

ORDINANCE NO. 288

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE CITY COUNCIL AMENDING TITLE 18 OF THE UNIVERSITY PLACE MUNICIPAL CODE, SHORELINE MANAGEMENT USE, BY AMENDING THE SHORELINE MANAGEMENT USE REGULATIONS TO ADDRESS COMMENTS RECEIVED FROM THE DEPARTMENT OF ECOLOGY IN ACCORDANCE WITH WAC 173.26.110.

WHEREAS, on May 1, 2000 the City Council of University Place approved Ordinance No. 271 adopting Shoreline Management Use Regulations and authorizing staff to forward the adopted Shoreline Management Use Regulations to the Department of Ecology for its review process; and,

WHEREAS, on May 22, 2000, the City submitted Ordinances 270 and 271 to the Department of Ecology with all applicable and required documentation; and,

WHEREAS, on July 27, 2000 the City met with of a representative of the Department of Ecology and discussed draft Department of Ecology comments on the Shoreline Management Use Regulations; and,

WHEREAS, the Shoreline Advisory Committee appointed by the City Council and comprised of representatives from a wide range of interests including but not limited to Day Island and Sunset Beach property owners, Planning Commission members, the Master Builder's Association, and Pierce County met on August 24, 2000 to discuss the draft Department of Ecology comments; and,

WHEREAS, on September 20, 2000 considering recommendations from the Shoreline Advisory Committee the Planning Commission deliberated on the Department of Ecology comments and unanimously recommended the attached amendments to the City Council; and,

WHEREAS, on October 24, 2000, the City of University Place issued an Addendum to the SEPA Determination of Nonsignificance issued for the Shoreline Management Use Regulations, adopted on May 1, 2000; and,

WHEREAS, the Department of Ecology is in agreement with recommendations and proposed amendments to the City Shoreline Management Use Regulations, and providing the City Council adopts the regulations as hereby amended will recognize the City's Shoreline Master Program and Shoreline Management Use Regulations as being in compliance with the Shoreline Management Act, NOW THEREFORE,

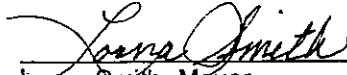
THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Shoreline Management Use Regulations Amended. The City of University Place Shoreline Management Use Regulations are hereby amended as shown in "Exhibit A" attached hereto.

Section 2. Severability. If any section, sentence, clause or phrase of this Title shall 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 Title.

Section 3. Publication and Effective Date. A summary of this ordinance, consisting of its title, shall be published in the official newspaper of the City of University Place. This ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 30, 2000


Lorna Smith, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Date of Publication: November 1, 2000
Effective Date: November 6, 2000

Chapter 18.05

PURPOSE, TITLE, SCOPE, APPLICABILITY, AND INTERPRETATION

Sections:

18.05.010 Purpose.

18.05.020 Title.

18.05.030 Scope.

18.05.040 Applicability.

18.05.050 Interpretation.

18.05.010 Purpose.

This purpose of this Title is to:

A. Implement the goals and policies of the City of University Place Shoreline Management Element (Chapter 9) contained in the University Place Comprehensive Plan;

B. Allow for all reasonable and appropriate uses of the City of University Place's shorelines without degradation of environmental quality or risk to public health or safety; and,

C. Provide standards that will regulate and promote intensities and qualities of development consistent with the protection of the shoreline environment and its related resources and the policy of the Shoreline Management Act of 1971.

18.05.020 Title.

This Title shall be known as "Shoreline Use Regulations" for the City of University Place.

18.05.030 Scope.

No construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act of 1971 shall be undertaken except in compliance with the provisions of this Title and then only after securing all required permits.

A substantial development permit shall be required for any development over \$2,500.00 or any development which materially interferes with the normal public use of the water of the shorelines of the state unless exempt under the Act.

18.05.040 Applicability.

A. The provisions of this Title shall apply to all shorelines, shorelands and associated wetland areas covered by the Shoreline Management Act of 1971 as follows:

1. All marine shorelines.
2. All rivers and streams and their associated wetlands downstream from a point where the mean annual flow is twenty (20) cubic feet per second or greater.
3. All lakes and their associated wetlands which are twenty (20). Surface acres in size or larger.
4. Shorelands and associated uplands extending 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with their streams, lakes, and tidal waters subject to the provisions of Chapter 90.58 RCW.

B. All new development and uses occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW: The Shoreline Management Act, Chapter 173-26 of the Washington Administrative Code, and this shoreline master program.

18.05.050 Interpretation.

A. General.

1. In interpreting and applying the provisions of this title, they shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare.
2. When the provisions of this title impose greater restrictions than are imposed by other applicable city, county, regional, state, and federal regulations, the provisions of this title shall control.
3. When a provision of this title conflicts with another provision in this title, the more restrictive provision shall apply.
4. Unless the context clearly indicates otherwise, words in the present tense can include the future tense, and words in the singular can include the plural, or vice versa.
5. The words "shall" and "should" are always mandatory and not discretionary. The word "may" is discretionary.

B. Interpretation by the Planning and Community Development Director

The authority to administer the provisions of this Title shall rest with the Director of Planning and Community Development and/or his/her designee. Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular shoreline environment the Planning and Community Development Director shall have the authority to make the final determination. The Director's determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.

Chapter 18.10

DEFINITIONS

Sections:

18.10.010 Interpretation.

18.10.020 Definitions.

18.10.030 Unlisted Words and Phrases.

Section 18.10.010 Interpretation.

Unless the context in which a word is used clearly implies to the contrary, the following definitions shall apply to this Title of the Code.

Section 18.10.020 Definitions.

"Accessory Structure" means a structure, either attached or detached, from a principal or main building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.

"Beach" means the zone along a shoreline with continuous movement of sediment both laterally and vertically. This zone extends from the extreme low tide to the extreme high tide.

"Breakwater" means a protective structure composed of rock and fill, usually built offshore, for the purpose of protecting shoreline or harbors from wave action.

"Buffer Strip" means an area of land which: (1) serves to reduce the adverse impacts between land uses of different intensities or (2) serves to separate or identify transitions between land uses of the same intensity.

"Bulkhead" means a retaining wall used to hold back earth and to provide a solid surface to resist marine wave action.

"Channelization" means the straightening, deepening, or widening of a stream channel for the purpose of increasing the stream's carrying capacity.

"Channel Migration Zone" means the area of a river or stream corridor where the active channel is prone to lateral movement usually evidenced by abandoned channels, recent sediment, topographic changes and vegetation character. The Channel Migration Zone is often in the Floodway

"City" means the City of University Place.

"Conditional Use, Shoreline" means a use, development, or substantial development, which is classified as a conditional use or is not classified within the applicable master program.

"Dedication" means the designation of land by its owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

"Department" means the Washington State Department of Ecology.

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

"Director" means the Director of the Planning and Community Department for the City of University Place or his/her assigned designee.

"Dry Well" means a pit filled with coarse rock or lined with crushed rock or gravel for use as a storm disposal method.

"Estuary" means that part of the mouth or lower course of a river in which its current meets the sea's tides, and is subject to their effects.

"Extreme High Tide" means the highest tide level line water will reach in any one year.

"Extreme Low Tide" means the lowest line on the land reached by a receding tide.

"Floating Home" means a structure designed and operated substantially as a permanently based structure and not as a vessel. Floating homes lack adequate self-propulsion and steering equipment to operate as a vessel and are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.

"Flood Hazard Zone" means an area inundated by the 100-year flood.

"Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

"Floodway Fringe" means the area outside the floodway but still in the flood hazard zone.

"Groin" means a barrier type structure extending from back shore into the water across the beach, the purpose of which is to interrupt sediment movement along the shore.

"Guidelines" means those guidelines adopted pursuant to the Shorelines Management Act of 1971.

"Habitat Improvement" means any actions taken to intentionally improve the overall processes, functions and values of critical habitats, including wetland, stream and aquatic habitats. Such actions may or may not be in conjunction with a specific development proposal and include, but are not limited to restoration, creation, enhancement, preservation, acquisition, maintenance and monitoring.

"Hazardous Substances" means those waste designated by WAC 173-340-200, and regulated as hazardous substances by the Department of Ecology".

"Hearings Board" means the shorelines hearings board established by the Shoreline Management Act of 1971.

"Hearing Examiner" means the officer appointed by the City of University Place City Council to review and approve or deny applications for Substantial Development, Conditional Use, Variance and Expansion of Nonconforming Use Permits.

"Houseboat" means a particular type of vessel licensed and designed for use as a mobile structure with adequate self-propulsion and steering equipment to be operated as vessel but also characterized by detachable utilities or facilities for residential use. When principally used as an over-water residence, it is a "live-aboard vessel."

"Impervious Surface" means those surfaces that do not allow the downward passage of water.

"Interpretive Center" means a facility containing artifacts, history and information about a site in the immediate area

"Jetties" means structures generally built perpendicular to the shore at inlets in connection with navigation improvements to modify or control sand movement.

"Launching Ramps" means areas solely developed for boating ingress and egress.

"Levee, Dike" means a broad embankment of earth built parallel with the river channel to contain flow over the bank.

"Linear Access" means a trail, path, road, or launching ramp by which the public can travel to and along publicly owned water. Recreational activities such as swimming, hiking, shore fishing, hunting and picnicking are typical activities requiring linear access.

"Maintenance Dredging" means dredging for the purpose of maintaining a prescribed minimum depth of any specific waterway project.

"Master Program" means the comprehensive shoreline use plan for City of University Place, and the use regulations together with maps, diagrams, charts or other descriptive material and text

"May" means and option, possibility or permission.

"Mining" means the removal of naturally occurring materials from the earth for economic uses pursuant to RCW 78.44 and WAC 332-18.

"Nonconforming Use and development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable master program or amendments thereto, but which do not confirm to present regulations or standards of the program

"Non-water Related Uses" means those uses which do not need a waterfront location to operate though easements or utility corridors for access to the water may be desired.

"Normal maintenance" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. (See also, "Normal repair".)

"Normal protective bulkhead" means a bulkhead constructed at or near the ordinary high water mark, the sole purpose of which is to protect land from erosion, not to create new land.

"Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period of decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment. (See also, "Normal maintenance").

"One Hundred Year Flood" means a flood that has a magnitude that may be equaled or exceeded once every one hundred years on the average.

"One Hundred Year Flood Plain" means lowlands adjoining the channel of a water body that would be covered by floodwaters of a flood having an average frequency of occurrence in the order of once in 100 years although the flood may occur in any year.

"Ordinary High Water Mark (OHWM)" on all lakes, streams, and tidal water is that mark found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this Chapter or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology. Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide, and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

"Outer Harbor Line" means a line located and established in navigable waters as provided in Section 1, of Article 15 of the State Constitution, beyond which the state shall never sell or lease any rights whatever.

"Outfall" means the outlet or place of discharge of a stormwater collection or sanitary sewer system.

"Permit" means a Substantial Development Permit, shoreline conditional use permit, or shoreline variance issued in compliance with the Shoreline Management Act of 1971 and the Shoreline Master Program for City of University Place.

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

"Pierhead Line" means the line established by the Federal government that marks the outer limit for open pile structures.

"Point Access" means a trail, path, road, or launching ramp by which the general public can travel from a public road to a point of view or to a place suitable for launching a boat. Recreational activities such as motor boat launching, canoeing, kayaking, rafting and viewing of scenic vistas are typical recreational activities requiring point access.

"Riprap" means broken stone placed on shoulders, banks, slopes, or other such places to protect them from erosion.

"Shall" means obliged to. Shall is mandatory.

"Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

"Shorelines of Statewide Significance" means those shorelines described in RCW 90.58.030.

"Sign" means any device, structure, fixture or placard that is visible from any public right-of-way or surrounding properties and uses graphics, symbols or written copy for the purpose of advertising or identifying any establishment, product, goods, or service.

"Sign, Informational" means a sign designed to guide or direct pedestrians or vehicles.

"Sign, Warning" means a sign designed to warn pedestrians or vehicles of some imminent danger.

"Streamway" means the corridor of a single or multiple channel or channels, within which the usual seasonal or storm water runoff peaks are contained where the flora, fauna, soil, and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

"Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

- (a) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
 - (b) Construction of the normal protective bulkhead common to single family residences;
 - (c) Emergency construction necessary to protect property from damage by the elements;
 - (d) Construction 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 feed lot 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;
 - (e) Construction or modification of navigational aids such as channel markers and anchor buoys;
 - (f) 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;
- "Single-family residence"** means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a state-wide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances, which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;
- (g) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either:
 - (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;
 - (h) 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;

(i) 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;

(j) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(k) 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 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 preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW 90.58.550;

(l) The process of removing or controlling an aquatic noxious weed, 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 jointly with other state agencies under Chapter 43.21C RCW.

(m) Watershed restoration projects as defined herein. The City shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(A) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(C) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the

preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

(n) A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 75.20 RCW; and

(iii) The local government has determined that the project is consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

(2) Hazardous substance remedial actions. The procedural requirements of Chapter 90.58 RCW shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department shall, in consultation with the appropriate local government, assure that such projects comply with the substantive requirements of chapter 90.58 RCW, chapter 173-26 WAC and the local master program.

"Tidelands" means the zone between extreme low tide and extreme high tide.

"Variance, Shoreline" means a grant of relief from the specific bulk, dimensional, or performance standards set forth in the applicable master program and not a means to vary a use of the shoreline.

"Water Dependent Uses" means a use or portion of a use which requires direct contact with the water and which cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation. Some examples of water dependent uses include fishing piers, marinas and reserves which allow biological systems to continue in a natural undisturbed manner, environmental remediation, and habitat improvement projects.

"Water Enjoyment Use" means those uses which provide for recreation involving the water or facilitates public access to the shoreline as the primary characteristic of the use, or a use which provides for aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and, through location, design and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. To qualify as water enjoyment, a use must be open to the general public and the waterward side of the project must be devoted to provisions that accommodate public enjoyment, and the project must meet the Shoreline Master Program public access requirements. Some examples of water-enjoyment uses include viewing towers, parks, and educational/scientific reserves.

"Water Oriented Uses" means any water dependent, water-related, or water enjoyment use.

"Water Related Uses" means those uses which are not intrinsically dependent on a waterfront location to continue their operation, but whose operation cannot occur economically at this time, without a shoreline location. Examples include a seafood processing plant and warehouses for goods transported by water.

"Wetlands" means, for the purposes of this Title, areas that are inundated or saturated by surface water or ground water 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 were 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 to mitigate the conversion of wetlands.

Section 18.10.030 Unlisted words and phrases.

A. The definition of any word or phrase not listed in this Title which is in question when administering this regulation shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on.

The sources are as follows:

1. City development regulations;
2. Any city resolution, ordinance, code or regulations;
3. Any statute or regulation of the State of Washington (i.e. the most applicable);
4. Legal definitions from case law or a law dictionary;
5. The common dictionary.

Chapter 18.15

SHORELINE ENVIRONMENTS AND MAP BOUNDARIES

Section:

18.15.010	Shoreline Environments.
18.15.020	Shoreline Environment Map and Boundaries.
18.15.030	Shoreline Residential Environment – Purpose.
18.15.040	General Regulations – Shoreline Residential Environment.
18.15.050	Conservancy Environment – Purpose.
18.15.060	General Regulations – Conservancy Environment.
18.15.070	Conservancy-Low Environment – Purpose.
18.15.080	General regulations- Conservancy-Low Environment.
18.15.090	Adoption of Other Regulations by Reference.

18.15.010 Shoreline Environments.

To more effectively plan and manage shoreline resources through the development of a Shoreline Master Program, a system of categorizing shoreline areas through a classification called "Environments" has been used. This system applies appropriate policies and regulations to distinctively different shoreline areas.

A. Purpose. The purpose of shoreline environment designations is to differentiate between areas whose geographical, hydrological, topographical, or other features imply differing objectives for the use and future development of the city's shorelines.

Each environment designation represents a particular emphasis in the type of uses and development that should be allowed. The environmental designation system is designed to encourage uses in each environment that enhance or are compatible with the character of the environment, while at the same time requiring reasonable standards and restrictions on development so that the character of the environment is not adversely impacted.

B. Names of environment designations. To accomplish the purpose of this title the following shoreline environment designations have been established:

1. Shoreline Residential Environment.
2. Conservancy Environment.
3. Conservancy-Low Environment.

18.15.020 Shoreline Environment Descriptions, Maps and Boundaries.

A. The following "Shoreline Environment Descriptions" The official maps prepared pursuant to WAC 173-26 on file with the city shall constitute the official descriptions of the limits of all city shorelands as defined by RCW 90.58.030. Official maps prepared pursuant to WAC 173-26 are on file with the city (See Appendix A.)

B. Shoreline Environment Descriptions

Chambers Creek

The Shoreline Environment along Chambers Creek is **Conservancy - Low** from the confluence of Leach Creek with Chambers Creek downstream to the west section line of the Northwest Quarter of Section 28, Township 20 North, Range 2 East, Willamette Meridian.

Chambers Creek Estuary

The Shoreline Environment in the Chambers Creek Estuary and along the Puget Sound is **Conservancy** from the west section line of the Northwest Quarter of Section 28, Township 20 North, Range 2 East, to the south line of Section 17 Township 20 North, Range 2 East, Willamette Meridian.

Sunset Beach and Day Island

The Shoreline Environment along the Puget Sound including Sunset Beach, Day Island and the Day Island Lagoon is Residential from the south line of Section 17 Township 20 North, Range 2 East to the northern city limits.

C. The department may, from time to time as new or improved information becomes available, modify the official maps described in subsection (A.) of this section consistent with State guidelines to more accurately represent, clarify, or interpret the true limits of the shorelines defined herein.

D. Location of Boundaries.

1. Boundaries indicated as following streets, highways, roads, and bridges shall be deemed to follow the centerline of such facilities unless otherwise specified.

2. Boundaries indicated as following railroad lines and transmission lines shall be deemed to follow the centerline of such rights-of-way or easements unless otherwise specified.

3. Where different environmental designations have been given to a tributary and the main stream at the point of confluence, the environmental designation given to the main stream shall extend for a distance of 200 feet up the tributary.

18.15.030 Shoreline Residential Environment – Purpose.

The shoreline residential environment is reserved for shoreline uses dominated by or planned for residential development in the City of University Place. The purpose of this environment is to accommodate residential development and associated uses where adequate water and sanitary sewer service is planned for or is available; to minimize residential development impacts; and to provide appropriate public access and recreational uses.

18.15.040 General Regulations – Shoreline Residential Environment.

The following general regulations should apply to all shoreline areas classified as ~~belonging in~~ a Shoreline Residential Environment:

A. Shorelines planned for future shoreline residential expansion should present few biophysical limitations for residential activities.

B. Because shorelines suitable for shoreline residential uses are a limited resource, emphasis should be given to directing development within already developed areas.

C. Permanent public access to the water in the shoreline residential environment should be encouraged.

D. No structure shall exceed a height of 35 feet above average grade level unless approval is granted through the shoreline conditional use permit.

E. All development shall be required to provide adequate surface water retention and sedimentation facilities during the construction period.

F. All structures, except water dependent uses and public access, shall set back thirty-five feet from the ordinary high water mark unless specifically provided otherwise in this title.

18.15.050 Conservancy Environment - Purpose.

The Conservancy Environment is designed to protect, conserve and manage existing natural resources and valuable historic and cultural areas to ensure recreational benefits to the public and resource protection. This environment should also include areas of steep slopes which present potential erosion and slide hazards, areas prone to flooding, and areas that cannot adequately deal with sewage disposal.

18.15.060 General Regulations – Conservancy Environment.

The following general regulations should apply to all shorelines classified as in a Conservancy Environment:

A. Substantial developments and exemptions that do not lead to significant alterations of the existing natural character of an area should be encouraged.

B. No structure shall exceed a height of 35 feet above average grade unless approval is granted through the shoreline conditional use process.

C. All development shall be required to provide adequate surface water retention and sedimentation facilities during the construction period.

D. Areas designated "Conservancy" should emphasize restoration of the shoreline's natural character.

E. All new structures, except water dependent uses and public access, shall set back 100 feet from the ordinary high water mark unless specifically provided otherwise in this title. Existing structures may be maintained, remodeled or replaced in their same location, subject to the standards of this title.

18.15.070 Conservancy-Low Environment - Purpose.

The Conservancy-Low Environment classification is intended to preserve those dynamic natural systems in a manner relatively free of human influence and to discourage or prohibit those activities which might alter the natural characteristics which make these shoreline areas unique and valuable.

18.15.080 General Regulations – Conservancy Low Environment.

The following general regulations should apply to all shoreline areas classified as Conservancy-Low Environments:

A. Developments that would degrade or significantly alter the natural character should be prohibited.

B. Regulations should emphasize the preservation of natural systems and resources. Physical alterations should only be considered when they serve to protect a significant, unique or highly valued feature that might otherwise be destroyed, or if the improvement is part of a public access effort that does not interfere with natural dynamic systems.

C. No structure shall exceed a height of 35 feet above average grade level unless approval is granted through the shoreline conditional use process.

D. All development shall be required to provide adequate surface water retention and sedimentation facilities during the construction period.

E. All structures, except water dependent uses and public access, shall set back 100 feet from the ordinary high water mark unless specifically provided otherwise in this title.

18.15.090 Adoption of Other Regulations by Reference.

A. The policies and regulations of UPMC Chapters 17.01, 17.10, 17.14, 17.16, 17.18, 17.20 and 17.22, *Critical Areas*, as adopted by Ordinance No. 59 passed August 25, 1995 and amended by Ordinance No. 149 on June 2, 1997, are herein adopted by reference.

B. The policies and regulations of UPMC Chapter 19.45, *Signs*, UPMC Chapter 19.35.130, *Nonconforming Standards*, and UPMC Chapter 19.35.020, *Density and Dimensions*, all contained within Title 19 (Zoning Code), as substantially amended by Ordinance No. 198 passed July 6, 1998 and subsequently amended by Ordinance 216 on January 1, 1999, Ordinance 230 on April 19, 1999 and Ordinance 236 on June 7, 1999, are herein adopted by reference.

C. The policies and regulations of UPMC Chapter 13.20, *Storm Drainage*, as adopted by Ordinance No. 142 passed May 12, 1997 and subsequently amended by Ordinance 222 on February 1, 1999 and by Ordinance 240 on June 7, 1999, are herein adopted by reference.

D. The policies and regulations of UPMC Chapter 14.15, *Flood Damage Protection* as adopted by Ordinance 164 passed September 2, 1992, are herein adopted by reference.

Chapter 18.20

USE ACTIVITY REGULATIONS

Section:

18.20.010 Use Activity Regulations.

18.20.010 Use Activity Regulations.

Shoreline use activities are various types of developments or activities that exist or are anticipated to occupy shoreline locations.

Regulations are developed on the premise that all appropriate shoreline uses require some degree of control to minimize adverse affects to the shoreline environment and adjoining properties.

Each development within the Shoreline Management Act's jurisdiction will be evaluated to determine its conformance with the use activity regulations and the goals and policies of the Shoreline Management Element (Chapter 9 of the City of University Place Comprehensive Plan). All development, even those exempt from substantial development permit requirements, must be consistent with the policies and regulations of the shoreline master program.

Chapter 18.22

AQUACULTURE

Sections:

18.22.010 Definition.

18.22.020 General Regulations.

18.22.030 Environment Designations - Uses Permitted.

18.22.010 Definition.

"Aquaculture" is the farming or culturing of food fish, shellfish or other aquatic plants and animals in stream, inlets and other natural or artificial water bodies. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include but are not limited to fish pens, shellfish rafts, seaweed floats, and the culture of clams and oysters on tidelands and sub-tidal areas.

18.22.020 General Regulations.

A. No aquaculture activity shall be introduced into the shorelines of the state without prior written approval from the Washington State Department of Fish and Wildlife or the appropriate State regulatory agency for the proposed activity.

18.22.030 Environment Designations - Uses Permitted.

A. Shoreline Residential Environment.

1. Prohibited.

a. Aquaculture except Geoduck Aquaculture by a State Agency.

2. Conditional Use Permit

a. Geoduck Aquaculture by a State Agency

Conservancy Environment

1. Conditional Use Permit.

a. Aquaculture

B. Conservancy-Low Environment.

1. Prohibited.

a. Aquaculture

Chapter 18.24

BOAT LAUNCHING RAMPS (not including marinas)

Sections:

18.24.010 Definition.

18.24.020 Regulations.

18.24.030 Environment Designations - Uses Permitted.

18.24.010 Definition.

- A. Boat Launching Ramps are areas developed for boating ingress and egress.
(See UPMC Chapter 18.42 for regulations pertaining to marinas).

18.24.020 Regulations.

The following regulations apply to boat launch ramps in applicable shoreline environments:

- A. Boat launching ramps, accessory to single family residences, should be permitted.
- B. Before granting approval of a permit to allow any boat-launching ramp, the applicant must satisfactorily demonstrate that:
 - 1. Physical conditions such as natural flushing are capable of handling the proposed intensity of use.
 - 2. Adequate facilities for the efficient handling of sewage and litter will be provided.
 - 3. The ramp will not obstruct littoral drift.
 - 4. The ramp will minimize impediments to migrating fish and is not located on a site important for natural stocks of shellfish or fin fish, including spawning, feeding or rearing areas.
 - 5. Important navigation routes or recreation areas will not be obstructed.
 - 6. Adequate separation will be maintained between the structure and adjacent properties and structures.
 - 7. Adequate separation and buffers can be maintained between the facility's associated parking area and adjacent properties.
 - 8. That the boat launch shall be designed so that structures are aesthetically compatible with, or enhance, existing shoreline features and uses.

18.24.030 Environment Regulations - Uses Permitted.

- A. Shoreline Residential Environment.
 - 1. Permitted Use
 - a. Boat launching ramps accessory to a single-family dwelling for the private use of the single family dwelling resident(s).
 - 2. Conditional Use
 - a. Boat launching ramps open to the public (may be publicly or privately owned).
- B. Conservancy Environment.
 - 1. Permitted Use
 - a. Private boat launching ramps accessory to a single-family dwelling for the private use of the single family dwelling resident(s).
 - 2. Conditional Use
 - a. Boat launching ramps open to the public (may be publicly or privately owned).
- C. Conservancy-Low Environment.
 - 1. Prohibited.
 - a. Boat launching ramps.

Chapter 18.26

BOATHOUSES (but excluding marinas)

Sections:

18.26.010 Definition.

18.26.020 Regulations.

18.26.030 Environment Designations - Uses Permitted

18.26.010 Definition.

"Boathouse" means a covered or enclosed moorage space. For the purpose of this section, boathouses are primary structures of a property and are not part of a marina or accessory to a residential use and may be located on water or on land.

18.26.020 Regulations.

- A. Boathouses shall have no significant adverse impact on the visual access of upland owners or on water quality, and the general aesthetic quality of the shoreline shall be protected.
- B. Boathouses shall be for private non-commercial use only. Use of the boathouse shall be limited to the owner(s) of the property.
- C. New boathouses shall be setback at or above the ordinary high water mark.

18.26.030 Environment Designations - Uses Permitted

- A. Shoreline Residential
 - 1. Conditional Use
 - a. Boathouses
- B. Conservancy
 - 1. Prohibited
 - a. Boathouses
- C. Conservancy -Low
 - 1. Prohibited
 - a. Boathouses

Chapter 18.28

COMMERCIAL DEVELOPMENT

Sections:

18.28.010 Definition.

18.28.020 Regulations.

18.28.030 Environment Designations - Use Regulations.

18.28.010 Definition.

Commercial Development. For the purpose of this section, commercial developments are those uses involved in wholesale and retail trade or business activities, including professional offices. (Commercial development identified as separate uses in the master program are subject to those separate regulations. (i.e. see marinas; also see recreation)).

18.28.020 Regulations.

The following regulations apply to commercial developments in all shoreline environments:

A. Commercial development shall not be permitted in shoreline environments unless addressed separately in this shoreline master program under another use.

18.28.030 Environment Designations - Uses Permitted.

A. Shoreline Residential

1. Prohibited.

a. Commercial Development

B. Conservancy

1. Prohibited

a. Commercial Development

C. Conservancy-Low

1. Prohibited

a. Commercial Development

Chapter 18.30

DREDGING

Sections:

18.30.010 Definition.

18.30.020 Regulations.

18.30.030 Environment Designations - Uses Permitted.

18.30.010 Definition.

Dredging is the removal of material from the bottom of a stream, river, bay or other water body.

18.30.020 Regulations.

The following regulations apply to dredging activities in all shoreline environments:

- A. Dredging of bottom materials for the sole purpose of obtaining fill material is prohibited.
- B. Material dredged in conformance with State and Federal Water Quality Standards may be used in permitted landfill projects.
- C. Returned water from any dredge material disposed of on land shall meet all applicable water quality standards and regulations. If necessary, disposal sites shall be protected by berms and outlets to remove suspended solids and to ensure that the quality of return water meets State Department of Ecology Standards.
- D. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use or activity.
- E. Deposit of dredged materials in water areas shall only be permitted in an approved disposal site for habitat improvement, to correct material distribution problems affecting fish and shellfish resources, for beach restoration or enhancement, where depositing materials on land would be more detrimental to shoreline resources than water deposition, or as fill in conjunction with an environmental remediation project.
- F. Where regular navigation maintenance dredging is required, a long-range plan for disposal sites may be required at the Planning Division's request.
- G. Proposals for the disposal of dredged materials in shoreline jurisdiction must show that the site will be suitable for uses permitted for that shoreline environment.

18.30.030 Environment Designations - Uses Permitted.

- A. Shoreline Residential
 - 1. Permitted Use
 - a. Maintenance dredging.
 - 2. Conditional Use
 - a. Dredging and disposal of materials, other than maintenance dredging.
- B. Conservancy Environment.
 - 1. Permitted Use
 - a. Maintenance dredging.
 - 2. Conditional Use
 - a. Dredging and disposal of materials, other than maintenance dredging.
- C. Conservancy-Low Environment.
 - 1. Conditional use
 - a. Dredging and material disposal only for habitat maintenance and improvement and for flood protection in consultation with the State Department of Fish and Wildlife.

Chapter 18.32

EDUCATIONAL AND ARCHEOLOGICAL AREAS AND HISTORIC SITES

Sections:

18.32.010 Definition.

18.32.020 Regulations.

18.32.030 Environment Designations - Uses Permitted.

18.32.010 Definition.

This use activity category includes significant archeological sites or excavations, old settler homes, historic trails, non-commercial interpretive centers (i.e. public or non-profit), or any other educationally significant site, facility, or structure.

18.32.020 Regulations.

The following regulations apply to Educational and Archeological Sites and Historical areas in all shoreline environments.

A. All shoreline permits shall contain provisions that require developers to notify the City of University Place if any archeological artifacts or data are uncovered during excavations. Permits issued in areas known to contain archeological artifacts and data shall have provisions providing for a site inspection and evaluation by an archeologist. Cost for inspection and evaluation of the site will be the responsibility of the developer. This condition shall require the approval by the City of University Place Planning and Community Development Department before work can begin or resume on a project. Significant archeological data or artifacts shall be recovered before work resumes or begins on a project.

B. Where possible, sites shall be permanently preserved for scientific study, education, and public observation.

C. Consideration shall be given to the National Historic Preservation Act of 1966 and Chapter 43.51 RCW to provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archeology or culture.

D. Where feasible, access trails to shorelines shall pass protected, educational, historical, and archeological sites and areas.

E. In the event that unforeseen factors constitute an emergency as defined in RCW 90.58.030, the project may be exempted from these permit requirements. The City of University Place shall notify the Department of Ecology, Attorney General's Office, and the State Historic Preservation Office of such a waiver in a timely manner.

18.32.030 Environment Designations - Uses Permitted.

A. Shoreline Residential Environment.

1. Permitted Use

- a. Educational and archeological areas and historical sites.
- b. Non-commercial interpretive centers.

B. Conservancy Environment.

1. Same as Shoreline Residential

C. Conservancy-Low Environment.

1. Permitted Use

- a. Educational and archeological areas and historical sites.

2. Conditional Use

- a. Non-commercial interpretive centers.

Chapter 18.34

FISHERY RESOURCES

Sections:

18.34.010 Definition.

18.34.020 Regulations.

18.34.030 Environment Designations - Uses Permitted

18.34.010 Definition.

Fishery resources are those uses intended to enhance and protect the fish resource. Examples include hatcheries and fish counting stations.

18.34.020 Regulations.

Fishery resources shall have no significant adverse impact on the visual access of upland owners or on water quality, and the general aesthetic quality of the shoreline shall be protected.

18.34.030 Environment Designations - Uses Permitted

- A. Shoreline Residential
 - 1. Prohibited.
 - a. Fishery Resource Use
- B. Conservancy
 - 1. Conditional use permit
 - a. Fishery Resource Use
- C. Conservancy-Low
 - 1. Prohibited
 - a. Fishery Resource Use

Chapter 18.36

FLOOD PROTECTION (Shoreline Protection)

Sections:

- 18.36.010 Definition.
- 18.36.020 General Regulations.
- 18.36.030 Environment Designations - Uses Permitted.

18.36.010 Definition.

Flood protection and streamway modifications are those activities occurring within the streamway and wetland areas designed to reduce overbank flow of high waters and stabilize eroding streambanks.

18.36.020 General Regulations.

The following regulations apply to shoreline protection actions in all environments applicable to the areas within the 100-year floodplain under the jurisdiction of the Shoreline Management Act.

- A. No permanent non-water dependent structures shall be placed in the floodway zone.
- B. Bioengineered bank protection should be used and is preferred over rip-rap.
- C. Permanent structures placed within the 100-year floodplain shall be designed and constructed in accordance with the requirements of UPMC 14.15, "Flood Damage Prevention".
- D. Riprapping and other bank stabilization measures, when permitted, shall be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway.
- E. All bank protection material shall be placed on/from the bank. There shall be no dumping of bank protection material directly from a truck bed onto the bank face.
- F. Bank protection material shall be clean and shall be of a sufficient size to prevent its being washed away by high water or by wave action.
- G. When riprap is washed out and presents a hazard to the safety of recreational users, it shall be removed by the owner of such material.
- H. Trees shading streams and rivers shall be retained or replanted when riprap is placed.
- I. Dikes, levees, berms and similar flood control structures shall be placed landward of the floodway as determined by the U.S. Army Corps of Engineers and the State of Washington, Department of Ecology.
- J. Dikes, levees, berms and similar flood control structures shall be shaped and planted with vegetation suitable for wildlife habitat.
- K. Whenever bank stabilization is allowed, materials used for such action shall consist of rock or other materials of the earth. Automobile bodies or other junk or solid waste materials shall not be used.

18.36.030 Environment Designations - Uses Permitted.

- A. Shoreline Residential Environment.
 - 1. Conditional use permit.
 - a. Shoreline protection actions

Exception: Bank protection associated with bridge construction and maintenance may be permitted and shall conform to provisions of the State Hydraulics Act.

- A. Conservancy Environment.
 - 1. Conditional use permit.
 - a. Shoreline protection actions

Exception: Bank protection associated with bridge construction and maintenance may be permitted and shall conform to provisions of the State Hydraulics Act.

- C. Conservancy - Low
 - 1. Prohibited.
 - a. Shoreline protection actions

Exception: Bank protection associated with bridge construction and maintenance may be permitted and shall conform to provisions of the State Hydraulics Act.

UNOFFICIAL DOCUMENT

Chapter 18.38
INSTREAM STRUCTURES

Sections:

18.38.010 Definition.

18.38.020 Regulations.

18.38.030 Environment Designations – Uses Permitted

18.38.010 Definitions.

Instream structures serve to impound or divert water for activities such as irrigation, recreation, and potable water. Both the structures and the support facilities are covered by this section. (see also Chapter 18.58, Shoreline Modification Activities)

18.38.020 Regulations.

- A. All permit applications for instream structures shall contain, at a minimum, the following:
 - 1. Provision for public access to and along the affected shoreline and proposed recreational features at the site, where applicable. Public access provisions shall include vistas and trails.
 - 2. A plan describing the extent and location of vegetation proposed for removal to accommodate the proposed facility and restoration plans.

18.38.030 Environment Designations - Uses Permitted

- A. Shoreline Residential
 - 1. Prohibited
 - a. Instream Structures
- B. Conservancy
 - 1. Permitted Use
 - a. Instream structures.
- C. Conservancy Low
 - 1. Conditional Use Permit
 - a. Instream structures.

Chapter 18.40

LANDFILLS

Sections

18.40.010 Definition.

18.40.020 Regulations.

18.40.030 Environment Designations - Uses Permitted.

18.40.010 Definition

Landfill is the creation of dry upland area by filling or depositing of sand, soil or gravel into a shoreland/shoreline areas.

18.40.020 Regulations.

The following regulations apply to landfill projects in all shoreline environments:

A. Landfills extending no further than the OHWM or the natural bank, whichever is less, may be permitted provided that probable significant adverse impacts are mitigated.

B. Landfills may extend waterward more than five feet on a horizontal plane from ordinary high water mark when used for backfill for a bulkhead that ties into an adjacent bulkhead.

C. Landfills for the purpose of creating new land shall be permitted only for water dependent uses.

D. Landfills in critical areas must meet the requirements of UPMC Title 17, Critical Areas.

E. All perimeters of cuts and fills shall be provided with vegetation, riprap, retaining walls, or other approved means for erosion prevention.

F. Fill materials shall not cause violation of water quality standards or otherwise be toxic to humans or to fish and wildlife.

18.40.030 Environment Designations - Uses Permitted.

A. Shoreline Residential and Conservancy Environment.

1. Permitted Uses

a. Landfills ~~either extending waterward less than five (5) feet on a horizontal plane from at or above~~ the ordinary high water mark or the natural bank, whichever is less.

b. Landfills extending waterward ~~more than five (5) feet~~ from ordinary high water only when said landfill constitutes backfill for a bulkhead, which ties into an existing adjacent bulkhead.

2. Conditional Use Permit

a. Landfills for water dependent ~~or water related~~ uses only, extending waterward ~~more than five (5) feet on a horizontal plane from ordinary high water.~~ —

B. Conservancy-Low Environment

1. Conditional Use

a. Landfills for beach/habitat restoration only, extending waterward no more than five feet on a horizontal plane from ordinary high water.

Chapter 18.42

MARINAS

Sections:

18.42.010 Definition.

18.42.020 Regulations

18.42.030 Environment Designations - Uses Permitted.

18.42.010 Definition.

A marina is a commercial facility that provides moorage-related sales and maintenance services to pleasure and/or commercial vessels and to houseboats. Marinas include commercial moorage facilities that provide moorage to pleasure or commercial vessels and to houseboats.

18.42.020 Regulations

- A. New marinas are prohibited in all shoreline environments.
- B. Improvements to existing marinas shall be subject to the following regulations.
 1. Important navigational routes or marine oriented recreation areas will not be obstructed or impaired;
 2. Views from surrounding properties will not be unduly impaired;
 3. Ingress-egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired;
 4. Public use of the surface waters below the ordinary high water mark shall not be unduly impaired;
 5. The intensity of the use or uses of any proposed marina shall be compatible with the surrounding environment and land and water uses;
 6. Marina expansion shall not be allowed in areas identified by the Department of Fish and Wildlife or Department of Natural Resources as having a high environmental value for shellfish, fish, and/or wildlife unless it can be conclusively established that the marina expansion will not be detrimental to the natural habitat.
 7. Expanded marinas must have the flushing capacity required to maintain water quality.
 8. All piers, docks, and floats shall be constructed and maintained in a safe and sound condition.
 9. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high water.
 10. When plastics or other non-degradable materials are used in pier construction, precautions shall be taken to ensure their containment.
 11. Dock facilities should be equipped with adequate lifesaving equipment such as life rings, hook and ropes.
 12. Any expanded structure, with the exception of derricks or other launching devices, which exceeds a height of 35 feet, shall be considered a conditional use.

13. Adequate facilities for the prevention and control of fuel spillage must be incorporated into the marina expansion proposal.

14. Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, or toxic materials where all marina users may easily read them.

15. Adequate garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users.

16. All marinas should provide restrooms for the boaters' use, located within 200 feet from the dock or pier. Signs should be posted such that the restrooms are readily identifiable.

17. Boaters should not use their marine toilets while moored unless these toilets are self-contained or have an approved treatment device. Signs stating this shall be posted where they are readily visible to all boaters.

18. Floating homes are prohibited. Houseboats and live-aboard vessels shall be allowed only in those limited circumstances where environmental and use impacts can be substantially limited.

19. Marinas shall be required to provide facilities for dumping of holding tanks for houseboats or live-aboard vessels being used as residences.

20. Swimming shall be prohibited within marina facilities unless the swimming area is adequately separated and protected.

21. Proposals for marina expansions shall indicate how the applicant intends to incorporate public launch facilities or other public access, or shall state why such facilities are not included in the project.

22. Where covered moorages are utilized, a dock shall be provided to the public for viewing the water and for fishing when feasible and appropriate.

18.42.030 Environment Designations - Uses Permitted.

- A. Shoreline Residential Environment.
 - 1. Conditional Use Permit
 - a. Expansion of Existing Marinas
 - 2. Prohibited
 - a. New Marinas
- B. Conservancy Environment.
 - 1. Conditional Use Permit
 - a. Expansion of Existing Marinas
 - 2. Prohibited
 - a. New Marinas
- C. Conservancy-Low Environment.
 - 1. Conditional Use Permit
 - a. Expansion of Existing Marinas
 - 2. Prohibited
 - a. New Marinas

Chapter 18.44

MINING

Sections:

18.44.010 Definition.

18.44.020 Regulations.

18.44.030 Environment Designations - Uses Permitted.

18.44.010 Definition.

Mining is the removal of naturally occurring materials from the earth for beneficial uses.

18.44.020 Regulations.

The following regulations apply to mining in all environments.

- A. New mining activities shall be prohibited.
- B. Impacts to shorelands and water bodies due to mining operations upland of the shoreline jurisdiction shall be minimized.

18.44.030 Environment Designations - Uses Permitted.

- A. Shoreline Residential Environment
 - 1. Prohibited.
 - a. New mining.
- B. Conservancy Environment
 - 1. Prohibited
 - a. New mining
- C. Conservancy-Low Environment
 - 1. Prohibited.
 - a. New mining

Chapter 18.46

PIERS AND DOCKS, FLOATS

Sections:

18.46.010 Definitions.

18.46.020 Regulations.

18.46.030 Environment Designations - Uses Permitted.

18.46.010 Definitions.

- A. "Dock" means a structure that abuts the shoreline and floats upon the water and is used as a landing or moorage place for marine vessels or for recreational purposes.
- B. "Pier" means a structure that abuts the shoreline and is built over the water on pilings and is used as a landing or moorage place for marine vessels or for recreational purposes.
- C. "Float" means a structure comprised of a number of logs, boards, barrels, etc., fastened together into a platform capable of floating on water, used as a landing or moorage structure for marine vessels or for swimming purposes. Floats are either attached to a pier or are anchored to the bedlands so as to allow free movement up or down with the rising or falling water levels.
- D. "Gangway" means a sloping structure that provides access from a pier to a float.
- E. "Fetch" means the horizontal distance across a body of water measured in a straight line from the most waterward point along the ordinary high water mark or lawfully established bulkhead on a given stretch of shoreline to the nearest opposite ordinary high water mark as measured in a straight line. Provided, when the structure does not abut the ordinary high water mark, the distance from one ordinary high water mark to the opposite ordinary high water mark shall be measured along the shortest straight line passing through the center of that structure commencing from the property associated with such a structure.
- F. "Width" means the width of a pier or dock at its widest point measured parallel to the shoreline or the combined width of a pier, dock, and any attached structures such as a float at the widest point.
- G. "Single Use Pier or Dock" means a dock or pier including a gangway and/or float intended for the private noncommercial use of one individual or family.
- H. "Joint Use Pier or Dock" means a pier or dock including a gangway and/or float which is intended for the private, noncommercial use of not more than four waterfront building lot owners. Properties using a joint use pier or dock must be within 1,000 feet of the boundary of the lot on which the joint use pier or dock is to be constructed.
- I. "Community Pier or Dock" means a pier or dock including a gangway and/or float which is intended for use in common by lot owners or residents of a subdivision or residential planned development district.
- J. "Public Recreational Pier or Dock" means a pier or dock including a gangway and/or float either publicly or privately owned and maintained intended for use by the general public for recreational purposes, but not to include docks constructed as part of a marina.
- K. "Private Recreational Pier or Dock" shall mean a pier or dock including a gangway and/or float which is owned and maintained by a private group, club, association or other organization and is intended for use by its members.

18.46.020 Regulations

A. Piers, docks, and floats shall be equipped with adequate lifesaving equipment such as life rings, hooks, and ropes.

B. When piers, docks and floats are removed, the site(s) shall be restored. For example, moorage lines and anchors shall be removed.

C. To ensure that the proposed project is consistent with the policies of the Master Program, the granting of a Substantial Development Permit is dependent upon the City's determination that the proposed activity is consistent with the following criteria:

1. Important navigational routes or marine oriented recreation areas will not be obstructed or impaired;
2. Views from surrounding properties will not be unduly impaired;
3. Ingress-Egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired;
4. Public use of the surface waters below ordinary high water shall not be unduly impaired;
5. The intensity of the use or uses of any proposed dock, pier and/or float shall be compatible with the surrounding environment and land and water uses.

D. Development Guidelines - In lieu of specific standards relating to design, location, bulk and use, the following guidelines shall be applied by the City's reviewing authority to a site specific project application for Substantial Development Permit. The City may extend, restrict, or deny an application.

1. In areas identified by the Department of Fish and Wildlife or the Department of Natural Resources in accordance with a study in existence at the time of application as having a high environmental value for shellfish, fish life or wildlife, piers, docks and floats shall not be allowed unless functionally necessary to the propagation, harvesting, testing or experimentation of said marine or wildlife, or unless it can be established that the dock, pier or float will not be detrimental to the natural habitat.
2. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high tide.
3. Over water applications of paint, preservatives, treatment or other chemical compounds shall not be permitted except in accordance with best management practices.
4. When plastics or other non-degradable materials are used in pier construction, precautions shall be taken to ensure their containment.
5. Single use piers and docks.
 - a. Length (Total): Maximum length of a pier or dock should be only so long as to obtain a depth of minus four (4) feet at mean low tide, except that the intrusion into the water of any pier or dock should not exceed the lesser of:
 1. 15 percent of the fetch; or,
 2. 100 feet on saltwater shorelines and 40 feet on freshwater shorelines.
 - b. Length ("T" area): The maximum length of the "T" portion of a pier or dock shall not exceed eight (8) feet.
 - c. Width: The maximum width parallel to the shore of any portion of a dock or pier other than the "T" should not exceed eight (8) feet. For "T" shaped docks or piers, the "T" parallel to the shore shall not exceed twenty (20) feet.
 - d. Side Yard: A minimum separation of ten feet should be maintained between the structure and the side property lines extended at a right angle to the shoreline.
 - e. For lots existing at the time this program is adopted no more than one private, non-commercial dock, pier or float is permitted for each shoreline lot or parcel contiguous group of parcels under single ownership.

6. Joint use piers and docks.

- a. Length (Total): Maximum length of a pier or dock should be only so long as to obtain a depth of minus four (4) feet at mean low tide, except that the intrusion into the water of any pier or dock should not exceed the lesser of:
 1. 15 percent of the fetch; or,
 2. 100 feet on saltwater shorelines and 40 feet on freshwater shorelines.
- b. Length ("T" area): The maximum length of the "T" portion of a pier or dock shall not exceed eight (8) feet.
- c. Width: The maximum width parallel to the shore of any portion of a dock or pier other than the "T" should not exceed eight (8) feet. For "T" shaped docks or piers, the "T" parallel to the shore shall not exceed thirty (30) feet.
- d. Minimum separation between the structure and the side property lines extended at a right angle to the shoreline of any property not sharing in the use of the structure shall be ten (10) feet.
- e. Joint use piers and docks can be located on, or straddling the property line of adjacent waterfront property owners when mutually agreed to by the owners in a legally binding easement.
- f. Joint dock, pier and float facilities shall have no more moorage spaces than one space per waterfront owner using the dock.

7. Community and Public Recreational Piers and Docks.

- a. Length and width: The maximum width and length shall be determined on a case by case basis through the permit process.
- b. Minimum separation between the structure and the side property lines extended at a right angle to the shoreline should be ten (10) feet.
- c. Density of usage should not exceed the following:
 1. Public recreational pier or dock. Ten (10) spaces maximum (For piers associated with marinas, see Marinas Section).
 2. Community pier or dock. (Ten (10) spaces maximum)
 3. Private recreational pier or dock (Ten (10) spaces maximum). (For piers associated with marinas, see Marinas Section).
- d. Adequate separation and buffers should be maintained between parking areas and adjacent properties.
- e. Recreational piers or docks for use by the general public should comply with the following regulations:
 1. An adequate number of approved sanitary waste containers should be located conveniently for boater utilization.
 2. Every facility should be in good repair and free from other safety hazards.

8. Floats

- a. Floats shall be so anchored as to allow clear passage on three sides by small watercraft and shall extend at least eight (8) inches above the water surface.
- b. Floats shall have an overall area not exceeding 100 square feet.
- c. Floats shall be located no closer than ten (10) feet to a side property line.
- d. Floats shall be constructed so that the deck surface is a minimum of one foot above the water's surface. Reflectors for nighttime visibility shall be provided.

18.46.030 Environment Designations - Uses Permitted.

A. Shoreline Residential Environment.

1. Uses permitted outright without a Substantial Development Permit:
 - a. Floating type navigation aids such as channel markers.
 - b. Anchor buoys limited to one per lot owner or one per 100 feet of shoreline frontage.
 - c. One uncovered float, pier or dock as an accessory use and located on, or in front of the same lot, tract or parcel of land as a single family dwelling provided;

1) The dock, pier or float shall be designed for swimming and/or mooring pleasure craft only, for the private noncommercial use of the owners, lessee or contract purchaser or the single family residence to which the float or dock is accessory provided the cost or fair market value, whichever is higher, does not exceed \$2,500.00.

2. Uses Permitted subject to the granting of a Shoreline Management Substantial Development Permit. (The issuance of a building permit may be required.)

a. Uses permitted outright in Subsection A.1. but which exceed the limitations set forth in Subsection A.1.;

b. Joint use pier or dock, uncovered;

3. Conditional Use Permit.

a. Community pier or dock, uncovered;

b. Public Recreational pier or dock, uncovered

B. Conservancy Environment.

1. Uses permitted outright without a Substantial Development Permit

a. Floating type navigation aids such as channel markers.

b. Anchor buoys limited to one per lot owner or one per 100 feet of shoreline frontage.

c. One uncovered float, pier or dock as an accessory use and located on, or in front of the same lot, tract or parcel of land as a single family dwelling provided:

1) The dock, pier or float shall be designed for swimming and/or mooring pleasure craft only, for the private noncommercial use of the owners, lessee or contract purchaser or the single family residence to which the float or dock is accessory provided the cost or fair market value, whichever is higher, does not exceed \$2,500.00.

2. Uses permitted subject to the granting of a Substantial Development Permit.

a. Uses permitted outright in Subsection A.1. but which exceed the limitations set forth in Subsection A.1.;

b. Joint use pier or dock, uncovered;

c. Community pier or dock, uncovered;

d. Public recreational pier or dock uncovered.

C. Conservancy - Low Environment.

1. Prohibited

a. Piers, docks and floats.

Chapter 18.48

PORTS AND WATER RELATED INDUSTRY

Sections:

18.48.010 Definition.

18.48.020 Regulations.

18.48.030 Environment Designations - Uses Permitted.

18.48.010 Definition.

Ports are centers of activity which provide services and facilities for the transfer of commodities to and from vehicles (water, air or land) of commerce and may provide the means for their protection, storage, maintenance and operation.

18.48.020 Regulations.

New ports and water related industries shall be prohibited.

18.48.030 Environment Designations - Uses Permitted.

A. Shoreline Residential Environment.

1. Prohibited.

a. New ports and water related industries

B. Conservancy Environment.

1. Prohibited.

a. New ports and water related industries

C. Conservancy-Low Environment.

1. Prohibited.

a. New ports and water related industries

Chapter 18.50

RAILROADS

Sections:

- 18.50.010 Definition.
- 18.50.020 Regulations.
- 18.50.030 Environment Designations - Uses Permitted.

18.50.010 Definitions.

A railroad is a linear passageway for the movement of train passengers or freight.

18.50.020 Regulations.

The following regulations apply to the building or alteration of railroads in shoreline environments:

- A. New railroads requiring right-of-way expansion are prohibited.
- B. Expansion of existing railroad within existing rights-of-way (i.e. additional track) must demonstrate the following:
 - 1. The need for a shoreline location and that no reasonable upland alternative exists.
 - 2. The construction is designed to protect adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.
 - 3. The identification of anticipated adverse environmental impacts and mitigation measures.
 - 4. That the project is planned to fit the existing topography as much as possible thus minimizing alterations to the natural environment.
 - 5. That all debris, overburden and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into a water body.
 - 6. That proposed bridges, if any, will be built high enough to allow the passage of debris and anticipated high water flows.
- C. Relocation of existing tracks and right-of-way landward of an existing right-of-way with no expansion in the number of tracks shall be a conditional use.
- D. Railroads shall be prohibited in the Conservancy-Low designation.
- E. All cut and fill slopes shall be stabilized and planted with native and/or appropriately introduced grasses, shrubs and/or trees which shall be maintained by the installing agency until established.
- F. Bridges shall be used when crossing marshes, swamps, bogs, ponds, natural recharge areas and other wetlands to avoid obstructing movement of surface and groundwater.
- G. Railroad overpasses and underpasses shall be encouraged and designed to promote safety for the pedestrian and for the railroad.
- H. Public access improvements, including tying in to existing access, shall be required with any railroad expansion.
- I. Easement crossings shall be granted by the railroad for public facilities and services as part of a railroad expansion or right-of-way relocation.

18.50.030 Environment Designations - Uses Permitted.

- A. Shoreline Residential Environment
 - 1. Permitted Uses
 - a. Pedestrian overpasses and underpasses

2. Conditional Uses
 - a. Relocation of existing tracks landward of an existing right-of-way with no expansion in the number of tracks.
 - b. Expansion of railroads within the existing right-of-way.
3. Prohibited
 - a. Expansion of existing railroad into new right of way.
 - b. New railroads.

B. Conservancy Environment.

1. Permitted Uses
 - a. Pedestrian overpasses and underpasses
2. Conditional Uses
 - a. Relocation of existing tracks landward of an existing right-of-way with no expansion in the number of tracks.
 - b. Expansion of railroads within the existing right-of-way.
3. Prohibited
 - a. Expansion of existing railroad into new right of way.
 - b. New railroads.

C. Conservancy - Low Environment.

1. Prohibited
 - a. All railroads, new or expanded.

Chapter 18.52

RECREATIONAL PRACTICES

Sections:

18.52.010 Definitions.

18.52.020 General Regulations.

18.52.030 Design Regulations

18.52.040 Environment Designations - Uses Permitted.

18.52.010 Definitions.

A. "Recreation" means the refreshment of body and mind through forms of play, amusement or relaxation. This section applies to publicly and privately owned recreational facilities intended for use either by the public or a private club, group, or association.

NOTE: (Certain water dependent uses such as Marinas, Piers, Docks and Floats, and Boat Launch Facilities addressed separately in the shoreline use regulations under those titles).

B. "Non-Water Related Uses" means uses not needing a shoreline location but which, in certain circumstances, may secondarily support the permitted recreational use. Examples of non-water related uses include but are not limited to:

1. Parking lots;
2. Incidental food concessions;
3. Facilities for non-aquatic sports.

18.52.020 General Regulations.

A. Recreational development shall be subject to the following general regulations.

1. State and local health agencies shall be consulted when issuing permits. (WAC 16-060-21(k)).
2. Accessory use facilities such as rest rooms and parking areas shall be set back from the ordinary high water mark unless such facilities are essentially shoreline dependent. These areas should be linked to the shoreline by walkways.
3. For recreation developments requiring fertilizers, pesticides or other toxic chemicals, such as golf courses and play fields, the applicant shall submit plans demonstrating the methods to be used to prevent these chemicals and the resultant leachate from entering adjacent water bodies and wetlands. Native vegetation zone strips and, if practical, shade trees shall be included in the development.
4. The use of time release fertilizers and herbicides shall be preferred over liquid or concentrate application for lawns grown within shoreline jurisdiction.
5. Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at the point of access and the entrance thereto.
6. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features including scenic views. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements, and setbacks, as deemed appropriate to achieve this intent.
7. Recreational beaches shall be retained in their natural state for water dependent multiple uses such as swimming, and beachcombing. Structural modifications, which might cause erosion, are prohibited.

18.52.030 Design Regulations

A. Recreational development shall be subject to the following design requirements.

1. Development shall be designed to maintain, enhance and/or restore desirable shoreline features including unique and fragile areas, scenic views and aesthetic values.
2. Recreational developments shall provide non-motorized access to the shoreline such as pedestrian and bicycle paths. Motorized vehicular access is prohibited on beaches and stream beds, except for boat launching and maintenance activities.
3. To protect natural resources and adjacent properties, recreational facility design and operation shall prohibit the use of all-terrain and off-road vehicles in the shoreline area.

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

5. No recreation buildings or structures shall be built over water, EXCEPT water dependent or public access structures such as docks, piers, viewing platforms or walkways subject to applicable regulations of this shoreline master program.

6. Recreational facilities shall make adequate provisions, such as screening, buffer strips fences and signs to prevent parking overflow and to protect the value and enjoyment of adjacent and natural areas.

7. Proposals for recreational developments must include plans for sewage disposal, water supply, and solid waste disposal. All disposal facilities shall meet all applicable State and local standards and regulations.

8. No recreational development shall unnecessarily interfere with public use of navigable waters.

9. Accesses for boats shall allow safe and convenient passage to the public water, dictated by the class of boats using the access.

18.52.040 Environment Designations - Uses Permitted.

[NOTE: Use references to a specific use supercede reference to a more general use.]

- A. Shoreline Residential
 - 1. Permitted Uses
 - a. Paved and Unpaved Bridle/Bicycling/Walking Trails
 - b. Interpretive Viewpoints
 - c. Pedestrian Boardwalks
 - d. Pedestrian Bridges, Over Water
 - 2. Conditional Use
 - a. Non-Water Related Accessory Uses
 - b. Water-Enjoyment Uses
 - 3. Prohibited Uses
 - a. Golf Courses
 - b. Incidental retail activity associated with a recreational use
 - c. Walk in Campgrounds
 - d. Resorts
 - e. Off Road Vehicles (ORV) Trails
- B. Conservancy Environment
 - 1. Permitted Uses
 - a. Paved and unpaved Bridle/Bicycling/Walking Trails
 - b. Interpretive Viewpoints
 - c. Pedestrian Boardwalks and Piers
 - d. Pedestrian Bridges, Over Water
 - e. Water-enjoyment uses
 - f. Golf Courses
 - g. Incidental retail activity in conjunction with a public access pier.
 - 2. Conditional Use
 - a. Non-Water Related Uses
 - 3. Prohibited Uses
 - a. Walk in Campgrounds
 - b. Resorts
 - c. Off Road Vehicles (ORV) trails

B. Conservancy - Low Environment.

1. Permitted Uses

- a. Unpaved bridle, bicycling and hiking trails, including over water pedestrian bridges;
- b. Viewpoints, including interpretative viewpoints;
- c. Fishing access areas not requiring structural facilities.
- d. Pedestrian boardwalk

2. Prohibited Uses

- a. Golf courses;
- b. ORV trails and areas;
- c. Resorts;
- d. High intensity parks;
- e. Walk-in campgrounds.

Chapter 18.54

RESIDENTIAL DEVELOPMENT

Sections:

18.54.010 Definition.

18.54.020 Permit Exemptions.

18.54.030 Regulations.

18.54.040 Environment Designations - Uses Permitted.

18.54.050 Bulk Regulations.

18.54.010 Definition.

Residential development shall mean one or more buildings or structures or portions thereof which are designed for and used to provide a place of abode for human beings, including one and two family detached dwellings, multifamily residences, row houses, townhouses, mobile home parks and other similar group housing, together with accessory uses and structures normally common to residential uses including but not limited to garages, sheds, upland boat storage facilities, tennis courts, and swimming pools. Residential development shall not include hotels, motels, or other transient housing or camping facilities.

18.54.020 Permit Exemptions.

A. The Shoreline Management Act exempts from obtaining a Substantial Development Permit the construction of any structure with a fair market value less than \$2,500.00, and the construction of a single family residence by an owner, lessee, or contract purchaser for his own use or the use of his family, if said residence does not exceed a height of thirty-five (35) feet above average grade level and construction of normal appurtenances which include garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

B. Although these structures are exempt from obtaining a Substantial Development Permit, compliance with the prohibitions, regulations, and development standards of this Chapter is still required.

18.54.030 Regulations.

A. Residential development shall be subject to the requirements of the City of University Place Zoning Code (Title 19).

B. Prior to the granting of a Substantial Development Permit, the City shall make a determination that the proposed project is consistent with the policies of the Master Program and the following regulatory standards:

1. The proposed development site is suited for residential use and is not located in areas having significant hazard to life and property and likely to require future public funds to protect and rehabilitate.
2. Adequate methods of erosion control will be utilized during and after project construction.
3. Disturbance of shoreline vegetation will be minimized.
4. Solutions will be provided to the problem of contamination of surface waters, depletion and contamination of ground water supplies and generation of increased runoff into water bodies.

C. Residential development over water including garages, accessory buildings, and boathouses shall not be permitted unless otherwise specified in this chapter.

~~D. Uncovered, cantilevered and unenclosed over water decks may be permitted subject to the following requirements:~~

- ~~1. The over water portion of the deck does not exceed 360 square feet in area; and,~~
- ~~2. The deck shall not extend more than twelve (12) feet waterward of the ordinary high water mark.~~

18.54.040 Environment Designations - Uses Permitted.

NOTE: The City of University Place Zoning Code and other City regulations also contain use, density, setback, and lot width requirements which are applicable in shoreline areas. These regulations must also be consulted, as appropriate, when developing on the shoreline. In case of a discrepancy between the requirements of this Code and the Zoning Code, or other regulations, the most restrictive regulation shall prevail.

- A. Shoreline Residential Environments
 - 1. Permitted Use without a Substantial Development Permit (The issuance of a building permit may be required.)
 - a. Construction of a single family residence by an owner, lessee or contract purchaser for his own or the use of his family.
 - b. The following uses commonly accessory to single family residences constructed within the prescribed setback and height limitations:
 - (1) Garages;
 - (2) Sheds and storage facilities;
 - (3) Bulkheads (see UPMC Chapter 18.58);
 - (4) Decks
 - (5) Fences
 - (6) Piers, docks, buoys and floats (see UPMC Chapter 18.46).
 - (7) Upland boathouses (boathouses shall be setback at or above the ordinary high water mark).
 - (8) Normal appurtenances to a single family dwelling as provided for in WAC 173-27-040(1)(g).
 - c. Residential subdivisions determined not to be substantial developments.
 - 2. Permitted use, upon the issuance of a Substantial Development Permit and building permit if appropriate:
 - a. The construction of single family residences for the purpose of sale.
 - b. Two family detached dwellings (duplexes).
 - c. Residential subdivisions determined to be substantial developments.
 - d. Structures commonly accessory to dwellings other than those listed in Subsection A.1.b. above.
 - e. Community Club/Homeowners Association Clubhouse.
- B. Conservancy Environment.
 - 1. Permitted Use (May or may not require a Shoreline Substantial Development permit).

The following uses commonly accessory to single family residences constructed within the prescribed setback and height limitations:

 - a. Garages;
 - b. Sheds and storage facilities;
 - c. Bulkheads (see UPMC Chapter 18.58);
 - d. Decks;
 - e. Fences;
 - f. Piers, docks and floats (see Chapter 18.46).
 - g. Normal appurtenances to a single family dwelling as provided for in WAC 173-27-040(1)(g).
 - 2. Conditional Use
 - a. Construction of a single family residence by an owner, lessee or contract purchaser for his own or the use of his family.
 - b. The construction of single family residences within a subdivision for the purpose of sale where the construction of said residences and the subdivision meet all applicable Master Program requirements.
 - c. Residential subdivisions, determined not to be substantial developments.

- d. The construction of single family residences for the purpose of sale.
- e. Subdivision of single family residences determined to be a substantial development.
- 3. Other structures commonly accessory to dwellings other than those listed in Section B.1 above.

3. Prohibited Uses

- a. Multi Family Development

C. Conservancy-Low Environment

- 1. Prohibited Use
 - a. Residential uses and associated accessory structures.

18.54.050 Bulk Regulations.

The following lot coverage, setback and height limitations shall be applicable to residential development in all shoreline environments.

A. Lot Coverage. Not more than 33 and 1/3 percent of the gross lot area shall be covered by impervious material including parking areas but excluding driveways.

B. Setbacks. All setbacks, with the exception of the setbacks from the ordinary high water mark or lawfully established bulkhead, shall be as required by the City of University Place Zoning Code or other City regulations.

C. Setbacks for Shoreline Sites from Ordinary High Water Mark. The required setback for buildings and structures from any lot line or lines abutting the ordinary high water mark or lawfully constructed bulkhead, whichever is further upland, shall be 35 feet except that the special shoreline setback shall not apply to docks, floats, buoys, bulkheads, launching ramps, jetties, groins and similar structures.

D. Exceptions to Setbacks for Shoreline Sites.

1. In areas identified on the shoreline environment map as special Shoreline Residential "0" setback areas, the required setback for buildings and structures from any lot line or lines abutting the ordinary high water mark shall be five (5) feet, except that, the existing setback as of [effective date of this ordinance] shall be the minimum setback for buildings and structures closer than five (5) feet to the ordinary high water mark.

2. Outside of the "0" setback residential areas, the shoreline setback for proposed buildings or structures on a vacant lot that has a common property line with one or more lots which is/are developed with a principal use/uses and which abut the ordinary high water line shall be as follows:

- a. Not less than the average of the setbacks of the principal uses on the adjacent properties. (In determining the average, a vacant parcel shall be considered a 35-foot setback.) However, no building or structure will be required to be set back more than 35 feet from nor allowed closer than 15 feet to the ordinary high water mark or the lawfully established bulkhead.

3. Within the "0" setback overlay areas, the shoreline setback for any proposed buildings or structures, including additions to an existing building or structure, on a lot that has a common property line with one or more lots which is/are developed with a principal use/uses and which abut the ordinary high water line shall be as follows:

- a. Not less than the average of the setbacks of the principal uses on the adjacent properties and the subject property (if the subject property is developed). (In determining the average, a vacant parcel shall be considered a five- (5) foot setback.) However, no building or structure will be allowed to set back closer than 5 feet to the ordinary high water mark or the lawfully established bulkhead.

4. Outside of the "0" setback residential areas, the shoreline setback for lots of record as of April 4, 1975 having a depth of less than 115 feet may be reduced, if appropriate by one foot for each foot that the lot is less than 115 feet deep, but in no case shall such adjustment result in a setback of less than 15 feet.

5. Existing lawfully established buildings and structures, including over water residences and structures, in existence on or before the effective date of this Title may be remodeled or rebuilt in the same location, provided the ground floor lot area of the said building is not increased and further provided that the building or use thereof shall have been and continues to be conforming to these regulations and shall be for the same use.

E. Off-street Parking. At least one but not more than three off-street parking spaces shall be provided for each dwelling unit on a site or tract of land subject to the limitations of total lot coverage. No parking area shall be located within 30 feet of the ordinary high water mark except in "0" foot setback overlay areas within the Shoreline Residential environment. Parking in the "0" foot setback overlay shall be upland of the principal structure.

F. Site Preparation. It shall be the intent of this Chapter to require the maintenance, enhancement, and preservation of the natural site amenities. To this end, the City may limit the extent of grading and clearing to the extent deemed necessary for the reasonable and necessary use of the site or tract.

G. Height Limitations. The maximum height above average grade level of any residential structure shall be 35 feet unless a Conditional Use Permit is obtained.

H. Fences. Fencing shall meet the requirements of the University Place Zoning Code except that:

1. No fence shall extend waterward of the ordinary high water mark; and,
2. Fences waterward of the furthest waterward extension of the house shall be limited to four feet in height or less.

Chapter 18.56
ROADS/BRIDGES

Sections:

- 18.56.010** **Definition.**
18.56.020 **Regulations.**
18.56.030 **Environment Designations - Uses Permitted.**

18.56.010 **Definition.**

A road is a linear passageway, usually for motor vehicles. Bridges are roads which cross over water.

18.56.020 **Regulations.**

The following regulations apply to the building or alteration of roads in all shoreline environments:

- A. Developers of roads must be able to demonstrate the following to the appropriate reviewing authority:
1. The need for a shoreline location and that no reasonable upland alternative exists.
 2. The construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.
 3. That the project will be planned to fit the existing topography as much as possible thus minimizing alterations to the natural environment.
 4. That all debris, overburden and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into water body.
 5. That proposed bridges will be built high enough to allow the passage of debris and anticipated high water flows.
 6. That when new roads will afford scenic vistas, viewpoint areas will be provided. Scenic corridors shall have sufficient provision for safe pedestrian and non-motorized vehicular travel.
- B. Developers of roads must demonstrate that:
1. The road is located on grade rather than elevated unless crossing wetlands. Road designs must provide appropriate pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.
 2. Where bridges cross bays or creeks, pedestrian linear access along the water will be provided except where precluded by safety factors. Pedestrian and bicycle passage across water shall be provided except on limited access highways.
- C. All cut and fill slopes shall be stabilized and planted with native and/or appropriately introduced grasses, shrubs and/or trees which shall be maintained by the installing agency until established.
- D. Roads shall not be located so as to require large portions of streams to be routed into and through culverts.
- E. Major roads shall cross shoreline areas by the shortest most direct route feasible, unless such route would cause significant additional environmental damage.
- F. Private access roads providing ingress and egress for individual single family residences or lots shall be limited to one lane with turnouts and may not exceed a maximum width of fifteen (15) feet.
- G. Private access roads serving two or more families may be two lanes in width.

18.56.030 Environment Designations - Uses Permitted.

A. Shoreline Residential Environment

1. Permitted Use

a. Roads and Bridges

B. Conservancy Environment.

1. Permitted Use

a. Roads and Bridges

C. Conservancy - Low Environment.

1. Permitted Use

a. Roads necessary to protect the "Conservancy-Low" Environment and adjoining lands from major disasters.

Chapter 18.58

SHORELINE MODIFICATION ACTIVITIES

Sections

18.58.010 Definitions.

18.58.020 Permit Exemptions.

18.58.030 Regulations.

18.58.040 Environmental Designations - Uses Permitted.

18.58.010 Definitions.

"Beach enhancement" means the alteration of terrestrial and tidal shorelines, along with submerged shorelines, for the purpose of stabilization, recreational enhancement or aquatic habitat creation or restoration using native or similar material. The materials used are dependent upon the intended use.

"Breakwaters" means protective structures usually built off-shore to protect beaches, bluffs or harbor areas from wave action.

"Bulkheads or seawalls" mean structures erected parallel to and near the high water mark for the purpose of protecting adjacent uplands, other than newly created residential land, from the action of marine waves or currents.

"Jetties and Groins" means structures designed to modify or control sand movement. They are erected at right angles to the shoreline.

"Revetments" means sloping structures built to protect a scarp, embankment, or shore against erosion by waves or currents. A revetment is usually built of riprap with a heavy armor layer. One or more filter layers of smaller rock or filter cloth and "toe" protection. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead, which is a vertical structure.

18.58.020 Permit Exemptions.

The Shoreline Management Act exempts from the Substantial Development Permit requirement the construction of a normal protective bulkhead common to single family residences RCW 90.58.030(3)(e)(ii).

18.58.030 Regulations.

Beach Restoration and Enhancement

The following regulations apply to beach restoration and enhancement in all shoreline environments.

A. Beach restoration/enhancement may be permitted when the applicant has demonstrated that no significant change in littoral drift will result that would adversely affect adjacent properties or habitat.

B. Beach restoration/enhancement is prohibited if it significantly interferes with the normal public use of the navigable waters of the State.

C. Beach restoration/enhancement is prohibited within spawning, nesting, or breeding habitat that would be adversely affected and where littoral drift of the enhancement materials adversely affects adjacent spawning grounds or other areas of biological significance.

Breakwaters

The following regulations apply to breakwaters in all shoreline environments:

A. The construction of breakwaters shall be permitted only in special cases where social and technical consideration demonstrate overall public benefit.

B. Floating breakwaters shall be used in place of solid landfill types where they can withstand extensive wave action in order to maintain sand movement and fish habitat.

- C. Breakwaters shall be designed and constructed to ensure against adverse changes in sand movement and water circulation.
- D. Breakwaters shall only be permitted for navigational purposes and marinas.
- E. The construction of breakwaters shall not create significant undesirable interference with the public use of the water surface.
- F. Where feasible, accesses for sightseeing and public fishing shall be incorporated into breakwater design.
- G. Designs for new breakwaters shall incorporate provisions for public access if such access is feasible and desirable.

Bulkheads

The following regulations apply to bulkheads in all shoreline environments:

- A. Beach materials shall not be used for fill behind bulkheads except clean dredge spoils from a permitted dredge and fill operation and materials excavated during construction of the bulkhead.
- B. Bulkheads shall be designed, constructed and maintained in a manner that does not degrade fish and shellfish habitat and shall conform to the requirements of the Washington State Department of Fish and Wildlife criteria.
- C. The builder of any bulkhead shall be responsible for determining the nature and the extent of probable adverse effects on fish and wildlife or on the property of others caused by his construction and shall propose to the City actions to minimize such effects.
- D. A person, who has received approval in keeping with these regulations to construct a bulkhead, may be required to grant adjacent property owners the privilege to tie in and meet with a bulkhead when they have an approved permit.
- E. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated in the design whenever possible.
- F. Replacement of lawfully established, existing bulkheads shall be allowed, subject to the following priority system:
 - 1) First priority. The first priority for replacement of existing bulkheads shall be to replace in place (at the bulkhead's existing location).
 - 2) Second Priority. The second priority for replacement of bulkheads shall be landward of the existing bulkhead.
 - 3) Third Priority. The third and last priority for replacement of existing bulkheads shall be a one-time replacement no greater than three feet waterward of the existing bulkhead. Under this third priority, documentation must be provided that habitat will not be adversely impacted and habitat friendly materials shall be used.

When evaluating a proposal against the above priority system, at a minimum the following criteria shall be considered:

- a. Existing topography;
- b. Existing development;
- c. Location of abutting bulkheads; and,
- d. Impact to habitat.
- G. Repair and maintenance shall maintain the aesthetic integrity of the existing structure.
- H. Bulkheads shall be constructed of concrete, wood, rock riprap or other suitable materials that will serve to accomplish the desired end with maximum preservation of natural characteristics. Design and construction methods shall consider aesthetics and habitat protection.
- I. Bulkheads shall ~~extend no greater than five feet waterward of~~ be located at or above the Ordinary High Water Mark or the natural bank, whichever is less. Where engineering, geological or safety concerns exist, the bulkhead may be located water-ward of the ordinary high water mark. Greater projections Bulkheads may also be located water-ward of the OHWM ~~may be allowed only to tie into an existing bulkhead or bulkheads with an~~

adjacent property owner or owners. In such instances, a A maximum projection of 6-feet waterward of the ordinary high water mark may be allowed.

Jetties and Groins

The following regulations apply to jetties and groins in all shoreline environments:

- A. The construction of jetties and groins shall be permitted only in special cases where social and technical consideration demonstrates overall public benefit.
- B. Sand movement and the effect of proposed jetties or groins on that sand movement shall be considered. Provisions shall be made to minimize potential adverse effects on natural systems caused by jetties and groins. Cost shall be borne by the person who develops the jetty or groin.
- C. Special attention shall be given to the effect these structures will have on wildlife propagation and movement. The design of these structures should not adversely detract from the aesthetic quality of the shoreline.
- D. Jetties and groins shall only be permitted for navigational purposes, marinas and recreational activities, but such structures may remain subject to the criteria stated herein.
- E. Design for new jetties shall incorporate provision for public access such as sightseeing and public fishing if the appropriate authority determines such access to be feasible and desirable.

Revetments

See bulkhead regulations. These regulations, where applicable, shall also apply to revetments.

18.58.040 Environment Designations- Use Regulations

Beach Restoration and Enhancement

- A. Shoreline Residential
 - 1. Conditional use permit.
 - a. Beach restoration and enhancement
- B. Conservancy
 - 1. Conditional use permit.
 - a. Beach restoration and enhancement
- C. Conservancy Low
 - 1. Conditional use permit.
 - a. Beach restoration and enhancement

Breakwaters

- A. Shoreline Residential Environment
 - 1. Permitted
 - a. Breakwaters
- B. Conservancy Environment
 - 2. Conditional Use Permit.
 - a. Breakwaters
- C. Conservancy-Low Environment
 - 3. Prohibited.
 - a. Breakwaters

Bulkheads

- A. Shoreline Residential Environment.
 - 1. Permitted Use
 - a. Bulkheads Accessory to Single-Family Residence.
 - 2. Conditional Use
 - a. Bulkheads Not Accessory to a Single Family Residence
- B. Conservancy Environment.
 - 1. Permitted Use

- a. Bulkheads Accessory to a Single-Family Residence.
- 2. Conditional Use
 - a. Bulkheads Not Accessory to a Single Family Residence
- C. Conservancy - Low Environment.
 - 1. Prohibited.
 - a. Bulkheads (all).

Jetties and Groins

- D. Shoreline Residential Environment.
 - 1. Permitted Use
 - a. Groins.
 - 2. Conditional Use
 - a. Jetties
- B. Conservancy Environment.
 - 1. Conditional Use
 - a. Groins
 - b. Jetties
- C. Conservancy - Low Environment.
 - 1. Prohibited
 - a. Groins
 - b. Jetties

Revetments

- A. Shoreline Residential Environment.
 - 1. Conditional use permit.
 - a. Revetments
- B. Conservancy Environment.
 - 2. Conditional use permit.
 - a. Revetments
- C. Conservancy - Low Environment.
 - 1. Prohibited.
 - a. Revetments

Chapter 18.60

SIGNS

Sections:

18.60.010 Definition.

18.60.020 General Regulations.

18.60.030 Environment Regulations - Uses Permitted.

18.60.010 Definition.

Signs are public displays whose purpose is to provide information, direction, or advertising.

18.60.020 General Regulations.

The following regulations apply to signs in all shoreline environments.

- A. The location, erection and maintenance of all signs must comply with the City of University Place Sign Code.
- B. Off-premise outdoor advertising signs are prohibited in all shoreline environments.
- C. No signs will be erected or maintained upon trees, or drawn or painted upon rocks or other natural features.

18.60.030 Environment Regulations - Uses Permitted.

- A. Shoreline Residential Environment.
 - 1. Permitted Use
 - a. Commercial signs
 - b. Warning signs, navigational signs, and informational signs
- B. Conservancy Environment.
 - 1. Permitted Use
 - a. Commercial signs
 - b. Warning signs, navigational signs, and informational signs
- C. Conservancy- Low Environment.
 - 1. Permitted Use
 - a. Warning signs, navigational signs, and informational signs
 - 2. Prohibited Signs
 - a. Commercial signs

Chapter 18.62

SOLID WASTE DISPOSAL

Sections:

18.62.010 Definition.

18.62.020 General Regulations.

18.62.030 Environment Designations - Uses Permitted.

18.62.010 Definition.

Solid waste disposal is the disposal of garbage, refuse and solid waste materials resulting from domestic, agricultural and industrial activities, construction and demolition debris.

18.62.020 General Regulations.

The following regulations apply to the disposal of solid waste in all shoreline environments.

- A. Shoreline areas shall not be considered for permanent solid waste storage or transfer.
- B. The Washington State Litter Law (RCW 70.93) shall be strictly enforced in shoreline areas.

18.62.030 Environment Designations - Uses Permitted.

- A. Shoreline Residential
 - 1. Prohibited
 - a. Solid Waste Disposal sites.
- B. Conservancy
 - 1. Prohibited
 - a. Solid Waste Disposal sites.
- C. Conservancy-Low
 - 1. Prohibited
 - a. Solid Waste Disposal sites.

Chapter 18.64

UTILITIES

Sections:

- 18.64.010 Definition.
- 18.64.020 General Regulations.
- 18.64.030 Environment Regulations - Uses Permitted.
- 18.64.040 Accessory Utility Facilities

18.64.010 Definition.

Utilities are facilities which produce, store, collect, treat, carry or transmit electric power, water, storm drainage, gas, sewage, communications, or other public services.

18.64.020 General Regulations.

The following regulations apply to utility installations in all shoreline environments.

- A. Applications for installation of utility facilities shall include the following:
 - 1. Reason why utility facility requires a shoreline location;
 - 2. Alternative locations considered and reasons for their elimination;
 - 3. Location of other utility facilities in the vicinity of the proposed project including facilities of other types of utilities;
 - 4. Plans for reclamation of areas disturbed during construction;
 - 5. Plans for control of erosion and turbidity during construction;
 - 6. Possibility for consideration of the proposed facility within existing utility right-of-way.
- B. Utilities shall be located to be consistent with the policies of comprehensive plan utilities element.
- C. The State of Washington Departments of Fish and Wildlife and Ecology shall be notified of any utility proposal which would require withdrawals of water from any body of water under shoreline management jurisdiction.
- D. The construction of new outfalls into water bodies and improvements to existing facilities shall comply with all appropriate Federal, State, and City regulations for water quality.
- E. Water discharged to rivers or marine waters which is determined by the Department of Ecology to be contaminated shall receive appropriate treatment as determined by the Department of Ecology and shall not present a thermal or other barrier to fish migration.
- F. Construction of underwater utilities or those within the wetland perimeter shall be timed to avoid major fish migratory runs.
- G. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality shall provide automatic shut off valves.
- H. Upon completion of utility installation/maintenance projects on shorelines, banks shall, at a minimum, be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is established. Plantings shall be native species and/or be similar to vegetation in the surrounding area.
- I. Above ground site specific utility facilities such as generating facilities, switching complexes, pumping stations, wastewater treatment plants, storage tanks, and substations shall be located at least 200 feet from the ordinary high water mark unless the operator can show the need for a shoreline location.
- J. Where major generating facilities must be placed in a shoreline area, scenic views shall not be obstructed.
- K. Shoreline crossings by transmission and distribution facilities shall be minimized.
- L. Transmission and distribution facilities shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
- M. Where overhead transmission lines must parallel the shoreline, they shall be outside of the two hundred (200) foot shoreline environment or wetland designation unless topography or safety factors would make it unfeasible.
- N. Overwater crossings of utilities shall be prohibited unless attached to a bridge structure.

O. Development in the shoreline shall comply with the requirements of the city's adopted storm water management design guidelines and requirements (UPMC Title 13).

P. Where practical, utilities should consolidate permit applications in situations where multiple permits from individual utilities are required.

18.64.030 Environment Designations - Uses Permitted

A. Shoreline Residential Environment.

1. Permitted Use
 - a. Storm Drain Outfalls
2. Conditional Use
 - a. Primary Utilities such as transmission facilities.
3. Prohibited
 - a. Wastewater Treatment Plants
 - b. Reclaimed Water Ponds/Potable Water Production

B. Conservancy Environment.

1. Permitted Use
 - a. Storm Drain Outfalls
2. Conditional Use
 - a. Primary utilities such as transmission facilities.
 - b. Reclaimed Water Ponds/Potable Water Production/Pumps
 - c. Wastewater Treatment Plant, including Outfall Pipeline

C. Conservancy - Low Environment.

1. Conditional Use
 - a. Underground linear utility facilities, but only when unavoidably necessary to cross a body of water.
 - b. Storm drain outfalls
2. Prohibited
 - a. Site-specific utility facilities (i.e. sewage treatment plant, electrical substations).
 - b. Linear utility facilities not covered under C.1.a above.

18.64.040 Accessory Utility Facilities

Accessory utility facilities, such as those typical and normal to support and serve a permitted shoreline use, shall be a permitted use in all environments. This will typically consist of distribution lines and individual service lines. Such utility facilities may be new or may be relocated facilities associated with, by way of example, a road improvement project.

Chapter 18.70

GENERAL REGULATIONS AND ACTIVITIES

Sections

- 18.70.010 Clearing and Grading
- 18.70.020 Critical Areas
- 18.70.030 Environmental Remediation
- 18.70.040 Habitat Improvement
- 18.70.050 Public Access
- 18.70.060 Vegetation Enhancement

18.70.010 Clearing and grading.

A. Definitions. See Chapter 13.10, "General Public Works Considerations" for definitions of both "Clearing" and for "Grading".

B. General Regulations

1. Clearing and grading activities within shoreline jurisdiction shall comply with the requirements of Title 13, Public Works Standards and with the Uniform Building Code (UBC) as now in effect or hereafter amended.
2. Clearing and grading activities shall be limited to the minimum necessary for the intended development, including residential development.

18.70.020 Critical areas.

A. Definition. Critical areas means wetlands, flood hazard areas, fish and wildlife areas, aquifer recharge areas, and geologically hazardous areas.

B. General Regulations.

1. Development in critical areas shall comply with the requirements of University Place Municipal Code (UMPC) Title 17, "Critical Areas". (See UPMC 18.15.090).
2. Development shall comply with the standards and requirements of UPMC 14.15, "Flood Damage Protection" pertaining to the City's participation in the National Flood Insurance Program (NFIP). (See UPMC 18.15.090).

C. Wetland Management Regulations. The following wetland regulations supercede only the corresponding provisions of UPMC 17.22 "Wetlands" within the shoreline jurisdiction.

1. The Washington State Wetlands Identification and Delineation Manual, Publication 96-94 or its successor, shall be used for identifying and delineating wetlands.
2. The Washington State Wetland Rating System- Western Washington, Publication No. 93-74 or its successor, shall be used for rating wetlands.
3. Wetland acreage lost as a result of alteration shall be replaced in accordance with the requirements of UPMC 17.22 "Wetlands" subject to the following provisions:
 - a) The following replacement ratios shall apply to wetlands within shoreline jurisdiction:

<u>Wetland Category</u>	<u>Acreage Replacement Ratios For Creation / Restoration</u>
<u>Category I</u>	<u>4:1</u>
<u>Category II</u>	<u>2:1</u>
<u>Category III & IV</u>	<u>1.5:1</u>

- b) When enhancement of existing wetlands is provided, the above ratios shall be doubled.

- 4 In lieu of area based mitigation provided above, an applicant may propose mitigation in the form of replacing functions and values. Such a proposal shall:
- Only be allowed when the wetland being altered is not a Category I wetland;
 - Include a detailed assessment of the functions and values provided by the altered wetland and a detailed assessment of the functions and values to be provided by the proposed mitigation;
 - Result in replacement functions and values consistent with the above area based replacement ratios; and
 - Require a conditional use permit.
- 5 A proposed alteration equal to 2500 square feet or less of a Category III or Category IV wetland in support of a specific development project already permitted or authorized by this master program shall be exempt from any mitigation requirements.
- 6 Wetland buffer zones shall be established in accordance with UPMC 17.22 "Wetlands" subject to the following provisions:
- The following buffer width shall apply to wetlands within shoreline jurisdiction:
- | <u>Wetland Category</u> | <u>Buffer Width</u> |
|------------------------------|---------------------|
| <u>Category I & II</u> | <u>100 Feet</u> |
| <u>Category III & IV</u> | <u>50 Feet</u> |
- 7 Wetland buffer averaging may be authorized if the following requirements are met:
- Averaging will not impair or reduce habitat, water quality purification and enhancements, storm water detention, ground water recharge, shoreline protection, and other functions of the wetland and buffer.
 - The total area of the buffer on the subject property is not less than the buffer, which would be required if averaging, were not allowed.
 - No part of the width of the buffer is less than 50% of the required width or twenty-five feet, whichever is greater.
- 8 A required wetland buffer may be reduced if the following requirements are met:
- The proposed buffer is enhanced such that there is a demonstrated increase in the functions and values as compared to the functions and values of the standard buffer.
 - The proposed total buffer area is not less than 75% of the total standard buffer area before reduction.
 - The proposed buffer width is not reduced below 50% of the required width or twenty-five feet whichever is greater.
- 9 An insufficient buffer under this regulation shall be treated as a loss of wetlands to the extent of the deficiency.

Section 18.70.030 Environmental Remediation

A. Definition. Environmental remediation consists of actions taken to identify, eliminate or minimize any threat posed by hazardous substances to human health or the environment. Such actions include any investigative, site remediation, and monitoring activities undertaken with respect to any release or threatened release of a hazardous substance.

B. General Regulations

Environmental remediation activities shall utilize cleanup options that will not pose a threat to human health or to the environment. Cleanup options shall be compatible with adjacent and existing land uses.

C. Environment Designations - Uses Permitted

- Shoreline Residential
 - Permitted use.

- a. Environmental remediation
- B. Conservancy
 - 1. Permitted use.
 - a. Environmental remediation
- C. Conservancy-Low
 - 1. Permitted use.
 - a. Environmental remediation

Section 18.70.040 Habitat Improvement

A. Definition.

"Habitat Improvement" means any actions taken to intentionally improve the overall processes, functions and values of critical habitats, including wetland, stream and aquatic habitats. Such actions may or may not be in conjunction with a specific development proposal and include, but are not limited to restoration, creation, enhancement, preservation, acquisition, maintenance and monitoring.

B. General Regulations.

1. Where possible, habitat improvement projects shall be protected in perpetuity. If future development proposes to impact existing habitat improvement sites, it must be demonstrated that there are no practicable alternatives to avoid adverse impacts and, further that adequate mitigation is provided to address unavoidable losses.
2. Habitat improvements shall seek to promote an ecosystem or landscape approach, including integrating projects into their surrounding environments and promoting greenbelts for movement and use by species.

C. Environment Designations - Uses Permitted.

1. Shoreline Residential
 - a. Permitted use.
 - i. Habitat Improvement projects
2. Conservancy
 - a. Permitted use.
 - i. Habitat Improvement projects
3. Conservancy-Low
 - a. Permitted use.
 - i. Habitat Improvement projects

Sections 18.70.050 Public Access (including views)

A. Definition. "Public access" means the protection of the public's right to use navigable waters and the provision of both physical and visual access to and from the water.

B. General Regulations

1. Shoreline substantial development permits or conditional use permits shall include provisions to provide public access where any of the following conditions are present.
 - a. Where a development or use will create increased demand for public access to the shoreline;
 - b. Where a development or use will interfere with an existing public access way;
 - c. Where a use is not a priority use under the Act; or,
 - d. Where a use or development will interfere with the public use of the lands or waters subject to the public trust doctrine.
2. An applicant need not provide public access where one or more of the following conditions apply:
 - a. Unavoidable health or safety hazards to the public exists which cannot be prevented by practical means;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;

- c. The cost of providing the access or easement is unreasonably disproportionate to the long-term cost of the proposed development;
- d. Environmental harm will result from the public access that cannot be mitigated; or,
- e. Adverse and unavoidable conflict between access requirements and the proposed use that cannot be mitigated.

3. Public access shall be designed to respect private properties.

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

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

6. Public access locations shall be marked with visible language.

7. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not be diminished (RCW 36.79.035 and RCW 36.87.130)

18.50.060 Vegetation management.

A. Definition

Vegetation management involves systems to minimize habitat loss and the impact of invasive plants, erosion and flooding. Vegetation management provisions apply even to those shorelines and uses that are exempt from a permit requirement.

B. General Regulations

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

2. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or when an existing water-dependent use is restricted by the presence of weeds.

3. Aquatic weed control shall occur in compliance with all other applicable laws and standards.

4. Native plant communities shall be protected and maintained.

C. Environment Designations - Uses Permitted

- 1. Shoreline Residential
 - a. Permitted use
 - i. Vegetation Management
- 2. Conservancy
 - a. Permitted use
 - i. Vegetation Management
- 3. Conservancy-Low
 - a. Permitted use
 - i. Vegetation Management

Chapter 18.75

UNCLASSIFIED USES AND NONCONFORMING USES/DEVELOPMENT

Sections

18.75.010

Unclassified Uses.

18.75.020

Nonconforming Uses and Development.

18.75.010 Unclassified Uses.

All uses not classified and not expressly prohibited under one or more of the shoreline use activities shall be considered a Conditional Use and will be permitted provided the Conditional Use criteria identified in WAC 173-27-160 are met and approval is granted.

18.75.020 Nonconforming Uses and Development. See UPMC 18.15.090.

Chapter 18.80

SHORELINE MANAGEMENT PROCEDURES

Sections

- 18.80.010 Adoption of Shoreline Management Procedures**
18.80.020 Permit Processing

18.80.010 Adoption of Shoreline Management Procedures

The City of University Place hereby adopts by reference the following sections or subsections of Chapter 173-27, as amended, of the Washington Administrative Code ("WAC") entitled Shoreline Management Permit and Enforcement Procedures.

Washington Administrative Code (WAC)

- 197-27-020 Purpose
- 173-27-030 Definitions
- 173-27-040 Developments Exempt from Substantial Development Permit requirement.
- 173-27-0450 Letter of Exemption
- 173-27-060 Applicability of Chapter 90.58 RCW to Federal Land and Agencies
- 173-27-090 Time requirements of permit
- 173-27-100 Revisions to permits
- 173-27-120 Special procedure for limited utility extensions and bulkheads
- 173-27-130 Filing with Department
- 173-27-140 Review Criteria for all Development
- 173-27-150 Review Criteria for substantial development permits
- 173-27-160 Review criteria for conditional use permits
- 173-27-170 Review criteria for variance permits
- 173-27-180 Application requirements for substantial development, conditional use or variance permit.
- 173-27-190 Permits for substantial development, conditional use or variance.
- 173-27-240 Authority and Purpose
- 173-27-250 Definitions
- 173-27-260 Policy
- 173-27-270 Order to cease and desist
- 173-27-280 Civil Penalty

173-27-290 Appeal of civil penalty

173-27-300 Criminal Penalty

173-27-310 Oil or natural gas exploration

18.80.020 Permit Processing

Permits for shoreline permits shall be processed in accordance with UPMC Title 22, Administration of Development Regulations.

UNOFFICIAL DOCUMENT

Chapter 18.85

AMENDMENTS TO THE USE REGULATIONS

Sections:

- 18.85.010 Purpose.**
- 18.85.020 Amendments Authorized.**
- 18.85.030 Adoption Required by the Council.**
- 18.85.040 Initiation of Amendments.**
- 18.85.050 Applications Required.**
- 18.85.060 Public Hearing Required by Commission.**
- 18.85.070 Burden of Proof.**
- 18.85.080 Public Notice.**
- 18.85.090 City Council.**
- 18.85.100 Transmittal to the Department of Ecology.**

18.85.010 Purpose.

The purpose of this Chapter is to set forth procedures when proposals are made to:

A. Adopt or amend the official controls of area-wide applicability which implement the Shoreline Master Program, i.e., the Shoreline Use Regulations and maps made a part thereof.

18.85.020 Amendments Authorized.

The provisions of the Shoreline Master Program use regulations or the shoreline environment map may be amended as provided for in RCW 90.58.120, 90.58.200 and WAC 173-26.

18.85.030 Adoption Required by the Council.

Adoption of an amendment to the official controls shall be adopted by the City Council by ordinance after a public hearing and report by the Planning Commission.

18.85.040 Initiation of Amendments.

The shoreline use regulations or map amendments thereto may be initiated by:

- A. The adoption of a motion by the City Council requesting the Planning Commission to set a matter for hearing and recommendation.
- B. The adoption of a motion by the Planning Commission.
- C. Application of one (1) or more owners of property affected by the proposal.
- D. A department or agency of the City or governmental entity.

18.85.050 Applications Required.

The Planning Division shall prescribe the form(s) on which applications are made for amendments to the master program use regulations and/or shoreline environment map.

Applications for amendments to the Master Program must satisfy the requirements of the State Environmental Policy Act (Chapter 41.21C RCW and WAC 197-11).

18.85.060 Public Hearing Required by Planning Commission.

Whenever an amendment to the use regulations and/or shoreline environment map is initiated under Section 18.85.040 above, the Planning Commission shall hold at least one (1) public hearing thereon, and notice of such hearing shall be given.

18.85.070 Burden of Proof.

Proponents for shoreline environment map redesignations (i.e. amendments to the shoreline environment designation map) shall bear the burden of proof for demonstrating consistency with the shoreline environment criteria of the Master Program, WAC 173-26, and the goals and policies of the City of University Place Comprehensive Plan.

18.85.080 Public Notice.

Notice shall be given pursuant to WAC 173-26. Additional notice may be employed at the direction of the Planning Division.

18.85.090 City Council.

The action by the Planning Commission on an amendment shall be considered advisory to the Council. Final and conclusive action on an amendment shall be taken only by the Council.

18.85.100 Transmittal to the Department of Ecology.

Subsequent to final action by the Council adopting or amending the Shoreline Master Program or official control, said Master Program, official control or amendment thereto shall be submitted to the Department of Ecology for approval. No such Master Program, official control or amendment thereto shall become effective until approval by the Department of Ecology is obtained.

EXHIBIT “A”

SHORELINE MANAGEMENT USE REGULATIONS

APPENDIX A

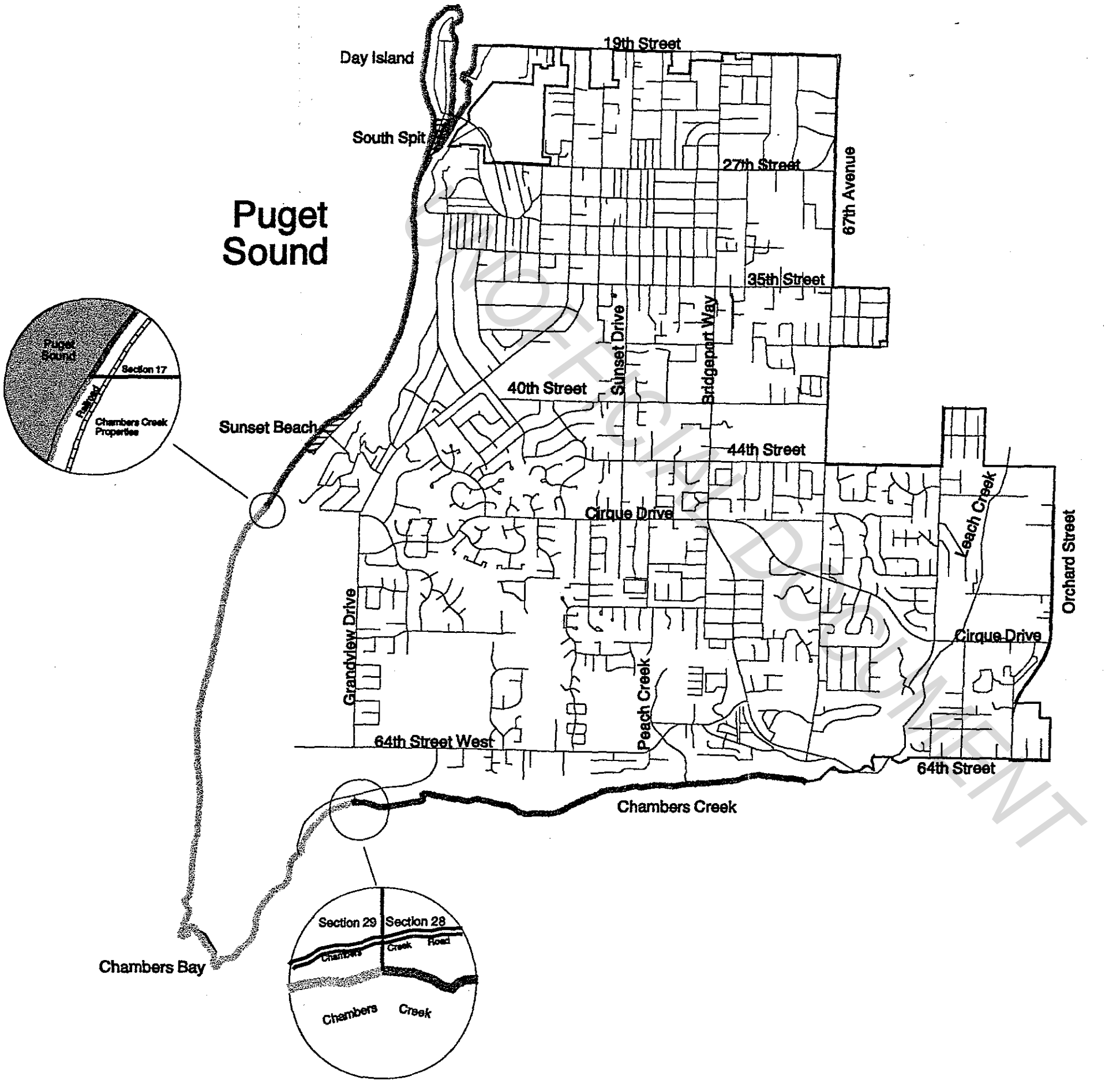
SHORELINE ENVIRONMENTS MAP

"O" SETBACK AREA MAPS

UNOFFICIAL DOCUMENT

City of University Place

Shoreline Environments



Legend

- Roads
- "0" Setback Area
- Conservancy
- Conservancy Low
- Residential

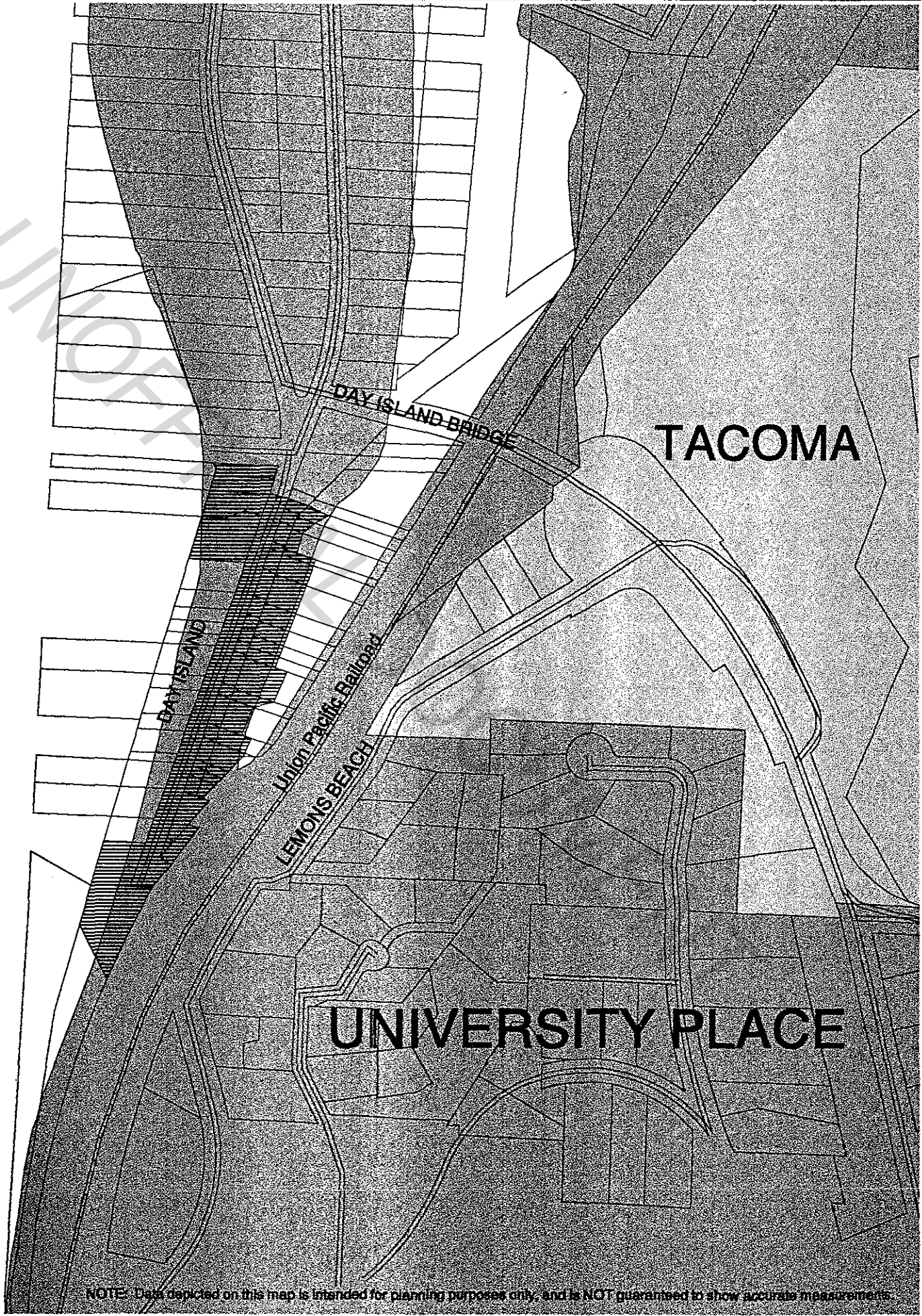


Scale 1:28000



University Place
Planning and Community Development

PUGET
 SOUND



City of University Place
 Day Island "0" Setback Area

Legend

- "0" Setback Area
- Parcels
- Roads
- Railroad
- Puget Sound
- Tacoma
- University Place



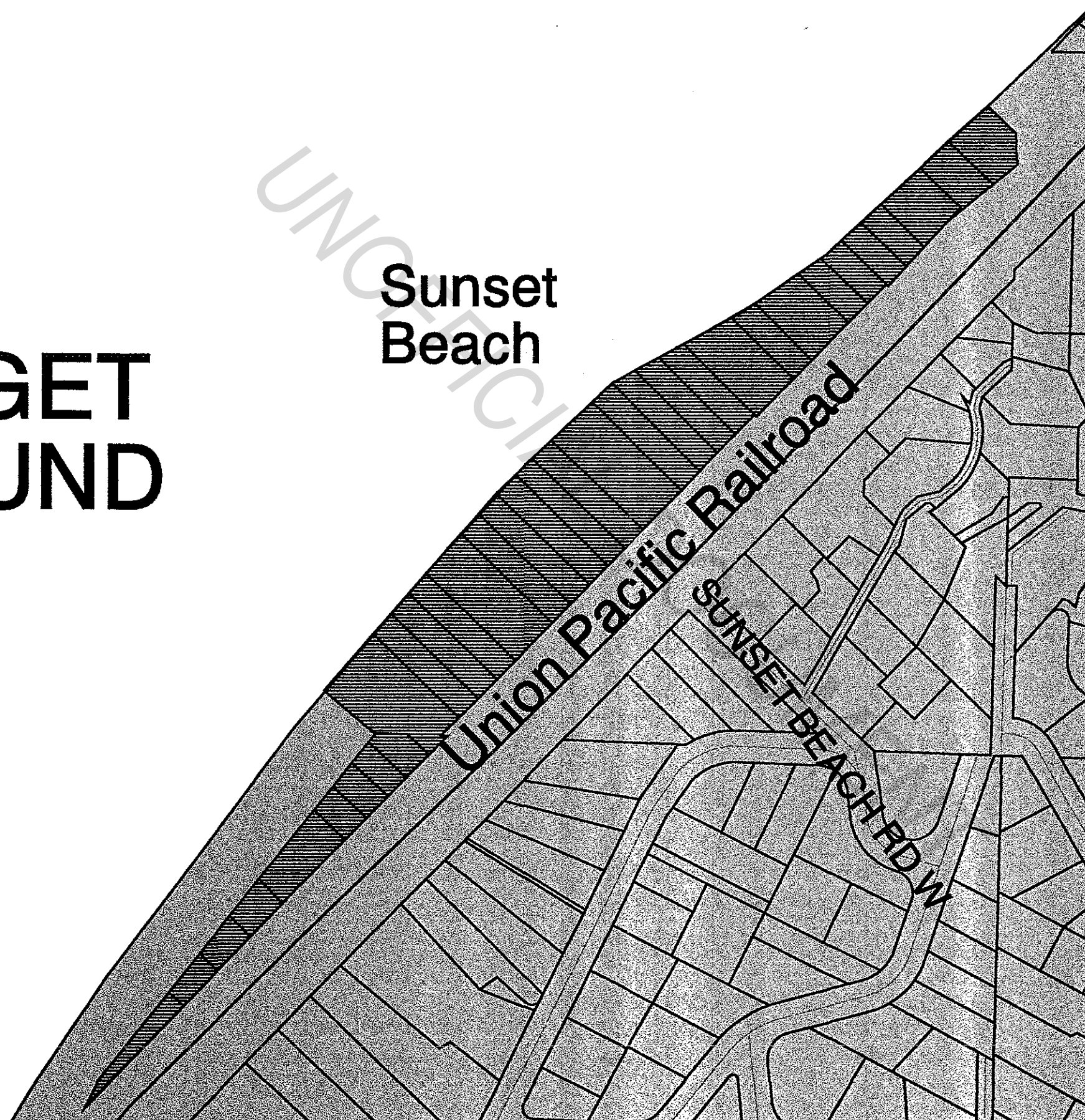
0 0.5 1 Miles

University Place
 Planning and Community Development

NOTE: Data depicted on this map is intended for planning purposes only, and is NOT guaranteed to show accurate measurements.

PUGET
SOUND

Sunset
Beach



City of University Place
Sunset Beach "0"
Setback Area

Legend

-  "0" Setback Area
-  Roads
-  Railroads
-  Parcels



Scale 1:28000

0 0.5 1 Miles

University Place
Planning and Community Development