Town of Woodway
Shoreline Master Program

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A. Introduction

The Town of Woodway’s Shoreline Master Program has been prepared to ensure consistency with the Town of Woodway Comprehensive Plan and other applicable Federal, State and local laws. The Town of Woodway adopted a Comprehensive Plan in 1994 and revised the plan in 2001.

Many goals of the GMA and the Shoreline Management Act (SMA) are similar. For example, both encourage compatibility among land uses, protecting critical areas, and planning for the future. The approach of coordinating the Comprehensive Plan requirements with the implementation of the Shoreline Management Act will achieve multiple goals such as planning for and guiding the orderly development of the shoreline, protecting shoreline resources and helping to assure public access to the shoreline.

B. The Purpose of the Shoreline Management Act

The State legislature adopted the Shoreline Management Act in 1971. This law regulates the development and use of certain river, lake and marine shorelines within the State. The law requires cities and counties to develop specific policies and regulations under individual “Shoreline Master Programs.” The purpose of local Master Programs is to apply the State law to the shorelines within each subject jurisdiction. The local Shoreline Master Program must be consistent with the Shoreline Management Act and with State administrative regulations adopted pursuant to the SMA.

The SMA contains multiple objectives to provide for the management of the shorelines of the State. These policies include the following:

• to plan and foster all reasonable and appropriate uses;

• to promote and enhance the public interest;

• to protect against adverse effects to the public health, the land and its vegetation and wildlife and the waters of the State and their aquatic life; and

• to protect generally public rights of navigation.

With this mandate, the SMA established a planning and regulatory program, which is initiated at the local level under State guidance.
C. Local Shoreline Master Programs.

The SMA sets up a process for managing development of the State’s shorelines through State monitored, locally administered permitting programs. Local governments are required to prepare a detailed shoreline inventory and a Shoreline Master Program to protect shoreline resources, manage shoreline development, and assure continued public use of waters of the State. Based upon the inventory of local shorelines, a system for categorizing various segments is established through application of shoreline environment designations. The SMA specifies that master plans must include policy statements (i.e., the required elements) that take into account public access, economic development, circulation and transportation, recreation, shoreline use, conservation, and historical and cultural aspects of the shoreline area (§90.58.100(2) RCW). From these policy statements, regulations are developed which establish appropriate permitted uses within each shoreline environment.

The SMA requires that each local Shoreline Master Program contain policies and regulations that define permitted uses and activities. All development activity within shoreline jurisdiction must be consistent with the Master Program, and hence these policies and regulations. In one respect, the Master Program is like a comprehensive plan for shorelines because it contains goals and policies, and in another respect, it is similar to a zoning code as it contains specific performance standards and regulations.

D. Town of Woodway Shorelines

The Town of Woodway’s western boundary is defined by its shorelines, with approximately 1.5 miles of saltwater shoreline, and 3 streams. Most of the shoreline in the Town is privately owned; the Olympic Park parcel at the northerly end of town is in public ownership and the Deer Creek Park reserve is owned by the Olympic View Water Utility. In addition to providing fish and wildlife habitat, the shoreline areas of Woodway include an essential regional transportation corridor.

The shorelines of the Town of Woodway are among the State's most valuable, scarce, and fragile natural resources. They provide a significant contribution to Woodway's community character, as they are the site of recreational uses, residential development, and a regional circulation corridor. In particular, the high bluff areas are unique due to their lack of stability and frequent 'mass-wasting' slides.

E. The Town of Woodway Shoreline Master Program

It is the intent of the Town of Woodway Shoreline Master Program (“this Master Program”) to provide a management scheme governing the utilization, protection, restoration, and preservation of the shoreline and shorelands. This Master Program establishes policies and regulations for the shorelines of the Town of Woodway.
regulations in the Shoreline Master Program include specific legal requirements that
guide future development along the shorelines of the Town of Woodway.

F. Shoreline Master Program Jurisdiction

The Town of Woodway Master Program applies to the following areas:

1. All marine waters of the State, together with the lands underlying them;
2. Shorelines of State-wide significance as specified in §90.58.030 RCW.
3. Wetlands associated with all of the above.

The Master Program jurisdiction also includes those shorelands associated with the areas
described above. “Shorelands” or “shoreland areas” or “upland areas” means those lands
extending landward for 200 feet in all directions as measured on a horizontal plane from
the ordinary high water mark; floodways and areas landward 200 feet from such
floodways; and all wetlands associated with the streams landward and tidal waters which
are shorelines of the State.

Throughout this document, the term “shoreline” includes the shorelines of the State
within the Town of Woodway as well as the shoreland or upland areas associated with
those shorelines. The goal of the Town of Woodway Master Program is to preserve to the
fullest possible extent the scenic, aesthetic and ecological qualities of the shorelines of
the Town of Woodway in harmony with those uses that are deemed essential to the life
and well-being of its citizens.

The policies in the Shoreline Master Program State the underlying objectives the
regulations are intended to accomplish. The policies should, accordingly, guide the
interpretation and enforcement of the Shoreline Master Program’s regulations. The
policies are not regulations in themselves and, therefore, do not impose requirements
beyond those set forth in the regulations.

Under the GMA the goals and policies of this Master Program are considered an
“element” of the county’s Comprehensive Plan, and are integrated within the revised
“Land Use Element” of the Plan (§36.70A.480 RCW). By contrast, the use and
development regulations contained in this Master Program are considered part of the
Town’s development regulations, and will be a separate Chapter of the Woodway
Municipal Code. This approach will achieve mutual goals such as planning for and
guiding the orderly development of the shoreline, protecting and rehabilitating shoreline
resources and helping to assure public access to the shoreline. The Master Program helps
both provide predictability to property owners and town staff within the permitting
process. It also educates the community in the use and protection of its shorelines.
G. How The Plan Works

The Town of Woodway Shoreline Master Program is a planning document that outlines goals and policies for the shorelines and shorelands of the town. It is also a regulatory ordinance with performance standards for development intended to implement the goals and policies.

All shorelines subject to the Act are given a shoreline environmental designation. This designation system is designed to encourage uses most appropriate for particular areas and to enhance the character of that shoreline environment. Shoreline designations for the Town of Woodway have been made using a parallel designation system, which reflects existing uses, land use designations, land uses, and the unique and fragile aspects of the shoreline bluffs. The shoreline designations are depicted on the map included as Appendix “A” to this Master Program. The designations run parallel to the ordinary high-water mark from the Town boundaries at the North with the City of Edmonds, and South to the boundary with Snohomish County, and The City of Shoreline. Waterward of the Ordinary High-Water Mark (OHWM) the shoreline designation is "Aquatic". From the OHWM landward to the toe of the bluff, the shoreland areas have been designated "Urban Conservancy". The areas from the toe of the bluff to the top of the bluff have been designated as "Natural". The shoreland or upland areas from the top of the bluff to the edge of the two hundred foot limit are designated "Shoreline Residential". If a portion of a platted lot falls within the shoreline jurisdiction, the entire lot has been designated.

Shoreline uses are classified as “permitted,” “conditional,” or “prohibited” in order of preference or appropriateness on a particular shoreline. Permitted and conditional uses, as well as variances, require review by the Town of Woodway. In addition, permits issued by local governments for conditional uses and variances require final approval from the Washington Department of Ecology. Certain uses are categorized as 'exempt', however all development requires review by the Town to determine the classification of the proposed land use.

When planning a project near the shoreline, an applicant should consult with Town Hall. The Town Planner will determine whether a Shoreline Substantial Development Permit is required and provide assistance in the permit application process.
CHAPTER ONE

1.01 Background: What is a Shoreline Master Program?

Shoreline master programs are both planning and regulatory tools. The State has established the need for both planning and regulatory action. The State legislature has found that much of the shorelines of the State and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the State is not in the public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the State while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand 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 intent of the Town of Woodway Shoreline Master Program is to ensure comprehensive planning for Woodway’s shorelines and to ensure the adoption and implementation of 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 adopted by the State. The Master Program serves the planning function in several ways:

- First, it balances and integrates the objectives and interests of local citizens insofar as they are consistent with the State Shoreline Management Act. Therefore, the preparation and amending of the Town of Woodway Master Program shall involve active public participation.

- Second, the Program addresses the full variety of conditions on the shoreline.

- Third, the Program considers and, where necessary to achieve the objectives of the State rules, influences planning and regulatory measures for adjacent land. For jurisdictions planning under the Growth Management Act, the requirements for integration of shoreline planning and adjacent land planning are more specific.

- Fourth, the Master Programs addresses conditions and opportunities of specific shoreline segments by classifying the shorelines into "environment designations".

The results of shoreline planning are summarized in the Town of Woodway Shoreline Master Program policies that establish broad shoreline management directives. The policies are the basis for regulations that govern use and development along the shoreline. Some development requires a shoreline permit prior to construction. The Town of Woodway will evaluate permit applications with respect to the shoreline master program policies and regulations and issue a permit only after determining that the development conforms to them. The regulations apply to
all uses and development within the shoreline jurisdiction, whether or not a shoreline permit is required.

The Town of Woodway’s Shoreline Master Program is required to address the following elements:

- An economic development element for the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce, and other developments that are particularly dependent on their location on or use of shorelines of the State.

- A public access element for making provision for public access to publicly owned areas.

- A recreational element for the preservation and enlargement of recreational opportunities, including, but not limited to parks, tidelands, beaches, and recreational areas.

- A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element.

- A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land.

- A conservation element for the preservation of natural resources, including, but not limited to, scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protections.

- An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values.

- An element that gives consideration to the statewide interest in the prevention and minimization of flood damages.

The State Shoreline Management Act identifies certain shorelines as "shorelines of State-wide significance" and raises their status by setting use priorities and requiring "optimum implementation" of the act’s policy. All areas adjacent to the Puget Sound are classified as “shoreline of statewide significance”. All of the shorelines within the Town of Woodway are adjacent to the Puget Sound and are designated “shorelines of statewide significance”.

Typically, shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the shoreline master program prescribe different sets of environment protection measures, allowable use provisions, and development standards for each of these shoreline segments. The method for
local government to account for different shoreline conditions is to assign an environment
designation to each distinct shoreline section in its jurisdiction. The environment designation
assignments provide the framework for implementing shoreline policies and regulatory measures
specific to the environment designation. The Town of Woodway has identified a parallel
shoreline designation system as suitable for all of the shorelines within the Township.

The State of Washington has adopted rules that describe the basic components and content
required in a master program. A master program submitted to the State for approval shall be
sufficient and complete to implement the Shoreline Management Act. A master program shall
contain all of the policies and regulations necessary for the department and other reviewers to
evaluate shoreline permits for conformance to the Shoreline Management Act.

In addition, the State requires consistency with comprehensive planning and other development
regulations. Shoreline management is most effective when accomplished within the context of
comprehensive planning. For cities and counties planning under the Growth Management Act,
Chapter 36.70A RCW requires mutual and internal consistency between the comprehensive plan
elements and implementing development regulations (including shoreline master programs).

“Each comprehensive plan shall be an internally consistent document and all
elements shall be consistent with the future land use map.” WAC 365-195-500

Consistency between the Comprehensive Plan and the Shoreline Master Program involves at
least two aspects:

(1) Ability of physical aspects of the plan to co-exist on the available land.

(2) Ability of the plan to ensure that adequate public facilities are available when the impacts of
development occur (concurrency).

Both plans should provide mechanisms for ongoing review of implementation and adjustment of
its terms whenever internal conflicts become apparent.

The Growth Management Act also calls for coordination between local jurisdictions.

“The comprehensive plan of each county or city that is adopted pursuant to RCW
36.70A.040 shall be coordinated with, and consistent with, the comprehensive
plans adopted pursuant to chapter 36.70A RCW of other counties or cities with
which the county or city has, in part, common borders or related/regional
issues.” RCW 36.70A.100.

Shoreline Master Program provisions sometimes address similar issues as other comprehensive
plan elements and development regulations, such as the zoning and environmentally sensitive
areas codes and the tree removal ordinance.
The State requires that the Town of Woodway Shoreline Master Program shall include

(a) Clear directions to applicants applying for shoreline permits; and

(b) Clear evaluation criteria and standards to the local governments, the department, other agencies, and the public for reviewing permit applications with respect to State and local shoreline management provisions.

(c) Clear, consistent policies that translate broad statewide objectives into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria on which to make a public decision. They provide a comprehensive basis for the shoreline master program regulations, which are more specific, prescriptive standards used to evaluate shoreline development.

Town of Woodway shoreline policies have been developed through a comprehensive planning process allowing for public and agency participation. The master program policies have been included within the Town of Woodway Comprehensive Plan Land Use Element, and are included in Chapter Three of this Program.

1.02 Regulations

In order to implement the directives of the Shoreline Management Act, Master Program regulations shall be in sufficient scope and detail to ensure the implementation of the Shoreline Management Act, State-wide shoreline management policies of this chapter, and local master program policies; and include environment designation regulations that apply to specific environments. In addition the Plan must include general regulations, use regulations that address issues of concern to specific uses, and shoreline modification regulations that protect shoreline ecological functions from the effects of human-made modifications to the shoreline. Finally, to guarantee compliance with Federal ESA requirements, regulations shall be consistent with the properly functioning condition requirements for protected, threatened and endangered species.

1.03 Applicability

The Shoreline Management Act's provisions apply to all development and uses within its jurisdiction, whether or not a shoreline permit is required. Many activities that may not require a substantial development permit, such as clearing vegetation or construction of a single family residence, can cause serious damage to adjacent properties, natural resources, and lands held in public trust. The Town of Woodway has the authority and responsibility to condition a project even though it is exempt from the requirement for a substantial development permit. There has been, historically, some public confusion regarding the Shoreline Management Act's applicability. Therefore, the State now requires that all Master Plans shall include the following statement:
"All new uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW: The Shoreline Management Act and this master program."

1.04 Conditional Use and Variance Provisions

Shoreline Master programs are required to contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy of the State. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The Town of Woodway Master Program includes standards for reviewing conditional use permits and variances. The Hearing Examiner will hear conditional Use Permits and Variance.

1.05 Administrative Permit Review and Enforcement Procedures

The Town of Woodway Master Program establishes requirements for the administration and enforcement of the permit system provided in this section. This shoreline master program includes administrative, enforcement, and permit review procedures. These procedures conform to the Shoreline Management Act, specifically RCW 90.58.140, and to chapter 173-27 WAC. These procedures have been included in Appendix A and B. The procedures have been defined by an ordinance separate from the Master Program. The Town of Woodway Master Program includes a requirement that a letter of exemption be issued, to ensure that all development, including development exempted from a substantial development permit, meets the conditions of the permit or letter of exemption, the applicable master program, and the Shoreline Management Act.

The Town of Woodway Master Program includes a requirement for documenting project review actions and evaluating their cumulative effects on shoreline conditions. The Town of Woodway is required to provide enforcement mechanisms needed to assure that development within shoreline jurisdiction will comply with the act, this chapter, and PFC requirements for PTE species.

1.06 How Does The Woodway SMP Meet The State Requirements?

The Town has endeavored to use the most current available scientific and technical information (Best Available Science) in preparing the master program, including:

(a) Utilizing a systematic interdisciplinary approach that will ensure the integrated use of the natural and social science and the environmental design arts;
(b) Consulting with and obtaining the comments of any federal, State, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Considering all plans, studies, surveys, inventories, and systems of classification made or being made by federal, State, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the State;

(d) Conducting research, studies, surveys, and interviews as are deemed necessary;

(e) Utilizing all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employing when feasible, all appropriate modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

To address the requirements for the use of scientific and technical information the Town of Woodway has followed the following steps:

B. First, the Town has identified and assembled the most current, accurate, and complete scientific and technical information available that is applicable to the Woodway Shoreline.

C. Secondly, the Town has considered the context, scope, magnitude, significance, and potential limitations of the scientific information.

D. Finally, the Town has incorporated scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science.
1.07 Monitoring and Adaptive Management

The recovery of properly functioning conditions (PFC) for priority, threatened and endangered species (PTE) requires making decisions based on an ecosystem perspective. Recognizing the complexity of ecosystems and the degree of uncertainty about the outcomes of many management actions, effective shoreline management will require a process of adaptive learning and change. To achieve and effectively maintain properly functioning conditions (PFC), the Town of Woodway shoreline policies and regulations shall have and implement adaptive management strategies that clearly identify existing and desired future conditions, measurable performance criteria, procedures and schedules to monitor progress toward performance criteria, management options, specific thresholds for changes, and applicable management responses. Priorities for monitoring specific performance criteria should be tied to the degree of uncertainty for effectiveness of measures.

Responsive adaptive management requires a cooperative effort on the part of local governments, the State of Washington Department of Ecology, the State Department of Fish and Wildlife, Snohomish County, and other resource agencies and affected Indian tribes. As part of the master program amendment process, local governments shall conduct the following adaptive management activities:

(A) Obtain base line inventory information as described in WAC 173-26-300 (3)(c).

(B) Conduct the ecological analysis as described in WAC 173-26-300 (3)(d)(i) and cumulative impact analysis as described in WAC 173-26-300 (3)(d)(iii).

(C) Set measurable performance criteria, thresholds, or benchmarks, such as area of natural or restored vegetation or length of unmodified or restored shoreline to maintain and restore Properly Functioning Conditions (PFC).

(D) Establish a program of monitoring land use and shoreline permit activities, including letters of exemption, to accurately assess the condition of the shoreline with respect to the performance criteria.

(E) Identify a long-term funding source and commitment.

(F) Identify a timely procedure, based on the needs and specifics of the proposal, to incrementally adjust management activities to respond to new information. In some cases, monitoring results may lead to changes in master program provisions.

In addition, the Town of Woodway shall keep records of all permit and land use actions regulated under the master program, including letters of exemption and impact analysis documentation and provide such information to the State when requested.
CHAPTER 2

MASTER PROGRAM JURISDICTION/ENVIRONMENTS

2.01 Introduction

This chapter presents both narrative descriptions and a Shoreline Master Program Map that describe the geographic coverage of the four environment designations assigned to the Town of Woodway shoreline. The State Shoreline Management Act requires that communities designate those lands that fall within the shoreline jurisdiction consistent with the environment designation system described in the State Master Program.

A "parallel or linear designation" has been proposed, as allowed by the State Shoreline Master Program. Parallel designations allow the jurisdiction to make distinctions in shoreline environments based on environmental characteristics rather than zoning boundaries.

Shoreline Designations were made based on analysis of the shoreline inventory (Appendix C) and development of a series of shoreline characteristic overlays. Table 2.1 addresses existing development patterns. The map overlays depict topography, critical areas, public access and transportation corridors, and zoning. Shoreline designations reflect the results of the inventory and analysis.

Table 2.1

<table>
<thead>
<tr>
<th>Development Pattern</th>
<th>Number of Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots currently developed consistent with zoning designations</td>
<td>22</td>
</tr>
<tr>
<td>Lots currently developed below allowable density</td>
<td>10</td>
</tr>
<tr>
<td>Undeveloped lots</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Snohomish County Assessors Information, Aerial Photos

2.02 Shoreline Characteristics Overlays Table 2.2

<table>
<thead>
<tr>
<th>#</th>
<th>Map Description/Title</th>
<th>Purpose</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Topography</td>
<td>To show existing topography</td>
<td>USGS (1971)</td>
</tr>
<tr>
<td>2</td>
<td>Critical Areas Overlay</td>
<td>To depict known or potential critical areas.</td>
<td>Town of Woodway Environmentally Sensitive Areas Chapter</td>
</tr>
<tr>
<td>3</td>
<td>Access and Transportation Overlay</td>
<td>To depict opportunities and constraints for Public Access to shore areas.</td>
<td>Town of Woodway Comprehensive Plan</td>
</tr>
<tr>
<td>4</td>
<td>Zoning</td>
<td>To depict allowable densities and zoning within the Shoreline Planning Area</td>
<td>Town of Woodway Comprehensive Plan</td>
</tr>
</tbody>
</table>
Illustration 2.1

Insert Map: Topography
Illustration 2.2

Insert Map: Critical Areas Overlay
Illustration 2.3

Insert Map: Access and Transportation Overlay
Illustration 2.4

Insert Map: Zoning
2.03 Shoreline Designations

Table 2.2

<table>
<thead>
<tr>
<th>ENVIRONMENT</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoreline Residential</td>
<td>All areas from the top of the bluff to the edge of the 200 foot shoreline designation from the Town’s northerly boundary with the City of Edmonds to the Town’s southerly boundary with the City of shoreline, exclusive of that area within unincorporated Snohomish County.</td>
</tr>
<tr>
<td>Natural</td>
<td>All areas from the top of the bluff waterward to the easterly margin of the Burlington Northern &amp; Santa Fe Railroad Right of Way.</td>
</tr>
<tr>
<td>Shoreline Conservancy</td>
<td>All areas included within the Railroad ROW from the North boundary with the City of Edmonds to the southerly boundary with Snohomish County</td>
</tr>
<tr>
<td>Aquatic</td>
<td>All marine waters seaward of the mean high water mark to the boundary with Kitsap County.</td>
</tr>
</tbody>
</table>
Illustration 2.6

Insert Map: Town of Woodway Shoreline Designations (Revised July 20, 2001)
CHAPTER 3
MASTER PROGRAM GOALS

3.01 Introduction

The use of goals and elements is mandated by the Shoreline Management Act and is intended to guide and support the major shoreline management issues. Shoreline Goals are required to be consistent with Comprehensive Plan Goals. The seven use elements are shoreline use, economic development, circulation, conservation, public access, recreational and historic/cultural resources. The Town has not adopted separate shoreline plan elements, rather the general goal statements found within the Comprehensive Land Use Plan cover the above elements and are intended to provide the policy basis for Master Program General Policies and Regulations.

3.02 Shorelines Goals

The following goals are contained within the Woodway Comprehensive Plan. They specifically apply to uses and activities located within the Town’s shoreline jurisdiction. Because of the limited size and scale of the Town of Woodway shoreline jurisdiction, shoreline goals are all included within the framework of the Land Use Element of the Comprehensive Plan.

LUG-22 Enhance and maintain the quality of the shoreline.

LUG-23 Assure the optimum opportunity for participation by Woodway area residents in the decision making process which may affect shoreline character.

LUG-24 Assure that public access will not endanger the quality of life or property of area residents, or have adverse effects on fragile natural features, habitats or fish populations of the shoreline or water areas.

LUG-25 Assure preservation of scenic and non-renewable natural resources for the benefit of existing and future generations.

LUP-55 Preservation of resources should have priority over public access or recreation whenever a conflict exists, excepting that existing public access may be maintained.

LUP-56 Activities or uses that would strip the shoreline of vegetative cover, cause substantial erosion or sedimentation, or adversely affect wildlife or aquatic life should be prohibited.
LUP-57  Public participation in the adoption and revision of the Shoreline Master Program shall be encouraged. The Town of Woodway shall make all reasonable efforts to inform, fully involve and encourage the participation of all interested persons and private entities, agencies of the federal, state and local governments, and local tribal entities having interest and responsibilities relating to shorelines of the state and the master program.
CHAPTER 4
GENERAL POLICIES AND REGULATIONS

4.01 General

General policies and regulations are applicable to all uses and activities (regardless of Master Program environment designation) that may occur within the Town of Woodway shoreline jurisdiction. Their importance and usefulness cannot be understated. They are broad policies and regulations that affect all shoreline uses and serve as the basis for more specific policies and regulations. The policies and regulations found in this chapter are intended to be used in conjunction with the more specific use and activity regulations found in the following chapters. These policies apply to all uses within the jurisdiction, whether or not a separate shoreline permit is required. These policies may be used to condition any required permit or required letter of exemption.

In understanding the following regulations and policies it may be useful to remember that:
“May” means the action is acceptable, provided it conforms to the provisions of this chapter.
“Must” means a mandate; the action is required. “Shall” means a mandate; the action must be done. “Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and the Town of Woodway’s Shoreline Management Program, against taking the action.

Policies

1. All shoreline uses and modification activities, including those that do not require a shoreline Substantial Development Permit, are subject to the policies and regulations of the Town of Woodway Shoreline Master Program.

2. Shoreline uses, modification activities and conditions that are prohibited by the Town of Woodway Shoreline Master Program are not eligible for consideration as a shoreline variance or conditional use.

3. The policies of the Town of Woodway Shoreline Master Program should provide broad guidance for the application of these Master Program regulations.

4. The Town of Woodway Shoreline Master Program should not prevent emergency development or shoreline modification activities that require immediate action to protect property, public safety, health or the environment.

5. For the purposes of administering this Program, the Town of Woodway will designate a shoreline administrator. The administrator will take all necessary action to fully implement this Program.
Regulations - General

1. All shoreline uses and shoreline modification activities, including those that do not require a shoreline Substantial Development Permit, must conform to the policies and regulations of this Master Program.

2. Shoreline modification activities must be in support of an allowable shoreline use that conforms to the provisions of this Master Program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or an approved shoreline use are prohibited.

3. Shoreline uses, modification activities and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or shoreline conditional use permit.

4. The "policies" listed in this Master Program will provide broad guidance and direction and will be used by the Town in applying the "regulations".

5. Where provisions of this Master Program conflict, the more restrictive of the provisions shall apply unless specifically stated otherwise.

Regulations - Emergency Exemptions

1. Emergency shoreline developments and activities necessary to protect property, public health, safety or the environment are those which require immediate action within a time frame too short to allow compliance with the prescribed permitting process. Such developments and activities are exempt from the requirement to obtain a shoreline permit prior to undertaking such actions, subject to the following:

   a. No exempt development, use, or activity shall be undertaken within the jurisdiction of the Shoreline Management Act, Chapter 90.58 RCW and this Shoreline Master Program (SMP) unless a statement of exemption has been obtained from the Administrator.

   b. The request for the statement of exemption shall be in writing, on forms required by the Administrator, and include the information required by the Administrator. In the case of an emergency, the Administrator may waive this requirement and authorize the use or activity orally or in writing.

   c. The Administrator shall decide a request for a statement of exemption within ten calendar days of receiving the request.

   d. The statement of exemption shall be in writing unless an oral emergency statement of exception is given as proved in (b) above.
e. If an oral emergency statement of exemption is given, the Administrator shall prepare written findings and send them to the applicant as soon as possible.

f. The Administrator shall decide requests for a statement of exemption based on the provisions of the Shoreline Management Act, the applicable provisions of the Washington Administrative Code and the provisions of this SMP. If there are any conflicts between the Shoreline Management Act or the Washington Administrative Code and this SMP, the Shoreline Management Act or the Washington Administrative Code shall control except that where the Washington Administrative Code grants local governments the authority to more specifically define exempt uses and activities.

g. The emergency exemption is to be construed narrowly.

h. Exempt emergency developments and activities should comply with the Shoreline Management Act and the SMP. The Administrator shall condition statements of exemption to ensure the exempt development or activity complies with the Shoreline Management Act and the SMP.

i. Exempt emergency development and activities may be required to meet permit conditions and to mitigate significant adverse impacts to PFC to PTE. The administrator may require additional studies and permits and long-term monitoring of the activity granted an emergency exemption.

j. Whenever an emergency development falls within the exemptions from the requirement to obtain a shoreline permit and development is subject to a U.S. Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, the Administrator shall prepare a letter addressed to the applicant and Ecology, exempting the development from the shoreline permit requirements of chapter 90.58 RCW. The exemption shall be in substantially the same form as the exemption format in WAC 173-27-050. This letter shall substitute for the statement of exemption required by (1) above.
4.02 Archaeological and Historic Resources

Applicability - Archaeological and historic resources, because of their finite nature, are valuable links to our past and should be considered whenever a development is proposed along the state’s shorelines. Where such resources are either recorded at the State Historic Preservation Office and/or with local jurisdictions, or have been inadvertently uncovered, the following policies and regulations apply.

Policies

1. Due to the limited and irreplaceable nature of the resource, public or private uses and activities should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities.

Regulations

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the Town if any phenomena of possible archaeological interest are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged.

2. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by an archaeologist. The permit shall require approval by the Town before work can begin on a project following inspection. Significant archaeological data or artifacts shall be recovered before work begins or resumes on a project.

3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the Town determines that a site has significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued which would pose a threat to the site. The Town may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The Town shall notify the State Department of Ecology, the State Attorney General’s Office and the State Historic Preservation Office of such a waiver in a timely manner.

5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites...
and Records) and shall comply with WAC 25-48 as well as the provisions of this Master Program.

6. Archaeological excavations may be permitted subject to the provisions of this program.

7. Identified historical or archaeological resources shall be considered in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.

8. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.
4.03 Clearing and Grading

Applicability - Clearing and grading is the activity associated with developing property for a particular use including, transportation, recreational and residential uses. Specifically, "clearing" means the destruction or removal of vegetative ground cover and/or trees including, but not limited to, root material removal and/or topsoil removal. This includes such activities as clear-cutting or selective harvest of trees, chipping of stumps and hauling off of shrubs, slash piles, etc. "Grading" means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials. This includes removing the duff layer, all surcharging, preloading and recontouring the ground and may include minor excavation and filling. Landfill addresses the placement of dry fill on existing dry or existing wet areas.

Policies

1. All clearing and grading activities should be designed and conducted to minimize impacts to wildlife habitat, sedimentation of creeks, streams, ponds, lakes, wetlands and other water bodies and degradation of water quality and to avoid significant adverse impacts to Properly Functioning Conditions (PFC) for (PTE) Protected, Threatened, and Endangered species.

2. Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development. Such activities should be discouraged in designated (structural) setback areas and allowed in other shoreline locations only when associated with a permitted shoreline development.

3. Negative environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, bioengineering and use of erosion and drainage control methods as well as adequate maintenance.

4. Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation or, in limited circumstances, with other species contained in Town approved plant lists.

5. All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age and cover density.

6. For extensive clearing and grading proposals, a clearing and grading plan should be required which addresses species removal, replanting, irrigation, erosion and sedimentation control and other methods of riparian corridor protection.

Regulations
1. All clearing and grading activities shall be limited to the minimum necessary for the intended development, including residential development, consistent with all other applicable Town of Woodway regulations.

2. Clearing and grading within designated shoreline (structural) setback areas shall not exceed the maximums in Table 4.1 (all measurements taken parallel to the shoreline):

<table>
<thead>
<tr>
<th>Table 4.1</th>
<th>Shoreline frontage of lots and parcels (excluding tideland areas) Frontage is measured parallel to the OHWM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0-200 feet</td>
</tr>
<tr>
<td>Clearing and grading shall not exceed the following maximum lengths along (parallel to) the shoreline for each lot or parcel within the shoreline setback area:</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

* Fifteen (15) percent is the maximum, provided clearing occurs in two or more segments separated by at least 100 feet of undisturbed area where no segment exceeds seventy-five (75) feet in length along the shoreline.

3. When applying the above clearing and grading standards the following plant communities shall determine in descending order of preference where clearing and grading may be allowed. The first plant community listed indicates the most preferred location for clearing and grading:
   a. grass
   b. shrub/scrub
   c. forest

4. Clearing and grading activities may only be permitted (landward of required setbacks) when associated with a permitted shoreline development, PROVIDED that upon completion of construction, remaining cleared areas shall be replanted with native species contained in the Town’s approved plant list. Replanted areas shall be maintained such that within three-years time the vegetation is fully reestablished. A monitoring plan and bonding may be required to ensure that vegetation is fully re-established. All clearing, grading and vegetation removal must be consistent with all applicable Town of Woodway regulations.

5. Normal nondestructive pruning and trimming of vegetation for maintenance purposes shall not be subject to these clearing and grading regulations. In addition, clearing by hand held equipment of invasive non-native shoreline vegetation or plants listed on
the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly reestablished in the disturbed area. Manual clearing is preferred to chemical vegetation removal.

6. Any significant placement of materials from off-site, (other than surcharge or preload) or substantial creation or raising of dry upland shall be considered landfill and shall also comply with the landfill provisions in the Landfill Chapter.

7. All clearing and grading activities shall be subject to Woodway Municipal Code.
4.04 Environmentally Sensitive (Critical) Areas

**Applicability** - Environmentally Sensitive or Critical areas constitute the most fragile lands which support resources that are economically and culturally important to the state under the SMA and to the character and livability of the Town of Woodway. They can be natural resources that provide fisheries habitat for example, or areas that may threaten the health and safety of the public, such as floodways or unstable bluffs, etc. This section is divided into five categories: (1) general provisions, (2) geological hazard area provisions, (3) kelp beds, eelgrass beds, herring spawning areas, smelt spawning areas and other critical salt water habitats (4) wetland provisions and (5) salmon and steelhead habitat provisions.

"Critical Areas" shall mean those areas with especially fragile biophysical characteristics and/or with significant environmental resources as identified in 1) a scientifically documented inventory accomplished as part of a SEPA/NEPA process, 2) Woodway Municipal Code Environmentally Sensitive Area, or 4) other recognized assessment. Critical areas include but are not limited to:

1. unstable bluffs
2. wildlife habitat areas
3. fish breeding, rearing or feeding areas
4. wetlands
5. creeks, streams and estuaries
6. geologic hazards, including landslide and erosion

**Policies**

1. Unique, rare and fragile natural and man-made features and wildlife habitats should be preserved and protected from unnecessary degradation or interference.

2. Some areas, because of unique and/or fragile geological or biological characteristics, should be protected from public access (e.g. wetlands, unstable bluffs, shoregrass, etc.).

3. Shorelines that are identified as hazardous or sensitive to development should be discouraged from development.

**Regulations**

1. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile...
or unique in the region and to facilitate the appropriate human intensity of use of such features, including but not limited to:

a. Wetlands;

b. Fish, shellfish and wildlife habitats, migratory routes and spawning areas;

c. Kelp beds, eelgrass beds, herring spawning areas and smelt spawning areas;

d. Accretion shore forms;

e. Unstable bluffs.

2. When a development site encompasses critical areas, these features shall be left intact and maintained as open space or buffers. All development shall be set back from these areas to prevent hazardous conditions and property damage, as well as to protect valuable shore features; excepting that minor accessory development that is subordinate to the primary use, that does not require a permanent foundation and is not used for habitation may be permitted consistent with the requirements of the Town of Woodway Environmentally Sensitive Area Ordinance.

3. All shoreline development shall be designed in accordance with all applicable local and FEMA flood control management codes and regulations, the State Environmental Policy Act and other applicable local land use codes.

4. Areas with either an existing or high potential for aquaculture activities shall be protected from degradation by other types of uses which are located or are proposed to be located within one (1) mile of adjacent uplands. A conclusive finding that such an adjacent use would result in irreparable damage to, or destruction of an existing aquaculture enterprise shall be grounds for the denial of such use or activity.

5. The use of herbicides and pesticides shall be prohibited to remove noxious plants in wetland areas except where no reasonable alternatives exist and it is demonstrated that such activity is in the public interest. A Conditional Use Permit shall be required in such cases. Mechanical removal of noxious weeds shall be timed and carried out in a manner to minimize any disruption of wildlife or habitat.
4.05 Critical Salt Water Habitats

Applicability - The Growth Management Act, in Sections 36.70A.060 and 36.70A.170 RCW, requires local governments to designate and protect critical areas. This requirement applies both to local governments planning under the Growth Management Act and all other local governments. The Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands and Critical Areas, in WAC 365.190.080(5)(a)(4), designate kelp beds, eelgrass beds, herring spawning areas and smelt spawning areas as critical areas. The minimum guidelines also designate commercial and recreational shellfish areas as critical areas.

The Department of Fish and Wildlife has identified the four critical areas listed above and the habitats of several other salt water fish as saltwater habitats of special concern. These additional habitats include Pacific sand lance spawning beds, rock sole spawning beds, rockfish settlement and nursery areas and lingcod settlement and nursery areas. The National Marine Fisheries Service may designate additional critical areas necessary to provided Properly Functioning Conditions (PFC) for (PTE) Protected, Threatened, and Endangered species.

All of identified critical saltwater habitats included in these policies may be found in the Woodway shoreline jurisdiction. Further study will be required prior to permitting development in the aquatic and nearshore habitat areas to determine the exact extent and presence of critical saltwater habitat.

Policies

1. Critical saltwater habitats provide important rearing and nursery areas for recreational and commercial species. They provide habitat for many marine plants, fish and animals. These habitats should be protected because of their importance to the marine ecosystem and the state and local economy.

2. Critical saltwater habitats are:

a. Kelp beds (members of the brown algal family Laminariales, including Alaria marginata, Alaria nana, Alaria tenuifolia, Egregia menziesii, Eisenia arborea, Pterygophora californica, Agarum cribosum, Agarum fimbriatum, Costaria costata, Cymathere triplicata, Hedophyllum sessile, Laminaria spp., Pleurophycus gardneri, Dictyoneuris reticulata, Dictyoneurum californicum, Lessooniopsis littoralis, Macrocystis integrifolia, Nereocystis luetkeana and Postelsia palmaeformis). Kelp beds are found in marine and estuarine intertidal and subtidal areas with a depth of up to 15 meters below mean lower low water (MLLW). The beds can be found on various bottom materials including rocks, boulders, mixed-fines (mixed sand and mud with little gravel), mixed coarse (mixed cobbles, gravel, shell and sand) and cobble.

b. Eelgrass beds (Zostera spp.). Eelgrass beds are found in marine and estuarine intertidal and subtidal areas. Zostera marina tends to favor the lower parts of intertidal areas and Zostera japonica, higher elevation parts. Zostera spp. are generally found no deeper than 4 meters below mean lower low water (MLLW). Zostera spp. beds can be found on
mud bottoms, sand bottoms and mixed-fine (mixed sand and mud with little gravel) bottoms. *Zostera* has also been found in subtidal areas with beds of finer material offshore of mixed coarse (mixed cobbles, gravel, shell and sand) intertidal areas.

c. Surf smelt (*Hypomesus pretiosus*) spawning beds. Surf smelt spawning beds are located in the upper portions of sand or gravel beaches (intertidal areas) on salt water.

d. Pacific herring (*Clupea harengus pallasi*) spawning beds. Pacific herring spawning beds include the lower portions of salt water beaches (intertidal areas), eelgrass beds, kelp beds, other types of salt water vegetation such as algae and other bed materials such as subtidal worm tubes.

e. Pacific sand lance (*Ammodytes hexapterus*) spawning beds. Pacific sand lance spawning beds are located in the upper portions of sand or gravel beaches (intertidal areas) on salt water.

f. Rock sole (*Lepidopsetta bilineata*) spawning beds. Rock sole spawning beds are located in the upper and middle portions of sand or gravel beaches (intertidal areas) on salt water.

g. Rockfish (*Sebastes spp.*) settlement and nursery areas. Rockfish settlement and nursery areas are located in kelp beds, in eelgrass beds, on other types of salt water vegetation and on other bed materials.

h. Lingcod (*Ophiodon elongatus*) settlement and nursery areas. Lingcod settlement and nursery areas are located on beaches (intertidal areas) and subtidal areas with beds of sand, eelgrass, subtidal worm tubes or other bed materials.

i. Shellfish beds. The following shellfish beds are included: the Pacific oyster (*Crassostrea gigas*), the Olympia oyster (*Ostrea lurida*), the razor clam (*Silqua patula*), the native little neck clam (*Protothaca staminea*), the Manila clam (*Venerupis japonica*), the butter clam (*Saxidomus giganteus*), the Geoduck (*Panope generosa*), the horse clam (*Schizothaerus nuttalli* and *Schizothaerus capax*), the cockle (*Clinocardium nuttalli*), the Bent nose clam (*Macoma spp.*) and the eastern soft shell clam (*Mya arenaria*).

1) Pacific oyster beds occur on almost every type of salt water beach between the high and low tide marks.

2) Olympia oyster beds occur on mud or gravel flats near estuaries or in tide pools near low tide level.

3) Razor clam beds occur on the intertidal areas of surf-swept sandy beaches on the open ocean. Beds can be found to several meters below the intertidal zone in the open ocean.
4) Native little neck clam beds are found on gravel-mud beaches of protected salt water bays. The clams are concentrated at about the half-tide level, but occur down to the subtidal level.

5) Manila clam beds occur in muddy gravel on salt water beaches above the half tide level.

6) Butter clam beds occur on well protected sand-gravel beaches, chiefly on the lower third of the tidal range. Butter clams have been found as deep as 10 meters below mean sea level.

7) Geoduck beds occur on sand and mud substrates from intertidal areas to deep water.

8) Horse clam beds occur on sandy bottoms and gravely bottoms from extreme low tide into subtidal areas in salt water.

9) Cockle beds occur on sand-mud beaches on salt water in both the intertidal zone and deep water. Cockle beds are also often found in eelgrass flats.

10) Bent nose clam (Macoma) beds occur in mud and sand in protected salt water areas. Their range extends from intertidal areas to water as deep as 50 meters.

3. Except for public or semipublic facilities where no alternative location is available uses, activities and structures shall not be located in critical saltwater habitats.

4. Developments within or adjacent to critical salt water habitats should not directly or indirectly change the composition of the beach and bottom substrate. Habitat enhancement and restoration projects may change beach or bottom substrata when appropriate to restore or enhance habitats.

5. Developments outside critical salt water habitats but which have the potential to significantly affect these habitats should be located and designed so they do not create significant negative impacts on critical salt water habitats.

6. Where uses, activities, structures and landfills must locate where they will affect critical salt water habitats, the project should be designed and constructed to minimize adverse impacts on the environment and the critical salt water habitats.

7. Project proponents should contact the Habitat Management Division of the Department of Fish and Wildlife and the Aquatic Lands Program of the Department of Natural Resources early in the development process to determine if the available data show the proposal will occur in a known critical salt water habitat.
8. When reviewing permits for uses, activities and structures in salt water areas waterward of the ordinary high water mark (OHWM), town staff should contact the Habitat Management Division of the Department of Fish and Wildlife and the Aquatic Lands Program of the Department of Natural Resources to determine if the proposal will occur in a known critical salt water habitat.

9. A project proponent shall conduct a reconnaissance study by qualified scientists to determine the extent and types of critical salt water habitats present within an area affected by a proposed development, as provided below.

   a. For areas which may be used by fish which spawn on sand, gravel, or sand and gravel beaches and shellfish beds, the project proponent shall conduct a reconnaissance study to determine whether critical salt water habitats are present within an area affected by a proposed development if all of the following conditions are met:

      1) The proposed use or activity has a significant potential to adversely affect a critical salt water habitat.

      2) The beach which the development or use may affect is the type of environment in which a critical salt water habitat typically occurs.

      3) The existing data available from the resource agencies do not show that the site is not occupied by a critical salt water habitat.

   b. For kelp beds, eelgrass beds, rockfish settlement and nursery areas and lingcod settlement and nursery areas, a project proponent shall conduct a reconnaissance study to determine whether critical salt water habitats are present within an area affected by a proposed development if all of the following conditions are met:

      1) The proposed use or activity has a significant potential to adversely affect a critical salt water habitat.

      2) The salt water area which the development or use may affect is the type of environment in which a critical salt water habitat may occur.

   c. For all areas, the study should be designed in consultation with the local government, affected state and federal resource agencies and affected Indian Nations. The study should take place during the growing season. A qualified scientist using best available science should perform the study.

Regulations

1. Landfills (placing of any fill materials) shall not intrude into critical salt water habitats.
2. Bulkheads and shoreline modification and stabilization structures shall not intrude into critical salt water habitats, except as provided in Regulation 4 below. Where an existing bulkhead or structure cannot be removed because of environmental, safety, or geological concerns, the least environmentally impacting alternative shall be used. Any replacement bulkhead or shoreline protection structure shall be as close to the existing structure as possible.

3. Floats, rafts, docks and boat houses shall not be located over critical salt water habitats, except as provided in Regulation 4 below. Floats, rafts, docks, and associated moorings shall not shade eelgrass, algae and other saltwater vegetation. Anchoring systems for these structures shall not adversely affect critical salt water habitats.

4. Breakwaters, jetties, groins and public shoreline protection structures shall not intrude into critical salt water habitats unless the proponent shows all of the following conditions are met:
   a. An alternative alignment is not feasible.
   b. The project is designed to minimize its impacts on critical salt water habitats and the environment.
   c. Any adverse impacts to Properly Functioning Conditions (PFC) for (PTE) Protected, Threatened, and Endangered species will be mitigated.
   d. The facility is in the public interest.
   e. A long-term monitoring plan is adopted.

5. Publicly owned recreational facilities such as boat launches shall avoid critical salt water habitats. Where these areas cannot be avoided, publicly owned recreational facilities shall be designed to minimize their impacts on critical salt water habitats and mitigate any adverse impacts.

7. Anchorage and mooring floats shall not be located over critical salt water habitats.

8. In-water dredge spoil disposal sites shall be prohibited in critical salt water habitats or in locations where the disposal of dredge spoil materials is likely to result in the deposition of sediments on critical salt water habitats.

9. Aquaculture uses shall not be established in or expanded into or over critical salt water habitats.

10. Except as a habitat improvement or restoration measure, aquatic herbicide treatments, mechanical removal of vegetation and aquatic pesticide treatments shall not be used on critical salt water habitats.
11. Bridges, causeways and in-water utility corridors shall not intrude into or adversely affect critical salt water habitats unless the proponent shows all of the following conditions are met:

a. An alternative alignment is not feasible.

b. The project is designed to minimize its impacts on critical salt water habitats and the environment.

c. Any adverse impacts to Properly Functioning Conditions (PFC) for (PTE) Protected, Threatened, and Endangered species will be mitigated.

d. The facility is in the public interest.

e. A long-term monitoring plan is adopted.

12. Sand, gravel, or other materials shall not be mined or removed from critical salt water habitats or areas where the activity will adversely affect critical salt water habitats.

13. Outfalls and discharge pipes shall not be located in critical salt water habitats or areas where outfall or discharge will adversely affect critical salt water habitats, unless the proponent shows all of the following requirements are met:

a. There is no alternative location for the outfall or pipe.

b. The outfall or pipe is placed below the surface of the beach or bed of the water body.

c. The outfall discharges waterward of the subtidal zone.

d. The disturbed area is revegetated, if it was vegetated before construction.

e. The discharge point(s) on the outfall or discharge pipe is located so the discharges, including nutrients in the discharge and currents, do not adversely affect critical salt water habitats.

f. Any adverse impacts to Properly Functioning Conditions (PFC) for (PTE) Protected, Threatened, and Endangered species will be mitigated.

g. The facility is in the public interest.

h. A long-term monitoring plan is adopted.
4.06 Environmental Impacts

Applicability - The Town of Woodway Shoreline Master Program is concerned with the environmental impacts that both a use and activity may have on the fragile shorelines of the state. Shoreline and water quality degradation caused by the introduction of contaminants such as petroleum products, chemicals, solid waste, domestic or industrial wastewater and sediment from erosion are all issues that must be addressed. Single family residential development is the predominate land use within the Town of Woodway Shoreline jurisdiction. Single family Residential development, while exempt from the requirement to obtain a Shoreline Substantial Development permit, shall be required to occur consistent with the following policies and regulations.

Policies

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

Regulations

1. The location, design, construction and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and related regulatory agencies.

2. Solid and liquid wastes and untreated effluents shall not be allowed to enter any bodies of water or to be discharged onto land.

3. The release of oil, chemicals or hazardous materials onto land or into the water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

4. All shoreline uses and activities shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is aesthetically compatible with the affected area.

5. All shoreline uses and activities shall utilize best management practice (BMP) measures to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Such measures may include but are not limited to dikes, catch basins or settling ponds, installation and required maintenance of oil/water separators, grassy swales, interceptor drains and landscaped buffers.
6. All shoreline uses and activities shall utilize effective erosion control methods during both project construction and operation.

7. All shoreline uses and activities shall be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.

8. All shoreline uses and activities shall be located, designed, constructed and managed to minimize interference with beneficial natural shoreline processes such as water circulation, sand and gravel movement, erosion and accretion.

9. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. Surface drainage systems or substantial earth modifications involving greater than 500 cubic yards of material shall be designed by a licensed professional engineer to prevent maintenance problems or adverse impacts to adjacent properties or shoreline features. All land clearing, grading and vegetation removal shall be performed consistent with all applicable Town of Woodway regulations.

10. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.

11. All shoreline uses and activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades. No new residential development shall permitted that requires bulkheading as a condition of development.

12. Navigation channels shall be kept free of hazardous or obstructing uses and activities.

13. Herbicides and pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by appropriate agencies (U.S. and State Departments of Agriculture, U.S. Environmental Protection Agency, Washington Department of Ecology).
4.07 Geological Hazard Areas

Applicability - Geological hazard areas are areas susceptible to severe erosion or slide activity, such as unstable bluffs, and include areas with high potential for earthquake activity. They may be identified in the Town of Woodway Environmentally Sensitive Areas Maps or the Coastal Zone Atlas. In general, they are not suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety. The Town of Woodway shoreline area is characterized by steep bluffs with a history of instability and mass-wasting landslides. These steep slopes of unstable materials erode at variable rates depending on the type of material and intensity and frequency of forces acting on them such as flood flows or storm waves. In some locations, the high-risk area is a narrow band near the edge; in others, old landslides or upland drainage issues may impact a large distance inland.

A certain level of erosion is natural to Puget Sound. Erosion is the primary source of sand and gravel found on beaches including accretion beaches (gravel bars, sand pits and barrier beaches). Extensive "hardening" of feeder bluff areas will eventually starve beaches down drift or current of the bluff, resulting in lowered beach profiles, channel shifts and the potential for increased erosion. Changes in the beach substrate may result in habitat impacts.

Vegetation removal during development of adjacent uplands alters surface runoff and ground water infiltration patterns and can lead to increased bluff instability. Homes and other developments are often constructed very close to the top of bluffs in order to capitalize on views. In response to accelerated erosion rates, or on considering the results of normal erosion rates, land owners frequently turn to bulkheading the toe of the slope.

- A bluff is a steep headland, promontory, broad faced bank or cliff running adjacent to and rising up from the shoreline. For the purpose of measuring setbacks from the top of a bluff the criteria and definitions contained within the Town of Woodway ESA Ordinance, Geologically Hazardous Areas (current version) shall apply.

Policies

1. Substantial development should be prohibited or minimized on unstable or moderately unstable slopes.

2. New development should be permitted only in locations where no slope protection is necessary or where nonstructural protection is sufficient for the life of the project.

3. Clearing vegetation on and within edges of bluffs should be avoided. Retention of a natural buffer should be encouraged.

4. Construction should be discouraged in areas with a slope of 2:1 (a slope that rises 1 foot for every 2 feet horizontal) or greater from the base of the bluff.
5. Structures should be designed and constructed in a manner that provides safety for the useful life of the structure and does not require construction of a retaining wall or bulkhead during that same time span.

6. Subdivision of lots on bluffs should allow sufficient lot depth for development to occur without need for structural stabilization.

7. All sites indicated in the Coastal Zone Atlas, local critical area maps or other engineering documents to be on unstable material or old landslides shall require a geotechnical report assessing the safety of the site and addressing drainage, grading and clearing requirements.

Regulations

1. Construction activity shall not increase or result in slope instability or sloughing.

2. Tree clearing and vegetation removal shall be limited to the minimum extent necessary to allow construction of the proposed development, consistent with all applicable Town of Woodway regulations.

3. Foundations and septic systems shall be prohibited in any area with a 2:1 slope or greater, unless a soil engineer's report indicates that slope stability will not be affected.

4. Surface drainage down the face of the bluff shall be contained in a tight line (closed, nonleaking pipe) for discharge at the shoreline in such a way that erosion will not occur.

5. Surface drainage away from the bluff shall also use a tight line or some other approved method for discharge into a natural drainage course.

6. Stormwater retention systems will be discouraged unless designed by a licensed civil engineer and a soil or geology engineering report verifies that slope stability shall not be affected.

7. Proposals for developments that require a permanent foundation on or immediately adjacent to unstable bluffs shall include the following information in their application:

   a. Soils, topography and existing vegetation;

   b. Existing drainage patterns and how they may be changed;

   c. Proposed vegetation removal and grading together with an erosion control plan; and
d. Proposed structure and use locations.

8. A geotechnical report shall be required when:

a. Activity is within 200 feet of a bluff classified as unstable or having intermediate stability; or

b. Activity is within 200 feet of the shoreline when the vertical height of the bank exceeds 20 feet; or

c. Activity is within areas of 2:1 slope or greater.

9. The geotechnical report shall contain:

a. Soils and erosion rates;

b. Drainage;

c. Vegetation management options;

d. Recommended setback to avoid need for building bulkhead during life of project;

e. Evaluation and statement on stability and safety of structure; and

4.08 Parking

Applicability - Parking is the temporary storage of automobiles or other motorized vehicles. Except as noted the following provisions apply only to parking that is "accessory" to a permitted shoreline use. Parking as a "primary" use and parking which serves a use not permitted in the shoreline jurisdiction is prohibited.

Policies

1. Parking in shoreline areas should directly serve a permitted shoreline use.

2. Parking facilities should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access and vegetation and habitat maintenance.

Regulations

1. Parking as a primary use shall be prohibited over water and within shoreline jurisdiction.

2. Parking in shoreline jurisdiction shall directly serve a permitted shoreline use.

3. Parking areas shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall consist of native vegetation and be planted before completion of the parking area in such a manner that plantings provide effective screening within three years of project completion.

4. Parking areas serving individual residences on the shoreline shall be located landward from the principal building being served, EXCEPT when the parking area is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.

5. Parking areas for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.

6. Parking areas shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, using best available technologies and include a maintenance plan that will assure proper functioning of such facilities over time.
4.09 Public Access

Applicability - Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access including picnic areas, pathways and trails (including handicapped), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking and others. The existing land uses and topography of the Town of Woodway shoreline restrict public access opportunities. The ongoing use of the Burlington Northern Railroad right-of-way by commuter and industrial trains makes walking along the right-of-way area dangerous. In addition, the steep bluffs limit access from above. The Olympic Park is an undeveloped bluff area that has no formal access, and is not suitable for active recreational use due to topography (steepness).

Policies

1. Public access should be considered in the review of all private and public developments (including land division) with the exception of the following:
   
a. single-family dwelling development; and subdivisions containing less than five lots, or

b. Where deemed inappropriate due to health, safety and environmental concerns.

2. Development, uses and activities on or near the shoreline should not impair or detract from the public's access to the water.

3. Public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment and should be designed with provisions for handicapped and physically impaired persons.

4. Publicly owned shorelines should be limited to conservation, water-dependent or public recreational uses.

5. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and where no significant environmental impacts or threats to public safety will occur, enhanced.

6. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.

7. The public access area should be a comfortable and safe place to visit.

8. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.
9. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of vegetation that partially impairs views.

10. In locating new public access facilities, the rights of private property owners should be acknowledged and protected.

**Regulations**

1. Except as provided in regulations 2 and 3, shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:
   
   a. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact.

   b. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact. However, proponents may control or restrict internal access on their development.

   c. Uses that are not a priority shoreline use under the Shoreline Management Act shall provide public access to mitigate this impact where feasible.

   d. Where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact where feasible. The shoreline permit file shall describe the impact, the required public access conditions, and how the conditions address the impact.

2. An applicant need not provide public access where one or more of the following conditions apply.

   a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;

   b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;

   c. The cost of providing the access, easement or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;

   d. Unacceptable environmental harm will result from the public access which cannot be mitigated; or
e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

3. In order to meet any of the conditions "a" through "e" above, the applicant must first demonstrate, and the Town determine in its findings, that all reasonable alternatives have been exhausted, including but not limited to:

a. Regulating access by such means as maintaining a gate and/or limiting hours of use;

b. Separating uses and activities (e.g. fences, terracing, use of one-way glazings, hedges, landscaping, etc.); and

c. Developing provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.

4. Development uses and activities shall be designed and operated to avoid blocking, reducing or adversely interfering with the public's physical access to the water and shorelines.

5. Public access provided by shoreline street-ends, public utilities and rights-of-way shall not be diminished (RCW 35.79.035 and RCW 36.87.130).

6. Public access sites shall be connected directly to the nearest public street, park, right of way, etc., and shall include provisions for handicapped and physically impaired persons, where feasible.

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

8. Public access easements and permit conditions shall at a minimum be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use. Said recording with the County Auditor's Office shall occur at the time of permit approval (RCW 58.17.110).

9. Minimum width of public access easements shall be 25 feet, unless the administrator determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.

10. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. In accordance with regulation 2(a), signs may control or restrict public access as a condition of permit approval.

11. Future actions by the applicant, successors in interest or other parties shall not diminish the usefulness or value of the public access provided.
4.10 Shorelines of State-wide Significance

Applicability - The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Within the Town’s jurisdiction, all marine waters lying seaward from the line of extreme low tide along the Puget Sound are shorelines of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, the Town of Woodway gives preference to uses that favor long-range state identified goals and supports the overall public interest.

Policies (in order of preference)

1. Recognize and protect the state-wide interest over local interest.
   a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the Master Program, and any amendments there of affecting shorelines of state-wide significance, to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials and state-wide interest groups.
   b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
   c. Solicit comments, opinions and advice from individuals with expertise in ecology, geology, limnology, aquaculture and other scientific fields pertinent to shoreline management.

2. Preserve the natural character of the shoreline.
   a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
   b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low-intensity use or underdeveloped areas.
   c. Ensure that where timber cutting and removal is allowed, as provided in RCW 90.58.150, reforestation will be possible and accomplished as soon as practical.
   d. Protect and preserve existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.
3. Promote uses that result in long-term over short-term benefit.
   a. Evaluate the short-term economic gain or convenience of developments relative to
      the long-term and potentially costly impairments to the natural shoreline.
   b. In general, preserve resources and values of shorelines of state-wide significance
      for future generations and restrict or prohibit development that would irretrievably
      damage shoreline resources.
   c. Actively promote aesthetic considerations when contemplating new development,
      redevelopment of existing facilities or general enhancement of shoreline areas.

4. Protect the resources and ecology of the shoreline.
   a. Minimize development activity that will interfere with the natural functioning of
      the shoreline ecosystem, including, but not limited to: stability, drainage, aesthetic
      values and water quality.
   b. All shoreline development should be located, designed, constructed and managed
      to avoid disturbance of and minimize adverse impacts to wildlife resources,
      including spawning, nesting, rearing and habitat areas and migratory routes.
   c. Restrict or prohibit public access onto areas that cannot be maintained in a natural
      condition under human use.
   d. Shoreline materials including, but not limited to, bank substrate, soils, beach
      sands and gravel bars should be left undisturbed by shoreline development.
      Gravel mining should be severely limited in shoreline areas.
   e. Preserve environmentally sensitive wetlands for use as open space or buffers and
      encourage restoration of presently degraded wetland areas.

5. Allow public access to publicly owned areas of the shoreline.
   a. Develop paths and trails to shoreline areas with linear access along the shorelines
      and to previously developed upland parking where public safety and private
      property rights can be assured
   b. Locate development landward of the ordinary high water mark so that access is
      enhanced.
4.11 Signage

Applicability - A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any signs proposed in the Town of Woodway shoreline jurisdiction.

Policies

1. Only signs necessary to guarantee public safety or to provide notice of public shoreline access or interpretive signage shall be permitted. No commercial or off-site advertising signage shall be permitted.

2. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.

3. Signs should not block or otherwise interfere with visual access to the water or shorelands.

4. The design of signs should not reduce safety or visual aesthetics from adjacent property.

5. Signs should be of a permanent nature that are linked to the operation of existing uses and attached to said uses.

Regulations

1. Sign plans and designs shall be submitted for review and approval prior to shoreline permit approval.

2. All signs shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.

3. Signs related to specific on-site uses or activities shall be consistent with all Town of Woodway sign regulations.

Allowable Signs

The following types of signs may be allowed in all shoreline environments:

1. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.

2. Public information signs directly relating to a shoreline use or activity.
Prohibited

The following types of signs are prohibited in all shoreline environments:

1. Signage in view corridors which impair visual access.
2. Off-premises detached outdoor advertising signs.
3. Signs placed on trees or other natural features.
4. Commercial signs for products, services, or facilities located off-site.
4.12 Utilities (Accessory)

Applicability - Utilities in the shoreline area are designated accessory or primary. Accessory utilities are those that effect small scale distribution services connected directly to the uses along the shoreline. For example, power, telephone, cable, water and sewer lines, including stormwater systems, are all considered as utilities accessory to shoreline uses. They are covered in this section because they relate to types of development and have the potential to impact the quality of the shoreline and its waters.

Policies

1. Utilities are necessary to serve shoreline uses and should be properly installed to protect the shoreline and its waters from contamination and degradation.

2. To the maximum extent possible, utility facilities and right-of-ways should be located outside of the shoreline area. When utilities require a shoreline location, they should be placed underground.

3. Utility facilities should be designed and located in a manner that preserves the natural landscape and shoreline ecology and minimizes conflicts with existing and planned land uses.

4. Activities by utility providers associated with, or carried out in accordance with federal state and local regulations and requirements governing provisions of construction, maintenance, repair, operation, and protection of public water supply and distribution facilities may be permitted.

Regulations

1. In shoreline areas, utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.

2. Through coordination with government agencies, utility development shall provide for compatible multiple use of sites and rights-of-way. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.

3. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion.
4.13 Vegetation Management

Applicability - Vegetation management involves both a passive and active management systems. The intent of both systems is to minimize habitat loss and the impact of invasive plants, erosion, sedimentation and flooding. "Passive" vegetation management is the protection and enhancement of existing diverse native plant communities along all shorelines, including wetlands and steep bluffs. "Active" vegetation management involves aquatic weed control as well as the restoration of altered or threatened shorelines using a technology called soil bioengineering. Soil bioengineering reestablishes native plant communities as a dynamic system that stabilizes the land from the effects of erosion. Vegetation management provisions apply even to those shorelines and uses that are exempt from a permit requirement. These policies are intended to compliment all other Town of Woodway regulations regarding vegetation preservation, including clearing and grading regulations, tree removal regulations and environmentally sensitive areas regulations. Where the provision of these regulations differ, the regulations providing the greatest protection shall apply.

Policies

1. Native plant communities within and bordering shorelines including, but not limited to, wetlands and unstable bluffs should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.

2. Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use soil bioengineering techniques to arrest the processes of erosion, sedimentation and flooding.

3. The design and use of naturally regenerating systems for prevention and control of beach erosion should be encouraged where:
   a. The length and configuration of the beach will accommodate such systems;
   b. Such protection is a reasonable solution to the needs of the specific site; and
   c. Beach restoration/enhancement will accomplish the following objectives:
      i. Recreate or enhance natural shoreline conditions and habitat;
      ii. Reverse otherwise erosional conditions; and
      iii. Enhance access to the shore, especially to public shores.

4. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum required to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.
Regulations

1. Restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which originally occurred on-site.

2. Stabilization of exposed erosion prone surfaces along shorelines shall, wherever feasible, utilize soil bioengineering techniques.

3. The use of commercial nursery stock in the restoration of disturbed or degrading shorelines shall emulate the previously existing vegetation in size, structure and diversity at maturation.

4. Beach enhancement is prohibited under the following conditions:
   a. Within spawning, nesting or breeding habitat;
   b. Where littoral drift of the enhancement materials will adversely effect adjacent spawning grounds or other areas of biological significance;
   c. Where enhancement will interfere with the normal public use of the navigable waters of the state; and/or
   d. Where enhancement is in support of a nonconforming use unless such activities are necessary to maintain shoreline stability and the natural ecology.

5. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.

6. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline Substantial Development Permit.

7. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment or benthos shall be considered development for which a Substantial Development Permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity. In that case, it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a Substantial Development Permit.

8. Where large quantities of plant material are generated by control measures, they shall be collected and disposed of in an approved upland location.

9. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public interest. In such case, a Conditional Use Permit shall be required.
4.14 View Protection

Applicability - The protection of "scenic vistas" within the shorelines and water bodies is an important shoreline management objective. Protection of significant views is a form of public access; the access being visual rather than physical. Consideration must be given to protection of the visual quality of the shoreline resource and to maintenance of view corridors to and from waterways and their adjacent shoreland features. The Burlington Northern Rail track provides shoreline views to passengers using Amtrak and to future passengers of Sound Transit. The Town of Woodway has not designated any public view corridors, however future development may create opportunities to establish public view corridors. In addition, cumulative impacts associated with continued residential development may create concerns relating to view corridors.

Policies

1. Development, uses and activities on or near the shoreline should not impair or detract from the public’s visual access to the water.

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

3. Visual access should be maintained, enhanced and preserved on shoreline street ends, public utilities and rights-of-way and within designated "view corridors".

Regulations

1. Shoreline uses and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual access to the water and shorelines except as provided for in the "Vegetation Management" chapter.

2. Public lands such as street ends, rights-of-way and utilities shall provide visual access to the water and shoreline in accordance with RCW 35.79.035 and RCW 36.87.130.

3. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping (see the "Clearing and Grading" chapter).

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

5. Development on the water shall be constructed of nonreflective materials that are compatible in color and texture with the surrounding area.

6. Visual access shall be maintained, enhanced and preserved on shoreline street ends, public utilities and rights of way and within identified "view corridors."
4.15 Water Quality

Applicability - Water quality is effected in numerous ways by human occupation and development of shoreline areas. Typically the increase in impermeable surfaces as a result of development increases runoff causing higher peak stormwater discharge at a higher velocity which causes scouring and erosion of drainageways and bluffs. Erosion increases suspended solids and carries heavy metals, household wastes and excess nutrients into the water. Increased nitrogen and phosphorous enrichment depresses levels of dissolved oxygen. The degradation of water quality adversely impacts wildlife habitat and public health.

Policies

1. All shoreline uses and activities should be located, designed, constructed and maintained to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, feeding areas and migratory routes.

2. The Town should require reasonable setbacks, buffers and stormwater storage basins to achieve the objective of lessening negative impacts on water quality.

3. All measures for controlling erosion, stream flow rates or floodwaters through the use of stream control works should be located, designed, constructed and maintained so that net off-site impacts related to water do not degrade the existing water quality.

4. All treatment of runoff for the purpose of maintaining and/or enhancing water quality should be conducted on-site prior to discharge to waters off-site.

5. Dredging and filling activities should be conducted to minimize the effect on water quality from the addition of suspended solids, leaching of contaminants or disturbance of habitats and should be consistent with applicable regulatory agency requirements (e.g. Ecology, Fish and Wildlife, Corps of Engineers).

6. Minor agricultural and gardening activities such as small ponds, manure and compost storage, use of fertilizers and pesticides and other activities that can impact water quality should be minimized by implementing best management practices, buffers and setbacks.

Regulations

1. All shoreline development, both during and after construction, shall minimize any increase in surface runoff through control, treatment and release of surface water runoff so that the receiving water body and shore properties and features are not adversely effected. Control measures include but are not limited to dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers and fugitive dust controls.
2. All residential, recreational and agricultural uses shall adhere to all required setbacks, buffers and standards for storage basins (refer to use related development standards for specific limits).

3. All shoreline development shall comply with the applicable requirements of the *Stormwater Management Manual for the Puget Sound Basin* (Ecology publication #91-75).
4.16 Wetlands

Applicability - The following provisions apply to all wetlands delineated according to the Washington State Wetland Identification and Delineation Manual, Ecology Publication # 96-94, or successor documents, consistent with the State Master Program.

Policies

1. Wetlands serve many important ecological and environmental functions, and help to protect public health, safety and welfare by providing flood storage and conveyance, erosion control, sediment control, fish and shellfish production, fish and wildlife habitat, recreation, water quality protection, water supply, education and scientific research. Wetlands should be preserved and protected to prevent their continued loss and degradation.

2. Wetland areas should be identified according to established identification and delineation procedures and afforded appropriate protection consistent with the policies and regulations of this program.

3. All wetlands should be protected from alterations that adversely impact them so that there is no net loss of wetland acreage and functions. The greatest protection should be provided to wetlands of exceptional resource value, defined as those wetlands that include rare, sensitive or irreplaceable systems such as:
   a. Documented or potential habitat for an endangered, threatened or sensitive species;
   b. High-quality native wetland systems;
   c. Significant habitat for fish or aquatic species as determined by the appropriate state resource agency;
   d. Diverse wetlands exhibiting a high mixture of wetland classes and subclasses as defined in the U.S. Fish and Wildlife Service classification system;
   e. Estuarine wetlands, kelp beds or eelgrass beds.

4. A wetland buffer zone of adequate width should be maintained between a wetland and any adjacent development to protect the functions and integrity of the wetland.

5. The width of the established buffer zone should be based upon the functions and sensitivity of the wetland, the characteristics of the existing buffer and the potential impacts associated with the adjacent land use.
6. All activities that potentially affect wetland ecosystems should be controlled within both the wetland and the buffer zone to prevent adverse impacts.

7. No wetland alteration should be authorized unless it can be shown that the impact is both unavoidable, necessary and minimized and that any remaining impacts are offset through the deliberate restoration, creation or enhancement of wetlands.

8. Wetland restoration, creation and enhancement projects should result in no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.

9. Wetlands that are impacted by activities of a temporary nature should be restored immediately upon project completion.

10. In-kind replacement of wetland functions and values is preferred. Where in-kind replacement is not feasible or practical due to the characteristics of the existing wetland, substitute resources of equal or greater ecological value should be provided.

11. On-site replacement of wetlands is preferred. Where on-site replacement is not feasible or practical due to characteristics of the existing location, replacement should occur within the same watershed and proximity.

12. Wetland restoration, creation and enhancement projects should be completed prior to wetland alteration, where possible. In all other cases, replacement should be completed prior to use or occupancy of the activity or development.

13. Applicants should develop comprehensive mitigation plans in order to ensure long term success of the mitigation project. Such plans should provide for sufficient monitoring and contingencies to ensure wetland persistence.

14. Applicants should demonstrate sufficient scientific expertise, supervisory capability and financial resources to complete and monitor the mitigation project.

15. Proposals for restoration, creation or enhancement should be coordinated with appropriate state and federal resource agencies to ensure adequate design and consistency with other regulatory requirements.

16. Activities should be discouraged in wetland buffer zones except where such activities have no adverse impacts on wetland ecosystem functions or when necessary to provide for a reasonable use of the property.

17. Wetland buffer zones should be retained in their natural conditions unless revegetation is necessary to restore the buffer.
18. Where multiple ownership is involved and cooperative management is possible, wetland buffer zones should be reserved as common open space and designated as "native growth protection areas".

19. The Town does not intend to deny all economic use of any property subject to these policies and regulations, except as the public trust doctrine would limit the use of the property. This policy will be implemented through the appropriate application of the following: project design standards, transfers of development rights, mitigation and variances.

Regulations

1. All wetland development shall be subject to the minimum requirements of Woodway Environmentally Sensitive Areas Chapter or successor ordinances as well as the provisions of this Master Program. For identifying and delineating a wetland applicants shall use the Washington State Wetland Identification and Delineation Manual, Ecology Publication #96-94 or successor document.

2. No development or activity including removing or disturbing soil, filling, changing the water level, placing obstructions, constructing a structure, destroying or altering vegetation or introducing pollutants may be permitted within a wetland or its buffer unless authorized by a conditional use permit.

3. Development or activities shall not be authorized in a wetland except where it can be demonstrated that;

   a. The impact is both unavoidable and necessary;

   b. Unavoidable and necessary impacts are minimized, and any remaining impacts are offset through the deliberate restoration, creation or enhancement of wetlands of equivalent or greater resource value, including acreage and function;

   c. The restored, created or enhanced wetland will be as persistent as the wetland it replaces; and

   d. The applicant demonstrates sufficient scientific expertise, supervisory capability and financial resources to carry out the proposed replacement activity.

4. For wetlands of exceptional resource value, the applicant, in addition to complying with the provisions above, shall demonstrate that there is a compelling public need for the proposed activity or that denial of the permit would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property.
5. In-kind replacement of wetland functions and values shall be provided, unless it is found that in-kind replacement is not feasible or practical due to the characteristics of the existing wetland and a greater environmental benefit can be demonstrated by an alternative. In such cases, substitute resources of equal or greater ecological value shall be provided.

6. Wetland functions and values shall be calculated using the best professional judgment of a qualified wetland ecologist using the best available technology.

7. On-site replacement shall be provided, unless it is found that on-site replacement is not feasible or practical due to physical features of the property and a greater environmental benefit can be demonstrated by an alternative. In such cases, replacement shall occur within the same watershed and proximity.

8. Except as noted in regulations 9 and 10 below, at a minimum, wetland acreage lost as a result of unavoidable and necessary alteration shall be replaced at a ratio of acreage replaced to acreage lost as required by the Town of Woodway ESA Chapter (using the Washington State Wetlands Rating System):

9. The Administrator may increase or decrease the wetland acreage replacement ratios of the WMC on a case by case basis, based on the following criteria:

   a. Projected losses or gains in wetland functions and value;

   b. Location of replacement wetlands;

   c. The time required to reestablish lost functions;

   d. The uncertainty of the probable success of the project;

   e. The type of compensation (enhancement proposals shall require twice the acreage replacement as restoration and creation proposals); and

   f. Variety of the wetland type being impacted.

10. Acreage replacement may be authorized at 1:1 where it is found through special studies coordinated with agencies with expertise, or through advance compensation, that no net loss of wetland function results.

11. Replacement wetlands shall be completed prior to or concurrent with wetland alteration, and immediately after activities that will temporarily disturb wetlands activities.
12. A compensation plan shall be required for developments or activities that result in unavoidable and necessary wetland alterations. The plan shall include the following elements:

a. Baseline information for the impacted wetland and the proposed replacement site;

b. Environmental goals and objectives describing the purposes of the mitigation measures, a description of the site selection criteria and identification of target evaluation species and resource functions;

c. Performance standards including specific criteria for fulfilling goals and objectives and for beginning remedial action or contingency measures;

d. Detailed construction plan including work schedule, revegetation information, buffers, estimated cost, site plan with contours and elevation and other information;

e. Monitoring plan outlining the approach for assessing a completed project over the life of the project. A report shall be submitted annually, at a minimum documenting milestones, success, problems and contingency actions; and

f. Contingency plan identifying potential courses of action and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

13. Where restoration, creation or enhancement activities are proposed, the applicant shall be required to:

a. File a performance bond in an amount to enable the regulatory authority to carry out the compensation plan should the applicant fail to do so; and

b. Compensation areas shall be permanently protected through legal instruments such as sensitive area tracts, conservation easements or a comparable use restriction.

14. A wetland buffer zone shall be required adjacent to wetland areas, as follows:

a. Category I: Two hundred (200) feet, unless a greater distance is required by other provisions of this program;

b. Category II and III: One hundred (100) feet; and

c. Category IV: One hundred (100) feet, however buffers less than 100 feet but no less than twenty-five (25) feet may be authorized as a conditional use.
15. Wetland buffer zones shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required. Developments and activities shall not be allowed within the buffer except for:

a. Development activity under the provisions of regulations 2 through 13 above;

b. Minor activities which are found to have no adverse impact on the wetland functions or integrity;

c. Stormwater management facilities having no feasible alternative location outside of the buffer; or

d. Linear developments having no feasible alternative location outside of the buffer.

16. The location of all required buffer zones shall be clearly and permanently marked on any project site prior to initiation of site work.
CHAPTER 5
SHORELINE ENVIRONMENT POLICIES AND REGULATIONS

5.01 Shoreline Environments

The objective of this Master Program is to provide reasonable and understandable guidelines to anyone seeking a permit for shoreline development. Therefore, in accordance with the Shoreline Management Act of 1971, RCW 90.58, this Master Program establishes four shoreline environments for the Town of Woodway. These environments are:

(d) The Shoreline Residential Environment;
(e) The Natural Environment;
(f) The Urban Conservancy Environment; and
(g) The Aquatic Environment.

This Master Program is directly applicable (effective as of the date of adoption by the Town) to all shorelines of the state within the Town limits at the time of Master Program adoption.

The principal tool for applying the provisions of the Master Program is the environment designation. A definition, objective and set of policies for each of the environments is provided on the following pages. Table 5.1, the Shoreline Use/Modification Activity Matrix, establishes the regulations for shoreline uses and modification activities that are "permitted", "conditional uses" and "prohibited" in each of the environments subject to all policies and regulations of this Master Program. This priority system determines a proposal's administrative requirements and encourages activities that are compatible with each shoreline designation.

During permit application review, the basic element or intent of a proposed development will guide in the determination of the proposal's particular use/activity. When a proposal contains two or more use/activities, including accessory uses, the most restrictive category will be applied to the entire proposal. The terms "Permitted", "Conditional Use" and "Prohibited" are defined in the Glossary.
5.02 The Shoreline Residential Environment

The purpose of the "Shoreline Residential" environment is to accommodate residential development, in those instances where development may be permitted consistent with protection and restoration of ecological functions and properly functioning conditions (PFC) for protected, threatened and endangered (PTE) species. An additional purpose is to provide appropriate public access and recreational uses.

The shoreline residential environment includes all land as measured from the top of the bluff easterly to the edge of the 200-foot shoreline designation from the north boundary with the City of Edmonds to the southerly boundary with Snohomish County. The area is characterized by primarily single family-homes located on larger (2 acres) lots, with established lawns, landscaping, and accessory structures. Landscaping includes mature native vegetation such as fir, cedar, hemlock, alder trees, and salal, ferns and other native underbrush, as well as lawns, gardens and non-native landscaping. In addition, the Dominican Order has a residential facility established immediately south of Deer Creek. The area includes natural springs and small ponds and the Shell Creek and Deer Creek drainages. There are few open vistas from public streets. The most notable publicly accessible shoreline view is located at the intersection of 238th Street and Heberlein Road (a private drive). This location offers expansive views over the Puget Sound and toward the Olympic Mountain range.

Management Policies for the Shoreline Residential Environment

Policy #1 Developments should be permitted only in those shoreline areas where adequate setbacks or buffers are possible to protect ecological functions, where there are adequate water and sewage disposal systems, and where the environment can support the proposed use in a manner that protects or enhances the ecological functions.

Policy #2 Densities and minimum frontage width standards in the "Shoreline Residential" environment shall not be less than those established in the zoning code, and may be more stringent to protect the shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations. The Town of Woodway may establish two or more different "shoreline residential" environments to accommodate different shoreline densities or conditions, provided both environments adhere to the standards in this chapter.
Policy 3# Development standards for shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be established to protect and, where significant ecological degradation has occurred, contribute to the restoration of properly functioning condition and other ecological functions over time.

Policy #4 New subdivisions (of more than four lots) and public facilities should provide public access and joint-use for common areas, if such facilities are proposed.

Policy #5 Road access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
5.03 The Natural Environment

The purpose of the "natural" environment is to preserve and enhance those shoreline areas that are relatively free of human influence or with intact or minimally degraded shoreline functions intolerant of human use. These systems require restrictions on the intensities and types of uses permitted to maintain the ecological functions and ecosystem-wide processes.

The natural environment includes all land from the top of the bluff westerly to the railroad ROW, from the north boundary with the City of Edmonds to the southerly boundary with Snohomish County. This area contains the bluff, and has been designated as a natural environment due to it’s lack of historic development, environmentally sensitive slopes and presence of extensive, undisturbed native vegetation which is suitable as habitat for protected and endangered species.

Management Policies for the Natural Environment

Policy #1 Any use that would substantially degrade the ecological functions, particularly Properly Functioning Conditions (PFC) for Protected, Threatened, and Endangered (PTE) species, or natural character of the shoreline area shall be prohibited.

Policy #2 The following new uses shall not be allowed in the "natural" environment:

- E. Commercial uses.
- F. Industrial uses.
- G. Agriculture that involves tilling the earth or clearing of native plant communities.
- H. Nonwater-oriented recreation.
- I. Roads and parking areas.
- J. New lots wholly located within the natural designation, unless they are designated for conservation or open space purposes only (no development permitted).

Policy #3 Limited single-family residential development may be allowed as a conditional use within the natural environment if such shoreline master program provisions result in a greater level of ecological functions and properly functioning conditions.

Policy #4 Access may be permitted, where feasible, for scientific, historical, educational, and low-intensity recreational purposes, provided that no significant ecological impact on the area will result and public safety and private property rights can be assured.
Policy #5

Do not allow new development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions or maintain Properly Functioning Conditions (PFC) for Protected, Threatened, and Endangered species (PTE). Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal that adversely impacts ecological functions. That is, each new property parcel must be able to support its intended development without significant damage to the vegetation necessary to maintain ecological functions.
5.04 The Urban Conservancy Environment

The purpose of the "urban conservancy" environment is to protect and restore ecological functions, including properly functioning condition for protected, threatened and endangered (PTE) species and ecological functions in urban and developed settings, while allowing a variety of water-oriented uses. The "urban conservancy" environment within the Town of Woodway includes those areas within the Burlington Northern Railroad ROW from the northerly boundary with the City of Edmonds to the southerly boundary with Snohomish County. The area is currently used by the Burlington Northern freight trains, Amtrak passenger trains and Sound Transit commuter services.

This area is characterized by a significantly altered shoreline. The shoreline was relocated when the railroad constructed the track on a rockwall, reestablishing the ordinary high water mark, and creating a series of freshwater wetlands between the tracks and the bluff. The tracks themselves include limited vegetation. Waterward of the tracks, some sea animals have established communities along the rocky base. Landward of the rock wall, native plant communities associated with slightly saline freshwater wetlands have been established. The railroad right of way bisects the private property ownership located within the Residential and Natural designations, and the tidelands located within the aquatic designation. There is a single pedestrian crossing, included in a large culvert near the mouth of Deer Creek that allows safe crossing of the rail tracks. The entire rail right of way is inappropriate for public access at this time, due to safety concerns related to rail use.

Management Policies for the Urban Conservancy Environment

Policy #1 During development and redevelopment, efforts shall be taken to restore properly functioning conditions (PFC) for protected, threatened and endangered (PTE) species and other ecological functions. Shoreline restoration and public access proportionate to anticipated impacts should be required of all nonwater-dependent development on previously developed shorelines.

Policy #2 Standards shall be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "urban conservancy" designation to ensure that development maintains and contributes to the restoration of ecological functions and properly functioning condition for protected, threatened and endangered (PTE) species.

Policy #3 Public access and public recreation objectives should be implemented should existing rail transportation uses be discontinued or new use proposed, if public safety and private property rights can be assured, and significant ecological impacts can be mitigated.

Policy #4 Water-oriented uses should be given priority over nonwater-oriented uses.
5.05 The Aquatic Environment

The purpose of the "aquatic" environment is to protect the unique characteristics and resources of the areas waterward of the ordinary high-water mark by managing uses and by assuring compatibility between shoreland and aquatic uses while ensuring that properly functioning condition and shoreline ecological functions are protected and restored over time.

The Town of Woodway aquatic environment extends seaward of the mean high water mark to include a significant area of central Puget Sound. The westerly boundary is shared with Kitsap County. The Northerly boundary is shared with the City of Edmonds, and the southerly boundary in shared with Snohomish County.

The Aquatic environment includes area a relative homogenous area of gravel substrate tidelands known as the nearshore environment, and then deeper water areas, that include navigable waters and commercial shipping lanes.

Management Policies for the Aquatic Environment.

Policy #1 Provisions for the "aquatic" environment shall be directed towards maintaining and restoring properly functioning conditions (PFC) for protected, threatened and endangered (PTE) species.

Policy #2 In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities in the surrounding community should be encouraged over establishment of new facilities.

Policy #3 All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

Policy #4 Uses that cause significant ecological impacts to critical saltwater and freshwater habitats shall not be allowed. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts shall be mitigated according to the sequence in WAC 173-26-020.

Policy #5 Shoreline uses and modifications shall be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
5.06 Regulations: Shoreline Use/Modification Activity Matrix

<table>
<thead>
<tr>
<th>SHORELINE USE</th>
<th>Residential</th>
<th>Natural</th>
<th>Conservancy</th>
<th>Aquatic</th>
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**MODIFICATION ACTIVITIES**

| Shoreline Stabilization        | C           | C       | C           | C       |
| Beach restoration/enhancement  | C           | C       | C           | C       |
| Bioengineering                 | C           | C       | C           | C       |
| Revetments                     | C           | C       | C           | NA      |
| Bulkheads                      | C           | C       | C           | C       |
| Breakwaters/Jetties/RockWeirs/Groins | C           | C       | C           | C       |
| Dikes, Levees                   | C           | C       | C           | X       |
| Dredging (3)                    | C           | C       | C           | C       |
| Hazardous Waste Cleanup        | P           | P       | P           | C       |
| Landfill                       | C           | C       | C           | C       |
| Piers, Docks                   | C           | C       | C           | C       |

**KEY**

- **P** = Permitted, subject to the provisions of the Shoreline Master Program
- **C** = May be allowed as a conditional use.
- **X** = Prohibited.
- **NA** = Not applicable.
CHAPTER 6
SHORELINE USE POLICIES AND REGULATIONS

Shoreline use provisions are more detailed than the general shoreline policies and regulations. The use policies and regulations apply to specific shoreline use categories, providing a greater level of detail in addressing shoreline uses and their impacts. Use policies establish the shoreline management principles applicable to each use category and serve as a bridge between the Town of Master Program goals and the use regulations that follow. Use regulations set physical development and management standards for development of that type of use.

6.01 Agriculture, minor

Definition - Agriculture refers to all methods of livestock, crop, vegetation and soil management. These include but are not necessarily limited to the related activities of tilling, fertilizer application, soil preparation and maintenance, harvesting and the control of weeds, plant diseases and insect pests. The following agricultural activities are prohibited within the Town of Woodway: animal husbandry practices associated with the feeding, housing, maintenance and marketing of animals such as beef cattle, milk cows, breeding stock and their by-products. Prohibited facilities include, but are not limited to, storage, feed lots and agricultural processing industries. Small-scale agricultural activities consistent with residential zoning such as gardening and owning of animals as allowed by the Woodway Municipal Code are permitted within the shoreline jurisdiction.

Policies

1. The creation of new agricultural lands by diking, draining or filling tidelands, tidal marshes and associated marshes, bogs and swamps shall be prohibited.

2. A vegetative buffer should be maintained between minor agricultural uses and the bluff in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality by slowing and filtering runoff and maintain habitat for fish and wildlife.

3. Animal housing, retention and storage ponds, and manure storage associated with minor agricultural uses should be located out of shoreline jurisdiction and constructed to prevent bluff erosion and degradation of the adjacent shoreline environment.
4. Appropriate agricultural management techniques should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish and animal life from fertilizer and pesticide use and application.

Regulations

1. Manure and compost spreading shall be set back from the shoreline no less than 100-200 feet from the OHWM and otherwise conducted in a manner that prevents animal wastes from entering water bodies or wetlands adjacent to water bodies.

4. A buffer of natural or planted permanent native vegetation shall be maintained between areas used for crops or livestock grazing and adjacent waters or the bluff top. The plant composition and width of the buffer shall be based on site conditions, including type of vegetation, soils types, drainage patterns and slope. The buffer shall be sufficient to retard surface runoff and reduce siltation and provide adequate riparian habitat. New or redeveloped cultivation or grazing sites shall submit a map indicating buffers.

5. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution and other environmental degradation of watercourses and wetlands.

6. Agricultural practices shall prevent the direct runoff of chemical laden waters resulting from the application of agricultural chemicals into water bodies or aquifer recharge areas. Adequate provision shall be made to minimize their entry into any body of water.
6.02 Aquaculture

**Definition** - Aquaculture is the farming or culturing of food fish, shellfish or other aquatic plants and animals in lakes, streams, inlets, estuaries and other natural or artificial water bodies. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include but are not limited to fish pens, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas.

While it is unlikely that the shoreline or aquatic areas of the Town of Woodway are suitable for aquaculture uses due to a lack of commercial or industrial zoning landward of the OHWM, the following policies have been included, should a feasible aquaculture project be proposed for the Aquatic environment.

**Policies**

1. Areas with high aquacultural use potential should be identified and encouraged for aquacultural use and protected from degradation by other types of land and water uses.

2. Aquaculture activities should be given flexibility to experiment with new aquaculture techniques.

3. Consideration should be given to both the possible positive impacts and the possible detrimental impacts aquacultural development might have on the physical environment, on other existing and approved land and water uses, including navigation, tribal "usual and accustomed fishing grounds", public access and on the aesthetic qualities of the project area.

4. Aquaculture should not be allowed in the following areas:
   a. Areas that have little natural potential for the type(s) of aquaculture under consideration.
   b. Areas that have water quality problems that make the areas unsuitable for the type(s) of aquaculture under consideration.
   c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses would include but are not limited to navigation, moorage, sport or commercial fishing, log rafting, underwater utilities and active scientific research.
d. Areas where the design or placement of the facilities would substantially degrade the aesthetic qualities of the shoreline.

e. Areas where an aquacultural proposal will result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval.

f. Areas near national wildlife refuges or critical habitats where the proposed activity will adversely affect the refuge/habitat use or value.

5. Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts. In general, projects that require no structures, submerged structures or intertidal structures should be given preference over those that involve substantial floating structures. Projects that require few land-based facilities should be given preference over those that require extensive facilities. Projects that involve little or no substrate modification should be given preference over those that involve substantial modification.

6. In instances where a choice of aquacultural methods are available, or where two or more incompatible aquacultural projects are proposed in the same area, the relative environmental impacts of each method or proposal should be considered. In general, preference should be given to methods listed in subsection (a), below, over those listed in subsection (b):

a. Methods involving no submerged, intertidal or floating structures or facilities and minimal substrate modification; methods involving submerged subtidal structures or facilities; methods involving intertidal structures or facilities.

b. Methods involving floating structures or facilities; methods involving floating structures with artificial feeding and/or substantial substrate modification.

7. The density of net-pen and raft culture operations should be limited as necessary to minimize cumulative environmental impacts.

8. Experimental aquaculture projects should be limited in scale and should be approved for a limited (specified) period of time.

9. New shoreline proposals in the vicinity of an experimental aquacultural project should be restricted or denied if they might compromise the monitoring and data collection required under the experimental project permit. All permitted aquacultural projects should be protected from new development that would be likely to damage or destroy them.
Regulations

1. Applicants shall include in their applications all information needed to conduct thorough evaluations of their aquaculture proposals, including but not limited to the following:

   a. Species to be reared;
   b. Aquaculture method(s);
   c. Anticipated use of any feed, pesticides, herbicides, antibiotics or other substances and their predicted impacts;
   d. Manpower/employment necessary for the project;
   e. Harvest and processing location, method and timing;
   f. Location and plans for any shoreside activities, including loading and unloading of the product and processing;
   g. Method of waste management and disposal;
   h. Environmental assessment, including best available background information on water quality, tidal variations, prevailing storm wind conditions, current flows, flushing rates, aquatic and benthic organisms and probable impacts on water quality, biota, currents, littoral drift, any existing shoreline or water uses and PFC for PTE. Further baseline studies may be required depending upon the adequacy of available information, existing conditions, the nature of the proposal and probable adverse environmental impacts. Baseline monitoring shall be at the applicant's expense
   i. Method(s) of predator control;
   j. Use of lights and noise generating equipment over water that minimizes interference with surrounding uses; and
   k. Other pertinent information deemed necessary by the Town.

2. The location of floating and submerged aquaculture structures shall not unduly restrict navigation to or along the shoreline or interfere with general navigation lanes and traffic or "usual and accustomed fishing locations". Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities in order to protect navigational access may be necessary based on the size and shape of the affected water body.
3. No aquatic organism shall be introduced into Town salt or fresh waters without prior written approval of the Washington Department of Fish and Wildlife or the appropriate regulatory agency for the specific organism proposed for introduction. The required approval shall be submitted in writing to the Town Planning Department prior to the introduction or the granting of the permit, whichever comes first. Unless otherwise provided in the shoreline permit issued by the Town, the repeated introduction of an approved organism in the same location shall require approval by the Town only at the time the permit is issued. Introduction for purposes of this section shall mean the placing of any aquatic organism in any area within the waters of Woodway regardless of whether it is a native or resident organism and regardless of whether it is being transferred from within or without the waters of the Town.

4. Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located only in those zones where they are permitted, inland of the ordinary high water mark, upland of water dependent portions of the project and shall minimize detrimental impacts to the shoreline.

5. Aquacultural structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the Town shall require the posting of a bond commensurate with the cost of removal or repair. The Town may abate an abandoned or unsafe structure, following notice to the owner, if the owner fails to respond in thirty days and may impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.

6. Legally established aquacultural enterprises, including authorized experimental projects, shall be protected from incompatible uses which may seek to locate nearby. Demonstration of a high probability that such an adjacent use would result in damage to, or destruction of, such an aquacultural enterprise shall be grounds for the denial of that use.

7. Operational monitoring may be required if and to the extent that it is necessary to determine, ensure or confirm compliance with predicted or required performance. Such monitoring requirements shall be established as a condition of the permit and shall be conducted at the applicant's (operator's) expense.

8. No processing of any aquacultural product, except for the sorting or culling of the cultured organisms and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest, unless specifically approved by permit. All other processing and processing facilities shall be located on land.
and, in addition to these provisions shall be governed by the policies and regulations of other applicable sections of this master program, in particular provisions addressing commercial and industrial uses.

9. Aquacultural wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.

10. Aquacultural uses and facilities shall be located at least 600 feet from any national wildlife refuge lands and/or habitats of special significance for birds or mammals as determined by the Washington State Department of Fish and Wildlife, provided that fish net-pens and projects involving substantial substrate modification shall be located 1,500 feet or more from such areas; provided further that lesser distances may be authorized by permit other than a variance if it is demonstrated by the applicant that the wildlife resource will be protected and if the change is supported by the reviewing resource agencies. Greater distances also may be required if supported by the reviewing resource agencies.

11. Predator control shall not involve the killing or abusive harassment of birds or mammals. Approved controls include but are not limited to double netting for seals, overhead netting for birds and 3-foot high fencing or netting for otters. The use of other nonlethal, nonabusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.

12. Permit applications shall identify all pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals that the applicant anticipates using. No such materials shall be used until approval is obtained from all appropriate state and federal agencies, including but not limited to the U.S. Food and Drug Administration, the Washington State Departments of Ecology, Fish and Wildlife and Agriculture, as required, and proof thereof is submitted to the Town. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing, rather than chemical treatment and application.

13. For aquacultural projects using over-water structures, storage of necessary tools and apparatus seaward of the ordinary high water mark shall be limited to containers of not more than 3 feet in height, as measured from the surface of the raft or dock; provided that in locations where the visual impact of the proposed aquaculture structures will be minimal, the Town based upon written findings and without requiring a variance may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored seaward of the ordinary high water mark.
14. Proposals for mechanical clam harvesting or other activities that involve substantial substrate modification through dredging, trenching, digging or adverse sedimentation shall:

a. Not be allowed in existing kelp beds or in beds of native eel grass (Zostera marina) containing more than 2 turions per 1/4 square meter in winter or 3 turions per 1/4 square meter in summer.

b. Be required to adhere to the noise standards established under WAC-173-60-040(2)(a) for EDNA Class B Source-Class A receiving, as measured from the affected shoreline.

c. Be restricted to those subtidal zones (waterward of extreme low water) identified by the Washington Department of Fish and Wildlife as having known commercial potential.

15. Fish net-pens shall meet, as a minimum, state-approved administrative guidelines for the management of net-pen cultures; where any conflict in requirements arises, the more stringent requirement shall prevail.

16. For floating culture facilities the Town shall reserve the right to require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's "Aquacultural Siting Study" 1986. Such analysis may be prepared by the applicant, without professional assistance, provided that it is competently prepared.

17. Fish net-pens shall not occupy more than 2 surface acres of water area, excluding booming and anchoring requirements.

18. Aquacultural proposals that include net pens or rafts shall not be located closer than one nautical mile to any other aquacultural facility that includes net pens or rafts, provided that a lesser distance may be authorized by the Town if the applicant can demonstrate to the Town satisfaction that the navigational, environmental and aesthetic concerns expressed in this master program will be protected. If a lesser distance is requested, the burden of proof shall be on the applicant to demonstrate that the cumulative impacts of the existing and proposed operations would not be contrary to the policies and regulations of this master program.

19. Except as provided in Regulation 18 above, aquacultural developments approved on an experimental basis shall not exceed five (5) acres in area (except anchorage for floating systems) and five years in duration; provided that the Town may issue a new permit to continue an experimental project as many times as is deemed necessary and appropriate.
20. Where necessary to preserve the integrity of any research data collected, aquaculture developments which would be likely to jeopardize an experimental aquaculture development shall not be allowed within the same bay, harbor, or cove with any such aquaculture development until after the experimental project is granted nonexperimental status or terminated.

21. Any shoreline designated a "shoreline of state-wide significance" with aquacultural activities proposed in that area shall be first subject to the policies and priorities contained in Chapter 3.10, shorelines of state-wide significance, and second to the policies and regulations contained in this section.
6.03 Boating Facilities

Definition - Boating facilities include marinas, both backshore and foreshore, dry storage and wet-moorage types, boat launch ramps, covered moorage, boat houses, mooring buoys and marine travel lifts. A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide moorage for ten or more boats. For regulatory purposes, large community moorage facilities, yacht club facilities and camp or resort moorage areas would also be reviewed as marinas. Boat launch facilities and supplies and services for small commercial and/or pleasure craft may be associated with marinas. Backshore marinas are located landward of the OHWM. There are two common types of backshore marinas, one with wet-moorage that is dredged out of the land to artificially create a basin; and the other, a dry moorage which has upland storage with a hoist, marine travel lift or ramp for water access. Foreshore marinas are located in the intertidal or offshore zone and may require breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and landfill), depending on the location.

Policies

1. Boating facilities should be located, designed and operated to provide maximum feasible protection and enhancement of all forms of aquatic, littoral or terrestrial life including animals, fish, shellfish, birds and plants, their habitats and their migratory routes. To the extent possible and without undermining other considerations, marinas should be located in areas of low biologic productivity or where there will be no significant impacts to PFC of PTE.

2. Boating facilities should be located and designed to minimize adverse effects upon, and to enhance if possible, beneficial shoreline features and processes including erosion, littoral transport and accretion shoreforms, as well as scarce and valuable shore features including riparian habitat and wetlands.

3. Regional as well as local needs should be considered when determining the location of boating facilities and launch ramps, identifying potential ideal sites near high-use or potentially high-use areas.

4. Boating facilities should be located so as to minimize the consumption of limited shoreline resources by encouraging:
   a. The expansion of existing facilities over the addition of new sites;
   b. Joint-use facilities and launch ramps over the development of individual docking facilities for numerous private, noncommercial pleasure craft; and
   c. The use of boat launching ramps and dry storage of personal recreational boats as a favorable alternative to sheltered, year-round wet-moorage of watercraft.
5. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views.

Regulations -- General

1. Boating facility development and/or renovations shall comply with all other applicable state agency policies and regulations including, but not limited to: the Department of Fisheries criteria for the design of bulkheads, landfills and marinas; Federal Marine Sanitation standards (EPA 1972) requiring water quality certification from the U.S. Army Corps of Engineers (Section 10); U.S. Army Corps of Engineers dredging standards (Section 404); and state and federal standards for the storage of fuels and toxic materials.

2. The Town shall require and utilize the following information in its review of facility proposals:
   a. Existing natural shoreline and backshore features and uses, bathymetric contours;
   b. Geohydraulic processes and flushing characteristics, volume, rates and frequencies;
   c. Biological resources and habitats for the backshore, foreshore and aquatic environments;
   d. Area of surface waters appropriated and leased areas;
   e. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary;
   f. Impact upon existing and created demand for shoreline and water uses including public access and recreation and views;
   g. The regional need for additional facilities; and
   h. The design of the facilities, including sewage disposal, water quality controls, provisions for the prevention and control of fuel spillage and a landscaping plan.

3. Accessory uses at boating facilities or public launch ramps shall be limited to those that are water-dependent, water-related or water-enjoyment. Accessory
uses shall be consistent in scale and intensity with the marina and/or launch ramp and surrounding uses and consistent with residential zoning.

4. Shoreline permits for boating facilities shall be conditioned to require boater education addressing boater impacts on water quality and other shoreline resources as well as boater safety.

Regulations -- Residential Uses

1. Residential use of boating facilities (houseboats or liveaboards) is not permitted.

Regulations -- Boat Launches

1. Boat Launches shall not be permitted.

Regulations -- Covered Moorage

1. Covered Moorage shall not be permitted.

Regulations -- Mooring Buoys

1. Mooring buoys shall be located as close to the shore as possible. They shall not be located farther waterward than existing mooring buoys unless the drift of the boat dictates it.

2. Buoys must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for night time visibility.

3. Only one mooring buoy will be allowed per waterfront lot unless the Administrator determines and documents with written findings that there is a demonstration of greater need. Such demonstration may include a community park or residential development where lot owners both on and away from the shoreline share a shoreline open space area.
6.04 Education and Science Research Facilities

**Definition** - Water related education and science research facilities are developments which consist of laboratories, field research stations, scientific experiment monitoring stations, experimental control areas, aquariums, and educational facilities. These developments may include related support facilities such as storage structures and parking areas.

**Policies**

1. Development should be designed to blend in with the environment and should preserve, to the maximum extent feasible, vegetation for site screening purposes.

2. Facilities may utilize, where applicable, lighting which is directional and which would prevent any glare to surrounding properties.

3. Where feasible, public access to the shoreline should be provided if it does not interfere with, nor jeopardize, normal research operations.

4. Facilities should be designed to minimize the need for shore defense works through careful site planning. In areas of high erosion hazard or on accretion shoreforms, efforts should be made to preserve these features through adequate shoreline set-back of structures or development.

5. Facilities that are dependent upon a shoreline location should receive favorable consideration.

**Regulations**

1. Facilities shall incorporate landscaping plans that maintain existing vegetation, to the extent feasible, for site screening purposes. The integration of non-native vegetation is permitted.

2. In facilities where lighting is required, lighting fixtures must be directional so as to prevent any glare to surrounding properties.

3. Structures or developments that are dependent upon a shoreline location shall be permitted, PROVIDED that the applicant can demonstrate that alternative locations would prove detrimental to the general operation of the facility.

4. Parking facilities shall not be considered as shoreline dependent and shall be located a minimum of 200 feet landward from the high water mark.
6.05 Flood Hazard Management

**Definition** - Flood hazard management projects are those actions taken with the primary purpose of preventing or mitigating damage due to flooding. Flood hazard management projects or programs may employ any or several physical or regulatory controls including dikes, dams, lakes, engineered floodways, bioengineering, planning and zoning (land use management). These provisions also apply to repair and maintenance of flood hazard management systems if the systems are enlarged or otherwise modified.

**Policies**

1. Flood hazard management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider entire drainage systems or sizable stretches of rivers, lakes or marine shorelines. Thus, planning should consider the off-site erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities. Flood hazard management planning should fully consider nonstructural approaches to minimizing flood damage.

2. Nonstructural solutions are preferred over structural flood control devices, and should be used wherever possible, including prohibiting or limiting development in historically flood prone areas, regulating structural design and limiting increases in peak stormwater runoff from new upland development, public education and land acquisition for additional flood storage. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the damage.

3. Flood hazard management works should be located, designed, constructed and maintained to provide:

   a. Protection of the physical integrity of the shore process corridor and other properties that may be damaged by interruptions of the geohydraulic system;

   b. Protection of water quality and natural ground water movement;

   c. Protection of fish, vegetation and other life forms and their habitat vital to the aquatic food chain; and

   d. Protection of recreation resources and aesthetic values such as point and channel bars, islands and other shore features and scenery.
4. In design of publicly financed or subsidized works, consideration should be given to providing public pedestrian access to the shoreline for low-intensity outdoor recreation.

5. Shorelines of State-wide Significance (SSWS) priorities (see RCW 90.58.020) should be considered in the review of all flood hazard management developments along shorelines of state-wide significance.

6. Wetlands should be protected to maintain their capacity to store flood waters and recharge ground water.

7. Natural drainage ways, creeks, streams and rivers should be protected to maintain their capacity to convey stormwater and flood water.

Regulations

1. The Town shall require and utilize the following information during its review of shoreline flood management projects and programs.
   a. Existing shoreline stabilization and flood protection works within the area;
   b. Physical, geological and soil characteristics of the area;
   c. Biological resources and predicted impact to fish, vegetation and animal habitat associated with shoreline ecological systems;
   d. Predicted impact upon area shore and hydraulic processes, adjacent properties and shoreline and water uses; and
   e. Analysis of alternative flood protection measures both structural and nonstructural.

2. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fish and Wildlife, may be incorporated into permits issued for flood protection.

3. The Town shall require professional design of flood protection works where such projects may cause interference with normal geohydraulic processes, lead to erosion of other shoreline properties or adverse effects to shoreline resources and uses.

4. Diking, flood walls and similar structures may be permitted as a conditional use subject to environment designation provisions PROVIDED:
   a. Diking is set back to the edge of the OHWM;
b. Timing and construction shall be coordinated with the Washington Department of Fish and Wildlife;

c. Diking shall be designed and constructed to meet Soil Conservation Service technical manual standards and shall, at a minimum, include (1) layered compaction, (2) removal of debris (i.e. tree stumps, tires, etc.) and (3) revegetation and maintenance until ground cover is established; and

d. Appropriate vegetation management actions are undertaken.

5. Flood protection measures shall be planned and constructed based on a state-approved comprehensive flood control management plan, when available, and in accordance with Chapter 86.16 RCW and the National Flood Insurance Program.

6. Flood protection measures that alter, reroute or change the natural water course of the shoreline may be approved as a conditional use only if it is demonstrated that other flood protection and planning measures would be insufficient. Alternative measures to be analyzed shall include bioengineering techniques, restrictions to development, shoreline setbacks and comprehensive land use planning.
6.06 Recreational Development

**Definition** - Recreational development includes facilities for passive recreational activities such as hiking, photography, viewing and fishing. This section applies to both publicly and privately owned shoreline recreation facilities intended for use by the public or a private club, group, association or individual. There are limited opportunities for recreational development within the Town of Woodway, and commercial recreational development is prohibited.

**Policies**

1. The coordination of local, state and federal recreation planning should be encouraged so as to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation and open space plans.

2. The location and design of shoreline recreational developments should relate to local population characteristics, density and special activity demands. Acquisition priorities should consider these needs demands and special opportunities as well as public transit access and access for the physically impaired, where planned or available.

3. Recreational developments should be located, designed and operated to be compatible with, and minimize adverse impacts on, environmental quality and valuable natural features as well as on adjacent and surrounding land and water uses. Favorable consideration should be given to proposals which compliment their environment and surrounding land and water uses, and which leave natural areas undisturbed and protected.

4. Shoreline areas with a potential for providing recreation or public access opportunities should be identified for this use and acquired by lease or purchase and incorporated into the public park and open space system.

5. The linkage of shoreline parks, recreation areas and public access points with linear systems, such as hiking paths, bicycle paths, easements and/or scenic drives, should be encouraged, where public safety and private property rights can be assured.

6. Recreational developments should be located and designed to preserve, enhance or create scenic views and vistas.

7. The use of shoreline street ends and publicly owned lands for public access and development of recreational opportunities should be encouraged.

8. The use of recreational off-road vehicles shall prohibited in all shoreline areas.

9. All recreational developments should make adequate provisions for:
a. Vehicular and pedestrian access, both on-site and off-site;
b. Proper water supply and solid and sewage waste disposal methods;
c. Security and fire protection;
d. The prevention of overflow and trespass onto adjacent properties, including but not limited to landscaping, fencing and posting of property; and
e. Buffering of such development from adjacent private property or natural area.

10. Trails and pathways on steep shoreline bluffs should be located, designed and maintained to protect bank stability.

Regulations -- General

1. The Town shall consult state and local health agency regulations that apply to recreation facilities and ocean beaches.

2. Valuable shoreline resources and fragile or unique areas such as wetlands, estuaries and accretion beaches shall be used only for nonintensive and nonstructural recreation activities.

3. Substantial accessory use facilities, such as restrooms, recreation halls and access roads and parking areas shall be located outside of shoreline management jurisdiction, unless it can be shown that such facilities are essentially shoreline-dependent. These areas may be linked to the shoreline by walkways.

4. For recreation developments that require the use of fertilizers, pesticides or other toxic chemicals, such as golf courses and play fields, the applicant shall submit plans demonstrating the methods to be used to prevent these applications and resultant leachate from entering adjacent water bodies. Buffer strips and, if practical, shade trees shall be included in the development. The Town shall determine the maximum width necessary for buffer strips but in no case shall the buffer strip be less than twenty-five (25) feet. The developer shall also be required to leave a chemical-free swath at least 100 feet in width next to water bodies and wetlands.

5. The use of time-release fertilizers and herbicides shall be preferred over liquid or concentrate application for lawns grown within shoreline jurisdiction.
6. Signs indicating the publics’ right of access to public shoreline areas shall be installed and maintained in conspicuous locations at the point of access and the entrance thereto.

Regulations -- Design

1. In approving shoreline recreational developments, the Town shall ensure that the development will maintain, enhance or restore desirable shoreline features including unique and fragile areas, scenic views and aesthetic values. To this end, the Town may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements and setbacks, as deemed appropriate to achieve this intent.

2. Recreational developments shall provide facilities for nonmotorized access to the shoreline such as pedestrian and bicycle paths. Motorized vehicular access is prohibited on beaches, bars, spits and stream beds, EXCEPT for boat launching and maintenance activities.

3. To protect natural resources and adjacent properties, recreational facility design and operation shall prohibit the use of all-terrain and off-road vehicles in the shoreline area.

4. Proposals for developments shall include a landscape plan that utilizes primarily native, self-sustaining vegetation. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of campsites, selected view points or other permitted structures or facilities.

5. No recreational buildings or structures shall be built over water, EXCEPT water-dependent and/or public access structures such as piers, docks, bridges or viewing platforms may be permitted as a Conditional Use Permit.

6. Proposals for recreational development shall include adequate facilities for water supply, sewage and garbage disposal. Where sewage treatment facilities are not available, the appropriate reviewing authority shall limit the intensity of development to meet Town, county and state on-site sewage disposal requirements.

7. Underwater parks and artificial reefs established in cooperation with state agencies shall include safety provisions to warn boating traffic of their location.

8. Artificial reefs shall not contain materials toxic or otherwise hazardous to humans or fish and wildlife.

9. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences and signs, to prevent overflow and to protect the value and enjoyment of adjacent or nearby private properties and natural areas.
6.07 Residential Development

Definition - Residential development means one or more buildings, structures, lots, parcels or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, including single-family residences, subdivisions and short subdivisions, together with accessory uses and structures normally applicable to residential uses including but not limited to garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

Exemptions

Although a substantial development permit is not required for construction within shoreline jurisdiction by an owner, lessee or contract purchaser of a single-family residence for his own use or the use of his family, such construction and all normal appurtenant structures must otherwise conform to this master program. An "appurtenant" means a structure that is necessarily connected to the use and enjoyment of a single-family residence and includes a guest house, garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty (250) cubic yards (see WAC 173-27-040 (2g)). The Town requires that all residential development within the shoreline jurisdiction receive a letter of exemption. The Town may require mitigation measures to ensure that the residential development conforms to State and local shoreline master programs.

Policies

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

2. Residential development shall be prohibited in critical areas including but not limited to wetlands, steep bluffs, floodways consistent with the requirements of the Town of Woodway Environmentally Sensitive Areas Ordinance.

3. The overall density of development, lot coverage and height of structures should be appropriate to the physical capabilities of the site.

4. New residential development should provide adequate setbacks and natural buffers from the water and ample open space among structures to provide space for outdoor recreation, protect natural features, preserve views and minimize use conflicts.

5. Residential development should be designed so as to preserve existing shoreline vegetation, control erosion and protect water quality, shoreline aesthetic characteristics, views and normal public use of the shoreline and the water.
6. Residential developments should provide dedicated and improved public access to the shoreline in a manner that is appropriate to the site and the nature and size of the development.

7. New residential development and accessory uses should be prohibited over water, in wetlands, in floodways and in geologic hazard areas, consistent with the requirements of the Town of Woodway Environmentally Sensitive Areas Ordinance.

8. New residential subdivisions should be encouraged to cluster single family dwelling units if clustering will result in preservation of natural features, minimize physical impacts and impervious surfaces and reduce utility and road costs.

9. Residential development should not cause significant adverse impacts to Properly Functioning Conditions (PFC) for (PTE) Protected, Threatened, and Endangered species.

10. Sewage disposal and water supply facilities should be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separated from sewage disposal systems.

11. Preference should be given to joint-use community piers and docks (in lieu of individual piers and docks for each waterfront lot) in all new subdivisions and planned residential developments. Joint-use shoreline facilities should be encouraged (including piers and docks, stair towers and other facilities).

12. Structures or other development accessory to residential uses should be designed and located to blend into the site as much as possible.

Regulations -- Location and Design

1. Residential development shall not be approved where flood control, shoreline protection measures or bulkheading will be required to create residential lots or site area. Residential development shall be located and designed to avoid the need for structural shore defense and flood protection works in the foreseeable future.

2. If wetlands, streams, drainageways or other unique and fragile features are located on a development site, clustering (or similar design) of residential units shall be required in order to avoid any development in such areas.

3. All residential structures, accessory uses and facilities shall be arranged and designed so as to preserve views and vistas to and from shorelines and water bodies and be compatible with the aesthetic values of the area.
4. Storm drainage and treatment facilities shall be required by the Town for proposals involving five or more dwellings. Drainage facilities shall be separate from sewage disposal and transport facilities and shall include provisions to prevent uncontrolled and untreated direct entry of surface water runoff into adjacent waters. Storm drainage facilities may include, but not be limited to retention ponds, vegetated swales and artificial wetlands, PROVIDED no adverse impacts to the receiving existing wetlands would occur.

5. Prior to issuance of a building permit, plat or short plat or other shoreline development approval, the developer shall submit adequate plans for preservation of shore vegetation and for control of erosion during and after construction, resulting in permanent shoreline stabilization. Such plans shall be a part of the shoreline permit, if one is required.

Prohibited

6. Residential development shall be prohibited within floodways, wetlands and within other hazardous areas such as steep slopes and areas with unstable soils or geologic conditions, consistent with the requirements of the Town of Woodway Environmentally Sensitive Areas Ordinance.

7. New residential structures and accessory structures shall be prohibited over water or floating on the water.

Regulations -- Shore Setback Standards

1. Residential development, including dwellings, accessory buildings and structures, parking areas and any substantial alteration of natural topography or vegetation shall meet the setback standards established in Table 6.1 as measured from the OHWM; provided that these setbacks do not apply to outdoor swimming pools, decks or patios or other recreational structures that do not require permanent foundations; provided further that no shore setback shall exceed the geographic limit of the Act's jurisdiction, and requirements of all other Town of Woodway regulations are met.

2. For the purpose of accommodating shoreline views in developed residential areas, setbacks for residential structures may be reduced in the Shoreline Residential environment, consistent with the following:

   a. Where there are existing (legally nonconforming) residences that encroach on the established setback within fifty (50) feet of either side of the proposed building site, the required setback of the proposed structure may be reduced by review and approval of the Administrator. In such cases,
proposed residential structures may be set back (from OHWM) common to the average of the setbacks of the existing adjacent residences.

b. In those instances where only one existing nonconforming single family residence is within fifty (50) feet of the proposed building site, the setback of the proposed structure may be reduced (with approval of the Administrator) to the average of the setbacks for the existing adjacent residence and the applicable setback for the adjacent vacant parcel.

c. In no case shall the reduced setbacks applied above be less than fifteen (15) feet landward of the OHWM.

d. Any further setback reduction beyond that allowed in this section shall require approval of a shoreline variance permit.

Regulations -- Public Access

1. Subdivisions and planned unit developments of five or more waterfront lots/units located all or in part within the shoreline area shall dedicate, improve and provide maintenance provisions for a pedestrian easement which provides area sufficient to ensure usable access to and along the shoreline or waterfront bluff for all residents of the development and the general public. When required, public access easements shall be a minimum of twenty-five (25) feet in width and shall be in compliance with public access standards contained herein.

Regulations -- Accessory Uses

See also regulations pertaining to bulkheads, shore defense works and piers and docks.

1. Accessory uses that are not appurtenant structures shall be reasonable in size and purpose and compatible with on-site and adjacent structures, uses and natural features.

2. No structure within 200 feet of the OHWM shall cover more than one hundred fifty (150) square feet.

3. New residential subdivision or planned developments containing five or more waterfront lots, as part of plat approval, shall provide for resident access to and a location for a joint-use of tidelands and community pier or dock if any such docks or piers are proposed. In the event any pier or dock facility is provided within a residential waterfront development, only one joint-use facility shall be constructed. This condition of approval with required access easements and dedications shall be identified on the face of the plat. In addition, the community tideland and dock easements shall be recorded with the County Auditor. Where
community dock facilities are provided with plat approval, single-use docks and piers serving individual waterfront lots shall be prohibited.

4. Accessory structures that are not water-dependent or orientated are prohibited waterward of the principal residence.

6.07 Transportation Facilities

**Definition** - Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, float plane terminals, heliports and other related facilities.

**Policies**

1. New roads, railroads and bridges in shoreline jurisdiction should be minimized, and allowed only when related to and necessary for the support of permitted shoreline activities. Major new highways, freeways should be located out of shoreline jurisdiction.

2. Road and railroad locations should be planned to fit the topographical characteristics of the shoreline such that minimum alteration of natural conditions results. New transportation facilities should be located and designed to minimize the need for shoreline protection measures and minimize the need to modify natural drainage systems. The number of waterway crossings should be limited to the maximum extent possible.

3. Trail and bicycle paths should be encouraged along shorelines where they are compatible with the natural character, resources and ecology of the shoreline, and where they can be located to ensure public safety and protection of private property.

4. When existing transportation corridors are abandoned they should be reused for water-dependent use or as public access.

5. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and motorized forms of transportation should be encouraged.

6. Abandoned or unused road or railroad rights-of-way that offer opportunities for public access to the water should be acquired and/or retained for such use.

7. All debris, overburden and other waste materials from transport facility construction should be handled, contained and disposed of in a manner which prevents their entry into adjacent water bodies.
Regulations -- General

1. Transportation facilities and services shall utilize existing transportation corridors whenever possible, provided that facility additions and modifications will not adversely impact shoreline resources and are otherwise consistent with this program. If expansion of the existing corridor will result in significant adverse impacts, then a less disruptive alternative shall be utilized.

2. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies and minimize adverse impact to the shoreline.

3. Landfills for transportation facility development are prohibited in water bodies, marshes, bogs and swamps and on accretion beaches, EXCEPT when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this program, such landfill may be permitted as a Conditional Use Permit.

4. The following regulation applies to shoreline road ends:

   a. RCW 37.79.035 and RCW 35.87.130 prohibits the Town from vacating any Town road which abuts a body of salt or fresh water unless the street or road is not currently used or suitable for boat moorage or launching site or for a park, viewpoint, recreation, education or other public purposes.

Regulations -- Location and Design

1. Major new highways or freeways shall be located outside shoreline jurisdiction, EXCEPT where water crossing is required. These roads shall cross shoreline areas and water bodies by the shortest, most direct route feasible unless such route would cause more damage to the environment. Railways may be located within the existing railroad right-of-way.

2. New transportation facilities shall be located and designed to prevent or minimize the need for shoreline protective measures such as riprap or other bank stabilization, landfill, bulkheads, groins, jetties or substantial site grading. Transportation facilities allowed to cross over water bodies, wetlands, and streams shall utilize elevated, open pile or pier structures whenever feasible.

3. Shoreline transportation facilities shall be sited and designed to avoid steep or unstable areas and fit the existing topography in order to minimize cuts and fills.

4. Cut and fill slopes shall be designed at the normal angle of repose or less.
5. Cut, fill and sidecast slopes shall be protected from erosion by mulching, seeding, compacting, riprapping, benching or other suitable means.

6. Transportation corridors shall, if possible, be located parallel to existing surface drainage flow.

7. Waterway crossing shall be designed to provide minimal disturbance to banks.

8. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.

9. Culverts and similar devices shall be designed for 100-year storm frequencies.

10. Bridges, crossings, debris grates, culverts and similar devices used by fish shall meet all requirements set by the State Department of Fisheries and Wildlife.

11. All transportation facilities shall be designed, constructed and maintained to contain and control all debris, overburden, runoff, erosion and sediment generated from the affected areas. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills or side cast materials.

12. Bridge abutments and necessary approach fills shall be located landward of wetlands or the OHWM for water bodies without wetlands, PROVIDED bridge piers may be permitted in a water body as a conditional use.

13. Any soil or debris accidentally placed in a water channel during bridge construction shall be immediately removed by approved methods. All exposed soils shall be stabilized and revegetate following completion of construction.

14. New transportation facilities are prohibited in:

   a. critical areas such as steep slopes or areas with soils subject to severe erosion or landslides;

   b. front of feeder bluffs, over driftways or on accretion shoreforms.

15. New roads, new railroads and other transportation facilities are prohibited over water, EXCEPT to serve water-dependent or public uses consistent with this program when inland alternatives are infeasible, including unavoidable water crossings.

Regulations -- Setbacks

1. Except where water crossing is necessary, roads, new railroads and other transportation facilities permitted shall be located landward of:
a. estuaries and their wetlands;

b. erosion or accretion shoreforms and associated drift sectors and backshore marshes; and

c. officially designated fish, shellfish and wildlife habitats.

2. All roads and new railroads, if permitted parallel to shoreline areas, shall be adequately setback from water bodies and shall provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.

Regulations -- Construction and Maintenance

1. Overburden, debris and other waste materials from both construction and maintenance activities, including drainage ditch clearing, shall not be deposited into or sidecast on the shoreline side of roads or in water bodies, wetlands, estuaries, tidelands, accretion beaches and other unique natural areas. Such materials shall be deposited in stable locations where reentry and erosion into such areas is prevented.

2. All shoreline areas disturbed by facility construction and maintenance shall be replanted and stabilized with compatible, self-sustaining vegetation by seeding, mulching or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained until established by the agency or developer constructing or maintaining the road. Long-term monitoring of vegetation and bonding may be required.

3. The Town shall give preference to mechanical means rather than the use of herbicides for roadside and railway right-of-way brush control on roads and railways in shoreline jurisdiction. If the situation requires the use of herbicides, they shall be applied to noxious weeds only, so that chemicals do not enter adjacent water bodies or damage or kill beneficial native shoreline vegetation. Use of herbicides for vegetation removal is a maintenance activity, and requires an exemption letter from the Town. The Town may condition the exemption request.

4. The following design and construction methods shall be followed for temporary road building during construction and/or other low technology road construction:

a. Roads shall be designed to minimize the number of waterway crossings and avoid unnecessary duplication of road systems by making maximum use of existing rights-of-way. Where roads traverse land in another
ownership, but could adequately serve the operation, attempts shall be
made to negotiate with the owner for use of such roads before constructing
new roads.

b. Running surface widths shall be kept to a minimum, not exceeding
twenty-six (26) feet for two-lane roads and not more than twenty (20) feet
for single-lane roads.

c. All culverts shall be adequate in size and design to carry the maximum
anticipated flow and shall be kept clear of obstructions. The minimum
size for culverts shall be fifteen (15) inches in diameter.

d. Embankment fills shall:

i. be constructed and compacted in layers no more than two (2) feet
   thick;

ii. consist of inorganic material with no buried slash or debris beneath
    the running surface.

e. All bridges shall be high enough to allow all anticipated debris and high
   water flows to pass freely beneath.

f. Where aggregate earthen materials are used for paving or accumulate on
   bridges, curbs shall be installed when necessary to contain the surface
   materials.
6.08 Utilities (Primary)

**Definition** - Utilities are services and facilities that produce, transmit, carry, store, process or dispose of electric power, gas, water, sewage, communications, oil and the like. The provisions in this section apply to primary use and activities such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, gas distribution lines and storage facilities.

Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste on any land area on or in the water.

Solid waste includes all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material or agricultural or other commercial logging wastes not specifically listed above.

**Policies**

1. Utilities should utilize existing transportation and utility sites, rights-of-way and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.

2. Utilities should be prohibited in wetlands, estuaries, critical wildlife areas, steep slopes or other unique and fragile areas unless no feasible alternatives exist.

3. New utility facilities should be located so as not to require extensive shoreline protection works.

4. Utility facilities and corridors shall be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or alongside or under bridges.

5. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

6. Solid waste disposal activities and facilities should be prohibited in shoreline areas.
Regulations -- General

1. Applications for installation of utility facilities in shoreline areas shall include the following:
   a. Description of the proposed facilities;
   b. Reason(s) why the utility facility requires a shoreline location;
   c. Alternative locations considered and reasons for their elimination;
   d. Location of other utility facilities in the vicinity of the proposed project and any plans to include the facilities of other types of utilities in the project;
   e. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the primary utility's useful life;
   f. Plans for control of erosion and turbidity during construction and operation; and
   g. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.

2. Utility development shall, through coordination with the Town and local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner.

3. Utility lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible and shall avoid duplication and construction of new or parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.

4. Existing solid waste disposal and transfer facilities shall be expeditiously phased out and rehabilitated.

5. The following utility facilities, which are not essentially water-dependent, are prohibited in shoreline jurisdiction unless authorized by conditional use permit and where it can be shown that no alternative exists:
   a. water system treatment plants;
b. sewage system lines, interceptors, pump stations and treatment plants;

c. electrical energy generating plants, substations, lines and cables;

d. petroleum and gas pipelines.

6. New solid waste disposal sites and facilities are prohibited.

Regulations -- Location and Design

1. New utility lines including electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible. Existing above ground lines shall be moved underground during normal replacement processes where undergrounding would reduce visual impacts but not cause significant impacts to PFC for PTE.

2. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

3. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shore defense or flood protection works.

4. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.

5. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.

6. Construction of utilities under water or in adjacent wetlands shall be timed to avoid fish migratory and spawning periods.

7. Landfilling in shoreline jurisdiction for utility facility or line development purposes is prohibited. Permitted crossings shall be underground or utilize pier or open pile techniques.

8. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their preproject condition.

9. Long-term monitoring may be required to ensure that permitted utility development does not have any impacts on PFC for PTE.
## 6.10 Use Related Development Standards Matrix

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>Shoreline Residential</th>
<th>Natural</th>
<th>Urban Conservancy</th>
<th>Aquatic</th>
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<td>0'</td>
<td>0'</td>
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<td>Height limits</td>
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<td>Distribution Poles</td>
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<td>Education and Research Facilities Setbacks</td>
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<td>0'</td>
<td>0'</td>
<td>0'</td>
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<td>15'</td>
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**KEY**

* = Setback requirements may vary for conditional uses.
CHAPTER 7

SHORELINE MODIFICATION ACTIVITY
POLICIES AND REGULATIONS

7.01 Introduction

Shoreline modification activities, referred to in this Master Program as "activities" are those actions that modify the physical configuration or qualities of the shoreline area. Typically, activities are related to construction of a physical element such as a dike, breakwater, dredged basins, landfill, etc., but they can include other actions such as clearing, grading, application of chemicals, etc. Shoreline modification activities usually are undertaken in support of or in preparation for a shoreline "use." For example, landfill (activity) required for a railroad track (industrial use) or dredging (activity) to allow for a marina (boating facility use). A single use may require several different shoreline modification activities. For example, a marina and boat yard development may involve a breakwater, dredging, clearing and grading and landfill.

Activity policies and regulations are intended to prevent or mitigate the negative environmental impacts of proposed shoreline modification consistent with the goals of the SMA. A proposed development must meet all of the regulations for both applicable uses and activities as well as the general and environment designation regulations. Speculative shoreline modifications not tied to or required for a specific permitted proposed use are generally prohibited.

7.02 Shoreline Stabilization - General

Shoreline stabilization and flood protection are actions taken primarily to address erosion impacts to upland property and improvements caused or associated with current, flood, wake or wave action. These actions include structural and nonstructural methods including but not limited to: riprap, bulkheads, jetties, groins, beach nourishment and bioengineering/vegetative management methods. These provisions should be used for all shoreline modification activities whether such proposals address a single property or multiple properties. Flood hazard management activities should also be reviewed under the provisions of the Flood Hazard Management chapter.

Policies

1. Riprapping and other bank stabilization measures should be located, designed and constructed primarily to prevent damage to existing development. All new development should be located and designed to prevent or minimize the need for shoreline stabilization measures and flood protection works. New development requiring shoreline stabilization should be discouraged.
2. Stabilization and protection works which are more compatible with ongoing shore processes and more flexible for long-term management, address properly functioning conditions (PFC) for (PTE) protected, threatened, and endangered species, and are more natural in appearance such as vegetative stabilization should be encouraged over structural means such as concrete revetments or extensive riprap.

3. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the damage.

4. Use of car bodies, demolition debris, concrete rubble, scrap building equipment or appliances for shoreline stabilization is prohibited.

5. Natural features such as snags, stumps or uprooted trees that support fish and other aquatic systems, should be left undisturbed where possible.

6. Shoreline features existing in their natural state should be preserved in their natural state, free of shoreline modification.

7. Beach restoration/enhancement using naturally regenerating systems for the prevention and control of beach erosion should be required rather than bulkheads and other structures where:

   a. The length and configuration of the beach will accommodate such systems;

   b. Such protection is a reasonable solution to the needs of the specific site; and

   c. Beach restoration/enhancement will accomplish one or more of the following objectives:

      i. Recreate or enhance natural shoreline conditions;

      ii. Create or enhance natural habitat;

      iii. Reverse otherwise erosion prone conditions;

      iv. Restore Properly Functioning Conditions (PFC) for (PTE) Protected, Threatened, and Endangered species.
Regulations

1. All applicable federal and state permits shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.

2. All new development activities shall be located and designed to prevent or minimize the need for shoreline stabilization and flood protection works, such as bulkheads, riprap, landfills, levees, dikes, groins, jetties, or substantial site grading.

3. The Town of Woodway shall require and utilize the following information, in addition to the standard permit information requirements contained in WAC 173-27-180, during its review of shoreline stabilization and flood protection proposals:

   a. Purpose of the project;

   b. Hydraulic characteristics of the shore within 1/2 mile on each side of the proposed project;

   c. Existing shoreline stabilization and flood protection devices within 1/2 mile on each side of the proposed project;

   d. Proposed Construction material and methods;

   e. Physical, geological and/or soil characteristics of the area;

   f. Predicted impact upon area shore and hydraulic processes, adjacent properties, shoreline and water uses; and

   g. Identification and evaluation of alternative measures (including nonstructural) as compared to the proposal which could achieve the same purpose as the proposed action; and

   h. Identification and evaluation of the potential impacts to PFC for PTE, based on best available science, prepare by a qualified scientist, and preparation of a long-term monitoring plan, for the life of the proposal; and

   i. Identification of opportunities for restoration and rehabilitation of PFC for PTE.
4. The Town shall require and utilize the following information, in addition to the standard permit information requirements contained in WAC 173-27-180, in its review of all shoreline modification proposals:

a. Proposed construction materials (e.g. type, dimensions, design);

b. Proposed method of construction (e.g. source of backfill, erosion controls);

c. Location of project relative to toe and crest of uplands and upland structures;

d. The ordinary high water mark, mean higher high and extreme high water levels such as the highest recorded level or the 100-year flood elevation.

e. Net direction of littoral drift changes and tidal currents (if any);

f. General direction and speed of prevailing winds;

g. Profile rendition of beach and uplands;

h. Beach type, slope and material;

i. Uplands type, slope and material;

j. Soil types (S.C.S.);

k. Physical or geologic stability of uplands; and

l. Identification and evaluation of the potential impacts to PFC for PTE, based on best available science, prepare by a qualified scientist, and preparation of a long-term monitoring plan, for the life of the proposal; and

m. Identification of opportunities for restoration and rehabilitation of PFC for PTE.

5. Upon project completion, all disturbed shoreline areas shall be restored or rehabilitated to as near pre-project configuration as possible and replanted with native grasses, shrubs, and/or trees in keeping with existing bank vegetation. If native species cannot be obtained, acceptable substitutes may be used for stabilization purposes. The Town may require restoration or rehabilitation of the project site to provide PFC for PTE.
6. Shoreline stabilization and flood protection works are prohibited in wetlands and on point and channel bars. They are also prohibited in salmon and trout spawning areas except for fish or wildlife habitat enhancement.

7. Dikes and levees shall be limited in size to the height required to protect adjacent lands from the predictable annual flood.

8. Use of car bodies, scrap building materials, asphalt from street work, or any discarded pieces of equipment or appliances for the stabilization of shorelines shall be prohibited.

9. All shoreline modification activities must be in support of an allowable shoreline use that is in conformance with the provisions of this master program. All shoreline modification activities not in support of a conforming allowable use are prohibited, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resource values.

10. All shoreline modification activities must include an on-going monitoring plan, good for the intended life of the project. The purpose of the monitoring plan shall be to ensure that the modification activity does not have significant environmental impacts on PFC for PTE. The monitoring plan must include baseline information, identification and analysis of pre- and post development on PFC for PTE and methods to resolve any significant long-term environmental impacts. Methods may include bonding for removal and restoration.

The shoreline stabilization methods in Sections 7.03 through 7.08 are organized from "soft" to "hard". The use of "soft" methods is the preferred "best practices" choice when considering shoreline stabilization.

Policies and regulations are included for the following shoreline stabilization measures:

1. Beach Restoration and Enhancement (7.02)
2. Bioengineering (7.03)
3. Revetments (Riprap) (7.04)
4. Bulkheads (7.05)
5. Breakwaters, Jetties, Rock Weirs and Groins (7.06)
6. Dikes and Levees (7.07)
7.03 **Beach Restoration and Enhancement**

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

**Policies**

1. All beach enhancement projects should ensure that aquatic habitats, water quality and flood holding capacity are not degraded by the action.

2. Where possible, choose self maintaining enhancement designs over those dependent on regular maintenance.

3. Supplementary beach nourishment should be required where structural stabilization works are likely to increase impoverishment of existing beach materials at or downdrift from the project site.

4. Beach enhancement should not extend waterward more than necessary to achieve the intended results.

**Regulations**

1. Beach enhancement may be permitted when the applicant has demonstrated that no significant change in littoral drift will result that will adversely affect adjacent properties or the PHF of PTE.

2. Natural Beach Restoration/Enhancement
   
   a. *Design Alternatives.* Design alternatives shall include the best available technology such as, but not limited to:
      
      i. Gravel berms, drift sills, beach nourishment and beach enhancement when appropriate;
      
      ii. Planting with short-term mechanical assistance, when appropriate. All plantings provided shall be maintained.
   
   b. *Design Criteria.* Natural beach restoration/enhancement shall not:
i. Detrimentally interrupt littoral drift, or redirect waves, current or sediments to other shorelines;

ii. Result in any exposed groin-like structures; Provided: small "drift sill" groins may be used as a means of stabilizing restored sediment where part of a well planned beach restoration program;

iii. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;

iv. Create "additional dry land"; and

v. Disturb significant amounts of valuable shallow water fish/wildlife habitat without appropriate mitigation of the impacts.

c. **Natural Beach Restoration Construction Standards.**

i. The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake or wave action at the site.

ii. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to obviously create additional dry land);

3. Beach enhancement is prohibited within spawning, nesting or breeding habitat that would be adversely affected by it and also where littoral drift of the enhancement materials adversely effects adjacent spawning grounds or other areas of biological significance.

4. Beach enhancement is prohibited if it significantly interferes with the normal public use of the navigable waters of the state without proper mitigation of the identified impacts.

5. All shoreline modification activities shall be in support of a shoreline use that is in conformance with the provisions of this master program unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.
7.04 Bioengineering

Definition - Bioengineering is the term given to the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material; soft gabions, fabric or other soil stabilization techniques; and limited rock toe protection where appropriate. Bioengineering projects often include fisheries habitat enhancement measures such as anchored logs or root wads in project design.

The use of bioengineering as a shoreline stabilization technique is considered an alternative to riprap, concrete and other structural solutions. It provides habitat while maintaining and preserving the natural character of the shoreline. Bioengineering is the preferred "best practices" choice when considering shoreline stabilization. Combining bioengineering techniques with armored revetments is also encouraged over singularly employing riprap or other types of armored revetment.

Policies

1. All bioengineering projects should ensure that water quality, fish and wildlife habitats and flood holding capacity are not degraded. Bioengineering projects should be designed and scheduled to minimize impacts to natural resources and to optimize survival of new plantings.

2. Whenever possible, the design of bioengineering projects should incorporate self-maintaining vegetation and materials over those requiring routine maintenance.

3. Bioengineering projects should extend no further waterward than is necessary to achieve intended results.

4. Shoreline stabilization through bioengineering should use native vegetation wherever possible.

5. Bioengineering projects should include buffers, fencing and/or other measures to avoid disturbance of the project site by pets, persons and vehicles.

6. Structural soil stabilization components including riprap, should be kept to a minimum in such projects and designed to last only until vegetation is well established.

7. Bioengineering projects should follow recommended best management practices for establishing/restoring vegetation in shoreline and riparian areas. Guidance from the Soil Conservation Service, the State Departments of Fish and Wildlife, and Ecology and local Conservation Districts should be considered in project designs.
Regulations

1. The Town shall require and utilize the following information, in addition to the standard permit information requirements contained in WAC 173-27-180, in its review of all bioengineering projects:

   a. proposed timing of all construction phases of the project,
   b. existing soil types, bank materials and analysis of slope stability,
   c. proposed materials that will be used on-site including rock size, shape and quantity, plant materials, soil preparations that provide optimal planting mediums for the vegetation proposed, areas to be seeded, and fencing,
   d. existing and proposed slope profiles, including location of ordinary high water mark,
   e. design of transition areas between bioengineering site and adjacent properties,
   f. documentation (including photos) of existing pre-construction shoreline characteristics.

2. All bioengineering projects shall use a diverse variety of native plant materials including trees, shrubs and grasses, unless demonstrated infeasible for the particular site.

3. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that within three years time all vegetation is fully reestablished. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.

4. All bioengineering projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired.

5. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat and to optimize survival of new vegetation.
7.05 **Revetments (Riprap)**

**Definition** - A revetment is a sloped shoreline structure built to protect an existing eroding shoreline or newly placed fill against waves, wakes, currents, or weather. Revetments are most commonly built of randomly placed boulders (riprap), but may also be built of sand-cement bags, paving or building blocks, gabions (rock filled wire baskets), or other systems and materials. The principal features of a revetment, regardless of type, are:

- Heavy armor layer;
- Filter layer; and
- Toe protection.

This section deals specifically with the modification activity of revetments. For additional policies and regulations refer to section 7.01 in this chapter.

**Policies**

1. The use of armored structural revetments should be limited to situations where it is demonstrated that nonstructural solutions such as bioengineering, setbacks and buffers or any combination thereof will not provide sufficient shoreline stabilization.

2. The construction and maintenance of revetments should not result in the loss or reduction of shoreline environmental resource values. If a loss or reduction cannot be avoided, mitigation should be provided.

3. Revetments should be designed, improved and maintained to provide public access where public safety can be assured.

**Regulations -- General**

1. All forms of revetments shall be constructed and maintained in a manner that does not reduce water quality and/or fisheries habitat.

2. Design of the proposed revetment shall incorporate proper consideration of:
   
   a. Data on local geophysical conditions;
   
   b. Effects on adjacent properties.

3. Bank revetments, where permitted, shall be placed at the extreme edge or bank of the shoreline.
4. Design of revetments shall include and provide improved access to public shorelines whenever possible and appropriate.

5. Revetments must be in support of an allowable shoreline use that is in conformance with the Provisions of this master program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

6. Applications for riprap and revetments shall include

   a. identification and evaluation of alternative measures (including nonstructural) as compared to the proposal which could achieve the same purpose as the proposed action; and

   b. Identification and evaluation of the potential impacts to PFC for PTE, based on best available science, prepared by a qualified scientist, and preparation of a long-term monitoring plan, for the life of the proposal; and

   c. Identification of opportunities for restoration and rehabilitation of PFC for PTE.

Regulations -- Riprap

1. Riprap shall be constructed using techniques and materials that will enhance natural shoreline values and functions, including fish and wildlife habitat, water quality, vegetation and aesthetics. The following techniques and materials shall be used:

   a. Riprap material shall consist of clean quarried rock, free of loose dirt and any pollutants, and shall be of sufficient size and weight to prevent movement by wave or current action. Tires, automobile bodies, scrap metal, paper products and other inappropriate solid waste materials shall not be used for riprap.

   b. Use of downed logs, snags or rock-work to enhance habitat and to provide a more natural appearance to the shoreline shall be incorporated into the design where appropriate and when required to ensure PFC for PTE.

   c. Where on-site environmental conditions allow, vegetation shall be integrated into the riprap design to reduce erosion, provide cover, shade and habitat and improve the natural appearance of the shoreline, consistent with the applicable vegetation management provisions of this master program.
Regulations -- Design

1. When permitted, the siting and design of revetments shall be performed using appropriate engineering principles, including guidelines of the U.S. Soil Conservation Service and the U.S. Army Corps of Engineers.

2. If an armored revetment is employed the following design criteria shall be met:
   a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system and the proposed use;
   b. Filter cloth must be used to aid drainage and help prevent settling; and
   c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from wave action for the anticipated life of the project.

3. The area shall be restored as nearly as possible to preproject condition including replanting with native species and maintenance care until the newly planted vegetation is established. Long-term monitoring of the restoration effort may be required including establishment of a bond to ensure proper functioning of the restoration.
7.06  Bulkheads

**Definition** - Bulkheads are walls usually constructed parallel to the shore whose primary purpose is to contain and prevent the loss of soil caused by erosion or wave action. Bulkheads may also be termed seawalls, however in common usage, the term seawall is generally reserved for more massive public works structures along the open coast. Bulkheads are generally lighter in structure and are either public or private.

They are typically constructed of poured-in-place or precast concrete, steel or aluminum sheet piling, wood or wood and structural steel combinations. Bulkheads may either be thin structures penetrating deep into the ground or more massive structures resting on the surface.

**Exemptions**

The Shoreline Management Act exempts the construction of a normal protective bulkhead common to an existing single family residence from the substantial development permit requirement. However these structures are required to comply with all the policies, prohibitions and development standards of this master program and of this section. To qualify for the RCW 90.58.030(3)(e)(ii) and WAC 173-27-040(2)(c) exemption from the shoreline substantial development permit requirement, and to assure that such bulkheads will be consistent with this program, a statement of exemption should be obtained from the Town before commencing construction of any bulkhead. The Town may require conditions and and/or mitigation measures to be implemented consistent with the issuance of the exemption. In addition, long-term monitoring may be a requirement of exemption.

**Policies**

1. Defense works of natural materials such as protective berms, beach enhancement or vegetative stabilization are strongly preferred over structural defense works, of materials such as steel, wood, or concrete, because the former have less adverse and cumulative impacts on shore features and habitats. Proposals for structural solutions including bulkheads should demonstrate that natural methods are unworkable.

2. Owners of property containing feeder bluffs should generally be discouraged from constructing bulkheads, particularly in areas not already developed or not already subject to shoreline modification.

3. Bulkheads should be located, designed and constructed primarily to prevent damage to existing development and minimize adverse impacts to natural processes. New development requiring bulkheads and/or similar protection may not be permitted.

4. Shoreline uses shall be located in a manner so that bulkheading is not likely to become necessary in the future.
5. Where bulkheading is necessary and appropriate, affected property owners and public agencies should be encouraged to coordinate bulkhead development for an entire drift sector or homogeneous reach in order to avoid exacerbating erosion on adjacent properties.

6. The cumulative effects of allowing bulkheads along segments of shoreline should be evaluated prior to granting individual permits or exemptions.

7. Bulkheads should not be approved as a solution to geohydraulic or geophysical problems such as mass slope failure, sloughing, landslides, etc. caused by factors with an upland origin.

Regulations -- General

1. Bulkhead design and development shall conform to all other applicable state agency policies and regulations including the Department of Fish and Wildlife criteria governing the design of bulkheads.

2. Natural materials and processes such as protective berms, drift logs, brush, beach feeding or vegetative stabilization shall be utilized to the maximum extent possible.

3. The Town shall require and utilize standards found in section 7.01 of this chapter in its review of bulkhead proposals.

4. Bulkheads shall be allowed only when evidence is presented which conclusively demonstrates that one of the following conditions exist:

   a. Serious wave erosion threatens an established use or existing building(s) built prior to 1987 on upland property;

   b. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this master program, PROVIDED that all alternatives have proven infeasible (i.e. use relocation, use design, nonstructural shore stabilization options) and that such bulkheads meet other policies and regulations of this chapter; or

   c. Proposals for bulkheads have first demonstrated that use of natural materials and processes and nonstructural solutions to bank stabilization are unworkable in protecting existing development.

5. Because of their limited durability and the potential hazard to shore users and the shoreline environment, Gabions (wire mesh filled with concrete or rocks) shall
not be used in bulkhead construction where alternatives more consistent with this program are feasible.

6. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit shall be prohibited.

7. Use of a bulkhead to protect a platted lot where no structure presently exists is prohibited.

8. Bulkheads are prohibited for any purpose if they will cause significant erosion or beach starvation.

9. All bulkheads must be in support of an allowable shoreline use that is in conformance with the provisions of this master program unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

Regulations - Location Criteria

1. Bulkheads shall not be located on shores where valuable geohydraulic-hydraulic or biological processes are sensitive to interference and critical to shoreline conservation, such as feeder bluffs, wetlands or accretion shoreforms such as spits, hooks, bars or barrier beaches.

2. Bulkheads are to be permitted only where local physical conditions such as foundation bearing material, surface and subsurface drainage are suitable.

3. On all shorelines, bulkheads shall be located landward of the OHWM, landward of protective berms (artificial or natural) and generally parallel to the natural shoreline. In addition:

   a. On marine accretion beaches, bulkheads shall be set back a minimum of 25 feet landward of the OHWM, and shall parallel the natural shoreline.

   b. On bluff or bank shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the bank as possible and in no case shall be more than 3 feet from the toe of the natural bank.

   c. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that (1) the adjoining bulkheads were built at or near the OHWM and (2) the new bulkhead does not extend more than three feet waterward of OHWM at any point. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with the adjacent bulkhead at or landward of the OHWM and shall be
contoured to minimize the land area waterward of the required setback, which shall be met on the side not abutting an existing bulkhead.

4. Replacement bulkheads may be located immediately in front of and abutting (sharing a common surface) an existing bulkhead provided that replacement bulkheads shall not be authorized abutting an abandoned or neglected bulkhead or a bulkhead in serious disrepair that is located more than three feet waterward of OHWM. Replacement of such bulkheads shall be located at OHWM.

Regulations -- Design

1. Bulkheads shall be sited and designed consistent with appropriate engineering principles.

2. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.

3. Bulkheads shall be designed with the minimum dimensions necessary to adequately protect the development for the expected life of the development.

4. Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of it.

5. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil/materials.

6. Bulkhead design shall include identification and evaluation of alternative measures (including nonstructural) as compared to the proposal that could achieve the same purpose as the proposed action;

7. The Town may require identification and evaluation of the potential impacts to PFC for PTE, based on best available science, prepare by a qualified scientist, and preparation of a long-term monitoring plan, for the life of the proposal; and identification of opportunities for restoration and rehabilitation of PFC for PTE.

8. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.

9. Materials used in bulkhead construction shall meet the following standards:

   a. Bulkheads shall utilize stable, nonerosional, homogeneous materials such as concrete, wood, rock riprap or other suitable materials which will accomplish the desired end with the maximum preservation of natural shoreline characteristics.
b. Beach materials shall not be used for fill behind bulkheads unless it is specifically authorized by the permit and then only when it is demonstrated that leaving the material on the beach would be detrimental to shoreline resources.

10. Fill behind bulkheads shall be limited to an average of one (1) cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.
7.07 Breakwaters, Jetties, Rock Weirs and Groins

Definition - Breakwaters are protective structures usually built off shore to protect harbor areas, moorage, navigation, beaches and bluffs from wave action. Breakwaters may be fixed (e.g., rubble mound or rigid wall), open-pile or floating.

Jetties are structures generally built singly or in pairs perpendicular to the shore at harbor entrances or river mouths to prevent the shoaling or accretion of littoral sand drift. Jetties also protect channels and inlets from storm waves and cross-currents.

Rock weirs and groins are structures built seaward perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, groins may be built in a series along the shore. Jetties are built to prevent accretion in channels and/or inlets while groins preserve and promote accretion to occur along stretches of shoreline.

Policies

1. Design by a registered professional engineer is required because of the complexity of modifying water movement and littoral drift systems that extend well beyond the project boundaries.

2. Breakwaters, jetties and groins should provide public access or multiple use opportunities to increase public use and enjoyment of the shorelines where such access is safely compatible with the structure and use of the structure.

3. To the extent practicable, breakwaters should be open-pile or floating structures anchored in place so as not to impede longshore sand and gravel transport and fish movement or destroy subtidal habitat.

4. Jetties should generally be discouraged because they partially or totally block shore processes, are generally irreversible in nature and often require an ongoing and costly dredging or beach feeding program to alleviate erosion or accretion problems.

5. Rock weirs and groins not designed as part of an overall system approach should generally be discouraged because they purposefully trap and accrete beach forming materials yet erode downdrift beaches or banks which may have adverse effects on other shore resources and users. However, rock weirs or groins may have a beneficial effect when designed as part of a larger planned system intended to minimize the overall need for shore modification activities.

6. Proposals not requiring the use of jetties, breakwaters or groins should be preferred over developments requiring the use of breakwater, jetty or groin structures.
7. Protection of the area's scenic and aesthetic resources should be given serious consideration in the review of proposals for breakwaters, jetties, rock weirs and groins.

8. Jetties and groins should be located, designed and constructed primarily to prevent damage to existing developments. New development requiring such structures should be discouraged.

Regulations -- General

1. The design of breakwaters, jetties, rock weirs and groins shall conform to all applicable requirements established by the Washington Department of Fish and Wildlife and the U.S. Army Corps of Engineers.

2. The Town shall require and use the following information during its review of proposals for breakwaters, jetties, rock weirs and groins:
   a. Purpose of the structure;
   b. Net and seasonal direction and quantities of littoral drift, tidal currents (if any); and
   c. Seasonal wind data and wind rose.

The following additional information is required for groins:
   d. Profile of uplands;
   e. Beach type, slope and materials;
   f. Uplands types, slope and materials;
   g. Soils types (S.C.S.);
   h. Physical or geological stability of uplands; and
   i. Predicted impact on area shore processes, adjacent properties and upland stability.

3. Applicants for groins, jetties and solid breakwaters shall notify, by registered mail, all shoreline landowners within the same drift sector. If it is not possible to make a reasonable determination of the drift sector, all shoreline land owners within 1 (one) mile of the project proposal shall be notified.
4. All breakwaters, jetties, rock weirs and groins must be in support of an allowable shoreline use that is in conformance with the provisions of this Master program unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

Breakwaters

5. Breakwaters shall only be permitted by conditional use for navigational purposes, industrial activities and marinas as an integral component of a harbor, marina or port where water-dependent uses are located seaward of the existing shoreline and where protection from strong wave action is essential.

6. Open-pile or floating breakwaters shall be the only type allowed unless it can be shown that solid breakwaters will have no significant adverse effect on the aquatic biology and shore processes or that such adverse effects can be adequately mitigated.

Jetties, Rock Weirs and Groins

7. Jetties, rock weirs and groins shall only be permitted by conditional use for navigational purposes, industrial activity, marinas, erosion control, fisheries or habitat enhancement and public beach management as integral components of an overall resource management plan.

8. Jetty, rock weir, or groin development which would result in a net adverse impact on adjacent and nearby properties and shorelines shall be prohibited.

9. Groins are prohibited for the purpose of gaining access across tidal areas to deep water unless integral to a public access project.

Regulations -- Design

1. Proposed designs for new or expanded breakwaters, jetties, rock weirs and groins shall be designed and certified by a registered professional engineer.

2. Breakwaters, jetties, rock weirs and groins shall be designed and constructed in a manner which will prevent detrimental impacts on water circulation, sand movement and aquatic life. The design shall also minimize impediments to navigation and to visual access from the shoreline.

3. The design of new breakwaters, groins and jetties shall incorporate provisions for access such as sightseeing and public fishing if it is determined such access is feasible and desirable.
4. Materials used for the construction of breakwaters, jetties, rock weirs and groins shall exhibit the qualities of long-term durability, ease of maintenance and compatibility with local shore features processes and aesthetics. The use of solid waste, junk or abandoned automobiles, asphalt or any building demolition debris is prohibited.

5. Floating breakwaters shall be used in place of solid, rubble mound types wherever they can withstand anticipated wave action in order to maintain sand movement and protect fish and aquatic habitat.

6. The effect of proposed breakwaters, jetties, rock weirs and groins on sand movement shall be evaluated during permit review. The beneficiaries and/or owners of large scale defense works which substantially alter, reduce or block littoral drift and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long term beach feeding program either by artificially transporting sand to the downdrift side of an inlet with jetties or by artificial beach feeding in the case of groins, breakwaters and rock weirs. Long-term monitoring must be an integral component of the beach feeding program.
7.08 Dikes and Levees

Definition - Dikes and levees are manmade earthen embankments utilized for the purpose of flood control, water impoundment projects, or settling basins.

Exemptions

The SMA exempts the operation and maintenance of any system of dikes, ditches, drains or other facilities existing on September 8, 1975 which were created, developed or utilized primarily as a part of an agricultural drainage or diking system from substantial development permit requirements (RCW 90.58.030 (x)). However, the Town requires that the exemption be applied for. The Town may require conditions or mitigations prior to issuing the letter of exemption.

Policies

1. Dikes and levees should be located, designed, constructed and maintained so that they will not cause significant damage to adjacent properties or valuable resources, and so that the physical integrity of the natural shore process is maintained.

2. Dikes and levees should be permitted only when the purpose or primary use being protected is consistent with this program, where there will be no significant impacts to PFC for PTE, and when they can be developed in a manner compatible with the multiple use of the floodway and associated resources, such as wildlife habitat, water quality, aesthetics, recreational resources and public access.

Regulations -- General

1. Dikes and levees shall be designed, constructed and maintained in accordance with Hydraulic Project Approval and in consideration of resource agency recommendations.

2. Dikes and levees shall protect the natural processes and resource values associated with streamways and deltas including but not limited to wildlife habitat.

3. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the protected flood stage as identified in the applicable comprehensive flood control management plan.

4. Dikes and levees shall not be constructed with material dredged from the adjacent wetland or streamway area unless part of a comprehensive flood and habitat plan and then only by conditional use.
5. Public access shall be provided in accordance with public access policies and regulations contained herein. Improved trail systems along diked or leveed shorelines are preferred when public safety can be guaranteed.

6. Dikes and levees shall only be authorized by conditional use permit and shall be consistent with the comprehensive flood control management plan, or if no plan yet exists, with an overall watershed and drainage basin management systems approach.

Regulations - Design

1. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands and drainages.

2. Underground springs and aquifers shall be identified and protected.

3. The outside face of dikes shall be sloped at 1-1/2 to 1 (horizontal to vertical) or flatter and seeded with grass and/or native vegetation. Landscaping and buffer areas may be required.
7.09 Dredging and Dredge Material Disposal

**Definition** - Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any stream, river, lake or marine water body and associated shorelines and wetlands. Dredging is normally done for specific purposes or uses such as for constructing and maintaining canals, navigation channels, turning basins, harbors and marinas, for installing submarine pipelines or cable crossings, or for dike or drainage system repair and maintenance. Dredging may also be used to mine for aggregates such as sand and gravel.

Dredge material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of the byproducts of dredging.

**Exemptions**

Pursuant to WAC 173-27-040, the following actions are exempt from the requirement for a shoreline substantial development permit, but may still require a conditional use or variance permit:

1. Operations, maintenance or construction of canals, waterways, drains, reservoirs or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

2. Operation and maintenance of any system of dikes, ditches, drains or other facilities existing on September 8, 1975 which were created, developed or utilized primarily as part of an agricultural drainage or diking system.

3. Normal maintenance and repair of an existing facility which may include maintaining an existing navigational channel or other dredged facility for the purpose of periodically restoring a previously authorized configuration.

**Policies**

1. Dredging and dredge material disposal should be located and conducted in a manner which minimizes damage to existing ecological values and natural resources of the area to be dredged and of the disposal site.

2. Dredging of bottom materials for the primary purpose of obtaining the material for fill or other purposes is strongly discouraged.
3. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties and values.

4. Dredge material disposal in water bodies should be discouraged, except for habitat improvement or where depositing dredge material on land would be more detrimental to shoreline resources than deposition in water areas.

5. Long range regional plans should be developed for the disposal and use of dredged material particularly in areas where maintenance of navigation channels is routine and continuous. Dredge disposal sites in water areas should be identified in cooperation with the U.S. Army Corps of Engineers, U.S. EPA and the State Departments of Ecology, Natural Resources, Fish and Wildlife.

6. Selection of unconfined, open water disposal sites should follow the process developed in the Puget Sound Dredged Disposal Analysis (PSDDA) and be incorporated into DNR WAC 332-30-166 Open Water Disposal Sites, where applicable.

7. The long-term environmental impact of disposal at open water disposal sites should be monitored by the shoreline management permittee of a site. The permittee should provide for long-term environmental monitoring and any necessary remedies. Periodic reports on site use and environmental impact should be submitted to the local shoreline administrator.

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

9. Dredging and dredge material disposal operations should be periodically reviewed for consistency with the SMP.

10. Dredged material containing chemicals at concentrations high enough to cause significant harm to resident biota should not be placed at unconfined open-water disposal sites.

Regulations -- General

1. Applications for shoreline dredging and dredge material disposal shall provide the following types of information:

   a. Physical, chemical and biological assessment of the proposed dredged material applicable to the particular dredging site. Information needed will vary depending upon:
ii. Existing biological communities or resources in the area;

iii. The possibility of significant sediment contamination; and

iv. The suitability of the proposed dredge disposal site.

b. Specific data to be considered include:

i. Physical - Grain size, clay, silt, sand or gravel as determined by sieve analysis.

ii. Chemical - Including conventional parameters, metals and organics.

iii. Biological - Bioassays useful in determining the suitability of dredged material for a selected disposal option.

c. Dredging volumes, methods, schedule, frequency, hours of operation and procedures;

d. Method of disposal, including the location, size, capacity and physical characteristics of the disposal site, transportation method and routes, hours of operation, schedule;

e. Stability of bedlands adjacent to proposed dredging area;

f. Hydraulic analyses, including tidal fluctuation, current flows, direction and projected impacts. Hydraulic modeling studies are required for large scale, extensive dredging projects, particularly in estuaries, in order to identify existing geohydraulic-hydraulic patterns and probable effects of dredging;

g. Assessment of water quality impacts; and

h. Biological assessment including migratory, seasonal and spawning use areas.

2. In evaluating permit applications for any dredging project, the adverse effects of the initial dredging, subsequent maintenance dredging and dredge disposal that will be necessary shall be considered. Dredging and dredge disposal shall be permitted only where it is demonstrated that the proposed actions will not:

a. Result in significant and/or ongoing damage to water quality, fish, shellfish and other essential marine biological elements; and
b. Adversely alter natural drainage and circulation patterns, currents, and tidal flows or significantly reduce flood water capacities.

3. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.

4. Dredging and dredge disposal shall not occur in marshes, bogs or swamps, except as authorized by conditional use permit provided the wetland does not serve any of the valuable functions of wetlands identified in this master program or during the permit review process including, but not limited to, wildlife habitat and natural drainage functions, and/or enhances the wildlife habitat, natural drainage and/or other valuable functions.

5. Dredging and dredge disposal shall be carefully scheduled to protect biological productivity (e.g. fish runs, spawning, benthic productivity, etc.) and to minimize interference with fishing activities. Dredging activities shall not occur in areas used for commercial fishing (e.g. drift net, crabbing, etc.) during a fishing season unless specifically addressed and mitigated for in the permit.

6. Dredging and dredge disposal shall be prohibited on or in archaeological sites which are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.

Regulations - Dredging

1. Dredging waterward of the ordinary high water mark shall be permitted only:

a. For navigation or navigational access;

b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;

c. As part of an approved habitat improvement project;

d. To improve water quality;

e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist; or
f. To improve water flow and/or manage flooding only when consistent with an approved flood/stormwater comprehensive management plan.

2. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.

3. Dredging shall utilize techniques that cause minimum dispersal and broadcast of bottom material.

4. New dredging activity is prohibited in the following locations:
   a. In estuaries except by conditional use permit;
   b. Along net positive drift sectors and where geohydraulic-hydraulic processes are active and accretion shore forms would be damaged, altered or irretrievably lost;
   c. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity; which result in the need for continual maintenance dredging;
   d. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish or wildlife, including protected, threatened and endangered species (PTE).

5. Dredging for the primary purpose of obtaining material for landfill is prohibited.

6. Dredging to construct canals or small basins for boat moorage or launching, water ski landings or swimming holes is prohibited.

**Regulations -- Dredge Material Disposal**

1. Disposal of dredged material may be accomplished at approved contained upland disposal sites.

2. Individual disposal operations shall comply with Department of Natural Resources leasing practices, Ecology Water Quality Certification process and the U.S. Army Corp. of Engineers permit requirements.

3. Unconfined, open-water disposal of dredged material in Puget Sound shall only occur at sites identified through the process defined in the PSDDA report and incorporated in DNR WAC 332-30-166 Open-Water Disposal Sites.

4. Review of applications for use of a disposal site shall be based upon the criteria and guidelines established in the PSDDA report, where applicable. It shall be the
responsibility of the disposal permittee to assure that disposal of dredged material and management of the disposal site comply with permit conditions and with the PSDDA report, where applicable.

5. Yearly status reports shall be prepared and submitted by the dredge disposal permittee to the local shoreline administrator. The reports shall state the quantity of material dumped, characterize the quality of the material, and review any factors necessary to verify continued compliance with the shoreline permit.

6. Depositing dredge materials in water areas shall be allowed only by conditional use permit for one or more of the following reasons:
   a. For wildlife habitat improvement;
   b. To correct problems of material distribution adversely affecting fish and shellfish resources;
   c. For permitted beach enhancement;
   d. When the alternative of depositing material on land is demonstrated to be more detrimental to shoreline resources than depositing it in water areas; or
   e. In approved open-water disposal site as identified in PSDDA.

7. New in-water disposal sites shall be identified consistent with the following criteria:
   a. The site is in an area protected from significant storms, tidal and submarine currents, stratification and turbulence that would cause shifting and dispersal of dredged material, unless specifically designed and permitted as a dispersal site;
   b. The area is proven to be biologically, chemically and physically degraded by past dredge disposal or other activities, and water quality and biological productivity will not be degraded further;
   c. Disposal will not interfere with geohydraulic-hydraulic processes;
   d. The dredged material has been analyzed by qualified personnel and found to be minimally or nonpolluting;
   e. Dredge disposal will not impede water and tidal current flows or adversely affect flood water flows and capacities;
f. Aquatic life will not be adversely affected; and

g. The site and method of disposal meet all requirements and qualifications of applicable regulatory agencies.

8. Disposal, if allowed in water, shall utilize techniques that cause the least dispersal and broadcast of materials unless specifically designed and approved as a dispersal site.

9. Use of dredge materials for beach enhancement shall be conducted so that:

   a. Except where specifically designed and intended, erosion or deposition adjacent to the disposal site is minimized. Erosion of the dredged material shall not smother marsh or other shallow productive areas.

   b. To the extent possible, the volume and frequency of dredged material disposal maintains a stable beach profile. Dredged material shall be graded at a uniform slope and contoured to reduce cove and peninsula formation and to minimize stranding of juvenile fish.

10. Ocean disposal shall be conducted so that:

    a. The material deposited at a site is compatible with the benthic populations and other uses of the area;

    b. Interference with commercial fishing and other established uses is minimized; and

    c. Disposal is strictly confined to the designated disposal sites.

11. Flow-lane disposal shall be conducted so that:

    a. Disposal shall not occur under freshwater flow and tidal conditions where the predominant sediment transport at a site is up river; and

    b. Use of the disposal site does not interfere with fishing activities by causing major changes in the circulation patterns or bottom configuration of the disposal site.

12. Land disposal sites shall adhere to the following conditions:

    a. Containment dikes and adequate settling basins shall be built and maintained so that the site's discharge water carries a minimum of suspended sediment. Required basins shall be designed to maintain at
least 1 (one) foot of standing water at all times to encourage proper settling;

b. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands and drainages;

c. Runoff water shall be controlled so as to enter a waterway through grassy swales or other treatment features that assures protection of water quality and other environmental resources.

d. Underground springs and aquifers shall be identified and protected;

e. The outside face of dikes shall be sloped at 1-1/2 to 1 (horizontal to vertical) or flatter and seeded with grass and/or native vegetation. Landscaping and buffer areas may be required;

f. Sites shall be adequately screened from view. Dredge disposal in shoreline areas shall not impair scenic views; and

g. Dredge materials deposited upland and not part of a permitted dike or levee shall constitute landfill, and when deposited within the jurisdiction of this master program, shall comply with the landfill regulations.

13. Nearshore or upland disposal of dredge materials shall not be located upon, adversely affect, or diminish:

a. Estuaries, wetlands, or significant plant communities;

b. Prime agricultural land except as enhancement;

c. Natural resources including but not limited to sand and gravel deposits, timber, or natural recreational beaches and waters except for enhancement purposes;

d. Designated or officially recognized wildlife habitat and concentration areas;

e. Water quality, quantity and drainage characteristics; and

f. Public access to shorelines and water bodies.

14. Where required, revegetation of land disposal sites shall occur as soon as possible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species and other compatible plants shall be used.
15. Proposals for disposal in shoreline jurisdiction must show that the site will ultimately be suitable for a use permitted by this master program.

16. Disposal of dredged materials shall occur on the smallest possible land area consistent with the standards above in order to minimize the quantity of land that is disturbed, unless dispersed disposal is authorized as a condition of permit approval (e.g. soil enhancement, etc.).

17. The Town may impose reasonable limitations on dredge disposal operating periods and hours and may require provision for buffer strips at land disposal or transfer sites in order to protect the public safety and other shore users' lawful interests from unnecessary adverse impacts.
7.10 Landfill

**Definition** - Landfill is the placement of soil, sand, rock, gravel, existing sediment or other material (excluding solid waste) to create new land, tideland or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation. Any landfill activity conducted within shoreline jurisdiction must comply with the following provisions.

**Policies**

1. Landfills waterward of OHWM should be allowed only when necessary to facilitate water-dependent, regional transportation, and/or public access uses which are consistent with this master program.

2. Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface water drainage or flood waters which would result in a hazard to adjacent life, property and natural resource systems.

3. In evaluating fill projects, such factors as potential and current public use of the shoreline and water surface area, navigation, water flow and drainage, water quality and habitat should be considered and protected to the maximum extent feasible. Further, the Town should assess the overall value of the landfill site in its present state versus the proposed shoreline use to be created to ensure consistency with the Act and this master program.

4. The perimeter of landfills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time. Natural appearing and self-sustaining control methods are preferred over structural methods.

5. Where permitted, landfills should be the minimum necessary to provide for the proposed use and should be permitted only when tied to a specific development proposal that is permitted by this master program. Speculative landfill activity should be prohibited.

6. Sanitary landfills should not be located in shoreline jurisdiction.

7. Landfills shall include methods to ensure PFC for PTE, including rehabilitation and/or restoration of PFC either at the site of the landfill or at an approved mitigation site.
Regulations -- General

1. Applications for landfill permits shall include the following:
   a. Proposed use of the landfill area;
   b. Physical, chemical and biological characteristics of the fill material;
   c. Source of landfill material;
   d. Method of placement and compaction;
   e. Location of landfill relative to natural and/or existing drainage patterns and wetlands.
   f. Location of the landfill perimeter relative to the OHWM;
   g. Perimeter erosion control or stabilization means; and
   h. Type of surfacing and runoff control devices.

2. Landfill waterward of OHWM or in marshes, bogs and swamps shall be permitted as a conditional use only:
   a. In conjunction with a water-dependent or public use permitted by this master program;
   b. In conjunction with a bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist;
   c. As part of an approved beach restoration project; or
   d. For fisheries, aquaculture, or wildlife habitat enhancement projects.

3. Pile or pier supports shall be utilized whenever feasible in preference to landfills. Landfills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible.

4. Environmental review of proposed landfills shall be accomplished concurrently with review of the intended use, and the threshold determination concerning the need for an environmental impact statement shall be based on this combined project review.
5. Landfill shall be permitted only where it is demonstrated that the proposed action will not:

   a. Result in significant damage to water quality, fish, shellfish and/or wildlife habitat; or

   b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities.

6. Landfills may be permitted only in conjunction with a specific development already permitted by this master program or as proposed (i.e. permit applied for) simultaneously with such development. Speculative landfills are prohibited.

Regulations -- Design and Construction

1. Where landfills are permitted, the landfill shall be the minimum necessary to accommodate the proposed use.

2. Where existing public access is reduced, greater public access as part of the development project shall be provided.

3. Landfills shall be designed, constructed and maintained to prevent, minimize and control all material movement, erosion and sedimentation from the affected area. Perimeters of permitted land fill projects shall be designed and constructed with silt curtains, vegetation buffer areas or other methods and appropriately sloped to prevent erosion and sedimentation both during initial landfill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the landfill. Design shall incorporate use of natural appearing and self sustaining control methods unless they can be demonstrated to be infeasible due to existing environmental conditions such as currents, tides and weather.

4. Fill materials shall be sand, gravel, soil, rock or similar material. Use of polluted dredge spoils, solid waste and sanitary landfill materials are prohibited.

5. Landfills shall be designed to allow surface water penetration into ground water supplies where such conditions existed prior to fill.

6. The timing of landfill construction shall be regulated so as to minimize damage to water quality and aquatic life.

7. Landfill on dry land shall not result in substantial changes to surface water drainage patterns off the project site and onto adjacent properties.
7.11 Piers, Docks, Floats & Buoys

Definition - Piers and docks are structures which abut the shoreline and are used as a landing or moorage place for commercial and pleasure craft. Piers are built on fixed platforms above the water, while docks float upon the water.

Recreational floats are also addressed in this section. These floats are anchored off shore platforms used for water-dependent recreational activities such as swimming and diving.

Exemptions

Docks for private, non commercial pleasure craft, common to a single family residence, and costing less than 2,500 dollars are exempt from the requirement for a shoreline substantial development permit pursuant to RCW 90.58.030(3-e-vii-A) and WAC 173-27-040(2)(h)(i) when in salt water. The Town will review all proposals for piers and docks to determine if:

1. The proposal is or is not exempt from the requirement for a substantial development permit;

2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated; and

3. The proposal is consistent with the intent, policies and regulations of the Act, RCW 90.58.140(1), and this master program.

Policies

1. Multiple use and expansion of existing consistent piers, wharves and docks should be encouraged over the addition and/or proliferation of new facilities. Joint-use facilities are preferred over new single-use piers, docks and floats.

2. The use of mooring buoys should be encouraged in preference to either piers or docks.

3. Piers, docks, floats and mooring buoys should be designed to cause minimum interference with navigable waters and the public's use of the shoreline.

4. Piers, floats and docks should be sited and designed to minimize possible adverse environment impacts, including potential impacts on littoral drift, sand movement, water circulation and quality and fish and wildlife habitat.

5. Piers and docks should allow for a maximum of littoral drift and should minimize interference with basic geohydraulic-hydraulic processes.
6. Pier and dock projects are encouraged to provide for public docking, launching and recreational access.

7. Local programs and coordinated efforts among private and/or public agencies should be initiated to remove or repair failing, hazardous or nonfunctioning piers and docks and restore such facilities and/or shore resources to a natural and/or safe condition.

8. Use of natural nonreflective materials in pier and dock construction should be encouraged. When plastics and other non biodegradable materials are used, precautions should be taken to ensure their containment.

9. The proposed size of the structure and intensity of use or uses of any dock, pier, and/or float should be compatible with the surrounding environment and land and water uses.

Regulations - General

1. Proposals for piers or docks shall include at a minimum the following information:
   a. Description of the proposed structure, including its size, location, design and any shoreline stabilization or other modification required by the project;
   b. Ownership of tidelands, shorelands and/or bedlands;
   c. Proposed location of piers, floats, buoys or docks relative to property lines and OHWM; and
   d. Location width, height and length of piers or docks on adjacent properties within 300 feet.

2. In areas identified as having a high environmental value for shellfish, fish life or wildlife, piers and docks shall not be allowed except where functionally necessary to the propagation, harvesting, testing or experimentation of said marine fisheries or wildlife, unless approved by conditional use permit and only when it can be conclusively established that the dock or pier will not be detrimental to Properly Functioning Conditions (PFC) for (PTE) Protected, Threatened, and Endangered species. natural habitat or species of concern.

3. Piers, floats, buoys and docks shall not significantly interfere with use of navigable waters.
4. The length of piers and docks shall be limited in constricted water bodies to assure navigability and protect public use. Piers and docks may be prohibited where necessary to protect navigation, public use or habitat values.

5. All piers and docks shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe docks and piers shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the Town may, following notice to the owner, abate the structure if the owner fails to do so within ninety days and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.

Regulations -- General Design and Construction Standards

1. Pilings must be structurally sound prior to placement in the water.

2. Piles, floats or other members in direct contact with water shall not be treated or coated with biocides such as paint, or pentachlorophenol. Use of arsenate compounds or creosote treated members is discouraged and shall only used in accordance with the following provisions:
   
a. In freshwater, untreated wood, precast concrete or other nontoxic alternatives shall be used unless the applicant can demonstrate that no feasible alternative to toxic treatments is available which will provide the structural characteristics necessary for the project.

   b. In saltwater areas characterized by significant shellfish populations untreated wood, precast concrete or other nontoxic alternatives shall be used unless the applicant can demonstrate that no feasible alternative to toxic treated wood is available which will provide the structural characteristics necessary for the project. In all cases where toxic treated products are allowed, products, methods of treatment and installations shall be limited to those that are demonstrated as likely to result in the least possible damage to the environment based on current information.

3. No over-water field applications of paint, preservative treatment or other chemical compounds shall be permitted except in accordance with best management practices set forth in the marina section of this master program.

4. Piers shall utilize the minimum number of pilings necessary, favoring large spans on fewer pilings over smaller spans on more pilings.

5. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one (1) foot above extreme high water.
6. All docks shall include stops which serve to keep the floats off the bottom of tidelands at low tide or water level.

7. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base shall be built landward of the ordinary high water mark or protective berms.

8. When plastics or other nonbiodegradable materials are used in float, pier or dock construction, precautions shall be taken to insure their containment.

9. Overhead wiring or plumbing is not permitted on piers or docks.

10. Lighting should be the minimum necessary to locate the dock at night and should focus downward to minimize glare.

11. Grates and other light-permeable materials should be used to prevent shading when docks, piers and floats will be located in areas that support marine vegetation.

Regulations - Joint-Use Community Recreational Piers, Docks and Floats

1. Joint-use facilities are encouraged in-lieu of individual moorage facilities.

2. Proposals for joint-use community piers and docks shall demonstrate and document by contract or covenant that adequate maintenance of the structure and the associated upland area will be provided by identified responsible parties.

3. Recreational floats shall be located as close to the shore as possible. They shall not be located farther waterward than existing floats and established swimming areas.

4. Floats must be built so that the deck surface is 1 foot above the water's surface and they must have reflectors for nighttime visibility.

5. Single property owner recreational floats shall not exceed 64 square feet.

6. Multiple property owners floats shall not exceed 96 square feet.
Regulations - Residential

1. Number
   a. New subdivisions with shoreline frontage shall be required to provide community use docks if any docks are proposed.
   b. For lots existing at the time this program is adopted, no more than one private, non-commercial dock for residential or recreational purposes is permitted for each shoreline lot or parcel or contiguous group of lots or parcels in one ownership.

2. The use of docks shall be required in preference to piers in areas where scenic values are high.

3. Size
   a. **Length:** Maximum length of a pier or dock shall be the minimum necessary to accomplish moorage for the intended boating use and, in tidal waters, shall extend no more than fifteen (15) feet seaward of the minus 6.0 foot mark as referenced from mean lower low water.
   b. **Width:** For private, single use docks, maximum length parallel to shore of the "T" end shall not exceed ten (10) feet. Maximum width of the walkway shall not exceed four (4) feet and eight (8) feet at the immediate landing area deck.
   c. For community piers and docks, maximum width and length will be as determined by the Town on a case-by-case basis.
   d. **Height:** Dock shall not exceed three (3) feet in height above OHWM on the landward side and shall extend above the water surface one 1 foot at all other locations.

4. **Side yard Setbacks:** Docks shall be set back a minimum of ten (10) feet from side property lines, EXCEPT that community piers and docks may be located adjacent to or upon a side property line when mutually agreed to by contract/covenant with the owners of the adjacent property, a copy of which must be recorded with the County Auditor and filed with the application for permit.

5. Density.
   a. Community docks and piers shall include no more than one moorage space per dwelling unit or lot.
CHAPTER 8
DEFINITIONS

8.01 Purpose of Definitions

The following is an expanded list of terms and definitions generally related to shoreline management, and specifically related to the Shoreline Management Act and the Town of Woodway Shoreline Master Program.

8.02 Use of Should, Shall, May

“May” means the action is acceptable, provided it conforms to the provisions of this chapter. “Must” means a mandate; the action is required. “Shall” means a mandate; the action must be done. “Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and the Town of Woodway’s Shoreline Management Program, against taking the action.

8.03 Definitions

As used herein, or in any shoreline permits issued by the Town of Woodway, the following words and phrases shall have the following meanings:

1. **Accessory use** means any structure or use incidental and subordinate to a primary use or development.

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

3. **Act** means the Washington State Shoreline Management Act, chapter 90.58 RCW.

4. **Adaptive management** means the modification of management practices to address changing conditions and new knowledge. Adaptive management is an approach that incorporates monitoring and research to allow projects and activities, including projects designed to produce environmental benefits, to go forward in the face of some uncertainty regarding consequences. The key provision of adaptive management is the responsibility to change adaptively in response to new understanding or information after an action is initiated.

5. **Adjacent lands** means lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The SMA directs local governments to develop land use...
controls (i.e. zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local shoreline master program (see Chapter 90.58.340 RCW).

6. “Administrator” means the Town Planning Director or his/her designee, charged with the responsibility of administering the shoreline master program.

7. “Agriculture, Minor” means non-commercial agricultural occurring on residential lots, such as gardening, small ponds, small scale storage and application of compost or animal manure, and keeping of pets and animals consistent with the Woodway Municipal Code.

8. “Alluvium” means unconsolidated fragmented material deposited by streams in river beds, floodplains, lakes, fans at the foot of mountain slopes and estuaries.

9. “Anadromous fish” means species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea and return to freshwater rivers and streams to procreate.

10. “Applicant” means an individual and/or entity who proposes an activity within the shoreline jurisdiction.

11. “Appurtenance” means a structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and also of the perimeter of any marsh, bog, or swamp. Normal appurtenances include a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty cubic yards [except to construct a conventional drain field] (see WAC 173-27-040(2)(g)).

12. “Aquaculture” means the cultivation of fish, shellfish, and/or other aquatic animals or plants, including the incidental preparation of these products for human use.

13. “Archaeological” means having to do with the scientific study of material remains of past human life and activities.

14. “Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure (WAC 173-27-030(3)).

15. “Aquatic” means pertaining to those areas waterward of the ordinary high-water mark.
16. “**Backshore**” means the accretion or erosion zone, located landward of the line of ordinary high tide, which is normally wetted only by storm tides. It may take the form of a more or less narrow storm berm (ridge of wave heaped sand and/or gravel) under a bluff or it may constitute a broader complex of berms, marshes, meadows, or dunes landward of the line of ordinary high tide. It is part of the littoral drift process along its seaward boundary.

17. "**Bank full width**" means the horizontal projection of bank full depth to the stream bank.

18. “**Beach**” means the zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

19. “**Beach enhancement/restoration**” means the process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

20. “**Beach feeding**” means the process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

21. “**Beach scarp**” means a steep slope produced by wave erosion.

22. “**Benthic organism**” means an organism that live in or on the bottom of a body of water.

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

24. “**Best Available Science (BAS)**” means information derived consistent with the assessment criteria included in WAC 365-195-900 through 925.

25. “**Best Available Technology (BAT)**” means the most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective and preferably low maintenance.

26. “**Bioassays**” are laboratory tests involving exposure of select organisms to a sampling of material to determine the potential for acute or chronic effects from such exposure. Bioassays are typically run on potentially contaminated materials proposed for in-water disposal, however, testing protocols are also available to assess dredged material proposed for upland disposal.

27. “**Biofiltration system**” means a storm water or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize
sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

28. “Biota” means the animals and plants that live in a particular location or region.

29. “Boathouse” means a structure designed for storage of vessels located over water or in upland areas. Boathouses should not be confused with "houseboats".

30. “Boat Launch or Ramp” means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

31. “Breakwater” means an offshore structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.

32. “Buffer area” means a parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife and to afford limited public access.

33. “Bulkhead” means a solid wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

34. “CERCLA” stands for Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"); 1986 amendments are known as Superfund Amendments and Reauthorization Act or SARA.

35. “Channel” means an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels (WAC 173-27-040(2)(e)). See also stream.

36. “Channel Migration Zone (CMZ)” means the lateral extent of likely movement along a stream reach with evidence of active stream channel movement over the past one hundred years. All areas, including areas within the "natural" and "rural conservancy" environments, separated from the natural channel by legally existing structures designed to withstand the 100-year flood shall not be considered within the CMZ. A tributary stream or other hydraulic connection allowing PTE species fish passage draining through a dike or other constricting structure shall be considered part of the CMZ.

37. “Chord diking” is a means of utilizing small dikes or berms setback from the streamway of a river far enough to allow for the natural meandering and side channel formation to occur within the diked off corridor.
38. “Clean Water Act” is the primary federal law providing water pollution prevention and control; previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.

39. “Clearing” means the destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

40. “Coastline” means the line where terrestrial processes give way to marine processes, tidal currents, wind waves, etc.

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

42. “Conditional Use” or a Conditional Use Permit (CUP) is intended to allow for flexibility and the exercise of judgement in the application of regulations in a manner consistent with the policies of the Shoreline Management Act (SMA) and this Master Program. While not prohibited, these uses are an exception to the general rule. Criteria used for judging conditional uses are outlined in Appendix A.

43. “Covered moorage” means a boat moorage, with or without walls, that has a roof to protect the vessel.

44. “Critical Area (Environmentally Sensitive Areas)” means those areas with especially fragile biophysical characteristics and/or with significant environmental resources. These areas include, but are not limited to: unstable bluffs, wildlife habitat, fish breeding, rearing or feeding areas, wetlands, estuaries, and geologic hazards such as landslide and erosion.

45. “Critical saltwater habitats” means kelp beds (members of the brown algal family Laminariales including Alaria marginata, Alaria nana, Alaria tenuifolia, Egregia menziesii, Eisenia arborea, Pterygophora californica, Agarum cribosum, Agarum fimbriatum, Costaria costata, Cymathere triplicata, Hedophyllum sessile, Laminaria spp., Pleurophycus gardneri, Dictyoneuropsis reticulata, Dictyoneurum californicum, Lessioniopsis littoralis, Macrocystis integrifolia, Nereocystis luetkeana and Postelsia plamaeformis), eelgrass beds (Zostera spp.), surf smelt (Hypomesus pretiosus) spawning beds, Pacific herring (Clupea harengus pallasi) spawning beds, Pacific sand lance (Ammodytes hexapterus) spawning beds, rock sole (Lepidopsetta bilineata) spawning beds, rockfish (Sebastes spp.) settlement and nursery areas, and lingcod (Ophiodon elongatus) settlement and nursery areas.

46. “CZMP” stands for Coastal Zone Management Plan.

47. “Degrade” means to scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.
48. “Department” means the state department of ecology.

49. “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3d)).

50. “Developed shorelines” means those shoreline areas that are characterized by existing development or permanent structures located within shoreline jurisdiction.

51. “Development regulations” means the controls placed on development or land uses by the Town of Woodway including, but not limited to the Woodway Municipal Code Zoning chapter, Environmentally Sensitive Areas Chapter, subdivision regulations, Tree Preservation Ordinance, together with any amendments thereto.

52. “DNS” stands for Determination of Nonsignificance, under SEPA.

53. “Dolphin” means a cluster of piles bound together.

54. “Downdrift” means the direction of movement of beach materials.

55. “Dredge spoil” means the material removed by dredging. Same as Dredge Material.

56. “Dredging” means the excavation or displacement of the bottom or shoreline of a water body. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for shellfish harvesting or for cleanup of polluted sediments.

57. “Drift cell,” “drift sector,” or “littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

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

59. “Dune” means a hill or ridge of sand piled up by the wind and/or wave action.

60. “EA” stands for Environmental Assessment, under SEPA/NEPA.
61. “Ecology (WDOE)” means The Washington State Department of Ecology. Use of "Ecology" or "WDOE" is preferred over "DOE" to avoid confusion with the federal Department of Energy.

62. “Ecological functions” or “shoreline functions” means the physical, chemical, and biological processes that contribute to the proper maintenance of the aquatic and terrestrial environments that constitute the shoreline ecosystem. The term "ecological functions" shall include all functions necessary for properly functioning condition for PTE species. Ecological functions relevant to specific shoreline ecological systems within the Town of Woodway include, but are not limited to:

**Riverine:**

- Hydrologic processes: Maintaining a natural range of flow variability, sideflow and overflow channel functions, reducing peak flows and downstream erosion, and helping to maintain base flows.
- Water quality: Temperature; removing excessive nutrients and toxic compounds.
- Dynamic sediment processes: Sediment removal, stabilization, transport, deposition, and providing spawning gravels.
- Habitat for: Proposed, threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline-dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.
- Hyporheic functions: Water quality, water storage, vegetation base, and sediment storage.

**Marine:**

- Water quality: Removing excessive nutrients and toxic compounds.
- Dynamic sediment processes: Sediment removal, stabilization, transport, deposition, and providing spawning gravels.
- Wave attenuation.
- Habitat for: Proposed, threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline-dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.
Wetlands:

- Flood attenuation.
- Water quality: Removing excessive nutrients and toxic compounds.
- Ground water recharge.
- Maintenance of base flows.
- Nutrient filtering.
- Habitat for: proposed, threatened, endangered, and priority species; aquatic and shoreline-dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.

63. “Ecologically altered shorelines” means those shorelines where humans have directly or indirectly modified the vegetation or shoreline configuration in a manner that significantly influences or reduces the natural shoreline functions.

64. “Ecologically intact shorelines” means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation or, in rivers, a natural range of flow variability. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses.

The term "ecologically intact shorelines" applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

65. “Ecosystem-wide processes” means the suite of physical and geologic processes of erosion, transport, and deposition and specific chemical processes (e.g., flocculation) that shape landforms within a specific shoreline ecosystem and determine both the types of habitat that are present and the associated ecological functions and their processes. Ecosystem-wide processes include, but are not limited to:

Riverine fluvial processes: Landform and channel erosion; sediment transport and load in channel and overbank; channel dynamics, including channel gradation and migration; and changes in channel form during flooding.

Tidal wave, and current processes: Wave erosion (including refraction), littoral drift, and tidal erosion and deposition.
Bluff and shoreline erosion processes: including mass wasting events, slide patterns, and feeder bluff processes.


67. “Emergency” means an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2)(d)).

68. “Enhancement” means an alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

69. “Erosion” means the wearing away of land by the action of natural forces.

70. “Estuary” means the zone or area of water in which freshwater and saltwater mingle and water is usually brackish due to daily mixing and layering of fresh and salt water. Estuarine shores are rich in aquatic and other bird and animal life, and in their natural condition are the most productive of all shoreline habitats in terms of the marine food chain.

71. “Exemption” means certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (RCW 90.58.030(3e); WAC 173-27-030(7) and -040).

72. “Extreme low tide” means the lowest line on the land reached by a receding tide (RCW 90.58.030(2a)).

73. “Fair market value” means the expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation and other costs incurred for the duration of the permitted project (WAC 173-27-030(8)).

74. “FCAAP” stands for Flood Control Assistance Account Program.

75. “FCZMA” stands for Federal Coastal Zone Management Act.
76. “Feasible” means, for the purpose of this program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- The action can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results;
- The action provides a reasonable likelihood of achieving its intended purpose; and
- The action does not physically preclude achieving the project's primary intended use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the Town may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. This evaluation shall give special consideration and precedence to protecting PFC for PTE species.

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

78. “Fetch length” means the horizontal distance along open water over which the wind blows and generates waves.

79. “Floating home” is a structure designed and operated substantially as a permanently based over water residence. Floating homes are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semipermanent anchorage/moorage facilities. See also houseboat.

80. “Flood plain” is synonymous with one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon Flood Insurance Regulation Maps (FIRM)

81. “Floodway” means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be
protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on flood regulation ordinance maps or by a reasonable method which meets the objectives of the SMA (RCW 90.58.030(2g); WAC 173-22-030(3)).

82. “Foreshore” means, in general terms, the beach between mean higher high water and mean lower low water.

83. “Forest practices” means any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, precommercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees and brush content.

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

85. “Geotechnical report” or “geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes.

86. “Grading” means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

87. “Grassy Swale” is a vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

88. “Guidelines” are those provisions contained in Chapter 173-16 WAC entitled "Shoreline Management Act Guidelines for Development of Master Programs" as revised. The Guidelines were adopted to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. This state law also provides criteria to local governments and the
Washington State Department of Ecology in developing and amending master programs.

89. “Groin (also referred to as a spur dike or rock weir)” means a barrier-type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials.

90. “Habitat” means the place or type of site where a plant or animal naturally or normally lives and grows.

91. “Height” is the distance measured from the average grade level to the highest point of a structure: Provided, That television antennas, chimneys and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines (or the master program provides otherwise): Provided further, That temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)).

92. “High energy riverine” includes river systems with dry summer/heavy winter flowing, and excludes flash flooding rivers with extreme event channel formation.

93. “Hook” means a split or narrow cape of sand or gravel which turns landward at it's outer end.

94. “Houseboat” means a vessel, principally used as an over water residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring and the presence of adequate self-propulsion and steering equipment to operate as a vessel. Principal use as an over-water residence means occupancy in a single location, for a period exceeding two months in any one calendar year. This definition includes liveaboard vessels.

95. “HPA” stands for Hydraulic Project Approval. The permit issued by the Washington State Departments of Fish and Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW.

96. “Hydric soils” are generally soils which are, or have had a history of being, wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants (WAC 173-22-030(5)).

97. “Hydrophytes” means those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (WAC 173-22-030(5)).

98. “In-kind replacement” means to replace wetlands, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced or degraded by an activity.
99. “In-stream structure” means a structure placed by humans within a stream or river waterward of the bank full width that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

100. “Interested party” is synonymous with "party of record", and means all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-27-110 (WAC 173-27-030(12)).

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

102. “Jetty” means a structure(s) usually projecting out into the sea at the mouth of a river for the purpose of protecting a navigation channel, a harbor or to influence water currents.

103. “Lacustrine (also lacustrian)” means of, on, or pertaining to lakes.

104. “Letter of exemption” means a letter or other official certificate issued by the Town to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act, this chapter, and the applicable master program.

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

106. “Liberal construction” means a legal concept instruction parties interpreting a statute to give an expansive meaning to terms and provisions within the statute. The goal of liberal construction is to give full effect in implementing a statutes requirements. See RCW 90.58.900.

107. “Littoral” means living on, or occurring on, the shore.

108. “Marine” means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries.

109. “Marine travel lift” means a mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.
110. **“Marine railway”** means a set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

111. **“Marshes”** are soft, wet area periodically or continuously flooded to a shallow depth, usually characterized by a particular subclass (monocotyledons) of grasses, cattails and other low plants.

112. **“Marshes, Bogs and Swamps”** are lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. Such lands must have one or more of the following attributes: a) at least periodically, the land supports predominately hydrophytes; and/or b) the substrate is predominately undrained hydric soil (WAC 173-22-030 (5)). See also hydrophyte, hydric soil.

113. **“Mean higher high tide (MHHT)”** means the arithmetic mean of the higher of two daily high tides calculated from the most recent nineteen-year tidal cycle.

114. **“Merchantable trees”** are all live trees 8 inches in diameter at breast height (DBH) and larger unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating nonmarketability. "Merchantable trees" shall not include trees smaller than 4 inches DBH.

115. **“Midden”** means an ancient refuse heap. Since much of what archaeologists have discovered about the past is based on what man has lost or discarded as no longer useful, middens are a very valuable source of material.

116. **“Mitigation”** or **“mitigation sequencing”** means the process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following listed in the order of sequence priority, with (a) of this subsection being top priority:

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations;
- Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
• Monitoring the impact and the compensation projects and taking appropriate corrective measures.

117. “Mooring buoy” means a floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

118. “Mulching” means the addition of organic materials (e.g. woodchips, sawdust, straw, grass clippings, or compost, etc.) to bare soils or in planting beds.

119. “Multi-family dwelling (or residence)” means a building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.

120. “NEPA” stands for *National Environmental Policy Act*. NEPA requires federal agencies to consider environmental factors when making decisions, especially for development proposals of a significant scale. As part of the NEPA process, EISs are prepared and public comment is solicited.

121. “NFIP” stands for National Flood Insurance Program.


123. “Nonconforming development” means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions (WAC 173-27-080(1)).

124. “Nonpoint pollution” means pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

125. “Nonwater-oriented uses” means those uses that are not water-dependent, water-related, or water-enjoyment.

126. “Normal maintenance” means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2)(b)). See also normal repair.

127. “Normal protective bulkhead” means a bulkhead, common to single-family residences, constructed at or near the ordinary high water mark to protect an existing single-family residence, and which sole purpose is for protecting land from erosion, not for the purpose of creating new land (WAC 173-27-040(2)(c)).
128. “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(2)(b)). See also normal maintenance.

129. “OCS” stands for Outer Continental Shelf.

130. “Off-site replacement” means to replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

131. “OHWM, Ordinary High Water Mark” means That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: Provided, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(6).

132. “On-site replacement” means to replace wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted by a regulated activity.

133. “Out-of-kind replacement” means to replace wetlands or other shoreline environmental resources with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

134. “Oil separator” means a specialized catch basins that are designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system. Commonly employed in parking lots and streets.

135. “Perched beach” means a beach or fillet of sand retained above the otherwise normal profile level by a submerged dike or sill.

136. “Percolation” means water seepage through spaces between sediment particles or through porous structures.

137. “Perforated pipe” means a plastic pipe containing an array of holes used to facilitate drainage of otherwise impervious soils.
138. “Periodic” means occurring at regular intervals.

139. “Permitted” means those uses that are preferable and meet the policies of the particular shoreline designation, but because of their dollar value require a Substantial Development Permit (SDP) or any development which materially interferes with the normal public use of the water or shorelines of the state.

140. “Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated (RCW 90.58.030(1d)).

141. “Pocket beach” means an accretion beach which does not depend on littoral drift accretion. It depends on the erosion of immediately adjacent sources. In rare instances a pocket beach may also be a berm beach.

142. “Point” means a low profile shoreline promontory of more or less triangular shape, the top of which extends seaward. A point may be the wavecut shelf remnant of a headland bluff or a purely accretional deposit which began as a hooked spit and became a point by subsequently closing the lagoon gap between the headland and the tip of the hook. Points are characterized by converging berms that normally enclose a lagoon, marsh, or meadow, depending on the point's stage of development.

143. “Port” means any harbor area which is largely devoted to marine commerce, shipping and cargo handling or a special purpose unit of local government created for the purpose of managing port related lands, facilities and activities.

144. “Practicable alternative” means an alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology and logistics in light of overall project purposes. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

145. “Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Important fish or wildlife breeding habitat;
- Important fish or wildlife seasonal ranges;
- Important fish or wildlife movement corridors;
- Rearing and foraging habitat;
- Refugia habitat;
• Limited availability;
• High vulnerability to habitat alteration; or
• Unique or dependent species.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

146. “Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or state-wide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, marine mammal haulouts, shellfish beds, and fish spawning and rearing areas.

Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

147. “Prohibited” means some developments and uses are viewed as inconsistent with the definition, policies or intent of the shoreline environment designation. For the purposes of this program, these uses are not considered appropriate and are not allowed, including by Conditional Use or Variance.

148. “Properly functioning condition” or “PFC” means conditions that create and sustain natural habitat-affecting processes (such as sediment routing, riverine community succession, precipitation runoff patterns, a natural range of flow
variability and channel migration) over the full range of environmental variation and that support productivity at a viable population level of PTE species. The term "properly functioning condition" indicates a level of performance for a subset of the more broadly defined "ecological functions," reflecting what is necessary for the recovery of PTE species.

149. **Proposed, threatened, and endangered species** or **“PTE species”** means those native species that are proposed to be listed or are listed in rule by the Washington state department of fish and wildlife pursuant to RCW 77.12.020 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act, 16 U.S.C. 1533.

150. **“Provisions”** means policies, regulations, standards, guideline criteria or designations.

151. **“Public interest”** means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030(14)).

152. **“RCW”** stands for Revised Code of Washington.

153. **“Reasonable Use”** is determined on a case-by-case basis. A reasonable use results when a strict application of a regulation would destroy one or more of the fundamental attributes of ownership. Relief may be provided by allowing an activity or use that would restore the fundamental attribute.

154. **“Recreational vehicle”** means a vehicle licensed, designed and operated for recreational purposes as temporary living quarters, which has a means of self-propulsion or is readily towable by a car or pickup truck, and is not used as a residence in any one location for extended periods of time (i.e. more than three months).

155. **“Residential development”** means development which is primarily devoted to or designed for use as a dwelling(s).

156. **“Restoration”** or **“ecological restoration”** means the significant upgrading of ecological shoreline functions through measures such as revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.

157. **“Restore”** means to significantly upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments.
158. **“Revetment”** means facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves of currents.

159. **“Riparian”** means of, on, or pertaining to the banks of a river.

160. **“Riparian management zone”** means a specified area alongside a shoreline where specific measures are set out in the Forest Practice Regulations to protect water quality and fish and wildlife habitat. The zone is a minimum of 25 feet wide, measured horizontally from the ordinary high water mark, and can be up to 100 feet wide depending on the width of the stream and the width of the wetland vegetation adjacent to the stream (see WAC 222-30).

161. **“Riprap”** means a layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

162. **“Riverine”** means pertaining to a river system, including associated lakes and wetlands.

163. **“River delta”** means those lands formed as an aggraded feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels (WAC 173-22-030(7)).

164. **“Runoff”** means water that is not absorbed into the soil but rather flows along the ground surface following the topography.

165. **“Salmon and Steelhead Habitats”** means gravel bottomed streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, and cover and refuge from predators and high water; streams, creeks, rivers, estuaries, and shallow areas of saltwater bodies used as migration corridors; and salt water bodies used for rearing, feeding, and refuge from predators and currents.

166. **“Salt tolerant vegetation”** means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand.

167. **“Scarification”** means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

168. **“Seawall”** means a structure separating land and water areas primarily to prevent erosion and other damage by wave action. Generally more massive and capable of resisting greater wave forces than a bulkhead.

169. **“Seaward”** means to or toward the sea.
170. “Sediment” means the fine grained material deposited by water or wind.

171. “Selective timber cutting” means removing individual trees scattered throughout the subject area. The unharvested trees should be as evenly distributed as possible throughout the shoreline area and should be representative of the species and size classes of the preharvest stand.

172. “SEPA (State Environmental Policy Act)” means SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

173. “Setback” means a required open space, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark.

174. “Shorelands” means those areas extending landward for two hundred feet in all directions, as measured on a horizontal plan from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters subject to the Shoreline Management Act (RCW 90.58).

175. “Shoreline areas” and “shoreline jurisdiction” means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

176. “Shoreline environment designations” means the categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

177. “Shoreline fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

178. “Shoreline jurisdiction” means the term describing all of the geographic areas covered by the SMA, related rules and the applicable master program. Also, such areas within a specified local government's authority under the SMA. See definitions of “shorelines”, "shorelines of the state", "shorelines of state-wide significance" and "wetlands, jurisdictional".

179. “Shoreline Master Program (SMP)” means the comprehensive use plan and related use regulations which are used by local governments to administer and enforce the permit system for shoreline management. Master programs must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.
180. “Shoreline permit” means a substantial development, conditional use, revision, or variance permit or any combination thereof (WAC 173-27-030(13)).

181. “Shorelines” means all of the water areas of the state, including reservoirs and their associated shorelands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d). See RCW 90.58.030 (2)(d) and WAC 173-18, 173-20 and 173-22.

182. “Shorelines Hearings Board (SHB)” means a six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA. See RCW 90.58.170; 90.58.180; and WAC 173-27-220.

183. “Shoreline master program” or “master program” means that portion of the comprehensive use plan for the Town of Woodway which includes shoreline goals and policies and this document including use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards.

184. “Shoreline modifications” means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

185. “Shoreline property” means an individual property wholly or partially within shoreline jurisdiction.

186. “Shorelines of state-wide significance” means a select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply. See RCW 90.58.020.

187. “Shorelines of the state” means shorelines and shorelines of state-wide significance.

188. “Sign” means a board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

189. “Significant ecological impact” means an effect or consequence of an action if any of the following apply:
• The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.

• **Scientific evidence or objective analysis indicates that the action could cause reduction or harm to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.**

• Scientific evidence indicates that the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

190. **“Significant vegetation removal”** means the removal or alteration of native trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning or tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

191. **“Single-family residence (SFR)”** means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-27-040(2)(g)).

192. **“Site potential tree height”** means the average height, at age one hundred years, of the tallest mature native tree species that is capable of growing in the soils found at the site and for which height measurements are noted in the soil survey reports published by the natural resource conservation service and other sources. Each local natural resource conservation service field office maintains the surveys for its area.

The site potential tree height will be based on either Douglas fir or western hemlock. For sites that historically supported cottonwoods as the largest tree, the site potential tree height is the average height, at age seventy-five years, of a black cottonwood tree growing under those site conditions.

193. **“Slash”** means the organic debris which is produced by logging operations.

194. **“SMA”** means the Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

195. **“Soil bioengineering”** means an applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

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

197. “Stream” means a naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel (WAC 173-22-030(8)). See also channel and tidal water.

198. “Streamway” means a general term describing the bed and banks of a stream.

199. “Storm water” means that portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

200. “Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (WAC 173-27-030(15)).

201. “Subdivision” means the division or redivision of land, including short subdivision for the purpose of sale, lease or conveyance.

202. “Substantial development” means any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except as specifically exempted pursuant to RCW 90.58.030(3e) and WAC 173-27-040. See also definition of "development" and "exemption".


204. “Substantially degrade” means to cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment if:

- The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or
- The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or
- Scientific evidence indicates that the action may contribute to damage or harm to ecological functions as part of cumulative impacts.
205. “Surge plains” are riverine areas where salt water meets freshwater, extending upstream as far as tidal influence.

206. “Terrestrial” means of or relating to land as distinct from air or water.

207. “Tidal flats” means marshy or muddy areas of the seabed which are covered and uncovered by the rise and fall of tidal water.

208. “Tidal prism” means the volume of water present between mean low and mean high tide.

209. “Tidal range” means the difference in height between consecutive high- and low-tides.

210. “Tidal water” includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream (WAC 173-22-030(9)).

211. “Tidelands” means land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

212. “Tombolo” means a causeway-like accretion spit that connects an offshore rock or island to the main shore, or to another island.

213. “Undrained hydric soils” means those soils which are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants. See WAC 173-22-030(5).

214. “Upland” is generally described as the dry land area above and landward of the OHWM.

215. “Variance” means a means to grant relief from the specific bulk, dimensional or performance standards specified in the applicable master program. Variance permits must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-27-170).

216. “Vessel” means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water (WAC 173-27-030(18)).

217. “WAC” stands for Washington Administrative Code

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

219. **“Water-dependent use”** means a use or portion of a use which cannot exist in a
location that is not adjacent to the water but is dependent on the water by reason of
the intrinsic nature of its operations. Examples of water-dependent uses include
ship cargo terminal loading areas, fishing, ferry and passenger terminals, barge
loading facilities, ship building and dry docking, marinas, aquaculture, float plane
facilities, hydroelectric dams, surface water intake, and sewer outfalls.

220. **“Water-enjoyment use”** means a recreational use or other use that facilitates
public access to the shoreline as a primary characteristic of the use; or a use that
provides for recreational use or aesthetic enjoyment of the shoreline for a
substantial number of people as a general characteristic of the use and which
through location, design, and operation ensures the public's ability to enjoy the
physical and aesthetic qualities of the shoreline. In order to qualify as a water-
enjoyment use, the use must be open to the general public and the shoreline-
oriented space within the project must be devoted to the specific aspects of the use
that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but
are not limited to:

- Parks with activities enhanced by proximity to the water;
- Piers and other improvements that facilitate public access to shorelines of the
  state;
- Restaurants with water views and public access improvements;
- Museums with an orientation to shoreline topics;
- Aquariums;
- Scientific/ecological reserves;
- Resorts with uses open to the public and public access to the shoreline; and any
  combination of those uses listed above.

221. **“Water-oriented use”** means a use that is water-dependent, water-related, or
water-enjoyment, or a combination of such uses.

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

223. **“Water-related use”** means a use or portion of a use which is not intrinsically
dependent on a waterfront location but whose economic viability is dependent upon
a waterfront location because:
• The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

• The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. Water-related uses include manufacturing of ship parts large enough that transportation becomes a significant factor in the product's cost, professional services serving primarily water-dependent uses, and storage of water-transported foods. Other examples of water-related uses include the warehousing of goods transported by water, seafood processing plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and upland log storage for water-borne transportation. In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.

224. “Wave diffraction” means the phenomenon by which wave energy passes around barriers (such as breakwaters and jetties) and through narrow openings to spread into sheltered areas.

225. “Wave direction” means the direction from which waves approach an observer.

226. “Wetlands” means those areas defined in WAC 173-22-030(19) as “mashes, bogs, and swamps”.

227. “Wind rose” means a diagram illustrating the frequency, velocity and direction of wind at a specific location.

228. “Zoning” means to designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.
APPENDIX A
CONDITIONAL USE CRITERIA

Review Criteria for Shoreline Master Program Conditional Use Permits

The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the Town of Woodway Shoreline Master Program in a manner consistent with the policies of RCW 90.58.020: PROVIDED, that conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the Town of Woodway or the Department of Ecology to prevent undesirable effects of the proposed use. Permits for conditional use must be submitted to the Department of Ecology for approval or disapproval.

1. Uses that are classified or set forth in the Shoreline Master Program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

   a. That the proposed use will be consistent with the policies of the Town of Woodway Shoreline Master Program and the policies of RCW 90.58.020;

   b. That the proposed use will not interfere with the normal public use of public shorelines;

   c. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

   d. That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located;

   e. That the public interest suffers no substantial detrimental effect; and

   f. The proposal complies with all other applicable requirements, criteria and standards of the Town, including the zoning, stormwater, clearing and grading, ESA, and tree removal.

2. Other uses which are not classified or set forth in the Town of Woodway Shoreline Master Program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.
3. Uses that are specifically prohibited by the Town of Woodway Shoreline Master Program may not be authorized.

4. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

5. In the granting of all conditional use permits, the applicant will be required to demonstrate that the requested development would not cause significant ecological impacts to properly functioning conditions for T & E species. The applicant will be required to use “Best Available Science” to demonstrate that there will be no impacts.

6. Any conditional use permit granted will be required to include a monitoring component to ensure that there are no significant impacts to T&E species over the life of the project. The monitoring program will be prepared by a qualified consultant and approved by the Town. The Monitoring Program will include provisions that require that on-going monitoring occur at the property owner’s expense. In addition, the Monitoring Program may require establishment of a bond to ensure on-going monitoring or to restore the site to PFC in the event that monitoring indicates significant impacts to T&E species.
APPENDIX B
VARIANCE CRITERIA

Review Criteria for Variance Permits (WAC 173-14-150)

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the Town of Woodway Shoreline Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Shoreline Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020 (Shoreline Management Act).

1. Variance permits should be granted in a circumstance where denial of the application would result in a thwarting of the policy enumerated in Town of Woodway Shoreline Master Program or RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. Any permit for a variance must be submitted to the Department of Ecology for approval or disapproval.

3. Applications for variances where the development authorized by the variance will be located landward of the ordinary high water mark, except within marshes, bogs or swamps, may be approved or approved with conditions or modifications provided the applicant can demonstrate all of the following:

   a. That the strict application of the bulk, dimensional or performance standards set forth in the Town of Woodway SMP precludes or significantly interferes with reasonable use of the property not otherwise prohibited by the SMP.

   b. That the hardship described in 3(a) above is specifically related to the property, and is a result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions.

   c. That the design of the project is compatible with other allowed activities and uses in the area and will not cause adverse effects to adjacent properties or the shoreline environment.

   d. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.

   e. The variance is the minimum necessary to afford relief.
f. The public interest will suffer no substantial detrimental effect.

g. That the applicant has demonstrated, using Best Available Science, that no significant impacts will occur to Properly Functioning Conditions (PFC) for (PTE) Protected, Threatened, and Endangered Species.

4. Applications for variances where the development authorized by the variance will be located either waterward of the ordinary high water mark or within marshes, bogs or swamps, may be approved or approved with conditions or modifications provided the applicant can demonstrate all of the following:

a. That the strict application of the bulk, dimensional or performance standards set forth in this SMP precludes the reasonable use of the property not otherwise prohibited by the SMP;

b. That the proposal is consistent with the criteria established under (3)(b) through (g) of this section; and

c. That the public rights of navigation and use of the shorelines will not be adversely affected.

5. In the granting of all variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted for other developments in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

6. Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather for conditional uses. Such requests shall be evaluated using the criteria set forth in the Town of Woodway Master Program and WAC 173-14-140.