

**ORDINANCE NO. 173**

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING A SHORELINE MASTER PROGRAM FOR THE CITY OF WOODINVILLE, ESTABLISHING AN EFFECTIVE DATE, AND REPEALING ORDINANCE NO. 44.

WHEREAS, the Shoreline Management Act of 1971 (codified at Chapter 90.58 RCW) requires cities and towns with designated shorelines to adopt Shoreline Master Programs to regulate development along said shorelines;

WHEREAS, the City of Woodinville adopted King County's Shoreline Master Program as an interim measure until the City could develop its own program;

WHEREAS, the City has now developed its own Shoreline Master Program;

WHEREAS, certain changes to state laws, including the Growth Management Act, H.B. 1724 and the Department of Ecology's guidelines for Shoreline Master Programs, have been enacted;

WHEREAS, the City has met the provisions of RCW 43.21C, the State Environmental Policy Act;

WHEREAS, a public hearing was held on December 18, 1996, and the Shoreline Master Program has been reviewed in draft form by the Planning Commission, members of the public, adjacent jurisdictions, and relevant State agencies, and their comments considered;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Shoreline Master Program Adopted.** The City Council of the City of Woodinville hereby adopts the Shoreline Master Program, as presented in Attachment A, which is incorporated by reference as if set forth in full.

**Section 2. Ordinance No. 44 Repealed.** Ordinance No. 44, which adopted provisions of King County's Shoreline Master Program and regulations, is hereby repealed.

**Section 3. Savings.** The adoption of the Shoreline Master Program set forth in Attachment A, and the repeal of Ordinance No. 44, shall not affect the regulation and enforcement of Ordinance No. 44, prior to the effective date of this ordinance.

**Section 4. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Copy to DOE. Pursuant to RCW 90.58.090, the City Clerk is directed to send a copy of the Shoreline Master Program to the State Department of Ecology (DOE) for its review and approval.

Section 6. Effective date. This ordinance shall be effective five (5) days after publication of an approved summary consisting of the title of this ordinance, and after DOE's approval.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10TH DAY OF MARCH, 1997.

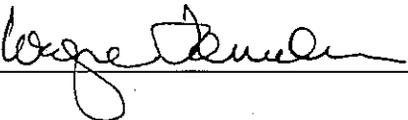
APPROVED:

  
Robert R. Miller, Mayor

ATTEST/AUTHENTICATED:

By:   
James Katica  
City Clerk/Treasurer

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

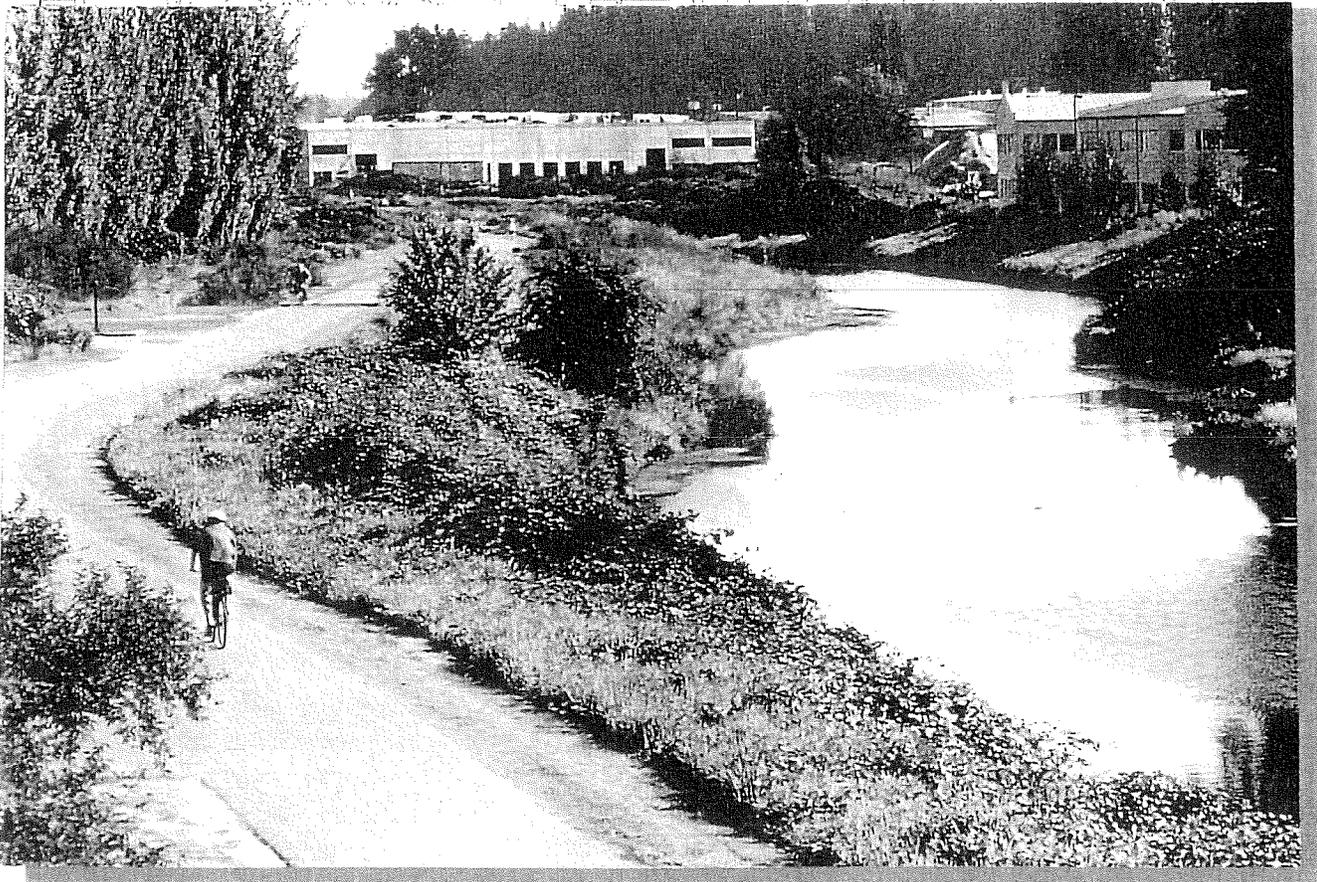
By: 

FILED WITH THE CITY CLERK: 3/10/97  
PASSED BY THE CITY COUNCIL: 3/10/97  
PUBLISHED: 3/17/97  
EFFECTIVE DATE: 3/22/97  
ORDINANCE NO. 173

Adopted by Ord. No 173

City of Woodinville

# Shoreline Master Program



July 1997



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City of Woodinville  
**Shoreline Master Program**

*July 1997*

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## ACKNOWLEDGMENTS

The City of Woodinville is pleased to present this Shoreline Master Program, adopted on March 10, 1997 for the protection, enhancement, and public enjoyment of the Sammamish River and Little Bear Creek. Although the City adopted King County's Shoreline Master Program when it incorporated in 1993, this revised Program is more specific to Woodinville's unique shoreline circumstances, more accurately reflects the goals and aspirations of its citizens, and reflects recent changes in applicable legislation. The City acknowledges the contributions and hard work of the following persons:

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Barbara Solberg

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## CHAPTER 1. INTRODUCTION



# 1. INTRODUCTION

## 1.1 Executive Summary

We are very pleased to present the City of Woodinville's new Shoreline Master Program (SMP). This program incorporates and updates the interim program the City has used since incorporation.

Pursuant to the Washington State Shoreline Management Act and the Growth Management Act, the SMP enables the City of Woodinville to permit and regulate appropriate uses along its shoreline areas and to protect these valuable natural resources. The SMP will be incorporated into the City of Woodinville's Comprehensive Plan as a shorelines element. Shorelines within Woodinville's jurisdiction that are regulated by the SMP include the Sammamish River and a small portion of Little Bear Creek where it joins the Sammamish River.

The SMP is composed of:

- Goals and policies for shoreline activities;
- Descriptions of Shoreline Environments;
- Land Use Matrix of permitted, conditional, and prohibited uses;
- Use regulations for activities within two shoreline environmental designations, defined below:

The Conservancy Environment. This environment is designated by a 100-foot buffer zone on either side of the river extending landward from the ordinary high water mark or the floodway, whichever is greater. Areas within this designation are intended to maintain wildlife and bird life habitat and other natural resources where they currently exist, while at the same time making the areas available for human use, when appropriate and non-destructive. Publicly owned open space and parks are also included in this designation.

The Urban Environment. This environment contains the remainder of land within the shoreline jurisdiction, for a total of 200 feet extending landward from the ordinary high water mark or the floodway, whichever is greater. Areas within this designation are recognized as having either urban uses or containing land appropriate for commercial, residential, or industrial development. The purpose of this environment is to ensure optimum utilization of shorelines within urban areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a variety of urban uses. Preferences are given to water-dependent, water-related, and water-enjoyment uses.

These environmental designations are designed to provide a uniform basis for applying policies and use regulations within the different shoreline areas. They allow the City of Woodinville to protect, conserve, and rehabilitate those shoreline areas needing such treatment, while promoting the development of those areas suitable and desirable for more intensive use. The designations encourage uses that enhance the character of the shoreline environments, and place reasonable standards and restrictions on development to avoid its disruption or destruction.

The SMP also establishes various administrative procedures, including, but not limited to, applications, appeals, boundary amendments, enforcement, and permit fees.

## 1.2 History and Objectives of Shoreline Management in Washington State

The Shoreline Management Act (SMA) was passed by the State of Washington Legislature in May 1971, deferring actual adoption to a vote of the electorate in the November 1972 election. In that election, by an approximate margin of 2 to 1, voters: (1) responded in favor of shoreline management; and (2) chose the legislature's alternative management plan, as opposed to an earlier initiative petition, commonly titled the Shoreline Protection Act. As stated in their Act, it was the Legislature's finding:

*...that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds 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 best 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. ...*

*It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto. ...*

*In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. ...*

*Permitted uses in the shorelines of the state shall be designed and conducted in a manner to: minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. (1971 1st ex.s. c 286 Sec. 2.)*

It is the intent of the City of Woodinville's Shoreline Master Program to be consistent with and to implement the State requirements while accommodating local interests as well. Roles and responsibilities within these requirements are outlined below.

### **1.2.1 Scope**

The Act applies to marine water areas of the State, streams with a mean annual flow greater than 20 cubic feet per second, and lakes larger than 20 acres. In Woodinville, this includes the shoreline of a small portion of Little Bear Creek and the Sammamish River. The City's Shoreline Master Program applies to shorelands extending landward 200 feet from the ordinary high-water mark or floodway, whichever is greater, of these waterways. The City's SMP jurisdiction also includes any biological wetlands if within the 100-year floodplain. See Figure 1 at the end of this Section.

### **1.2.2 Administration**

The SMA established a cooperative program between local government and the State. Local government has the primary responsibility for initiating and administering the regulatory program. The State of Washington Department of Ecology acts primarily in a supportive and review capacity.

### **1.2.3 Permits**

No substantial development shall take place within the Shoreline Master Program's jurisdiction without a permit from the City of Woodinville unless expressly exempted by the Act or other relevant legislation. The State Department of Ecology has adopted rules [Washington Administrative Code (WAC) 173-27] concerning the permit system. Issuance of the permit is to be guided by the local Shoreline Master Program which is prepared and adopted by the City and approved by the Department of Ecology.

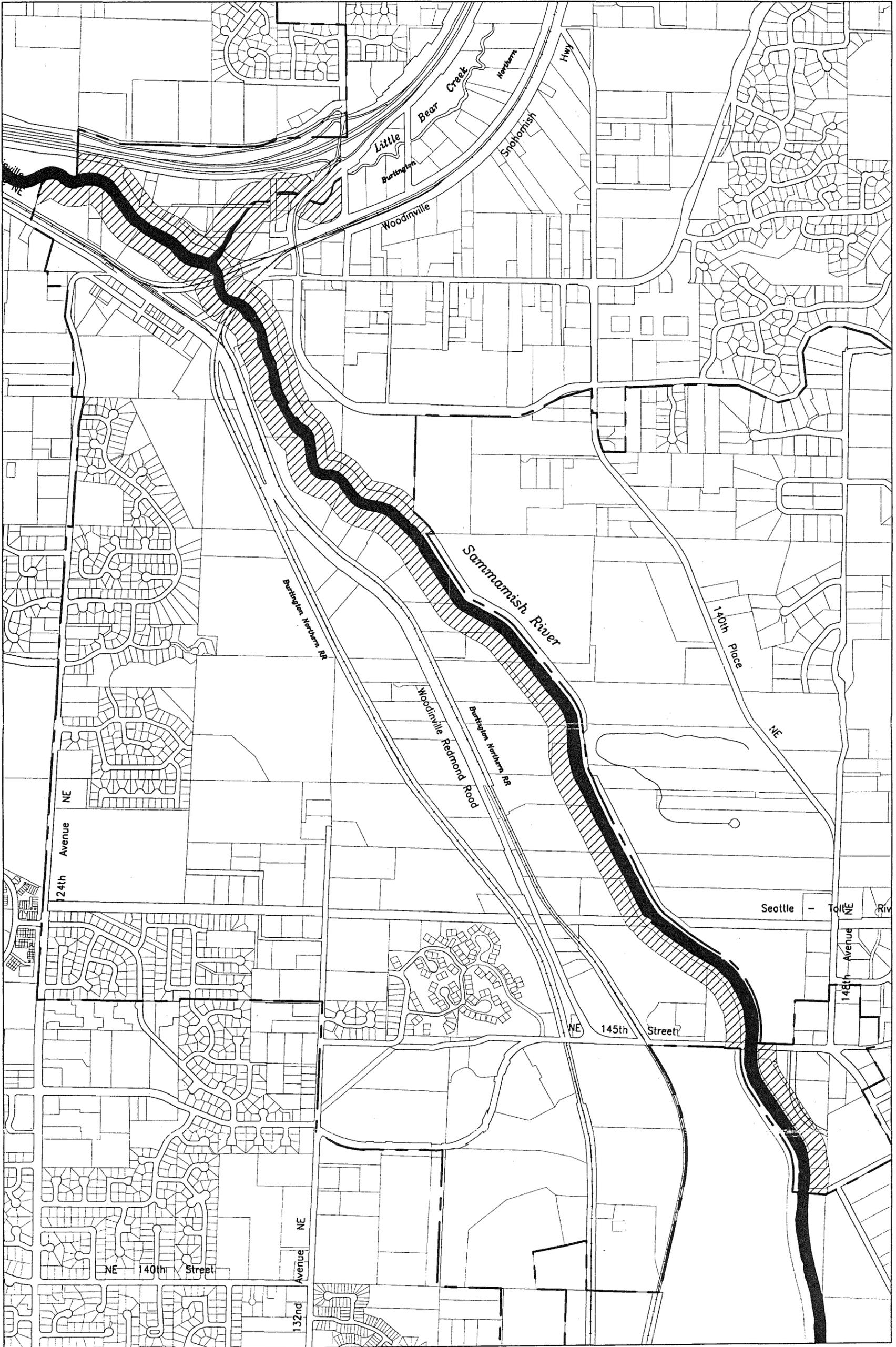
### **1.2.4 Shoreline Hearings Board**

The Act established a six-member Shoreline Hearings Board which may hear appeals on rules, regulations, guidelines, designations, and permits (see Section 90.58.180 of the Act for timelines and procedures). Recent legislation provides that in local jurisdictions planning under the Growth Management Act, which includes the City of Woodinville, appeals of the Department of Ecology's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under Growth Management Act shall be heard by the Growth Management Hearings Board. [Revised Code of Washington (RCW) 36.70A.040]

### **1.2.5 Responsibilities of the City of Woodinville**

In accordance with the provisions of the Shoreline Management Act of 1971, the City of Woodinville has the following responsibilities to implement the Act:

1. Initiate and administer a regulatory program specifically authorizing a person, department, or agency of the City to issue Shoreline Management permits for development on shorelines within the City. The permit system is administratively the responsibility of local government, both for the issuance of a permit and for the enforcement of the permit system.
2. Compile a comprehensive inventory of shorelines in the City. (See Appendix A.)
3. Develop and maintain a Master Program for regulation of uses of the shorelines in the City in accordance with State Department of Ecology guidelines as adopted in the Washington Administrative Code (WAC). The Master Program must include:
  - a. Goals and policies for each element of the Master Program.
  - b. Policy statements for each applicable use or activity.
  - c. Classification of all shorelines with the appropriate environmental designation.
  - d. Use regulations for each applicable use activity and environment.
  - e. Administrative procedures for the processing of permits.



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LEGEND

-  Sammamish River & Little Bear Creek (Entire Floodway)
-  Shoreline Master Program Jurisdiction
-  City Boundary

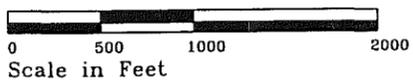


Figure 1  
Shoreline Jurisdiction Area

## 1.3 The Legislative and Legal Framework and Applicability of this Master Program

Since adoption of the Shoreline Management Act (SMA), the State Legislature has taken other actions which affect shoreline management issues.

### 1.3.1 Growth Management Act

The State of Washington adopted the Growth Management Act (GMA) in 1990, requiring certain counties and cities within those counties to prepare comprehensive plans and consistent development regulations, including regulations protecting critical environmental areas as defined by the GMA. The GMA did not supersede the SMA, nor vice versa. However, in 1990, neither act addressed how comprehensive land use plans and shoreline master programs should relate. Fortunately, the two laws have been found to be mostly compatible, although there were different definitions of wetlands and neither acknowledged the existence of the other.

The requirements for critical area protection in GMA clearly affected elements of the City's shorelines, while the consistency requirements of the GMA mandated review of the City's Shoreline Master Program against the Woodinville Comprehensive Plan. The regulatory reform legislation in 1995 clarified the relationship between these two acts and is discussed below.

### 1.3.2 Regulatory Reform

In 1995, both houses of the State Legislature passed several pieces of legislation, commonly known as the Regulatory Reform Act (HB 1724). This act sought to integrate growth management planning, shorelines planning and regulation, and State Environmental Policy Act (SEPA) review to simplify the land use regulatory and appeal processes. Changes by HB 1724 to the GMA, the SMA and the SEPA have not changed substantially the goals and policies of these laws but, rather, have integrated the permitting and approval processes of all of these acts to simplify review at the State and local levels.

Changes have been incorporated into the administrative chapter of this Master Program which are consistent with the direction from HB 1724 as well as other recently passed legislation. The Woodinville Comprehensive Plan has been amended to include Shoreline Master Program goals and policies as a new element of the Woodinville Comprehensive Plan. In the spirit of regulatory reform, and in addition to the changes required by law, the City of Woodinville's Planning Commission has sought to simplify and clarify issues in the City's Master Program to allow easier use by the public.

In summary, the City's Comprehensive Plan provides the broad overview of goals and policies for administration of City laws and programs. The goals and policies of the Shoreline Master Program now are required to be a part of the Woodinville Comprehensive Plan and will be incorporated as a new element entitled Shorelines.

The local Shoreline Master Program must be consistent with the State Shoreline Management Act, adopted Department of Ecology guidelines, and the Woodinville Comprehensive Plan and is intended to be used to implement those documents.

The necessary portions of the Master Program are codified as Title 24 of the Woodinville Municipal Code and apply to all State shoreline areas within the corporate limits of the City of Woodinville. These regulations are generally consistent with other code requirements in the City of Woodinville (such as the Zoning Code), but special shoreline considerations have, in some instances, caused selected standards to be more restrictive to be more protective of the shorelines.

### 1.3.3 Relationship of This Master Program to Other Regulatory Programs

The Shoreline Management Act requires that local governments and other agencies review policies and regulations that apply to adjacent lands, that is lands, under their jurisdiction that are adjacent to shorelines of the State "...so as to achieve a use policy on said land consistent with the..." Act and the SMP. The City's assignment of land use designations and zoning to parcels adjacent to the shoreline jurisdiction must be consistent with Master Program provisions, environmental designations, and maps. (See RCW 90.58.340.) Also, since the Master Program is now a development regulation adopted under the GMA pursuant to the City's Comprehensive Plan, State agencies are required to comply with it. (See RCW 36.70A.103.) The Act clearly applies to private projects on privately owned lands, local government, and State government actions on local or State-owned lands. For specific information, see WAC 173-26-010.

Also, Washington State's Coastal Zone Management Program (CZMP) defines the coastal zone to include all of several counties, among them King and Snohomish. This means that any federal action that may affect the lands, waters, or resources of the coastal zone must be consistent with the CZMP. Federal activities and decisions generally subject to these requirements include: development projects, permits and licenses, grants and loans, and land acquisition and/or management planning decisions.

In addition, King County, Real Property Division, has management responsibilities for the Sammamish River channel. Activities that could affect that responsibility must receive a special use permit from the Real Property Division. For example, any decision by a private property owner to improve the navigability of the river adjacent to his or her property would require such a permit before physical disturbance of the shoreline easement area or the channel could occur. The Real Property Division will circulate for comment any application for such a permit to other appropriate County divisions, such as Surface Water Management, which may also have concerns about the intended action.

### 1.3.4 User's Guide

Central to this Master Program's concepts is the retention of a natural, open appearance of the shorelines and the minimization of any conflict of public or private development that would reduce recreational or aesthetic enjoyment of the shoreline.

The Woodinville Shoreline Master Program is composed of statements of goals and policies for elements or general classes of shoreline activities, policies for more specific use activities, use regulations for these use activities and environments, and

environmental designations for each shoreline area. It is intended to protect, conserve, and rehabilitate those shoreline areas needing such treatment while promoting the development of those areas suitable and desirable for more intensive use.

Certain forms of development or activity occurring within the jurisdiction of the shorelines require permits, termed "substantial development permits" prior to commencement of construction or beginning the activity. Each proposed development of the shorelines requiring a substantial development permit, including shoreline uses or activities not specified in this document, must be evaluated by the City's Shoreline Administrator, and found to be consistent with the goals, policies, environments and use regulations in the Master Program and other items listed in the review sequence below.

1. **Environment Designation Map and Use Criteria** - Is the proposal consistent with the environmental designation (shoreline zone) of the site and use criteria?
2. **Underlying Zoning** - Is the use permitted by the underlying zoning?
3. **Goals and Policies for Elements** - Is the proposal consistent with the spirit and intent of the goals and policies of the Master Program elements?
4. **Policies for Use Activities** - Is the proposal consistent with the spirit and intent of the policies for use activities?
5. **Use Regulations** - Do the elements and design features of the proposal conform to the use regulations (i.e., buffers, setbacks, height, lot coverage, parking, landscaping, etc.)?
6. **Environmental Impact Assessment** - Is the impact of the proposal on the environment itemized and mitigated?

See Chapter 5 for specific administrative procedures for applying for and obtaining a shoreline permit. The above review items are supplemented by the review criteria for the individual approvals, such as conditional use, variance, etc.

Specific permitted and conditional uses and uses not permitted are listed in a matrix for readers to quickly determine what uses are permitted in shoreline areas( see section 4.1.1). Permitted and conditional uses are described and discussed in detail in Chapter 4. The Matrix is not intended as an all-inclusive list of possible uses within the shorelines area. Please refer also to the City's Zoning Code for further listings. Where a conflict may arise, this Master Program shall prevail.



## CHAPTER 2. GENERAL GOALS AND POLICIES



## 2. GENERAL GOALS AND POLICIES

### 2.1 Introduction

The goals and policies presented in this chapter are categorized according to Master Program elements as mandated by the SMA. The first eight elements are identified in the SMA as generic classes of activities for which goals and policies shall be developed and systematically applied to different shoreline uses in these classes, when deemed appropriate by the local jurisdiction. The other elements are encouraged or allowed by the SMA when also identified as appropriate by the local jurisdiction.

The general goal and policy statements found within each element of the Master Program are intended to provide the policy basis for administration of the City of Woodinville Shoreline Master Program.

Each Master Program element and its purpose is described below:

1. Shoreline Use Element for considering:
  - a. The proposed general distribution and general location and extent of the use on shorelines and adjacent land areas, including, but not limited to, housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land. [RCW 98.58.100(2)(e)]
  - b. The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation, and transportation. [WAC 173-16-040(3)(e)(ii)]
2. Economic Development Element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the State. [RCW 90.58.100(2)(a)]
3. Public Access Element making provision for public access to publicly owned areas. [RCW 90.58.100(2)(b)]
4. 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. [RCW 98.58.100(2)(d)]
5. Recreation Element for the preservation and enlargement of recreational opportunities including but not limited to parks, beaches, and recreational areas. [RCW 98.58.100(2)(c)]

6. Conservation Element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, critical areas' functions and values, and vital estuarine areas for fisheries and wildlife protection. [RCW 98.58.100(2)(f)]
7. Historical/Cultural/Scientific/and Educational Element for the protection and restoration of buildings, sites, and areas having historic, archaeological, cultural, scientific, or educational values. [RCW 98.58.100(2)(g)]
8. Flood Control Element for giving consideration to the state-wide interest in the prevention and minimization of flood damages. [RCW 90.58.100(2)(h)]
9. Restoration Element for providing for returning areas to a natural useful condition which are blighted by abandoned and dilapidated structures [WAC 173-16-040(3)(h)] or other environmental deterioration caused by human or natural actions. Such restoration shall be intended as a part of an individual project application which will redevelop the area.
10. Process Element for maintenance of the Master Program and administration of the permit process. [allowed, but not required by WAC 173-16-040(3)(h)]

## 2.2 Shoreline Use Element

The following general goals and policies for Master Program elements shall serve as a new element of the Woodinville Comprehensive Plan. Action shall be taken during the comprehensive amendment process to adopt this new element to be known as Shoreline. This new subsection shall be implemented through the Shoreline Master Program which shall also include the same general goals and policies as the Shoreline element. It is intended that both documents be consistent with each other and with the Washington State Shoreline Management Act, or as may be hereafter amended.

Development proposals requiring a shoreline permit, including shoreline uses or activities not specified in the Master Program, must be found to be consistent with the general goals and policies as adopted in the Woodinville Comprehensive Plan - Shoreline element, and in the Shoreline Master Program by the Shoreline Administrator.

Land use allocations within the different environmental designations along the shorelines of the State within Woodinville's jurisdiction shall be applied in the order of priority listed below in Policy SU-1.1, in accordance with the criteria listed in WAC 173-26-110(3), and considering existing development and the Woodinville Comprehensive Plan land use designation. Shoreline of State-wide significance shall also be governed by the use preferences listed in prioritized order in Policy SU-1.3.

**Goal SU-1: To provide a management system which will plan for and foster all reasonable and appropriate uses [RCW 90.58.020] and provide guidance to property owners for appropriate uses and their locations.**

**Policies**

**SU-1.1**

When assigning environment designations, determining permitted uses within the different designations and use categories, and reviewing individual applications, uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for:

1. Development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. [RCW 90.58.020]
2. Shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to the shorelines of the state.
3. Industrial and commercial developments that are particularly dependent on their location on or use of the shorelines of the State, or which provide significant public access opportunities.
4. Single family residences and their appurtenant structures.

**SU-1.2**

When assigning environmental designations, determining permitted uses within the different designations and use categories, and reviewing individual applications, the City shall consider the carrying capacity of lands involving an intensification of land use.

**SU-1.3**

The City of Woodinville shall, with regard to shorelines of state-wide significance within the City's jurisdiction, give preference (in the following order of preference) to uses that:

1. Recognize and protect the state-wide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long-term over short-term public benefit.
4. Protect the resources and ecology of the shoreline.
5. Increase public access to publicly owned areas of the shorelines.
6. Increase recreational opportunities for the public in the shorelines. [RCW 90.58.020]

**SU-1.4**

Development regulations as contained elsewhere in this Master Program and the Woodinville Municipal Code, including, but not limited to, zoning regulations and building standards shall be applied to all existing and future uses, when a permit for development activity is submitted within the SMP jurisdiction to:

1. Ensure visual access to waterways.
2. Promote interesting development.
3. Prevent encroachment over water.
4. Ensure the implementation of the above policy in permitting uses along shorelines of State-wide significance.
5. Protect the natural resources of the Master Program's jurisdiction.

**SU-1.5** Ensure that all uses on the shoreline will protect and improve water quality by proper design of drainage, sewer connections, and other measures made necessary by particular uses and locations.

**SU-1.6** Ensure that development regulations adequately protect the aesthetic and natural characteristics of the water and shoreline.

**Goal SU-2: To plan for and encourage the location of similar or compatible uses in suitable areas already dedicated to such use.**

**Policies**

**SU-2.1** Encourage maintenance and expansion of existing concentrations of compatible uses through establishment of criteria of suitability for shoreline locations within the City's development regulations and this Master Program.

**Goal SU-3: To plan for and encourage the relocation of those existing uses identified as being inappropriate.**

**Policies**

**SU-3.1** Provide for succession of inappropriate uses by more appropriate uses through its development regulations.

**Goal SU-4: Where appropriate and permitted by law, to establish an open space corridor (an urban separator of a minimum of 100 feet) along the Sammamish River through reservation of easements [RCW 84.34], acquisition of property by the City or other public entity, transfer of development rights, location within otherwise established buffer areas, or other mechanism.**

**Policies**

**SU-4.1** Coordinate the City's Master Program and the Woodinville Comprehensive Plan Parks, Recreation, and Open Space Element, when acquiring park lands.

- SU-4.2** Coordinate the City's Master Program and the Woodinville Comprehensive Plan with King County.

## 2.3 Economic Development Element

**Goal SED-1:** To encourage a multiple-use concept for land used for economic activity to maintain the tax base while providing public access to the shoreline, respecting the natural environment, and preserving or enhancing the quality of life in the community.

### Policies

- SED-1.1** Ensure consistency with the Woodinville Comprehensive Plan's land use designations and urban design criteria so that public purposes can be served compatible with securing a return on private investment.
- SED-1.2** Upland uses designated by the Woodinville Comprehensive Plan on adjacent lands outside of immediate SMP jurisdiction (in accordance with RCW 90.58.340) shall be consistent with the purpose and intent of this Master Program as they affect the shoreline.
- SED-1.3** Develop a means of identifying the additional economic benefit gained by shoreline location.

**Goal SED-2:** To provide for and encourage economic activity and development of water-dependent uses and/or water-related uses in appropriate shoreline locations, which create the most positive impact on the environment and take into consideration the capacities of the area's natural resources, public services, and public facilities.

### Policies

- SED-2.1** Give priority to land uses that give preference to economic activities that either leave natural shoreline features such as trees, grasses, and wildlife habitat unmodified, or that modify them in a way that enhances human awareness and appreciation of the river's or creek's natural functions and beauty.
- SED-2.2** Ensure that industrial and commercial structures and site developments are in harmony with general design criteria to be established for the riverfront and river valley landscape in this Master Program, the Woodinville Comprehensive Plan, and development regulations.
- SED-2.3** Encourage non-water-dependent uses to locate inland, leaving shorelines natural, open, or dedicated to water-dependent uses.

**Goal SED-3: To concentrate intensive economic development dependent on shoreline locations at suitable locations already used for like economic pursuits.**

Policies

- SED-3.1** Water-dependent and water-related economic activities will be given preference in areas where limited commercial and industrial development space along shorelines is in demand for a number of competing uses.
- SED-3.2** Promote industrial or commercial development contiguous to existing business areas relating to the shoreline to avoid scattering such development into new areas.

## 2.4 Public Access Element

**Goal PA-1: To provide for an adequate amount of public access, both physical and visual, to the shorelines as part of a total system, consistent with the Woodinville Comprehensive Plan's Parks, Recreation, and Open Space element, and the needs of other shoreline uses.**

Policies

- PA-1.1** Private development in the river frontage shall provide as much visual and physical access as possible in line with the reasonable needs for privacy.
- PA-1.2** Continue acquisition of land or easements for the public along the Sammamish River in concert with the Woodinville Comprehensive Plan and recreation programs to preserve a visual corridor, increase parklands, and expand trail linkages.
- PA-1.3** Encourage footbridges in areas where both sides of the Sammamish River and Little Bear Creek are related due to economic activities or recreational uses, subject to the permission of all jurisdictional agencies (including, but not limited to the U.S. Army Corps of Engineers, the State Department of Natural Resources, the Department of Ecology, the Department of Fish and Wildlife, and King County).
- PA-1.4** Utilize as many existing public rights-of-way and easements as possible to expand the network of public access to shoreline amenities.
- PA-1.5** Where possible, publicly owned street ends that abut the shoreline should be reclaimed and converted to public access points.
- PA-1.6** Allow controlled public access to water resources for passive recreation, while still protecting the resource.

**Goal PA-2: To ensure that the creation of public access will not endanger life or property, or have adverse effects on fragile natural features.**

Policies

- PA-2.1** Discourage public access that damages the shoreline's natural features on either private or public property.
- PA-2.2** Discourage public access that would endanger life or public or private safety.

## 2.5 Circulation Element

**Goal CIR-1: To plan and develop a balanced, efficient, and visually aesthetic circulation network which is most compatible with the shoreline environment.**

Policies

- CIR-1.1** Circulation facilities are to be designed to meet the following criteria:
1. Functionally acceptable, including safety.
  2. Visually aesthetic amenities for the citizens of Woodinville.
  3. Minimal disruption in access to users on other circulation networks.
  4. The least possible impact to existing ecological systems along the shorelines within the jurisdiction of this Master Program.
  5. Complementary to the economic and recreational usage of shorelines as set forth in this Master Program and the Woodinville Comprehensive Plan.
  6. Buffered with landscaping to reduce impacts.
  7. Encouraged to locate in existing rights-of-way.
- CIR-1.2** Parking areas shall be designed for minimal interference with the 100-year floodplain's hydrologic function, and the shoreline's aesthetic potential, and to minimize degradation of water quality.
- CIR-1.3** Where possible, circulation facilities should be located outside of buffer and conservancy areas.
- CIR-1.4** Whenever feasible, major highways, freeways, and railways should be located away from shorelands [WAC 173-16-060(18)(a)] and allowed only when related to and necessary for the support of permitted shoreline activities.

- CIR-1.5** Roads located in shoreland areas should be designed and maintained to prevent erosion and to permit the natural movement of groundwater. [WAC 173-16-060(18)(b)]
- CIR-1.6** Since land-use and transportation facilities are highly interrelated, the plans for each should be coordinated. The designation of potential high-use areas in the Woodinville Shoreline Master Program should be done after the environmental impact of the transportation facilities needed to serve those areas has been assessed. [WAC 173-16-060(18)(g)]

**Goal CIR -2: To encourage relocation or improvement of circulation elements that are functionally or aesthetically disruptive to the shoreline, public waterfront access, and other shoreline uses.**

**Policies**

- CIR-2.1** Locate land circulation systems, which are not shoreline dependent, as far from the land-water interface as feasible to reduce interference with either natural shoreline resources or other appropriate shoreline uses to avoid creating new barriers between adjacent uplands and the shoreline.
- CIR-2.2** Road locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary. [WAC 173-16-060(18)(d)]
- CIR-2.3** Extensive loops or spurs of old highways with high aesthetic quality should be kept in service as pleasure bypass routes, especially where main highways, paralleling the old highway, must carry large traffic volumes at high speeds. [WAC 173-16-060(18)(f)]  
When existing transportation corridors abandon their original function, they should be reused for water-dependent use or public access and maintained in public ownership.

**Goal CIR-3: To coordinate circulation plans for pedestrian, bicycle, and equestrian access routes connected to the shorelines so that there is minimum conflict between the different users.**

**Policies**

- CIR -3.1** Access by various modes will be controlled by either reducing speeds of vehicles or designing separate ways for fast and slow moving traffic, consistent with the City of Woodinville Comprehensive Plan Transportation Element and Parks, Recreation and Open Space Element. Where compatible, multiple-use corridors are encouraged.
- CIR-3.2** Trail and bicycle paths should be encouraged along shorelines where they are compatible with the natural character, resources, and ecology of the shoreline.

## 2.6 Recreation Element

Goal REC-1: To provide for and increase the amount of shorelines dedicated to passive and active public recreation where the use is consistent with the ability of the site to support such use.

### Policies

- REC-1.1 In providing space for public recreation along Woodinville's shoreline, give primary emphasis to providing for the local recreation needs of Woodinville citizens for swimming, bicycling, horseback riding, fishing, picnicking, and other activities benefiting from shoreline access while recognizing Woodinville's location along existing or planned regional trail systems.
- REC-1.2 Encourage the Counties and State to provide additional shoreline property for public recreation and uses that complements City-owned recreation areas in both a visual and functional way.
- REC-1.3 Develop recreational activity areas that complement the passive natural habitats located along the shoreline and give relief from the more intensive commercial/industrial uses.
- REC-1.4 Coordinate provision of recreational space and uses to be consistent with the Woodinville Comprehensive Plan.
- REC-1.5 Ensure that recreation areas meet the demands of population growth consistent with the carrying capacity of the land and water resources.
- REC-1.6 Give priority to developments that provide recreational uses and other improvements facilitating public access to shorelines.
- REC-1.7 The supply of active or passive recreation facilities shall be compatible with the environment designations [WAC 173-16-060(21)(h)] and should relate to local population characteristics, density, and special activity demands. Provision of active recreation and/or park facilities shall be based on the City-wide parks and recreation level-of-service standards adopted by the City of Woodinville's Comprehensive Plan, Parks and Recreation Element or Parks, Recreation, and Open Space Plan.
- REC-1.8 The City of Woodinville shall consult with State and local health agency guidelines in preparing use regulations for this Master Program [WAC 173-16-060(21)(k)] and in siting new recreation and open space areas.
- REC-1.9 The use of shoreline street ends, utility rights-of-way, and other publicly owned lands for public access and development of recreational opportunities should be encouraged. See Section 4.20 (Transportation Facilities).

**Goal REC-2: To protect for public use and enjoyment areas containing special shoreline recreation qualities that cannot be easily duplicated.**

Policies

- REC-2.1** Identify along the existing shoreline any unique features (views, topography, vegetation, wildlife, etc.) and assign public acquisition priorities to each.
- REC-2.2** Utilize the high-water table and alluvial soil characteristics along Woodinville's shorelines to guide the landscaping of public recreation land; use grasses, shrubs, and trees that thrive in that environment; require minimum maintenance expense; and provide cover, shading, and habitat along the shoreline.
- REC-2.3** Utilize the Sammamish River's characteristics to guide the design of new public parks: e.g., (a) develop groves of trees appropriate to the soil and moisture characteristics of the former floodplain, (b) develop swimming areas that utilize the river's currents and stream-bank characteristics to maximum advantage, (c) develop footpaths that provide viewing access to the habitat without excessive intrusion into those habitats, and (d) ensure that shoreline parks are located in places where they make optimum use of water for recreation purposes.
- REC-2.4** Make use of street ends and other public property for recreational development and access.

## 2.7 Conservation Element

**Goal CON-1: To preserve nonrenewable resources and enhance and/or restore natural resources that make Woodinville shorelines uniquely attractive and valuable to a large ecosystem.**

Policies

- CON-1.1** Protect, preserve, rehabilitate, and, where possible, enhance water and habitat quality in the Sammamish River and Little Bear Creek.
- CON-1.2** Work with other jurisdictional agencies in the region and with the private sector to deal effectively with regional natural environment issues and the maintenance and enhancement of both the Sammamish River, Little Bear Creek, and Tributary 87 as fish habitat.
- CON-1.3** Restore the vegetative cover most appropriate to the Woodinville shoreline for its aesthetic and biological value, selecting plant material that provides feed and cover for birds, fish, and other wildlife as well as an attractive setting for human leisure enjoyment.

- CON-1.4** The City should ensure that development of private upland property maintains sufficient volumes of surface and subsurface drainage into the biological wetland areas associated with the shorelines, to sustain existing vegetation and wildlife habitat. The content and velocity of this drainage should be controlled by design, as required by engineering standards adopted and administered by the City's Department of Public Services, so that properties along the shoreline below will not be adversely affected.
- CON-1.5** Protect features along the shoreline that provide ecological or recreational benefits.
- CON-1.6** Uses or activities that substantially degrade natural resources should not be allowed.
- CON-1.7** Assess the environmental impacts and mitigation of any new development prior to issuance of permits.

**Goal CON-2: To protect the scenic and aesthetic qualities of shorelines to the fullest extent practicable. [RCW 90.58.100(2)(f)]**

Policies

- CON-2.1** Concentrate development on shorelines of least visual or natural value.
- CON-2.2** Require the undergrounding of existing or new utility lines when physically feasible during development or redevelopment of shoreline areas.

## **2.8 Historical/Cultural/Scientific/Educational Element**

**Goal HCSE-1: To protect and restore those aspects, buildings, sites, and areas of shoreline having historic, cultural, scientific, or educational values or significance. [RCW 90.58.100(2)(g)]**

Policies

- HCSE-1.1** The use regulations of this Master Program shall contain development regulations as necessary to encourage a compatible surrounding environment to ensure planning for the preservation of significant archaeological resources, especially Native American sites in river and stream corridors.
- HCSE-1.2** Protect structures culturally or historically significant to the City of Woodinville.
- HCSE-1.3** Educational opportunities should be provided for the public appreciation of shoreline processes and features.
- HCSE-1.4** Restrict access to scientifically significant areas where appropriate for the protection of the resource.

- HCSE-1.5** Require interpretational signage in areas of historic, cultural, or scientific significance, provided it would not endanger the resource.

## 2.9 Flood Hazard Management Element

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 of 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.

**Goal FHM-1: To manage flood waters along the Sammamish River and Little Bear Creek in a manner which reflects and balances City goals and policies for water quality, fish and wildlife habitat, flood hazard management, recreation, aesthetics, and other beneficial uses of the waterways and their shorelines.**

### Policies

- FHM-1.1** Manage flood prone areas and storm and flood waters of the City through the City's Comprehensive Stormwater Management Plan and frequently flooded area regulations in a manner consistent with the Shoreline Management Act and this Master Program.
- FHM-1.2** Work with other cities, King and Snohomish Counties, and State agencies to deal effectively with regional flooding issues.
- FHM-1.3** Control stormwater runoff in a manner which utilizes natural detention, retention, and recharge techniques to the maximum extent possible.
- FHM-1.4** Prohibit any development within the floodplain that would individually or cumulatively increase the base flood elevation beyond one foot and pursue the discontinuation of such uses which now exist in the floodplain as these uses lose their economic life.

## 2.10 Restoration Element

**Goal RES-1: To restore those shoreline areas that are now blighted by abandoned and dilapidated structures or otherwise non-water related uses and encourage the restoration of those shoreline areas to either water-dependent or water-related uses.**

### Policies

- RES-1.1** Develop zoning or other incentives which will make it economically attractive for private capital investment to upgrade shoreline development.

- RES-1.2** Utilize the City's own capital improvement program to develop the basic network of public amenities in shoreline areas which might in turn attract and improve the quality of related private development.
- RES-1.3** Work with the public and any other interested parties to investigate and identify any environmentally sensitive areas within the shorelines jurisdiction which deserve public reclamation, restoration, or preservation and inclusion within the City's open space system.
- RES-1.4** Prioritize those properties identified in accordance with RES-1.3 above as to their value to the City and their vulnerability to degradation or loss. Emphasis should be given to those areas which facilitate the development of uninterrupted natural passageways for wildlife, provide for continuous urban separators between jurisdictions and within the community, or enhance public access to the waterfront.

**Goal RES-2: To upgrade and beautify the shoreline to a level commensurate with its public value.**

Policies

- RES-2.1** Provide regulations for shoreline restoration and beautification which will restore to suitable condition those areas damaged by people's misuse.

## **2.11 Process Element**

**Goal P-1: To provide adequate funding and a process to periodically update the inventory, goals, policies, and use regulations of this Master Program to respond to changing attitudes and conditions and to maintain consistency with the Woodinville Comprehensive Plan.**

Policies

- P-1.1** Provide for annual review and report by staff to the Woodinville Planning Commission and City Council to assess the performance and the need for change in the Master Program, especially with regard to natural resources and critical area protection.
- P-1.2** Citizen participation shall be encouraged in the implementation of this Master Program.

**Goal P-2: To provide a system for shoreline permit processing that is fast and decisive and eliminates unnecessary duplication of effort and jurisdiction, yet ensures complete coordination and review.**

Policies

- P-2.1** Property rights of landowners shall be protected from arbitrary and discriminatory actions.

- P-2.2** Develop administrative procedures which will help the applicant, the City, and other interested parties reach a quick and accurate assessment of a proposed development.
- P-2.3** Work toward a 1-stop permit system both within the City government and between appropriate Federal, State, and local agencies.
- P-2.4** Review of referred related permits (e.g., U.S. Army Corps of Engineer Permits) shall be considered using the criteria set forth herein.
- P-2.5** Reconcile conflicting public policy goals by considering the overall needs of the community including public access, infrastructure requirements, utility corridor alignments and facilities, and natural resource protection.

**Goal P-3: To emphasize long-range shoreline planning and coordination and consistency with the Woodinville Comprehensive Plan.**

**Policies**

- P-3.1** Implement shoreline improvements annually through the City's Capital Facilities Element and Capital Improvement Program processes.
- P-3.2** Provide annual review for consistency with Woodinville's Comprehensive Plan and for achievement of long-term planning goals. See Policy P-1.1 for process.

## CHAPTER 3. SHORELINE ENVIRONMENTS



### 3. SHORELINE ENVIRONMENTS

#### 3.1 Introduction

Woodinville's most significant shorelines comprise a riverine system centered on the Sammamish River, which flows north and west through the City, and a portion of a major tributary to the river, Little Bear Creek, which flows southwest through the western portion of downtown. Existing uses along both shorelines are generally residential, public, private recreation or dedicated open space, or commercial/industrial in nature. Significant business parks have developed along the western shoreline of the Sammamish River in the last decade and are not expected to redevelop during the 20-year planning horizon of the City's adopted Comprehensive Plan.

Given the nature of riverine systems in general and the physical characteristics of Woodinville's shorelines and waterways (see the physical inventory description in Appendix A), commercial or industrial uses that are strictly water-dependent or water-related are not expected to make up a significant portion of the land uses along Woodinville's shorelines.

##### 3.1.1 Use Preferences for Shoreline Environments

In determining the appropriate environment designation, in determining permitted uses within the different designations and use categories, and in reviewing individual applications, the City utilizes the following preferences of land allocations in the following order: (1) uses that protect and enhance natural areas or systems, (2) water-dependent uses, (3) water-related uses, (4) water-enjoyment uses, and (5) non-water-oriented uses. It is not intended that these preferences be interpreted to mean that a proposed use which is not strictly dependent or related to the use of the waterway is barred from a shoreline location (see Shoreline Hearings Board decisions 77-8, 78-20, 82-46, 158, 201, and 240 for examples). Rather, it is understood that shorelines provide a unique location which may benefit private uses, but such uses should not obscure or eliminate the general public's right to shoreline access and enjoyment as articulated in the Shoreline Management Act.

These preferences are further defined as follows:

1st Preference: Uses that protect and enhance natural areas or systems. Such areas contain critical areas as defined by the State Growth Management Act and the City's Critical Area Ordinance or having otherwise significant environmental or aesthetic value for the City of Woodinville and/or the State of Washington.

Critical areas are to be left in their natural state if possible. Where they are unavoidably altered, they shall be replaced elsewhere within the shoreline jurisdiction area in accordance with replacement ratios as described in Section 4.2 of this Master Program.

2nd Preference: Water-dependent uses, defined as a use or portion of a use that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples include, but are not limited to:

1. Boat launching facilities.
2. Shoreline recreation (including canoe launches, fishing, beaches, etc.).
3. Water intake structures.
4. Other uses customarily defined as water-dependent.

3rd Preference: Water-related uses, defined as uses that do not depend on a waterfront location for their existence, but whose economic viability is dependent upon a waterfront location because the use provides a necessary service supportive of water-dependent commercial activities and/or the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include, but are not limited to:

1. Accessory uses necessary to support water-dependent uses (although unlikely in Woodinville).
2. Utility lines serving waterfront uses.
3. Other uses customarily defined as water-related and likely located near a marina area.

4th Preference: Water-enjoyment uses, defined as uses that provide an opportunity for substantial numbers of people to enjoy the shoreline. Examples include, but are not limited to:

1. Primary water-enjoyment uses such as, but not limited to, parks, piers, and other improvements facilitating public access to shorelines of the State.
2. General water-enjoyment uses such as, but not limited to, restaurants, motels, hotels, tourist attractions, scientific/ecological reserves, residential, and mixed-use commercial, provided that such uses facilitate public access to the shoreline as the primary characteristic of the use, or a use 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 the location, design, and operation, ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. 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 foster shoreline enjoyment.

(Please note: The term "water-oriented" includes any water-dependent, water-related, or water-enjoyment use. That is, a water-oriented use includes all of the above.)

5th Preference: Non-water-oriented uses, defined as uses that do not need a waterfront location to operate though they may need easements or utility corridors for access to the water. Examples include, but are not limited to:

1. Utility rights-of-way not serving waterfront uses.

2. Warehouses and staging and storage areas.
3. Power plants.
4. Non-water-oriented retail businesses and commercial uses.
5. Other uses customarily defined as non-water-oriented.

Non-water-oriented uses are not to be allowed future growth on the shorelines of Woodinville unless it can be shown by the applicant that the proposed use will be of appreciable public benefit by increasing public use, enjoyment, or access to the shoreline.

Prohibited uses have no relation to the water and whose operation are intrinsically harmful to the shoreline. Examples include, but are not limited to:

1. Garbage dumps, solid waste disposal sites or transfer sites stations, sewage treatment plants, or pumping facilities.
2. Junkyards, salvage yards or bulk oil storage.
3. Commercial parking lots or structures.
4. Animal slaughterhouses, stockyards, or feedlots.
5. Uses generally harmful to water quality as described in Section 4.3 General Use/Activity Provisions, below.

## 3.2 Description of Environments

The Shoreline Management Act requires:

*Shoreline and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. (RCW 90.58.020)*

The State of Washington Administrative Code [WAC 173-16-040(4)] recommends a system that classifies shorelines into four distinct environments (natural, conservancy, rural, and urban) and that provides the framework for implementing shoreline policies and regulatory measures. The system is designed to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Further, the system is designed to encourage uses in each environment which enhance the character of that environment to permit local governments to place reasonable standards and restrictions on development so that such development does not disrupt or destroy the character of the environment. The shoreline environments are defined as follows:

1. Natural Environment: The natural environment includes land which has unique biologic, geologic and scenic characteristics, where any disturbance would remove permanently the area's capability of providing generally recognized, worthwhile experience for present and future populations.

It is intended to preserve and restore those natural resource systems existing relatively free of human influence.

2. Conservancy Environment: The conservancy environment includes land which has healthy, ongoing biological characteristics that can only be protected by strict regulations.

The objective of the conservancy environment is to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization.

3. Rural Environment: The rural environment includes agricultural lands which have regionally unique soils for agricultural production, areas where it cannot be demonstrated that such land is absolutely needed for urban expansion, and lands more suitable for low density residential development.

It is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas and maintain open spaces and opportunities for recreational uses compatible with agricultural activities.

4. Urban Environment: The urban environment includes areas which show demonstrably clear evidence that the character of the land in association with other urbanization factors, such as adjacent land uses and capital improvements, show the land to serve its highest social value if used for urban purposes.

It is intended to ensure the best utilization for shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

The Woodinville Shoreline Master Program designates two environments – Conservancy and Urban – using the State code guidance [WAC 173-16-040(4)(ii)(iv)] as these are applicable to the characteristics of the shoreline management areas within the City's jurisdiction. These environments are defined below, and shown in Figure 2: Shoreline Environmental Designations at the end of this section. The environmental designations for specific areas along the City's shorelines were based on the following three criteria (WAC 173-26-110 (3)):

1. Existing development patterns,
2. Biophysical capabilities and limitations of the shorelines considered for development, and;
3. The goals and aspirations of the Woodinville citizenry.

## 3.2.1 Conservancy Environment

### 3.2.1.1 Purpose

In the context of Woodinville's Shoreline Master Program, the Conservancy Environment designation is intended to maintain wildlife and bird life habitat and other natural resources where they currently exist, while at the same time making the areas available for limited human use, when appropriate and non-destructive of critical areas. The chief constraints on human uses of land within the Conservancy Environment is that they be non-intensive and non-destructive. Uses allowed there should meet the Shoreline Management Act guideline [WAC 173-16-040(4)(b)(ii)] of being non-consumptive of the physical and biological resources of the area.

The goals and policies set forth in this Master Program indicate recognition of the natural resources which make the Woodinville Shoreline uniquely attractive and valuable to a large ecosystem. The designated Conservancy Environment on the shoreline environment designations map further protects these resources by restricting the kinds of activities to, which the areas may be put.

Typically, appropriate uses in a Conservancy Environment may include, but are not limited to, the following:

1. Uses related to the protection and enhancement of critical areas as defined by the State Growth Management Act or areas otherwise having significant environmental or aesthetic value for the City of Woodinville (this includes, for examples, wetland creation or enhancement, creation of fish resting pools or riffles, or addition of or enhancement of stream-side vegetative cover).
2. Public parks featuring passive recreational pursuits which take advantage of geological, biological, or scenic resources located within them, including:
  - a. Interpretive programs focusing on riverfront foliage, waterfowl, aquatic plants growing in low wet areas, and areas where aquatic organisms important to shoreland life may flourish and be observed without being intruded upon.
  - b. Cultivation of plant and tree species that restore the landscape to a state more representative of its condition before the flood control modifications were made in the 1960s (an arboretum-type of cultivation might best describe this kind of park development).
3. Trail systems that enhance the pleasure of pedestrian, bicycle, and equestrian travel through the conservancy area, while channeling movement so that minimal intrusion would occur into areas of recognized natural resource value:
  - a. Such trails can be designed to use high ground primarily, with occasional diversions close to the river's banks, and resting places and viewpoints that tend to minimize physical intrusion into fragile environmental situations.
  - b. Signs, special vegetation patterns, and occasional unobtrusive fencing would be included among the possible means of effectuating human usage of the Conservancy Environment without spoiling its natural resource base.

4. Structures under public ownership or control that provide enhanced public access to the shoreline generally, and in particular provide opportunities to appreciate the beauty of the river and shoreline area (the number, location, and intensity of use of such facilities would have to be carefully restricted to respect environmental limitations and scenic qualities of the surroundings).

### 3.2.1.2 Designation Criteria

Areas to be designated Conservancy should meet one or more of the following criteria:

1. Publicly owned park lands or privately owned but dedicated open space lands.
2. Areas of high passive recreational value.
3. Areas with extensive or unique historic (including archaeological), scientific, educational, or cultural resources.
4. Areas that provide extensive or unique biological habitat value.
5. Criteria found in WAC 173-26-110 (3) and Section 3.2 of this Program.

### 3.2.1.3 Management Policies

The following policies apply to all Conservancy Environment areas:

1. Critical areas in the Conservancy Environment shall be altered only as a last resort and only when overriding State-wide interests or protection or enhancement of the natural resources require the alteration.
2. Uses within the Conservancy Environment should be compatible with uses and activities in adjacent environments.
3. Preservation of resources in a Conservancy Environment shall have priority over public access recreation and development objectives whenever a conflict exists.
4. Construction of structural shoreline stabilization and flood control works should be minimized in the Conservancy Environment.

## 3.2.2 Urban Environment

### 3.2.2.1 Purpose

Areas within the Urban Environment designation are recognized as having either existing urban uses or containing land appropriate for commercial, residential, or industrial development. The purpose of this environment is to ensure optimum utilization of shorelines within urban areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a variety of urban uses [WAC 173-16-040(4)(b)(iv)], with preference given to water-dependent, water-related, and water-enjoyment uses. (See the discussion in earlier in this chapter for further information on water-oriented uses.)

Critical areas as defined by the Growth Management Act may exist within or intrude into Urban Environment designated areas within the Shoreline Master Program jurisdiction. Individual properties containing such areas may be restricted by Master Program policies or regulations to a lower density or intensity than indicated by this designation, or underlying Woodinville Comprehensive Plan land use designations or zoning districts. Property owners or potential buyers should be aware of the potential for the existence of such areas by consulting critical area maps, which can be obtained from the City Department of Planning and Community Development. Such maps, however, may not show all existing critical areas. Further study may be required at the time of development to actually establish the presence or extent of the physical characteristics associated within any individual parcel.

Examples of urban uses including, but not limited to, residential, commercial, or industrial uses, which may be consistent with the intent of this designation are:

1. Water intake structures.
2. Shoreline recreation (canoe/boat launches).
3. Water-enjoyment uses such as restaurants, motels, hotels, and other water-oriented commercial uses.
4. Accessory uses necessary to support water-dependent use.
5. Utility lines serving waterfront uses.
6. Single-family and multi-family dwellings.
7. Parks.
8. Industrial developments.
9. Improvements facilitating public access to shorelines of the state.
10. Restaurants.

11. Tourist attractions.
12. Scientific/ecological reserves.
13. Mixed-use commercial.

### **3.2.2.2 Designation Criteria**

Areas to be designated Urban environment should be currently used or designated by the Woodinville Comprehensive Plan for high-intensity residential, commercial, industrial, recreational, or other urban use development. The Urban designation was also based on the three criteria found in WAC 173-26-110(3) and discussed in further detail in Section 3.2.

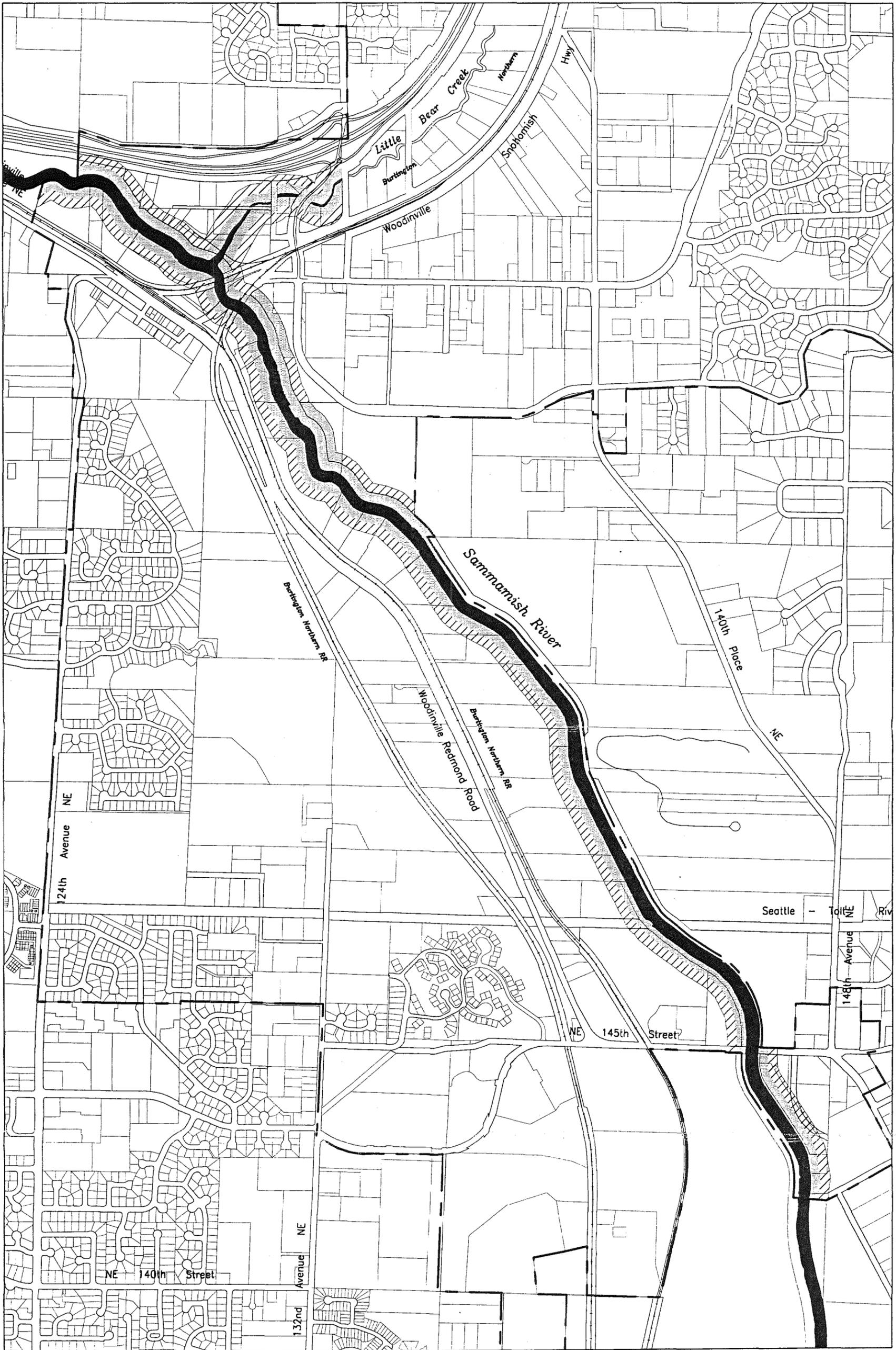
### **3.2.2.3 Management Policies**

Development proposals to intensify present land use within the Urban Environment shall meet the following criteria:

1. Compatibility with the goals, policies, and use regulations set forth in this Master Program.
2. Public disclosure of the impact assessment of a particular development prior to any City decision to allow such development.

### **3.2.3 Conclusion**

Chapter 4 (Use and Activity Definitions and Regulations) lists the specific use activities which are permitted outright or conditionally in each environment; it also indicates the dimensional and performance standards for each of the use activities, which are essential to control development so that it is compatible with the environment within which it is located. It is the policy of this Master Program and the Woodinville Comprehensive Plan to encourage the concentration of urban land uses in areas with minimal environmental constraints to reduce the amount and/or rate of urban intrusion into natural areas.



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LEGEND

-  Sammamish River & Little Bear Creek (Entire Floodway)
-  City Boundary
-  Conservancy
-  Urban



0 500 1000 2000  
Scale in Feet

Figure 2  
Shoreline Environmental Designations

## CHAPTER 4. USE AND ACTIVITY DEFINITIONS AND REGULATIONS



## 4. USE AND ACTIVITY DEFINITIONS AND REGULATIONS

### 4.1 Introduction

The uses and activities presented in each of the following sections of this chapter are a bridge between the more general goals and policies for Master Program elements given in Chapter 2. The use activities selectively paraphrase or expand upon the guidelines set forth in the Washington Administrative Code (WAC 173-16-060). They have been modified, in some instances, to fit the City of Woodinville's particular situation.

The preceding chapters on general goals and policies and environments established general concepts to guide private and public development along Woodinville's Shoreline. The City's Zoning Ordinance legally regulates the kinds of uses permitted along the shoreline as well as in other parts of the City. However, the scope of the Shoreline Management Act requires that the City apply even more specific controls to development within the shoreline jurisdiction areas. These regulations are set forth in this chapter and are intended to implement the previously articulated general concepts. See Appendix B, Glossary, for the definition of "Development".

Development proposals requiring a substantial development permit, including shoreline uses or activities not specified in this document, must be consistent with these use policies and regulations, the general goals and policies, and environment designations on which they are founded by the Shoreline Administrator or the appropriate hearing body. Exceptions to the regulations can be allowed only when a development proposal meets conditions required in the administrative provisions set forth in Chapter 5. Shoreline permit exemptions for those proposals which do not meet the substantial development criteria, as defined in RCW 90.58.030 (3)(e)(i-xii) and WAC 173-27-040, will be adhered to by this SMP.

According to the Shoreline Management Act, a proposal requiring a permit is one which constitutes a substantial development. This is defined as:

*Any development of which the total cost, or fair market value, exceeds two thousand five hundred dollars (\$2,500), or any development which materially interferes with the normal public use of the water or shorelines of the state except that the following shall not be considered substantial developments for the purpose of this chapter:*

- (i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;*
- (ii) Construction of the normal protective bulkhead, common to single family residences;*
- (iii) Emergency construction necessary to protect property from damage by the elements;*
- (iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels. (A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or*

- vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations);
- (v) Construction or modification of navigational aids such as channel markers and anchor buoys;
  - (vi) Construction on shorelands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;
  - (vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of single or multiple-family residences. This applies if, in fresh waters, the fair market value of the dock does not exceed ten thousand dollars. If subsequent construction on the dock occurs within five years of completion of the prior construction and exceeds two thousand five hundred dollars, the subsequent construction shall require a substantial development permit;
  - (viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
  - (ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
  - (x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;
  - (xi) Any project with a certification from the governor, pursuant to RCW 80.50;
  - (xii) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if: a) the activity does not interfere with the normal public use of the surface waters; b) the activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitats, water quality, and aesthetic values; c) the activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity; d) a private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and e) the activity is not subject to the permit requirements of RCW 90.58.550;
  - (xiii) Removal or control of aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies;
  - (xiv) Public or private watershed restoration projects consistent with this Shoreline Master Program and pursuant to WAC 173-27-040(2)(o); and

- (xv) *A public or private project that improves fish or wildlife habitat or fish passage pursuant to WAC 173-27-040(2)(p). [WAC 173-27-040(2)]*

Shoreline development may therefore be deemed substantial by either a monetary measurement or a local decision that normal public use of the water or shoreline might be obstructed.

The use regulations within different shoreline environments are supplementary to, and in some cases, supersede the City's existing development codes. These interlocking development regulations are intended to make shoreline development responsive to specific design opportunities along the waterways and to maintain the public's interest in their recreational and aesthetic values. It is also the City's goal, as articulated in the Urban Design Element of the Woodinville Comprehensive Plan, to achieve a sense of harmony among the built, natural, and cultural environments through the application of design principles to individual buildings, residential, commercial, and industrial districts, and the City as a whole.

A particular land area within the City's shoreline management boundaries will therefore be governed by: (1) the Woodinville Comprehensive Plan land use designation; (2) the underlying zoning designation of the area; (3) the shoreline environment designation; (4) shoreline activity and use goals, policies, and regulations in the Shoreline Master Program; and (5) the discretion of the Shoreline Administrator in interpreting flexible areas of the Master Program. There may be certain instances where the underlying zone established in the zoning ordinance may be modified by a shoreline use regulation. This can be achieved where a density, height, or side yard bonus might be approved in exchange for shoreline development which provides more than the ordinary public amenity, shoreline access, or scenic view enhancement, consistent with the goals and objectives of the Master Program.

The following use matrix and regulations should therefore be viewed as supplementing the other development regulations which already apply to areas along Woodinville's shorelines. They should also be viewed as intending to allow all reasonable and appropriate uses, consistent with the Shoreline Management Act, while imposing only the regulatory control necessary to ensure preservation of the integrity of the natural systems and the public health, safety, welfare, and trust within the shoreline jurisdiction. A Shoreline Use, Activity, and Environment compatibility matrix is included below to aid in distinguishing for the reader various uses and activities and the environments in which they are permitted, conditional, or prohibited.

4.1.1 Shoreline Use Matrix

USES	ENVIRONMENTAL DESIGNATIONS		NOTES
	Conservancy	Urban	
<b>General Section</b>			
Critical Area Protection/Enhance	P	P	
Discharges of sewage, waste, rubbish, litter, marine toilets	N	N	
Disposal of fuels, cleansers, lubricants, hydraulic fluid, or other possible toxic substances	N	N	
<i>Agriculture</i>			<i>Not Applicable to Woodinville</i>
<i>Aquaculture</i>			<i>Not Applicable to Woodinville</i>
<i>Forest Management</i>			<i>Not Applicable to Woodinville</i>
<b>Commercial Development</b>			
Boat Launches	P	P	
Water-Related Primary Uses	C	P	
Water-Related Accessory Uses (when with primary use)	P	P	
Water Enjoyment Uses	C	P	
Offices	N	P	
Restaurants	N	P	+Other water-enjoyment uses
Motels/Hotels	N	P	+Other water-enjoyment uses
Mixed-Use Commercial Development	N	P	+Other water-enjoyment uses
Commercial Recreation	N	P	
Nurseries	N	P	
<b>Legend</b>			Any uses which meet the definition of substantial development but are not specified in this table shall require a conditional use permit - see Section 4.3(2).
P = Permitted Use			
C = Conditional Use			
N = Non-Permitted (Prohibited) Use			

Shoreline Use Matrix (continued)

USES	ENVIRONMENTAL DESIGNATIONS		NOTES
	Conservancy	Urban	
Commercial Parking Lots	N	N	
Parking (accessory)	N	N	
<b>Mining</b>			<i>Not Applicable to Woodinville</i>
<b>Outdoor Advertising, Signs and Billboards</b>			
On-premise, attached commercial signs	N	P	
Non-commercial and/or public	C	P	
On-premise, free-standing commercial signs	N	P*	* See regulations in Section 4.9.2.
Off-premise commercial signs	N	N	
<b>Residential Development</b>			
Over-water residential development	N	N	
Attached and detached single family	N	P	
Multi-family/Condo. Units	N	P	
Boarding/Rooming houses and dormitories	N	P	
Residential subdivisions	N	P*	*One acre min/lot size
Joint Use Docks	C	P	
Residence accessory to public/private parkland	C	P	
<b>Utilities (see definitions for accessory (A) and primary (P) utilities)</b>			
Service Lines (A)	P	P	
Regional/Trunk Lines (P)	N	C	
Light Poles (A)	C	P	
High-tension transmission/ Distribution lines and facilities (Power Plants) (P)	N	C*	*Only where infeasible to locate upland of shoreline area
Water Treatment Plants (P)	N	C	
Intake Valves (A)	P	P	
Transfer sites/Stations (P)	N	N	
Sewage/Waste treatment (P)	N	N	
New pumping stations	N	N	
<b>Legend</b>			Any uses which meet the definition of substantial development but are not specified in this table shall require a conditional use permit - see Section 4.3(2).
P = Permitted Use			
C = Conditional Use			
N = Non-Permitted (Prohibited) Use			

Shoreline Use Matrix (continued)

USES	ENVIRONMENTAL DESIGNATIONS		NOTES
	Conservancy	Urban	
Stormwater discharge pipes	P	P	
Expansion/Repair of existing pumping stations	C*	C*	*Only that necessary to meet needs of existing system
Natural gas distribution (P)	C	C	
Natural gas storage (P)	N	N	
Critical Facilities (21.06.138)	N	P*	*Prohibited within 100-year floodplain area of shoreline jurisdiction
<b>Industry</b>			
Junk/Salvage yards	N	N	
Hazardous Waste Treatments	N	N	
R&D industries	N	P	
Light manufacturing*	N	P	*See definition in section 4.12 for list of actual types of uses
Warehousing	N	N *	*Except where allowed as incidental to a primary use
Staging/Storage Areas	N	N *	*Except where allowed as incidental to a primary use
Bulkheads	C	C	
Breakwaters			Not Applicable to Woodinville
Jetties/Groins			Not Applicable to Woodinville
<b>Shoreline Fills</b>			
for construction of otherwise permitted uses	C*+	P*	*Except in critical areas +For improvements to recreational uses, public access, adverse environmental situations, & drainage design
within critical areas	N	C	
Solid Waste Disposal	N	N	
Dredging	C	C	
<b>Shoreline Protection</b>			
Replanting	P	P	
Bank Stabilization	C	C	
Riprap	C	C	
New Dikes/Levees	C*	C*	*Subject to policies and general regulations in Section 4.19
<b>Legend</b>			Any uses which meet the definition of substantial development but are not specified in this table shall require a conditional use permit - see Section 4.3(2).
P = Permitted Use			
C = Conditional Use			
N = Non-Permitted (Prohibited) Use			

Shoreline Use Matrix (continued)

USES	ENVIRONMENTAL DESIGNATIONS		NOTES
	Conservancy	Urban	
<b>Transportation Facilities (*only if meeting conditions as listed)</b>			
Minor Arterials	C*	P	* See conditions as defined in Section 4.20.2.5.j
Principal Arterials or Collectors	N	P	
Neighborhood or Local Access	C*	P	* See conditions as defined in Section 4.20.2.5.j
Bridges/Tunnels for Streets and Highways	C	C	
Railroad Bridges/Tunnels	C*	C	*Only as required to cross a river or stream
Pedestrian, Bicycle, Equestrian Trails	P	P	
Highways and Freeways	N	C*	* See conditions as defined in Section 4.20.3.2
<b>Piers and Docks</b>			
Docks accessory to residential	C	P	
Docks for excursion/pleasure boat access to commercial activities	C	P	
Piers	N	N	
<b>Marinas and Other Boating Facilities</b>			
<u>Boat Sheds</u>	P*	P*	*Must be located 100 feet landward of the ordinary high water mark
<b>Recreation</b>			
Boat/Canoe Launching	P	P	
Fishing locations	C	P	
Bicycle Paths	P	P	
Pedestrian Paths	P	P	
Equestrian Paths	P	P	
Parks (Active, Passive, Open Space)	P*	P	*Passive only
Parking (only as accessory to principal permitted use)	P*	P*	*Must be located 100 feet landward of the ordinary high-water mark
Commercial Recreation (rentals)	N	P	
Non-motorized bridges	P	P	
Urban Garden Plots	N	P	
<b>Legend</b>			Any uses which meet the definition of substantial development but are not specified in this table shall require a conditional use permit - see Section 4.3(2).
P = Permitted Use			
C = Conditional Use			
N = Non-Permitted (Prohibited) Use			

## 4.2 Critical Areas

### 4.2.1 Definition

The term "critical areas" applies to those areas defined by the Growth Management Act, or "sensitive areas" as defined by the Woodinville Municipal Code, Section 21.06.543, and includes: wetlands, geological hazard areas, aquifer protection areas, wildlife conservation areas, and frequently flooded areas, or as may hereafter be amended.

### 4.2.2 Applicability

The following critical area policies and regulations apply in all environments and to all uses and/or activities within the shoreline jurisdiction area which would alter a critical area.

### 4.2.3 Minimum Requirements

The following requirements are the minimum necessary to protect and preserve the natural functions of the critical areas present based on review of the best available scientific literature and are consistent with or exceed adjacent County regulations as required by the Woodinville Comprehensive Plan. In the event of a conflict between any of the following regulations and any other provision of the Master Program, the regulation most protective of the critical area present shall prevail.

1. All shoreline uses and activities should be located, designed, constructed, and maintained to conserve fish and wildlife habitat and to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, feeding areas, and migratory routes.
2. Habitats or species which have been identified as priority species or priority habitats by the Washington Department of Fish and Wildlife Priority Habitats and Species Program should not be reduced and will be preserved through regulation, acquisition, incentives, and their techniques. Habitats and species of local importance will also be protected in this manner. The City of Woodinville will determine which habitats and species are of local importance.
3. Concentration of urban land uses should be encouraged in areas with minimal environmental constraints to reduce the amount and/or rate of urban intrusion into natural areas.
4. Critical areas within the shoreline jurisdiction area which are important for control of surface water runoff and which have been adversely affected by human activity prior to the effective date of this revised Master Program should not be further degraded.
5. All measures for controlling erosion, stream flow rates, storm water runoff, or flood waters should use natural detention, retention, and recharge techniques to the maximum extent possible.
6. Public improvements and private developments should not alter natural drainage systems when avoidable. Non-natural stream control works, when unavoidable, should be located, designed, constructed, and maintained so that net on- and off-site impacts related to water do not degrade the existing water quality or wildlife habitat.

7. Sufficient buffer widths should be ensured to maintain naturally occurring biologic functions by all development proposals without precluding all reasonable economic use of private property.
8. Since wetlands serve many important ecological and environmental functions, and help to protect the public health, safety, and welfare by providing flood storage and conveyance, fish and wildlife habitat, recreation, water quality protection, water supply, education and scientific research functions, the regulations below should ensure that no net loss of wetland functions, values, or acreage results from development.
9. Wetlands located beyond the 200' shoreline jurisdiction boundary but partially or completely within the 100-year floodplain shall also be subject to SMP jurisdiction if the wetland is "associated" with either the Sammamish River or portions of Little Bear Creek. The term "associated" shall apply to wetlands that are hydrologically connected to or otherwise influenced by these two bodies of water. The City shall review all projects with the 100-year floodplain to determine if wetlands are present.
10. Flood-prone areas and storm and flood waters of the City should be managed in accordance with King County's Surface Water Design Manual and frequently flooded areas regulations and in a manner consistent with the Shoreline Management Act and in this Master Program.
11. Geologically hazardous areas within the shoreline jurisdiction should be managed in accordance with the City's Comprehensive Plan and Zoning Code, or as may hereafter be amended, and in a manner consistent with the Shoreline Management Act and this Master Program.
12. The City should work cooperatively with adjacent County, State, and Federal agencies to effectively control regional flooding problems and to encourage and ensure state water quality standards for regional fish and wildlife migration routes.
13. Critical recharging areas for aquifers used for potable water should be managed in accordance with the City's Comprehensive Plan and Zoning Code, or as may hereafter be amended, and in a manner consistent with the Shoreline Management Act and this Master Program.
14. The City 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, variances, and reasonable use determinations.
15. All activities which would alter a critical area should be required to submit special studies and mitigation plans as may be required to determine the extent of the alteration and the conditions by which those alterations may be mitigated.

## 4.2.4 Regulations

### 4.2.4.1 Activities Permitted Outright in All Environments

No critical area alteration or shorelines permit or notice to the City may be required under the following circumstances:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife.
2. Outdoor recreational activities, including fishing, bird watching, hunting, hiking, boating, horseback riding, swimming, canoeing, and bicycling.
3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the critical area by changing existing topography, water conditions, or water sources.
4. The maintenance (but not construction) of drainage ditches (ditches must remain in the same configuration and abandonment of the maintenance of said ditches for one year or more will negate the owner's right to recreate them except subject to the provisions of this Master Program).
5. Education, scientific research, and use of nature trails.
6. Navigation aids and boundary markers.
7. Boat mooring buoys.
8. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities. In every case, critical area impacts shall be minimized and disturbed areas shall be immediately restored.
9. Emergency services to prevent or treat threats to the public health, safety, and welfare.
10. The following agricultural activities in existence and ongoing on the date this Master Program becomes effective:
  - a. Livestock grazing, provided that water quality associated with any critical area is not degraded beyond its existing status on the date this Master Program becomes effective. Administrative Rules shall address access to streams for watering purposes, stream crossing requirements, and use of natural barriers and vegetative buffering in lieu of fencing. In no case, however, shall any kind of fencing or natural materials impediment to access be located closer to a critical area than its buffer edge.
  - b. Mowing of hay, grass, or grain crops.
  - c. Tilling, discing, planting, seeding, harvesting, and related activities for pasture, food crops, grass seed or sod, provided that such activities shall not involve the conversion of any critical area not currently under agricultural use.
  - d. Normal and routine maintenance of existing agricultural irrigation and drainage ditch, provided, however, that this exception shall not apply to any ditches used by salmonids. The expansion of an existing drainage or irrigation system or the installation of a new drainage or irrigation system shall not be deemed "normal and routine maintenance" as referred to in this section.
  - e. Normal and routine maintenance of farm ponds, and fish ponds, provided that such activities shall not involve conversion of any critical area not currently used for such activity. Activities on areas lying fallow as part of a conventional rotational cycle are part

of an ongoing operation. Activities which bring an area into new agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it was conducted has been converted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operations.

#### 4.2.4.2 General Regulations

1. Any development proposal within the shoreline jurisdiction area which will disturb any critical area is required to provide the following information in the form of a special study and mitigation plan:
  - a. A comprehensive site inventory, boundary delineation, and function and value analysis.
  - b. A discussion of potential impacts from the proposed development.
  - c. Identification of methods and techniques to be used to mitigate impacts to critical areas.
  - d. An explanation of the methods and techniques such as construction practices to be used to implement the identified mitigation methods.
  - e. Identification and explanation of methods and techniques for monitoring said mitigation and a proposed time frame for such monitoring.

Required mitigation measures shall be in place prior to the completion of development activities.

2. All shoreline development shall be designed in accordance with all applicable local and Federal Emergency Management Agency flood control management codes and regulations, the State Environmental Policy Act, and other applicable local land use codes.
3. The use of herbicides and pesticides shall be prohibited to remove noxious plants in streams or wetland areas and their buffers except where no reasonable or physically feasible alternatives exist and it is demonstrated that such activity is in the public interest. Mechanical removal of noxious plants shall be timed and carried out in a manner to minimize any disruption of wildlife or habitat.
4. All shoreline development on sites that contain a geologically hazardous area as defined by WMC 21.24 shall be designed in accordance with all applicable local geohazardous area codes and regulations, the State Environmental Policy Act, and other applicable local land use controls.

#### Streams

5. Streams within the shoreline jurisdiction provide the best fish habitat and important wildlife migratory routes within the City of Woodinville. The Sammamish River is a Class 1 stream and Little Bear Creek is a Class 2 stream. A 100-foot buffer on either side of these streams as measured from the ordinary high-water mark is required except where other provisions in section 7 require an increase greater than 100 feet, or a variance is granted for a decrease in buffer (see Section 5.5.4).

These buffer provisions shall not apply to those properties with approved: (1) shoreline substantial development permits; (2) final binding site plans; (3) according to the provisions of

the existing "Levee Maintenance Agreement" and "Levee Settlement Agreement," or (4) existing land uses as of the adoption date of this SMP. Instead, the provisions of those approvals or agreement shall apply.

6. Where either stream is within 25 feet of the toe of a slope equal to or greater than 15 percent, it shall have the following buffer:
  - a. Where the horizontal length of the slope including small benches and terraces is within the buffer width as required above, the buffer width shall be the greater of:
    - i. The minimum as quoted above, or
    - ii. 25 feet beyond the top of the slope.
  - b. Where the horizontal length of the slope extends beyond the buffer width as required above, the buffer shall extend to a point 25 feet beyond the buffer as quoted above.
7. The required buffer width may be increased if any of the following circumstances exist:
  - a. The proposed development poses unusual or extraordinary environmental impacts.
  - b. The stream reach affected by the development proposal serves as critical fish habitat for spawning or rearing as determined by the City using information from resources agencies including, but not limited to, the Washington State Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Native American tribes.
  - c. The stream or adjacent riparian corridor is used by species listed by the Federal Government or the State of Washington as endangered, threatened, rare, sensitive, priority, or essential or outstanding actual habitat for those species and/or plant associations of infrequent occurrence is present.
  - d. Unusual nesting or resting sites such as heron rookeries or raptor nesting or perch trees are present.
  - e. The land adjacent to the stream and its associated buffer is classified as a geologically hazardous or unstable area.
  - f. The riparian corridor is underlain by highly infiltrative soils that provide groundwater which nourishes the stream or by till soils that produce high runoff if cleared of vegetation.
  - g. The riparian corridor provides a significant source of water, provides shading of stream waters, or contributes organic material important to stream habitat areas.
  - h. A trail or primary utility corridor is proposed within the buffer.
  - i. A drainage improvement or water quality feature, such as a grass lined swale, is proposed within the buffer.
  - j. Where any stream is adjoined by an associated wetland.

If any of the above circumstances exist, the applicant shall provide a special study identifying such species or circumstances and recommending appropriate buffers. Where species identified by the State Department of Fish and Wildlife as endangered, threatened, sensitive, or priority are present, or where herons are found to have a primary association, the buffers shall be based on the State Department of Fish and Wildlife Priority Habitat and Species Management Recommendations and the mitigation plan shall contain any other proposed mitigation measures considered appropriate to the protection of said species and habitat.

8. Where a site's topographic features would make establishment of the required buffer infeasible or where those or other physical site characteristics would make the buffer non-functional, and where the characteristics were not created through a deliberate action on the part of the property owner, the required buffer may be reduced if two or more critical area enhancement measures are implemented:
  - a. The buffer is enhanced with non-invasive vegetation, especially that which would increase the value for fish and wildlife, increase stream bank or slope stability, improve water quality, or provide aesthetic/recreational value.
  - b. Fish barriers are removed to restore accessibility to anadromous fish.
  - c. Fish habitat is enhanced using log structures incorporated as part of a fish habitat enhancement plan.
  - d. Wildlife habitat structures that are likely to be used by wildlife are introduced or enhanced, including but not limited to wood duck houses, bat boxes, resting platforms, snags, rootwads/stumps, and birdhouses.
9. Specific stream management and mitigation plans which address creation, preservation, enhancement, restoration, and maintenance of fish and wildlife habitat within the stream corridor shall be incorporated in permit approvals. Mitigation plan content requirements shall be as required by this Master Program or by WMC 21.24.370, respectively, whichever is most applicable and at the discretion of the Shoreline Administrator.

#### Wetlands

10. Wetlands located beyond the 200' shoreline jurisdiction boundary but partially or completely within the 100-year floodplain shall also be subject to SMP jurisdiction if the wetland is "associated" with either the Sammamish River or portions of Little Bear Creek. The term "associated" shall apply to wetlands that are hydrologically connected to or otherwise influenced by these two bodies of water. The City shall review all projects with the 100-year floodplain to determine if wetlands are present.
11. Biological wetlands within the shoreline jurisdiction area shall be classified as is described in WMC 21.06.710.
12. Wetland buffers, measured from the wetland edge as delineated in the field, shall be as follows:
  - a. Category 1 wetlands shall have a 100-foot buffer.
  - b. Category 2 wetlands shall have a 50-foot buffer.
  - c. Category 3 wetlands shall have a 25-foot buffer.

13. Wetlands within 25 feet of the toe of slopes equal to or greater than 15 percent shall have the following minimum buffers:
  - a. Where the horizontal length of the slope including small benches and terraces is within the buffer width as required above, the buffer width shall be the greater of:
    - i. The minimum for that wetland category, or
    - ii. 25 feet beyond the top of the slope.



The listed methods are not mutually exclusive. Combinations of methods may be employed as appropriate. Required mitigation measures shall be in place prior to the completion of development activities.

16. Wetlands destroyed as a part of an activity permitted under this Master Program shall be replaced according to the following ratios:

Category 1 Wetland 2:1

Category 2 Wetland 2:1

Category 3 Wetland 1:1

Equal or greater biological functions including habitat value and equivalent hydrological functions including storage capacity and acreage shall be achieved. Required buffers shall be provided.

17. Replacement for permitted wetland alterations shall comply with the following requirements:
- a. On-site and in-kind. Unless otherwise approved, any alteration of a wetland shall be replaced on site with equal or greater biological values including habitat value, and with equivalent hydrological functions including storage capacity and acreage.
  - b. Off-site and in-kind. The City may consider and approve off-site replacement where the applicant can demonstrate that the off-site location is within the same drainage sub-basin and that greater biological and hydrological values will be achieved.
  - c. Wet ponds established and maintained for control of surface water shall not constitute replacement for wetland alterations.
18. Specific wetland management plans that address creation, preservation, restoration, and maintenance of wetland habitat shall be incorporated in permit approvals. The following minimum performance standards shall be met for the creation or restoration of a wetland:
- a. The original wetland configuration shall be replicated including depth, width, length, and gradients of the original location.
  - b. The original soil types and configuration shall be replicated.
  - c. The edge and buffer configuration shall be restored to original condition.
  - d. The wetland, its edge, and buffer areas shall be replanted with non-invasive vegetation which replicates the original, except where it was invasive, in species, sizes, and densities.

- e. The original functions and values shall be replicated.

If the applicant can demonstrate that greater functions and/or values can be obtained, these standards may be modified by the Shoreline Administrator.

### 4.3 General Use/Activity Regulations

The following general use and/or activity regulations apply to all environments and to all uses and/or activities. Some of these regulations may be mentioned elsewhere in this Master Program in connection with one or more individual use activities or environments but are repeated here because of their universal application.

1. All developments are subject to the goals, policies, use and activity regulations, and environment designations contained in this Master Program, the Woodinville Comprehensive Plan, the underlying regulations and map contained in the Woodinville Zoning Ordinance, and other applicable City ordinances. If there is a difference between the goals, policies, and use and activity regulations of this Master Program and other City ordinances, the Master Program goals, policies, and use and activity regulations shall govern within the shoreline management area.
2. Shoreline uses or activities not specified in this Master Program and for which no regulations explicitly apply shall require conditional use permits and be evaluated on a case-by-case basis. They shall also be required to conform to the goals and policies of the Woodinville Shoreline Master Program, the Woodinville Comprehensive Plan, the Woodinville Zoning Code, the Woodinville Environmental Protection Regulations, Section 2 of the Shoreline Management Act of 1971 [RCW 90.58.020], and the guidelines as articulated in the most recently adopted Washington Administrative Code (WAC 173-16).
3. If regulations covering a certain aspect of land use or development for the various use activities are not given in this Master Program, the provisions of other applicable City development regulations shall apply.
4. All new development proposals will be required, when appropriate, to provide evidence of:
  - a. Coordination among affected jurisdictions and agencies.
  - b. Adequate means to mitigate, to the greatest extent possible, an adverse environmental impact.
  - c. Compliance with all relevant State and Federal legislation related to air, noise, and water quality.
  - d. Conformance with regional and local plans.
5. The property owner who constructs, or has a private party or public agency construct on his/her behalf, an improvement which encourages public access or use or has other public benefit shall be responsible for the maintenance, upkeep, and provision of insurance thereof, if such improvement is on the property. If an owner constructs same on other than his/her own property, responsibility of maintenance, upkeep, and provisions of insurance shall fall on the owner or owners of the property on which the improvement was made. Maintenance

specifications filed with the City shall be required before the issuance of a development permit.

6. All developments shall prepare the land to account for runoff, drainage, and water quality in conformance with King County's Surface Water Design Manual and all relevant adopted engineering standards.
7. Protection of the waterway from siltation and erosion shall be provided for all earth modification and construction activities.
8. No debris shall be allowed to enter the water. If debris is accidentally introduced, it shall be immediately removed.
9. Vegetation along the water's edge shall be restored or left in the original condition unless permit stipulations allow or require otherwise.
10. Where the use regulations permit location of a structure closer to the Sammamish River than the edge of the King County River Protection Easement, then each development desiring to build within this easement shall obtain approval of the construction location from the King County Division of Real Property. In no case can the construction location be closer than specified in the use regulations.
11. In the event that floodway and flood fringe zones are established by the appropriate Federal agencies, construction shall thereafter, at a minimum, be in conformance with Federal requirements and the Shoreline Management Act.
12. All developments and activities using navigable waters or their beds shall be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts, and to allow for the safe, unobstructed passage of fish and animals, particularly those whose life cycles are dependent on such migration, and pleasure craft.
13. Discharge of sewage, waste, rubbish, and litter into the water is not permitted. Disposal of fuels, cleansers, lubricants, or hydraulic fluids and other possible toxic substances into water bodies on shoreline areas or tributaries of shorelines is prohibited.
14. If boats equipped with marine toilets and/or galleys do not have holding tanks, then these facilities must be sealed from use to prevent their discharge into Woodinville's waterways.
15. All measures for the treatment of runoff for the purpose of maintaining and/or enhancing water quality should be conducted on-site and before shoreline development impacts waters off-site.
16. Except in those cases in which the height requirements of the underlying zones are more restrictive, no building shall exceed 35 feet above average grade level. This requirement may be modified if the view of more than 10 residences is blocked, and if the underlying zoning allows.
17. In cases where the waterway on or abutting a property has been degraded, developments may be required to rehabilitate the resources or the buffer for habitat or other ecological value. Required rehabilitation would occur on a case-by-case basis as determined by a City-accepted professional study outlining mitigation needs.

18. Parking facilities should minimize their visual impact upon shorelines and should be placed inland away from the immediate water's edge and recreational areas. [WAC 173-16-060(4)(d)] All parking facilities shall be located landward of buildings.
19. All developments shall be required to provide for the continuation of existing or planned trail systems, as defined in the City's Parks, Recreation, and Open Space Plan.

## 4.4 Agriculture

### 4.4.1 Definition

Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance, and fertilization. [WAC 173-16-060(1)]

### 4.4.2 Regulations

Not applicable to the City of Woodinville. Agriculture activities are not appropriate to or anticipated within the City of Woodinville's shoreline management jurisdiction.

## 4.5 Aquaculture

### 4.5.1 Definition

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. This activity is of State-wide and national interest. [WAC 173-16-060(2)]

### 4.5.2 Regulations

Not applicable to the City of Woodinville. There are no known aquaculture activities existing or anticipated within the City of Woodinville's shoreline management jurisdiction. If such operations are established in the future, regulations will be established by amendment to this Master Program, according to procedures set forth in RCW 90.58.020 and the guidelines of WAC 173-16-060(2), or as may hereafter be amended.

## 4.6 Forest Management

### 4.6.1 Definition

Forest management practices are those methods used for the protection, production, and harvesting of timber. [WAC 173-16-060(3)]

## 4.6.2 Regulations

Not applicable to the City of Woodinville. There are no known forest management practices existing or anticipated within the City of Woodinville's shoreline management jurisdiction. If such operations are established in the future, regulations will be established by amendment to this Master Program, according to procedures set forth in RCW 90.58.020 and the guidelines of WAC 173-16-060(3), or as may hereafter be amended.

## 4.7 Commercial Development

### 4.7.1 Definition

Commercial developments are those uses involved in wholesale and retail trade or business activities. Commercial developments can range from small businesses within residences to high-rise office buildings. Commercial developments are intensive users of space because of extensive floor areas and because of accessory facilities, such as parking, necessary to service them. [WAC 173-16-060(4)]

### 4.7.2 Regulations

1. Construction of buildings for commercial uses waterward of the ordinary high-water mark is prohibited.
2. Commercial development within the shoreline management area must be connected to the public sewage system.
3. Fills for the purpose of creating new land water-ward of the existing ordinary high-water mark are prohibited.

4. Building Heights
  - a. Buildings or structures shall be restricted to 35 feet in height as measured from the average grade level water-ward of the structure, except when overriding considerations of the public interest will be served. [RCW 90.58.320]
  - b. Building shall not block the stream views of 10 or more existing residential units.
5. Access to and Along Shoreline In order that the Sammamish River or Little Bear Creek frontage can be relatively accessible in both visual and physical aspects, new commercial establishments developed within the shoreline management corridor shall create and preserve adequate pedestrian access to and along the water's edge as follows, subject to other applicable policies and regulations of this Master Program:
  - a. Access design and location shall be consistent with policies or standards as contained in the Woodinville Comprehensive Plan, Parks, Recreation, and Open Space Element or Parks, Recreation, and Open Space Plan.
  - b. If it can be shown that public access is physically infeasible or unsafe for water-dependent and/or water-related commercial uses, such uses are not required to provide any fixed quantity or type of public access to the shoreline. Review of site and building design, however, shall ensure that the public that frequents the commercial establishment has every reasonable opportunity to view and utilize the shoreline as far as this is compatible with operational requirements of the business.
  - c. However, a reduction in the required shoreline buffer width may be granted to water-dependent and water-related commercial uses. In return for providing an approved public access way from a public street or sidewalk to and along the entire length of shoreline abutting the subject property and where it can be shown that no adverse environmental impact shall occur to an existing aquatic critical area, a permitted structure may be constructed within the 100 feet of the required buffer from the ordinary high-water mark of the Sammamish River and Little Bear Creek through the variance process. (In no case shall the buffer edge from the ordinary high-water mark along the stream or creek bank be located less than 50 feet.) Depending on the nature of the shoreline in a particular location, the public way may be required either along the shoreline frontage of the property or as an integral part of the commercial structure on its shoreline side.
    - i. The public ways shall be designated permanent features of the development by covenant, deed restriction, or other means satisfactory to the City.
    - ii. The public ways shall be improved and maintained by the developer or property owner.
    - iii. Permanent signage delineating public access shall be installed at the rate of at least one sign per 500 feet of frontage and at key access points.
    - iv. Public benches or art shall be provided at the rate of one per every 500 linear feet of shoreline and at least once on every property.
  - d. For all commercial uses in the preference system that have a lesser priority and need for a waterfront location (i.e., water-enjoyment and non-water-oriented uses), provision of a public way along the shoreline and reasonable public access to the public way are

minimum conditions for approval of a commercial development in the following shoreline areas:

- i. Applicable to Sammamish River only - Subdivision or site development plans shall provide easements for or dedicate public access corridors to the shoreline of 10-foot minimum width, with sufficient frequency of intervals that in any 1200 linear feet of commercial frontage along the shore there will be a minimum of four such access corridors. Their spacing shall average 300 feet, with a maximum interval of 400 feet. The specific location of the public way access to the shoreline shall be determined according to a plan prepared by the City. The provision of developed public access to the shoreline shall be a condition of approval of any substantial development permit where access is required by the City plan.
  - ii. Applicable to Little Bear Creek only – Public access to the shoreline and to the public way along Little Bear shall be determined by the appropriate hearing body at the time any developer applies for a substantial development permit.
- e. The construction of the improvements designated in i and ii above shall be guaranteed by a performance bond, the amount to be determined by the Shoreline Administrator.

6. Parking Areas

- a. Parking lots are allowed only as an accessory use. Accessory parking lots for more than four vehicles must be landscaped and sight screened in accordance with the criteria set forth in WMC 21.16 of the Woodinville Zoning Code, or as may hereafter be amended. A berm or wall, in addition to landscaping, may be required to be placed along the water-ward side of the parking lot.
- b. Parking areas may not be located waterward of the development the parking serves.
- c. Parking areas within the shoreline management area, because they accumulate sizable concentrations of oil, trash, dust, etc., must be designed and operated to avoid surface runoff of these contaminants into nearby watercourses and their design shall be consistent with adopted City engineering and design standards.
- d. To reduce the usage of scenic shoreline corridor property as surface parking area, the on-site parking requirements set forth in WMC 21.18 in the Woodinville Zoning Code or as hereafter amended, may, under certain circumstances, be reduced. Shoreline development applicants may submit proposals which accommodate some or all of their parking requirements by cooperative usage of parking spaces off the site, either within or outside of the shoreline management corridor.

It shall be the Shoreline Administrator's responsibility to ascertain the suitability of the cooperative agreement. Criteria for such judgments include:

- i. Timing of customer usage of the space, ensuring that one of the cooperating business establishments is relatively inactive during peak periods of the other.
- ii. A written contract which makes the arrangement continuous unless satisfactory alternative arrangements are made.
- iii. Location of the parking area a maximum of 300 feet from either of the cooperating users.

- iv. Adequate signing in the parking area and entrances to both cooperative establishments, to clarify for customers that the parking area is common to both.
  - v. Safe and adequate pedestrian connections between the parking area and both cooperating establishments.
  - vi. Guaranteed usage of space saved on site for purposes deemed more compatible with shoreline program policies than a parking lot would be (e.g., for landscaping, pedestrian facilities, or wildlife habitat).
- e. Parking lot landscaping requirements of WMC 21.16 shall apply, except that:
- i. One tree with a minimum height of 4 feet shall be required for each 30 linear feet of planting area, instead of WMC 21.16.070[c]; and
  - ii. The perimeter of any parking area must be maintained with a 5-foot-wide minimum landscaping strip.
7. Loading Areas To minimize the disturbing noise and visual effects of truck maneuvering or loading and unloading and thereby serving commercial activities in the shoreline management corridor, loading areas shall:
- a. Not be located waterward of commercial structures they serve and designed so as not to interfere with customer parking and access to the same structure.
  - b. If located in the side yard or waterward side of a structure, the loading area shall be screened from view of pedestrians on either side of the waterway, and be designed to muffle the noise of trucks maneuvering there. The visual screen shall be composed of a fence or wall with trees of sufficient height and density to soften the visual monotony of the fence or wall.

8. Building Colors, Materials, and Design
  - a. The approval of specific commercial development plans shall ensure that earth tones (greens, browns, tans, dark reds, blues) and white or other compatible colors predominate.
  - b. Construction materials to be encouraged in project design include natural colored wood and other materials of complementary texture and color such as anodized aluminum, wrought iron, copper, stucco, tile, and brick. Shiny metallic surfaces shall be discouraged or kept to a minimum, not covering more than 100 square feet of any one exposure of a commercial building.
  - c. Walls facing the shoreline shall be treated with windows, details or modulation, or shall be subject to mitigation required by Section IV.F of the City's adopted Design Principles, or as may hereafter be amended.
9. Landscaping
  - a. Landscaping requirements of WMC 21.16 shall apply.
  - b. Service areas, loading, storage, and other areas which tend to be unsightly shall be screened from view with landscaping and/or fencing of an attractive material.
  - c. Mechanical equipment shall be screened with landscaping or attractive architectural features, or, if possible, integrated into the commercial structure itself. Mechanical equipment shall not project more than 10 feet above the commercial structure itself.
10. An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people [WAC 173-16-060(4)(c)] and design modifications may be required by the Shoreline Administrator to accommodate the view.

## 4.8 Mining

### 4.8.1 Definition

Mining is the removal of naturally occurring materials from the earth for economic use. The removal of sand and gravel from shoreline areas usually results in erosion of land and silting of water. The silt can kill bottom-living animals. [WAC 173-16-060(6)]

### 4.8.2 Regulations

Not applicable to the City of Woodinville. There are no known mining activities existing or anticipated within the City of Woodinville's shoreline management jurisdiction. If such operations are established in the future, regulations will be established by amendment to this Master Program, according to procedures set forth in RCW 90.58.020 and the guidelines of WAC 173-16-060, or as may hereafter be amended.

## 4.9 Outdoor Advertising, Signs, and Billboards

### 4.9.1 Definition

Signs are publicly displayed boards that provide information, direction, or advertising. Signs may be pleasing or distracting, depending upon their design and location. An effective sign must attract attention; however, a message can be clear and distinct without being offensive. There are areas where signs are not desirable, but generally it is the design that is undesirable, not the sign itself. [WAC 173-16-060(7)]

### 4.9.2 Regulations

1. Vistas and viewpoints shall not be degraded and visual access to the water from such vistas shall not be impaired by the placement of signs. [WAC 173-16-060(7)(c)]
2. Sign standards and regulations specified in the Woodinville Zoning Code (21.20) shall apply within the shorelines area. Where conflicts may arise, this Master Program will govern. [WAC 173-16-060(7)(b)]
3. Free-standing on-premise outdoor advertising signs shall be located on the upland side of public transportation routes which parallel or are adjacent to shorelines so that views will not be substantially obstructed. [WAC 173-16-060(7)(d)]
4. When feasible, signs shall be attached and flush against buildings to minimize visual obstructions of the shorelines and water bodies. [WAC 173-16-060(7)(e)]
5. On Premise Commercial Signs
  - a. Free standing signs are permitted on the street side of buildings, in the form of monument or perimeter signs, as defined in WMC 21.20, and limited to 6 feet in height.
  - b. Pole signs are prohibited.
  - c. Signs may be lighted but shall not be of the flashing or animated type. Indirect lighting of signs is preferable to internal illumination.

## 4.10 Residential Development

### 4.10.1 Definition

Residential development consists of the placement on land of attached or detached buildings used by the population as dwellings. Such buildings include detached, single-family residences, duplexes, multi-family residences, townhouses, mobile home parks, or condominiums together with accessory uses such as garages, sheds, tennis courts, swimming pools, fences, cabanas, saunas, and guest cottages. Such buildings do not include hotels, motels, or other transient or camping facilities.

To the extent possible, residential development within shoreline areas should cluster units, reserving substantial portions of land as open space or recreational areas for the joint use of the occupants of the development or set aside for and open to general public use and enjoyment, as long as the total number of dwellings does not exceed the total allowable in a regular subdivision. [WAC 173-16-060(8)]

#### 4.10.2 Regulations

1. Subdivisions and additions or modifications of existing residential development should be designed at a level of density compatible with the underlying Woodinville Comprehensive Plan designation and subject to the physical capabilities of the shoreline and water as regulated by this Master Program. [WAC 173-16-060(8)(a)]
2. Subdivisions and additions or modifications of existing residential development should be designed to adequately protect the water and shoreline aesthetic characteristics. [WAC 173-16-060(8)(b)]
3. Adequate sewage disposal facilities must be provided in accordance with appropriate State and local health regulations. Storm drainage facilities should not be combined with sewage disposal systems. [WAC 173-16-060(8)(g)]
4. Adequate water supplies and facilities must be available so that the groundwater quantity or quality will not be endangered by over-pumping. [WAC 173-16-060(8)(h).
5. Preference should be given to joint-use community docks (in lieu of individual docks for each waterfront lot) in all new subdivisions. These are intended to serve the residents of these developments, not the general public. Such joint-use shoreline facilities should be encouraged (including docks and other facilities).
6. Structures or other developments accessory to residential uses should be designed and located to blend into the site as much as possible. Accessory uses and structures should be located landward of the principal residence.
7. The multifamily development or subdivision plan must show that surface waters will not be significantly contaminated, that ground water supplies will not be depleted or significantly contaminated, and that surface runoff from the development will not have a significant adverse effect on biological systems existing in the shoreline management area.
8. Residential development floating on or extending over water is prohibited. [WAC 173-16-080(8)(d)]
9. Building Height
  - a. Buildings or structures shall be restricted to 35 feet in height as measured from the average grade level water-ward of the structure, except when overriding considerations of the public interest will be served.
  - b. Buildings shall not block the stream views of 10 or more existing residential units.
10. Access to Shoreline

- a. All new subdivisions and apartment developments must ensure that 15 percent of the lineal frontage of the shoreline, to a depth of 20 feet upland from the ordinary high-water mark, is kept accessible as common open space for residents of the subdivision or apartment development. The required common open space must be accessible by a ten-foot pedestrian easement within the residential subdivision, and developed to a safe and aesthetic standard as part of the development. The common open space, whether reserved to residents of the particular development or made available to the general public, shall be designated a permanent feature of the development by covenant, deed restriction, or dedication to the City and placed in a separate tract which shall be recorded on all documents of title of record.
- b. The basic building density allowable by the underlying zoning may be increased if the developer provides general public access to the shoreline. For each 15 percent of shoreline property to a depth of 20 feet upland from the ordinary high-water mark dedicated by the developer to general public usage, a 5 percent increase in dwelling density may be allowed by the Shoreline Administrator. A maximum of 15 percent increase in density may be allowed based on this incentive. This reservation of common public open space may be used to offset any required dedication of land for park facilities required by the Woodinville Subdivision Ordinance and/or mitigation program.
- c. "General public access to the shoreline" should be interpreted to consist of a minimum 10-foot easement permanently dedicated for public use which allows the public continuous access along the waterfront and access from a public way to the water.
- d. All public access shall be signed. Signs shall be installed at key access points and at the rate of at least one sign per 500 linear feet.
- e. Public benches or art shall be provided at the rate of one per every 500 feet of linear shoreline, and at least once on every property.

#### 11. Parking Areas

- a. All paved parking areas utilized in common by more than three dwelling units shall be landscaped and sight screened from public view from land and water sufficiently to minimize the visual impact of the pavement itself and the cars which may be parked thereon. Parking areas shall be developed in accordance with the criteria set forth in the Woodinville Zoning Code (WMC 21.18), or as may hereafter be amended.
- b. Parking areas shall not be located waterward of buildings.
- c. Parking areas must be designed and operated to avoid surface water runoff into nearby water courses and shall be consistent with city engineering standards and/or the King County Surface Water Design Manual.

#### 12. Parking Lot Landscaping Parking lot landscaping requirements of WMC 21.16 shall apply; except that:

- a. One tree with a minimum height of 4 feet shall be required for each 30 linear feet of planting area, and;
- b. The perimeter of any parking area shall be maintained with a 5-foot wide minimum landscaping strip.

13. Building Color and Materials Colors and materials used in building construction shall be of earthen tones, avoiding glossy or metallic surfaces which would detract from the natural surroundings.
14. Private Docks
  - a. Common docking areas are preferred to separate, individually owned structures. New residential subdivisions containing five or more waterfront lots or apartment developments, and where docking facilities are desired, shall be required, as part of plat approval, to provide for resident access to and a location for a joint-use dock. In the event such joint-use facility is provided within a residential waterfront development, only one such facility shall be constructed for that development. This condition of approval with required access easements and dedications shall be identified on the face of the plat. In addition, the community dock easement shall be recorded with the County Assessor's Office. Where a joint-use facility is provided, single-use docks serving individual waterfront lots are prohibited.
  - b. Where allowed, individual private docks shall be parallel to the river rather than perpendicular and shall not extend more than 8 feet beyond the ordinary high-water mark into the stream way.
  - c. See section 4.21.3 for additional regulations.
15. Dry Land Storage Storage of boats on dry land, either in the open or in an approved shelter fronting the shoreline, is permitted as an accessory use to private residential development. Storage facilities shared in common by two or more private residences are strongly preferred over separate, individually owned structures. All such structures shall meet the following criteria:
  - a. Maximum height 20 feet.
  - b. Maximum width of structure along shoreline equal to 25 percent of total lot width fronting the water's edge.
  - c. Minimum shoreline width of parcel occupied by such a shoreline structure shall be 50 feet (shared facilities must have at least that much combined shoreline frontage).
  - d. Building materials in this sensitive location shall be compatible with natural shoreline appearance and utilize such materials as wood, stone, textured concrete, or aggregate.
  - e. Colors shall be restricted to natural wood stains or paint of grays, browns, tans, greens, or similar colors if any are applied to concrete surfaces.
  - f. Construction of cinder block, metal, or other similar material is not permitted.
16. Vegetation Removal of existing vegetation within the required buffer area from the ordinary high-water mark of the channel shall be allowed only where the developer demonstrates to the Shoreline Administrator's satisfaction that proposed modifications will improve the existing shoreline habitat, appearance, and stability, or as required for stream or buffer rehabilitation.

## 4.11 Utilities

### 4.11.1 Definition

Utilities are services that produce and carry electric power, gas, sewage, communications, and oil. [WAC 173-16-060(9)] Utilities have been split into two types: accessory and primary. Accessory utilities are small-scale distribution services connected directly to the uses along the shoreline. Primary utilities are public high-tension utility lines on public property or easements, power generating or transfer facilities, natural gas regional/trunk distribution lines, and storage facilities.

At this time, the most feasible methods of transmission are lineal pipes and wires. The installation of this apparatus necessarily disturbs the landscape but can usually be planned to have minimal visual and physical effect on the environment. The Washington State Thermal Power Plant Siting Law (Chapter 80.50 RCW, Thermal Power Plants - Site Locations) regulates the location of electrical generating and distribution facilities. Under this law, the State preempts the certification and regulation of thermal power plants and sites. [WAC 173-16-060(9)(d)]

The following use and activity policies and regulations apply to both primary and accessory utilities unless specifically noted.

### 4.11.2 Regulations

1. Whenever feasible, primary utility facilities shall be located outside the shorelines area. Whenever these facilities must be placed in a shoreline area, the location shall be chosen so as not to obstruct or destroy scenic views. [WAC 173-16-060(9)(b)]
2. Primary utility production and collection facilities shall not be located within the 100-year floodplain unless no physically feasible alternative location is available, and then only subject to critical area regulation controls as provided in Section 4.2 of this Master Program.
3. Whenever feasible, accessory utilities shall be placed underground or otherwise designed to do minimal damage to the aesthetic qualities of the shoreline area.
4. Upon completion of installation/maintenance projects on shorelines, stream banks shall be restored to pre-project configuration, replanted with non-invasive species, and provided maintenance care until the newly planted vegetation is established. [WAC 173-16-060(9)(a)]
5. Utilities shall be located to meet the needs of future populations in areas planned to accommodate this growth. [WAC 173-16-060(9)(d)]
6. Property owners possessing legal rights to water in the river or the creek shall be allowed to retain those water-intake valves or structures existing on the date of adoption of this Master Program which are necessary to maintain those rights.
7. Applications for installation of utility facilities shall include the following (at a minimum):
  - a. Reason why utility facility must be in a shoreline area.
  - b. Alternative locations considered and reasons for their elimination.

- c. Location of the same, similar or other utility facilities in the vicinity of the proposed project.
  - d. Proposed method(s) of construction.
  - e. Plans for reclamation of areas to be disturbed during construction.
  - f. Landscape plans.
  - g. Documentation that major utility developments are consistent with adopted City and County comprehensive plans for utilities, where such plans exist.
8. New utilities which must be constructed across any part of Woodinville's shoreline management areas must submit a reclamation plan as part of an environmental impact assessment which is necessary for a shoreline development permit. The reclamation plan must ensure restoration of the shoreline to at least its existing condition, and if the Shoreline Administrator deems it necessary, enhance it by adding public amenities to offset the intrusion of such uses.
  9. Any publicly owned utility which must of necessity cross the shoreline shall be designed and operated to reserve the option of general public recreational usage of the right-of-way in the future. This option shall be exercised by the public only where:
    - a. The public will not be exposed to dangers from the utility equipment.
    - b. The utility itself will not be subjected to unusual risks of damage by the public.
    - c. Adjacent land uses will not be disrupted by public access, such as displacement of grazing or agricultural rights which might be in effect on the ground surface of the utility right-of-way.
  10. Utilities shall be designed and installed in such a way as to minimize damage to the scenic view or aesthetic qualities of the shoreline area.
  11. All underwater pipelines or those paralleling the waterway transporting liquids potentially injurious to aquatic life or water quality are prohibited, unless no other alternative exists to serve a public interest. In those limited instances where permitted, shut-off valves shall be provided at both sides of the water body except for public sanitary sewers of a gravity or siphon nature.
  12. Lines buried under the stream bed are permitted, providing the stream bed is restored to existing conditions. Stream beds may not be disturbed during critical fish passage periods. During these times, boring is required.
  13. Thermal power plant facilities shall be sited pursuant to RCW 80.50.
  14. Transmission/Distribution/Service Systems
    - a. All new accessory utility transmission, distribution and service lines for power, gas, sewage, communications, oil, water, etc., shall be installed underground, unless it is physically impossible to do so.

- b. Primary utility lines should be consolidated within a single easement, whenever feasible.
  - c. If primary utility transmission/distribution structures such as substations, telephone exchanges, etc., must be constructed in Woodinville's shoreline management area, they must be landscaped to enhance the appearance from surrounding areas in accordance with the Woodinville Zoning Code (WMC 21.16), or as may hereafter be amended. All vegetation shall be native, non-invasive species appropriate to stream banks and buffers.
  - d. Wherever possible, primary utility lines should utilize existing rights-of-way rather than developing new ones.
15. Drainage
- a. The utility shall control entry of contaminants from streets and parking areas into water courses or adjacent properties.
  - b. Outfalls shall be designed and installed so that during periods of heavy rainfall the velocity and quantity of runoff will not be detrimental to important aquatic life in the receiving waters, and so that it does not flood adjacent land.
  - c. Outfalls must be situated so that they are not aesthetically detrimental to their surroundings. Landscaping may provide a partial solution to the problem. In addition, the outfall can be set back from the water's edge so that stormwater will be discharged onto rocks and then flow as a natural-looking creek into the river.
  - d. Storm drain lines for any substantial development shall be designed so that they can be economically connected to a common collector system when the level of development makes that feasible. A common collection system and outfall will be preferred to a large number of out falls from individual parcels of land.
  - e. Runoff from upland areas, even beyond the shoreline management corridor's jurisdiction, shall be controlled by the City through its adopted storm water manual and engineering standards to assure that undue stormwater accumulations do not descend on shoreline corridor properties during periods of heavy rainfall.
16. Sanitary Sewers Sanitary sewers shall be separated from storm sewers.
17. Parking areas shall be developed in accordance with the criteria set forth in the Woodinville Zoning Code (WMC 21.18), or as may hereafter be amended, except that
- a. Parking areas shall not be located waterward of buildings;
  - b. Parking areas shall be screened with berms and landscaping;
  - c. Landscaping in parking areas shall be subject to WMC 21.16, except that one tree shall be provided per 30 linear feet of landscaping, and a 5-foot wide landscaping strip shall be maintained at the perimeter of all parking areas.

## 4.12 Industry

### 4.12.1 Definition

Given Woodinville's shoreline characteristics (a shallow riverine system), ports as defined in the WAC 173-16-060(10) are not expected to locate in Woodinville and few if any water-dependent or water-related industries are expected. Instead, light manufacturing or research and development or mixed-use business parks, such as have located along the Sammamish River and Little Bear Creek, are expected to continue.

The Woodinville Comprehensive Plan, Land Use element limits these business parks to their current locations and does not anticipate any expansion of these parks into other areas during the 20-year planning horizon of the Plan.

For the purposes of this section of the Master Program, the term "industry" is intended to provide for the location and grouping of industrial activities and uses involving the processing, handling, and creating of products, including research and technological processes, and major fabrication. A further purpose is to afford protection to the industries so located by prohibiting the intrusion of residential uses and certain commercial enterprises, thus establishing a pattern of land use advantageous to the specialized needs of these uses. Industry includes business parks.

### 4.12.2 Regulations

1. Future light manufacturing or business park uses shall be designed to permit viewing of shoreline areas from view points, waterfront restaurants, and similar public facilities which should not interfere with business operations or endanger public health and safety. [WAC 173-16-060(10)(b)]
2. Transportation and utility corridors serving industries and business parks located in shoreline areas shall follow the guidelines provided under the sections of this Master Program dealing with utilities and transportation facilities. Where feasible, transportation and utility corridors shall be located upland to avoid degradation of waterfront views and other amenities. [WAC 173-16-060(10)(e)]
3. The public's enjoyment of the minimum shoreline buffer area shall not be compromised by the effects of industrial activities occurring within the shoreline management corridor and, where possible and appropriate, public access shall be enhanced in accordance with the Woodinville Comprehensive Plan.
4. Buildings shall be sited to allow frequent visual access toward the shoreline.
5. Public access to the shoreline shall be provided subject to the same requirements as commercial developments. See Section 4.7.
6. Special care shall be taken to avoid uses characterized by noise, glare, dust, etc.
7. Setbacks The minimum side yard width shall be ten feet and the total of both side yards 45 feet, unless the site borders permanent open space such as a park or street in which case the total of both side yards can be reduced to 30 feet. Side yards shall be landscaped with Type II landscaping.

8. Impervious Surface The maximum impervious surface shall be 50 percent.
9. Building Height
  - a. Buildings and structures shall be restricted to 35 feet in height as measured from the average grade level water-ward of the structure, except when overriding considerations of the public interest will be served.
  - b. Buildings shall not block the stream views of 10 or more existing residential units.
10. Parking Areas Standards for parking lot location and development are the same as for Commercial Development. See Section 4.7.
11. Loading Areas Standards for loading area location and development are the same as for Commercial Development. See Section 4.7.
12. Surface Runoff Control The runoff from extensive roof areas and accessory parking lot surfaces shall be collected and treated as required by the King County Surface Water Design Manual and adopted engineering standards.
13. Building Materials, Colors, and Design Construction materials, colors, and design shall be subject to the same criteria as set forth for commercial structures in Section 4.7.
14. Site Landscaping Commercial requirements for landscaping shall apply (see section 4.7).
15. Parking Lot Landscaping Developments shall meet the same requirements as commercial development. See section 4.7.
16. Outdoor Storage Outdoor storage of equipment, vehicles, materials, or supplies shall not be permitted in stream buffer areas and shall be landscaped to provide a visual barrier from public areas.

## 4.13 Bulkheads

### 4.13.1 Definitions

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 are typically constructed of poured-in-place or pre-cast concrete, steel, or aluminum sheet piling, rock, wood, or wood and structural steel combinations and may be of either solid or open-piling construction. Rock bulkheads are often termed "vertical rock walls." (The following regulations apply to the construction of bulkheads designed to protect the immediate upland area. Proposals for shoreland fill must comply with the guidelines for that specific activity.) [WAC 173-16-060(11)]

## 4.13.2 Regulations

### 4.13.2.1 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 exemption, and to ensure that such bulkheads will be consistent with this Master Program, a statement of exemption must be obtained from the Shoreline Administrator before commencing construction of any bulkhead.

### 4.13.2.2 General Regulations

1. Defense works of non-structural, natural materials such as protective berms 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. Bulkheads shall be located and constructed in a manner which will not result in adverse effects on nearby properties and existing development and will minimize alterations of the natural shoreline and adverse impacts to natural processes. [WAC 173-16-060(11)(a)] The cumulative effects of allowing bulkheads along segments of shoreline shall be evaluated prior to granting individual permits or exemptions.
3. Bulkheads shall be constructed to minimize damage to fisheries resources and habitats. Open-pile construction is preferable to solid construction. [WAC 173-16-060(11)(b)]
4. Bulkheads shall not obstruct public access to publicly owned shorelines or privately dedicated open space. [WAC 173-16-060(11)(c)]
5. Bulkheads shall be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline. [WAC 173-16-060(11)(d)]
6. The construction of bulkheads shall be permitted only where they provide protection to an existing stream bank and not for the indirect purpose of creating land by filling behind the bulkhead. Landfill operations should satisfy the policies and regulations under Section 4.16 (Shoreland Fills) of this Master Program. [WAC 173-16-060(11)(e)]
7. Bulkheads shall be allowed only when evidence is presented which conclusively demonstrates that one of the following conditions exists:
  - a. Serious wave erosion threatens an established use or existing building(s) 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 section.

- 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.
8. Bulkhead construction shall be of materials that are aesthetically compatible with the shoreline environment.
9. Bulkheads shall be permitted only in locations where they will not divert currents to other shorelines which would then be subjected to erosion.
10. 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.
11. The Shoreline Administrator shall review all applications for bulkhead construction with the State Department of Fish and Wildlife before granting a permit or issuing an exemption letter.
12. Repairs and modifications to existing structures shall be in accordance with the above procedures and regulations.
13. Replacement of existing structures shall be located in the same position and alignment of the existing structure. Where removal of the old structure is problematic, the new structure may be constructed waterward of and immediately abutting the old.
14. Bulkheads shall be located landward of the ordinary high-water mark, unless the bulkhead will connect two previously existing, legally established bulkheads.
15. Bulkheads shall not create an adverse impact on other properties or create the need for bulkheads on other properties.

## 4.14 Breakwaters

### 4.14.1 Definition

Breakwaters are another protective structure usually built offshore to protect beaches, bluffs, dunes, or harbor areas from wave action. [WAC 173-16-060(12)]

### 4.14.2 Regulations

Not applicable to the City of Woodinville. There are no known breakwaters existing or anticipated within the City of Woodinville's shoreline management jurisdiction. If such operations are proposed in the future, regulations will be established by amendment to this Master Program, according to procedures set forth in RCW 90.58.020, and prior to the permitting of such uses.

## 4.15 Jetties and Groins

### 4.15.1 Definition

Jetties and groins are structures designed to modify or control sand movement. Jetties are usually constructed of steel, concrete, or rock and are generally employed at inlets for the purpose of navigation improvements. Groins are barrier-type structures extending from the backshore seaward across the beach and can be constructed in many ways using timber, steel, concrete, or rock. [WAC 173-16-060(13)]

### 4.15.2 Regulations

Not applicable to the City of Woodinville. There are no known jetties and groins existing or anticipated within the City of Woodinville's shoreline management jurisdiction. If such operations are established in the future, regulations will be established by amendment to this Master Program, according to procedure set forth in RCW 90.58.020 and prior the permitting of such uses.

## 4.16 Shoreland Fills

### 4.16.1 Definition

Fills are 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 ordinary high water mark, or on wetland or upland areas in order to raise the elevation.. Fills can destroy the natural character of land, create unnaturally heavy erosion and silting problems, and reduce the amount of existing water surface. [WAC 173-16-060(14)]

### 4.16.2 Regulations

1. Shoreland fills or cuts shall be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur, creating a hazard to on-site or adjacent life, property, or natural resources systems. [WAC 173-16-060(14)(a)]
2. All perimeters of fills shall be provided with vegetation, retaining walls, soil compaction as necessary, or other mechanisms designed to avoid or eliminate erosion and sedimentation impacts. [WAC 173-16-060(14)(b)]
3. Priority shall be given to fills for water-dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality, and destruction of habitat shall be considered. [WAC 173-16-060(14)(d)]
4. Existing fills shall be landscaped to improve appearance.
5. Sanitary landfills are not allowed within shoreline jurisdiction.

6. Pile or pier supports should be utilized whenever feasible in preference of fills.
7. Fills 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 fills are prohibited.
8. Applications for fill permits shall include the following:
  - a. Proposed use of the fill area.
  - b. Physical, chemical, and biological characteristics of the fill material.
  - c. Source of fill material.
  - d. Method of placement and compaction.
  - e. Location of fill relative to natural and/or existing drainage patterns and wetlands.
  - f. Location of the fill perimeter relative to the ordinary high-water mark.
  - g. Perimeter erosion control or stabilization means.
  - h. Type of surfacing and runoff control devices. Protection of the water resource must be demonstrated.
  - i. Contingency plan in the event of degradation of the water body.
9. Backfill behind a permitted bulkhead will be permitted and shall not be considered a fill if less than two cubic yards per linear foot of bulkhead or riprap.
10. Strict aesthetic controls shall be maintained to ensure that a fill restores or enhances the natural appearance of the area where it is applied. The fill must not have a significant adverse impact on wildlife and vegetation.
11. Where fills are permitted, the fill shall be the minimum necessary to accommodate the proposed use.
12. Where existing public access is reduced, greater public access as part of the development project shall be provided.
13. The timing of fill construction shall be regulated to minimize damage to water quality and aquatic life.
14. Fill Material
  - a. Fill material shall be of such quality that leachate resulting from it will not introduce contaminants to the watercourse which would violate or reduce the water quality below the existing State standards applicable at the time of development.

- b. Refuse such as broken concrete or asphalt, building debris, appliances, car bodies, vegetation, flammable material, water soluble or toxic wastes, or similar materials or the use of polluted dredge spoils, solid waste, and/or sanitary landfill materials are prohibited as fill within the shoreline management corridor.
15. Fills are prohibited in wetlands.
16. Fills are not permitted waterward of the ordinary high-water mark unless necessary for water-dependent use or to mitigate an environmental or public safety hazard.

## 4.17 Solid Waste Disposal

### 4.17.1 Definition

Solid waste means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, as well as from community activities, but does not include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources. [Solid Waste Disposal Act (P.L. 94-580), 1980]

Generally, all solid waste is a possible source of nuisance. Rapid, safe, and nuisance-free storage, collection, transportation, and disposal are of vital concern to all persons and communities. If the disposal of solid waste material is not carefully planned and regulated, it can become not only a nuisance but a severe threat to the health and safety of human beings, livestock, wildlife, and other biota. [WAC 173-16-060(15)]

### 4.17.2 Regulations

Solid waste disposal sites or transfer sites or stations are prohibited in all environments within the shoreline management area.

## 4.18 Dredging

### 4.18.1 Definition

Dredging is the removal of earth from the bottom of a stream, river, lake, bay, or other water body for the purpose of deepening a navigational channel or to obtain use of aggregates such as sand and gravel or for the use of bottom materials for landfill. A significant portion of all dredged materials is deposited either in the water or immediately adjacent to it, often degrading water quality. [WAC 173-16-060(16)]

## 4.18.2 Regulations

### 4.18.2.1 Exemptions

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 is exempt from the requirement for a substantial development permit, but still requires a conditional use or variance permit, where applicable. Any exempt dredging activity must comply with the Shoreline Management Act and all of the applicable provisions of this Master Program. [WAC 173-27-040]

### 4.18.2.2 General Regulations

1. The City of Woodinville shall control dredging to minimize damage to the existing ecological functions and values of natural resources of both the area to be dredged and the area for deposition of dredged materials. [WAC 173-16-060(16)(a)]
2. Deposition of dredge material in the stream way is allowed only for habitat improvement, to correct problems of material distribution which adversely affect fish and shellfish resources, or where the alternatives of deposition of material on land is more detrimental to shoreline resources than deposition of it in water areas. [WAC 173-16-060(16)(b)]
3. Dredging of waterway bottom materials for the single purpose of obtaining fill material is prohibited. [WAC 173-16-060(16)(c)]
4. Any dredging or channel modification shall be based on a mitigation plan submitted to the Shoreline Administrator and Public Service Administrator for review, comment, and approval.
5. Dredging activities must employ techniques and equipment necessary to minimize disturbance of bottom material and excessive turbidity downstream.
6. Where dredging will extract organic material, adequate measures must be taken to prevent unnecessary suspension of this material in the water. The proper equipment and techniques to be used must be established by the Shoreline Administrator on a case-by-case basis, using the best available technology at the time of the proposed action.
7. Dredging and dredge disposal are prohibited on or in archaeological sites listed on the Washington State Register of Historic Places. Planning for the preservation of archaeological resources tentatively identified by the City, County, or State for determination of its eligibility for the aforementioned Register shall be included in the project review.
8. Dry Land and Water Area Deposits
  - a. Disposal of dredged material may be accomplished at approved, contained, upland disposal sites.
  - b. Depositing dredge materials in water areas shall be allowed only by conditional use permit for one or more of the following reasons:
    - i. For wildlife habitat improvement.
    - ii. To correct problems of material distribution adversely affecting fish resources.



## 4.19.2 Regulations

1. Riprapping and other bank stabilization measures shall be located, designed, and constructed to avoid the need for channelization, to protect the natural character of the stream way, and to prevent damage to existing development. [WAC 173-16-060(17)(a)]
2. The design of stabilization or protection works shall provide for the long-term multiple use of stream way resources and public access, when access is appropriate and safe.
3. Where flood protection measures such as dikes or levees are planned, they shall be placed landward of the stream way, including associated wetlands directly inter-related and interdependent with the stream proper. [WAC 173-16-060(17)(b)]
4. Flood protection measures which result in channelization shall be avoided. [WAC 173-16-060(17)(c)]
5. Regulations 3 and 4 do not preclude the need to maintain the function of existing dikes, levees, and other flood protection devices on the banks of the Sammamish River and Little Bear Creek.
6. Stabilization and protection works that are more compatible with ongoing shore processes and more flexible for long-term stream way management and more natural in appearance such as vegetative stabilization should be encouraged over structural means such as extensive riprap.
7. Stabilization and protection works that are more compatible with the natural shoreline is encouraged over structural means such as extensive riprap. Structural solutions to reduce shoreline damage are allowed only after it is demonstrated that nonstructural solutions will not be able to reduce the damage. "Structural" shall be defined as may be construed by the Shoreline Administrator and/or the definition as contained in the Glossary to this Master Program (see Appendix B) as taken from Chapter 90.58 RCW.
8. All applicable State and Federal permits shall be obtained and complied within the construction and operation of shoreline stabilization and flood protection works.
9. New shoreline stabilization and flood protection measures shall not be designed and constructed in such a manner that impacts neighboring properties, or creates the need for shoreline protection structures on other properties.
10. The Shoreline Administrator 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. Statement of purpose of project.
  - b. Description of hydraulic characteristics of the shore within 1/2 mile on each side of the proposed project.
  - c. Description of existing shoreline stabilization and flood protection devices within 1/2 mile on each side of the proposed project.
  - d. Description of proposed construction material and methods.

- e. Description of the physical, geological, and/or soil characteristics of the area.
  - f. An explanation of the predicted impact upon area shore and hydraulic processes, adjacent properties, shoreline and water uses.
  - g. A listing and description of alternative measures (including nonstructural) which will achieve the same purposes.
11. Levees and dikes shall be designed not to interfere with the natural pattern of ground water drainage associated with the shoreline management corridor.
  12. Levee and dike structures and streambanks shall be designed to facilitate pedestrian access to the water's edge when such access is appropriate and not detrimental to any natural resources present.
  13. Retention or replanting of streambanks with non-invasive vegetation shall be required as part of any substantial shoreline development.
  14. Landscaping plans shall conform to the applicable requirements of the City's Zoning Code (WMC 21.16). Tree Retention and Landscaping, or as may hereafter be amended, as a minimum. The Shoreline Administrator shall review riverbank landscaping plans for their effectiveness in erosion control and aesthetic compatibility with shoreline surroundings. Additional landscaping may be required at the discretion of the Shoreline Administrator if needed to protect the aesthetic appearance or the natural functions of the shoreline location.
  15. The Shoreline Administrator shall, where appropriate and legally permissible, require dedication and improvement of linear public access along new dikes or levees when it is determined that such access is in the public interest, is safe, and does not adversely affect natural resources. All shoreline development must conform to the General Goals and Policies (Chapter 2) and the Shoreline Environments (Chapter 3) stated in this Master Program.

## 4.20 Transportation Facilities

### 4.20.1 Definition

A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with tracks for train traffic. [WAC 173-16-060(18)] Other transportation facilities include bridges, bikeways, trails, and heliports. Their construction can create barriers which limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion, and retard the runoff of flood waters. [WAC 173-16-060(18)]

### 4.20.2 Regulations

1. All debris, overburden, and other waste materials from construction should be disposed of to prevent their entry by erosion from drainage, high water, or other means into the stream way. [WAC 173-16-060(18)(c)]

2. Scenic corridors with public roadways should provide safe pedestrian and other non-motorized travel. Also, provision shall be made for sufficient view points, rest areas, and picnic areas in public shorelines. [WAC 173-16-060(18)(e)]
3. All bridges and other water-crossing structures shall be designed not to impede normal annual high water. Bridge approaches and side slopes shall be planted with a suitable non-invasive ground cover.
4. Railroad tracks must be designed and operated to ensure compatibility with pedestrian and recreation usage within the shoreline management corridor. The railroad shall provide public easements across any tracks in the shoreline management corridor, deemed necessary by the City to provide convenient public access to publicly-controlled river frontage.
5. Freeway, expressway, principal arterial, minor arterial, collector and neighborhood access design shall meet the following requirements:
  - a. Introduce the minimum possible amount of paved surface into the shoreline management corridor insofar as this requirement is consistent with the essential public purposes of the roadway facility (to minimize pavement width, alternative routes outside the shoreline management corridor shall be utilized to the maximum).
  - b. Utilize existing transportation corridors whenever possible.
  - c. Be based on the maximum utilization of public transit capacity within the context of available technology and metropolitan financial resources to reduce the design requirements for peak hour highway capacity and in keeping with the City's adopted level of service for transit facilities as defined in the City of Woodinville's Comprehensive Plan Transportation Element.
  - d. Provide frequent safe crossings for pedestrians and bicycles seeking access to public portions of the shoreline.
  - e. Incorporate pedestrian, bicycle, and equestrian facilities (using State funding sources for this purpose when possible).
  - f. Provide scenic viewpoints and turnouts in the shoreline management corridor where they intersect or are adjacent to planned or existing pedestrian, bicycle, and equestrian trails along the water's edge. The trail-link may be established either on public right-of-way or as an easement on privately owned land.
  - g. Demonstrate that upland alignments are clearly infeasible.
  - h. Keep over-water structures for vehicles to an absolute minimum, allowed only when critically necessary to the operation of a permitted roadway and otherwise unavoidable.
  - i. Design bridge crossings of the Sammamish River corridor so that vertical supports are set back from the ordinary high water mark to accommodate circulation of water-craft, horses, bicycles, skaters, and pedestrians.
  - j. Meet the following conditional use requirements when proposed in the Conservancy Environment:

- i. Minor arterials, and neighborhood and local access streets shall be allowed as a conditional use only where essential connections must be made to circulate traffic to urban activity centers and subject to the conditions listed in this section.
  - ii. The only roadway construction permitted in the Conservancy Environment shall be that deemed necessary for maintenance, security, and/or low intensity visitor access. Any substantial volume of traffic or parking must be accommodated upland with parking consolidated there and with pedestrian/bicycle/equestrian connections to the shore.
6. Drainage
  - a. All changes in contour for roadways shall account for drainage by proper channeling and culverts, unless the natural drainage system can be effectively and attractively left as a natural stream bed/pathway and be traversed by a bridge structure instead.
  - b. All culverts or other stormwater management structures, where required, shall be consistent with the requirements of the City's adopted Surface Water Design Manual and relevant engineering standards.
7. Consideration of Hydrologic Effects Construction of roadways shall incorporate features that leave existing beneficial hydrologic effects as little disturbed as possible. Fill material, where allowed for a roadbed, shall be coarse and permeable enough to allow continued circulation of groundwater and prevent damming it on the upland side. [WAC 173-16-060(18)(b)]
8. Landscaping Approval of roadway design shall require a landscaping plan acceptable to the Shoreline Administrator and/or the appropriate hearing body. A performance bond shall be required to guarantee implementation of the plans. The use of herbicides and pesticides is prohibited for maintenance of landscaping along roadways within or immediately adjacent to critical areas or their buffers as defined by the City's Zoning Code (WMC 21.16) (or as may hereafter be amended).
9. Utilities Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies where adverse impact to the shoreline can be minimized by doing so and it is physically feasible to do so.
10. RCW 37.79.035 and RCW 35.87.130 prohibit the City from vacating any public road which abuts a body of fresh water unless the street or road is not currently used or suitable for boat moorage or launching, a park, viewpoint, recreation or education site, or other public purposes.
11. All shoreline development must conform to the General Goals and Policies (Chapter 2) and the provisions of Chapter 3 (Shoreline Environments), as stated in this Master Program.
12. Roadway construction should include a design for impoundment structures that trap contaminants such as oil and salt and dispose of their runoff contaminants safely without allowing incursion into the stream way.

## 4.21 Piers and Docks

### 4.21.1 Definition

A pier is a structure built on supportive pilings driven into the water and used as a landing place for recreational crafts, such as sailboats, rowboats, kayaks, canoes, but not including motorboats or seaplanes. Docks are structures which float upon the water and are used for the same recreational purposes. While floating docks generally create less of a visual impact than those on pilings, they still constitute an impediment to boat traffic. [WAC 173-16-060(19)]

### 4.21.2 Exemptions

Docks for private, non-commercial pleasure craft, common to a single-family residence, in which the fair market value of the dock does not exceed \$10,000 are exempt from the requirement for a shoreline substantial development permit pursuant to RCW 90.58.030(3)(e)(vii) and WAC 173-27-040(2)(h). Construction on existing docks within five years of original construction in which the fair market value of the new construction does not exceed \$2,500 is also exempt. The City 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.
3. The proposal is consistent with the intent, policies, and regulations of the Shoreline Management Act, RCW 90.58.140(1), and this Master Program.

### 4.21.3 Regulations

1. Preference shall be given to the use of community docks in all new major waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks. [WAC 173-16-060(19)(c)]
2. In providing for boat docking facilities, consideration shall be given to the capacity of the shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage WAC 173-16-060(19)(e) and the facilities' compatibility with the surrounding environment and land and water uses.
3. The City of Woodinville shall apply U.S. Army Corps of Engineers' regulations to the placement of docks in relation to the shorelines.
4. Piers are prohibited.
5. Proposals for 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 adjacent shorelands.
  - c. Proposed location of floats, buoys, or docks relative to property lines and the ordinary high-water mark.
  - d. Location width, height, and length of docks on adjacent properties within 300 feet.
6. No docks shall be constructed on the shorelines of Woodinville, except for pleasure boat access to shoreline activities serving the general public. Pleasure boats shall include sailboats, rowboats, kayaks, canoes, but not motorboats or seaplanes.
  7. As established in Section 4.10 (Residential Development), shoreline development permits for common or shared docks shall be given preference over separate, individually owned structures.
  8. No more than one dock for each 100 feet of shoreline associated with multifamily, subdivision, commercial, or industrial development is permitted.
  9. Boat moorages shall not be constructed to impede normal public use of the stream way or to significantly interfere with use of navigable waters. Docks may be prohibited where necessary to protect navigation, public use, or habitat values.
  10. Covered boat sheds extending into the navigable waterway are permitted in both environments, but must be located 100 feet from the OHWM.
  11. All docks shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe docks shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the City may, following notice to the owner, abate the structure if the owner fails to do so within 90 days and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.
  12. Common docks may be located on or straddling the property line upon agreement of two or more adjacent property owners or as part of a subdivision plan. Appropriate legal instruments shall be submitted as part of the shoreline permit application, delineating joint interest, control of the structure, and maintenance responsibilities.
  13. Dimensions
    - a. All docks and recreational floats shall be constructed parallel to the shoreline rather than perpendicular to it and shall not extend more than eight feet beyond the ordinary high-water mark into the stream way. Dock length is measured parallel to the shoreline and dock width is measured perpendicular to the shoreline.
    - b. Docks and floats may occupy a maximum of 50 percent of any one shoreline parcel, and can be located only on parcels where shoreline lot width is at least 50 feet. In the case of a common dock, combined shoreline lot width must be at least 50 feet.
    - c. No dock shall be closer than five feet to any adjacent property line, unless it is a jointly owned facility.
    - d. No dock deck shall stand higher than two feet above the ordinary high-water mark. Houses and sheds are not allowed on a privately owned residential dock. Storage

boxes shall not extend above the dock's railing and in no case more than 42 inches above the dock deck.

- e. Docks must be a minimum of 5-feet wide, and a maximum of 40-feet long.
14. Issuance of a shoreline permit shall be based on clear evidence that stream bed disturbance is minimal, that aquatic and wildlife habitats are protected or enhanced, and that minimum interference is caused to general public usage of the water's surface during construction.
  15. Structure Color and Materials
    - a. Colors and materials shall be consistent with the natural appearance intended for the shoreline. Shiny metallic surfaces are prohibited, and earth tone colors as previously described for Commercial Development (Section 4.7) shall be used. Styrofoam floats and other materials which bear no resemblance to natural stone or wood products are prohibited unless completely invisible to the public, either from the land or from the water's surface.
    - b. 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. In freshwater, untreated wood, pre-cast 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.
    - c. No over-water field applications of paint, preservative treatment, or other chemical compounds shall be permitted except in accordance with best management practices as published by the State Department of Ecology.
    - d. Lighting is required to be the minimum necessary to locate the dock at night and is required to focus downward to minimize glare.

## 4.22 Marinas and Other Boating Facilities

### 4.22.1 Definition

Marinas are facilities that provide boat launching, storage, supplies, and services for small pleasure craft. There are two basic types of marinas: the open-type construction (floating breakwater and/or open-pile work) and solid-type construction (bulkhead and/or landfill). Depending upon the type of construction, marinas affect fish resources and habitats in different ways. [WAC 173-16-060(5)]

### 4.22.2 Regulations

Not applicable to the City of Woodinville. There are no known marina activities existing or anticipated within the City of Woodinville's shoreline management jurisdiction. If such operations are proposed in the future, regulations will be established by amendment to this Master Program, according to procedures set forth in RCW 90.58.020 and the guidelines of WAC 173-16-060, or as may hereafter be amended.

## 4.23 Recreation

### 4.23.1 Definition

Recreation is the refreshment of body and mind through forms of play, amusement, or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. The recreational experience may be either an active one involving boating, swimming, or fishing, or the experience may be a passive one such as enjoying the natural beauty or flora and/or fauna of a vista, river, or creek area from adjacent property. [WAC 173-16-060(21)]

This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association, or individual.

### 4.23.2 Regulations

1. Access to public recreational locations such as fishing streams shall be a combination of areas and linear access (parking areas and easements, for example) to prevent concentrations of use pressure at a few points. [WAC 173-16-060(21)(b)]
2. Woodinville encourages the linkage of shoreline parks and public access points through the use of linear access such as the Sammamish River regional park and the Tolt River water line. Many types of connections can be used such as hiking paths, bicycle trails, and/or scenic drives. [WAC 173-16-060(21)(c)] Coordination of local, State, and Federal recreation planning is also encouraged to mutually satisfy recreational needs in the most efficient and cost-effective manner.
3. Attention shall be directed toward the effect the development of a recreation site will have on the environmental quality and natural resources of an area [WAC 173-16-060(21)(d)] , and the site should be located, designed, and operated to be compatible with, and minimize adverse impacts on, environmental quality and valuable natural resources as well as adjacent and surrounding land and water uses.
4. Recreational developments shall be located and designed to preserve, enhance, or create scenic views and vistas. Such scenic views should be identified in the shoreline inventory.
5. To avoid wasteful use of the limited supply of recreational shoreland, permitted parking areas shall be located landward of 100-foot stream buffer. Access should be provided by walkways or other methods. Automobile traffic on fragile shoreland resources shall be discouraged. [WAC 173-16-060(21)(f)]
6. Facilities for intensive recreational activities shall only be provided where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational uses. [WAC 173-16-060(21)(i)]
7. In locating proposed recreational facilities such as playing fields and other open areas which use fertilizers and pesticides in their turf maintenance programs, provisions must be made to prevent these chemicals from entering water. [WAC 173-16-060(21)(j)]
8. Where appropriate, recreational uses with no permanent structures as defined by the Federal Emergency Management Agency may be permitted in floodplain areas.

9. All recreational developments shall adequately provide for:
  - a. Vehicular and pedestrian access, both on- and off-site.
  - b. Proper water supply and solid and sewage waste disposal methods.
  - c. Security and fire protection.
10. Overflow and trespass onto adjacent properties shall be prevented by methods, including but not limited to landscaping, fencing, and posting of property notices.
11. Such development shall be buffered from adjacent private property or natural areas with a 5-foot-wide Type I landscaping strip.
12. Water-dependent activities such as swimming, boating, and fishing, and activities that benefit from riverfront scenery such as picnicking, hiking, bicycling, and equestrian use shall be emphasized in planning public recreation sites in the shoreline management corridor. These uses are preferred to other kinds of recreational activities that do not inherently benefit from the water's recreational or scenic qualities.
13. Lighting Area lighting of recreational activities, whether commercially or publicly operated, shall be designed so that its intensity and color do not conflict with adjacent shoreline and/or non-shoreline uses.
14. Site Design
  - a. When appropriate, foot bridges shall be encouraged as features of any recreational activity along the shoreline, providing that valued wildlife and aquatic habitat is protected both during and after construction.
  - b. Retention or improvement of existing shoreline vegetation is encouraged, while activities that would remove large quantities of it shall be discouraged as shoreline uses.
  - c. Parking areas are prohibited within the required setback from the ordinary high-water mark of the channel as described in Section 4.20. Parking areas shall be developed in accordance with the criteria set forth in the Woodinville Zoning Code (WMC 21.18), or as may hereafter be amended.
  - d. Areas of significant wildlife or aquatic life habitat shall be developed primarily for controlled public access to view the habitats and only when adverse impacts to these areas can be avoided.
  - e. Use of pesticides and fertilizers in quantity shall be regulated by the provisions set forth for Agricultural Practices, Section 4.4.



## CHAPTER 5. ADMINISTRATIVE PROCEDURES



## 5. ADMINISTRATIVE PROCEDURES

### 5.1 Shoreline Environment Designation Map

There is hereby made a part of this Master Program, a map which shall be officially known as the Shoreline Environment Designation Map, but which, for the purpose of brevity shall be referred to in this Master Program as the "Map" (see Figure 2 in Chapter 3). There shall be only one official copy of this Map which shall reside in the custody of the Shoreline Administrator. There may be unofficial copies of this Map prepared for administrative purposes.

The Map will show the area of the City of Woodinville which is under the jurisdiction of this Master Program. Further, the Map will show the two shoreline environments as they affect the various lands and waters of the City of Woodinville.

Where uncertainty or conflict may occur in the exact location of a jurisdiction boundary line, or environment boundary line, the official designations prepared by the Department of Ecology will be used. Where this does not resolve the conflict, the following rules will apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the corporate limits shall be construed as following such corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be half way between railroad right-of-way lines.
5. Boundaries indicated as following shorelines of rivers shall be construed to follow such shorelines 200 feet to the upland side as measured from the ordinary high-water mark, the floodway, or whichever is greater. The jurisdiction boundary shall also be construed to follow the actual boundaries of associated wetlands or other critical areas and their buffers that are partially or completely within the 100-year floodplain. The term "associated" shall apply to wetlands that are hydrologically connected to or otherwise influenced by the shorelines of the Sammamish River or Little Bear Creek. The boundaries of wetlands or other critical areas and their required buffers would be construed as surveyed and mapped in the field. Such surveying or mapping may or may not be the responsibility of the applicant, depending on each situation. In the event of a change in a shoreline or critical area feature, boundaries shall be construed as moving with the actual shoreline or critical area and buffer edge.
6. Boundaries of the SMP jurisdiction along Little Bear Creek were determined by applying the 20 cfs criteria (RCW 90.58.030 (2)(d)). In accordance with WAC 173-18, the 20 cfs limit occurs at the eastern edge of Section 9, Township 25, and Range 5 which aligns with 132nd Ave. NE in the City of Woodinville.
7. The areas extending from the OHWM waterward to the centerline of the Sammamish River and Little Bear Creek are governed by the policies and regulations of the Conservancy environment. The Conservancy environment also extends from the OHWM waterward to the

King County boundary line in those portions of Woodinville where city and county boundary lines are contiguous along the Sammamish River.

8. Boundaries indicated as parallel to or extension of features indicated in 1 through 7 above shall be so construed.
9. Distance not specifically indicated on the Map shall be determined by the scale of the Map.
10. Where physical or cultural features existing on the ground vary from those shown on the Map or in other circumstances not covered by 1 through 6 of the above, the Administrator shall interpret the boundaries.

## 5.2 Regulatory Relationships

Shoreline Master Program regulations act as an overlay to the City of Woodinville's Zoning Code and shall take precedence over underlying zoning regulations.

## 5.3 Non-conformance

All shoreline uses and structures, lawfully erected and maintained in lawful condition prior to the effective date of this Master Program and all structures in the process of being lawfully erected prior to the effective date of this Master Program but which do not conform to the regulations contained herein, may continue to exist or be completed according to the provisions of its lawful approval. Non-conforming development standards as contained in WMC 21.32 and WAC 173-27-080(3), (6), and (7) shall apply.

## 5.4 Administrator

The Shoreline Administrator shall be appointed by the City Manager and shall perform all the duties ascribed to the Administrator by this Master Program. The Shoreline Administrator shall administer the permit and notification regulations.

The Shoreline Administrator shall also be responsible for making the judgments called for in these regulations. Whenever phrases subject to interpretation appear in these regulations, a determination must be made for specific cases involving the particular regulations. These determinations shall be made in accordance with section 5.6 of this chapter.

## 5.5 Permits

Certain forms of development or activity occurring within the area of jurisdiction must be granted permits, termed "substantial development permits" prior to commencement of construction or beginning the activity. The permit procedure shall be in accordance with WMC Chapter 17.07 through 17.17 and RCW 98.150, and amendments to that procedure shall automatically cause a similar amendment to this Master Program.

In certain circumstances as prescribed by the Shoreline Management Act, substantial development permits may not be required for particular activities. The proponent of the activity may still be required by the Shoreline Management Act to obtain a conditional use permit or a variance. Developments that do not require a permit must still comply with the goals, policies, and regulations of this Master Program.

### 5.5.1 Application for a Permit

Once a potential applicant has determined that he/she must obtain a substantial development permit, conditional use permit, or variance for a contemplated project, he/she shall apply to the City for the same on forms provided by the Shoreline Administrator. On the date the applicant submits a complete application along with the application fee and other information, the official permit procedure begins in accordance with WMC 17.07 through 17.17. The Shoreline Administrator shall determine whether an application is complete shall be as set forth in WMC 17.09. When an applicant is required to obtain a shoreline permit, no other permits for the project shall be issued until the shoreline permit has been issued. All permits issued by the City shall also be in accordance with WAC 173-27-190, as follows:

1. Each substantial development, conditional use, and variance permit issued by the City of Woodinville shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceeding initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b),
2. Permits for substantial development, conditional use and variance may be in any form prescribed and used by the City including a combined permit application form. Such forms will be supplied by the City, and;
3. A permit data sheet shall be submitted to the Washington Department of Ecology with each shoreline permit. The permit data sheet form shall be as provided in Appendix C of this Program.

#### 5.5.1.1 Notification

Notification requirements shall be in accordance with WMC 17.11 Public Notice.

#### 5.5.1.2 Revisions or Modifications to Applications or Permits

Any revisions or modifications to a permit shall be in accordance with WMC 17.09.070 and this subsection. A set of detailed plans and text describing the proposed changes of the permit shall be submitted to the City for review. If the City's Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, the Shoreline Administrator may approve a revision or modification. In addition to consideration pursuant to WMC 17.09.070(1), within the scope and content of the original permit means the following:

1. No additional over-water construction is involved except that dock or float construction may be increased by 500 square feet or ten percent from the provisions of the original permit, whichever is less.
2. Ground area coverage and height of each structure may be increased a maximum of ten percent from the provisions of the original permit.

3. Additional separate structures may not exceed a total of 250 square feet.
4. The revised permit does not authorize development to exceed height, lot coverage, setback, buffer, or any other requirements of the applicable Master Program except as authorized under the original permit.
5. Additional landscaping is consistent with conditions, if any, attached to the original permit and with the applicable Master Program.
6. The use authorized pursuant to the original permit is not changed.
7. No substantial adverse environmental impact will be caused by the project revisions. [WAC 173-27-100(1)-(2)]

If the sum of the proposed revision and any previously approved revisions processed under this subsection is determined by the Shoreline Administrator as beyond the scope and intent of the original permit, the Shoreline Administrator shall require that the applicant apply for a new permit in the manner provided for herein. [WAC 173-27-100(4)]

The revised permit is effective immediately upon final action by the City or, when appropriate under WAC 173-27-100(6), by the Planning Department. [WAC 173-27-100(7)]

Filing of the Shoreline Administrator's decision shall be done in accordance with adopted State law and the Washington Administrative Code as provided for in WAC 173-27-130. Appeals shall be in accordance with WAC 173-27-100(8) and RCW 90.58.180.

#### 5.5.1.3 Filing of Decision

Filing of the Shoreline Administrator's decision shall be done in accordance with WAC 173-27-130.

#### 5.5.1.4 Revocation of Permit

If no work has begun on a project, the Administrator may revoke the permit and halt the project if conditions written on the permit are not fulfilled or are violated; or, if the permit is found to have been issued based on false information or misrepresentations of the applicant; or, if an activity is found to have been undertaken on shorelines of the state in violation of Chapter 90.58 RCW or the Shoreline Master Program. If work has begun on the project and if conditions written on the permit are not fulfilled or are violated; or, other of these regulations or those of Chapter 90.58 RCW are violated; or, if the permit is found to have been issued based on false information or misrepresentations of the applicant. The administrator may revoke an issued permit or otherwise enforce compliance in accordance with WAC 173-27-240 through -300.

#### 5.5.1.5 Letter of Exemption

The City of Woodinville shall issue a letter of Exemption for Projects meeting the WAC criteria (WAC 173-27-040) and requiring Section 10 or 404 federal permits. (WAC 173-27-050)

### 5.5.2 Substantial Development

Those developments for which permits must be obtained are termed "substantial developments" and are defined by the Shoreline Management Act of 1971, as amended, as follows:

"Substantial development" shall mean any development of which the total cost or fair market value exceeds \$2,500, or any development which materially interferes with the normal public use of the water or shorelines of the State; except the following shall not be considered substantial development for the purpose of this Master Program and its codified regulations:

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.
2. Construction of the normal protective bulkhead common to single-family residences.
3. Emergency construction necessary to protect property from damage by the elements.
4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.
5. Construction or modification of navigational aids such as channel markers and anchor buoys.
6. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his/her own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this ordinance.
7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of single or multiple-family residences. This applies if, in fresh waters, the fair market value of the dock does not exceed ten thousand dollars. If subsequent construction on the dock occurs within five years of completion of the prior construction and exceeds two thousand five hundred dollars, the subsequent construction shall require a substantial development permit.
8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.
9. The marking of property lines or corners on State-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
10. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
11. Any project with a certification from the governor, pursuant to RCW 80.50;
12. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Master Program, if:

- a. The activity does not interfere with the normal public use of the surface waters.
  - b. The activity will have no significant adverse impact on the environment including, but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values.
  - c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.
  - d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to pre-existing conditions.
  - e. The activity is not subject to the permit requirements of RCW 90.58.550. [1995 Laws, Ch. 237, Sec. 1]
13. Removal or control of aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies;
  14. Public or private watershed restoration projects consistent with this Shoreline Master Program and pursuant to WAC 173-27-040(2)(o); and
  15. A public or private project that improves fish or wildlife habitat or fish passage pursuant to WAC 173-27-040(2)(p).

### 5.5.2.1 Permit Requirements

An application for a Substantial Development Permit shall be in accordance with WMC 17.09.020 and WAC 173-27-180, and shall contain the following at a minimum:

1. Name, address, telephone number of applicant.
2. Name, address, telephone number of applicant's representative (if different).
3. Name, address, telephone number of property owner.
4. Relation of applicant to property (owner, purchaser, lessee, other).
5. Parcel number and section, township, range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
6. Address of property.
7. Name of shoreline or associated wetland.
8. Current use of property with existing improvements and physical characteristics.

9. Proposed use of property.
10. Activities necessary to accomplish the project.
11. Shoreline designation according to the Shoreline Master Program.
12. Shorelines of statewide significance.
13. Type of shoreline (marine, stream, lake, lagoon, marsh, bog, swamp, floodplain, delta).
14. Type of beach (accretion, erosion, high bank, low bank, or dike).
15. Type of material (sand, gravel, mud, clay, rock, riprap).
16. Extent and type of bulkheading, if any.
17. Description of the vicinity; adjacent uses, structures, and improvements; intensity of development; and physical characteristics.
18. Detailed drawings and text sufficient to fully explain the intended project which must include:
  - a. Site boundary.
  - b. Property dimensions in vicinity of project.
  - c. Ordinary high-water mark.
  - d. Typical cross section or sections showing:
    - i. Existing ground elevations.
    - ii. Proposed ground elevations.
    - iii. Height of existing structures.
    - iv. Height of proposed structures.
  - e. Proposed land contours, where appropriate at 5-foot intervals in water and 10-foot landward of the ordinary high-water mark.
  - f. Dimensions and locations of existing structures to be maintained, including paved or graveled areas, roads, utilities, septic tanks and drain fields, material stock piles or surcharge, and storm water facilities.
  - g. Dimensions and locations of proposed structures including paved or graveled areas, roads, utilities, septic tanks and drain fields, material stock piles or surcharge, and storm water facilities.
  - h. Vegetation found on site.

- i. Landscaping plans (if applicable).
  - j. Delineated wetlands if any.
  - k. Source, composition, and volume of fill material.
  - l. Composition, volume, and destination of extracted materials and proposed disposal area.
  - m. Plans for off-site mitigation, if any.
  - n. Septic tank compliance with local health and state regulations.
  - p. Vicinity Map
    - i. Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.)
    - ii. If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. IF the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.
  - q. Elevations of structures.
  - r. Depiction of any residential or public views to be impacted.
19. The intended starting and completion dates.
20. The reason, if any, why this project requires a shoreline location as opposed to a non-shoreline location.
21. If wetlands are present, a wetland delineation report and survey to City of Woodinville standards.

#### 5.5.2.2 Permit Review and Approval

The Substantial Development review process shall be in accordance with WMC 17.07 through 17.17, or as may hereafter be amended. In addition, permits approved or denied by the City are reviewed by the State Department of Ecology. Permits that affect the water channel may also be reviewed by King County, the Muckleshoot Indian Tribe, the State Department of Fish and Wildlife, and/or the Army Corps of Engineers. Substantial development review shall also be in accordance with WAC 173-27-190.

#### 5.5.3 Conditional Uses

Conditional uses are generally uses permitted to locate in shoreline areas, but usually seen as uses which either do not need, or, depending on the environment, are considered not to be suitable for siting in shoreline locations. It is understood, however, that there may be special circumstances or a special type or style of conditional use that would make shoreline siting of

special cases acceptable to the goals, policies, and intentions of the Master Program. Conditional uses are defined as development or substantial development classified as a conditional use according to the regulations in Chapter 4 of this Master Program or not classified within this Master Program.

While most, but not all, uses and activities require substantial development permits, any conditional use, no matter what its particular characteristics, will require a conditional use permit before such use may be undertaken. The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the 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 contradiction of the policies enumerated in RCW 90.58.020.

Therefore, the applicant must supply whatever evidence, information, or agreements to assure the decision-making body that denial of the permit would result in a contradiction of the policies enumerated in RCW 90.58.020, or for uses identified as conditional in Chapter 4 of this Master Program all of the criteria in Section 5.6.3.3 shall be met.

### 5.5.3.1 Permit Requirements

Other uses not classified or set forth in this Master Program may be authorized through a conditional use permit provided that the applicant can demonstrate, in addition to criteria in Section 5.5.3.3, that extraordinary circumstances preclude reasonable (economically viable) use of the property in a manner consistent with the use regulations of this Master Program. [WAC 173-27-160]

An application for a conditional use permit shall be in accordance with WMC 17.09.020, WAC 173-27-180, and shall consist, at a minimum, of the following as identified on the submittal checklist:

1. Name, address, telephone number of applicant.
2. Name, address, telephone number of applicant's representative (if different).
3. Name, address, telephone number of property owner.
4. Relation of applicant to property (owner, purchaser, lessee, other)
5. Parcel number and section, township, range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
6. Address of property.
7. Name of shoreline or associated wetland.
8. Current use of property with existing improvements and physical characteristics.
9. Proposed use of property.
10. Activities necessary to accomplish the project.
11. Shoreline designation according to the Shoreline Master Program.

12. Shorelines of statewide significance.
13. Type of shoreline (marine, stream, lake, lagoon, marsh, bog, swamp, floodplain, delta).
14. Type of beach (accretion, erosion, high bank, low bank, or dike).
15. Type of material (sand, gravel, mud, clay, rock, riprap).
16. Extent and type of bulkheading, if any.
17. Description of the vicinity; adjacent uses, structures, and improvements; intensity of development; and physical characteristics.
18. Detailed drawings and text sufficient to fully explain the intended project which must include:
  - a. Site boundary.
  - b. Property dimensions in vicinity of project.
  - c. Ordinary high-water mark.
  - d. Typical cross section or sections showing:
    - i. Existing ground elevations.
    - ii. Proposed ground elevations.
    - iii. Height of existing structures.
    - iv. Height of proposed structures.
  - e. Proposed land contours, where appropriate at 5-foot intervals in water and 10-foot landward of the ordinary high-water mark.
  - f. Dimensions and locations of existing structures to be maintained, including paved or graveled areas, roads, utilities, septic tanks and drain fields, material stock piles or surcharge, and storm water facilities.
  - g. Dimensions and locations of proposed structures including paved or graveled areas, roads, utilities, septic tanks and drain fields, material stock piles or surcharge, and storm water facilities.
  - h. Vegetation found on site.
  - i. Landscaping plans (if applicable).
  - j. Delineated wetlands if any.
  - k. Source, composition, and volume of fill material.

- l. Composition, volume, and destination of extracted materials and proposed disposal area.
  - m. Plans for off-site mitigation, if any.
  - n. Septic tank compliance with local health and state regulations.
  - p. Vicinity Map
    - i. Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.)
    - ii. If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. IF the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.
  - q. Elevations of structures.
  - r. Depiction of any residential or public views to be impacted.
19. The intended starting and completion dates.
20. The reason, if any, why this project requires a shoreline location as opposed to a non-shoreline location.
21. If wetlands are present, a wetland delineation report and survey to City of Woodinville standards.
22. An explanation of why the conditional use should be granted, including notation of any special features of the proposed project that support the request and explanation of how the request meets the requirements and criteria for conditional uses as enumerated in Section 5.5.3.

### 5.5.3.2 Permit Review and Approval

The Conditional Use Permit review process shall be in accordance with permit processing regulations pursuant to WMC 17.07 through 17.17, or as may hereafter be amended. Conditional Use Permit review process shall also be in accordance with WAC 173-27-190.

In the review of all conditional use permit applications, 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 shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects on the shoreline environment. [WAC 173-27-160(2)]

The decision-maker shall consider: (1) whether the applicant has demonstrated that all of the applicable criteria exist; (2) the cumulative impact of additional requests for like actions in the area; and (3) whether special conditions may be attached to the permit to prevent the undesirable effects of the proposed use. After such consideration, the decision-maker may approve, conditionally approve, or deny the conditional use permit application.

If a conditional use permit is approved, the Administrator shall submit the permit to the Department of Ecology for approval, approval with conditions, or denial as provided in WAC 173-27-200.

Uses specifically prohibited by the Master Program may not be authorized. [WAC 173-27-160(4)]

Permits approved or denied by the City are reviewed by the State Department of Ecology. Permits that affect the water channel may also be reviewed by King County, the Muckleshoot Indian Tribe, the State Department of Fish and Wildlife, and/or the Army Corps of Engineers.

### 5.5.3.3 Conditional Use Approval Criteria

1. The proposed use is consistent with the policies of RCW 90.58.020 and the policies of this Master Program.
2. The proposed use will not interfere with the normal public use of public shorelines.
3. The proposed use of the site and design of the project is compatible with other existing and planned uses within the area.
4. The proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located.
5. That water, air, noise, and other classes of pollution will not be more severe than the pollution that would result from the uses which are permitted in the particular environment.
6. That none of the goals, policy statements, or specific aims of the particular environment would be violated, abrogated, or ignored.
7. That no other applicable regulations will be violated.
8. The public interest suffers no substantial detrimental effect.

## 5.5.4 Variance

It is understood that these regulations may cause unnecessary hardships in particular situations, or that these regulations might be unreasonable in light of new evidence, technology, or other special circumstances, and that the goals and policies of the Master Program may not necessarily be served by the strict application of these regulations. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. [WAC 173-27-170]

### 5.5.4.1 Permit Requirements

An application for a Substantial Development Permit shall be in accordance with WMC 17.09.020, WAC 173-27-180, and shall, contain the following, at a minimum:

1. Name, address, telephone number of applicant.
2. Name, address, telephone number of applicant's representative (if different).
3. Name, address, telephone number of property owner.
4. Relation of applicant to property (owner, purchaser, lessee, other)
5. Parcel number and section, township, range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
6. Address of property.
7. Name of shoreline or associated wetland.
8. Current use of property with existing improvements and physical characteristics.
9. Proposed use of property.
10. Activities necessary to accomplish the project.
11. Shoreline designation according to the Shoreline Master Program.
12. Shorelines of statewide significance.
13. Type of shoreline (marine, stream, lake, lagoon, marsh, bog, swamp, floodplain, delta).
14. Type of beach (accretion, erosion, high bank, low bank, or dike).
15. Type of material (sand, gravel, mud, clay, rock, riprap).
16. Extent and type of bulkheading, if any.

17. Description of the vicinity; adjacent uses, structures, and improvements; intensity of development; and physical characteristics.
18. Detailed drawings and text sufficient to fully explain the intended project which must include:
  - a. Site boundary.
  - b. Property dimensions in vicinity of project.
  - c. Ordinary high-water mark.
  - d. Typical cross section or sections showing:
    - i. Existing ground elevations.
    - ii. Proposed ground elevations.
    - iii. Height of existing structures.
    - iv. Height of proposed structures.
  - e. Proposed land contours, where appropriate at 5-foot intervals in water and 10-foot landward of the ordinary high-water mark.
  - f. Dimensions and locations of existing structures to be maintained, including paved or graveled areas, roads, utilities, septic tanks and drain fields, material stock piles or surcharge, and storm water facilities.
  - g. Dimensions and locations of proposed structures including paved or graveled areas, roads, utilities, septic tanks and drain fields, material stock piles or surcharge, and storm water facilities.
  - h. Vegetation found on site.
  - i. Landscaping plans (if applicable).
  - j. Delineated wetlands if any.
  - k. Source, composition, and volume of fill material.
  - l. Composition, volume, and destination of extracted materials and proposed disposal area.
  - m. Plans for off-site mitigation, if any.
  - n. Septic tank compliance with local health and state regulations.
  - p. Vicinity Map

- i. Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.)
  - ii. If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. IF the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.
  - q. Elevations of structures.
  - r. Depiction of any residential or public views to be impacted.
19. The intended starting and completion dates.
  20. The reason, if any, why this project requires a shoreline location as opposed to a non-shoreline location.
  21. If wetlands are present, a wetland delineation report and survey to City of Woodinville standards.
  22. If a variance is being requested, the application shall contain the applicant's reasons why the variance should be granted.
  23. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

An applicant may make a joint application for a particular project and for variance to any of these regulations which he/she deems unreasonable, or which would provoke an unnecessary hardship in his/her case.

In addition to the other material required in the application, the applicant must identify each of the provisions in this Master Program for which he/she wishes a variance. Further, the applicant must supply evidence, information, and his/her rationale for each variance sought. An explanation of how the project meets the variance criteria of 5.5.4.3 of this section shall be submitted as part of the application.

#### 5.5.4.2 Permit Review and Approval

The Variance Permit review process shall be in accordance with permit processing regulation pursuant to WMC 17.07 through 17.17, or as may hereafter be amended. The Variance Permit review process shall also be in accordance with WAC 173-27-190.

Failure to satisfy any one of the above will result in denial of the variance. The medium of variance is to be used only for the relaxation of these regulations as they apply to a permitted use, or in conjunction with an application for a conditional use.

In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to 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. [WAC 173-27-170(4)]

The remainder of the variance procedure is identical to that for a conditional use.

Permits approved or denied by the City are reviewed by the State Department of Ecology. Permits that affect the water channel may also be reviewed by King County, the Muckleshoot Indian Tribe, the State Department of Fish and Wildlife, and/or the Army Corps of Engineers.

#### 5.5.4.3 Variance Approval Criteria

1. Variances for development located landward of the ordinary high-water mark as defined in RCW 90.58.030(2)(b), except within those areas designated by the Woodinville Planning Department pursuant to Wetlands Chapter 173-22-WAC or those areas defined as critical areas by the Growth Management Act or the Woodinville Zoning Code (WMC 21.24), may be authorized provided the applicant can demonstrate all of the following:
  - a. The strict application of the bulk, dimensional, or performance standards set forth in this Master Program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by the Master Program.
  - b. The hardship described in Item a. above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions.
  - c. The granting of the variance(s) will not violate the goals, policies, or individual environment purposes spelled out in the Master Program.
  - d. The requested variance does not constitute a grant of special privilege not enjoyed by the other properties in the area, and is the minimum necessary to afford relief.
  - e. That the public interest, health, safety, and welfare will suffer no substantial detrimental effect.
  - f. That the design of the proposed project is compatible with other permitted activities in the surrounding area and will not cause adverse effects to adjacent properties or the shoreline uses, structures, or environment. [WAC 173-14-150(2)(c)]
2. For variance permits for development that will be located either water-ward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), or within those areas designated by the Woodinville Planning Department as marshes, bogs, or swamps pursuant to Chapter 173-22-WAC or those areas defined as critical areas by the Growth Management Act or the City's Code, may be authorized provided the applicant can demonstrate all of the following:
  - a. The strict application of the bulk, dimensional, or performance standards set forth in this Master Program precludes a reasonable use of the property not otherwise prohibited by the Master Program.
  - b. The proposal is consistent with the criteria listed above in Items b. through f. for variances landward of the ordinary high-water mark.
  - c. The public rights of navigation and use of the shorelines will not be adversely affected. [WAC 173-14-150(3)(c)]

3. Failure to satisfy any one of the above will result in denial of the variance. The medium of variance is to be used only for the relaxation of these regulations as they apply to a permitted use, or in conjunction with an application for a conditional use.
4. Variances to gain relief from permitted uses are not allowed.
5. In the case of multiple variances in a given area, consideration shall be given to cumulative impacts.

## 5.6 Interpretation

Where the provisions of this Master Program may be unclear in special circumstances, or where judgments must be made because of the nature of the language used, the Shoreline Administrator shall make such interpretations and judgments. Use of "best science" and knowledge shall be included in the decision-making process.

## 5.7 Applicability

When parcels are divided by a shoreline boundary, this program shall only apply to that portion of the parcel between the boundary and the water. The provisions of this program shall apply to all shoreline activities, regardless of whether a shoreline permit is required or not.

## 5.8 Appeal

All of the various actions that may be taken during the administration and enforcement of these regulations may be appealed. All of the actions fall into two categories: (1) actions automatically reviewed at the State level, and (2) actions that will not be so reviewed. The appeal procedure contained in the Shoreline Management Act itself provides for the avenue of appeal for all State reviewed actions, in accordance with RCW 90.58.180.

For decisions made by the Woodinville Shoreline Administrator, appeals shall be as provided for in WMC 17.17, for each of the types of permits involved. Should any conflict arise between the City's Municipal Code and the provisions of the State Shoreline Management Act, the Act shall prevail.

The Shoreline Administrator will keep careful records of the date and nature of each decision. The success or failure of each appeal effort shall be made public record and shall be used in future decisions of a similar nature. The decision-maker shall note such use or shall record the explanation as to why an earlier appeal action was not used.

## 5.9 Amendments and Boundary Changes

Any of the provisions of this entire Master Program, or Shoreline Management jurisdiction boundary lines, or Environment boundary lines may be amended. Such amendment shall first occur in the form of a regular ordinance amendment according to the regular legislative rules of the City Council, except that before the Council may consider any amendments, there must first be a

public hearing held by the appropriate hearing body at which the matter of amendment is presented to the public and their comment considered.

When the City Council has acted, the proposed amendment will be sent to the Department of Ecology for its review. The Department of Ecology's review and action on the submitted Master Program or any amendments thereto shall be as provided for in RCW 90.58.090. Amendments to this Master Program will take effect when and in such form as approved or adopted by the Department of Ecology.

All territory which may hereafter be annexed to the City shall be classified with an environment designation at the time of annexation. Shoreline are not currently within the boundaries of the City of Woodinville may be designated a specific environment, in accordance with WAC 173-25-150. When that area is annexed by the City, it will automatically become part of this SMP.

## 5.10 Public Hearing Rules

Any public hearing conducted as an action of these regulations shall be held in accordance with WMC 17.15. Should any conflict arise between other sections of Woodinville's Municipal Code and the provisions of the State Shoreline Management Act, the more stringent shall prevail. Records will be kept for all hearings.

## 5.11 Enforcement

It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy, or maintain any building or structure in the City or cause the same to be done contrary to or in violation of any of the provisions of this Master Program.

Violations of this Master Program shall be enforced as set forth in City of Woodinville Ordinance No. 27 (or as may hereafter be amended). Violations and penalties shall be pursued as provided for in RCW 90.58.210 (civil penalties), RCW 90.58.220 (general penalties), and in RCW 90.58.230 (regarding the City's ability to recover the costs of restoration and attorney's fees). Orders to cease and desist and additional civil penalties shall also be adhered to as provided in WAC 173-27-270 and -280, respectively.

## 5.12 Court Actions to Ensure Against Conflicting Uses and to Enforce

The City Attorney may bring such injunctive, declaratory, or other actions as necessary to ensure that no uses are made of the shorelines of the State in conflict with the provisions and programs of this Program, and to otherwise enforce the provisions of this Program.

### **5.13 Other Requirements for Permits, Certificates, Etc.**

Nothing in this Master Program shall preclude any requirement to obtain any permit, certificate, license, or approval from any State agency, local government, or any other agency with jurisdiction.

### **5.14 Provisions Not Limited by Titles and Headings**

The specific provisions of this Program shall not be construed or limited by the wording or phrasing of the section titles or headings under which they fall.

### **5.15 Fees**

Fees shall be in accordance with the City of Woodinville's adopted fee schedule.

## 5.16 Severability

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

## 5.17 Adoption and Effective Date

This Master Program is hereby declared necessary to meet the obligations and responsibilities now upon the City of Woodinville and is hereby adopted and shall take effect upon approval by the Department of Ecology as provided for by law in RCW 90.58.

## APPENDICES



## APPENDIX A - PHYSICAL INVENTORY DESCRIPTION

The Shoreline Management Act requires that local agencies, "... in preparing ... master programs ... Consider 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." [RCW 90.58.100(1)(c)] In so doing, the jurisdiction creates an inventory of existing natural and non-natural conditions within the proposed Master Program's area of applicability.

The shoreline inventory presented here focuses on the Sammamish River and is divided into two sections - natural and non-natural conditions. Natural conditions include: (1) hydrology, (2) water quality, (3) fisheries resources, (4) wildlife, (5) vegetation, (6) soils, and (7) topography. Non-natural conditions include: (1) public access, and (2) land use.

### A-1. NATURAL CONDITIONS

#### A-1.1 Hydrology

The Sammamish River is a major river system in King County, carrying water from the foothills of the Cascades to Lake Washington, through the Chittenden Locks to Puget Sound. Although the mainstem Sammamish drains over 150 square miles, drainage from 106 square miles enters the river via Lake Sammamish. Approximately 3.5 square miles in Woodinville are drained by the river itself in addition to its tributaries. The Sammamish River's original hydrologic characteristics were changed when construction of the Lake Washington ship canal and the Chittenden Locks in 1916 lowered the elevation of Lake Washington by nine feet and thereby increased the gradient between Lake Sammamish and Lake Washington along the Sammamish River. However, the gradient remains shallow, with Lake Sammamish being only 16 feet higher than Lake Washington. (King County 1993a, p.196)

In the mid-1960s, the river was deepened and straightened, using dredge spoils to construct levees along the river. This U.S. Army Corps of Engineers' project reduced flood levels on Lake Sammamish and throughout a major part of the Sammamish River valley. The project was designed to accommodate a 40-year flood event in the spring, but only the 10-year event overall. The most recent flow-frequency calculations suggest that the design capacity can be exceeded by even a 5-year event. (King County 1993a, p. B-106) The design capacity, however, is less important than the actual constructed capacity.

Recent surveys show that the Corps of Engineers over-excavated much of the river channel, providing more capacity than was intended in design. In addition, recent water surface measurements suggest that the original design calculations overstated the hydraulic roughness of the completed project. When combined, these two errors overestimate the design (spring flood) water surface elevation at most locations along the river. Actual water surfaces are as much as 2.5 feet lower than earlier hydraulic calculations would suggest. (King County 1993a, p. B-106)

This new information has not yet been applied to calculations of regulatory (100-year) water surface elevations. However, the general lack of river flood damages during the Thanksgiving 1990 event, for example, does not imply a flood-free condition. The rainfall associated with that major flood was most severe in the mountains of southeast King County and in Snohomish County, which do not drain to the Sammamish and the Thanksgiving 1990 flows on the river were less than a 5-year magnitude. (King County 1993a, p. B-106) The Sammamish River basin is more responsive to hard rains in the lowlands than to sustained storms in the mountains. (King County 1993a, p.196)

Flows in the river fluctuate considerably, from minimum levels of 25 cubic feet per second (1977) to as much as 2,390 cubic feet per second (1972), varying from year to year with precipitation levels. While Lake Sammamish moderates the tendency of urbanization to add to peak flows, its major tributaries, Big Bear Creek, Little Bear Creek, North Creek, and Swamp Creek, have contributed larger and larger flows as urbanization has increased.

Given the river channel's design for an event much less than the regulatory 100-year standard and the extensive development of the entire basin and that of significant tributaries which contribute to the dominance of lowland runoff in Sammamish River flows, flood problems along the river channel will likely increase in frequency and severity, (King County 1993a, pp.196/197) even though the design capacity was over-constructed.

Low flows in the Sammamish River are also important from the standpoint that during summer months, the river's low energy level allows sediment to precipitate into the channel, altering the biomass relationships of aquatic organisms and predatory fish and creating fans and bars of coarse sediment at the mouths of tributary streams and elsewhere in the river. These sediment deposits tend to push the flow toward the opposite banks, where deep pools have been scoured, eroding of the bed and banks of the river itself which causes further sediment deposits downstream. (King County 1993b, p. A-18) In turn, the sediment deposits create difficulties for single-family home owners when they are prevented from using a personal dock due to the extent of sedimentation and the regulation-required distance to reach navigable waters.

Increased runoff (from increased development) has accelerated erosion rates above natural levels by causing stream channel incision and bank erosion, and by promoting landslides on the slide-prone steep valley walls. In the future, accelerated sediment production is likely to occur throughout the basin wherever development significantly increases runoff. (King County 1993b, p. A-18)

Also, it is believed that during low flow periods, the river acts as a thermal barrier to adult fish migration since there is little cover to protect stream temperatures. These problems are discussed in more detail below.

## A-1.2 Water Quality

Hydrology and water quality are closely related. The quality of water in the receiving streams of an urbanized area dramatically reflects the effect of land activities, resulting from both surface runoff and groundwater movement.

Two sets of information were used to evaluate existing water quality conditions and deficiencies of the Sammamish River. The Sammamish River Corridor Conditions and Enhancement Opportunities report (published by King County Surface Water Management in December 1993) provides a thorough analysis and summary of water temperature, dissolved oxygen levels, pollutants, nutrients, fecal coliform, and State water quality standards.

In general, existing data indicate that water quality in the Sammamish River is somewhat better in the vicinity of the outlet of Lake Sammamish than at the mouth of the river at Lake Washington. This is apparently caused by a combination of both the settling of some contaminants in Lake Sammamish (the lake drains off the top) and the contribution of various pollutants entering the mainstem river via the tributaries. Pollution loading from any single tributary is relatively small (no single major polluter has been identified within the river corridor). However, the cumulative effect of numerous small sources is measurable and could become significant as development of the Sammamish basin continues. (King County 1993b, p. A-20)

### Water Temperature

For ideal fish habitat, water temperatures should not exceed 65 degrees F (18 degrees C) since salmonid fish species using the river may not survive in water temperatures above 70 degrees F (21 degrees C). (The State Standard for Class AA streams is 16 degrees C [60.8 degrees F].) The highest annual temperature readings for the Sammamish River are typically recorded in July or August and generally range from 65 to 72 degrees F (18.4 to 22 degrees C). These high temperatures impede migration of adult sockeye and chinook salmon in the late summer and early fall, and limit utilization of the river by other species as well. Because temperatures in the major tributary streams do not exceed critical levels as frequently, the primary problem associated with high-water temperatures appears to be getting fish to and from these tributaries via the Sammamish River. (King County 1993b, pp. A-20/21)

### Dissolved Oxygen Levels

Because warmer waters are unable to hold as much dissolved oxygen, low oxygen levels in the Sammamish River are directly related to the warm water temperatures. Stream flow, depth, surface area, turbulence, and the relative amounts of photosynthetic activity and decomposition are also factors that influence overall dissolved oxygen levels.

Dissolved oxygen levels below 6 or 7 mg/l (milligrams per liter) are considered critical for salmonids. The standard deviation for dissolved oxygen levels measured by Metro on the Sammamish River for the last 12 years has ranged from about 7.8 to 9.9 mg/l. The lowest level recorded was 6.9 mg/l in August 1989, near the mouth of the river. The lowest level recorded on a tributary of the Sammamish River was 7.5 mg/l near the mouth of Swamp Creek. (King County 1993b, p. A-21)

### Pollutants

Sources of pollutants from both point and non-point origins affect the water quality of the Sammamish River. Non-point sources include agricultural activities, construction sites, parking lot/roadway runoff, and faulty (undetected) septic systems. Pollutants associated with both point and non-point sources include nutrients, heavy metals, suspended solids, oil, grease, and pesticides. (King County 1993b, pp. A-21/22)

The river carries a relatively high level of nutrients, contributing 41 percent of the phosphorous load to Lake Washington compared to only 23 percent of the hydraulic load. The north end of Lake Washington, near the mouth of the Sammamish, shows signs of eutrophication which is defined as "the process by which a body of water becomes either naturally or by pollution rich in dissolved nutrients (as phosphates) and often shallow with a seasonal deficiency in dissolved oxygen." (King County 1993b, pp. A-21/22)

The primary source of these nutrients is most likely Lake Sammamish; excessive phosphorous loading has been identified as the leading pollution threat to Lake Sammamish. Other potential sources of excessive nutrients include tributaries, possible

septic tank seepage, waterfowl droppings, agricultural runoff, and urban runoff (primarily nonpoint sources). (King County 1993b, pp. A-21/22)

Fecal coliform levels also tend to be markedly higher near the mouth of the river at Lake Washington. The highest levels seem to coincide with high river flows, particularly in the case of moderate rainfall events after an extended period of dry weather (a situation that often occurs in the fall). Water quality data available from Metro also indicate that overall levels of fecal coliform have declined noticeably over the last 12 years. (King County 1993b, pp. A-21/22) This is consistent with urbanization and the decrease in livestock accessing the stream.

### State Water Quality Standards.

The Sammamish River and its major tributaries are all classified as AA waters. AA is applied only to streams exhibiting the highest water quality in accordance with specific threshold characteristics. Waters of this quality are considered to exceed the requirements of any conceivable use, including domestic water supply, primary contact recreation, and fish spawning, rearing and harvesting. Although some specific standards continue to be regularly violated in the river, particularly in terms of temperature and dissolved oxygen levels during low summer flows, these waters are still considered to be of high quality. (King County 1993b, p. A-22)

## **A-1.3 Fisheries Resources**

In 1992, the Washington State Departments of Fisheries and Wildlife (merged to form the Department of Fish and Wildlife in 1994) and the Western Washington Treaty Tribes cooperated to jointly assemble data for an initial stock status inventory that is the first step in a Statewide effort to maintain and restore salmon and steelhead stocks and fisheries. In 1994, Appendix One, Puget Sound Stocks, the South Puget Sound Volume was published and provides detailed information on individual salmon and steelhead stocks identified in the inventory, including those of the Lake Washington basin.

Chinook spawning in north Lake Washington tributaries utilize North and Swamp Creeks and other tributaries as well as the Sammamish River. Young chinook salmon from the Issaquah hatchery may stray into north Lake Washington tributaries, but their impacts on those streams are not known. Spawning occurs from September through October. Sockeye salmon, and sea-run cutthroat and steelhead trout also occupy the Sammamish River for migratory periods. A number of other species are found in the river and its tributaries, either as migrant or resident fish.

Although a wide variety of fish species use the Sammamish River, the mainstem itself does not provide extensive high quality habitat areas for most species. The low gradient of the river (one foot per mile) contributes to a general lack of either pool or gravel/riffle environments that most fish species require for at least part of their life cycles; because of this, the river probably never provided extensive salmonid spawning habitat. However, the Sammamish River is of primary importance as a migratory corridor and possibly has some value as juvenile rearing habitat for some species. (King County 1993b, pp. A-8/9)

## **A-1.4 Wildlife**

Channelization, logging, and farming have severely limited most wildlife habitat along the entire Sammamish River corridor from Redmond to Woodinville, as cover along the riverbanks has been largely eliminated. (King County 1993b, p. A-11) The more adaptive of the mammals (e.g., coyotes, squirrels, and raccoons) exhibit the strongest presence along the Sammamish River. (King County 1993b, p. A-11)

Birds are perhaps the most visible wildlife found along the Sammamish River. The water environment and surrounding wetland areas attract and support higher densities and a greater variety of birds than areas not adjacent to water. Over 50 species have been observed in the watershed. (King County 1993b, pp. A-11/12)

Of particular concern are two species, the bald eagle and the great blue heron. The bald eagle is listed as Federal and State threatened and the great blue heron has been designated as a State monitor species (an indicator of environmental quality). Herons are designated a State monitor species by the Washington Department of Fish and Wildlife.

Amphibians are particularly good indicators of water quality. Their presence is poorly documented in the Sammamish River watershed. Those likely to be present include rough-skinned newts, western toads, chorus frogs, red-legged frogs, bullfrogs, and salamanders. There have also been sightings of western pond turtles, a species under consideration for listing under the Endangered Species Act, at a number of sites within the Sammamish River study area. (King County 1993b, p. A-12)

### A-1.5 Vegetation

The shoreline management areas along the Sammamish River are characterized by wild grasses, cottonwood, willows, blackberry patches, and other vegetation scattered along various parts of the river edges. Douglas-fir and hardwood stands occur on the higher ground.

Wetlands exist along some areas of the Sammamish River and contain typical wetland vegetation, including various trees, shrubs, herbs, sedges, rushes, grasses, and ferns.

### A-1.6 Soils

The predominant soil type in the low-lying shoreline management area of the Sammamish River is in the Puget series, defined by the Natural Resources Conservation Service as predominantly silty clay loam with a high-water table. In general, it has severe limitations as foundations for even low buildings (three stories and under) due to seasonal high-water table, moderate shrink-swell potential, and low shear strength. (King County 1993b, p. A-19)

Seismic hazards mapped for Woodinville are those areas of potential soil liquefaction or ground settlement and include areas of post-glacial alluvial sediments, wetlands, fill areas adjacent to wetlands, and peat. Soil liquefaction hazards are greatest where liquefied soil can spread laterally. These areas are primarily located within 200 feet of a stream or open bodies of water and particularly beneath the banks of rivers.

### A-1.7 Topography

Topography along the Sammamish River is generally 9 feet above mean sea level. The major part of the shoreline management area along the Sammamish River and is less than 25 feet above mean sea level. A 100-year flood, according to current Federal Emergency Management Agency mapping, would have an elevation of approximately 25 feet above mean sea level which is important in planning for shoreline land use.

## A-1.8 Conclusions

In summary, the Sammamish River continues to have the same or similar problems as when the City's Master Program was first adopted. Water quality standards (temperature, dissolved oxygen, and pollution by nutrients, fecal coliform, and other substances) continue to be in violation of local, State, and Federal regulations. Fish habitat continues to be degraded due to these in-stream conditions.

Implications of these findings are that shoreline land use locations should be selected that will not unnecessarily add to these problems and that the fish habitat should be improved.

The Woodinville Shoreline Master Program policies and use regulations are intended to help implement the State Class AA Standards for water quality and to achieve the goals of the Master Program and the City's Comprehensive Plan. For example, the Master Program's regulation of land-based activities within the shoreline management area will require evaluation and control of the quantity, quality, and velocity of stormwater runoff from land developments that change existing runoff patterns. This will be accomplished through implementation of the City's adopted Surface Water Design Manual. Master Program regulations governing disposal of dredge spoils, application of pesticides, and thinning of stream bank vegetation also pertain directly to management and improvement of existing water quality. It is recognized that effective water quality management must deal more comprehensively with upland as well as shoreline land uses, and must deal with the entire drainage basin regardless of political boundaries.

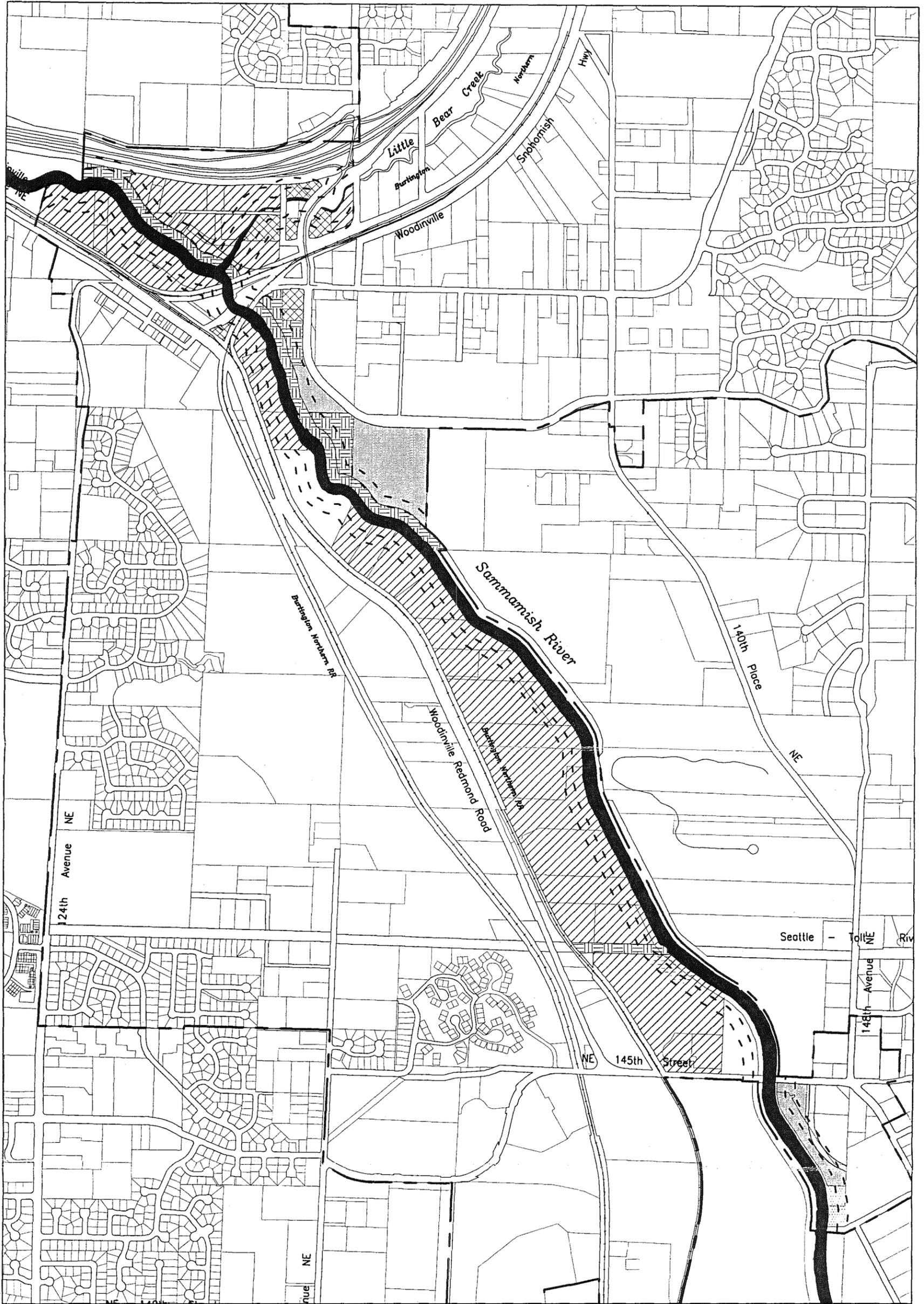
## A-2 NON-NATURAL CONDITIONS OF THE SHORELINE

### A-2.1 Land Use

Land uses along the shoreline are shown in Figure 3. Adjacent Shoreline Land Uses, include industrial, medium density residential, and commercial. Along the west side of the Sammamish River is a large, continuous public ownership belonging to King County. This land is planned for future expansion of the Sammamish River Trail.

### A-2.2 Public Access

Public pedestrian access directly to the shoreline may currently be obtained at as various places along the river. These access points provide access to the Sammamish River Trail, a popular recreation amenity in the region.



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- LEGEND**
- |   |                |                   |
|---|----------------|-------------------|
| --- Shoreline Master Program Jurisdiction             | Park and Trail | --- City Boundary |
| Sammamish River & Little Bear Creek (Entire Floodway) | Retail         |                   |
| Single Family Residential                             | Industrial     |                   |
| Multi-Family Residential                              | Vacant         |                   |

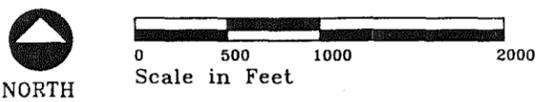


Figure 3  
Adjacent Shoreline Land Uses

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King County Surface Water Management Division, Department of Public Works. King County Flood Hazard Reduction Plan - Final and Capital Project Appendix, November 1993a.

King County Surface Water Management Division, Department of Public Works. Sammamish River Corridor Conditions and Enhancement Opportunities, December 1993b.



## Appendix B - Glossary

<b>Act</b>	Chapter 286, Laws of 1971 ex. sess., Chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended.
<b>Administrator</b>	The City official or his/her designee, charged with the responsibility of administering the Shoreline Master Program.
<b>Alluvial Soil</b>	Unconsolidated fragmented rock and soil deposited by streams in river beds, floodplains, and lakes, which fan at the foot of slopes and estuaries.
<b>Anadromous Fish</b>	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. The Sammamish River and its tributaries provide habitat for these types of fish as well as other wildlife.
<b>Associated Wetland</b>	Associated wetlands are hydrologically connected to or otherwise influenced by the shorelines of the state, such as the Sammamish River or Little Bear Creek. An associated wetland may be either partially or completely within the 100-year floodplain of a shoreline to be included under the SMP jurisdiction.
<b>Aquaculture</b>	The cultivation of fish, shellfish, and/or other aquatic animals or plants, including the incidental preparation of these products for human use.
<b>Average Grade Level</b>	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 the case of structures to be built over water, average grade level shall be the elevation of the ordinary high-water mark. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure. [WAC 173-27-030(3)]
<b>Backshore</b>	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.
<b>Benthic Productivity</b>	The production and reproduction of organisms that live in or on the bottom of a water body.
<b>Berm</b>	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, or presenting a visual eyesore.
<b>Biofiltration System</b>	A stormwater 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.
<b>Biota</b>	The animals and plants that live in a particular location or region (also sometimes referred to as flora and fauna).

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<b>Boat Launch or Ramp</b>	Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.
<b>Breakwater</b>	Offshore structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.
<b>Buffer Areas</b>	An area which provides the margin of safety through protection of slope stability, attenuation of surface water flows and erosion controls necessary to minimize risk to the public of loss of life or well-being or property damage resulting from natural disasters, or an area which is an integral part of a natural ecosystem and which is intended to provide a transition area between the critical area and adjacent development and/or other activity, or provide protective functions such as shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, and habitat for wildlife.
<b>Bulkhead</b>	A retaining wall used to hold back earth and to provide a solid, smooth surface to resist wave action. A "normal protective bulkhead" refers to 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(1)(c)].
<b>CFS</b>	Acronym for cubic feet per second. The SMA jurisdiction applies to "shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less..." RCW 90.58.030 (2) (d) (ii).
<b>Channel</b>	An open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stock-watering channels. See also "stream."
<b>Circulation Network</b>	The interconnected system of public and private streets and roadways which provide pathways for vehicles, pedestrians, bicycles, and/or other transportation means to travel between two or more destinations.
<b>Clean Water Act</b>	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.
<b>Community Structure</b>	A building, dock, or other structure intended for the common use of the residents of a particular subdivision or community. It is not usually intended to serve as a public facility.
<b>Conditional Use</b>	A use, development, or substantial development classified as a conditional use or which is not classified within the City's Master Program.
<b>Conservancy</b>	An environment designation intended to maintain fish, other wildlife and bird life habitat, and other natural resources. Typical components of such an area include, but are not limited to, critical areas, parks, trail systems, or privately owned but permanently dedicated open space.
<b>Continuous Urban Separators</b>	Open space corridors, a minimum of 50 feet wide, within and at or near the boundaries of the Woodinville Planning Area which are created to provide for the aesthetic needs of the citizens of Woodinville, to protect critical areas including flood-prone lands and to conserve fish and wildlife habitat.
<b>Covered Moorage</b>	Boat moorage, with or without walls, that has a roof to protect the vessel.

<b>Critical Areas</b>	Defined by the Growth Management Act to include the following areas and ecosystems: wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas (100-year floodplain); and geologically hazardous areas.
<b>Degrade</b>	To scale down in desirability or salability, to impair in respect to some physical property, or to reduce in structure, function, or value.
<b>Development</b>	A use consisting of the construction or exterior alteration of a structure; dredging, drilling, dumping, filling, removal of any sand, gravel and minerals; bulkheading; driving of pilings; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying land subject to this Master Program at any water level.
<b>Dike</b>	A bank or berm of earth erected, usually along a stream corridor, to form a barrier, usually to floodwaters.
<b>Director</b>	The director of the Department of Ecology unless clearly meant otherwise within the context of the statement.
<b>Dock</b>	A dock is a structure which floats upon the water and is used as a landing place for recreational craft such as sailboats, rowboats, kayaks, or canoes, but not including motorboats or seaplanes. See also "Pier."
<b>Dredge Spoil</b>	The material removed by dredging. Same as dredge material.
<b>Dredging</b>	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.
<b>Ecology</b>	The Department of Ecology unless clearly indicated otherwise within the context of the statement.
<b>Emergency</b>	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(3)(e)(iii) and [WAC 173-27-040(2)(d)]).
<b>Enhancement</b>	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.
<b>Erosion</b>	The wearing away of land by the action of natural forces.
<b>Exemption</b>	Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the Shoreline Management Act. An activity exempt from the substantial development provisions of the Shoreline Management Act must still be carried out in compliance with policies and standards of the Act and this 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(3)(e); WAC 173-27-030(7) and -040].

<b>Fair Market Value</b>	The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value or any donated, contributed, or found labor, equipment or materials [WAC 173-27-030(8)].
<b>Feedlot</b>	An enclosure or facility, of any size, used or capable of being used for confinement feeding of livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or pasture for livestock feeding and/or grazing, nor shall it include normal livestock watering operations [RCW 90.58.030(3)(e)(iv)]; [WAC 173-27-040(2)(e)].
<b>FEMA Floodway</b>	The Federal Emergency Management Agency (FEMA) Floodway means the channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood (100-year) flow without increasing the base flood elevation more than one foot.
<b>Fills</b>	See Landfill definition.
<b>Final Order</b>	Includes the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-27-050.
<b>Flood Fringe Zone</b>	The portion of the floodplain outside of the Federal Emergency Management Agency floodway which is covered by floodwaters during the base flood (100-year); it is generally associated with standing water rather than rapidly flowing water.
<b>Floodplain</b>	Synonymous with 100-year floodplain. The land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the Shoreline Management Act [WAC 173-22-030(2)].
<b>Floodway</b>	Those portions of an area 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, and identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands reasonably expected to be protected from floodwaters by flood control devices maintained by or maintained under license from the Federal government, the State, or a political subdivision of the State. See also definition under FEMA floodway.
<b>Flushing Characteristics</b>	The ability of a stream to keep itself free of debris. Typically, sufficient flow velocity to maintain a clear channel, but which does not cause scouring/erosion, is desirable.
<b>Geohydrological Processes</b>	Technically, refers to the flow characteristics or cycle of subsurface waters. Commonly used interchangeably with "hydrology" to reference all water characteristics on earth without regard to geologic aspects or locations. "Processes" refers to the hydrologic cycle, that is, the planet's water system and how water moves from the oceans to the atmosphere to the continents and back to the sea. Sometimes geohydrologic is used interchangeably with geohydraulic.
<b>Grading</b>	The physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.

<b>Grassy Swale</b>	A vegetated drainage channel designed to remove various pollutants from stormwater runoff through biofiltration before the water enters an aquatic feature such as a stream or wetland.
<b>Guidelines</b>	Those provisions contained in Chapter 173-16 WAC entitled "Shoreline Management Act Guidelines for Development of Master Programs." 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.
<b>Groin</b>	Also referred to as a spur dike or rock weir. 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.
<b>Habitat</b>	The environment with which an organism interacts and from which it gains its resources with which it lives and grows; habitat is often variable in size, content, and location, changing with the phases in an organism's life.
<b>Hearings Board</b>	The State Shoreline Hearings Board established by the Act.
<b>Height</b>	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(10)].
<b>Historical Flow (of drainage)</b>	The volume of stormwater that typically would run-off from a given area of land draining into the Sammamish River or Little Bear Creek, based on the level of land development prevailing during the years prior to and including the date of enactment of the Shoreline Management Act, June 1, 1971.
<b>Hydric Soils</b>	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.
<b>Hydrologic Function</b>	See "geohydrologic processes" definition.
<b>Hydrophytes</b>	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.
<b>Impervious Surface</b>	Materials or structures placed on or above the ground which reduce the rate of water absorption at any location on the development sites from that which occurred prior to development. The term "impervious surface" includes but is not limited to: buildings, excluding roof overhangs, and balconies which project six feet or less; sidewalks and other paved ways; parking lots; paved area; decks, terraces, and patios; incidental outside storage.
<b>Industry</b>	Industrial activities and uses involving the processing, handling, and creating of products, including research and technological processes, and major fabrication. Industry includes business parks.

<b>Interested Party</b>	Synonymous with "party of record"; all persons who have notified the City of their desire to receive a copy of the final decision on a permit, who have submitted written comments on an application, or who have attended a public hearing on the application.
<b>Jetty</b>	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.
<b>Landfill</b>	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 ordinary high water mark, or on wetland or upland areas in order to raise the elevation.[See WAC 173-16-060(14)]
<b>Levee</b>	A large dike or embankment, often having an access road or trail along the top, which is designed as part of a system to protect land from floods.
<b>Marshes, bogs, and swamps</b>	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 both of the following attributes: (a) at least periodically, the land supports predominately hydrophytes; and/or (b) the substrate is predominately undrained hydric soil. See also "hydrophytes," "hydric soil."
<b>Master Program</b>	The City's comprehensive use plan for the therein described shoreline management area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020 which is adopted by Ordinance by the Woodinville City Council and approved by the Department of Ecology.
<b>Mitigation</b>	The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. See WAC 197-11-768.
<b>Multiple-use Corridors</b>	Utility or transportation corridors where more than one utility and/or type of transportation is located in the same linear corridor of land. Multiple-use corridors are preferred in order to prevent proliferation of single use corridors which needlessly use up land and prevent visual or physical access to shorelines.
<b>Natural/Existing Topography</b>	The topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.
<b>Non-conforming Development</b>	A shoreline use or structure lawfully constructed or established prior to the effective date of the applicable Shoreline Management Act/Shoreline Management Program provision, and which no longer conforms to the applicable shoreline provisions [WAC 173-27-080(1)].
<b>Non-water Related Uses</b>	Uses that do not need a waterfront location to operate, though easements or utility corridors for access to the water may be desired.
<b>Non-Invasive Vegetation</b>	Any vegetation, either naturally occurring or introduced, that is not poisonous or has not been found to compete or choke out other desirable vegetation, as determined by the City, and which does not result in unusual amounts of time, effort, or extraordinary methods to control, eradicate, or manage.
<b>Normal Maintenance or Repair</b>	Usual acts to prevent a decline, lapse, or cessation from a lawfully established condition [WAC 173-27-040(2)(b)].

**Open Space**

Land preserved in its undisturbed and natural state. Usually intended to be comprised of heavily treed steep slopes, wetlands, waterway corridors, or other critical areas.

<b>OHWM</b>	Acronym for Ordinary High-Water Mark - The mark, on all lakes or streams, found by examining the bed and banks of streamways 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.
<b>Outfall</b>	The vent of a river, stream, drain, etc.
<b>Party of Record</b>	Includes all persons who have notified the City of their desire to receive a copy of the final order on a permit under WAC 173-27-110.
<b>Permit</b>	Any substantial development, variance, conditional use permit or revision authorized under chapter 90.58 RCW.
<b>Person</b>	An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the State or local governmental unit however designated.
<b>Pier</b>	A pier is a structure built on pilings driven into the water and used as a landing place for recreational craft such as sailboats, rowboats, kayaks, or canoes. See also "Dock."
<b>Piling</b>	Long, slender shafts (usually of timber, steel, or reinforced concrete) driven into the ground to carry a vertical load and/or to resist a lateral force.
<b>Public Access</b>	Provision by means of easement or similar legal agreement of physical or visual corridors or areas which serve as a means of ingress and egress from upland or adjacent property to and/or along public waters for use and enjoyment by the general public.
<b>Public Interest</b>	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.
<b>RCW</b>	Revised Code of Washington.
<b>Recharge</b>	Rainwater and snowmelt that has percolated through the unsaturated zone, increasing the amount of groundwater in storage and raising the water table.
<b>Reservation of Easements</b>	Preservation of land through legal agreement with the property owner. The land is usually prevented from being built upon to preserve open space, habitat, or steep slopes, or to allow access to adjacent parcels or utility lines.
<b>Riparian</b>	Of, on, or pertaining to the banks of a river.
<b>Riprap</b>	A layer, facing, or protective mound of large stones, boulders, or artificial material placed to prevent erosion, scour, or sloughing of a structure or stream embankment by absorbing wave action and retaining earth landward of its placement.
<b>Setback</b>	A required open space, specified in shoreline master programs, measured horizontally at a 90 degree angle inward from and perpendicular to the front, side, or rear property line.

<b>Shoreland(s) Areas</b>	Lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters subject to the provisions of this Master Program.
<b>Shoreline Administrator</b>	The City of Woodinville Director of Planning and Community Development or the City of Woodinville Hearing Examiner.
<b>Shoreline</b>	All the water areas of the State, including reservoirs and their associated shoreland, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).
<b>Shoreline Management Area</b>	See Shoreline definition.
<b>Shoreline of Statewide Significance</b>	Shoreline of State-wide Significance are as defined by chapter 90.58.030(2)(e) RCW.
<b>Shorelines of the State</b>	The total of all shorelines and shorelines of State-wide significance within the State (the jurisdictional limits of the Shoreline Management Act).
<b>Signs, Business, or Identity</b>	Any structure, device, or natural object containing words and/or symbols used to attract attention to, identify, or advertise the premises on which located, or the occupant of said premises, or relating to goods or services manufactured, produced, or available on said premises, or conveying other information. Such signs must relate directly, and not incidentally, to such business, use or service.
<b>Storm Surge</b>	An abnormal, sudden rise of sea level along an open coast during a storm, caused primarily by onshore winds, resulting in water piled up against the coast. It is most severe when accompanied by a high tide. Synonymous with "storm wave."
<b>Streambank</b>	The edge of the river or creek, parallel to and upland of the ordinary high-water mark.
<b>Stream or Stream way</b>	A naturally occurring body of periodic or continuously flowing water where: (a) the mean annual flow is greater than 20 cubic feet per second, and (b) the water is contained within a defined channel. Stream way generally describes the bed and banks of a stream. The water course may have been formed by nature or modified by humans. The term does not include irrigation and drainage ditches, grass-lined swales, canals, stormwater runoff devices, or other entirely artificial water courses unless they are used by salmonids or used to convey streams naturally occurring prior to construction in such watercourse. Streams which have been channelized or culverted shall continue to be considered streams for the purpose of the City's Critical Areas Ordinance regulations.
<b>Structural</b>	Pertaining to the supportive and connective components that comprise a structure.
<b>Structure</b>	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.
<b>Substantial Development</b>	Any development of which the total costs or fair market value exceeds \$2,500, or any development which materially interferes with the normal public use of the water or shorelines of the city. Exceptions that shall not be considered substantial developments for the purpose of this Master Program include:

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.
2. Construction of the normal protective bulkhead common to single-family residences.
3. Emergency construction necessary to protect property from damage by the elements.
4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.
5. Construction or modification of navigational aids such as channel markers and anchor buoys.
6. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his/her own use or for the use of his/her family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of this Master Program, other than requirements imposed pursuant to the Act.
7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of single or multiple-family residences. This applies if, in fresh waters, the fair market value of the dock does not exceed ten thousand dollars. If subsequent construction on the dock occurs within five years of completion of the prior construction and exceeds two thousand five hundred dollars, the subsequent construction shall require a substantial development permit;
8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.
9. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
10. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
11. Any project with a certification from the governor, pursuant to RCW 80.50;
12. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under the Act, if:

- a. The activity does not interfere with the normal public use of the surface waters.
  - b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values.
  - c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.
  - d. A private entity seeking development authorization under the Act first posts a performance bond or provides other evidence of financial responsibility to the City to ensure that the site is restored to pre-existing conditions.
  - e. The activity is not subject to the permit requirements of RCW 90.58.550.
13. Removal or control of aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies;
14. Public or private watershed restoration projects consistent with this Shoreline Master Program and pursuant to WAC 173-27-040(2)(o); and
15. A public or private project that improves fish or wildlife habitat or fish passage pursuant to WAC 173-27-040(2)(p). [WAC 173-27-040(2)]
- Swale** See "grassy swale" definition.
- Transmit** To send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the Department of Ecology's final order is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.
- Upland** Generally described as the dry land areas above and landward of the ordinary high-water mark.
- Utility** A service provided to the public, such as electricity, water, or transportation and its attendant conveyance equipment. This include:
- a. Primary: Public, high-tension lines, power-generating or transfer facilities, natural gas regional/trunk distribution lines, and storage facilities; and
  - b. Accessory: Distribution lines connected directly to uses.
- Variance** A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this Master Program and not a means to vary a use of a shoreline.
- Vessel** Includes ships, boats, barges, or any other floating craft designed and used for navigation and does not interfere with the normal public use of the water.

<b>Visual Corridor</b>	Used interchangeably with "view corridor." Unobstructed visual access to and from waterways and their adjacent shoreland features. View or visual protection can include, but is not limited to, preventing blockage or barriers through height limitations on structures or requiring aesthetic enhancement through the undergrounding of utility lines or added landscaping.
<b>WAC</b>	Washington Administrative Code
<b>WMC</b>	Woodinville Municipal Code
<b>Water-dependent</b>	A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.
<b>Water-enjoyment</b>	A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provide 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 the location, design and operation assures 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, piers and other improvements facilitating public access to shoreline of the state; and general water-enjoyment uses may include, but are not limited to, restaurants, museums, aquariums, scientific/ecological reserves, resorts and mixed-use commercial: Provided, that such uses conform to the above water-enjoyment specifications and the Provision of the Master Program.
<b>Water-oriented</b>	Refers to any combination of water-dependent, water-related, and/or water-enjoyment uses and serves as an all encompassing definition for priority uses under the Shoreline Management Act. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores and gas stations.
<b>Water-related</b>	<p>A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:</p> <p>Of 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</p> <p>The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the product's cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport if by tanker and log storage.</p>
<b>Water Table</b>	The upper limit of the ground saturated with water.

<b>Water-ward</b>	The direction from a point towards a body of water, stream, or river.
<b>Waterways</b>	The path followed by flowing water normally indicated by stream banks, boulders, and/or alluvial soil which are arranged to define the pathway.
<b>Wetlands</b>	Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that are unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

