

SHORELINE ELEMENT (Policies)

Shoreline Management Act

In 1971 the Washington State legislature passed the Shoreline Management Act (SMA) because of concern over the use, protection, restoration, and preservation of shorelines of the state. The legislature stated shorelines of the state are among the most valuable and fragile of natural resources. It found that ever increasing pressures of additional uses being placed on the shorelines necessitated increased coordination in the management and development of the shorelines. Therefore, the goal of the SMA was to provide for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

The SMA establishes a cooperative program of shoreline management between local governments and the state. Local government, such as the City of Snohomish, is given the primary responsibility of initiating the planning required by the Act and with administering the regulatory program created to implement the policies of the SMA. To achieve this the City develops a Shoreline Master Program (SMP) which is certified by the Washington State Department of Ecology. The SMP must be updated at least every eight years.

There are three basic policy areas in the SMA, which are codified in RCW 90.58.020:

1. Shoreline Use
2. Environmental Protection
3. Public Access

The SMA establishes preferred uses for the shoreline area which are consistent with the control of pollution and prevention of damage to the natural environment. Thus, the preferred uses are single family residences, ports, recreational users, water dependent industrial and commercial uses and development that provide public access opportunities.

The SMA is intended to protect shoreline natural resources against adverse effects. All allowed uses are required to mitigate the adverse environmental impacts they cause to the maximum extent feasible and to preserve the natural character and aesthetics of the shoreline.

The SMA requires local SMPs to include a public access element that makes provisions for public access to publicly owned areas and a recreational element for the preservation and enlargement of recreational opportunities.

Snohomish's SMP must implement the SMA's three basic policy areas.

Shoreline Jurisdiction

Areas that are subject to the requirements of the SMA are:

- Shorelines of the state; and
- Shorelands.

A shoreline of the state is defined as all water areas of the state that meet specified size thresholds. Lakes that are more than 20 acres in area are considered to be shorelines of the state. So too are streams with an average annual flow of more than 20 cubic feet per second.

Shorelands are defined as the area 200 feet landward of the ordinary highwater mark of a shoreline.

Three water bodies in the City meet the threshold to be considered a shoreline of the state. They are Blackman Lake, the Snohomish River, and the Pilchuck River. Thus, they and their shorelands are subject to the requirements of the SMA which in turn makes them subject to the requirements of the City of Snohomish Shoreline Management Program (SMP). Figure SMP 1 depicts the areas subject to the SMP.

The policies of the SMP apply to all development within these areas. When areas are annexed that contain shorelines of the state, the SMP will apply to that shoreline and its associated shoreland and a shoreline environment designation shall be adopted for that area.

Shorelines of Statewide Significance

The SMA requires larger shorelines of the state to be subject to a higher level of effort in implementing policy goals of the SMA than the smaller shorelines. These larger shorelines are called “Shorelines of Statewide Significance.” The SMA sets specific use priorities for shorelines of statewide significance. It requires that the public interest be paramount in the management of shorelines of statewide significance. Management goals for shorelines of statewide significance are given a priority order.

The SMA defines rivers with a mean annual flow of more than 2,000 cubic feet per second as a Shoreline of Statewide Significance. The Snohomish River is the only “Shoreline of Statewide Significance” in the City.

City of Snohomish Shoreline Management Program

The City of Snohomish’s Shoreline Management Program (SMP) is comprised of the following:

- Overview of the SMP
- Users Guide to explain permitting processes for projects within the shoreline jurisdiction.
- This Shoreline Element of the Comprehensive Plan, which contains the City’s goals and policies for protecting and using the shorelines and shorelands within the City.
- A Shoreline Inventory & Characterization report which provides a baseline inventory and characterization of the City’s designated shoreline areas. The report identifies which shoreline ecological functions and ecosystems have been impaired.
- A Shoreline Restoration plan which describes ways to restore and enhance those shoreline areas that have been identified as having impaired ecological functions and ecosystems.
- A Cumulative Impacts Analysis which ensures there will be no net loss of shoreline ecological functions (from the current baseline as identified by the Shoreline Inventory & Characterization report) as the SMP is implemented over time.
- Land use and development regulations specific to the City’s shorelines and shorelands intended to implement the goals and policies of the SMA and the Shoreline Element of

the City of Snohomish Comprehensive Plan. These regulations are in Chapter 14.250 Snohomish Municipal Code.

Critical Areas within the Shoreline Jurisdiction

The Shoreline Management Act (SMA) establishes that critical areas must be regulated as part of a Shoreline Master Program, pursuant to RCW 90.58.090(4) and as implemented through WAC 173-26-221(2) which identify the critical areas as defined within RCW 36.70A.030(5) to include:

- Wetlands;
- Areas with critical recharging effect on aquifers used for potable water;
- Fish and wildlife habitat conservation areas;
- Frequently flooded areas; and
- Geologically hazardous areas.

It is not feasible to simply adopt the City's City-wide Growth Management Act (GMA) Critical Areas Regulations as contained within Chapters 14.255 – 14.280 Snohomish Municipal Code (SMC) because the SMA, pursuant to RCW 90.58 and WAC 173-26-221, requires application of a different set of critical area objectives than that established for GMA critical areas regulations. The GMA regulations rely solely on Best Available Science and do not take into account existing conditions and development. The SMA approach encourages certain uses and activities to be allowed within shoreline buffers to accommodate water-oriented and other preferred uses. This is the primary, though not only, difference between the two approaches.

Further, WAC 173-26-221(2)(b) states the principal upon which critical area regulations shall be crafted:

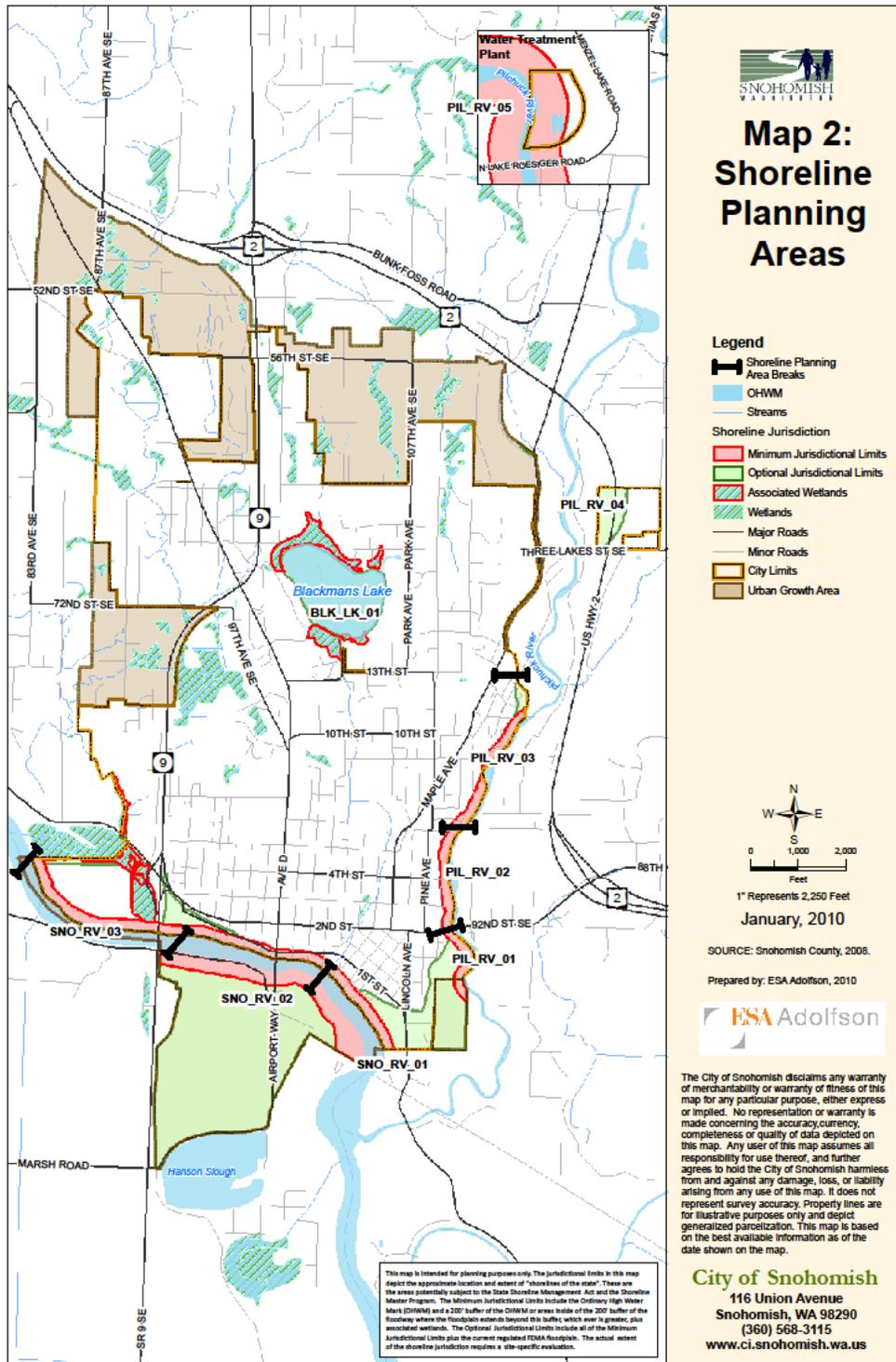
- (ii) using "scientific and technical information"
- (iii) to "integrate the full spectrum of planning and regulatory measures"
- (iv) to protect "existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes."
- (v) "Promote human uses and values ... such as public access and aesthetic values, provided that impacts to ecological functions are first avoided, and any unavoidable impacts are mitigated."

The proposed SMP critical area regulations within Chapter 14.250 are different from the SMC 14.255 – 14.280 critical area provisions in that:

- Wetland buffers are based upon Ecology standards;
- There is not a reasonable use exception – rather a variance is required;
- Existing uses, structures, activities, and preferred uses (such as water-dependent uses) are taken into consideration; and
- Certain water-oriented uses and activities are allowed within the shoreline buffers.

However, the City-wide critical area regulations in SMC 14.255 – 14.280 forms that backbone of the SMP critical area regulations and many provisions of the City-wide regulations, such as Geologically Hazardous Areas and Aquifer Recharge areas, are duplicated virtually verbatim.

MAP A: Shoreline Planning Areas



Shoreline Master Program Map 2: Shoreline Planning Areas

SHORELINE ELEMENT GOALS AND POLICIES

- GOAL SMP 1:** **The City of Snohomish Shoreline Master Program (SMP) is intended to:**
- **Promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and regulations for development and use of City of Snohomish shorelines;**
 - **Manage and protect shorelines in an effective and equitable manner; and**
 - **Carry out the responsibilities established by the Shoreline Management Act (Chapter 90.58 RCW) for the City of Snohomish, recognizing and fostering the policies contained in RCW 90.58.020 for shorelines of the State.**

Policies:

- SMP 1.1:** The policy statements of RCW 90.58.020 shall be the basis for the goals, policies and regulations of the City of Snohomish Shoreline Master Program.
- SMP 1.2:** The shoreline ecology should be protected by:
- Identifying and inventorying the existing and potential ecological functions provided by shorelines.
 - Mitigating adverse impacts in a manner that ensures no net loss of shoreline ecological functions from the baseline functions present as of the date of adoption of this SMP. Any required mitigation should include avoidance, minimization, and compensation of impacts.
 - Addressing cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions and by proportionately allocating the burden of addressing such impacts among development opportunities.
 - Adopting regulations and regulatory incentives designed to protect shoreline ecological functions and to restore impaired ecological functions where such opportunities have been identified, consistent with the City’s Shoreline Restoration Plan.
- SMP 1.3:** Regulation of private property to implement SMP policies shall be consistent with all relevant and applicable constitutional, statutory and other legal limitations.
- SMP 1.4:** Regulatory or administrative actions adopted to implement SMP policies shall be consistent with the Public Trust Doctrine and other applicable legal principles as appropriate and shall not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
- SMP 1.5:** The regulatory provisions adopted to implement SMP policies shall be applicable only to the shorelines of the state and their related shorelands.
- SMP 1.6:** The provisions of the Shoreline Restoration Plan may extend beyond the designated shoreline boundaries.

- SMP 1.7:** The policies and regulations established by the SMP shall be integrated and coordinated with the policies of the City of Snohomish Comprehensive Plan and the development regulations in Snohomish Municipal Code
- SMP 1.8:** The goals and policies of the SMP should be considered in balance with other relevant local, state, and federal regulatory and non-regulatory programs.
- SMP 1.9:** The public interest in the stewardship, use, and enjoyment of shorelines of statewide significance in the City of Snohomish should be paramount.
- SMP 1.10:** In developing and implementing its Shoreline Master Program for the Snohomish River, a shoreline of statewide significance, the City of Snohomish shall give preference, in the following order, to uses that:
- Recognize and protect the statewide interest over local interest;
 - Preserve the natural character of the shoreline;
 - Result in long-term over short-term benefit;
 - Protect the resources and ecology of the shoreline;
 - Increase public access to publicly owned areas of the shorelines; and
 - Increase recreational opportunities for the public in the shoreline.

GOAL SMP 2: **To ensure appropriate conservation and development of the City’s shorelines, uses that are dependent upon access to shorelines, or that provide opportunities for substantial numbers of people to enjoy the shorelines, and that are consistent with the shoreline environments in which they are located, should be encouraged.**

Policies:

- SMP 2.1:** Only uses or activities that conserve shoreline resources for future generations and do not result in a net loss of ecological functions should be allowed.
- SMP 2.2:** Only uses and developments that are compatible with the shoreline environment in which they are located should be allowed.
- SMP 2.3:** Site development performance standards and other appropriate criteria defining minimum acceptable standards to be achieved should be adopted.
- SMP 2.4:** Property owners should be encouraged to transition their non-conforming uses, sites, and structures to a conforming shoreline use.
- SMP 2.5:** Multiple use of shorelines where location and integration of compatible uses or activities is feasible should be encouraged.
- SMP 2.6:** A hierarchy of preferred water-oriented uses that establish the following priorities should be established through regulations and other suitable means:
1. Water-dependent uses should be preferred over all other uses;
 2. Other water-oriented uses that do not conflict with water-dependent uses should be allowed if a water-dependent use is not feasible;
 3. Non-water oriented uses where water-oriented uses are not practical due to site location or conditions or existing building design should be allowed.

- SMP 2.7:** A management system should be implemented to allow reasonable and appropriate uses of all areas in the shoreline jurisdiction while implementing the following priority system:
1. Natural areas or systems identified for their unique geological, ecological and/or biological significance should be protected and enhanced;
 2. Water-dependent uses should be maintained and promoted as the best option in all environment designations;
 3. Water-related uses should be allowed, maintained, and accommodated if no water-dependent use is feasible or practical;
 4. Water-enjoyment uses should be allowed, maintained, and accommodated if no water-dependent or water-related use is feasible or practical;
 5. Uses that are not water-oriented may be accommodated if a water-oriented use is not feasible or practical ; and
 6. Uses that have no relation to the water and whose operation would be intrinsically harmful to the shoreline should be prohibited.
- SMP 2.8:** Ecological, cultural, and economic studies of the City's shoreline systems should be developed and/or periodically updated to allow proper assessment of the impact of any proposal relative to the City of Snohomish Master Program.
- SMP 2.9:** All development in the shoreline area shall comply with the requirements of the version of the Washington State Department of Ecology Stormwater Management Manual for Western Washington adopted by the City.
- SMP 2.10:** Land uses should be designated as permitted, conditionally permitted, or prohibited for each of the shoreline environments.

Residential Development Policies

- SMP 2.11:** Planned Residential Development should be encouraged in eligible shoreline subdivisions.
- SMP 2.12:** Water quality, shoreline habitats, and shoreline aesthetic characteristics, and, where feasible, significant public vistas, should be protected and preserved through subdivision design.
- SMP 2.13:** Subdivisions with more than four lots and new multifamily development with more than four dwellings should be designed to provide public pedestrian access to the shorelines, unless physical access to the shoreline is not feasible due to the presence of critical areas.
- SMP 2.14:** Where topographically feasible and where ecological functions will not be reduced, subdivisions should be designed to provide all residents within the subdivision with physical and/or visual access to the water.
- SMP 2.15:** Construction of residential development over water should be prohibited.

SMP 2.16: Shoreline subdivisions should be designed and constructed so that future shoreline stabilization or flood hazard reduction measures will not be required.

Utilities Policies

SMP 2.17: Utility facilities should be located, designed, installed, and operated to ensure no net loss of ecological functions, to preserve the natural landscape and views, and to minimize conflicts with present and planned uses.

SMP 2.18: Utility transmission lines and facilities should be located outside shoreline areas, except where existing easements and rights-of-way exist or where there is a functional necessity for a shoreline location.

SMP 2.19: Where utility infrastructure must be placed in a shoreline area, utility facilities should be located as far landward as possible, underground, and/or in existing or combined utility corridors, and the aesthetic impacts on the shoreline should be minimized.

Boating Facilities Policies

SMP 2.20: Boating facilities should be located, designed, constructed, and operated to minimize adverse impacts on shoreline ecology and to mitigate impacts that cannot be avoided so that such facilities do not result in a net loss of ecological functions.

SMP 2.21: Boating facilities should be located, designed, constructed, and operated to minimize adverse impacts on aesthetic quality of the shoreline, navigation, and adjacent shoreline uses.

SMP 2.22: Boat launch facilities and docks should be allowed on the Snohomish River and Blackman Lake.

SMP 2.23: Marinas should be allowed on the Snohomish River.

SMP 2.24: Only hand launch boat facilities should be allowed on the Pilchuck River.

SMP 2.25: Operating procedures for fuel handling and storage should be established to minimize the potential for accidental spillage and provide satisfactory means for containing and managing those spills that do occur.

SMP 2.26: Procedures should be established to ensure that boat facilities are designed in compliance with State and local health agency standards and guidelines.

Shoreline Environment Designations

GOAL SMP 3: **Have effective shoreline management regulations by prescribing different sets of environmental protection measures, allowable use provisions, and development standards that reflect the physical conditions and development settings for each type of shoreline segment.**

Policies

- SED 3.1:** Shoreline Environment Designations should be created to allow for customized environmental protection measures, allowable use provisions, and development standards in recognition of the varying physical conditions and development settings on the City's shorelines.
- SED 3.2:** Shoreline Environment Designations should establish preference for shoreline uses that protect and preserve shoreline resources.
- SED 3.3:** Shoreline Environment Designations should encourage efficient use of already-developed shoreline areas.
- SED 3.4:** Shoreline Environment Designations should encourage uses, densities and development patterns that reinforce the policies of the Shoreline Management Act.
- SED 3.5:** For areas with high levels of ecological function, a Shoreline Environment Designation should be applied to reserve appropriate shoreline areas for water-oriented uses, and discouraging non-water-oriented uses in the shoreline.
- SED 3.6:** For areas that area almost fully developed with historic or culturally significant structures, a Shoreline Environment Designation should be applied to preserve the historic nature of the area and emphasizing improved public access and habitat restoration over providing water-oriented uses.
- SED 3.7:** For areas with high levels of development and little undeveloped land, a Shoreline Environment Designation should be applied to respect the rights of the owners of developed properties by allowing a variety of compatible uses with a priority on providing improved public access, protecting undamaged habitats, restoring damaged habitats, and protecting or improving ecological functions rather than encouraging water-oriented uses.
- SED 3.8:** For areas largely developed with residential uses, a Shoreline Environment Designation should be made to accommodate residential uses and provide for public access and recreational uses.
- SED 3.9:** For areas with a unique use, such as a utility facility, a Shoreline Environment Designation should be applied to protect the operational integrity of the utility with an emphasis on enhancing and restoring damaged habitat and impaired ecosystems.
- SED 3.10:** Undesignated shorelines, including undesignated shorelines in annexed areas, shall be designated Urban Conservancy in accordance with WAC 173-26-211(2)(e), until the SMP is amended to include such areas.
- SED 3.11:** All Shoreline Environment Designations shall include a purpose, objectives, designation criteria, and management policies.

Aquatic Environment

GOAL SMP 4: The intent of the Aquatic Environment designation is to protect, restore, and manage the existing characteristics and resources of the areas waterward of the ordinary high-water mark of the City's three shorelines of the state – Blackman Lake, the Snohomish River, and the Pilchuck River.

Aquatic Environment Policies

- AQE 4.1:** The Aquatic Environment designation shall be applied to all shoreline areas waterward of the ordinary high-water mark.
- AQE 4.2:** Construction of new over-water structures should be discouraged only allowing structures for water-dependent uses, public access and ecological restoration.
- AQE 4.3:** The size of new over-water structures should be limited to the size necessary to allow them to serve their intended use.
- AQE 4.4:** Development on navigable waters should be located and designed to minimize interference with surface navigation, to limit any adverse impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife.
- AQE 4.5:** Uses that adversely impact the ecological functions of critical freshwater habitats should be prohibited except where necessary to achieve the objectives of providing for water-dependent uses and public access, and where adverse impacts can be mitigated.
- AQE 4.6:** Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions.

Rural Utility Environment

GOAL SMP 5: The purpose of the Rural Utility Environment designation is to allow for the operation of the existing water treatment plan while providing for habitat preservation and enhancement opportunities as they may occur.

Rural Utility Environment Policies:

- RUE 5.1:** The Rural Utility designation shall be applied only to rural areas with existing utility facilities that are not expected to be redeveloped with urban uses.
- RUE 5.2:** The only uses allowed should be directly related to the operation of a utility.
- RUE 5.3:** Expansion and redevelopment shall be allowed but shall be designed to minimize any adverse impacts on environmental functions, mitigate those impacts that cannot be avoided to ensure there is no net loss of ecological function.
- RUE 5.4:** Expansion and redevelopment projects should include provisions to restore damaged habitat and/or impaired environmental functions.

Shoreline Residential Environment

GOAL SMP 6: The purpose of the Shoreline Residential Environment designation is to accommodate residential development and appurtenant structures and uses and to provide public access and recreational opportunities.

Shoreline Residential Environment Policies

- SRE 6.1:** The Shoreline Residential Environment designation shall be applied to shoreline areas that are predominantly developed with single-family residential development and areas that are planned for predominantly single-family residential development. Areas designated Shoreline Residential Environment should have minimal native riparian vegetation between structures and the water's edge and should be unsuitable for intensive urban development due to land use designation, presence of critical areas, being in a flood zone, presence of soils with poor drainage and percolation, or in the vicinity of unstable streambanks.
- SRE 6.2:** New shoreline residential development should be controlled by type, location, and scale in order to maintain and enhance the residential character of the Shoreline Residential Environment.
- SRE 6.3:** Development should be restricted to single family residential uses, recreational uses, and utilities. Commercial, industrial, and residential development other than single family should be prohibited.
- SRE 6.4:** Preserving views of natural shorelines and minimizing glare and other visual intrusions in the shoreline by means of setbacks, landscaping requirements and similar means should be required.
- SRE 6.5:** Beach enhancement projects with appropriate sand supplements should be allowed where it can be shown that other portions of the shoreline would not be adversely affected and that there would be no net loss of ecological functions.
- SRE 6.6:** New residential development or substantial redevelopment projects more than four lots or dwelling units should include new or improved public access to the shoreline and/or new or improved recreational opportunities.
- SRE 6.7:** Standards that will enhance the environmental characteristics of the shoreline area, such as setbacks, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be adopted.

Historic Riverfront Environment

GOAL SMP 7: The purpose of the Historic Riverfront Environment designation is to protect historic resources and provide for the continuation of commercial uses that are consistent with the historic character of the area, while protecting existing ecological functions and enhancing public access – both visual and physical – to the shoreline. This designation recognizes that

Snohomish no longer has the water-dependent and water-related uses that characterized its downtown waterfront in the 19th and early 20th centuries. Development and redevelopment in the Historic Riverfront Environment should maximize water-enjoyment uses and minimize adverse impacts on the aquatic, shoreland, and historic environments.

Historic Riverfront Environment Policies

- HRE 7.1:** The Historic Riverfront Environment shall be applied only to the shorelines within the Historic District.
- HRE 7.2:** Water-oriented recreational uses that can be located and designed to minimize conflicts with surrounding development should be encouraged.
- HRE 7.3:** Uses that are not water-dependent shall be allowed provided they are:
- Part of mixed-use development that includes water-dependent uses, water-related uses, water-enjoyment uses, or public access; or
 - In existing buildings in the Historic District that are not designed for water-dependent uses; or
 - In new buildings on properties where water-dependent use is infeasible due to the property being separated from the water by publicly owned land, public rights-of-way, or developed or developable properties, or other physical characteristics of the site.
- HRE 7.4:** Public visual and physical access to the shoreline where adverse ecological impacts can be avoided or mitigated should be encouraged.
- HRE 7.5:** Shoreline aesthetics, such as historic character and views of water and natural shoreline areas, should be protected and improved by adoption of sign regulations, building design and landscaping standards, and similar methods.
- HRE 7.6:** New and expanded commercial developments should provide for or facilitate pedestrian waterfront activities where safely feasible.
- HRE 7.7:** An off-site mitigation program in the Snohomish River shoreline areas should be considered for development in the Historic Riverfront Environment where off-site mitigation would result in better ecological performance than on-site mitigation.

Urban Conservancy Environment

- GOAL SMP 8:** **The purpose of the Urban Conservancy Environment designation is to protect and restore ecological functions of riparian floodplain and other sensitive lands in developed and undeveloped urban settings, while allowing a variety of compatible land uses, public access to the water, and recreation uses.**

Urban Conservancy Environment Policies

UCE 8.1: The Urban Conservancy Environment should be applied to areas that possess one or more of the following characteristics:

- Existing moderate-intensity land use where such uses are compatible with maintaining and restoring ecological functions of the shoreline.
- Designated for a use by the City of Snohomish Comprehensive Plan other than for Single Family, Parks, or Open Space.
- Public services, utilities, and property access are available to accommodate moderate to high intensity urban development such as multi-family, commercial, and industrial development.
- Undeveloped land not appropriate for the Rural Utility, Shoreline Residential, or Historic Riverfront designation.
- Active agricultural, urban horticultural, or intensive recreational use.
- Existing residential development density is low due to limitations such as buildable area, utility capacities, and vehicular access.

UCE 8.2: Redevelopment of areas capable of accommodating additional density where ecological functions can be restored or protected should be encouraged.

UCE 8.3: Incentives, development regulations and standards that encourage water-dependent industrial and commercial uses should be adopted.

UCE 8.4: Water-dependent uses should be the preferred uses on the Snohomish River shorelands that are designated for industrial use.

UCE 8.5: Uses that are not water-dependent should be allowed if they are:

- Part of a mixed-use development that includes water-related or water-enjoyment uses, or provide public access;
- In existing buildings that are not designed for water-dependent uses; or
- In new buildings on properties where water-dependent use is infeasible due to the property being separated from navigable waters by publicly owned land, public rights-of-way, or developed or developable properties, or other physical characteristics of the site.

UCE 8.7: Water-oriented recreational uses, such as boat launching sites and trail systems that can be located and designed to minimize conflicts with surrounding development should be allowed.

UCE 8.8: Public visual and physical access to the shoreline in the Urban Conservancy Environment where adverse ecological impacts can be mitigated should be encouraged.

UCE 8.9: Industrial and commercial facilities should be designed to allow and encourage pedestrian waterfront activities where feasible without compromising public safety.

- UCE 8.10:** New development in Urban Conservancy Environments should:
- Reflect the character of the surrounding area; and
 - Limit shoreline modifications; and
 - Provide permanent open space; and
 - Provide public access; and
 - Restore damaged habitat or impaired environmental functions either on site or near the site; and
 - Maintain adequate building setbacks from the water to minimize impacts on the adjacent Aquatic Environment.
- UCE 8.11:** An off-site mitigation program should be considered in the Urban Conservancy Environment where off-site mitigation would result in better ecological performance than on-site mitigation. The off-site mitigation should only be allowed on a shoreline of the same water body where the development is occurring.
- UCE 8.12:** Uses that preserve the natural character of the area or promote preservation of critical areas either directly or over the long term should be allowed in the Urban Conservancy Environment. Uses that result in the restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment.
- UCE 8.13:** Shoreline aesthetics such as views of natural shorelines, should be protected and improved by means of adoption of design standards for signs, buildings, and landscaping, or similar methods.

GOAL SMP 9: **The City should protect and enhance the economic vitality of the shorelines by encouraging water-oriented commercial, industrial, and recreational uses, while maintaining and improving the quality of the natural shoreline environment.**

Policies

- SMP 9.1:** The amenity value and attractiveness to visitors of public shoreline areas should be improved while protecting natural systems.
- SMP 9.2:** Water-dependent commercial, industrial and recreational development that implement the City’s economic objectives or provide substantial numbers of the public an opportunity to enjoy the shoreline should be encouraged.
- SMP 9.3:** New commercial and industrial development should be encouraged to locate first in developed areas that are adequately served by existing public services and utilities.
- SMP 9.4:** Development that provides public access to the shoreline while maintaining the economic viability of the principal use should be encouraged.

- SMP 9.5:** New non-water-oriented industrial uses should be restricted to sites that are physically separated from the shoreline by another property or public right-of-way or where access is not feasible due to topography or some other obstruction.
- SMP 9.6:** Shared use of in-water and upland facilities, including but not limited to docks, parking, storage and solid waste facilities, should be encouraged to support efficient use of aquatic and land resources.
- SMP 9.7:** Forest management shall be consistent with the management practices required by the Forest Practices Act (Chapter 76.09 RCW). Where conversion of forest to non-forest uses is proposed, the provisions of the SMP for the proposed use shall apply.
- SMP 9.8:** The potential adverse impact that commercial and industrial development may have on the aesthetic quality of the shoreline, navigation, and adjacent shoreline uses should be minimized.
- SMP 9.9:** New development in the Historic District should assist in preserving the character of the Historic District to ensure its continued economic vitality.

Public Access

GOAL SMP 10: **Create convenient and diverse visual and physical public access to shorelines that does not intrude upon the established rights of private property owners, endanger public health and safety, or adversely impact critical areas and is consistent with the SMA.**

Public Access Policies

- PA 10.1:** New commercial, industrial, and multi-family residential developments should provide public access to the shoreline. On the Snohomish River, public access improvements may include off-site improvements to existing public access areas and trails. On the Pilchuck River, public access improvements should be limited to improvements to existing public access locations, except where it can be demonstrated that a new location will avoid degradation of the shoreline ecology.
- PA 10.2:** Publicly-owned or publicly-funded shoreline development should include public access to the shoreline area, public recreation area, and/or protected open space to protect the natural habitat.
- PA 10.3:** When locating and designing shoreline public access private property rights subject to constitutional and other legal protections shall be ensured.
- PA 10.4:** The location, design, and maintenance of public access improvements should be done in a manner that protects unique and/or fragile geological or biological characteristics and critical areas.
- PA 10.5:** The City should seek to acquire an easement or fee simple ownership of privately-owned property that is determined to be a significant link or component of the shoreline public access network that could provide access to the water for navigation, fishing, and recreation to ensure permanent availability of public access.

- PA 10.6:** When shoreline properties are developed and public shoreline access is provided the City should acquire control of the shoreline access either by purchase or by requiring easements.
- PA 10.7:** Except for minor residential development, non-water-oriented development on waterfront lots should be required to grant the public physical and/or visual access to shorelines as a condition of shoreline development.
- PA 10.8:** Public access should be designed, provided, and maintained so that it is appropriate to the shoreline environment and land use designation where it is located.
- PA 10.9:** Public access should be designed, maintained, and regulated to ensure that the ecological functions of the shoreline are protected from damage by public use of the shoreline and when there are unavoidable impacts they are adequately mitigated for through restoration actions.
- PA 10.10:** Wherever practical, public access points should be linked with non-motorized transportation routes such as bicycle and pedestrian paths.
- PA 10.11:** The recommendations of critical area reports and biological evaluation should be used to provide direction on the appropriate type of public access improvements that are provided to ensure that proper mitigation of development and public access impacts is implemented.
- PA 10.12:** The visual and physical connections between downtown Snohomish and the Snohomish River should be improved and maintained through the preservation of view corridors and with directional signs, outdoor seating areas, landscaping, and the design of buildings facing the river.

Recreation

GOAL SMP 11: Create more recreational opportunities by improving the shoreline connections in the City to its lake and riverfront areas.

Recreation Policies

- REC 11.1:** Park facilities, recreation opportunities, and public access should be enhanced and/or expanded along the City's shorelines.
- REC 11.2:** Recreational facilities should be located so as to have the least adverse effect on unique or fragile natural features.
- REC 11.3:** A balanced variety of recreational opportunities on the City's shorelines should be encouraged.
- REC 11.4:** Recreational development should be located, designed, operated, and regulated in conformance with environmental protection and public access provisions of the City of Snohomish Shoreline Master Program; Parks, Recreation and Open Space Master Plan; and the Comprehensive Plan.

- REC 11.5:** Public ownership and access along the City’s shorelines should be expanded through targeted purchases and/or land dedication.
- REC 11.6:** Private investment and development that provides shoreline-oriented recreational uses and other improvements facilitating public access to shorelines should be encouraged.
- REC 11.7:** Parking areas for shoreline recreational uses should be located inland, away from the water and outside of required buffer areas.
- REC 11.8:** The re-orientation and/or renovation of downtown buildings should be encouraged to take advantage of their proximity to the Snohomish River and thereby promote public access to and recreation near the shoreline.
- REC 11.9:** Commercial and mixed-use development with public open space and/or public recreation facilities in a manner that will help sustain the economic viability of the urban shoreline should be allowed.

Vehicular Circulation and Parking

GOAL SMP 12: Create an efficient, safe, and convenient circulation and parking system for vehicles that is appropriate to the shoreline environment which preserves shoreline ecological functions.

Vehicular Circulation and Parking Policies

- VCP 12.1:** Circulation systems should be designed to provide safe and efficient movement of people and products using motorized and non-motorized modes of transportation.
- VCP 12.2:** Transportation and parking facilities should be planned, located, and designed to have the least possible adverse effect on unique or fragile shoreline ecological functions.
- VCP 12.3:** Facilities that support waterborne transportation that are compatible with surrounding land uses and preserve ecological functions should be allowed.
- VCP 12.4:** Shared corridors should be encouraged for transportation and utilities where they must cross shorelines.
- VCP 12.5:** Transportation and parking facilities should be planned, located, and designed to be consistent with public access plans and policies and the environmental protection policies and provisions of the Shoreline Master Program.
- VCP 12.6:** Parking facilities necessary to support an authorized use should be allowed.
- VCP 12.7:** Stand-alone parking facilities, not directly associated with a specific use or uses at a specific location, shall not be allowed within the shoreline regulatory area.
- VCP 12.8:** Parking facilities in the shoreline area should be designed to minimize negative aesthetic impacts.
- VCP 12.9:** The provision of overlooks, trails, and other similar types of recreational amenities adjacent to transportation facilities in public shoreline areas should be encouraged.
- VCP 12.10:** The use of railroad rights-of-way for trail systems, especially where they would provide public access to or enjoyment of the shorelines, should be encouraged.

VCP 12.11: Road and railroad bridges should be located and designed to minimize impacts to existing floodways and channel migration zones of streams and rivers.

Historic, Cultural, Archeological, and Scientific Resources

GOAL SMP 13: **Protect, preserve, and restore sites and areas on the shorelines of the City that have significant historical, cultural, archeological, educational, or scientific value.**

Historical, Cultural, Archeological, and Scientific Resources Policies

- HCA 13.1:** Historic, cultural and archeological resources on or eligible for listing in the national or state historical register should be preserved and protected.
- HCA 13.2:** Preservation of historic structures through flexible regulations that allow adaptive reuse while preserving historical character should be encouraged.
- HCA 13.3:** Historians, archeologists and tribal representatives should be consulted to identify areas containing potentially valuable archeological or cultural resources.
- HCA 13.4:** Where development is proposed in areas where the potential for encountering undiscovered cultural resources is high, compliance with all protocols for professional site assessment for potential archaeological and cultural resources and preservation of such resources if discovered should be ensured.

Conservation

GOAL SMP 14: **Preserve, protect, and restore ecological functions of the natural systems in the shoreline area.**

Conservation Policies

- CON 14.1:** Utilization of shoreline natural resources should be allowed where there will not be a net loss of ecological functions.
- CON 14.2:** Areas with potential for restoration of damaged or diminished features or ecological functions should be identified and alternative mitigation programs to achieve restoration should be allowed.
- CON 14.3:** Opportunities to preserve unique, rare and fragile natural features and resources should be identified and encouraged.
- CON 14.4:** Existing ecological functions of the shoreline should be preserved by first requiring avoidance of impacts wherever possible, then applying mitigation in the following sequence of steps listed in order of priority when impacts cannot be avoided:
1. Minimizing impacts by limiting the degree or magnitude of the action and its implementation or by taking affirmative steps to reduce impacts;
 2. Reducing or eliminating the impact over time by preservation and maintenance operations to restore the affected environment to its historical conditions or the conditions existing at the time the project was initiated;

3. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
4. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

CON 14.5: Best management practices shall be required for utilization of renewable resources to ensure that such practices provide for a sustained yield of those resources.

CON 14.6: Wetlands, riparian areas, frequently flooded areas, channel migration zones, geologically hazardous areas, critical freshwater habitats, and habitats of rare and endangered species should be protected by restricting development, requiring buffers, and establishing performance standards as necessary to ensure no net loss of ecological functions and habitat areas.

CON 14.7: Public and private shoreline owners should be encouraged to promote the proliferation of native wildlife, fish and plants without unduly interfering with existing activities.

CON 14.8: Surface and groundwater quality and quantity in shoreline areas should be controlled by minimizing land clearing, soil disturbance and non-point runoff.

CON 14.9: To protect existing habitat and environmental functions, uses and activities should be located, and setbacks and buffers incorporated into the site design, to minimize the adverse impacts of those uses and activities. Construction timing, bank stabilization, bio-engineering and use of erosion and drainage control methods should be used both during and after construction.

CON 14.10: Shoreline stabilization and protection measures should be approved only where erosion or flooding pose a threat to existing structures or public safety, but only if they do not result in a net loss of ecological functions associated with the water body.

GOAL SMP 15: Protect shoreline resources, development, and ecological functions by minimizing the impacts of shoreland flooding.

Policies

SMP 15.1: Non-structural flood hazard reduction measures should be used over structural methods where a non-structural measure can be effective and feasible.

SMP 15.2: The City should coordinate with other agencies and jurisdictions on regional flood hazard management planning.

SMP 15.3: Flood hazard reduction measures that are used should not result in a net loss of ecological function.

SMP 15.4: Proponents of development within flood hazard areas shall be required to demonstrate the development is consistent with the National Marine Fisheries Service (NMFS) Biological Opinion relating to the National Flood Insurance Program (NFIP) and the Endangered Species Act (ESA), dated September 22, 2008.

- SMP 15.5:** Any Restoration Plan should include measures for returning river and stream corridors to more natural hydrological conditions, including seasonal flooding, over time, except for in developed areas.
- SMP 15.6:** Restoration planning should consider removal of structures in flood-prone areas.
- SMP 15.7:** The removal of artificial restrictions to natural channel migration should be planned for where feasible if the removal will not endanger existing structures and uses.
- SMP 15.8:** Flood hazard reduction should be accomplished primarily through the City's existing stormwater management regulations, floodplain regulations, critical areas regulations, and participation in the National Flood Insurance Program.
- SMP 15.9:** Development, fill, or encroachments in floodways, frequently flooded areas, highly erodible areas, and other critical areas should be discouraged.

GOAL SMP 16: Provide for appropriate agricultural uses within the City's shorelines.

Policies

- SMP 16.1:** Allow agricultural practices where permitted in the underlying zoning, and encourage use of best management practices for erosion control, water quality protections, and compatibility with shoreline uses.
- SMP 16.2:** Allow agri-tourism uses that are supportive of continued agricultural uses.

GOAL SMP 17: Preserve the scenic and aesthetic qualities of shorelines and public shoreline vistas.

Policies

- SMP 17.1:** The positive aesthetic qualities of shorelines should be preserved through building design, the location of parking areas, vegetation management, sign and lighting controls, and consideration of effects of development on public viewpoints and shoreline views from private property both inside and outside of the shoreline.
- SMP 17.2:** Degradation of vistas and viewpoints and impairment of visual access to the water from such vistas by the placement of signs should be prevented.

GOAL SMP 18: Minimize both the number of breakwaters, jetties, groins, and weirs in shoreline areas and their adverse impacts.

Policies

- SMP 18.1:** Breakwaters, jetties, groins, and weirs should be designed to protect critical areas and ecological functions. Where negative impacts are unavoidable, mitigation should be provided according to the sequence of priorities in these policies.
- SMP 18.2:** Jetties, groins and weirs that protect or restore ecological functions should be allowed.

SMP 18.3: Where a jetty or groin is necessary, multiple uses of the jetty and/or groin to increase public access to and enjoyment of the shoreline should be encouraged.

GOAL SMP 19: **Minimize both the amount of fill and dredging activity in shoreline areas and the adverse impacts caused by such activities.**

Policies

SMP 19.1: Fill and dredging should only be allowed as necessary to support a permitted use.

SMP 19.2: Fill and dredging shall be done in a manner consistent with floodplain regulations and that protects critical areas to ensure no net loss of ecological function. Fill within wetlands and below the ordinary high water mark shall be consistent with the required state and federal approvals.

SMP 19.3: Fill that would adversely affect other uses or interfere with channel migration should be prohibited.

SMP 19.4: Sanitary landfills and solid waste disposal sites shall be prohibited in any shoreline area.

SMP 19.5: Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material should only be allowed through an approved shoreline conditional use permit, except where the activity is associated with a project related to:

- Restoration of ecological functions;
- Habitat restoration;
- The Model Toxics Control Act (MTCA); or
- The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

SMP 19.6: New dredging projects should be approved only when accompanied by an acceptable plan for the long-term disposal of dredge spoils created by the project and its continued maintenance.

SMP 19.7: Dredging in or disposing of spoils on archeological sites listed on the Washington State Register of Historic Places shall only be allowed when approved by the Washington State Department of Archaeology and Historic Preservation and any affected Native American tribe.

SMP 19.8: New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

SMP 19.9: Dredging for the purpose of establishing, expanding, relocating or reconfiguring navigation channels and basins should be allowed only where necessary to assure safe and efficient accommodation of existing navigational uses and then only where significant ecological impacts are minimized and where mitigation is provided. Maintenance dredging of established navigation channels and basins

should be restricted to maintaining previously dredged areas and/or to existing authorized location, depth, and width.

GOAL SMP 20: Allow new shoreline structural stabilization measures only where necessity is demonstrated.

Policies

SMP 20.1: To protect existing primary structures, shoreline structural stabilization measures should be allowed subject to all of the following conditions:

- New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, flooding, currents, or waves.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

SMP 20.2: Shoreline structural stabilization measures should be allowed in support of new non-water-dependent development uses, including single-family residences, subject to all of the following conditions:

- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
- Non-structural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

SMP 20.3: Shoreline structural stabilization measures should be allowed if in support of water-dependent development, subject to all of the following conditions:

- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
- Non-structural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

SMP 20.4: To protect projects proposed to restore ecological functions or hazardous substance remediation projects pursuant to Chapter 70.105D RCW, shoreline

structural stabilization should be allowed, subject to all of the following conditions:

- Non-structural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to protect the project.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

SMP 20.5: An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves, subject to all of the following conditions:

- The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
- Replacement walls or bulkheads protecting residential dwelling units shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there is an overriding safety or environmental concern. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
- Soft shoreline stabilization measures are not feasible or sufficient. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark once the applicant has obtained the required state and federal approvals.

SMP 20.6: Where proposed structural shoreline stabilization measures meet the conditions of SMP 20.5, the stabilization measures should meet all of the following design standards:

- The size of stabilization measures should be limited to the minimum necessary and include measures designed to assure no net loss of shoreline ecological functions.
- Soft approaches should be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
- Publicly-financed or subsidized shoreline erosion control measures should be designed to ensure they do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, ecological restoration and public access improvements should be incorporated into the project.
- New erosion control measures, including replacement structures, should be designed to avoid adverse impacts. If that is not possible, they should be designed to minimize adverse impacts to sediment conveyance systems.

GOAL SMP 21: **Minimize the use and adverse impact on shoreline areas of flood protection measures, including but not limited to dikes and levees.**

Policies

SMP 21.1: All flood protection measures should be placed landward of the principal floodway and associated wetlands that are directly interrelated and interdependent with the stream proper.

SMP 21.2: New development should be designed to preclude the need for shoreline stabilization or structural flood control protection.

SMP 21.3: Construction of flood control works or streambank stabilization projects that would contribute to destructive streamway channelization or substantial modification of existing shoreline character should be avoided, except for in the case of streamway restoration projects.

SMP 21.4: Where possible, bulkheads and seawalls should be designed to blend in with the surroundings and should not detract from the aesthetic qualities of the shoreline.

GOAL SMP 22: **Allow new piers and docks only for public access, water-dependent uses, and as accessory to single family residences.**

Policies

SMP 22.1: Pier and dock construction should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

SMP 22.2: Where a pier or dock is proposed for any development of two or more residential units, shared or community piers should be required.

SMP 22.3: Docks and piers should be located and designed so that they do not significantly interfere with navigation or public access to the shoreline.

SMC 22.4: Docks and piers shall be constructed of materials that have been approved by applicable state agencies.

GOAL SMP 23: **Support and coordinate shoreline habitat and natural systems enhancement projects with other adopted plans and regulations, including salmon conservation plans and flood hazard management regulations.**

Policies

SMP 23.1: Habitat and natural systems enhancement projects such as the following should be allowed:

- Modification of existing vegetation;
- Removal of non-native or invasive plants;
- Shoreline stabilization using soft or non-structural techniques; and
- Dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological processes and functions of the shoreline.

SMP 23.2: Habitat and natural systems enhancement projects should address restoration needs and priorities, as determined by the City, and facilitate implementation of the City of Snohomish Shoreline Restoration Plan.

GOAL SMP 24: **Advance the intent and policy of the Shoreline Management Act of 1971 through the implementation of the City of Snohomish Shoreline Management Program, the administration of the shoreline permit processes, and other legal requirements of the Act.**

Policies

SMP 24.1: Applications for shoreline permits should be processed expeditiously with a thorough analysis and review.

SMP 24.2: When necessary, advice and assistance from recognized experts at federal, state, or local levels should be sought whenever technically complex issues are involved in review of shoreline permit applications.

SMP 24.3: The Shoreline Master Program should be administered in a consistent fashion and in compliance with the provisions of the Shoreline Management Act (Chapter 90.58 RCW) and WAC Chapters 173-18 through 173-22 and Chapters 173-26 and 173-27 as exist now and hereafter amended.

SMP 24.4: To ensure compliance with applicable regulations, shoreline development applications should include, where appropriate, submittal of a survey delineating the ordinary high water mark, wetlands, and buffers, including the placement of permanent survey markers.