and recreational uses.
3. Identify needs and plan for the acquisition of shoreline property for permanent public access to the water in the Suburban Environment.

4. Link, where practical, public access points with nonmotorized transportation routes such as bicycle and hiking paths.
5. Provide incentives and actively promote aesthetic considerations in Suburban shoreline development by means of sign control regulations, architectural design standards, planned unit developments, landscaping requirements and other such means.
6. Limit commercial development in the Suburban Environment to neighborhood oriented businesses.
7. Allow beach enrichment projects when it can be shown that other portions of the shoreline will not be adversely affected.
8. Encourage planned residential solutions for new development.
9. Decrease permitted residential densities of future development as the slope increases to avoid drainage, erosion, slide hazard and accessibility problems.

RURAL ENVIRONMENT

Statement of Intent

The objective of designating a Rural Environment is to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational and other uses compatible with agricultural activities.

Designation Criteria

Areas to be designated in the Rural Environment should possess one or more of the following criteria:

1. Areas characterized by recreational or intensive agricultural uses.
2. Areas possessing high capability to support active agricultural practices or intensive recreational development.

3. Areas modified from their natural vegetative cover and surface drainage patterns but generally having low-density development.
4. Areas where residential development is or should be low density because of physical limitations, utility capabilities, access and compatibility with other uses.
5. Areas designated in officially adopted park and recreation plans for medium to high-intensity recreational use.
6. Areas of undeveloped land not appropriate for Natural, Conservancy, Suburban or Urban Environment designation.
7. Areas which form buffer zones between urban areas.
8. Areas having valuable sand, gravel and mineral deposits.

Management Policies

1. Protect prime agricultural lands from incompatible and preemptive patterns of development.
2. Restrict intensive development along undeveloped rural environment shorelines.
3. Permit opportunities for recreational uses compatible with agricultural activities.
4. Maintain existing and potential areas having a high capability to support intensive agricultural uses for present and future agricultural needs.
5. Require new development in Rural Environments to reflect the character of the surrounding area by limiting residential density, providing permanent open space, and by maintaining adequate building setbacks from the water to prevent shoreline resources from being destroyed for other rural types of uses.
6. Permit public and private recreation facilities which can be located and designed to minimize conflicts with agricultural activities. Examples of such facilities include linear water access, trail systems, and boat launching sites.
7. Encourage farm management practices which will minimize erosion and the flow of waste material into water courses.

8. Restrict industrial and commercial development in the Rural Environment.
9. Prohibit industrial, commercial (except farm produce sales) and extensive residential development on prime agricultural lands except where due to inadequate site, physical barriers or poor access, isolated parcels exist which are not practical or feasible to farm. In these cases, allow development compatible with the Rural Environment.
10. Restrict the density of residential development in the Rural Environment except in those limited areas which are suitable for recreational housing.
11. Provide for sand, gravel and mineral extraction in suitable areas which are not designated as prime agricultural land.
12. Allow beach enrichment projects when it can be shown that other portions of the shoreline will not be adversely affected.

CONSERVANCY ENVIRONMENT

Statement of Intent

The objective in designating a Conservancy Environment is to protect, conserve, enhance and manage existing natural resource areas and valuable historic and cultural areas. This should be done in a manner that will insure recreational benefits to the public, or achieve sustained resource utilization without substantial adverse modification of shorelines or topography.

Designation Criteria

The Conservancy Environment should be applied to those areas which would most benefit the public by having their existing character maintained, but which are able to accept a limited level of development or resource utilization. Areas to be designated in the Conservancy Environment should possess one or more of the following criteria:

1. Areas which could satisfy the present or future recreation needs of the City's residents.
2. Areas possessing biophysical limitations too severe to allow them to develop to the extent provided in the Rural, Urban, and Suburban Environments. Such limitations could include:

- a. Areas of steep slopes, presenting erosion and slide hazards;
 - b. Areas prone to flooding including the 100-year flood plain;
 - c. Areas of unstable streambank configuration;
 - d. Areas with soils that have poor drainage.
3. Areas containing resources which lend themselves to management on a sustained-yield basis.
 4. Areas possessing valuable natural resources or features, whose optimum use precludes more than an extremely low overall density of people, structures or livestock.
 5. Areas possessing valuable natural resources, or features which would tolerate only minimal changes in topography, or the land/water interface.
 6. Areas where more intensive development or use would be hazardous to public health and safety, or would result in interference with natural processes causing significant detriment to other resources.
 7. Areas possessing aesthetic or recreational qualities of such high local or statewide significance that extensive modification or use would adversely affect such qualities.
 8. Areas which are free from extensive development, and can serve as needed open space by maintaining their existing character.

Management Policies

1. Give preference to those uses which do not permanently deplete the physical and biological resources of the Conservancy Environment.
2. Give priority to activities and uses of a nonpermanent or farming nature which do not substantially degrade the existing character of the Conservancy Environment.
3. Encourage the following types of uses to be predominant in a Conservancy Environment: outdoor recreation activities, timber harvesting on a sustained yield basis, aquaculture, and compatible agricultural uses.

4. Maintain the Conservancy Environment by encouraging recreational activities which will not be detrimental to the shoreline character or the forces which created and maintain the shoreline area.
5. Restrict new development to those which are compatible with the natural and biological limitations of the land and water and will not require extensive alteration of the land-water interface.
6. Discourage commercial and industrial uses other than aquaculture, commercial forestry, lumber mills and extraction of renewable sand, gravel and mineral resources.
7. Encourage the sustained yield management of natural resources and aquaculture crops within Conservancy Environments.
8. Prohibit development which would be hazardous to public health and safety, or which significantly interferes with natural processes.
9. Strictly regulate residential development, to maintain an overall density of less than one dwelling unit per two acres of land.
10. Allow beach enrichment projects when it can be shown that other portions of the shoreline will not be adversely affected.
11. Prohibit development which would permanently strip the shoreline of vegetative cover or cause substantial landslide, erosion, sedimentation or impairment of fish and aquatic life.
12. Minimize the construction of structural flood control works in this environment.
13. Prohibit the construction of flood control works or streambank stabilization projects, which would contribute to destructive streamway channelization or substantial modification of existing shoreline character except for streamway rehabilitation projects.
14. Encourage streamway rehabilitation projects which will restore or enhance the natural streamway character.

15. Require that new developments be designed to preclude the need to provide them with structural flood control protection.

NATURAL ENVIRONMENT

Statement of Intent

The objective in designating a Natural Environment is to preserve or restore to a natural character those resource systems existing relatively free of human influence. Policies to achieve this objective should aim to regulate all potential developments degrading or changing the natural characteristics which make these areas unique and valuable.

Designation Criteria

The primary determinant for designating an area as a Natural Environment is the actual presence of some unique natural features considered valuable in their natural or original condition which are relatively intolerant of intensive human use. The relative value of the resources is to be based on city wide citizen opinion in the case of shorelines, and the needs and desires of all the State's citizens in the case of shorelines of statewide significance.

Areas to be designated in the Natural Environment should possess one or more of the following criteria:

1. General:
 - a. Areas where human influence and development are minimal.
 - b. Areas capable of easily being restored to a natural condition.
 - c. Areas having a high scenic value and a high value for low-intensity recreational use in their natural state.
 - d. Salt marshes.
 - e. Class I accretion beaches.
 - f. Areas designated should be large enough to protect the value of the Natural Environment.
2. Wildlife habitats:

- a. An area utilized by rare or endangered species* that provides food, water, cover and/or protection.
- b. A significant fish and wildlife habitat for diminishing species. *
- c. A major seasonal haven or constricted migration route for animals or birds.
- d. Unique wildlife habitat within urbanized areas.
- e. Small areas of original habitat remaining within urbanized areas.

* As listed on the U.S. Department of Interior Register of Diminishing and Endangered Species.

3. Scientific value:

- a. Areas considered to represent the basic ecosystem and geologic types.
- b. Areas representing deviation from the basic ecological and geological norms, but which are of particular scientific interest.
- c. Areas which best represent undisturbed natural conditions.
- d. Established natural science research areas or areas having a long history of such use.
- e. Areas which contain unique and scientifically important features, which are especially amenable to manipulation, which are isolated for hazardous studies, or which contain important rare and/or endangered species.
- f. Areas possessing any of the above mentioned characteristics which are located near major population centers and important educational facilities.

4. Ecological balance:

- a. Areas which play an important part in maintaining the ecological balance of the region's basic natural systems.
- b. Areas rich in quality, quantity, and variety of life forms.
- c. Areas important to the maintenance of the natural quality and flow of the water.

Management Policies

1. Prohibit development which will degrade the actual or potential value and character of the Natural Environment.
2. Allow only changes which would not be detrimental to the forces which created and now maintain the existing environment.
3. Apply severe restrictions to the intensity and type of uses allowed in order to maintain the natural systems and the resources of the Natural Environment in their natural state.
4. Allow limited access of a compatible nature to those areas in the Natural Environment which have significant recreational value as long as it does not adversely affect the environment.
5. Permit limited access to natural areas for scientific, historical or education purposes as long as there is no substantial alteration of the environment.
6. Prohibit uses or activities requiring permanent installations, which would permanently deplete or consume the physical and biological resources found in the Natural Environment.

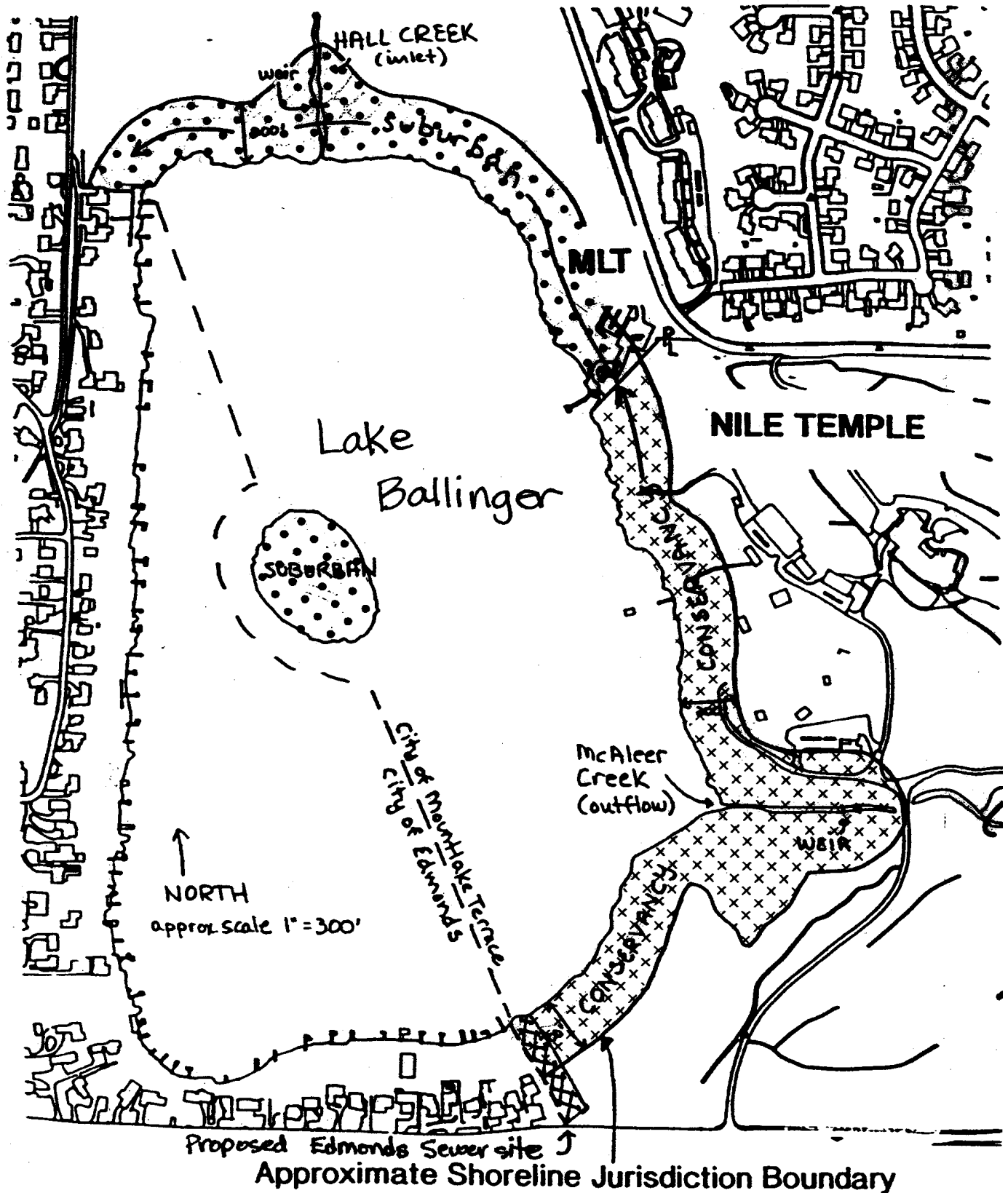
ENVIRONMENT DESIGNATIONS

Two of the five, shoreline planning environments previously described have been further delineated on the following Shoreline Planning Environment Designation Map (Figure 2). This designation map identifies all shoreline areas within Mountlake Terrace, which fall under the jurisdiction of the Shoreline

Management Act and graphically depict the environment assigned to each section of shoreline. The boundary lines utilized here generally follow and/or relate to recognizable physical features. They do not necessarily correspond to legal descriptions of property ownership or governmental jurisdiction.

Where no specific environment designation has been applied to a water body illustrated on the Shoreline Planning Environment Designation Map, the adjoining upland environment designation shall apply to the water surface, water column and bedland of the water body. Where different environment designations have been applied to the opposing banks of particular rivers and streams, each designation shall be extended to the midpoint of that water body.

SHORELINE DESIGNATION MAP
(Figure 2)



SHORELINE USE ACTIVITIES

SHORELINE USE ACTIVITIES

The Shoreline Management Act Final Guidelines have established 21 sets of Shoreline Use Activities, which are to be included within local government shoreline master programs. These use activity categories consist of specific uses or groups of similar uses which are characteristic of the shoreline corridor. They have been formulated as implementing tools to assist in carrying out the intent and policy of the master program and the Shoreline Management Act. The policies and regulations developed for each use activity category are intended to serve as the primary set of criteria for evaluating proposed developments and alterations to the shoreline environment.

The Use Regulations supplement, but do not duplicate, specific requirement of other city land use regulations. For example, flood-proofing considerations are not addressed here since they are effectively covered by both state and city laws. In essence, the Use Regulations address those Shoreline Management issues which are not effectively provided for by existing federal, state, or city regulations and which must be provided for if the adopted goals and policies of this Master Program are to be implemented.

Unidentified Use Activities

Shoreline use activities not specifically identified and for which policies and regulations have not been developed will be evaluated on a case by case basis and will be required to satisfy the goals and general development policies of the master program, the policy of the Shoreline Management Act and shall be consistent with the management policy and character of the shoreline environment in which they propose to locate.

Use Activity – Shoreline Environment Compatibility Matrix

A use activity – shoreline environment compatibility matrix has been developed to graphically portray in very general terms the relationship between the various use activities and the shoreline environments established by the use regulations (Figure 3). This compatibility matrix reflects the attempt of the use activity regulations to allow all reasonable and appropriate uses while imposing the regulatory control necessary to insure preservation of the integrity of the natural systems and natural environment of the shoreline area in which they intend to locate. Additional concerns incorporated into the use regulations and reflected in the compatibility matrix include, but are not limited to: long-term benefits, public access, water quality, view enhancement and protection, aesthetic consideration needs, and recreation needs.

FIGURE 3 – SHORELINE ENVIRONMENT COMPATIBILITY MATRIX

USE ACTIVITY	URBAN	SUBURBAN	RURAL	CONSERVANCY	NATURAL
Archeological Areas and Historic Sites	*	*	*	*	*
Breakwaters	0	0	0	*	X
Bulkheads	0	0	0	*	X
Commercial Development	0	*	*	*	X
Dredging	0	0	0	*	X
Landfill and Solid Waste Disposal	*	*	*	*	X
Piers	0	0	0	*	*
Recreation	0	0	0	*	0
Residential Development	0	0	0	*	X
Roads and Railroads	0	*	*	*	X
Shoreline Stabilization and Flood Protection	0	0	0	0	□
Signs	0	0	0	0	*
Utilities	0	0	0	0	*

- 0 Use permitted in the environment subject to regulatory controls.
- X Use prohibited in the environment.
- Use permitted as a Conditional Use in the environment.
- * See regulations for special circumstances.

Use of the Regulations

Use Activity Regulations are a requirement of the Master Program. It is the regulations that provide the legal assurance of what will be required of any development located within a shoreline area. These regulations are directly supportive of the adopted policies for each environment and use activity. In the development of the regulations, the special character of each environment has been recognized; the regulations seek to reflect and preserve that character wherever appropriate. To this end, most Use Activities have six (6) regulation sections. In each case, the first section contains regulations of general applicability in all environments where the use is allowed. The succeeding five (5) sections contain those additional regulations that are required for the conduct of an activity in each of the five (5) environments: Urban, Suburban, Rural, Conservancy, and Natural.

VARIANCES AND CONDITIONAL USES

Conditional Uses

The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the Master Program. With provisions to control undesirable effects, the scope of uses within each of the five Environments can be expanded to include a greater range of uses.

Uses classified as subject to the issuance of a conditional use permit can be permitted only by meeting such performance standards that make the use compatible with other permitted uses within that area.

Conditional use permits shall be granted only after the applicant can demonstrate all of the following:

1. The use will cause no unreasonably adverse effects on the environment or other existing or potential uses which are allowed outright in the subject Environment;
2. The use will not interfere with public use of public shorelines;
3. Design of the site will be compatible with the surrounding and the Master Program;
4. The proposed use will not be contrary to the general intent of the Master Program, and shall also comply with WAC 173-14-140.

Variances

Variances deal with specific requirements of the Master Program, and their objective is to grant relief when there are practical difficulties or unnecessary hardship if the strict letter of the Master Program were carried out. The applicant must show that if he or she complies with the provisions of the Master program he or she cannot make any reasonable use of his or her property. The fact that he or she might make a greater profit by using their property in a manner contrary to the intent and provisions of the Program is not a sufficient reason for variance approval. A variance will be granted only after the applicant can demonstrate the following:

1. The hardship which serves as the basis for granting the variance is specifically related to the property of the applicant and does not apply generally to other property in the vicinity in the same Environment;
2. The hardship results from the application of the requirements of the Shoreline Management Act and Master Program and not from deed restrictions or the applicant's own actions;
3. The variance, if granted, will be in harmony with the general purpose and intent of the Master Program, and shall also comply with WAC 173-14-150;

4. Public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance shall be denied.

All applications for variances and conditional uses approved by the City of Mountlake Terrace shall be forwarded to the Department of Ecology, pursuant to WAC 173-16-070, for final approval or disapproval. No approval shall be considered final until acted upon by the Department of Ecology.

POLICIES AND REGULATIONS

ARCHAEOLOGICAL AREAS AND HISTORIC SITES

INTRODUCTION

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.

POLICIES

1. Consult with professional archaeologists 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. Attach a special condition to shoreline permits in areas known to contain archaeological data providing for site inspection and evaluation by an archaeologist to insure that possible archaeological data are properly salvaged.
4. Require all shoreline permits to contain a special provision which requires developers to notify local governments if any possible archaeological data are uncovered during excavations.
5. Insure that all applicable provisions of the National Historic Preservation Act of 1966 and the State Historic Preservation Act (RCW 43.51) are complied with.

REGULATIONS

General

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 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.

BREAKWATERS

INTRODUCTION

Breakwaters are protective structures usually built offshore to protect beaches, bluffs, dunes or harbor areas from wave action. However, because offshore breakwaters are costly to build, they are seldom constructed to protect the natural features alone, but are generally constructed for navigational purposes also. Breakwaters can be either rigid in construction or floating. The rigid breakwaters, which are usually constructed of riprap or rock, have both beneficial and detrimental effects on the shore. All breakwaters eliminate wave action and thus prevent the free flow of sand along the coast and starve and downstream beaches. Floating breakwaters do not have the negative effect on sand movement, but cannot withstand extensive wave action and thus are impractical with present construction methods in many areas.

POLICIES

1. Give preference to floating breakwaters rather than solid landfill or rigid types in order not to inhibit sand movement and aquatic life.
2. Construct solid breakwaters only where design modification can eliminate potentially significant detrimental effects on the movement of sand and circulation of water.
3. Minimize to the absolute extent feasible, restrictions on the public use of the water surface which might result from breakwater construction.
4. Encourage the multiple use of breakwaters to increase public access to and enjoyment of the shoreline.

REGULATIONS

General

1. Applications for breakwaters shall provide (as a minimum) the following information:
 - a. Purpose of breakwater;
 - b. Construction material;
 - c. Method of construction;
 - d. Direction of net long-shore drift (when appropriate);
 - e. Direction of prevailing winds and strongest tidal current.
2. Breakwaters shall not impede long-shore sand and gravel transport unless such impedance is found to be beneficial.
3. Solid type public breakwaters shall be designed to allow pedestrian access on their tops where safe and feasible.
4. Breakwaters shall conform to all design requirements of the State Department of Fisheries.

Natural Environment

1. Breakwaters are not permitted in the Natural Environment.

Conservancy Environment

1. Floating breakwaters are permitted in the Conservancy Environment when they do not impede sand movement or aquatic life.
2. Solid type breakwaters are permitted in the Conservancy Environment only upon issuance of a conditional use permit.
3. Breakwaters in the Conservancy Environment must be visually compatible with their surroundings.

Rural Environment

1. Breakwaters are allowed in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Breakwaters are allowed in Suburban Environment subject to the General Regulations.

Urban Environment

1. Breakwaters are allowed in the Urban Environment subject to the General Regulations.

BULKHEADS

INTRODUCTION

Bulkheads or seawalls are structures erected parallel to and near the high water mark for the purpose of protecting adjacent uplands from the action of waves or currents. Bulkheads are constructed of steel, timber or concrete piling, and may be either of solid or open-piling construction. For ocean exposed locations, bulkheads do not provide a long lived permanent solution, because eventually a more substantial wall is required as the beach continues to recede and layer waves reach the structure.

While bulkheads and seawalls may protect the uplands, they do not protect the adjacent beaches, and in many cases, are actually detrimental to the beaches by speeding up the erosion of the sand in front of the structures.

The following policies and regulations apply to the construction of bulkheads and seawalls designed to protect the immediate upland area. Proposals for landfills must comply with the policies and regulations for that specific activity.

POLICIES

1. Locate and construct bulkheads and seawalls in a manner which will not result in adverse effects on nearby beaches and will minimize alterations of the natural shoreline.
2. Locate, design and construct bulkheads and seawalls in such a way as to minimize damage to fish and shellfish habitats.
3. Carefully consider the effect of a proposed bulkhead on public access to publicly owned shorelines.
4. When possible, design bulkheads and seawalls to blend in with the surroundings and to not detract from the aesthetic qualities of the shoreline.

5. Permit the construction of bulkheads only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead, except as covered in the use activities pertaining to landfill.
6. Restrict bulkheads on feeder bluffs except where danger to existing development exists.

REGULATIONS

General

- a) Bulkheads shall be allowed only when evidence is presented that one of the following conditions exists:
 - a. Serious erosion is threatening an established use on the subject property;
 - b. A bulkhead is necessary to stabilize an existing beach condition;
 - c. A bulkhead is the preferred method of stabilizing a landfill allowed by this program;
 - d. There is a demonstrated need in connections with water dependent or water related commerce and industry in appropriate environments.
- b) Bulkheads will not be permitted in conjunction with new projects when other design alternatives, not requiring the use of bulkheads, are practical.
- c) Applications for bulkheads shall include the following (at a minimum):
 - a. Type of construction;
 - b. Elevation of the toe and crest of the bulkhead with respect to water levels;
 - c. Purpose of bulkhead;
 - d. Direction of net long-shore drift (when appropriate);
 - e. Normal, low and high water elevations (when appropriate).
- d) Bulkheads on Class I marine beaches shall be located at least 20 feet landward of the ordinary high water mark.
- e) Bulkheading of marine feeder bluffs shall be prohibited EXCEPT where such bulkheading is necessary to protect existing development.
- f) Bulkheads shall conform to all design requirements of the State Department of Fisheries.

Natural Environment

1. Bulkheads are not permitted in the Natural Environment.

Conservancy Environment

1. Bulkheads are not permitted in the Conservancy Environment on lakes and rivers.
2. Bulkheads are permitted in the Conservancy Environment on marine shorelines subject to the General Regulations.

Rural Environment

1. Bulkheads are permitted in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Bulkheads are permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Bulkheads are permitted in the Urban Environment subject to the General Regulations.

COMMERCIAL DEVELOPMENT

INTRODUCTION

Commercial developments are those uses which are involved in wholesale and retail trade or business activities and shall include business parks. Commercial developments range from small businesses within residences, to highrise office buildings. Commercial developments are intensive users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them.

POLICIES

1. Commercial development should have water front dependency as previously stated in the Goals for Economic Development.
2. Strongly encourage new commercial developments on shorelines to locate in those areas where current commercial uses exist.

3. In order to minimize adverse impact, ensure that adequate assessment be made of and consideration given to, the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.
4. Require that parking facilities minimize their visual impact on the shorelines, and where possible be placed inland away from the immediate water's edge and recreational beaches.
5. Encourage commercial development that abut the water's edge to provide physical and/or visual access to the shoreline where appropriate.
6. Ensure that all commercial development respect natural systems.

REGULATIONS

General

1. Applications for commercial development shall include a detailed statement explaining the nature and intensity of water orientation of the proposed activity. Such statement shall include (at a minimum) the following:
 - a. Nature of the commercial activity;
 - b. Need for shoreline frontage (where appropriate);
 - c. Special considerations being planned to enhance the relationship of the activity to the shoreline;
 - d. Provisions for public visual and/or physical access to the shoreline.
2. Signs associated with commercial developments shall meet the regulations specified under "Signs."
3. Parking associated with commercial developments shall meet the regulations specified under "Roads and Railroads."
4. Over-water construction and landfill shall be prohibited except as provided for herein.

Natural Environment

1. Commercial development is prohibited in the Natural Environment.

Conservancy Environment

1. Commercial Development shall be prohibited on conservancy shorelines EXCEPT for those low intensity recreational developments which do not substantially change the character of the Conservancy Environments.
2. Any commercial structure, except one which requires or is dependent on direct, contiguous access to the water, shall be set back from the ordinary high water mark by a minimum of 100 feet.

Rural Environment

1. Commercial development or activity shall be prohibited on rural shorelines EXCEPT for those developments or activities which do not substantially change the character of that environment. Such development may include: restaurants, campgrounds, group camps, and similar recreational facilities; craft or antique stores and the like; hunting and fishing and other private club structures; game preserves and private parks; and commercial uses in restoration or historical structures; and farm produce sales.
2. Any commercial structure or facility, except one which requires or is dependent on direct, contiguous access to the water, shall be set back from the ordinary high water mark by a minimum of fifty (50) feet.

Suburban Environment

1. Commercial development shall be prohibited within the Suburban Environment EXCEPT those developments which are of a neighborhood serving orientation. Such development may include: restaurants, neighborhood retail stores, and grocery stores.
2. Any commercial structure or facility, except one which requires or is dependent on direct, contiguous access to the water, shall be set back from the ordinary high water mark by a minimum of fifty (50) feet.

Urban Environment

1. Any commercial structure or facility, except one which requires or is dependent on direct, contiguous access to the water, shall be set back from the ordinary high water mark by a minimum of ten (10) feet.
2. Commercial development may be located on landfill or over water PROVIDED that such development must require or be dependent on direct, contiguous access to the water or must provide substantial numbers of the public the opportunity to physically or visually enjoy the shoreline.

DREDGING

INTRODUCTION

Dredging is the removal of earth from the bottom of a stream, river, lake, bay or other water body for the purposes of deepening a navigational channel or to obtain use of the bottom materials for landfill. A significant portion of all dredged materials are deposited either in the water or immediately adjacent to it, often resulting in problems of water quality.

POLICIES

1. Regulate and control dredging to minimize damage to existing ecological systems and natural resources of both the area to be dredged and the area for deposit of dredged materials.
2. Designate and require the use of specified long-range sites for the disposal of spoils and provide for the periodic review of site designations.
3. Identify, with the assistance of the State Department of Natural Resources, Game and Fisheries, soil deposit sites in water areas.
4. Allow deposition of dredge materials in water areas, except as provided for under Landfills and Solid Waste Disposal, only for habitat improvements, to correct problems of material distribution adversely affecting fish and shellfish resources or where the alternative of depositing materials on land is more detrimental to shoreline resources than depositing it in water areas.
5. Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.
6. Encourage utilization of spoil transfer sites which can be used on a continuing basis.
7. Approve new dredging projects only when accompanied by an acceptable plan for the long-range disposal of dredge spoils created by the project and its continued maintenance.
8. Provide for a periodic review of existing dredging projects.
9. Prohibit dredging in or the disposal of spoils on archaeological sites which are listed on the Washington State Register of Historic Places until such time as they are released.

REGULATIONS

General

1. Applications for dredging permits shall include the following information (at a minimum):
 - a. Physical analysis of material to be dredged: material composition and amount, grain size, organic materials present, source of material, etc.;
 - b. Chemical analysis of material to be dredged: volatile solids, chemical oxygen demand, (COD), grease and oil content, mercury, lead and zinc content, etc.;
 - c. Biological analysis of material to be dredged;
 - d. Information on stability of bedlands adjacent to proposed dredging and spoils disposal;
 - e. Dredging procedure: time of dredging, method of dredging and spoils disposal;
 - f. Spoils disposal area: location, size, capacity, and physical characteristics.
2. New dredging projects shall, in addition to the above, provide all of the following information with their application:
 - a. Total initial spoils volume;
 - b. Frequency and quantity of project maintenance dredging;
 - c. Area proposed for initial spoils disposal;
 - d. Plan for disposal of maintenance spoils for at least a 50-year period.
3. Dredging shall only be permitted for the following purposes and only when other alternatives are impractical:
 - a. To improve water quality or aquatic habitat;
 - b. To maintain and improve navigability and water flow;
 - c. To mitigate conditions which could endanger public safety;
 - d. To create or improve public recreational opportunities.

4. Dredge spoils shall be deposited at dumping sites which are consistent with the Master Program.
5.
 - a. Prior to commencement of disposal operation, the disposal site's dikes shall be improved such that no spoils bearing discharge water may escape. The site's dikes shall be kept in this condition throughout any disposal operations.
 - b. The inlet and outlet shall be so located so as to prevent any short circuiting;

The settling area within the dikes shall be maintained sufficiently large so that return water carries a minimum of suspended sediment. The outlet pipe shall be moved from time to time as may be necessary to comply with this requirement.
 - d. Normal drainage patterns within the project area shall not be adversely affected by the conduct of spoils disposal;
 - e. Notice shall be given to the City of Mountlake Terrace, in writing, at least two weeks prior to the commencement of any disposal operations;
 - f. Any spoils removed from the site shall be taken out of the flood plain unless they are used in a project for which a valid Shoreline Management Permit has been obtained;
 - g. Existing vegetation on the site's dikes and on adjacent land shall not be disturbed during the usage of the site.
6. Spoils transfer sites shall be management to meet the conditions of 5a through 5g above and the following:
 - a. Within the established area and height limitations (and when not in conflict with other provisions of this permit), spoils may be deposited and removed from the site as necessary or desirable during the period of this permit;
 - b. Removal of spoils materials from the site shall not be done in a manner that would disturb the perimeter dike except at points of ingress and egress;
 - c. Trees such as shore pine, poplar (quaking aspen), birch, or other approved local species shall be planted within six (6) months of the issuance of the permit and maintained around the perimeter of the site to act as a visual buffer for the site: Such planting shall typically be naturalized clusters of evergreen trees or a triangular spacing of 15 feet on center and/or deciduous trees planted in naturalized cluster. A planting plan, reflecting

the above minimum conditions, shall be submitted for review to the City's Planning Department within three (3) months of the issuance of this permit.

7. Dredge spoils may be utilized in beach enrichment projects provided that the spoils would result in a benefit to the beach disposal area and that water quality would not be subject to a significant adverse effect.

Natural Environment

1. Dredging and dredge spoils deposition are not allowed in the Natural Environment.

Conservancy Environment

1. Dredging within the conservancy environment shall be limited to the maintenance of existing navigation channels and facilities.
2. Dredge soils shall not be disposed of within the Conservancy Environment, EXCEPT that dredge spoil deposition at designated Department of Natural Resources underwater sites is allowed.

Rural Environment

1. Dredging in the Rural Environment is permitted subject to the General Regulations.
2. Dredge spoil disposal is permitted in designated spoils disposal areas with the Rural Environment. Any such disposal areas shall be identified by the Master Program.
3. Applications for spoil disposal areas must show that ultimate use of the site will be for a use permitted within the Rural Environment.

Suburban Environment

1. Dredging and dredge spoil disposal shall be allowed in the Suburban Environment subject to the General and Rural Environment Regulations.

Urban Environment

1. Dredging and dredge spoil disposal shall be allowed in the Urban Environment subject to the General Regulations.

LANDFILL AND SOLID WASTE DISPOSAL

INTRODUCTION

Landfill is the creation of dry upland area by the filling or deposition of sand, soil or gravel into a wetland area. Landfills also occur to replace shoreland areas removed by wave action or the normal erosive processes of nature. However, most landfills destroy the natural character of land, create unnatural heavy erosion and silting problems and diminish the existing water surface.

Generally, all solid waste is a possible source of much nuisance. Rapid, safe and nuisance-free storage, collection, transportation and disposal are of vital concern to all persons and communities. If the disposal of solid waste material is not carefully planned and regulated, it can become not only a nuisance but a severe threat to the health and safety of human beings, livestock, wildlife and other biota.

POLICIES

1. Allow landfills only in those areas designated for such purposes in the Environment Section of the Master Program.
2. Prohibit sanitary landfills or the location of solid waste disposal sites in any shoreline area.
3. Allow landfills in water bodies to facilitate water dependent uses or to enhance public access to the shoreline.

REGULATIONS

General

1. Sanitary landfills or the location of solid waste disposal sites within any area subject to the jurisdiction of the Shoreline Management Act is strictly prohibited.
2. Landfills shall be permitted only when used as preparation for an activity otherwise permitted by this program for the Environment in which it is located. Such landfills shall also be subject to the regulations for the proposed use.
3. Applications which include landfilling shall include the following information:
 1. Physical, chemical and biological character of landfill material;
 2. Source of landfill material;
 3. Method of placement and compaction;

4. Type of proposed surfacing;
 5. Method of perimeter erosion control;
 6. Proposed use of filled area.
4. The perimeter of all landfills shall be provided with some means to control erosion, such as vegetation, retaining walls, or other mechanisms.

Natural Environment

1. Landfills are not permitted in the Natural Environment.

Conservancy Environment

1. Landfills shall not be permitted in the Conservancy Environment for the purpose of creating new land area.
2. Landfills on or adjacent to lakes and rivers shall not be permitted in the Conservancy Environment.
3. Retaining walls may not be utilized to control erosion from landfills in the Conservancy Environment.

Rural Environment

1. Landfills within the flood plain of the base (100-year frequency) flood shall be allowed in the Rural Environment solely for the purpose of floodproofing a structure.
2. Landfills shall not be permitted in the Rural Environment for the purpose of creating new land areas.
3. Landfills within a river channel shall not be permitted.

Suburban Environment

1. Landfills below the ordinary high water mark shall not be permitted within the Suburban Environment.

Urban Environment

1. Landfills are permitted in the Urban Environment subject to the General Regulations.

PIERS

INTRODUCTION

A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes. While floating docks generally create less of a visual impact than those on piling, they constitute an impediment to boat traffic and shoreline trolling. Floating docks can also alter beach sand patterns in areas where tides and littoral drift are significant. On lakes, a proliferation of piers along the shore can have the effect of substantially reducing the usable water surface.

POLICIES

1. Encourage the use of floating docks in those areas where pile piers would obstruct views and where conflicts with recreational boaters and fishermen will not be created.
2. Encourage the use of open-pile piers where there is significant littoral drift and where scenic values will not be impaired.
3. Give priority to the use of community piers and docks in all new major waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks.
4. Encourage cooperative use of piers and docks as means of reducing the proliferation of single purpose private piers.
5. Carefully consider the capacity of shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage, when identifying suitable sites for boat docking facilities.
6. Designate areas where pile piers will have priority over floating docks.

REGULATIONS

General

1. A single, joint-use moorage facility shall be required of all new subdivisions, motels, and multifamily residences.
2. Joint-use piers shall be preferred for commercial and industrial enterprises in close proximity to each other.
3. Moorage buoys shall be preferred over piers on all tidal water, EXCEPT for port, industrial and commercial developments in the Urban Environment.

Natural Environment

1. Piers and other permanent moorages shall not be permitted in the Natural Environment. Floating walkways or other similar over water pedestrian structures facilitating access to observation point or viewing areas shall be permitted providing they are constructed to minimize alteration of natural conditions.

Conservancy Environment

1. Piers shall be permitted in the Conservancy Environment of lakes and rivers only as a conditional use.
2. Piers on marine shorelines in the Conservancy Environment shall be permitted subject to the General Regulations.

Rural Environment

1. Piers shall be allowed in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Piers shall be allowed in the Suburban Environment subject to the General Regulations

Urban Environment

1. Piers shall be allowed in the Urban Environment subject to the General Regulations.

RECREATION

INTRODUCTION

Recreation is the refreshment of body and mind through forms of play, amusement or relaxation. Water related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. The recreational experience may be either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a vista of a lake, river or saltwater area.

POLICIES

1. Give priority to development which provide recreational uses and other improvements facilitating public access to shorelines.

2. Prevent concentration of use pressure at a few points by encouraging the development of a combination of area and linear access (parking areas and easements for example), when providing public access to recreational locations such as fishing streams.
3. Strongly encourage the linkage of shoreline parks and public access points through the use of linear access. Many types of connections can be used such as hiking paths, bicycle trails and/or scenic drives.
4. Carefully consider the total effect the development of a recreation site will have on the environment quality and natural resources of an area.
5. Develop guidelines for the preservation and enhancement of scenic views and vistas.
6. Avoid wasteful use of the limited supply of recreational shoreline areas by locating parking areas inland away from the immediate edge of the water and recreational beaches. Safe access should be provided by walkways or other methods.
7. Prohibit the use of motorized vehicles on beaches, dunes and fragile shoreline resources.
8. Encourage a variety of recreational facilities which will satisfy the diversity of demands from groups in nearby populated centers.
9. Allow intensive recreational developments only where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational use.
10. Minimize surface runoff from recreational facilities.

REGULATIONS

General

1. Recreation facilities shall be designed to take maximum advantage of and enhance the natural character of the shoreline area.
2. The following regulations shall apply to artificial marine life habitats:
 - a. Habitats shall not interfere with surface navigation;
 - b. Habitats shall be constructed of long lasting non-polluting materials and moored so as to remain in their original location even under adverse current or wave action;

- c. Habitats may not be installed on publicly owned submerged land without permission of the administering governmental agency.
3. Motor vehicle use, to include two- and three-wheeled vehicles, shall not be permitted on beaches, dunes, or fragile shoreline areas EXCEPT as necessary for official maintenance or the preservation of public health and safety.

Natural Environment

1. Very low intensity recreation uses, such as passive viewpoints, trails, or limited picnic facilities, shall be permitted in the Natural Environment, subject to the following regulations:
 - a. Roads and parking, picnic and camping facilities (including restrooms) shall not be located on the shoreline. Trail access should be provided to link upland facilities to the shoreline;
 - b. Golf courses, playing fields, and other large areas devoted to athletic activities will not be permitted on natural shorelines;
 - c. Use of pesticides, herbicides, and fertilizers is prohibited;
 - d. Landscaping must, where possible, use indigenous, self-maintaining vegetation.

Conservancy Environment

1. Low intensity recreational uses shall be permitted in the Conservancy Environment, subject to the following regulations:
 - a. A recreation facility or structure which changes or detracts from the character of the Conservancy Environment (by building design, construction technique, or intensity of use that is attracted) shall be prohibited;
 - b. Parking and roads shall be set back 100 feet from the ordinary water mark. Trail access should be provided to link upland facilities to the shoreline;
 - c. Playing fields, and other large areas devoted to athletic activities will not be permitted;
 - d. Golf course development may be permitted upon the issuance of a conditional use permit and compliance with local rules, regulations, statues and ordinances, provided all of the following broad parameters are met:

1. Shoreline native vegetation buffers are established along the creek, lake shore, and associated marsh, bog, and swamp areas, provided shoreline access points, utility and emergency road access, and limited golf cart path crossings may be authorized by permit, and;
2. Forested wetlands are to be avoided altogether, adjacent natural buffers retained to the greatest extent possible, and adverse impacts thereto minimized to the greatest extent feasible, provided, that where the existing vegetative buffer is decreased less than 200 feet in width that an equivalent buffer based on performance be substituted and that the functions and values, including habitat values and acreage, are compensated for in a demonstrable and significant increase at a different location, preferably onsite but definitely within the project area.
3. Stormwater improvement shall be required in order to optimize water quality treatment prior to discharge into adjacent water bodies, including wetlands.
4. For the purpose of habitat acreage compensation, areas restored and/or enhanced as part of d.1 above may be included in the replacement ration required in d.2 based on a site specific analysis, and their establishment shall be expedited.

Rural Environment

1. Recreation uses shall be permitted in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Recreation uses shall be permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Recreation uses shall be permitted in the Urban Environment subject to the General Regulations.

RESIDENTIAL DEVELOPMENT

INTRODUCTION

The following policies and regulations are to be recognized in the development of any subdivision on the shorelines of the state. To the extent possible, planned unit developments

(sometimes called cluster developments) should be encouraged within the shoreline area. Within planned unit developments, substantial portions of land are reserved as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing houses to be placed on lots smaller than the legal minimum size for normal subdivisions, as long as the total number of dwellings in the planned unit development does not exceed the total allowable in a regular subdivision.

POLICIES

1. Encourage the use of the planned residential development concept in all shoreline subdivisions.
2. Require that subdivisions be designed at a level of density, site coverage, and occupancy compatible with the physical capabilities and aesthetic characteristics of the shoreline and water body.
3. Encourage subdividers to provide public pedestrian access to the shorelines within the subdivision.
4. Encourage subdividers to provide all residents within the subdivision with adequate easily accessible and usable access to the water when topographically feasible.
5. Prohibit residential development over water.
6. Do not allow residential development on shorelines which would be dependent on future bulkheading or other shoreline fortification for protection.
7. Floating homes or commercial floats are to be located at moorage slips approved in accordance with the guidelines dealing with piers, and docks. In planning for floating homes or commercial enterprises, local governments should ensure that waste disposal practices meet local and state health regulations, that the units are not located over highly productive fish food areas, and that the units are located and designed to be compatible with the intent of the designated environments.

REGULATIONS

General

1. Residential development over water shall be prohibited.
2. Applications for development of subdivisions shall include the following information (at a minimum):
 - a. Detailed statement (graphic and textual) of proposed erosion control plans to be utilized both during and after construction;

- b. Detailed statement (graphic and textual) of any proposed alterations to the natural character of the shoreline;
 - c. Sewage disposal plans;
 - d. Storm drainage plans and provisions;
 - e. Provisions for lot owner access to the water body (where appropriate);
 - f. Provisions for public access to the water body (where appropriate).
3. Filling of, or into, water bodies or their associated wetlands for the purpose of subdivision construction shall not be permitted.
 4. Placement of fill to assist in floodproofing of residences shall be allowed subject to appropriate flood control regulations.
 5. Subdivisions or multiple family developments shall not be approved for which flood control, shoreline protection measures, or bulkheading will be required to protect residential lots. Conclusive evidence that such structures will be necessary for the safety of the residents on all or part of the subdivision or development shall be grounds for denial of all or part of the application, respectively.
 6. All utility lines shall be underground.
 7. Permit applicants may be required to submit a plan for maintaining shoreline stability or erosion control during and after construction.
 8. Sewage disposal facilities and water supply facilities must be provided in accordance with appropriate governmental health and water quality laws and regulations. Storm drainage facilities must be separated from sewage disposal systems.

Natural Environment

1. Residential subdivisions, to include short plats, shall be prohibited in the Natural Environment.
2. Multifamily dwellings shall be prohibited in the Natural Environment.
3. Residences shall maintain a 100-foot setback from the ordinary high water mark in the Natural Environment.
4. Alteration of the natural topographic features and/or flora of the site shall be restricted to that absolutely necessary to the placement of the residence. Other grading or clearing, as for lawns, etc., is prohibited.

5. Alteration of the land-water interface shall not be allowed.

Conservancy Environment

1. Residential subdivision, to include short plats, shall maintain an overall density of less than one dwelling unit per two acres of land.
2. Multifamily dwellings shall be prohibited in the Conservancy Environment.
3. Residences shall maintain a 100-foot setback from the ordinary high water mark in the Conservancy Environment.
4. The removal of natural vegetation and the alteration of topography shall be kept to a minimum. The need for such activities shall be documented in the permit application.
5. Subdivisions shall not be approved for which flood control, shoreline protection measures, or bulkheading will be required to protect residential lots. Conclusive evidence that such structures will be necessary for the safety of the residents on all or part of the subdivision shall be grounds for denial of all or part of the application, respectively.

Rural Environment

1. Residential subdivisions to include short plats, shall maintain an overall density of less than one dwelling unit per acre of land.
2. Multifamily dwellings shall be prohibited in the Rural Environment except when contained in a Planned Residential Development approved, pursuant to the City of Mountlake Terrace Zoning Ordinance.
3. Residences shall maintain a 50-foot setback from the ordinary high water mark in the Rural Environment.
4. Alterations of topography and the land-water interface shall be minimized. The need for such alteration shall be documented in the permit application.

Suburban Environment

1. Residential development shall be permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Residential development shall be permitted in the Urban Environment subject to the General Regulations.

ROADS AND RAILROADS

INTRODUCTION

A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with tracks for train traffic. Their construction can limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion and retard the runoff of flood waters.

POLICIES

1. Locate major highways, freeways and railways away from shorelines wherever feasible.
2. Design and maintain roads to minimize erosion and permit a natural movement of surface runoff.
3. Insure to the maximum extent practical, that all construction debris, overburden and other waste materials shall not enter into any water body by disposal or erosion from drainage, high water or other means.
4. Locate and design all roads and railroads so that minimum alterations of natural conditions will be necessary.
5. Provide safe pedestrian and other non-motorized travel facilities in public shoreline areas.
6. Encourage provision of view points, rest areas and picnic facilities in public shoreline areas.
7. Retain portions of old highways having high aesthetic quality as pleasure bypass routes.
8. Locate major transportation corridors upland from the shoreline to reduce pressures for the use of waterfront sites except when shoreline alternatives are more ecologically acceptable.
9. Promote the use of abandoned railroad rights-of-way for trail systems, especially where they would provide public access to or enjoyment of the shorelines.
10. Locate and design road and railroad bridges to accommodate the existing floodways of streams and rivers.

11. Encourage creation of trail systems adjacent to new roads and railroads where feasible and safe.

REGULATIONS

General

1. Where feasible, all cut and fill slopes shall be stabilized and planted with grasses, shrubs, and/or trees appropriate to the adjacent shoreline area.
2. Roads and railroads shall be designed so as to allow a free flow surface water under them.
3. Unless there is compliance with General Regulation No. 4 of this section, roads and railroads shall be designed so as to pass the water of the 100-year flood without causing any rise in the flood profile. Trestle construction shall be preferred to achieve this end.
4. When roads and railroads are designed to act as flood control structures, applications for permits shall contain the following information (at a minimum):
 - a. Existing flood profile and extent of flood inundation during the 100-year flood in the area of the proposed project;
 - b. Projected flood profile and extent of flood inundation at the 100-year flood with the project in place;
 - c. Present and projected flow rate of the 100-year flood at the project location;
 - d. Legal authorization to impound additional flood waters on private property (where appropriate).
5. Excess construction materials shall be removed from the shoreline area.
6. Major roads and railroads shall cross shoreline areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
7. Bridge approach fills shall not encroach in the floodway of the base flood (100-year frequency) of any river.
8. Filling of tidelands, shorelands and marches for road or railroad rights-of-way shall be prohibited unless no viable upland alternative exists.

Parking

9. Off-street parking facilities shall be set back from the ordinary high water mark a sufficient distance, to be determined on a case-by-case basis, so as not to require the creation of or the protection of new land by shore protection measures.
10. Upland parking facilities within the jurisdiction of this Master Program shall be designed and landscaped to minimize adverse impacts on adjacent shorelines and abutting properties. Landscaping shall be appropriate materials and vegetation, be planted within one year after completion of construction and be providing effective screening two years after planting.
11. Upland parking facilities within the jurisdiction of this Master Program for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
12. Commercial parking facilities shall not be permitted over water.
13. Parking areas serving individual buildings on the shoreline shall be located landward from the principal building being served, EXCEPT when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
14. Parking facilities shall comply with federal and state water quality laws and regulations with regard to surface water runoff.

Natural Environment

1. Roads and railroads are not allowed in the Natural Environment.
2. Principal use, commercial parking lots are not allowed in the Natural Environment.

Conservancy Environment

1. Roads and railroads are permitted in the Conservancy Environment, subject to the General Regulations, when necessary to cross a shoreline area and when no other feasible alternative is present.
2. Principal use, commercial parking lots are prohibited in the Conservancy Environment.

Rural Environment

1. Roads and railroads are permitted in the Rural Environment subject to the General Regulations.
2. Principal use, commercial parking lots are prohibited in the Rural Environment.

Suburban Environment

1. Roads and railroads are permitted in the Suburban Environment subject to the General Regulations.
2. Commercial parking lots are a conditional use in the Suburban Environment.

Urban Environment

1. Roads and railroads are permitted in the Urban Environment subject to the General Regulations.
2. Commercial parking lots are permitted in the Urban Environment subject to the General Regulations.

SHORELINE STABILIZATION AND FLOOD PROTECTION

INTRODUCTION

Flood protection and streamway modifications are those activities occurring within the streamway and wetland areas, which are designed to reduce overbank flow of high waters and stabilize eroding streambanks. Reduction of flood damage, bank stabilization to reduce sedimentation, and protection of property from erosion are normally achieved through watershed and flood plain management and by structural works. Such measures are often complimentary to one another and several measures together may be necessary to achieve the desired end. Unless carefully designed and located, structural measures can have a potentially adverse impact on the overall hydraulic operation of the streamway corridor.

POLICIES

1. Locate, design and construct riprapping and other bank stabilization or flood protection measures so as to avoid channelization, protect adjacent property from adverse effects and to protect the natural character of the streamway.

2. Place all flood protection measures such as dikes and levees landward of the principal streamway, including associated swamps and marches directly interrelated and interdependent with the stream proper.
3. Recognize and protect the integrity of a water body's hydraulic system when planning for and designing shoreline stabilization and flood protection measures.

REGULATIONS

General

1. All Shoreline stabilization and flood protection measures shall be designed and constructed so that downstream banks will not be adversely affected. Shoreline stabilization measures, including riprap, shall be designed and constructed in a manner consistent with Soil Conservation Service, Corps of Engineers and/or other engineering and design specifications deemed appropriate by the City Engineer, and said designs shall be reviewed and confirmed by the City Engineer as being consistent therewith.
2. Shoreline stabilization and flood protection measures shall not be designed and constructed in such a manner as to result in channelization of normal stream flows.
3. Within the discretion of the permit granting authority, and considering the reasonableness of the conditions and the technological state of the art, applications for shoreline stabilization and flood protection measures shall include the following (at a minimum):
 1. Purpose or project;
 - b. Hydraulic characteristics of river within one-half mile on each side of proposed project;
 - c. Existing shoreline stabilization and flood protection devices within one-half mile on each side of proposed project;
 - d. Construction material and methods;
 - e. Resultant hydraulic characteristics of river.
5. Flood control diking shall be landward of the floodway of the base (100-year frequency) flood and any marshes or swamps directly interrelated and interdependent with the river.
6. Shoreline stabilization measures are allowed in floodways and density fringe areas of the base (100-year frequency) flood only when their purpose is to protect

existing development or prime agricultural land or to prevent serious impairment of channel function. Provided, that where the detailed information referenced in Regulation 3 above is not required due to waiver or exemption from a permit, stabilization measures shall be reviewed and approved by the City Engineer, with said approval to confirm that measures mitigate or avoid the potential for adverse impacts to adjacent shoreline consistent with Regulation 1 above. Provided further, that vegetative and/or other nonstructural shoreline stabilization measures may be used in hydraulic floodways for any purpose otherwise consistent with the Master Program, the Shoreline Management Act and its administrative guidelines.

7. Streambank vegetation shall be preserved to maximum extent feasible consistent with safe construction requirements.
8. Cut-and-fill slopes and backfill areas shall be revegetated with natural grasses, shrubs and/or trees and keeping with existing river bank vegetation.

Natural Environment

1. Shoreline stabilization and flood protection measures are not permitted in the Natural Environment EXCEPT as may be necessary to protect existing development and only when their construction would not destroy the viability of Natural Environment.

Conservancy Environment

1. Shoreline stabilization and flood protection measures are permitted in the Conservancy Environment subject to the General Regulations.

Rural Environment

1. Shoreline stabilization and flood protection measures are permitted in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Shoreline stabilization and flood protection measures are permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Shoreline stabilization and flood protection measures are permitted in the Urban Environment subject to the General Regulations.

SIGNS

INTRODUCTION

Signs are publicly displayed boards whose purpose is to provide information, direction, or advertising. Signs may be pleasing or distracting, depending upon their design and location. A sign, in order to be effective, must attract attention; however, a message can be clear and distinct without being offensive. There are areas where signs are not desirable, but generally it is the design that is undesirable, not the sign itself.

POLICIES

1. Prohibit off-premises, outdoor advertising signs in all shoreline areas.
2. Establish size, height, density and lighting limitations for signs.
3. Prevent degradation of vistas and viewpoints and impairment of visual access to the water from such vistas by the placement of signs.
4. Require, whenever feasible, that signs be constructed against existing buildings to minimize visual obstructions of the shoreline.

REGULATIONS

General

1. Off-premises, outdoor advertising signs shall not be permitted in any area subject to the jurisdiction of the Shoreline Management Act.
2. Animated signs are prohibited.
3. Freestanding signs shall not be allowed when they would significantly degrade a vista or viewpoint or impair the visual access to the water from such vistas.
4. Application for freestanding signs shall demonstrate that it is infeasible or impracticable to mount the requested sign flush on the building. Failure to satisfactorily meet this requirement shall be sufficient grounds for denial of the application.
5. Sign limitations shall not apply to highway and railroad roadway signs, signs which are necessary for operation, safety, and direction, and real estate signs on the premise to be viewed, sold or leased.

Natural Environment

1. Signs shall be prohibited in the Natural Environment EXCEPT for signs, not to exceed four square feet per face, identifying public facilities.

Conservancy Environment

1. The maximum allowable height for all signs shall be five (5) feet from the ground level to sign top. Flush mounted signs may be placed on a wall higher than five (5) feet above ground as long as the height of the sign itself does not exceed three (3) feet.

Rural Environment

1. The maximum allowable height for all signs shall be five (5) feet from the ground level to sign top. Flush mounted signs may be placed on a wall higher than five (5) feet above ground as long as the height of the sign itself does not exceed three (3) feet.

Suburban Environment

1. The maximum allowable height for all signs shall be thirty-five (35) feet from ground level to sign top in areas dominated (more than 50% of land area within a 300-foot radius) by commercial uses.
2. The maximum allowable height for all signs shall be five (5) feet from ground level to sign top in areas dominated (more than 50% of land area within a 300-foot radius) by residential uses.

Exception to 1 and 2

Flush mounted signs may be placed on tall buildings so that the tops of the signs are above the height of the limits of Regulations 1 and 2, as long as the height of the sign itself is not more than fifteen (15) feet in industrial or commercial areas or three (3) feet in residential areas.

Urban Environment

1. The maximum allowable height for all signs shall be thirty-five (35) feet from ground level to sign top in areas dominated (more than 50% of land area within a 300-foot radius) by industrial or commercial uses.
2. The maximum allowable height for all signs shall be five (5) feet from ground level to sign top in areas dominated (more than 50% of land area within a 300-foot radius) by residential uses.

Exception to 1 or 2

Flush mounted signs may be placed on tall buildings so that the tops of the signs are above the height of the limits of Regulations 1 and 2, as long as the height of

- the sign itself is not more than fifteen (15) feet in industrial or commercial areas or three (3) feet in residential areas.
3. Require, whenever feasible, that signs be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

UTILITIES

INTRODUCTION

Utilities are services which produce and carry electric power, gas, sewage, water, communications and oil. At this time, the most feasible methods of transmission are the lineal ones of pipes and wires. The installation of this apparatus necessarily disturbs the landscape but can usually be planned to have minimal visual and physical effect on the environment.

POLICIES

1. Insure that upon completion of utilities installation or maintenance projects on shorelines, all areas be restored to pre-project configuration, replanted with native species and, provided with maintenance care until the newly planted vegetation is established.
2. Locate utility truck lines and facilities outside shoreline areas, to the maximum extent feasible.
3. Locate utility lines and facilities, when they must be placed in a shoreline area, so as not to obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.
4. To the maximum extent feasible, local governments should incorporate major transmission line rights-of-way on shorelines into their program for public access to and long water bodies.
5. Locate utilities to meet the needs of future populations in areas planned to accommodate this growth.
6. Combine utility rights-of-way in shoreline areas to the maximum extent possible.
7. Require that major utility development be consistent with adopted City comprehensive plans for utilities, where they exist, for provision of the respective utility service to the City's residents.
8. Locate sewage treatment, water reclamation, desalinization and power plants where they are compatible with other uses of the water and shorelines.

REGULATIONS

General

1. Applications for installation of utility facilities shall include the following (at a minimum):
 - a. Reason why utility facility must be in a shoreline area;
 - b. Alternative location(s) considered and reasons for their elimination;
 - c. Location of other utility facilities in the vicinity of the proposed project to include the facilities of other types of utilities;
 - d. Proposed method(s) of construction;
 - e. Plans for reclamation of areas disturbed during construction;
 - f. Landscape plans (where appropriate).
 - g. Documentation that major utility developments are consistent with adopted City comprehensive plans for utilities, where such plan exists.
2. Utility transmission lines shall be underground (underwater) wherever practical and where not significantly detrimental to the environment.
3. Utility distribution lines, service lines, and connections shall be underground (underwater) wherever practical PROVIDED that such systems designed to serve floodplain development need not be so located.
4. Aboveground generating facilities, (except hydroelectric generating facilities), switching complexes, pumping stations, treatment plants, storage tanks, and substations shall be located at least 200 feet from the ordinary high water mark. All shall be landscaped.
5. Upon completion of installation of utility systems or of any maintenance project which disrupts the environment, the disturbed area shall be regraded to compatibility with the natural terrain and replanted (where appropriate) to prevent erosion and provide and attractive, harmonious vegetation cover. Maintenance care for newly planted vegetation shall be provided until it is established.
6. Where utility systems cross shoreline areas, clearing necessary for installation or maintenance shall be kept to a minimum width necessary to prevent interference by trees and other vegetation with the proposed systems.

Underground Utility Lines

7. Such facilities shall minimize crossings of water bodies.
8. Banks and dikes where such facilities enter or leave a body of water shall be returned to their preconstruction configuration, shall be thoroughly compacted and protected against erosion, and shall be maintained in a safe condition by the utility.
9. Utility lines entering or leaving a body of water, other than a river, shall be buried below the surface of the water body's bed out to a minimum water depth of minus ten feet (-10'), measured from mean lower low water; and PROVIDED FURTHER that, if such cable does not bury itself to a minimum depth of ten (10) feet below mean lower low water within one year of installation, the permittee shall bury the cable to such depth.
10. Underground utility lines shall be completely buried under the river bed in all river or stream crossings except where such lines are permanently affixed to a bridge structure.

Surface Utility Lines

11. Surface utility lines shall be avoided where possible.
12. When paralleling a water body or highway surface, utility rights-of-way shall be separated from them by a visual buffer of natural vegetation wherever available.
13. Surface utility lines shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such a route would cause significant environmental damage.
14. Surface utility lines shall minimize crossings of shoreline areas.

Aerial utility Lines

15. Aerial utility lines shall minimize crossings of shoreline areas.
16. Aerial utility lines shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such a route would cause significant environmental damage.
17. Rights-of-way for aerial utility lines shall not be clearcut, but shall leave low-growing shrubs and bushes except as necessary for access roads.
18. Low areas between towers shall not be cleared where the projected growth of vegetation in such areas would not endanger the utility lines.

19. Aerial utility lines shall make maximum use of topography to minimize visual contrast with the environment.
20. When paralleling a water body, aerial utility rights-of-way shall be separated from said bodies by a visual buffer of natural vegetation wherever available, except where located in highway rights-of-way.
21. Bends shall be the preferred location for river crossing of aerial utility lines.

Natural Environment

1. Utility systems, including transmission lines, pipelines, sewer trunk lines and treatment plants, water mains, and similar facilities, shall be prohibited on natural shorelines.
2. Any utility brought into a Natural Environment shall be so located that it minimizes environmental impact on scenic views or aesthetic qualities.

Conservancy Environment

1. Utility transmission facilities shall be permitted PROVIDED that they are oriented to crossing the Conservancy Environment area, rather than running along the shoreline area.
2. Any utility brought into a Conservancy Environment shall be so located that it minimizes environmental impact on scenic views or aesthetic qualities, and so that it minimizes environmental impact.

Rural Environment

1. Utility facilities are permitted in the Rural Environment subject to the General Regulations.

Suburban Environment

1. Utility facilities are permitted in the Suburban Environment subject to the General Regulations.

Urban Environment

1. Utility facilities are permitted in the Urban Environment subject to the General Regulations.

NATURAL SYSTEMS

NATURAL SYSTEMS

This section contains brief and general descriptions of the State's natural geographic systems around which shoreline management programs are designed. The intent of this section is to define those natural systems to which the Shoreline Management Act applies, to highlight some of the features of those systems which are susceptible to damage from human activity, and to provide a basis for the use activity policies and regulations as well as the shoreline environment designations and management policies contained in this Shoreline Master Program.

The information found in this section was derived mainly from the Department of Ecology's section on The natural Systems in the Final Guidelines, Shoreline Management Act, 1971, (WAC 173-16-050). It was intended that this section should provide criteria to local governments in the development of their master programs.

MARINE BEACHES

Beaches are relatively level land areas which are contiguous with the water and are directly affected by marine waters even to the point of origination. The most common types of beaches in Washington marine waters are:

Sandy Beaches

Waves, wind, tide and geological material are the principal factors involved in the formation of beaches. The beach material can usually be traced to one of four possible sources: The cliffs behind the beach; from the land via rivers; offshore wind; and finally from longshore drifting of material. Longshore-drifting material must have been derived initially from the first three sources. Most beach material in Puget Sound is eroded from the adjacent bluffs composed of glacial till.

The effect of wave action on the movement and deposition of beach material varies depending upon the size of the material. Hence, in most cases, beaches composed of different sized material are usually characterized by different slopes and profiles. The entire process of beach formation is a dynamic process resulting from the effect of wave action on material transport and deposition. Initially, wave action will establish currents which transport and deposit material in various patterns. However, once a particular beach form and profile is established, it begins to modify the effects of waves thus altering the initial patterns of material transport and deposition. Hence, in building beach structures such as groins, bulkheads or jetties, it is particularly important to recognize that subsequent changes in wave and current patterns will result in a series of changes in beach formation over time. (See Use Activity Policies and Regulations).

In the process of beach formation, sand particles are transported up the beach by breaking waves that wash onto the beach in a diagonal direction and retreat in a vertical direction. At the same time, longshore currents are created in the submerged intertidal area by the force of diagonally approaching waves. Beach material suspended by the force of the breaking waves is transported in one direction or another by the longshore current. Longshore drifting of material often results in the net transportation of beach material in one direction causing the loss of material in some areas and gains in others.

The profile of a beach at any time will be determined by the wave conditions during the preceding period. Severe storms will erode or scour much material away from the beaches due to the force of retreating waves. During calm weather, however, the waves will constructively move material back onto the beach. This destructive and constructive action, called cut and fill, is evidenced by the presence of beach ridges or berms. New ridges are built up in front of those that survive storm conditions as sand is supplied to the beach in succeeding phases of calmer water. In time, the more stable landward ridges are colonized by successional stages of vegetation. The vegetation stabilizes the ridges, protects them from erosion and promotes the development of soil.

Rocky Beaches

Rocky beaches, composed of cobbles, boulders and/or exposed bedrock are usually steeper and more stable than sandy shores. Coarse material is very permeable which allows attacking waves to sink into the beach causing the backwash to be reduced correspondingly. On sandy shores a strong backwash distributes sand more evenly, thus creating a flatter slope.

On rocky shores a zonal pattern in the distribution of plants and animals is more evident than on muddy or sandy shores. The upper beach zone is frequently very dry, limiting inhabitants to species which can tolerate a dry environment. The intertidal zone is a narrow area between mean low tide and mean high tide that experiences uninterrupted covering and uncovering by tidal action. One of the major characteristics of this zone is the occurrence of tidal pools which harbor separate communities which can be considered sub-zones within the intertidal zone. The subtidal zone is characterized by less stressful tidal influences but is subject to the forces of waves and currents which affect the distribution and kinds of organisms in this zone.

Muddy Shores

Muddy shores occur where the energy of coastal currents and wave action is minimal, allowing fine particles of silt to settle to the bottom. The result is an accumulation of mud on the shores of protected bays and mouths of coastal streams and rivers. Most muddy beaches occur in estuarine areas. However, some muddy shore areas may be found in coastal inlets and embayments where salinity is about the same as the adjacent sea.

Few plants have adapted to living on muddy shores. Their growth is restricted by turbidity which reduces light penetration into the water and thereby inhibits photosynthesis. In addition, the lack of solid structures to which algae may attach itself and siltation which smothers plants effectively prevents much plant colonization of muddy shores. While the lack of oxygen in mud makes life for fauna in muddy shores difficult, the abundance of food as organic detritus provides nutrition for a large number of detritus feeds.

Spits and Bars

Spits and bars are natural formations composed of sand and gravel and shaped by wind and water currents and littoral drifting. Generally a spit is formed from a headland beach (tall cliff with a curved beach at the foot) and extends out into the water (hooks are simply hook-shaped spits). While spits usually have one end free in open water, bars generally are attached to land at both ends. These natural forms enclose an area which is protected from wave action, allowing life forms such as shellfish, to reproduce and live protected from the violence of the open coast. (See Use Activity Policies and Regulations).

Dunes

Dunes are mounds or hills of sand, which have been heaped up by wind action. Typically, dunes exhibit four distinct features:

Primary Dunes: The first system of dunes shoreward of the water, having little or no vegetation, which are intolerant of unnatural disturbances.

Secondary Dunes: The second system of dunes shoreward from the water, with some vegetative cover.

Back Dunes: The system of dunes behind the secondary dunes, generally having vegetation and some top soil, and being more tolerant of development than the primary and secondary systems.

Troughs: The valley between the dune systems.

Dunes are a natural levee and a final protection line against the sea. The destructive leveling, or interference with the primary dune system (such as cutting through the dunes for access) can endanger upland areas by subjecting them to flooding from heavy wave action during severe storms and destroy a distinct and disappearing natural feature. Removal of sand from the beach and shore in dune areas starves dunes of their natural supply of sand and may cause their destruction from lack of sand. Appropriate vegetation can and should be encouraged throughout the entire system for stabilization. (See Use Activity Policies and Regulations).

Islands

An island, broadly defined, is a land mass surrounded by water. Islands are particularly important to the State of Washington since two entire counties are made up of islands and parts of several other counties are islands. A fairly, small island, such as those in our Puget Sound and north coast area, is an intriguing ecosystem, in that no problem or area of study can be isolated. Every living and nonliving thing is an integral part of the functioning system. Each island, along with the mystique afforded it by man, is a world of its own, with a biological chain, fragile and delicately balanced. Obviously, it does not take as much to upset this balance as it would the mainland system. Because of this, projects should be planned with a more critical eye toward preserving the very qualities, which make island environments viable systems as well as aesthetically captivating to humans.

Estuaries

An estuary is that portion of a coastal stream influenced by the tide of the marine waters into which it flows and within which the seawater is measurably diluted with freshwater derived from land drainage.

Estuaries are zones of ecological transition between fresh and saltwater. The coastal brackish water areas are rich in aquatic life, some species of which are important food organisms for anadromous fish species, which use these areas for feeding, rearing, and migration. An estuarine area left untouched by man is rare since historically they have been the sites for major cities and port developments. Because of their importance in the food production chain and their natural beauty, the limited estuarial areas require careful attention in the planning function. Close scrutiny should be given to all plans for development in estuaries which reduce the area of the estuary and interfere with water flow. Special attention should be given to plans for upstream projects which could deplete the freshwater supply of the estuary.

Marshes, Bogs and Swamps

Marshes, bogs and swamps are areas which have a water table very close to the surface of the ground. They are areas which were formerly shallow water areas that gradually filled through nature's processes of sedimentation (often accelerated by man's activities) and the decay of shallow water vegetation.

Although considered abysmal wastelands by many, these wet areas are extremely important to the food chain. Many species of both animal and plant life depend on this wet environment for existence. Birds and waterfowl choose these locations for nesting places. Wet areas are important as groundwater recharge areas and have tremendous flood control value.

The high water table and poor foundation support provided by the organic soils in these areas usually prevent development on them. The extraction of peat from bogs is possible when it is accomplished in such a manner that the surrounding vegetation and wildlife is left undisturbed and the access roads and shorelines are returned to a natural state upon completion of the operation.

The potential of marshes, bogs and swamps to provide permanent open space in urbanizing regions is high because of the costs involved in making these areas suitable for use. Unlimited public access into them, however, may cause damage to the fragile plant and animal life residing there.

Lakes

A lake can be defined broadly as a body of standing water located inland. Lakes originate in several ways. Many lakes are created each year by man, either by digging a lake basin or by damming a natural valley. Natural lakes can be formed in several ways: by glaciers gouging basins and melting and depositing materials in such a way as to form natural dams; by landslides which close off open ends of valleys; extinct craters which fill with water; changes in the earth's

crust, as can happen during earthquakes, forming basins which fill with water; or by changes in a river or stream course which isolate parts of the old course forming lakes, called oxbow lakes.

A lake, like its inhabitants, has a life span. This lifetime may be thousands of years for a large lake or just a few years for a pond. This process of a lake aging is known generally as eutrophication. It is a natural process which is usually accelerated by man's activities. Human sewage, industrial waste, and the drainage from agricultural lands increases the nutrients in a lake which in turn increases the growth of algae and other plants. As plants die, the chemical process of decomposition depletes the water's supply of oxygen necessary for fish and other animal life. These life forms then disappear from the lake, and the lake becomes a marsh or swamp.

Shallow lakes are extremely susceptible to increases in the rate of eutrophication resulting from discharges of waste and nutrient-laden-runoff waters. Temperature stratification does not normally occur in shallow lakes. Efficient bottom-to-surface circulation of water in these shallow lakes move nutrients to the surface photosynthetic zone encouraging increased biotic productivity. Large quantities of organic matter are produced under these conditions. Upon decomposition, heavy demands are made on the dissolved oxygen content of shallow lakes. Eventually, the oxygen level drops, and some fish and other life forms die.

The entire ecosystem of a lake can be altered by man. By removing the surrounding forest for lumber or to provide a building site or farm land, erosion into the lake is accelerated. Fertilizers, whether agricultural or those used by homeowners, can enter the lake either from runoff or leaching along with other chemicals that interfere with the intricate balance of living organisms. The construction of bulkheads to control erosion and filling behind them to enlarge individual properties can rob small fish and amphibians of their habitats. The indiscriminate construction of piers, docks and boathouses, can deprive all of the waterfront owners and the general public of a serene natural view and reduce the lake's surface (See Use Activity Policies and Regulations).

Rivers, Streams and Creeks

Generally, rivers, streams and creeks can be defined as surface-water runoff flowing in a natural or modified channel. Runoff results either from excessive precipitation which cannot infiltrate the soil, or from groundwater where the water table intersects the surface of the ground. Drawn by gravity to progressively lower levels and eventually to the sea, the surface runoff organizes into a system of channels which drain a particular geographic area.

The drainage system serves as a transportation network for nature's leveling process, selectively eroding materials from the higher altitudes and transporting the materials to lower elevations where they are deposited. A portion of these materials eventually reaches the sea where they may form beaches, dunes, or spits.

Typically, a river exhibits several distinct stages as it flows from the headwaters to the mouth. In the upper reaches where the gradient is steepest, the hydraulic action of the flowing water results in a net erosion of the stream bed and a V-shaped cross section, with the stream occupying all or most of the valley floor.

Proceeding downstream, the gradient decreases, and the valley walls become gentler in slope. A point is eventually reached where erosion and deposition equalize and the action of the stream changes from vertical cutting to lateral meandering. As the lateral movement continues, a floodplain is formed, over which the river meanders and upon which materials are deposited during floods. Finally, when the river enters a body of standing water, the remaining sediment load is deposited.

Extensive human use is made of rivers, including transportation, recreation, waste and sewage dumping and for drinking water. Rivers are dammed for the production of electric power, dikes for flood control and withdrawn for the irrigation of crops. Many of these activities directly affect the natural hydraulic functioning of the streams and rivers as well as the biology of the watercourses. (See Use Policies and Regulations).

Floodplains

A floodplain is a shoreline area which has been or is subject to flooding. It is a natural corridor for water which has accumulated from snowmelt or from heavy rainfall in a short period. Floodplains are usually flat areas with rich soil because they have been formed by deposits from flood waters. As such they are attractive places for man to build and farm until the next flood passes across the plain. In certain areas these plains can be "floodproofed" by diking or building levees along the adjacent river or stream, but always with provisions for tremendous amount of water that will sooner or later be generated by weather conditions. Streamway modifications can be placed in such a way to cause channelization. Channelization tends to destroy the vital and fragile floodplain shoreline habitats and increase the velocity of waters in times of extreme flow. This may cause considerable damage downstream even in areas already given some flood protection. In unprotected floodplains, land-use regulations must be applied to provide an adequate open corridor within which the effects of bank erosion, channel shifts and increased runoff may be contained. Obviously, structures which must be built on a floodplain should be of a design to allow the passage of water and, wherever possible, permanent vegetation should be preserved to prevent erosion, retard runoff, and contribute to the natural beauty of the floodplain.

Puget Sound

Puget Sound is a complex of interconnected inlets, bays and channels with tidal sea water entering from the west and freshwater streams entering at many points throughout the system. Most of what is know as Puget Sound was formed by glacial action that terminated near Tenino in Thurston County. The entire system, of which Puget Sound is actually a small portion, also includes the Strait of Georgia and the Strait of Juan de fuca. The large complex may be divided into nine oceanographic areas which are interrelated: Strait of Juan de Fuca, Admiralty Inlet, Puget Sound Basin, Southern Puget Sound, Hood Canal, Possession Sound, Bellingham Bay, San Juan Archipelago, and Georgia Straits (from Puget Sound and Adjacent Waters, appendix XV, Plan Formulation).

The economic development of the central Puget Sound Basin have been stimulated by the fact that the Sound is one of the few areas in the world which provides several deepwater inland harbors. The use of Puget Sound waters by deep draft vessels is on the increase due to its proximity to the developing Asian countries. This increased trade will attract more industry and

more people which will put more use pressure on the Sound in the forms of recreation (sport fishing, boating and other water-related sports) and the requirements for increased food supply.

Puget Sound waters are rich in nutrients and support a wide variety of marine fish and shellfish species. An estimated 2,820 miles of stream are utilized by anadromous fish for spawning and rearing throughout the area. Some of these fish are Chinook, Coho, Sockeye, Pink and Chum Salmon, steelhead, Searun Cutthroat, and Dolly Varden Trout. All these fish spend a portion of their lives in the saltwaters of Puget Sound and the Pacific Ocean before returning to streams of origin to spawn. The juveniles of these fish spend varying amounts of time in the shore waters of the area before moving to sea to grow to maturity. Aquaculture or sea farming is now in the process of becoming reality in the Puget Sound complex. The mass production of seaweed, clams, geoducks, scallops, shrimp, oysters, small salmon, lobsters and other possibilities loom as an important new industry. Shoreline management is particularly crucial to the success of sea farming. Aquaculture on any scale can be compatible and coexist with maritime shipping and shoreland industrial activities only by careful planning regulation.

The shoreline resources of Puget Sound include few beach areas which are not covered at high tide. Bluffs ranging from 10 to 500 feet in height rim nearly the entire extent of the Sound making access to beach and intertidal areas difficult. Because of the glacial-till composition of these bluffs, they are susceptible to fluvial and marine erosion and present constant slide hazards. Although Puget Sound is protected from the direct influence of Pacific Ocean weather, storm conditions can create very turbulent and sometimes destructive wave action. Without recognizing the tremendous energy contained in storm waves, development of shoreline resources can be hazardous and deleterious to the resource characteristics which make Puget Sound beaches attractive. (See Use Policies and Regulations).

The concerns expressed previously in this section regarding each natural system are to be carefully considered when appropriate to the issuance of substantial development permits or the revision of the Mountlake Terrace Master Program.

**MASTER PROGRAM REVIEW AND
AMENDMENT PROCESS**

MASTER PROGRAM REVIEW AND AMENDMENT PROCESS

It is recognized that changing public opinion, community needs and standards, new technology and information or other unforeseen changing conditions may justify and compel review and amendment to this master program. However, to insure that suggested changes are not arbitrary or oriented to individual advantage, any proposed amendments or additions to the master program shall follow a process similar to that utilized for amending the City's comprehensive plan. Compliance with this process will assure formal public notice and public hearing(s), the opportunity for ample public involvement, assessment and recommendation by the City Planning Department's professional staff and the Planning Commission with final formal approval given by the City Council, prior to submission to the Department of Ecology for official certification.

DEFINITIONS

DEFINITIONS

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

“Act” means the Shoreline Management Act of 1971, chapter 90.58 RCW.

“Department” means State of Washington, Department of Ecology.

“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 obstruction; 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 the act at any state of water level.

“Director” means the director of the Department of Ecology.

“Dredging” means the removal of earth, k sand, sludge or other materials from the bottom of a stream river, lake, bay or other water body. Provided that the creation of temporary depressions or contour alterations of tide-lands or bedlands through the use of aquacultural harvesting equipment approved by the Department of Fisheries shall not be construed to be dredging as defined in this Master Program.

“Extreme low tide” means the lowest line of the land reached by a receding tide.

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

“Hearing board” means the Shorelines Hearings Board established by the Act.

“Local government” means the City of Mountlake Terrace.

“Master program” means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in Section 2 of the Act.

“Ordinary high-water mark” means the mark on all lakes, streams and tidal waters, which will be found by examining the beds 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 the effective date of this chapter, or as it may naturally change thereafter:

PROVIDED, that in any area where the ordinary highwater mark adjoining freshwater shall be the line of mean high water.

“Permit” means that required by the Act for substantial development of shorelines, to be issued by the local government entity having administrative jurisdiction and subject to review by the Department of Ecology and the Attorney General.

“Principal Use Parking” is commercial parking which is the principal use of the property and is not accessory to another use.

“Shorelines” means all of the water areas of the State, including reservoirs, and their associated wetlands, together with the lands underlying them, except:

- a. Shorelines of state-wide significance;
- b. Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and
- c. Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

“State master program” means the cumulative total of all master programs approved or adopted by the Department of Ecology.

“Substantial development” means any development of which the total cost, or fair market value, exceeds \$2,500, or any development which materially interferes with normal public use of the water or shorelines of the State except that the following shall not be considered substantial developments:

- a. Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements;
- b. Construction of the normal protective bulkhead, common to single family residences;
- c. Emergency construction necessary to protect property from damage by the elements;
- d. Construction of a barn or similar agricultural structure on wetlands;

- e. Construction or modification of navigational aids, such as channel markers and anchor buoys;
- f. Construction on wetlands by an owner, lessee, or contract purchaser, of a single family residence, for his own use or for the use of his family, which residence does not exceed a height of 35 feet above the state agency or local government having jurisdiction thereof.

“Wetlands” or “Wetland areas” means those lands extending landward for 200 feet in all direction, as measured on a horizontal plane from the ordinary highwater mark and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of the Act.

SEVERANCE CLAUSE

SEVERANCE CLAUSE

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

APPENDICES

ORDINANCE NO. 1807

CITY OF MOUNTLAKE TERRACE

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE REQUIRING SUBMITTAL OF SUBSURFACE AND SURFACE DRAINAGE PLANS, EROSION CONTROL PLANS, PERFORMANCE AND MAINTENANCE GUARANTEES TO BE SUBMITTED IN CONJUNCTION WITH CERTAIN PERMITS: AUTHORIZING CITY ASSUMPTION OF RESPONSIBILITY FOR RETENTION AND DETENTION FACILITIES AND AMENDING ORDINANCE 1658 BY DELETING CHAPTER VIII, AND REPEALING ORDINANCE NOS. 1616 AND 1732.

THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE DOES ORDAIN AS FOLLOWS:

1.1. Purpose. The City Council finds that this Chapter is necessary in order to promote sound development policies and construction procedures which respect and preserve the City's water courses; to minimize water quality degradation and control of sedimentation of creeks, streams, ponds, lakes and other water bodies; to protect property owners adjacent to developing and developed land from increased runoff rates which could cause erosion of abutting property; to protect downstream owners; to preserve and enhance the suitability of waters for contact creation and fishing; to preserve and enhance the aesthetic quality of the waters; to maintain and protect valuable groundwater resources; to minimize adverse effects of alterations in groundwater quantities, locations, and flow patterns; to ensure the safety of City roads and rights of way; and to decrease drainage related damage to public and private property.

1.2. Definitions.

1.2.1. "Area of Special Flood Hazard" - the land in a flood plain of the City subject to a one percent or greater chance of flooding in any given year.

1.2.2. "Base Flood" - the flood having a one percent chance of being equaled or exceeded in any given year.

1.2.3. "Comprehensive Drainage Plan" refers to a detailed analysis for each drainage basin which compares the capabilities and needs for run-off accommodation due to various combinations of development, land use, structural and nonstructural management alternatives. The plan recommends the form, location, and extent of quantity and quality control measures which optimally would meet the legal constraints, water quality standards, and community standards, as well as identifying the institutional and funding requirements for plan implementation.

1.2.4. "Computations" shall mean calculations, including coefficients and other pertinent data, made to determine the drainage plan with rates of flow of water given in cubic feet per second and cubic meters per second (CMS).

1.2.5. "Critical or Sensitive Sites" shall mean those sites identified as such on a current map adopted by the City Council or as further defined herein.

1.2.6. "Design Storm" shall refer to that rainfall event which is selected by the Engineering Department for purposes of design, specifying both the return period in years and the duration in hours.

1.2.7. "Design Storm Frequency" is the probability of a design storm occurring expressed in terms of a statistically probable yearly interval of recurrence which shall be specified by the City. For example, a storm that has a probability of occurring once in every ten (10) year period is called a ten-year storm.

1.2.8. "Detention Facilities" shall mean facilities designed to hold runoff while gradually releasing it at a predetermined maximum rate.

1.2.9. "Developer" shall mean the individual(s) or corporation(s) applying for the permits or approvals described in Section 6.1 of this Chapter.

1.2.10. "Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

1.2.11. "Developmental Coverage" shall mean all developed surface areas within the subject property including, but not limited to, rooftops, driveways, carports, accessory buildings, parking areas, and any other impervious surfaces.

During construction "development coverage" shall include the above in addition to the full extent of any alteration of previously occurring soils, slope or vegetation due to grading, temporary storage, access areas, or any other short-term causes.

1.2.12. "Drainage Area" shall mean the watershed contributing water runoff to and including the subject property.

1.2.13. "Drainage Facility" means the system of conveying and storing storm and surface water runoff as depicted in the drainage plan. Drainage facilities shall include but not be limited to all surface water conveyance facilities within the drainage area including streams, pipelines, channels, ditches, swamps, lakes, and wetlands, sinks or recharge areas, retention/detention facilities and other drainage structures and appurtenances, both natural and man-made.

1.2.14. "Drainage Plan" means a plan for receiving, handling and transporting surface water within the subject property including all computations required to determine the extent and nature of the proposed plan. The temporary erosion/sedimentation control plan and the drainage plan comprise the drainage plan for a subject property. Such plan shall be prepared by a licensed professional civil engineer.

1.2.15. "Drainage Treatment/Abatement Facilities" shall mean any facilities installed or constructed in conjunction with a drainage plan

for the purpose of treatment or abatement of urban runoff, excluding retention or detention facilities.

1.2.16. "Erosion Hazard Areas:" Those areas of the City containing soils which, according to the USDA Soil Conservation Service, Snohomish County Soils Survey, may experience severe to very severe erosion hazard.

1.2.17. "Flood or Flooding" - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters and/or
- 2) The unusual and rapid accumulation of runoff of surface waters from any source.

1.2.18. "Flood Insurance Rate Map" (FIRM) - the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones.

1.2.19. "Floodway" - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

1.2.20. "Flood Plain" shall mean the low-lying lands adjacent to water courses onto which excessive water flows during periods of prolonged and intense precipitation. The flood plain for a particular watercourse is a geographic area flooded by a storm of specific intensity. The flood plain usually includes all adjacent wetlands and may include other lands not normally classified as wetlands.

1.2.21. "Lowest Floor" shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance found in Section 11.2.1.B.

1.2.22. "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term

9-5.1.2.22. MOUNTLAKE TERRACE ORDINANCES 9-5.1.2.29.

"manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

1.2.23. "Natural Location" of drainage systems shall refer to the location of those channels, swales, and other non-man-made conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs, or such other means as appropriate.

1.2.24. "Peak Discharge" shall mean the maximum surface water runoff rate (cfs and cms) determined for the design storm.

1.2.25. "Planned Unit Development" shall refer to residential developments which are planned and/or developed in several stages but submitted together for approvals, and which typically consist of clusters of multi-unit structures interspersed with areas of common open space.

1.2.26. "Receiving Bodies of Water" shall mean creeks, streams, lakes, and other bodies of water into which waters are directed, either naturally, in man-made ditches, or in closed conduit systems.

1.2.27. "Retention Facilities" shall mean facilities designed to hold water for a considerable length of time and then consume it by evaporation, plant transpiration, or infiltration into the soil.

1.2.28. "Sensitive Streambeds:" Streams known to be susceptible to high fluctuations between normal flows and flows occurring during major rainstorms. Steep side slopes and poor soil conditions may contribute toward erosion and scouring of the streambed. Sensitive streams may or may not have associated wetlands.

1.2.29. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

9-5.1.2.30.

MOUNTLAKE TERRACE ORDINANCES

9-5.3.(2).

1.2.30. "Subject Property" shall mean the tract of land which is the subject of the permit and/or approval action, is defined by the full legal description of all parcels involved in the proposed development.

1.2.31. "Temporary Erosion/Sedimentation Control" means the implementation of any measures during site development which reduces erosion, controls siltation and sedimentation and insures that sediment laden water does not cause a violation of applicable water standards.

1.2.32. "Site Sensitive Areas" - Those areas identified in accordance with City Ordinance No. 1584 as or having the characteristics of Wetlands, Potentially Unstable Slopes, Sensitive Streambeds, Erosion Hazard Areas or Flood Hazard Areas.

1.2.33. "Wetlands" shall be those areas adjacent to or isolated there from which may normally or periodically be inundated or saturated by the waters from the watercourse or the drainage waters from the drainage basin in which it is located, or which may support a prevalence of vegetation typically adapted for life in saturated soil conditions. These include swamps, bogs, sinks, marshes and lakes, and all of which are considered to be part of the watercourse and drainage system of the City and shall include the headwater areas where the watercourse first surfaces.

SECTION 2. DESCRIPTION OF THE TRUNK DRAINAGE SYSTEM

The City has a drainage system consisting of storm and surface water drainage, which includes watercourses, sloughs, streams, ponds, lakes, swamps, streets, ditches, conduit, culverts, and catch basins among others. The City controls this system either through fee ownership, formal easements, or by its prescriptive rights to pass storm and surface waters over private and public lands.

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SECTION 3. STATEMENT OF AUTHORITY

The City Engineer, or his designated representative(s) is charged with the administration of and compliance with this Ordinance regulation, as established by the City. The City Engineer is empowered to establish such administrative and physical procedures and guidelines as are required in the execution of his authority under this Ordinance.

The administrator of the provisions of this ordinance shall:

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied;

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

(3) Obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer Section 11.2 - Specific Standards for Construction in Special Flood Hazard Areas.

SECTION 4. MAPPING

Areas of special flood hazard are identified in the Flood Insurance Study for the City of Mountlake Terrace with accompanying Flood Insurance Maps. The areas of steep slopes, wetlands and erosion hazard areas are identified on the Site Sensitive Area Map for the City of Mountlake Terrace. These maps are hereby adopted by reference and declared to be part of this ordinance. These maps are on file at the Mountlake Terrace Civic Center, 23204 - 58th Avenue West.

SECTION 5. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body; and
- 3) Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 6. APPLICABILITY

Compliance with the terms of this Ordinance shall be a requirement for the issuance of a drainage permit and any form of development permit or building permit affected thereby. In addition to other requirements for compliance with this drainage Ordinance, the following conditions shall also apply:

6.1. Area of Applicability. These rules and regulations shall apply to all property within the Mountlake Terrace City Limits, and may also apply to the full extent provided by law to those lands which are outside the City limits which discharge storm and surface waters into, from, and through the City. Jurisdiction in those areas not within the City limits shall be subject to the provisions of Intergovernmental Agreements as they now exist or shall be later entered into or modified between the City and other affected neighboring jurisdictions.

All persons applying for any of the permits and/or approvals herein listed shall provide a temporary erosion/sedimentation control plan and a drainage plan for surface and pertinent subsurface water flows entering, flowing within, and leaving the site. Construction work shall not begin until final approval (by signature) of the drainage plan is obtained including plans for construction of drainage and erosion control.

- (a) Grading permit.
- (b) Land clearing permit.
- (c) Substantial development permit required under RCW 90.58 (Shoreline Management Act).
- (d) Planned residential development approval.
- (e) Special development plan approval.
- (f) Conditional use permits effecting a drainage change.
- (g) Building permits where the permit relates to 5,000 or more square feet of developmental coverage within the property.

- (h) Commercial, industrial, or multi-family site plan approval.
- (i) Subdevelopment approval.
- (j) Short subdevelopment approval.
- (k) Flood control permit.
- (l) Any alterations that affect a subject property's runoff or soil percolation rates, if such property is within a "critical or sensitive area."
- (m) All projects in areas identified as hazardous and subject to flooding or erosion by the comprehensive drainage management plan, the Federal Flood Insurance Maps, Site Sensitive Areas, or areas of special significance to the proper functioning of the drainage system.
- (n) Constructing a new or adding to an existing impervious surface where the total impervious are exceeds 5,000 square feet.

Commencement of construction work under any of the above permits or applications shall not begin until such time as final approval of the drainage plan is obtained. Failure to comply with this provision shall result in revocation of all permits for the proposed development, and the City may proceed as authorized under Section 23 herein.

6.2. Alteration of the Existing Drainage System. A considerable portion of the drainage system of the City presently exists as natural watercourses and wetlands. No person shall undertake a project which would encroach upon, modify, realign, or change in any manner any of the existing drainage system, except for normal maintenance to keep property accessible (including but not limited to trimming of brush, shrubs, or trees, and removal of same) with prior approval of the City Planning Commission as established by other Ordinances.

6.3. Degradation of Water Quality. No person, or property owner, within or without the City shall cause or permit the discharge of storm and surface water runoff from property under their control into the City drainage system, which discharge does not meet the minimum water quality standards as described in Section 10.2.1.

6.4. Exceptions. The plan requirement established in this section will apply except when the developer demonstrates to the satisfaction of the City Engineer that the proposed permit or activity:

1. Will neither seriously nor adversely impact the water quality conditions of any affected receiving bodies of water;

2. Will not alter the drainage patterns, increase the runoff volume or peak discharge, or cause any other adverse effects in the drainage area;

3. Will not cause runoff exceeding the available capacity of the existing drainage system where such system was designed to serve the proposed development area;

4. Will not reduce the flood carrying capacity of any watercourse.

If the developer requests an exception, he shall submit to the City a written application for exception specifically stating how the proposed development meets all of the above criteria.

All exceptions shall be approved in writing by the City Engineer prior to issuance of a drainage permit and prior to any work taking place on the Applicant's property.

SECTION 7. APPLICABILITY TO GOVERNMENTAL ENTITIES

To the extent not prohibited, or as permitted or provided by law, all municipal corporations and governmental entities shall be required to submit a drainage plan and comply with the terms of this Ordinance when undertaking such projects or applying for such permits as stated in Section 6.1. This shall include road building and widening within the areas of the City.

It is recognized that many other city, county, state, and federal permit conditions may be applied to the proposed action and that compliance with the provisions of this Ordinance does not constitute compliance with other such requirements.

SECTION 8. CONTENT OF DRAINAGE PLANS

All persons applying for any of the permits, approvals or undertaking items contained in Section 6.1 shall provide a temporary erosion/sedimentation control plan and a drainage plan for surface water flows entering, flowing within and leaving the subject property. Three (3) copies of scale plans must be submitted to the City Engineer for review. Upon approval of plans, reproducible copies from which additional copies can be made shall be submitted to the City, together with all original drawings for approval signatures. Thereafter, three (3) copies of the approved plans with signature must be submitted to the City.

The following information must be submitted to the City Engineer for his review:

8.1.1. Soils, topography, existing vegetation, the areas to be cleared and graded; and the location of major cuts and fills covered by the permit and/or approval for which application is made;
9-5.8.1.2 MOUNTLAKE TERRACE ORDINANCES 9-5.8.2.1.(g).

8.1.2. Computations and hazards associated with the area covered by the permit and/or approval for which application is made; the anticipated schedule of construction; and the proposed measures including site management practices (such as check dams, reseeding or mulching) as appropriate for controlling erosion/sedimentation and runoff.

The City Engineer may require additional temporary erosion/sedimentation control measure to account for seasonal changes, alterations of the topography and watercourse during construction, and

other such factors affecting site conditions which need to be considered to insure complete siltation control on the subject property. It shall be the obligation and responsibility of the person required to provide and maintain temporary erosion/sedimentation facilities pursuant to this section to address any new conditions that may be created by his activities and to utilize additional control measures as may be needed.

8.2. Detailed Drainage Plans—Contents. Detailed Drainage Plans shall include the following information with respect to surface and pertinent subsurface water flows entering, flowing within, and leaving the subject property both during and after construction.

8.2.1. Project Description.

- (a) A legal description of the property.
- (b) The names, addresses and telephone numbers of the owners and persons ordering the work to be performed.
- (c) To the extent necessary to adequately evaluate the accuracy of computations, the project description will include the location of any existing or proposed buildings, structures, and utilities on the property where the work is to be performed and the location of any existing building or structure on adjacent property which is within fifteen (15) feet of where the work is to be performed.
- (d) Elevations, dimensions, location, extent and the slopes of all work proposed to be done, shown on a contour map. Such contour map shall show the existing contours of the land and the proposed contours of the land after completion of the proposed work. A minimum of a two foot contour interval shall be used to adequately show drainage courses through the property and shall relate to the grade changes on the property.
- (e) Summary of existing and proposed vegetative cover, including trees, shrubs, and grasses, and soil types depicted on a map of the proposed site.
- (f) The boundaries of all areas that will be paved or otherwise altered in a manner that will increase surface water runoff and boundaries of all areas to remain in an existing or natural condition.
- (g) Location of existing drainage facilities which transport surface water onto, across, or from the site including natural watercourses, artificial channels, drainpipes or culverts.

9-5.8.2.1.(4).

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9-5.8.2.3.(i).

- (h) Location of springs or other subsurface water outlets.
- (i) Location of all existing trees, 15 ft. in height or greater; indicate trees to be removed and to remain after completion, and the minimum distance from trunks to nearest excavation or fill. Indicate species of all major plant materials.
- (j) The boundaries of the 100 year flood plain as determined by each respective drainage basin latest comprehensive drainage plan. (Flood plain elevations and flows for Halls Creek are those which have been developed in the studies to rehabilitate Lake Ballinger.) Where the 100 year flood plain has not been defined within a comprehensive drainage plan, the developer shall show the 25 or 10 year flood plains. The 25 year flood plain shall be indicated for sites where the drainage basin equals or exceeds 50 acres and the 10 year flood plain when the basin is less than 50 acres.
- (k) The estimated total amount of excavation and fill in cubic yards.

8.2.2 Background Computations For Sizing Drainage Facilities.

- (1) Indication of the peak discharge and volume of surface water currently entering and leaving the subject property due to the design

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storm. For subsurface waters entering property indicate method of estimating quantity for design purposes.

(2) Indication of the peak discharge and volume of runoff which will be generated due to the 10 year storm within the subject property if the development or proposed activity is allowed to proceed.

(3) Determination of the peak discharge and volume of water that will be generated by the design storm at all naturally occurring discharge points off the property.

(4) Proposed measures for handling the computed runoff.

(5) The drainage course for a minimum distance of one-fourth mile down stream from the development must be evaluated for its capacity to pass the design storm flow after completion on the development.

8.2.3. Proposed Method(s) of Handling Drainage. (See mandatory requirement in Section 10.1.1):

(a) Proposed improvement for handling and computed runoff, including the location and capacity of all natural or proposed drainage facilities, and easements, the method of discharging storm water off-site at the naturally occurring location, and provisions needed to restrict the velocity and direction of the discharge in order to avoid damage to other properties.

(b) Drawings of proposed open channel and closed conduit system.

(i) In open channel work, the water surface elevation of the flow for the design storm will be indicated on plan and profile
9-5.8.2.3(i) MOUNTLAKE TERRACE ORDINANCES 9-5.9.(5)

drawings. The configuration of the finished grades constituting the banks of the open channel will also be shown on the drawings.

(ii) Proposed cross-section of the channel with stable side slopes will be shown in the plan.

(iii) The water surface elevation of the flow for the design storm will be indicated on the cross-section.

(c) Proposed measures for controlling runoff during construction, including a statement indicating the proposed staging of all building/grading activities. For preliminary plats this shall include temporary erosion control measure to be utilized by the applicant during installation of plat improvement and by subsequent builders during construction of dwellings or other lot improvements.

8.3. Indication of developers intent to retain ownership, operation and maintenance of required facilities or transfer same to City.

8.4. The requirements of Section 8 may be modified at the discretion of the City Engineer in special cases requiring more information, such as soils logs, and infiltration data sufficient to adequately represent the area.

8.5. Failure to submit the materials required by this Ordinance shall be cause for the City to refuse to process the drainage plan.

SECTION 9. ADDITIONAL INFORMATION IN SPECIAL FLOOD HAZARD AREAS

For any project located in an identified special flood hazard area, the following specific information is required:

1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

2) Elevation in relation to mean sea level to which any structure has been flood proofed;

3) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure met the flood proofing criteria.

4) Description to the extent to which a watercourse will be altered or relocated as a result of the proposed development.

5) Certification that any alteration of a stream will not alter the flood carrying capacity.

9.5.10

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9-5.10.1.1.(f)

SECTION 10. STANDARDS

The following standards shall apply to all projects subject to these rules and regulations. Additionally, the water quality standards shall apply to all properties discharging storm and surface water runoff into the drainage system. Except where specifically described, it shall be the developer's responsibility to determine the method of compliance with the standards.

10.1. Design. The following design requirements shall apply to all projects and are intended to be consistent with the comprehensive drainage management plan.

10.1.1. Mandatory Requirements.

(a) Surface water entering the subject property shall be received at the naturally occurring location and surface water exiting the subject property shall be discharged at the natural location with adequate energy dissipators within the subject property to minimize downstream damage and with no diversion at any of these points;

(b) The ten (10) year design storm peak discharge from the subject property may not be increased due to the proposed development;

(c) Retention/detention facilities with capacities designed for a 25 year-6 hour storm or as specified by the comprehensive drainage plan must be provided in order to maintain surface water discharge rates at or below the existing ten (10) year design storm peak discharge; and

(d) Where open channel construction is used to handle drainage within the subject property, a minimum of fifteen (15) feet will be provided between any structures and the top of the bank of the defined channel.

1. In open channel work the water surface elevation will be indicated on the plan and profile drawings. The configuration of the finished grades constituting the banks of the open channel will also be shown on the drawings.

2. Proposed cross section of the channel will be shown with stable side slopes as approved by the Engineering Department.

3. The water surface elevation of the flow for the design storm will be indicated on the cross section.

(e) When a closed system is used to handle drainage within the subject property, the system will be a minimum of ten (10) feet from all structures.

(f) All drainage easements within the subject property shall be at least twenty (20) feet in width for operation and maintenance of open channel or closed system installation.

9-5.10.1.1.(g) MOUNTLAKE TERRACE ORDINANCES 9-5.10.1.4.

(g) Open retention/detention ponds and infiltration facilities shall not be located in dedicated public road right-of-way areas unless specifically waived by the City.

(h) An emergency overflow system is required for all retention/detention and filtration facilities.

(i) No naturally occurring marsh, or other wetlands area shall be developed unless it can be shown by the prospective developer that the water quality benefit by development to the wetland area exceeds the natural benefit of the existing marsh or wetland area.

(j) Storm water retention/detention shall not occur on asphalt, graveled or concrete surfaces.

(k) Where the allowable discharge from a site exceeds 1 cfs there shall be a multiple stage discharge where the lowest stage discharges 25 percent (25%) of the allowable discharge. The minimum size of the lowest orifice of a multiple stage or single stage discharge control device must be one-inch (1") in diameter.

10.1.2. Recharge. Recharge of storm water into the ground is encouraged; however, recharge potential shall be reviewed and certified by the Design Engineer prior to any attempt to recharge to the ground. Approved recharge projects shall have an inflow capacity sufficient to handle the design storm. An overflow system which meets the water quality and quantity release standards shall be available for backup.

The approval of any recharge project shall not constitute approval of any means by which unstable subsurface conditions may occur; such conditions resulting from recharge projects not constructed by the City shall remain the responsibility of the developer.

10.1.3. Construction. Construction materials and methods shall be in accordance with Standards and Specification for Municipal Public Works Construction" prepared by the American Public Works Association, latest edition, unless otherwise approved by the City. Copies of this publication are available for public inspection at the office of the City Engineer.

10.1.4. Erosion Control. Where drainage facilities discharge to natural drainage ways or watercourses, energy dissipation facilities shall be provided to prevent erosion and deterioration of the streambed or banks. Energy dissipation facilities shall be constructed of approved materials. Material such as broken concrete slabs, pipe, tires, scrap metal or debris are prohibited. No person shall discharge drainage waters from their project to any point or in any manner not approved by the City. Prior to occupancy of the site or any related structure permanent erosion control must be established and operating at designed efficiency.

9-5.10.1.5. MOUNTLAKE TERRACE ORDINANCES 9-5.10.1.7.

10.1.5. Storage. All storage basins shall be designed in such a manner that the outlet structures are easily accessible for inspection, testing, and maintenance.

The release of runoff from the storage basin shall be through a weir, orifice, grate, pipeline, or any other structure approved by the City Engineer and shall be maintained by the owner at this expense unless accepted for maintenance by the City as provided for under Section 21. The outlet facility shall provide a means for measuring the rate of outflow from the basin.

Where storage basins are incorporated into the property development in the form of lakes or fountains they shall be designed so as to avoid algae blooms and prevent stagnation. This area of concern shall be addressed in the permit application including regulation of lawn fertilization schedules (if applicable), lake configuration, flushing time and algae control methods.

All open storage basins not incorporated into landscaping arrangements shall not retain water for more than 24 hours. The owner shall be responsible for maintaining all storage basins, and for providing for the safety of the public as related to the storage basins. The City reserves the right to inspect such facilities at any time and upon written notice by the City to the owner that the basin has been filled in to the point where the design capacity is no longer available, or the outlet structure is clogged or blocked, or in some other manner is not functioning as designed and approved, the owner shall correct the problem. If the owner fails to respond to the written notice within 15 days, the City may undertake the work and bill all time and material to the owner.

10.1.6. Wetlands. Where existing wetlands function as a control feature in the natural drainage system, no project will be permitted which reduces that control feature. Projects proposed in a wetland area shall be accompanied by an engineering report prepared by a registered civil engineer qualified to practice in the State of Washington describing existing conditions and how those conditions will be maintained during and after project completion. The property owner, however, shall not be required to provide greater runoff control and storage potential than presently exists at the time he seeks project approval. No construction shall be permitted within 50 feet of the average annual high water line of a wetland.

10.1.7. Watercourses and Streams. Except on bridges or over culverts, or immediate approaches to them, no building, fences, construction or obstructions shall be permitted within 25 horizontal feet of the seasonal high water elevation of any stream or watercourse except as may be necessary to improve or stabilize the existing drainage. All construction within 50 feet of a watercourse shall be subject to careful control of filling and grading to assure that no erosion products are permitted to enter the natural drainage system.

9-5.10.1.8. MOUNTLAKE TERRACE ORDINANCES 9-5.10.2.1.(b)

10.1.8. Development Within the 10, 25 or 100 Year Flood Plains.

Development in areas where the 100 year flood plain has been established by a Comprehensive Drainage Plan (Halls, Lyon and McAleer basins), or where the Community Development Department has determined that drainage or erosion conditions present an imminent potential of harm to the welfare and safety of the surrounding community, shall meet special drainage conditions set by the Department. Conditions may include the limitation of the volume of discharge from the developed property to be predevelopment levels, preservation of wetlands or other

natural drainage features, or other controls necessary to protect against a community hazard.

Due to the detrimental effect on upstream and downstream properties no filling, grading or construction shall take place within the established flood plains where an equal amount of displaced flood water storage has not been provided elsewhere. The Developer must provide information, plans and calculations to satisfy the City Engineer that development within the flood plains is not detrimental by increasing the flooding occurring upstream or downstream from the site.

Where applications of the provisions of this Section will deny all reasonable use of the property, the restriction of development contained in this Section may be waived only by the Board of Adjustment, provided that the resulting development shall be subject to all of the remaining terms and conditions of this Chapter.

10.2. Performance. The performance standards are set as the minimum level of compliance.

10.2.1. Water Quality. The storm and surface waters discharging from an individual property or project shall be of such quality as to meet Class A water quality standards of the State of Washington (WAC 173-201) herein adopted as part of this Ordinance by reference or the quality of the receiving water, whichever is higher. No one shall introduce into the drainage waters any liquid or solid foreign substances of biodegradable or other nature which shall cause the water quality to degrade from applicable state standards. Products of erosion shall be prevented from entering the natural drainage system at all times, during both the construction on the property and the subsequent operation of the facilities provided. All trash and debris shall be prohibited from entering the drainage system at any point within the property.

It shall be prohibited and in violation of this Ordinance for any person to:

(a) Cause or permit litter, trash, rubbish, or debris to enter the drainage system of the City.

(b) Cause or permit liquid or water-carried pollutants to enter the drainage system of the City including but not limited to oils and
9-5.10.2.1.(b) MOUNTLAKE TERRACE ORDINANCES 9-5.10.2.2.

petroleum products, paints and paint thinners, pesticides, fertilizers, soaps, detergents, and washing wastes.

(c) Cause or permit horses, cattle, or other domestic animals to enter any watercourses or wetlands that are part of the drainage system of the City. Stables, pastures, and other animal enclosures shall be drained so as to prevent polluted drainage waters from entering the drainage system of the City.

(d) Cause or permit grading, clearing, filling, or other land surface changes to take place in such a way as to allow drainage from the property to carry any suspended or dissolved matter into the drainage system of the City.

(e) Cause or permit to take place in the streams, watercourses, or wetlands that are part of the drainage system any work that would result in the transmission of silt, pollutional materials, or other foreign substances from one part of the system to another.

(f) Discharge any waters or in any way cause the temperature of the water discharged from the property to exceed by more than five degrees Fahrenheit the temperature of the nearest receiving waters.

The following actions shall be required by this Ordinance of all properties within the City.

(g) All paved parking lots, work areas, and road surfaces on private commercial property shall be swept and cleaned not less than monthly. Use of water for flushing or cleaning shall be prohibited unless provision is made for interception and removal of all pollutants prior to discharge to the drainage system.

(h) All paved parking areas, driveways, and other surfaces on private residential property shall be cleaned and swept on a regular basis.

10.2.2. Grass-Lined Swales. At a minimum, provide for two hundred lineal feet of grass lined trapezoidal swale for each acre of effective drainage area within a site. Such swales must be located, as much as is possible, between the exit point of the drainage collection system and the entry point of the receiving system. All construction and redevelopment sites will have, regardless of size, a minimum of two hundred feet (200'), of grass lined swale conforming to the aforementioned location requirements. Construction will conform to specifications contained in City of Mountlake Terrace Engineering Standards Manual.

A maintenance schedule, including mowing frequency, shall be included in the plans. All harvested, (or mowed), vegetation shall be removed from the swale as part of the regular maintenance program. Inspections will be performed by City of Mountlake Terrace staff, if maintenance is required, owner shall be notified in writing of the
9-5.10.2.2 MOUNTLAKE TERRACE ORDINANCES 9-5.10.2.6.

required action. If such notice fails to produce action on the part of the owner, public works crews shall perform maintenance and the owner will be charged all costs.

10.2.3. Water Quantity. The storm and surface water runoff discharging from a project or property which directly or indirectly enters the drainage system of the City shall be released at a 10 year-6 hour storm rate. In no case shall runoff release rates exceed that which would be necessary to pass the design storm from the project area in its natural undeveloped condition. Storage shall be provided in sufficient volume to handle a projected 25 year-6 hour storm from the project area as the property is developed. Storage release rates shall, as a maximum, not exceed those generated by the design storm from the project area in its natural undeveloped condition or as otherwise determined and directed by the City.

10.2.4. Use of Storm and Surface Water Runoff.

(a) Drawdown -- Storm and surface water runoff may be drawn in any quantity from man-made storage devices on private property which release directly into the drainage system or which are completely enclosed. No water may be drawn from the watercourses, sloughs, streams, ponds, lakes, or swamps that make up the public drainage system except under the provisions of approved state water rights permits.

(b) Permitted Uses -- Storm and surface water runoff that can legally be drawn off from the project area may be used for any nonpotable purposes. The distribution system employed shall be separate from the City water system.

10.2.5. Fish Passage. All projects involving perennial streams shall make adequate accommodation for fish passage. No obstructions of any kind shall be placed within the stream which would prohibit the free passage of fish under all flow conditions.

10.2.6. Vegetation Removal. When a project involved clearing of land, operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time during construction. Erosion control measures shall be undertaken prior to the time of beginning of clearing. The City may prohibit all clearing and grading during the wet season from October to May or at any other time at the discretion of the City Engineer.

Vegetation shall be restored or control measures instituted at the earliest possible date, with exposure limited to no more than 30 days on slopes with sufficient grade to allow scouring of silt-size soil particles. At that time, erosion control measures are to be fully implemented and effective.

Where the City Engineer determines that the hazard is minimal or the control program is highly reliable, the time of exposure may be
9-5.10.2.6 MOUNTLAKE TERRACE ORDINANCES 9-5.11.1.1.B.

extended in writing from 30 to no more than 120 days.

10.2.7. Sedimentation Control. On-site drainage shall be handled in such a way as to control erosion and to return waters to the natural drainage course free of sedimentation or other pollution. Drainage from areas above the developed site shall be temporarily diverted from the construction area to preclude erosion and sedimentation.

The following are considered erosion and sedimentation control measures:

- (a) Vegetation
- (b) Mulch
- (c) Natural or synthetic matting
- (d) Riffles
- (e) Impervious linings, including polyethylene and asphalt concrete
- (f) Terraces, grassed waterways

SECTION 11. SPECIAL PROVISIONS FOR DEVELOPMENT WITHIN A HAZARDOUS FLOOD AREA.

In accordance with the National Flood Insurance Management Program, this section specifies criteria for development within areas identified as Special Flood Hazard Areas as mandated by Section 60.3 of the Federal Flood Regulations (Title 44 CFR).

11.1. GENERAL CONSTRUCTION STANDARDS.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Mountlake Terrace," dated September 30, 1987, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at 23204 58th Avenue West, Mountlake Terrace, WA 98043.

11.1.1. Anchoring

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

A development permit shall be obtained for construction or development begins within any area of special flood hazard established in The Flood Insurance Study and Maps. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including fill and other activities, also as set forth in the "DEFINITIONS."

B. All mobile homes shall be anchored in accordance with the criteria of Section 60.3 of the Federal Flood Insurance Program.
9-5.11.1.1.C. MOUNTLAKE TERRACE ORDINANCES 9-5.11.1.4.D.

C. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the City Engineer or his designate that this standard has been met.

D. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may be, but are not limited to, over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

11.1.2. Construction Materials and Methods

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

11.1.3. Utilities

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

C. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

11.1.4. Subdivision Proposals

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and;

D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots
9-5.11.1.4.D. MOUNTLAKE TERRACE ORDINANCE 9-5.11.1.C.(2).

or 5 acres whichever is less.

11.1.5. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study or from other authoritative source (Section 3(2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

11.1.6. Duties and Responsibilities of the City Engineer

A. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with The Flood Insurance Study and Map, the City of Mountlake Terrace shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Sections 11.2, SPECIFIC STANDARDS, and 11.3 FLOODWAYS.

B. Information to be Obtained and Maintained

(1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.3-2, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved flood-proofed structures:

- (i) verify and record the actual elevation (in relation to mean sea level), and
- (ii) maintain the flood-proofing certifications required in Section 4.1(3).

C. Alteration of Watercourses

(1) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

9-5.11.2 MOUNTLAKE TERRACE ORDINANCES 9-5.11.2.2.A.

11.2. Specific Standards for Construction in Special Flood Hazard Areas.

11.2.1. Residential Construction.

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.

B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entree and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

11.2.2. Nonresidential Construction.

A. New construction and substantial improvements of any commercial industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the designated official as set forth in Section 3.

4. Nonresidential structures that elevated, not flood proofed, must meet the same standards for space below the lowest floor as 9-5.11.2.2.A. MOUNTLAKE TERRACE ORDINANCES 9-5.11.3.1.

described in Section 11.2.1.B.

5. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to one foot above base flood level will be rated at the base flood level).

11.2.3. Mobile homes shall be anchored in accordance with the criteria of Section 60.3(b)(8) of the National Flood Insurance Program.

11.2.4. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base flood plain. Construction of new critical facilities shall be permissible within the base flood plain if no feasible alternative site is available. Critical facilities constructed within the base flood plain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into

flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

11.2.5. Manufactured Homes.

All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the Base Flood Elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 11.1.1.D. This paragraph applies to manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced.

11.3. Floodways.

Located within areas of special flood hazard established in Section 11 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

9-5.11.3.2.

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9-5.13.1.

(2) Construction or reconstruction of residential structure is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, reconstruction or repair is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the 50 percent.

(3) If Section 11.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 11.

SECTION 13. ESTABLISHMENT OF REGIONAL OR SUBREGIONAL FACILITIES.

13.1. Prior to the development of detailed construction plans for compliance with this Ordinance the developer shall meet the City Engineer to determine if a Regional or Subregional facility should be constructed in lieu of an individual facility to serve only the applicant's proposed development. If such is determined, the City Engineer may recommend to the City Council that the City should assume responsibility for the further design, construction and maintenance of drainage facilities either on the subject property or elsewhere within the drainage basin. In the event the City does assume responsibility for design, construction, and maintenance of the facilities, the applicants shall be required to financially participate in the total construction cost in an amount deemed reasonable by the City Council, provided that in no event

shall such amount exceed the estimated cost of the applicant's alternate individual facility.

The City may require the dedication of land for construction within the subject property of Regional or Subregional facilities where such dedication is determined reasonable by the City Council with due regard for the requirement for on-site facilities, the development plan proposed, and the alternative uses of such lands proposed for dedication. Should construction of Regional or Subregional facilities require the acquisition of land on the subject property beyond a reasonable amount as determined by the City Council, or off the subject property; the City may consider the acquisition of such lands by the City's applicable condemnation procedures with all such costs to be included within the construction costs of the facility.

The City Council may also elect to allow the developer to construct the Regional or Subregional facility. In such cases, the City will participate in the cost of the facility in an amount representing the additional cost to the applicant beyond his alternate costs.

9-5.13.2.

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9-5.16.

13.2. Where the City has adopted a comprehensive Drainage Plan within the basin of the subject property, or has previously constructed a Subregional facility adequate to service the subject property, the developer may be required to pay the City a sum equal to the estimated cost of on-site facilities required to meet the permanent storm water detention facilities required by this Ordinance. Such sum shall be as approved by the City Engineer. Receipt of said sum shall relieve the developer of the requirement for "on-site" permanent detention facilities only, with said sums to be utilized, as determined by the City Council, for structural or nonstructural implementation of the drainage basin master plan. The estimated cost of an alternate "on-site facilities" referred to above shall include land values, engineering, construction, and all other costs normally and reasonably associated with the construction of such facilities.

SECTION 14. FEES AND CHARGES

All plan review, construction inspection and connection fees are as established in other City Ordinances.

SECTION 15. REVIEW AND APPROVAL OF THE PLAN

Upon filing of the drainage plan, application and all supporting data as required by the City and upon payment of all applicable fees, the City engineer shall expeditiously review said permit request in accordance with the procedures established by the Department of Community Development. Within 30 days of submission of the drainage plan, application, including an environmental impact assessment if required, the City will act upon said application and notify the applicant of the outcome.

However, in the event a full environmental impact statement is, in the opinion of the City, required, the final approval will be issued only upon completion of the statutory requirements of the State Environmental Policy Act. The City will approve the application, accept it on conditions as set forth in the approval, or deny it outright. Approval shall indicate initial approval of the plans and proposals as presented. Final approval and acceptance of the drainage facilities provided will only be made upon the completion of the project following necessary inspection, testing, and submittal of easements and maintenance guarantees. The same plan submitted during one permit/approval process may be subsequently submitted with further required applications. The

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plan shall be supplemented with such additional information that is requested by the City Engineer.

SECTION 16. VARIANCES

Variations from any of the foregoing requirements may be permitted only after a determination by the City Engineer of the validity of a variance using the Comprehensive Drainage Management Plan (if available) or employing the following criteria:

9-5.16.a MOUNTLAKE TERRACE ORDINANCES 9-5.19.1.

- a. Sufficient capacity under design conditions of downstream facilities;
- b. Maintenance of the integrity of the receiving waters;
- c. Possibility of adverse effects of retention/detention;
- d. Utility of regional retention/detention facilities;
- e. Capability of maintenance of the system; and
- f. Structural integrity of abutting foundations and structures.
- g. The danger to life and property due to flooding or erosion damage.
- h. The availability and feasibility of alternatives which will meet City standards and goals.

SECTION 17. APPEALS

In the event of a permit denial, the City shall state the reasons for the denial and measures necessary to attain permit approval. The applicant shall have the right to have the denial reviewed by the Board of Adjustment or to make corrective measures to the project as necessary to obtain a permit. A concurring vote of four members of the Board shall be necessary to reverse the determination of the Department of Community Development. If the determination is not reversed, the applicant has the choice of correcting the project or permit application as suggested by the City or appeal through the judicial process.

SECTION 18. EASEMENTS

Any easements required by the developer to pass drainage water from his property to an approved point of discharge to the City's drainage system shall be obtained by the developer at his sole cost and expense. A true copy of such easement shall be delivered to the City prior to the time the developer commences work on this project. Upon completion of the project and prior to acceptance of said project by the City in accordance with the provisions hereof, the original easement and easement releases shall be delivered to the City. Said easement shall provide for the perpetual access of the City for maintenance, alteration, repair, and replacement of drainage-related facilities.

SECTION 19. GUARANTEE AND LIABILITY INSURANCE REQUIRED

The Department of Community Development is authorized to require all persons constructing retention/detention or other drainage facilities to post guarantees of performance, operation, and maintenance. These guarantees are to insure payment to the City for costs incurred when work must be performed and/or completed and/or corrective work must be undertaken to restore disturbed areas and eliminate hazards or erosion caused by work that is not completed, performed, or will result in damage. The only types of guarantees that are acceptable to the City of Mountlake Terrace are specified in the City's current ordinance establishing acceptable types of guarantees.

19.1. Construction Guarantee. Prior to commencing any vegetation removal from a construction site, the developer of the facility shall post a construction guarantee in an amount sufficient to cover the cost
9-5.19.1 MOUNTLAKE TERRACE ORDINANCES 9-5.20.

of conforming to said construction with the approved temporary siltation erosion control and approved drainage plans together with any administration cost incurred by the City should the City have to take corrective action in accordance with Section 23.

19.2. Maintenance Guarantee. After satisfactory completion of the construction guarantee by the City, the developer constructing the facility shall commence a two (2) year period of satisfactory maintenance of the facility. A maintenance guarantee must be posted to be used at the discretion of the City Engineer to correct deficiencies in said maintenance affecting public health, safety, and welfare or violations of water quantity or quality standards of this Ordinance. Said guarantee must be posted and maintained throughout the two-year maintenance period. The amount of the guarantee shall be twenty (20) percent of the estimated construction cost of the drainage facilities. In addition, the maintenance guarantee shall cover the cost of design defects or failures in workmanship of the facilities throughout the two-year maintenance period.

19.3. Liability Policy. The developer constructing the facility shall maintain a liability policy in the amount of one hundred thousand dollars (\$100,000) per individual, three hundred thousand dollars (\$300,000) per occurrence, and fifty thousand (\$50,000) dollars property damage, which shall name the City as an additional insured and which shall protect the City from any liability up to those amounts for any accident, negligence, failure of the facility, or any other liability whatsoever, relating to the construction or maintenance of the facility. Said liability policy shall be maintained for the duration of the facility by the owner of the facility, provided that, in the case of facilities assumed by the City for maintenance pursuant to Section 21 of this Ordinance, said liability policy shall be terminated when said City maintenance responsibility commences.

SECTION 20. INSPECTION AND ACCEPTANCE

After issuance of the initial drainage permit the City shall be notified at the time any construction or alteration affecting drainage on the site shall begin and shall have the right to make periodic inspections during the construction or alteration to ensure that the requirements stated in the permit and elsewhere in this Ordinance are met. The property owner or developer must notify the City prior to the filling or cover of any subsurface drainage control facilities so that a proper inspection can be made. At the completion of the facilities an inspection and test will be conducted at which time the property owner must illustrate to the City's satisfaction that the drainage control facilities, which have been provided, function in accordance with the plans, specifications, and hydraulic computations as submitted with the permit applications and that all erosion control measures are operating efficiently. If all inspections and tests indicate that the projects and facilities have been completed in accordance with the requirements of the permit and this Ordinance, a final approval shall be given. Without
9-5.20. MOUNTLAKE TERRACE ORDINANCES 9-5.23.1.

this approval, or in the event of and deficiencies not being corrected, no occupancy permit for the use of the property or any structures associated therewith will be granted by the City Engineer until such time as the deficiencies are corrected. In the event the owner shall not make such corrections within thirty (30) days, the City reserves the right to take such corrective measures as may be necessary to make the system perform as required by the permit. All costs for corrective measures and enforcement actions shall be borne by the property owner and must be paid in full prior to granting an occupancy permit.

SECTION 21. CITY ASSUMPTION OF MAINTENANCE

Developers proposing the transfer of operation and maintenance of required facilities to the City shall be required to design and construct facilities in a manner readily and efficiently serviceable by the City as determined by the City Engineer. If the City is not to assume the maintenance of the retention/detention facilities, the developer shall make arrangements for assumption of maintenance in a manner approved by the City Engineer. Such arrangement shall be completed and approved prior to the end of the two-year period of developer responsibility.

SECTION 22. FAILURE OF THE DRAINAGE SYSTEM OR FAILURE IN OPERATION

If during the periodic inspection of the completed and accepted drainage facility it is observed by the City that the drainage collection system retention/detention system, or erosion control measures installed by the developer has failed structurally or fails to operate in accordance with the approved drainage plan, the current holder(s) of any right title or interest in the property where said facilities are located shall restore them -to 'where they again function and operate in accordance with the approved drainage plan.

In the event deficiencies are found, the property owner shall make such corrections as are necessary within 15 calendar days of the date of notice by the City. In the event the property owner shall fail to make such corrections, the City may revoke the right to occupancy of the subject property, and any associated structures. Any structure or condition which violates the provisions of this Ordinance shall be and the same hereby is declared to be unlawful and a public nuisance and may be abated as such.

SECTION 23. VIOLATIONS AND PENALTIES

23.1. Cumulative Civil Penalty. In addition to or as an alternative to any other penalty provided herein or by law, any Developer/Owner who violates the provisions of this Ordinance or an approved Drainage Plan shall incur a cumulative civil penalty in the amount of Three Hundred Dollars (\$300) per day from the date set for correction, pursuant to Section 23.2, until the violation is corrected.
9-5.23.2. MOUNTLAKE TERRACE ORDINANCES 9-5.23.2.3.

23.2. Notice of Violation--Assessment of Penalty. Whenever the City Engineer has found or determined that a violation is occurring the City Engineer is authorized to issue a notice of violation directed to the Developer/Owner.

23.2.1. The notice of violation shall contain:

- a. The name and address of the applicant;
- b. The street address when available or a legal description sufficient for identification of the building, structure, premises, or land upon or within which the violation is occurring;
- c. A statement of the nature of such violation(s);
- d. A statement of the action required to be taken as determined by the City Engineer and a date for correction, which shall be not less than fifteen (15) calendar days from the date of service of the notice of violation, unless the City Engineer has determined the violation to be hazardous and to require immediate corrective action or unless the corrective action constitutes an erosion control measure.
- e. A statement that a cumulative civil penalty in the amount of Three Hundred Dollars (\$300) per day shall be assessed against the person to whom the notice of violation is directed for each and every

day following the date set for correction on which the violation continues; and

f. A statement that the City Engineer's determination of violation may be appealed to the Board of Adjustment by filing written notice of appeal, in duplicate, with the City Engineer's office within ten (10) calendar days of service of the notice of violation. The per diem civil penalty shall not accrue during the pendency of such administrative appeal unless the violation was determined by the City Engineer to be hazardous and to require immediate corrective action or was determined by the City Engineer to constitute a temporary erosion control measure.

23.2.2. The notice of violation shall be served upon the person(s) to whom it is directed either personally in the manner provided for personal service of notices or complaint in justice court or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested, to such person at his last known address. Proof of personal service shall be made at the time of service by a written declaration under the penalty of perjury executed by the person affecting service, declaring time, date and the manner by which service was made.

23.2.3. A notice of violation issued pursuant to this section constitutes a determination from which an administrative appeal may be taken to the Board of Adjustment. In the event the cumulative civil penalty is not staid during the appeal because the City Engineer has determined either that the violation is hazardous and requires immediate corrective action or that the corrective action constitutes a erosion control measure, then the applicant shall be entitled to have the appeal considered by the City Manager within two (2) working days following filing of the appeal.

9-5.23.2.4. MOUNTLAKE TERRACE ORDINANCES 9-5.23.9.

23.2.4. For good cause shown, the City Engineer may extend the date set for correction in the notice of violation: PROVIDED, that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.

23.3. Collection of Civil Penalty. The civil penalty constitutes a personal obligation of the person(s) to whom the notice of violation is directed. The City Attorney, on behalf of the City, is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continued.

23.4. Compromise Settlement and Disposition of Suits. The City Engineer and the City Attorney are hereby authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise or otherwise dispose of a lawsuit when to do so will be in the best interests - of the City: provided that a report shall be submitted to the City Council in any instance when a compromise settlement is negotiated.

23.5. Detrimental Discharge. Any person causing material to be discharged to or enter the drainage system of the City shall be liable for all costs incurred by the City or others in cleaning up or correcting said action and may be charged with a misdemeanor punishable by fines.

23.6. Corrective Injunctions. The City Council may institute a suit for a mandatory injunction directing a person to remove a structure or facility erected in violation of the provisions of this Ordinance, or make the same comply with its terms. If the City Council is successful in its suit, the respondent shall bear the costs of the action, including reasonable attorney fees.

23.7. Failure of City to Enforce. The failure or refusal of the City to enforce any provision of this Ordinance, and as hereafter amended, shall not constitute a waiver or bar to prevent enforcement thereof against any person for a subsequent violation hereof, or for any other violation by any other person.

23.8. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

23.9. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

9-5.23.9.

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9-5.27.

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body; and
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes.

23.10. Warning and disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Mountlake Terrace, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that it result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 24. TERM OF APPROVED DRAINAGE PLAN

Every approval of a drainage plan is effective for a period of one (1) year from the date of the approval signature by the City Engineer. Extension of the one year approval may be accepted by the City if construction of the storm drainage facility is, in the opinion of the City Engineer, progressing towards completion. Any plan for which approval has expired must be resubmitted prior to the issuance of any construction permits and shall be subject to the current Ordinance, procedure, standards and--review fees applicable at the time of resubmittal.

SECTION 25. SEVERABILITY

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be held unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 26. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 27. This ordinance shall be in full force and effect five (5) days after its passage and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this 5th day of December, 1988, and signed in authentication of its passage this 5th day of December, 1988.

ORDINANCE NO. 993

AN ORDINANCE IMPLEMENTING THE SHORELINES MANAGEMENT ACT OF 1971 (CHAPTER 286, LAWS OF 1971, 1ST EX. SESSION) AND TO REGULATE DEVELOPMENT ON THE SHORELINES OF THE CITY IN A MANNER CONSISTENT WITH THE POLICY DECLARED IN SECTION 2 OF THAT ACT, AND ADOPTING BY REFERENCE THE MASTER PROGRAM OF THE CITY OF MOUNTLAKE TERRACE INCLUDING THE RELATED POLICIES AND REGULATIONS CONTAINED THEREIN AS THEY APPLY TO THE SHORELINES OF MOUNTLAKE TERRACE.

THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. As used in this Ordinance unless the context otherwise requires, the following definitions and concepts apply:

a. "Act" shall mean Chapter 286, Laws of 1971, Ex. Sess., the Shoreline Management Act of 1971 RCW 90.58.

b. "Advisory Committee" means the Mountlake Terrace Planning Commission.

c. "Council" means the City Council of Mountlake Terrace.

d. "Department" means the Washington State Department of Ecology.

e. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals including the grading of land; 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 Ordinance at any state of water level.

f. "Conditional Use" means a use or the expansion of a use in a particular environment or environments subject to specific conditions to insure that there is no conflict with the intent of the environment or environments as regulated by this Ordinance and the master program.

g. "Director" means the Director of the Department of Planning or his duly authorized designee.

h. "Final Order" shall include the approval or disapproval of a permit or a letter of exemption.

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i. "Hearing Board" means the Shorelines Hearing Board of the State of Washington.

j. "Master Program" shall mean the comprehensive shoreline use plan for the City of Mountlake Terrace and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in Section 2 of the Shoreline Management Act of 1971.

k. "Ordinary High Water Mark" on all lakes, streams, and tidal water is that mark which 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 the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter. Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water.

l. "Permit" shall include, substantial development permit, conditional use permit and variance.

m. "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the State or any local governmental unit however designated.

n. "Planning Commission" means the Planning Commission for the City of Mountlake Terrace.

o. "Planning Department" means the Planning Department of the City of Mountlake Terrace.

p. "Shoreline" means the shoreline of Lake Ballinger within the City together with its associated wetland area.

q. "Substantial Development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars (\$1,000), or any development which materially interferes with the normal public use of the water or shorelines of the City; except, that the following shall not be considered substantial developments for the purpose of this Ordinance:

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

2. Construction of the normal protective bulkhead common to single family residences;

3. Emergency construction necessary to protect property from damage by the elements;

4. Construction of a barn or similar agricultural structure on wetlands;

5. Construction or modification of navigational aides such as channel markers and anchor buoys;

6. Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the State agency or local government having jurisdiction thereof other than requirements imposed pursuant to this Ordinance.

7. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family residence, the cost of which does not exceed two thousand five hundred dollars (\$2,500).

r. "Substantial Development Permit" means the Shoreline Management Substantial Development permit provided for in Section 14 of the Shoreline Management Act of 1971. (RCW 90.58.140.)

s. "Substantial development undertaken on the shorelines of the City prior to June 1, 1971" shall mean actual construction begun upon the shoreline as opposed to preliminary engineering or planning, financing or testing.

t. "Variance" means an alteration of the use regulations of the master program.

u. "Wetlands" or "Wetlands 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 of Lake Ballinger as designated by the Washington State Department of Ecology.

Section 2. Permits Required for Substantial Development.

a. No development shall be undertaken on the Shorelines of the City except those which are consistent with the policy of the Shoreline Management Act of 1971 and the applicable policies, guidelines, and regulations of the master program adopted by the City.

Section 3. Exemptions from Permit Requirements. A substantial development permit shall not be required for the following:

a. Any development of which the total cost or fair market value does not exceed \$1,000, if such development does not materially interfere with the normal public use of the water or shorelines of the City.

b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.

c. Emergency construction necessary to protect property from damage by the elements.

d. Construction or modification of navigational adies such as channel markers and anchor buoys.

e. Any project with a certification from the governor pursuant to Chapter 80.50 RCW.

f. Construction of a dock as defined under Section 1.p.7. of this Ordinance.

Section 4. Scope of Permit.

The following time requirements shall apply to all substantial development permits:

a. Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to this Ordinance must be undertaken within two years after the approval of the permit by the City or the permit shall terminate. If such progress has not been made, a new permit will be necessary.

b. No permit authorizing construction shall extend for a term of more than five (5) years. If a project for which a permit has been granted has not been completed within five years after the approval of the permit by the Council, the Council shall, at the expiration of the five year period, review the permit and upon a showing of good cause, extend the permit for one (1) year, otherwise, the permit shall terminate.

Section 5. Revisions in Substantial Development Permits.

Where the applicant seeks to revise a substantial development permit previously granted, it shall submit detailed plans and text describing the proposed changes and request in writing of the City, of the Department and Attorney General and latest recorded real property owners within four hundred feet of the boundary of the property on which the development is to be undertaken, whether they believe a new substantial development permit should be required. If, within thirty (30) days of notification the Department, the Attorney General or any surrounding property owners make written request that a new substantial development permit be obtained, then application for a new substantial development permit shall be made and processed pursuant to Chapter 173-14 WAC.

If no such request is made, the City may revise the existing substantial development permit and forward it to the Department

and Attorney General for review pursuant to RCW 90.58.140(5) and WAC 173-14-090.

Where no new substantial development permit is requested pursuant to this Section the Department and the Attorney General may release the revised permit prior to the expiration of the forty-five (45) day review period established by RCW 90.58.180(2), where the permittee has conclusively shown that such action will avoid undue hardship on the permittee and where the public interest will not suffer thereby.

Section 6. Notice.

Upon receipt of a proper application for a shoreline management substantial development permit, the City shall publish notices thereof at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation in the area of the City. In addition the applicant shall supply the names of land owners and occupants of land within four hundred (400) feet of the boundary of the property upon which the substantial development is proposed. In addition at least three additional notices shall be posted one of which shall be in the Civic Center building business office, and the other two in conspicuous locations adjacent to the area upon which the action is proposed. Within thirty days (30) of the final publication, posting or mailing of the notice, whichever comes last, any interested person may submit his written views upon the application to the Community Development Department or notify the City Planning Department of his desire to receive a copy of the action taken upon the application. All persons who so submit their views, and all others who so notify the appropriate local government, shall be entitled to receive a copy of the action taken upon the application. All notices of applications for substantial development shall be in substantially the form required by Chapter 173-14 WAC and be available from the Planning Department of the City.

Section 7. Application for Substantial Development Permit.

Applications for a permit required by RCW 90.58.140(2) shall be made in substantially the form provided for in Chapter 173-14 WAC. Such forms shall be supplied by and submitted to the City Planning Department.

Section 8. Letter of Exemption. Whenever a development falls within the exemptions stated in WAC 173-14-040, the City shall prepare a letter addressed to the applicant and the Department exempting the development from the permit requirements of Chapter 90.58 RCW. This exemption shall be in substantially the form required by Chapter 173-14 WAC and be available from the Planning Department of the City.

Section 9. Planning Commission Review.

a. The City Council hereby delegates review and recommendation authority to the Planning Commission in regard to Shoreline Management permits.

b. The Planning Commission shall review an application for a permit based on the following:

1. The application.
2. The environmental assessment.
3. Written comments from interested persons.
4. Information and comments from affected City Departments.
5. Conformance with policies and regulations of the Master Program.

The Planning Commission may require that an applicant furnish information in addition to the information contained in the application.

The Planning Commission shall transmit its recommendations to the Council within 30 days after the required thirty day notice period. Included in the recommendation of the Planning Commission may be a request that the Council require an environmental impact statement prior to further consideration of the permit.

Section 10. Council Action.

a. Upon receipt of the recommendation from the Planning Commission, if the Council is in agreement with the findings and conclusions of the Planning Commission, the Staff shall prepare a final order based on said findings and conclusions.

b. If the council deems it necessary, it may require the preparation of environmental impact statement prior to taking any action to approve or disapprove the permit.

c. The decision of the Council shall be the final decision of the City on all shoreline permits. The staff shall transmit copies of Council decision in the form of the official minutes of the meeting to all persons who are required to receive copies of the decision pursuant to Section 6 of this Ordinance.

Section 11. Granting or Denial of Permits; Conditions Attaching to Permit.

a. The City shall deliver to the following persons copies of the application and the disapproval or conditional approval of the substantial development permit within five (5) days of its final decision:

1. The applicant
2. The Department of Ecology
3. The Washington State Attorney General

4. Any person who has written the Planning Commission or Council with comments on the application or requesting notification.

b. Development pursuant to a substantial development permit shall not begin and not be authorized until forth-five days from the date the Council files the approved substantial development permit with the Department and Attorney General, or until all review proceedings initiated within forth-five days of the date of such filing have been terminated.

c. In granting or extending a permit, the Council may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as it finds necessary to make the permit compatible with criteria set forth in section 2 of this Ordinance. Such conditions may include the requirement to post a performance bond assuring compliance with other permit requirements, terms and conditions.

d. Issuance of a substantial development permit does not obviate requirements for other federal, state, and county permits, procedures and regulations.

e. Conditional use permits and variances shall be approved within the guidelines and regulations of the master program of the city and this Ordinance.

Section 12. Permits.

Substantial development permits issued by the City pursuant to the Shoreline Management Act of 1971 shall be in substantially the form stipulated in Chapter 173-14 WAC.

Section 13. Permits for Conditional Uses and Variances.

Pursuant to RCW 90.58.100(5) the City shall have the authority to issue or deny and submit to the department for approval or disapproval, permits for variances and conditional use as regulated by this Ordinance and the master program.

Section 14. Review by Shorelines Hearing Board. Any person aggrieved by the granting, denying or rescission of a substantial development permit may seek review from the Hearings Board by filing an original and one copy of request fro the same with the Hearings Board within thirty (30) days of receipt of the City Council's final order. Said request shall be in the form required by the rules for practice and procedure before the Hearings Board. Concurrently, with the filing of any request for review with the Hearings Board, the person seeking review shall file a copy of his request with the Washington State Department of Ecology, the Attorney General, and the City Council.

Section 15. Rescission, Service of Notice, Hearing.

(1) Any permit granted pursuant to this Ordinance may be rescinded or modified upon a finding by the City Council that the permittee has not complied with the conditions of his permit.

(2) The City Council may initiate rescission and modification proceedings by serving written notice of noncompliance on the permittee.

(3) Before a permit can be rescinded or modified, a public hearing shall be held by the City Council no sooner than 10 days following the service of notice upon the permittee. The Hearings Board shall have the power to prescribe rules and regulations for the conduct of such hearings.

Section 16. Master Program. The City of Mountlake Terrace hereby adopts as its Master Program, the Snohomish County Shoreline Management Master Program dated September 1974 and approved by the Department as it relates to the designated shoreline of Lake Ballinger and its associated wetlands. Three (3) copies of applicable portions of the Master Program shall be on file with the City Clerk.

Section 17. Criminal Penalties; Civil Liability.

(1) Any person found to have willfully engaged in activities on the shorelines of the City in violation of this Ordinance or the Shoreline Management Act of 1971 or in violation of the master program, rules or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000) or by imprisonment in the County jail for not more than ninety (90) days, or both such fine and imprisonment: PROVIDED, that the fine for the third and all subsequently violations in any five (5) year period shall be not less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000).

(2) The City Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the City in conflict with the provisions and programs of this Ordinance or the Shoreline Management Act of 1971, and to otherwise enforce the provisions of this Ordinance and the Shoreline Management Act of 1971.

(3) Any person subject to the regulatory program of this Ordinance who violates any provision of this Ordinance or the provisions of a permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The City Attorney shall bring suit for damages under this subsection on behalf of the City. Private persons shall have the right to bring suit for

damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the private person bringing suit, where he prevails.

Section 18. Rules. The Council is authorized to adopt such rules as are necessary and appropriate to carry out the provisions of this Ordinance.

Section 19. Real Property Assessments. The restrictions imposed by this Ordinance shall be considered by the County Assessor in establishing the fair market value of property.

Section 20. Severability. If any provision of this Ordinance or its application to any person or legal entity or circumstances is held invalid, the remainder of the Ordinance, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

Section 21. This Ordinance shall take effect and be in full force five (5) days after its passage, approval and publication.

PASSED by the City Council of the City of Mountlake Terrace on this 18th day of February, 1975, and signed in authentication of its passage this 20th day of February, 1975.