Auburn Shoreline Master Program

Notice: The Auburn City Council adopted the updated Auburn Shoreline Master Program (SMP) on June 2, 2008, Ordinance number 6095. The SMP update was completed with the assistance of SMA Grant No. G060103. In accordance with RCW 90.58, the State Shoreline Management Act, the City Council adopted SMP must be forwarded to the Washington State Department of Ecology for final review and approval prior to becoming effective. The 1974 City of Auburn Shoreline Management Master Program remains in effect until such time that Department of Ecology approval of the Auburn SMP update is issued.

CITY OF AUBURN WASHINGTON

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Preface

Washington's Shoreline Management Act (SMA) was passed by the State Legislature in 1971 and adopted by the public in a referendum. The SMA was created in response to a growing concern among residents of the state that serious and permanent damage was being done to shorelines by unplanned and uncoordinated development. The goal of the SMA was "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." While protecting shoreline resources by regulating development, the SMA is also intended to provide for appropriate shoreline use by encouraging land uses that enhance and conserve shoreline functions and values.

The SMA has three broad policies:

1. Encourage water-dependent and water-oriented uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines...."

2. Promote public access: "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

3. Protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life...."

Under the SMA, the shoreline jurisdiction includes areas that are 200 feet landward of the ordinary high water mark (OHWM) of waters that have been designated as "shorelines of statewide significance" or "shorelines of the state" and their adjacent shorelands, defined as the upland area within 200 feet of the OHWM, as well as any associated wetlands (RCW 90.58.030). Two waterbodies in Auburn, the Green River and White River, are regulated under the SMA and the City's Shoreline Master Program (SMP). The Green and White Rivers are both designated as "shorelines of statewide significance."

The primary responsibility for administering the SMA is assigned to local governments through the mechanism of local shoreline master programs, adopted under guidelines established by Ecology. The guidelines (WAC 173-26) establish goals and policies that provide a framework for development standards and use regulations in the shoreline. The SMP is based on state guidelines but tailored to the specific conditions and needs of individual communities. The SMP is also meant to be a comprehensive vision of how the shoreline area will be managed over time.

The City of Auburn adopted its first Shoreline Management Master Program on January 21,1974. The SMP provides both policies and regulations to govern development and other activities in the City's shorelines. The City's municipal code also regulates

shoreline development by requiring shoreline substantial development permits. Chapter 16.08 of the city code provides guidelines for issuance of shoreline permits that implement the state SMA.

In 2003, the state legislature established funding, timelines, and guidelines requiring all cities and counties to update their SMP. The City of Auburn has conducted a comprehensive SMP update with the assistance of a grant administered by the Washington State Department of Ecology (SMA Grant No. G0600103). The update has been prepared consistent with the SMA and its implementing guidelines. The City's SMP provides goals, policies, development regulations, and permitting procedures for "shorelines of the state" in the city of Auburn.

Consistent with state guidelines (WAC 173-26-201, Comprehensive Process to Prepare or Amend Shoreline Master Programs) a first step in the comprehensive Master Program update process is development of a shoreline inventory and characterization. The inventory and characterization documents current shoreline conditions and provides a basis for updating the City's Master Program goals, policies, and regulations. The characterization identifies existing conditions, evaluates existing functions and values of shoreline resources, and explores opportunities for conservation and restoration of ecological functions.

State guidelines also require that local governments develop Master Program policies that promote "restoration" of damaged shoreline ecological functions and develop a "real and meaningful" strategy to implement restoration objectives. Planning for shoreline restoration includes identifying opportunities (both programmatic and site-specific), establishing goals and policies, working cooperatively with other regional entities, and supporting restoration through other regulatory and non-regulatory programs.

During the development of the SMP update the City worked with a Citizen's Advisory Committee for several months. Special thanks go out to Committee members Don Payne, Terry Bonini, Planning Commissioner Judy Roland, Mark Hancock, Ex-Councilmember Fred Poe, Sandra Lange, and Julie Herren.

CHAPTER 1.0 Definitions

1.1 Interpretation.

Unless the context in which a word is used clearly implies to the contrary, the following definitions shall apply to the City of Auburn Shoreline Master Program. Footnote numbers for each definition refer to the source of the definition according to the following key: 1. Washington Administrative Code (WAC - sections applicable to the Shoreline Management Act); 2. Revised Code of Washington (RCW 90.58, Shoreline Management Act); 3. Auburn City Code (definition appears elsewhere in ACC); 4. Auburn's 1973 SMP; and 5. Definition included as part of 2006-2009 SMP Update.

1.2 Definitions.

"Accessory Structure[5]" 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.

"Agriculture[1]"

A. "Agricultural activities[1]" means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

B. "Agricultural products[1]" includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products;

C. "Agricultural equipment[1]" and "agricultural facilities[1]" includes, but is not limited to:

   1. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;

2. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
3. Farm residences and associated equipment, lands, and facilities; and
4. Roadside stands and on-farm markets for marketing fruit or vegetables; and

D. "Agricultural land[1, 5]" means those specific land areas on which agricultural activities have been in existence as of July 1, 1990 (the effective date of the Growth Management Act) as evidenced by aerial photography or other documentation.

"Agricultural activities, existing and ongoing[5]" means those activities conducted on agricultural lands, and those activities involved in the production of crops and livestock. Such activity must have been in existence as of July 1, 1990 (the effective date of the Growth Management Act). The definition includes, but is not limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities or crops, and normal operation, maintenance or repair of existing serviceable structures, facilities, or improved areas. Activities, which bring an area into agricultural use from a previous nonagricultural use, are not considered part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

"Aquaculture[5]" is the farming or culturing of fishery resources in freshwater areas which may require development of fish hatcheries, rearing pens, and structures, as well as use of natural spawning and rearing areas. Activities include the hatching, cultivating, feeding, and raising of fisheries and the maintenance and construction of necessary equipment, buildings and growing areas.

"Associated Wetlands[1]" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

"Best Management Practices[5]" means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;
2. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of waters, wetlands, and other fish and wildlife habitats;
3. Control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material.

"Bioengineering[1]" means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian

environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

"Boat Launching Ramps[5]" are areas developed for boating ingress and egress.

"Boat house[5]" means a covered or enclosed moorage space. For the purpose of this section, boathouses are accessory to a residential use and may be located on water or on land.

"Breakwater[5]" means an offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion.

"Buffer Strip[5]" means an area of land which: (A) serves to reduce the adverse impacts between land uses of different intensities or (B) serves to separate or identify transitions between land uses of the same intensity.

"Bulkhead[5]" means vertical structures erected parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from erosion, other than newly created residential land, from the action of waves or currents.

"Channel migration zone (CMZ) [1]" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

"Channelization[5]" means the straightening, deepening, or widening of a stream channel for the purpose of increasing the stream's carrying capacity.

"City[5]" means the City of Auburn.

"Commercial developments[5]" are those uses involved in wholesale and retail trade or business activities, including professional offices.

"Community Pier or Dock[5]" 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.

"Conditional Use, Shoreline[1]" means a use, development, or substantial development which is classified as a conditional use or is not classified within the master program.

"Critical Areas[5]" means wetlands, streams, flood hazard areas, fish and wildlife areas, aquifer recharge areas, and geologically hazardous areas as defined and designated by Appendix A, "Critical Areas" .

"Critical Freshwater Habitats[5]" mean habitat areas associated with shorelines of the state and associated with threatened, endangered, or sensitive species of plants or wildlife (pursuant to WAC 232-12-297 Sections 2.4, 2.5 and 2.6) and which, if altered, could reduce the likelihood that the species will maintain and reproduce over the long term.

"Dedication[5]" 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[1]" means the Washington State Department of Ecology.

"Development[1]" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; 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[5]" means the Director of Planning, Building, and Community Department for the City of Auburn or his/her assigned designee.

"Dock[1, 5]" means a structure that abuts the shoreline and floats upon the water and is used as a landing or moorage place for recreational purposes.

"Dredging[5]" is the removal of material from the bottom of a stream, river or other water body.

"Dry Well[5]" means a pit filled with coarse rock or lined with crushed rock or gravel for use as a storm disposal method.

"Dune modification[1]" means the removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter the dune's shape or sediment migration.

"Educational and archeological sites and historical areas[5]" include significant archeological sites or excavations, old settler homes, historic trails, non-commercial interpretive centers (i.e., public or nonprofit), or any other educationally significant site, facility, or structures.

"Environmental remediation[5]" 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.

"Fill[1]" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

"Float[5]" 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 swimming purposes. Floats are either attached to a pier or are anchored to the bed lands so as to allow free movement up or down with the rising or falling water levels.

"Flood hazard reduction[1]" activities include actions taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

"Flood Hazard Zone[5]" means an area inundated by the 100-year flood.

"Floodplain[1]" is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

"Floodway Fringe[5]" means the area outside the floodway but still in the flood hazard zone.

"Floodway[5]" 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.

"Forest Land[1, 5]" means all land that is capable of supporting a merchantable stand of timber and is not being actively used, developed, or converted in a manner that is incompatible with timber production.

"Forest Practices[1, 5]" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing of timber; including, but not limited to: (1) road and trail construction, (2) fertilization, (3) prevention and suppression of diseases and insects; or other activities that qualify as a use or development subject to the Act.

Excluded from this definition is preparatory work such as tree marking, surveying and removal of incidental vegetation such as berries, greenery, or other natural products whose removal cannot normally be expected to result in damage to shoreline natural features. Also excluded from this definition is preparatory work associated with the

conversion of land for non-forestry uses and developments. Log storage away from forest land is considered Industrial.

“Gangway[5]” means a sloping structure that provides access from a pier to a float.

"Grading[1]" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

“Groin[5]” means a barrier type structure extending from back shore into the water, the purpose of which is to interrupt sediment movement along the shore.

“Guidelines[5]” means those guidelines adopted pursuant to the Shorelines Management Act of 1971.

“Habitat improvement[5]” 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[1]” means those wastes designated by WAC 173-340-200, and regulated as hazardous substances by the Department of Ecology.

“Hearing Examiner[5]” means the officer appointed by the City of Auburn City Council to review and approve or deny applications for substantial development, conditional use, variance and expansion of nonconforming use permits.

“Hearings Board[2]” means the shorelines hearings board established by the Shoreline Management Act of 1971.

"Height[1]" means a measurement from average grade level to the highest point of a structure: provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the master program specifically requires that such appurtenances be included: provided further, that temporary construction equipment is excluded in this calculation.

“Home based daycare[3] “ means a licensed daycare that regularly provides daycare for not more than 12 children or adults in the provider’s home in the family living quarters, for periods of less than 24 hours.

“Impervious Surface[5]” means those surfaces that do not allow the downward passage of water.

“Industrial development[3, 5]” means facilities for manufacturing, assembling, fabricating, processing, and storage of finished or semi-finished goods, including but not limited to basic wood processing, enameling, galvanizing and electroplating, heavy equipment

and truck repair, lumber yards, motor freight terminals and transportation, warehousing and distribution facilities, construction contractors services and material/equipment storage yards, wholesale trade, and log storage, together with necessary accessory uses such as parking and loading. Excluded from this definition are mining, including on-site processing of raw materials, solid waste storage and transfer facilities, primary utilities, and road or railway development.

"In-stream Structural Uses[1]" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

"Interpretive Center[5]" means a facility containing artifacts, history and information about a site in the immediate area.

"Jetties[5]" means structures that are generally perpendicular to shore extending through or past the intertidal zone. They are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents, and stabilize inlets through barrier beaches.

"Joint Use Pier or Dock[5]" 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.

"Landfill[1, 5]" is the creation of dry upland area by filling or depositing of sand, soil or gravel into a shoreland/shoreline area.

"Launching Ramps[5]" means areas solely developed for boating ingress and egress.

"Levee, Dike[5]" means a broad embankment of earth built parallel with the river channel to contain flow within the channel.

"Linear Access[5]" 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[1, 5]" means dredging for the purpose of maintaining a prescribed minimum depth of any specific waterway project.

"Master Program[4]" means the comprehensive shoreline master program for the City of Auburn, including the use regulations together with maps, diagrams, charts or other descriptive material and text.

"May[1]" means the action is acceptable, provided it conforms to the provisions of WAC 173-26 and this SMP.

"Mineral Resource Lands[1]" means lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

"Mining[5]" means the removal of naturally occurring materials from the earth for economic uses pursuant to Chapter 78.44 RCW and Chapter 332-18 RCW.

"No Net Loss[5]" means a standard intended to ensure that shoreline development or uses, whether permitted or exempt, are located and designed to avoid loss or degradation of shoreline ecological functions that are necessary to sustain shoreline natural resources. The standard is met when proposed uses or developments are in compliance with the provisions of this master program. In cases where unavoidable loss results from allowed uses or developments, the standard is met through appropriate mitigation, consistent with the provisions of this master program.

"Nonconforming Use and Development[1]" 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[5]" 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[1]" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. (See also, "Normal repair".)

"Normal Repair[1, 5]" 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 Plain[5]" 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.

"One Hundred Year Flood[5]" means a flood that has a magnitude that may be equaled or exceeded once every one hundred years on the average.

"Ordinary High Water Mark (OHWM)[2]" on all lakes, streams, and river 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 fresh water shall be the line of mean high water.

"Outfall[5]" means the outlet or place of discharge of a stormwater collection or sanitary sewer system.

"Permit[1]" 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 Auburn.

"Person[5]" means an individual, partnership, corporation, association, organization, cooperative, public or Municipal Corporation, or agency of the state or local governmental unit however designated.

"Pier[5]" 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 recreational purposes.

"Point Access[5]" 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.

"Private Recreational Pier or Dock[5]" 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.

"Priority Habitat[1]" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; important marine mammal haul-out; refugia habitat; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

"Priority Species[1]" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

"Priority use[5]" means those shoreline uses given priority over other uses by the policies in the Shoreline Management Ace, such as water-dependent uses and uses providing public access to the state's shorelines.

"Public access[5]" 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.

"Public Recreational Pier or Dock[5]" 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.

"Railroad[5]" means a linear passageway for the movement of train passengers or freight.

"Recreation[5]" 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 Piers, Docks and Floats, and Boat Launch Facilities addressed separately in the shoreline use regulations under those titles.)

"Residential[3, 5]" 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 includes the creation of new residential lots through land division. Residential development shall not include hotels, motels, or other transient housing or camping facilities.

"Restoration[1]" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

"Revetments[5]" means sloping structures built to increase bank strength and protect a scarp, embankment, or shore against erosion by waves or currents. A revetment is usually built of rock rip-rap, wood, or poured concrete. 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.

"Riprap[5]" means broken stone placed on shoulders, banks, slopes, or other such places to protect them from erosion.

"Road[5]" means a linear passageway, usually for motor vehicles. Bridges are roads which cross over water.

"Shall[1]" means a mandate; the action must be done.

"Shorelands" or "Shoreland Areas[2]" 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 river 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 there from;

"Shoreline Areas" and "Shoreline Jurisdiction[1]" means all "shorelines of the state" and "shorelands" as defined in this master program and RCW 90.58.030.

"Shoreline Habitat and Natural Systems Enhancement Projects[1]" means projects which include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

"Shoreline Modifications[1]" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

"Shorelines of Statewide Significance[2]" means those shorelines described in RCW 90.58.030.

"Shorelines[2]" 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.

"Shoreline Stabilization[5]" means actions taken to protect riverbanks or adjacent uplands from erosion resulting from the action of waves or river currents. "Hard" structural stabilization includes bulkheads and revetments. "Soft" shoreline stabilization includes use of bioengineering measures where vegetation, logs, and/or rock is used to address erosion control and/or slope stability.

"Shoreline Stabilization, new[1, 5]" means the construction of hard or soft shoreline stabilization measures along a property abutting the shoreline that does not have an existing shoreline stabilization measure. Adding to an existing shoreline stabilization

structure or increasing the size of an existing shoreline stabilization structure are also considered new shoreline stabilization structures.

"Shoreline Stabilization, replacement[1]" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

"Should[1]" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

"Sign, Informational[5]" means a sign designed to guide or direct pedestrians or vehicles.

"Sign, Warning[5]" means a sign designed to warn pedestrians or vehicles of some imminent danger.

"Sign[3, 5]" 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.

"Signs[5]" are public displays whose purpose is to provide information, direction, or advertising.

"Single Use Pier or Dock[5]" means a dock or pier including a gangway and/or float intended for the private noncommercial use of one individual or family.

"Single-family Residence[1]" 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.

"Solid waste disposal[5]" is the disposal of garbage, refuse and solid waste materials resulting from domestic, agricultural and industrial activities, construction and demolition debris.

"Streamway[5]" 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[2]" shall mean any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen dollars (or the value as amended or adjusted for inflation per RCW 90.58.030 (3) (e)) 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. Emergency construction necessary to protect property from damage by the elements;

C. 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;

D. 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;

E. 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: 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 five thousand 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;

F. 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;

G. 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;

H. 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;

I. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

   1. The activity does not interfere with the normal public use of the surface waters;

   2. 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;

   3. 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;

   4. 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

   5. The activity is not subject to the permit requirements of RCW 90.58.550.

J. 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.

K. 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.

"Supportive housing[3] " means a multiple-family dwelling owned or sponsored by a nonprofit corporation or government entity, designed for occupancy by individual adults that are either (A) homeless or at risk of homelessness; (B) are experiencing a disability that presents barriers to employment and housing stability; or (C) generally require structured supportive services to be successful living in the community; is permitted at a greater unit density than otherwise allowed within a particular zone; and is intended to provide long-term, rather than transitional, housing. Long-term housing is approximately longer than two years, whereas transitional housing is no more than 18 months.

"Utilities, Primary[5]" are facilities which produce, store, collect, treat, carry, discharge, or transmit electric power, water, storm drainage, gas, sewage, reclaimed water, communications, or other public services. Accessory utility facilities are those

associated with delivery of such public services to support individual uses and developments, such as distribution or service lines.

"Variance, Shoreline[1]" 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.

"Vegetation conservation[1]" includes activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species. Vegetation management provisions apply even to those shorelines and uses that are exempt from a permit requirement.

"Water Dependent Uses[1, 5]" 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 and reserves which allow biological systems to continue in a natural undisturbed manner, environmental remediation, and habitat improvement projects.

"Water Enjoyment Use[1]" 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[1]" means any water dependent, water-related, or water enjoyment use.

"Water Related Uses[1]" 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.

"Watershed restoration plan[1]" 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;

A. 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:

    1. 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;

    2. The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 75.20 RCW; and

    3. 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.

B. 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.

"Watershed restoration project[1]" 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 stream reach, 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 in-stream 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.

"Weirs[5]" means a structure in a stream or river for measuring or regulating stream flow.

"Wetlands[1]" means, for the purposes of this SMP, 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.

"Width[5]" 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.

Unlisted words and phrases.

The definition of any word or phrase not listed in this SMP 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:

A. City development regulations;

B. Any city resolution, ordinance, code or regulations;

C. Any statute or regulation of the state of Washington (i.e., the most applicable);

D. Legal definitions from case law or a law dictionary;

E. The common dictionary.

CHAPTER 2.0 Shoreline Master Program Elements:

2.1 Economic Development Element

The Economic Development element addresses the location and design of industries, tourist facilities and commercial and other developments that are particularly dependent on shoreline locations.

2.1.1 Goals:

1. Proposed shoreline uses shall be located and developed in a manner that will maintain or improve the health, safety and welfare of the public.
2. Develop, as an economic asset, recreation opportunities and amenities in a manner that will promote and enhance the public enjoyment of the shorelines.
3. Economic activity along the shorelines shall protect the quality of the site's environment or adjacent shorelines.

2.2 Public Access Element

The Public Access element addresses the need for providing public access to shoreline areas.

2.2.1 Goals:

1. Provide new and enhance existing public access to the shoreline environment.
2. Create public access to the rivers through the park and trail system that will not endanger life or property, nor impair the rights of private property owners on the shorelines.
3. Create public access to the rivers in a manner that will not impair the natural and ecological systems of the shorelines.

2.3 Circulation Element

The Circulation element addresses the location and extent of existing and proposed major thoroughfares, transportation routes and other public transportation-related facilities and correlates those facilities with shoreline uses.

2.3.1 Goal:

1. Achieve safe, convenient and diversified circulation systems to provide public access to the shoreline, efficient movement of people and goods, with minimum disruption to the shoreline environment and minimum conflict among shoreline uses.

2.4 Recreation Element

The Recreation element addresses the preservation and expansion of recreational opportunities by means of acquisition, development and by other means.

2.4.1 Goals:

1. Continue to provide a broad and comprehensive public and private recreation system meeting the needs of all age and income groups.
2. Preserve open spaces for passive recreation where more active recreational development and use would be harmful to the shoreline ecology.
3. Encourage the advantageous use of existing natural features and historic resources as a part of the recreation program and facilities.
4. Foster the preservation or enhancement of recreation and open space areas as significant elements of the landscape.
5. Continue to work with King County, Pierce County and other adjacent jurisdictions to encourage preservation and expansion or diversified recreational opportunities for the public on the Green and White Rivers.

2.5 Shoreline Use Element

The Shoreline Use Element addresses the derived patterns of land use in the shoreline area.

2.5.1 Goals:

1. Promote the best possible pattern of land and water uses that will be most beneficial to the natural and human environments.
2. Designated Shorelines of Statewide Significance are of value to the entire State and shall be managed consistent with this recognition. In order of preference the priorities are to:
    a. Recognize and protect the statewide interest over local interest;
    b. Preserve the natural character of the shoreline;
    c. Result in long term over short term benefit;
    d. Protect the resources and ecology of the shoreline; and,
    e. Increase public access to publicly owned areas of the shorelines.

2.6 Conservation Element

The Conservation element addresses the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, open space riparian corridors, and other valuable natural or aesthetic features. This element promotes the restoration of shoreline functions and ecological processes along Auburn's shorelines.

2.6.1 Goals:

1. Restore and enhance shoreline habitats and processes on publicly owned lands.
2. Develop regional solutions with other jurisdictions, tribes and interested parties to resolve the challenge of protecting shoreline ecological functions while also protecting shoreline development.
3. Encourage voluntary restoration projects in degraded shoreline environments.
4. Provide ample opportunity for the public to learn about the ecological aspects and community values of the City's shorelines.

2.7 Historical/Cultural Element

The Historical/Cultural Element addresses the protection and restoration of buildings, sites and areas having historic, cultural, educational or scientific value.

2.7.1 Goals:

1. Protect, manage and enhance those characteristics of the shoreline that are unique or have historic significance or aesthetic quality, for the benefit and enjoyment of the public.
2. Protect archaeological, historic and cultural sites and buildings identified on national, state or local historic registers from destruction or alteration, and from encroachment by incompatible uses.
3. Identify such resources during review of proposed development in or near the Green and White Rivers.

2.8 Flood Prevention/Critical Areas Element:

The Flood Protection/Critical Areas Element addresses reducing potential flood hazards and flood damages in the City of Auburn and the protection of critical areas in Auburn's shoreline area.

2.8.1 Goals:

1. Continue to participate in a regional approach to flood protection issues, coordinating with the State of Washington, King County, Pierce County and other entities interested in reducing flood hazards on both the White and Green Rivers.
2. Continue to protect wetlands, streams, wildlife habitat, and groundwater and minimize geologic hazards in the shoreline environment in accordance with the critical areas ordinance.

CHAPTER 3.0 Shoreline Environments

3.1 Purpose

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.

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.

The determination as to which designation should be given to any specific shoreline area has been based on, and is reflective of, the existing use pattern; the biological and physical character of the shoreline; the goals and aspirations of the local citizenry; and the criteria in the Shoreline Management Act guidelines (WAC 173-26-211).

Each environment designation represents a particular emphasis in the type of uses and development that should be allowed. The environment 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.

Each environment designation category includes: (1) a purpose statement which clarifies the meaning and intent of the designation; (2) criteria to be used as a basis for classifying a specific shoreline area with that environment designation; and (3) general management policies designed to guide management decisions and development consistent with the character of the environment. To accomplish the purpose of this chapter the following shoreline environment designations have been established:

1. Shoreline Residential
2. Urban Conservancy
3. Natural

3.2 Shoreline Residential

3.2.1 Purpose:

The purpose of the “Shoreline Residential” environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

3.2.2 Designation Criteria:

The Shoreline Residential environment designation is appropriate for those areas of the City’s shorelines that are characterized predominantly by single-family or multifamily residential development or are planned and platted for residential development.

3.2.3 Management Policies:

The following management policies should apply to all shorelines in the Shoreline Residential Environment:

1. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to maintain no net loss of shoreline ecological functions. Proposed projects should be reviewed for consistency with the no net loss policy, taking into account 1) the environmental limitations and sensitivity of the shoreline area, 2) proposed mitigation for anticipated impacts, 3) the level of infrastructure and services available, and 4) other comprehensive planning considerations.
2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities where appropriate.
3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

3.3 Urban Conservancy

3.3.1 Purpose:

The purpose of the “Urban Conservancy” environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses consistent with the Comprehensive Plan.

3.3.2 Designation Criteria:

The Urban Conservancy environment designation is appropriate for those areas planned for development that is compatible with maintaining or restoring of the ecological functions of the area, and that are not generally suitable for intensive water-dependent uses.

3.3.3 Management Policies:

The following management polices should apply to all shorelines in the Urban Conservancy Environment:

1. Primary allowed uses and their associated development standards should preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands where they exist in urban and developed settings, either directly or over the long term. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
2. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "urban conservancy" designation. These standards should ensure that new development

does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

3. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
4. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas with commercial development or adjacent to commercially navigable waters, water-dependent uses should be given highest priority.
5. Existing mining and related activities may be an appropriate use within the urban conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (3)(h) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070. No new mining uses or expansion of existing mines should be permitted within the shoreline jurisdiction.

3.4 Natural

3.4.1 Purpose:

The purpose of the "Natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that would become irreversibly impaired as a result of human development and activity. These systems require that only very low intensity uses be allowed in order to maintain ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, the City of Auburn should include planning for restoration of degraded shorelines within this environment.

3.4.2 Designation Criteria:

The “Natural” environment designation should be assigned to shoreline areas if any of the following characteristics apply: (A) The shoreline is ecologically intact (as described in WAC 173-26-211(5)(a)(iii)) and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity; (B) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or (C) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

3.4.3 Management Policies:

The following management policies should apply to all shoreline areas classified as Natural Environments:

1. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
2. The following new uses should not be allowed in the "Natural" environment:
   a. Commercial uses.

b. Industrial uses.

c. Non-water-oriented recreation.

d. Roads, utility corridors, and parking areas that can be reasonably located outside of "Natural" designated shorelines.

3. Single-family residential use may be allowed on properties designated as "Natural" if the density and lot configuration can accommodate such use by maintaining portions of the property in shoreline jurisdiction in a natural condition, consistent with the purpose of the environment.

4. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.

5. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

3.5 Shoreline environment descriptions, map, and boundaries.

A. The following “Shoreline Environment Descriptions” shall constitute the official descriptions of the limits of all city shorelands as defined by RCW 90.58.030. Official maps prepared pursuant to Chapter 173-26 WAC are on file with the City and included as Exhibit A to the Master Program.

B. Shoreline Environment Descriptions. Descriptions for each river are described generally from upstream to downstream limits within the city. The use of “left bank” and “right bank” refers to facing downstream. Uses or activities (i.e. utility lines, boating facilities, aquaculture, in-stream structures, and transportation facilities) that extend waterward of the OHWM would be governed by the associated upland shoreline environment designation. The Shoreline Environment Designations maps in Exhibit A indicate the shoreline environment designation for the White and Green Rivers.

Green River

1. Natural.

   a. Left bank, limits of shoreline jurisdiction within the city limits in the NW and NE quarters, Section 27, Township 21 N, Range 5 E, Willamette Meridian.

   b. Right bank, limits of shoreline jurisdiction within the city limits in the SE quarter, Section 17, Township 21 N, Range 5 E, Willamette Meridian.

2. Urban Conservancy.

a. Left bank, limits of shoreline jurisdiction within the city limits, from the boundary between the SE and SW quarters, Section 17, Township 21 N, Range 5 E, Willamette Meridian to 2nd Street SE.

b. Right bank, limits of shoreline jurisdiction within the city limits in the NW quarter, Section 17, Township 21 N, Range 5 E, Willamette Meridian to the northern city limits.

c. Left bank, from 26th Street NE to the northern city limits.

3. Shoreline Residential.

a. Left bank, from 2nd Street SE to 26th Street NE.

White River

1. Natural.

a. Left bank, limits of shoreline jurisdiction from southern city limits to the boundary between Sections 28 and 29, Township 21 N, Range 5 E, Willamette Meridian.

b. Right bank, limits of shoreline jurisdiction from southern city limits to the boundary between the NE and NW quarters of Section 28, Township 21 N, Range 5 E, Willamette Meridian.

2. Urban Conservancy.

a. Left bank, limits of shoreline jurisdiction within Game Farm Wilderness Park.

b. Right bank, limits of shoreline jurisdiction from the boundary between the NE and NW quarters of Section 28, Township 21 N, Range 5 E, Willamette Meridian, to the west property boundary of Auburn Game Farm Park.

c. Left bank, limits of shoreline jurisdiction from R Street SE/Kersey Way SE to the western city limits.

d. Right bank, limits of shoreline jurisdiction from the east property boundary of Mount Baker Middle School to the boundary between Sections 30 and 31, Township 21 N, Range 5 E, Willamette Meridian.

3. Shoreline Residential.

    a. Left bank, limits of shoreline jurisdiction in the Stuck River Road Special Plan Area, including portions of the NE and SW quarters, Section 29, Township 21 N, Range 5 E, Willamette Meridian.

    b. Right bank, limits of shoreline jurisdiction from the west property boundary of Auburn Game Farm Park to the east property boundary of Mount Baker Middle School.

    c. Right bank, limits of shoreline jurisdiction from the boundary between Sections 30 and 31, Township 21 N, Range 5 E, Willamette Meridian to the western 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. Areas found to be within shoreline jurisdiction that are not mapped and/or designated are automatically assigned the “Urban Conservancy” designation until re-designated through a master program amendment process.

E. 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.

CHAPTER 4.0 Shoreline Master Program Policies, Development Standards and Use Regulations

The purpose of this chapter is to:

A. Implement the goals of the Shoreline Master Program Elements and establish policies to be integrated with the Auburn Comprehensive Plan; and

B. Allow for all reasonable and appropriate uses of the City of Auburn'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 Shoreline Management Act of 1971.

4.1 Scope.

No development, defined in RCW 90.58.030 (3) (d) as a use which consists of construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, 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 chapter and then only after securing all required permits.

A substantial development permit shall be required for any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen dollars ($5,718), or the value as amended or adjusted for inflation per RCW 90.58.030 (3) (e), 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.

4.2 Applicability.

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

1. All rivers and streams and their associated wetlands downstream from a point where the mean annual flow is 20 cubic feet per second or greater.
2. All lakes and their associated wetlands which are 20 surface acres in size or larger.
3. 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, Chapters 173-26 and 173-27 of the Washington Administrative Code, and this shoreline master program.

4.3 Interpretation.

A. General.

1. In interpreting and applying the provisions of this chapter, the provisions 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 chapter impose greater restrictions than are imposed by other applicable city, county, regional, state, and federal regulations, the provisions of this chapter shall control.
3. When a provision of this chapter conflicts with another provision in this chapter, 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 word “shall” is always mandatory. The word “should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act, WAC 173-26, and this SMP, against taking the action. The word “may” means the action is acceptable; provided it conforms to the provisions of WAC 173-26 and this SMP.

B. Interpretation by the Director.

The authority to administer the provisions of this chapter shall rest with the Director of Planning, Building and Community or successor department or designee. The Director shall have the authority to determine that a proposed use is unclassified per the Master Program (neither prohibited nor included in a particular shoreline environment). The Director’s determination in these instances may be appealed according to ACC 18.70.050. Such unclassified uses would be treated as conditional uses and may be allowed through the conditional use permit (CUP) process described in WAC 173-27-160.

4.3.1 Adoption of additional regulations.

A. Applicable provisions of ACC Chapter 16.10, Critical Areas are herein incorporated into this master program and included in Appendix A.

B. The regulations of ACC Chapter 18.54, Nonconforming Structures, Land and Uses are herein incorporated into this master program and included in Appendix B.

4.4 General Policies and Regulations

The following general policies and regulations apply to all shorelines of the state that are located in Auburn, regardless of the specific shoreline environment designation in any one location.

4.4.1 Conservation and Restoration

Policies

1. Prioritize enhancement and restoration efforts at public parks and public open space lands
2. Work with owners of other publicly-owned land to encourage restoration and enhancement projects.
3. Work with the public and other interested parties to prioritize restoration opportunities identified in the Shoreline Inventory and Characterization Report.
4. Promote vegetation restoration, and the control of invasive weeds and nonnative species to avoid adverse impacts to hydrology, and to reduce the hazard of slope failures or accelerated erosion.
5. Integrate bioengineering and/or soft engineering approaches into local and regional flood control measures, infrastructure, and related capital improvement projects.
6. Develop a program to implement restoration projects, including funding strategies.
7. Monitor and adaptively manage restoration projects.
8. Continue to work with the State, King County, Pierce County, Watershed Resource Inventory Area (WRIA) 9 and 10 Forums, the Muckleshoot Tribe, and other governmental and non-governmental organizations to explore how local governments (with their assistance) can best address the needs of preserving ecological processes and shoreline functions.
9. Continue to work with the State, King County, Pierce County, Green River Flood Control Zone District, and the Inter-County River Improvement Agency to identify and implement flood management strategies that protect existing development and restores floodplain and channel migration functions.
10. Continue to work with the WRIA 9 and 10 Forums to restore shoreline habitats and seasonal ranges that support listed endangered and threatened species, as well as other anadromous fisheries.
11. Create incentives that will make it economically or otherwise attractive to integrate shoreline ecological restoration into development projects.
12. Encourage restoration or enhancement of native riparian vegetation through incentives and non-regulatory programs.
13. Establish public education materials to provide shoreline landowners technical assistance about the benefits of native vegetation plantings.

14. Explore opportunities with other educational organizations and agencies to develop an on-going program of shoreline education for all ages.
15. Identify areas where kiosks and interpretive signs can enhance the educational experiences of users of the shoreline.
16. Develop strategies to fund shoreline-related educational and interpretative projects.

4.4.2 Shoreline Vegetation Conservation

Policies

1. Developments and activities in the City's shoreline should be planned and designed to retain native vegetation or replace shoreline vegetation with native species to achieve no net loss of the ecological functions and ecosystem-wide processes performed by vegetation.
2. Woody debris should be left in the river corridors to enhance wildlife habitat and shoreline ecological functions, except where it threatens personal safety or critical infrastructure, such as bridge pilings. In such cases where debris poses a threat, it should be dislodged, but should not be removed from the river.

Regulations

1. During any development activity within the shoreline jurisdiction, native plant communities located within the shoreline buffer (minimum of 100-feet from OHWM for Shoreline Residential and Urban Conservancy environments; 200-feet for Natural environment) shall be protected, maintained, or enhanced per the regulations established in Appendix A "Critical Areas" and the Master Program. Pursuant to Appendix A, Section 16.10.090, "Buffer Areas and Setbacks", buffers that have been previously disturbed shall be re-vegetated pursuant to an approved enhancement plan.
2. The following uses are allowed within the shoreline buffer only when also allowed within the applicable shoreline environment designation:
    a. Improvements that are part of an approved enhancement, restoration or mitigation plan
    b. New public roads and bridges, where no feasible alternative location exists
    c. Utilities and accessory structures, where no feasible alternative location exists
    d. Foot trails constructed according to the following criteria:
        i. Designed to minimize impact of permeable materials;
        ii. Designed to minimize impact on the shoreline system;
        iii. Of a maximum width of twelve (12) feet; and
        iv. Located within the outer half of the shoreline buffer, i.e. the portion of the buffer that is farther away from the stream.
    e. Footbridges

f. Education facilities, such as viewing platforms and informational signs

g. Water-oriented uses

h. Replacement or rehabilitation of existing levees

i. Under residential development regulations, approved docks, floats, buoys, bulkheads, launching ramps and similar structures are exempt from the setback.

3. Pursuant to ACC 18.50.060, “General landscape requirements”, all significant trees shall be retained and made part of the landscape plan. Pursuant to ACC 18.50.030, “Definitions”, significant trees are defined as a healthy evergreen tree, six inches or more in diameter measured four feet above grade; or a healthy deciduous tree four inches or more in diameter measured four feet above grade. The Director may authorize the exclusion of any significant tree which for the reason of public health, safety or reasonable site development is not desirable to maintain.

4. Any pruning of trees or shrubs shall be for the purpose of maintaining the tree or shrub in a healthy growing condition and/or to enhance its natural growing form. Excessive pruning of trees or shrubs that adversely affects the healthy living condition of the plant or excessively damages the natural growing form of the plant shall be prohibited; unless such pruning is done to alleviate documented public health and safety concerns.

5. A critical areas study shall be submitted for review for all proposed development activity within the shoreline jurisdiction. The purpose of the report is to determine the extent, characteristics and functions of critical areas located on or potentially affected by proposed activities on site. See Appendix A, Section 16.10.070 “Critical Area Review Process and Application Requirements” for required report contents.

6. Shoreline buffers shall be protected during construction by placement of a temporary barricade, notice of the presence of the critical area and implementation of appropriate erosion and sedimentation controls as described in Appendix A, Section 16.10.090, “Buffer Areas and Setbacks”.

7. As part of a development proposal, the Director may require the shoreline buffer to be placed in a separate tract on which development is prohibited; protected by execution of an easement dedicated to the City, a conservation organization, or land trust; or similarly preserved through a permanent protective mechanism acceptable to the City as described in Appendix A, Section 16.10.090, “Buffer Areas and Setbacks.”

8. Proposed development in the shoreline jurisdiction shall include provision of landscape information appropriate to identify and remove nonnative and invasive species and replace with native vegetation to maintain or enhance shoreline ecological functions on the property. When required by the Director, landscape plans shall establish a staged vegetation removal and replacement program that keeps the amount of exposed soil during and after clearing and grading activities to a minimum. In drier months, temporary surface irrigation or temporary

installation of intermediate plantings may be required until weather or seasonal conditions permit installation of the permanent plantings.

9. If the area of clearing or grading necessary to remove nonnative or invasive vegetation totals one-acre or greater (43,560 square feet), located on site, in or outside of shoreline jurisdiction, then water quality and erosion control measures shall be established through the NPDES Construction Stormwater General Permit and associated Stormwater Pollution Prevention Plan (SWPPP). If the area of clearing or grading is less than one-acre, but includes disturbance of land in shoreline jurisdiction, a Temporary Erosion and Sediment Control (TESC) Plan shall be required. The TESC Plan shall employ best management practices (BMPs) consistent with city design and construction standards.
10. Should a development create unavoidable impacts adverse to shoreline vegetation located within the shoreline jurisdiction, mitigation shall be required. Mitigation shall ensure that there will be no net loss in the amount of vegetated area or the ecological functions performed by the disturbed vegetation. The Director shall rely on the critical areas study required under regulation #4 to provide a site specific description of the ecological functions while also relying on the Auburn Inventory and Characterization report as a general guide. Pursuant to Section 4.4.3., “Environmental Impact Mitigation” of the Master Program and Appendix A, Section 16.10.120, “Mitigation Standards, Criteria and Plan Requirements”, on-site and in-kind mitigation is preferred. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule that assures completion prior to occupancy has been approved by the Director.
11. Restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type appropriate for the site. As described in Appendix A, Section 16.10.120, “Performance Standards for Mitigation Planning”, plants native to the Puget Lowlands or Pacific Northwest ecoregion should be used as well as plants that are adapted and appropriate for the proposed habitats. Significant areas of the site should not be planted with species that have questionable potential for successful establishment. The use of perennial plants is preferred over annual species. Plant species high in food and cover value for native fish and wildlife species that are known or likely to use the mitigation site should be used. Emulate the plant species heterogeneity and structural diversity found in native plant communities, as described in regionally recognized publications on native landscapes.
12. 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.
13. For lawns and other vegetation maintained within shoreline jurisdiction, the use of chemical fertilizers, pesticides or other similar chemical treatments shall be discouraged and alternative practices shall be employed. Where chemical fertilizer, herbicide, or pesticide use is necessary for protecting existing natural vegetation or establishing new vegetation in shoreline areas as part of an erosion control or mitigation plan, the use of time release fertilizer and herbicides shall be preferred over liquid or concentrate application. As described in Appendix A,

Section 16.10.120, “Performance Standards for Mitigation Planning”, fertilizers must be applied per manufacturer specifications to planting holes in organic or controlled release forms, and never broadcast on the ground surface. If herbicides are used, only those approved for use in aquatic ecosystems by the Washington Department of Ecology shall be used. Herbicides shall only be used in conformance with all applicable laws and regulations and be applied per manufacturer specifications by an applicator licensed in the state of Washington.

4.4.3 Environmental Impact Mitigation

Policies

1. All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas designated in Appendix A, Chapter 16.10 “Critical Areas” that are located in the shoreline. Should a proposed use and development potentially create significant adverse environmental impacts not otherwise avoided or mitigated by compliance with the master program, the Director should require mitigation measures to ensure no net loss of shoreline ecological functions.

Regulations

1. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), chapter 43.21C RCW, is applicable, the analysis of environmental impacts from proposed shoreline uses or developments shall be conducted consistent with the rules implementing SEPA (ACC 16.06 and WAC 197-11).
2. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority.
    a. Avoiding the impact altogether by not taking a certain action or parts of an action;
    b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
    c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
    d. Reducing or eliminating the impact over time by preservation and maintenance operations;
    e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
    f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

3. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
4. Required mitigation shall not be in excess of that necessary to assure that proposed uses or development will result in no net loss of shoreline ecological functions.
5. Mitigation actions shall not have a significant adverse impact on other shoreline functions fostered by the policies of the Shoreline Management Act.
6. When compensatory measures are appropriate pursuant to the priority of mitigation sequencing above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions. Appendix A, Section 16.10.110, “Mitigation Standards, Criteria And Plan Requirements,” establishes regulations on location and timing of mitigation. On-site and in-kind mitigation are preferred.
7. A monitoring program shall be prepared and implemented by the applicant for mitigation projects. The monitoring program shall include a contingency plan in the event that implementation of the mitigation plan is inadequate or fails. A performance and maintenance security is required in the amount of one hundred and twenty-five percent of the cost of the mitigation project for the length of the monitoring period. This is to ensure the applicant complies with the terms of the approved mitigation plan. See Appendix A, Section 16.10.130, “Monitoring Program and Contingency Plan”, for specific elements that need to be incorporated into the monitoring program.

4.4.4 Critical Areas

Policies

1. Provide a level of protection to critical areas within the shoreline that is at least equal to that which is provided by the City’s critical areas regulations adopted pursuant to the Growth Management Act and the City’s Comprehensive Plan. If conflicts between the SMP and the critical area regulations arise, the regulations that are most consistent with the SMA or its WAC provisions will govern.
2. Allow activities in critical areas that protect and, where possible, restore the ecological functions and ecosystem-wide processes of the City’s shoreline.
3. Preserve, protect, restore and/or mitigate wetlands within and associated with the City’s shorelines to achieve no net loss of wetland area and wetland functions.

4. Developments in shoreline areas that are identified as geologically hazardous or pose a foreseeable risk to people and improvements during the life of the development should not be allowed.

Regulations

1. Applicable provisions of ACC Chapter 16.10, Critical Areas are herein incorporated into this master program and included in Appendix A provided:
    a. If there are any conflicts or unclear distinctions between the Shoreline Master Program and the Critical Areas standards as part of the Master Program, the requirements that are the most consistent with the SMA or its WAC provisions shall apply.
    b. Provisions of the Critical Areas standards that are not consistent with the Shoreline Management Act Chapter, 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction.
    c. The provisions of Auburn's Critical Areas standards do not extend shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffer areas that are outside shoreline jurisdiction, see Auburn's Critical Areas Ordinance.
    d. When definitions per Appendix A, Section 16.10.020 "Definitions" conflict with SMP definitions per Chapter 1, SMP definitions shall apply.
2. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or enhance the ecological functions and ecosystem-wide processes provided by critical areas including, but not limited to: Wetlands, Streams, Wildlife Habitat, Groundwater Protection Areas, Geologic Hazard Areas, and Flood Hazard Areas as defined and designated by the Critical Areas Ordinance; and Critical Freshwater Habitats as defined by the Shoreline Master Program.
3. Proponents of development in shoreline areas that may impact Geologic Hazard critical areas must submit a geologic hazard report that complies with the submittal requirements provided in Appendix C.

4.4.5 Critical Area Regulations Table

The following table provides a summary of standards and provisions per Appendix A, 16.10 "Critical Areas." The table is only meant to serve as a reference; applicable provisions from Appendix A, 16.10 "Critical Areas") should be consulted directly to determine the full extent of the regulation. Per Appendix A, 16.10 "Critical Areas," the Green River and White River are considered Class I Streams. Other designated critical areas that may be located within shoreline jurisdiction include wetlands, wildlife habitat areas, and geologic hazard areas.

Table 1. Critical Area Regulations

Critical Area	Minimum Buffer Width	Maximum Buffer Width	How to Measure Buffer Width	Buffer Composition	Buffer Averaging/Width Reduction
Class I Streams	100 feet *(Urban Conservancy and Shoreline Residential)* 200 feet *(Natural)*	Buffer width may be increased by the Director by up to a maximum of 50% pursuant to Appendix A, Section 16.10.090 (E)(2)(b)	The buffer shall be measured from the ordinary high water mark.	Buffers shall typically consist of an undisturbed area of native vegetation retained or established to achieve the purpose of the buffer. No buildings or structures shall be allowed within the buffer unless as otherwise permitted by Appendix A, 16.10 "Critical Areas" or the Master Program. If the site has previously been disturbed, the buffer area shall be revegetated pursuant to an approved enhancement plan.	Buffer averaging is not permitted Buffer widths may be reduced by up to 35% provided the applicant demonstrates that a reduction will not result in any adverse impact to the stream. Enhancement of the buffer may be required. Buffer width reduction must comply with Appendix A, Section 16.10.090 (E)(1).
Wetlands			The buffer shall be measured perpendicular from the wetland edge as delineated and marked in the field using the 1997 Washington State Wetlands Identification Manual.		Buffer width averaging may be allowed provided the total area contained within the buffer after averaging is no less in area than contained within the standard buffer prior to averaging, where such reduction shall not result in greater
Category I	100 feet	200 feet			
Category II	50 feet	100 feet			

Critical Area	Minimum Buffer Width	Maximum Buffer Width	How to Measure Buffer Width	Buffer Composition	Buffer Averaging/Width Reduction
Category III	25 feet	50 feet		Buffers shall typically consist of an undisturbed area of native vegetation retained or established to achieve the purpose of the buffer. No buildings or structures shall be allowed within the buffer unless as otherwise permitted by Appendix A, 16.10 “Critical Areas” or the Master Program. If the site has previously been disturbed, the buffer area shall be revegetated pursuant to an approved enhancement plan.	than a 35 percent reduction in the buffer width and the applicant demonstrates compliance with Appendix A, Section 16.10.090 (E)(1) Buffer Areas and Setbacks. Buffer width can be reduced by up to 35% provided the applicant enhances or restores the buffer. The restoration or enhancement would have to meet requirements per Appendix A, Section 16.10.090 (E)(1) Buffer Areas and Setbacks.
Category IV	25 feet	30 feet			

Critical Area	Minimum Buffer Width	Maximum Buffer Width	How to Measure Buffer Width	Buffer Composition	Buffer Averaging/Width Reduction
Wildlife Habitat Areas	Buffer widths shall be determined by the director based on the following factors: • species recommendations of the Department of Fish and Wildlife; • recommendations contained in the wildlife report and the nature and intensity of land uses and activities occurring on the site and on adjacent sites.	N/A	N/A	Buffers shall typically consist of an undisturbed area of native vegetation retained or established to achieve the purpose of the buffer. No buildings or structures shall be allowed within the buffer unless as otherwise permitted by Appendix A, 16.10 "Critical Areas" or the Master Program. If the site has previously been disturbed, the buffer area shall be revegetated pursuant to an approved enhancement plan.	Buffer widths for critical habitat areas may be modified by averaging buffer widths or by enhancing or restoring buffer quality.
Geologic Hazard Areas	Required buffers may vary in width. The widths of the buffer shall reflect the sensitivity of the geologic hazard area in question and the types and density of uses proposed on or adjacent to the geologic hazard.	N/A	Geologic hazard area buffers shall be measured from the top and toe and along the sides of the slope.		Not permitted

4.4.6 Public Access (including views)

Policies

1. Public access improvements should not result in adverse impacts to the natural character and quality of the shoreline and associated wetlands or result in a net loss of shoreline ecological functions. Developments and activities within the shoreline should not impair or detract from the public's visual or physical access to the water.
2. Protection and enhancement of the public's physical and visual access to shorelines should be encouraged.
3. The amount and diversity of public access to shorelines should be increased consistent with the natural shoreline character, property rights, and public safety.
4. Publicly owned shorelines should be limited to water-dependent or public recreation uses, otherwise such shorelines should remain protected, undeveloped open space.
5. Public access should be designed to provide for public safety. Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed to be ADA accessible.

Regulations

1. All shoreline 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;
   d. Where a new multiunit residential development or land subdivision for more than four parcels is proposed
   e. Where a non-water-dependent use (including water-enjoyment and water-related use) is proposed or,
   f. 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. The City of Auburn provides more effective public access through preparation and adoption of a public access planning process and plan as described in WAC 173-26-221(4)(c);
   b. Unavoidable health or safety hazards to the public exists which cannot be prevented by practical means;

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

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 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 clearly marked with visible signage.
7. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not be diminished (RCW 36.87.130).
8. Shoreline development by any public entities, including the City of Auburn, port districts, state agencies, and public utility districts, shall include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, impact to the shoreline environment or other provisions listed in WAC 173-26-221(4)(d).

4.4.7 Flood Hazard Reduction

Policies

1. The City should manage flood protection through the City's Comprehensive Drainage Plan, Comprehensive Plan, stormwater regulations, and flood hazard areas regulations.
2. Discourage development within the floodplains associated with the City's shorelines that would individually or cumulatively result in an increase to the risk of flood damage.
3. Non-structural flood hazard reduction measures should be given preference over structural measures. Structural flood hazard reduction measures should be avoided whenever possible. When necessary, they should be accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes. Non-structural measures include setbacks, land use controls prohibiting or limiting development in areas that are historically flooded, stormwater management plans, or bioengineering measures.
4. Where possible, public access should be integrated into publicly financed flood control and management facilities.

Regulations

1. No permanent non-water dependent structures or uses shall be placed in the floodway zone. Bank protection associated with bridge construction and maintenance may be permitted and shall conform to provisions of the State Hydraulics Code (RCW 77.55).
2. Normal maintenance and repair of existing flood control structures, such as levees and dikes, to a state comparable to its original condition, shall be allowed per WAC 173-27-040(2) (b).
3. Rehabilitation or replacement of existing flood control structures, such as levees and dikes, whose primary purpose is to contain the 1-percent annual chance flood event, shall be allowed where it can be demonstrated by an engineering analysis that the existing structure:
   a. Does not provide an appropriate level of protection for surrounding lands; or
   b. Does not meet appropriate engineering design standards for stability (e.g., oversteepened side slopes for existing soil and/or flow conditions).

   Rehabilitated or replaced structures shall maintain equal or lesser side slope angles to existing conditions, and shall not extend the toe of slope laterally into the channel.
4. New structural flood hazard reduction measures shall be allowed only under the following circumstances:
   a. When it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development;
   b. That non-structural measures are not feasible;
   c. That impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and
   d. That appropriate vegetation restoration and conservation actions are undertaken consistent with regulations under Section 4.4.2 “Shoreline Vegetation Conservation” of the Master Program and Appendix A, “Critical Areas”.
5. Permanent structures placed within the 100-year floodplain shall be designed and constructed in accordance with the requirements of ACC 15.68, “Flood Hazard Areas”.
6. New structural flood hazard reduction measures, such as 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.
7. New structural flood hazard reduction measures, such as dikes, levees, berms shall be placed landward of associated wetlands, and designated vegetation conservation areas, except when the project includes increasing ecological functions as part of the design or as mitigation for impacts.

8. Dikes, levees, berms and similar flood control structures shall be shaped and planted with vegetation suitable for wildlife habitat.
9. New structural public flood hazard reduction measures, such as dikes and levees shall dedicate and provide or improve public access unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, significant ecological impacts that cannot be mitigated, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
10. Removal of gravel from the river channel for flood management purposes is prohibited.

4.4.8 Water Quality, Storm water and Non-Point Pollution

Policies

1. The City should prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.
2. Storm water management treatment, conveyance, or discharge facilities should be discouraged in the shoreline jurisdiction, unless no other feasible alternative is available.
3. Low impact development techniques that allow for greater amount of storm water to infiltrate into the soil should be encouraged to reduce storm water run-off.
4. Encourage conservation of existing shoreline vegetation which provides water quality protection by slowing and filtering stormwater runoff.

Regulations

1. Shoreline development and use shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws. Appropriate vegetation restoration and conservation actions shall be undertaken consistent with regulations under Section 4.4.2, “Shoreline Vegetation Conservation” and Appendix A, 16.10 “Critical Areas”.
2. Development within the City’s shoreline shall conform to all requirements in the City’s Comprehensive Drainage Plan and stormwater standards, Comprehensive Plan, and Flood Hazard Areas regulations.
3. 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.
4. Water discharged to rivers shall receive appropriate treatment as determined by the Department of Ecology and shall not present a thermal or other barrier to fish migration.

5. Use of pesticides and fertilizers in or near shoreline jurisdiction shall conform to the following:

    a. Pesticides applied using aerial spraying techniques within the shoreline jurisdiction, including over water bodies or wetlands, shall be prohibited unless specifically permitted under the Washington Departments of Agriculture or Ecology.

    b. Pesticides, organic or mineral derived fertilizers, or other hazardous substances, if necessary shall be restricted in accordance with: the state Department of Fish and Wildlife Management Recommendations; the regulations of the state Department of Ecology as the Environmental Protection Agency's delegated authority and permitting body for the application of pesticides and herbicides to the waters of Washington State; and pesticide labels as per the authority of the state Department of Agriculture.

    c. Pesticides shall be used, handled, and be disposed of in accordance with provisions of the Washington State Pesticide Application Act (RCW 17.21) and the Washington State Pesticide Act (RCW 15.57) to prevent contamination and sanitation problems.

4.4.9 Educational and Archeological Areas and Historic Sites

Policies

1. Where possible, Educational and Archeological Areas and Historic sites in the shoreline should be permanently preserved for scientific study, education, and public observation.
2. Consideration should 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 located or associated with the shoreline that are significant in American, Washington and local history, architecture, archeology or culture.
3. Where feasible and appropriate, access trails to shorelines should incorporate access to or educational signage acknowledging protected, historical, cultural and archeological sites or areas in the shoreline.

Regulations

1. If any archeological artifacts are uncovered during excavations in the shoreline, work must stop and the City of Auburn, the State Department of Archeology and Historic Preservation and the Muckleshoot Indian Tribe must be notified.
2. Permits issued in areas known or highly suspected to contain archeological artifacts and data shall have provisions providing for a site inspection and evaluation by an archeologist prior to initiation of disturbance and for monitoring of potentially disruptive activities. Cost for inspection and evaluation of the site

will be the responsibility of the developer. This condition shall require the approval by the Director 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.

4.4.10 Nonconforming Use and Development Standards

Policies

1. Legally established uses and developments that predate the City's Shoreline Master Program (1973, as amended) should be allowed to continue as legal nonconforming uses provided that future development or redevelopment does not increase the degree of nonconformity with this program.

Regulations

1. Nonconforming use or developments located in the shoreline are subject to the provisions of the Auburn Zoning Code for nonconforming structures, land, and uses (ACC 18.54).
2. Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
3. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a Shoreline Conditional Use Permit.
4. A use which is listed as a conditional use, but which existed prior to adoption of the master program or any relevant amendment and for which a Shoreline Conditional Use Permit has not been obtained shall be considered a nonconforming use.
5. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
6. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Shoreline Conditional Use Permit. A Shoreline Conditional Use Permit may be approved only upon a finding that:

    a. No reasonable alternative conforming use is practical;

b. The proposed use will be at least as consistent with the policies and provisions of the Shoreline Master Program and as compatible with the uses in the area as the preexisting use; and

c. Meets WAC 173-27-160 conditional use permit review criteria.

d. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

7. A nonconforming structure which is moved any distance must be brought into conformance with the Shoreline Master Program.
8. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.
9. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be made conforming. A use authorized pursuant to subsection (6) of this section shall be considered an allowed nonconforming use for purposes of this section.
10. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the Act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the Shoreline Management Act.

4.5 Permitted Use Table

The following table illustrates which shoreline modifications and shoreline uses are allowed or prohibited in each shoreline environment. This table is intended for reference purposes only. Refer to text sections of the SMP for all applicable provisions related to specific uses and modifications. If information in the table conflicts with provisions in other parts of the SMP conflict, the provisions contained in text sections of the SMP shall apply.

P = Permitted - Permitted uses may require Shoreline Substantial Development Permits and any other permits required by the Auburn Municipal Code and/or other regulatory agencies.

C = Conditional Use - Conditional uses require Shoreline Conditional Use Permit and may require other permits required by the Auburn Municipal Code and/or other regulatory agencies.

X = Prohibited

Table 2. Permitted Use

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	**Urban Conservancy**	**Shoreline Residential**
Minimum Setbacks from OHWM	200-feet	100-feet	100-feet
Shoreline Modification			
Breakwaters, jetties, groins, and weirs	**X**	**X**	**X**
Dredging and Dredge Material Disposal	**P**: For maintaining location, depth, and width previously authorized under this program. **C**: For habitat maintenance and improvement and flood protection in consultation with the WDFW. **X**: All other dredging and disposal.	**P**: For maintaining location, depth, and width previously authorized under this program. **C**: For habitat maintenance and improvement and flood protection in consultation with the WDFW. **X**: All other dredging activities.	**P**: For maintaining location, depth, and width previously authorized under this program. **C**: For habitat maintenance and improvement and flood protection in consultation with the WDFW. **X**: All other dredging activities.
Dune modification	**X**	**X**	**X**
Piers and Docks	**X**	**X**	**X**

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	**Urban Conservancy**	**Shoreline Residential**
Structural flood hazard reduction (dikes and levees)	**C**: Replacement or rehabilitation of existing levees or dikes **X**: New levees or dikes	**P**: Replacement or rehabilitation of existing levees **X**: New levees or dikes	**P**: Replacement or rehabilitation of existing levees **X**: New levees or dikes
Shoreline Stabilization (Bulkheads and Revetments)	**X**	**P**: If accessory to single-family residence. **C**: If not accessory to a single-family residence.	**P**: If accessory to single-family residence. **C**: If not accessory to a single-family residence.
Clearing and Grading	**P:** If associated with allowed shoreline development.	**P:** If associated with allowed shoreline development.	**P:** If associated with allowed shoreline development.
Fill	**C**: For activities associated with habitat restoration. **X**: All other fills.	**P**: Fills at or above the OHWM or the natural bank, whichever is less if associated with allowed shoreline development. Fills extending waterward of OHWM for restoration projects only. **C**: Fills extending waterward of OHWM for water dependent uses only..	**P**: Fills at or above the OHWM or the natural bank, whichever is less if associated with allowed shoreline development. Fills extending waterward of OHWM for restoration projects only. **C**: Fills extending waterward of OHWM for water dependent uses only..

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	**Urban Conservancy**	**Shoreline Residential**
Shoreline Habitat and Natural Systems Enhancement Projects	**P**	**P**	**P**
Shoreline Use			
Agriculture	**P:** Existing and ongoing agricultural activities. **X:** All other agricultural activities	**P:** Existing and ongoing agricultural activities. **X:** All other agricultural activities	**P:** Existing and ongoing agricultural activities. **X:** All other agricultural activities
Aquaculture	**C:** Fish hatcheries and associated facilities **X:** All other aquaculture activities and uses	**C:** Fish hatcheries and associated facilities **X:** All other aquaculture activities and uses	**X**
Boating Facilities	**X**	**P:** Boat launching ramps open to the public otherwise prohibited	**P:** Boat launching ramps open to the public otherwise prohibited
Commercial Development	**X**	**X**	**X**
Forest Practices	**X**	**X**	**X**
Industrial Development	**X**	**X**	**X**
In-stream Structures	**C:** Fish Hatcheries and associated facilities	**C**	**C**
Mining	**X:** New or expanded mining	**X:** New or expanded mining **C:** Existing mining and related activities	**X:** New or expanded mining

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	**Urban Conservancy**	**Shoreline Residential**
Recreation	**P:** Unpaved bridle, bicycling and hiking trails, including over water pedestrian bridges; viewpoints, including interpretative viewpoints; fishing access areas not requiring structural facilities; and pedestrian boardwalk **X:** Golf courses; ORV trails and areas; resorts; high intensity parks; walk-in campgrounds.	**P:** Paved and unpaved bridle/bicycling/ walking trails, interpretive viewpoints, pedestrian boardwalks and piers, pedestrian bridges, over water, water-enjoyment uses, golf courses, and incidental retail activity in conjunction with a public access pier. **C:** Non-water related uses. **X:** Walk in campgrounds, resorts, off road vehicles (ORV) trails	**P:** Paved and unpaved bridle/bicycling/walking trails, interpretive viewpoints, pedestrian boardwalks, pedestrian bridges, over water **C:** Non-water related accessory uses and water-enjoyment uses **X:** Golf courses, incidental retail activity associated with a recreational use, walk in campgrounds, resorts, and off road vehicles (ORV) trails.
Residential Developments	**C:** Residential development and land divisions are permitted provided no improvements are located within the required buffer.	**P:** Uses commonly accessory to single family residences **C:** New single-family residence; residential subdivisions; multi-family residential development	**P:** New a single-family residence; residential subdivisions; and uses accessory to single family residences **C:** Multifamily development
Signs	**P:** Warning signs, navigational signs, and informational signs **X:** Commercial signs	**P**	**P**
Permanent Solid Waste Storage or Transfer Facilities	**X**	**X**	**X**
Transportation Facilities (Roads and Bridges)	**P**	**P**	**P**

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	**Urban Conservancy**	**Shoreline Residential**
Transportation Facilities (Railroads)	**X**	**P:** Pedestrian overpasses and underpasses **C:** Relocation of existing tracks landward of an existing right-of-way with no expansion in the number of tracks or expansion of railroads within the existing right-of-way **X:** Expansion of existing railroad into new right of way and new railroads	**P:** Pedestrian overpasses and underpasses **C:** Relocation of existing tracks landward of an existing right-of-way with no expansion in the number of tracks or expansion of railroads within the existing right-of-way **X:** Expansion of existing railroad into new right of way and new railroads
Utilities	**C:** Underground linear utility facilities and primary conveyance facilities (pump stations and pipelines), but only when unavoidably necessary to cross a body of water; Storm drain outfalls **X:** Site-specific utility facilities (i.e. sewage treatment plant, water reclamation, electrical substations); Linear utility facilities except as listed above	**P:** Storm drain outfalls; primary conveyance and distribution facilities such as pipes and pump stations; accessory utility facilities to serve allowed development **C:** Primary utilities such as transmission facilities; reclaimed water facilities; potable water production; wastewater treatment plant,; and storm water storage or treatment ponds. **X** : Reclaimed water discharge/application facilities.	**P:** Storm drain outfalls; primary conveyance and distribution facilities such as pipes and pump stations; accessory utility facilities to serve allowed development **C:** Primary utilities such as transmission facilities and storm water storage and treatment ponds **X:** Wastewater treatment plants; reclaimed water facilities; potable water production facilities
Unclassified Uses	**C**	**C**	**C**

4.6 Shoreline Modification

Shoreline modifications are generally related to construction of a physical element such as a levee, bulkhead, or pier at or near the river's edge or extending into the channel. Other shoreline modification actions include dredging, filling, or vegetation clearing in the shoreline jurisdiction. Modifications are usually undertaken in support of or in preparation for an allowed shoreline use or development.

4.6.1 Prohibited Modifications

The following shoreline modifications are prohibited in all shoreline environments unless addressed separately in this shoreline master program under another use:

1. Breakwaters, jetties, groins, and weirs;
2. Dune modifications; and
3. Piers and docks.

4.6.2 Dredging and Dredge Material Disposal

Policies

1. Dredging and dredge material disposal should be done in manner, which avoids or minimizes significant ecological impacts. Where impacts cannot be avoided, mitigation measure are required that result in no net loss of shoreline ecological functions.
2. Dredge spoil disposal in water bodies, on shorelands, or wetlands within a river's channel migration zone should be discouraged, except as needed for habitat improvement.
3. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

Regulations

1. Dredging of bottom materials for the sole purpose of obtaining fill material or aggregate resources is prohibited, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
2. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining location, depth, and width previously authorized under this program.
3. Material dredged in conformance with state and federal water quality standards may be used in permitted fill projects.

4. 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.
5. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use or activity.
6. Disposal 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 resources, 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.
7. Disposal of dredge material on shorelands or wetlands within a river's channel migration zones shall be prohibited. Proposals for the disposal of dredged materials in shoreline jurisdiction shall require a conditional use permit and must show that the site will be suitable for uses permitted for that shoreline environment.

4.6.3 Piers and Docks

Policies

1. The City should discourage the construction of new piers, docks, or floats in the shoreline jurisdiction along the Green and White Rivers.

Regulations

1. Construction of new piers, docks, or floats or expansion of existing piers, docks, or floats shall be prohibited except as necessary for habitat monitoring or improvement projects.
2. Maintenance of existing legally established piers, docks, and floats shall be allowed provided that maintenance activities do not adversely impact shoreline ecological functions.

4.6.4 Shoreline Stabilization (bulkheads and revetments)

Policies

1. Shoreline stabilization activities that may necessitate new or increased shoreline stabilization on the same or other affected properties where there has been no previous need for stabilization should be discouraged
2. New shoreline uses and development be located away from the shoreline in order to preclude the need for new shoreline stabilization structures.

3. Structural or “hard” shoreline stabilization techniques and structures should be allowed only after it is demonstrated that non-structural or “soft” shoreline protection measures are not feasible.
4. The cumulative effect of allowing bulkheads or revetments along river segments should be evaluated. If it is determined that the cumulative effects of bulkheads or revetments would have an adverse effect on shoreline functions or processes, then permits should not be granted.
5. Bulkheads should not be permitted as a solution to geo-physical problems such as mass slope failure, sloughing, or land slides. Bulkheads and revetments should only be approved for the purposes of protecting existing developments by preventing bank erosion by the rivers.

Regulations

1. Bulkheads or revetments shall be designed, constructed and maintained in a manner that does not degrade ecological function including fish habitat, and shall conform to the requirements of the Washington State Department of Fish and Wildlife criteria and guidelines.
2. The builder of any bulkhead or revetment shall be financially 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.
3. A person who has received approval to construct a bulkhead in keeping with these regulations may be required to grant adjacent property owners the privilege to tie in and meet with a bulkhead when they have an approved permit.
4. 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.
5. Repair and maintenance shall maintain the aesthetic integrity of the existing structure.
6. Bulkheads or revetments shall be constructed of suitable materials that will serve to accomplish the desired end with maximum preservation of natural characteristics. Automobile bodies, other junk, solid waste or other materials with the potential for water quality degradation shall not be used. Design and construction methods shall consider aesthetics and habitat protection.
7. New or enlarged structural shoreline stabilization measures for an existing development or residences shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion. The geotechnical report must include estimates of erosion rates and damage within three years and must evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The project design and analysis must also evaluate vegetation enhancement as a means of reducing erosion and promoting bank stability. The report must demonstrate that “soft” shoreline protection measures or bioengineering erosion control designs will not provide

adequate upland protection of existing structures or would pose a threat or risk to adjacent property.

8. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is need to protect primary structures from erosion caused by currents, tidal action, or waves. At the discretion of the City Engineer, the demonstration of need does not necessarily require a geotechnical report by a licensed geotechnical engineer or related licensed professional. The replacement structure shall be designed, located, sized, and constructed to minimize harm to ecological functions. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structures unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM.
9. Provided that regulation #8 has been met, the replacement of lawfully established, existing bulkheads or revetments shall be allowed, subject to the following priority system:
    a. First priority. The first priority for replacement of bulkheads or revetments shall be to install “soft” shoreline protection measures or bioengineering erosion control designs.
    b. Second priority. The second priority for replacement of existing bulkheads or revetments shall be to install “hard” shoreline protection measures only when “soft” measures would not provide adequate upland protection of existing structures or would pose a threat or risk to adjacent property.
    c. Third priority. The third priority for replacement of bulkheads or revetments shall be landward of the existing bulkhead.
    d. Fourth Priority. The fourth priority for replacement of existing bulkheads or revetments shall be to replace in place (at the bulkhead’s existing location).
    e. Fifth Priority. The fifth 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 fifth priority, documentation must be provided that habitat will not be adversely impacted and habitat friendly materials shall be used. The property owner shall also demonstrate that removing the existing structure would either
        i. Cause irreversible environmental damages, or
        ii. Undermine and damage the residential structure on the property.
10. 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.

11. Bank protection material shall be placed on/from the bank. Dumping of bank protection material directly from a truck bed onto the bank face is prohibited.

12. Bank protection material shall be clean and shall be of a sufficient size to prevent its being washed away by high water.

13. 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.

14. Whenever feasible, trees and vegetation shading streams and rivers shall be retained when riprap is placed.

4.6.5 Clearing and Grading

Policies

1. Clearing and grading activities should only be allowed in association with a permitted shoreline development.
2. Clearing and grading activities shall be limited to the minimum necessary for the intended development, including residential development.

Regulations

1. Clearing and grading activities shall only be allowed in association with an allowed (permitted) shoreline development.
2. Clearing and grading activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part a landscape plan. If the area of clearing or grading totals one-acre or greater (43,560 square feet), located on site, in or outside of shoreline jurisdiction, then water quality and erosion control measures shall be established through the NPDES Construction Stormwater General Permit and associated Stormwater Pollution Prevention Plan (SWPPP). If the area of clearing or grading is less than one-acre, but includes disturbance in shoreline jurisdiction, a Temporary Erosion and Sediment Control (TESC) Plan shall be required. The TESC Plan shall employ best management practices (BMPs) consistent with city design and construction standards.
3. Clearing and grading activities shall adhere to a prepared schedule and mitigation plan as approved by the Director. This schedule and mitigation plan shall include, but not be limited to, limits of clearing and grading activities and the design, implementation, maintenance, and monitoring of mitigation requirements to prevent erosion, siltation, and destruction of vegetation.
4. All grading shall be completed or stabilized by October 31st of each year unless the applicant provides technical analysis that demonstrates to the satisfaction of the Director that no harm to the shoreline environment or safety problems would result from grading between October 31st and April 1st.

5. Clearing invasive non-native shoreline vegetation listed on the King County Noxious Weed List is permitted in the shoreline, provided hand held equipment is used and native vegetation is promptly reestablished in the disturbed area.

4.6.6 Fill

Policies

1. Fill placed waterward of the OHWM should be prohibited and only allowed to facilitate water-dependant uses or restoration projects.
2. Where permitted, fill should be the minimum necessary to provide for the proposed use and should be permitted only when tied to a specific development proposal that is permitted by the Shoreline Master Program.
3. The perimeter of fill activities should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time.

Regulations

1. Fill extending no further than the OHWM or the natural bank, whichever is less, may be permitted provided that probable significant adverse impacts are mitigated.
2. Fill for the purpose of creating new land shall be permitted only for water dependent uses.
3. Fill placed waterward of the OHWM for restoration purposes, such as nourishment of shoreline areas, shall be permitted.
4. Perimeters of cuts and fills shall be provided with vegetation, riprap, retaining walls, or other approved means for slope protection.
5. Fill materials shall not cause violation of water quality standards or otherwise be toxic to humans or to fish and wildlife.

4.6.7 Shoreline Habitat and Natural Systems Enhancement Projects

Policies

1. All proposed shoreline habitat and natural systems enhancement projects should assure that the activities associated with each project address legitimate restoration needs and priorities and facilitate implementation of the Restoration Plan developed with this Shoreline Master Program pursuant to WAC 173-26-201(2)(f).

Regulations

1. A shoreline habitat or natural systems enhancement project involving environmental remediation activities shall not harm human health or the

environment. Cleanup methods shall not have significant negative impacts on adjacent and existing land uses in the area.

2. Where possible, habitat improvement projects shall be protected in perpetuity through a conservation easement conveyed to the city or public agency. The Director of Planning, Building and Community may approve other forms of encumbrances. 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.
3. Habitat improvements shall use an ecosystem or landscape approach, integrate projects into their surrounding shoreline environments and include greenbelts for species movement and use.

4.7 Shoreline Uses

Shoreline use activities are 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 proposed development within the Shoreline Management Act's jurisdiction will be evaluated to determine its conformance with the use activity policies and regulations, as well as the Shoreline Management Element goals and policies, the SMA, and the SMP. Even uses and activities that are exempt from the requirements for a shoreline substantial development permit must be consistent with the policies and regulations of the SMP, the SMA, and its provisions.

4.7.1 Prohibited Uses

The following uses are prohibited in all shoreline environments unless addressed separately in this shoreline master program under another use. See Section 1.2 for definitions of the following uses:

1. Boat houses;
2. Commercial development;
3. Forest practices;
4. Industrial development;
5. New or expanded mining; and
6. Permanent solid waste storage or transfer facilities.

4.7.2 Agriculture

Policies

1. This Program allows for existing, ongoing agricultural activities while also maintaining shoreline ecological functions and processes.
2. Agricultural activities that do no meet the definition for existing and ongoing agricultural activities should not be allowed in the shoreline.
3. Appropriate farm management techniques and new development construction should be encouraged to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer, herbicides and pesticide use and application.
4. A vegetative buffer should be encouraged to be placed and maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, provide shade, reduce flood hazard, and maintain habitat for fish and wildlife.
5. Public access to the shoreline should be encouraged where it does not conflict with agricultural activities.
6. Proposals to convert agricultural uses to other uses should comply with all policies and regulations established by the Comprehensive Plan and this Master Program for said uses and should not result in a net loss of ecological functions.

Regulations

1. Existing and ongoing agricultural activities shall be permitted in all shoreline environment designations. All other agricultural activities shall be prohibited.
2. Existing and ongoing agricultural activities are encouraged to provide a buffer of natural or planted permanent native vegetation between areas of crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and wetlands.
3. Farming of fin fish, shellfish and management of other aquatic products are subject to the policies and regulations for Aquaculture under Section 4.7.3.
4. Erosion control measures shall conform to guidelines and standards established by the U.S. Soil Conservation Service and the U.S. Department of Agriculture.
5. The application of agricultural chemicals shall prevent the direct runoff of chemical-laden waters into water bodies. Adequate provision shall be made to minimize their entry into any body of water. Shoreline waters shall not be used for livestock watering.
6. Livestock waste shall be disposed in a manner that will prevent surface or ground water contamination.
7. Conversion of agricultural uses to other uses shall comply with the provisions of Appendix A, 16.10 “Critical Areas” and this Program for the proposed use.

4.7.3 Aquaculture

Policies

1. Aquaculture is a water-dependent use, and when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for resident native species, is an accepted use of the shoreline.
2. Development of aquaculture facilities and associated activities, such as hatcheries and fish counting stations should assure no net loss to shoreline ecological functions or processes. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.
3. Since locations for aquaculture activities are somewhat limited and require specific water quality, temperature, oxygen content, and adjacent land use conditions, and because the technology associated with some forms of aquaculture is still experimental, some latitude should be given when implementing the regulations of this section, provided that potential impacts on existing uses and shoreline ecological functions and processes are given due consideration. Experimental aquaculture projects should be monitored and adaptively managed to maintain shoreline ecological functions and processes.

Regulations

1. Development of aquaculture facilities shall be permitted as a conditional use in the Urban Conservancy and Natural environment.
2. New upland aquaculture developments shall be screened from view from adjacent residential or recreational areas by fences, berms, and/or vegetative buffers.
3. Reflected glare or direct light generated by aquaculture developments shall be minimized to the greatest extent possible. Lighting fixtures shall be designed and hooded to prevent the light source from being directly visible from outside the boundaries of the property.
4. The operators of aquaculture developments shall control odor through the proper storage and disposal of feed and other organic materials and by maintaining a clean operation. A specific plan for identifying and controlling odors shall be developed and approved as part of the permit approval process.
5. Aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations through potential contribution of antibiotic resistant bacteria, or escapement of nonnative species, or other adverse effects on ESA-listed species shall not be permitted.
6. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including

but not limited to the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).

4.7.4 Boating Facilities

Policies

1. Boating facilities should not be allowed unless they are accessible to the general public or serve a community.
2. New boat launching ramps should be allowed only where they are located at sites with suitable environmental conditions, shoreline configurations, access and neighboring uses.
3. Development of new or modifications to existing boat launching ramps and associated and accessory uses should not result in a net loss of shoreline ecological functions or other significant adverse impacts.

Regulations

1. Public boat launching ramps shall be permitted in the Urban Conservancy and Shoreline Residential Environments. Other types of boating facilities shall be prohibited in Natural, Urban Conservancy, and Shoreline Residential Environments.
2. Before granting approval of a permit to allow any boat launching ramp, the applicant must satisfactorily demonstrate that:
    a. Adequate facilities for the efficient handling of sewage and litter will be provided.
    b. The ramp will minimize impediments to migrating fish and will not locate on sites important for salmonids, including spawning, feeding or rearing areas.
    c. Important navigation routes or recreation areas will not be obstructed.
    d. Adequate separation will be maintained between structures and adjacent properties.
    e. Adequate separation and buffers will be maintained between the facility's associated parking area and adjacent properties such that the landscaping requirements per Auburn Municipal Code 18.50, “Landscaping and Screening” are met.
    f. The dimensions and composition of buffers between the OHWM and the facility’s associated parking area shall meet requirements per Appendix A, Section 16.10.090, “Buffer areas and setbacks”.
    g. The boat launch shall be designed so that structures are aesthetically compatible with, or enhance, existing shoreline features and uses.

4.7.5 In-Stream Structural Uses

Policies

1. Approval of applications for in-stream structures should require inclusion of provisions for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydro geological processes, and natural scenic vistas.

2. The location and planning of in-stream structures should give consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

3. Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to structural in-stream structures.

Regulations

1. In-stream structures shall only be permitted as a conditional use in the Urban Conservancy, Shoreline Residential and Natural (highly limited) environments.
2. Where in-stream structures are permitted, they shall be developed and maintained in a manner that does not adversely impact ecological functions or wildlife habitat.
3. In-stream structures that divert water shall return flow to the river in as short a distance as possible.
4. All permit applications for in stream structures shall contain, at a minimum, the following:
    a. 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.
    b. A plan describing the extent and location of vegetation proposed for removal to accommodate the proposed facility and restoration plans.
    c. All design work shall be done in consultation with the State Department of Fish and Wildlife, State Department of Ecology and other relevant agencies.

4.7.6 Mining

Policies

1. Limit mining activities near the shoreline to existing mining uses.

Regulations

1. New or expanded mining activities shall be prohibited.
2. Impacts to shorelines and water bodies due to existing mining operations upland of the shoreline jurisdiction shall be minimized.

4.7.7 Recreation

Policies

1. Prioritize shoreline recreational development that provides public access, enjoyment and use of the water and shorelines of the State over other non water-oriented recreational uses.
2. Shoreline areas with the potential for providing recreation or public access opportunities should be identified for this use and, wherever possible, acquired and incorporated into the Public Park and open space system.
3. Public recreational facilities should be located, designed and operated in a manner consistent with the purpose of the environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes result.
4. The coordination of local, state, and federal recreation planning should be encouraged so as to mutually satisfy needs. Shoreline recreational developments should be consistent with the City's Comprehensive Plan and Parks, Recreation and Open Space Plan.
5. Recreational development should not interfere with public use of navigable waters.

Regulations

1. Accessory use facilities such as rest rooms and parking areas shall be set back from the ordinary high water mark unless accessory use facilities are essentially water-oriented. These areas should be linked to the shoreline by walkways.
2. 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. At a minimum, plans shall meet the following:
    a. Native vegetation zone strips and, if practical, shade trees shall be included in the development. The City shall determine the maximum width necessary for buffer strips, but in no case shall the buffer strip be less than 50 feet.
    b. A chemical-free swath of at least 100 feet in width shall be established next to water bodies and wetlands except that spot spraying for weed control is allowed on golf courses.

c. Slow release fertilizers and herbicides are permitted outside the required chemical-free swath. Liquid or concentrate application shall only be allowed for weed control spot spraying.

d. Plans shall be consistent with Section 4.4.2., "Shoreline Vegetation Conservation" and Section 4.4.8, "Water Quality, Storm water and non-point pollution" regulations of the Master Program.

3. A coordinated system of signs indicating the publics' right of access to shoreline areas shall be installed and maintained in conspicuous locations at the point of access and the entrance thereto.

4. 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.

5. Recreational development shall be subject to the following design requirements:

   a. Development shall be designed to maintain, enhance and/or restore desirable shoreline features including areas of native vegetation, scenic views and aesthetic values.

   b. Recreational developments shall provide non-motorized access to the shoreline such as pedestrian and bicycle paths. Motorized vehicular access is prohibited on stream beds, except for boat launching and maintenance activities.

   c. 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.

   d. 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. See "Clearing and Grading" and "Shoreline Vegetation Conservation" sections of the Master Program for specific regulations.

   e. 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.

   f. 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.

   g. 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.

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

4.7.8 Residential Development

Policies

1. New over-water residences, including floating homes, are not a preferred use and should be prohibited.
2. New multiunit residential development and land subdivisions for more than four parcels should provide community and/or public access in conformance to the City's public access planning and this Shoreline Master Program. Adjoining access shall be considered in making this determination.
3. Accessory development (to either multiple family or single family) should be designed and located to blend into the site as much as possible.
4. New residential developments and land divisions should avoid the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

Regulations

1. In case of a discrepancy between the requirements of this Master Program and the City's Zoning Code, or other regulations, consistency with the SMP, the SMA, and its provisions shall prevail.
2. The creation of new lots shall be prohibited unless all of the following can be demonstrated.
    a. A primary residence can be built on each new lot without any of the following being necessary:
        i. New structural shoreline stabilization;
        ii. New improvements in the required shoreline buffer or required critical area buffer;
        iii. Causing significant vegetation removal that adversely impacts ecological functions;
        iv. Causing significant erosion or reduction in slope stability; and
        v. Causing increased flood hazard or erosion in the new development or to other properties.
    b. Adequate sewer, water, access, and utilities can be provided.
    c. The intensity and type of development is consistent with the City comprehensive plan and development regulations.
    d. Potential significant adverse environmental impacts (including significant ecological impacts) can be avoided or mitigated to achieve no net loss of

ecological functions, taking into consideration temporal loss due to development and potential adverse impacts to the environment.

e. The development is consistent with the development standards required by the underlying zoning and with the following:

i. Lot area must be a minimum of 5,000 square feet; and

ii. Each dwelling unit must have a minimum lot area of 2,400 square feet;

3. Channel migration zones and floodplain areas should be avoided if possible when new residential lots are being created.

4. Prior to the granting of a Substantial Development Permit or Building Permit, the City shall make a determination that the proposed project is consistent with the policies and regulations of the Shoreline Master Program including the following standards:

a. 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. Adequate methods of erosion control will be utilized during and after project construction.

b. Disturbance of established, native shoreline vegetation will be minimized.

c. 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.

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

6. New multiunit residential development, including the subdivision of land for more than four parcels, shall include public access in conformance to Section 4.4.6 “Public Access” and the City’s public access planning.

7. 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 within the regulated shoreline 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, shall be as required by the City of Auburn Zoning Code or other City regulations.

c. Setbacks for Shoreline Sites from Ordinary High Water Mark in the Urban Conservancy and Shoreline Residential environment designations. The required setback for buildings and structures from the ordinary high water mark or lawfully constructed bulkhead or revetment, whichever is further upland, shall be 100 feet except that the shoreline setback shall not apply to approved docks, floats, buoys, bulkheads, launching ramps and similar structures.

d. Setbacks for Shoreline Sites from Ordinary High Water Mark in the Natural environment designation. The required setback for buildings and structures from the ordinary high water mark shall be 200 feet. Residential development is allowed on property with a Natural designation, provided the lot size and configuration can accommodate such use without locating buildings, structures, impervious surface, or other improvements within the 200-foot setback.

8. 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.
9. Height Limitations. The maximum height above average grade level of any residential structure shall be 35 feet.
10. Fences.
    a. No fence shall extend waterward of the OHWM; and,
    b. Fences waterward of the furthest waterward extension of the house shall be limited to four feet in height or less.
11. The following uses shall be permitted provided they are accommodated by residential facilities and are allowed by the underlying zoning as a permitted use (i.e., does not require a conditional use per the applicable zoning regulations):
    a. Home based daycare; and
    b. Supportive housing.

4.7.9 Signs

Policies

1. Signs should be designed, constructed and placed so that they are compatible with the natural quality of the shoreline environment and adjacent land and water uses.

Regulations

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

4.7.10 Transportation

Policies

1. Plan, locate, design and where appropriate construct, proposed roads, non-motorized systems and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.
2. The number of river crossings should be minimized.
3. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use and then as remote from the Shoreline as possible.
4. Trail and bicycle systems should be encouraged along the White and Green Rivers wherever possible.
5. Joint use of transportation corridors within the shoreline jurisdiction for roads, utilities, and non-motorized transportation should be encouraged.
6. New railroad corridors should be prohibited.

Regulations

<u>Roads & Bridges</u>

1. Developers of new roads must be able to demonstrate the following:
    a. The need for a shoreline location and that no reasonable upland alternative exists.
    b. That 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.
    c. That the project will be planned to fit the existing topography as much as possible thus minimizing alterations to the natural environment.
    d. 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.
    e. That proposed bridges will be built high enough to allow the passage of debris and anticipated high water flows.
    f. 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.
2. Developers of roads must demonstrate that:

a. 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.

3. Where bridges cross the Green and White Rivers, 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.
4. Bridges shall be used when crossing marshes, swamps, bogs, ponds, natural recharge areas and other wetlands to avoid obstructing movement of surface and groundwater.
5. 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.
6. Roads shall be located so as to avoid the use of culverts to the maximum extent possible.
7. Major roads shall cross shoreline areas by the shortest most direct route feasible, unless such route would cause significant additional environmental damage.
8. 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.
9. Private access roads serving two or more families may be two lanes in width.

Railroads

1. New railroads requiring right-of-way expansion are prohibited.
2. Expansion of existing railroad within existing rights-of-way (i.e. additional track) must demonstrate the following:
    a. The need for a shoreline location and that no reasonable upland alternative exists.
    b. 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.
    c. The identification of anticipated adverse environmental impacts and mitigation measures.
    d. That the project is planned to fit the existing topography as much as possible thus minimizing alterations to the natural environment.
    e. 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.
    f. That proposed bridges, if any, will be built high enough to allow the passage of debris and anticipated high water flows.

3. 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.
4. 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 fully established.
5. Bridges shall be used when crossing marshes, swamps, bogs, ponds, natural recharge areas and other wetlands to avoid obstructing movement of surface and groundwater.
6. Railroad overpasses and underpasses shall be encouraged and designed to promote safety for the pedestrian and for the railroad.
7. Public access improvements, including tying in to existing access, shall be required with any railroad expansion.
8. Easement crossings shall be granted by the railroad for public facilities and services as part of railroad expansion or right-of-way relocation.

4.7.11 Utilities

Policies

1. Utility facilities should be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape and vistas, preserve and protect fish and wildlife habitat, and minimize conflicts with present and planned land and shoreline uses.
2. Primary utility production and processing facilities, such as power plants, sewage treatment plants, water reclamation plants, or parts of those facilities that are non-water-oriented should not be allowed in shoreline areas.
3. Utilities should utilize existing transportation and utilities sites, rights-of-way and corridors, whenever possible. Joint use of rights-of-way and corridors should be encouraged.
4. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible. Where no other option exists, utilities should be placed underground or alongside or under bridges.
5. New utilities facilities should be located so as not to require extensive shoreline protection structures.
6. Where storm water management, conveyance, and discharge facilities are permitted in the shoreline, they should be limited to the minimum size needed to accomplish their purpose and should be sited and designed in a manner that avoids, or mitigates adverse effects to the physical, hydrologic, or ecological functions.
7. Stormwater conveyance facilities should utilize existing transportation and utility sites, rights-of-way and corridors, whenever possible. Joint use of right-of-way and corridors should be encouraged.

Regulations

1. Shoreline permit applications for installation of primary utility facilities shall include the following:
    a. Reason why utility facility requires a shoreline location;
    b. Alternative locations considered and reasons for their elimination;
    c. Location of other utility facilities in the vicinity of the proposed project including facilities of other types of utilities;
    d. Plans for reclamation of areas disturbed during construction;
    e. Plans for control of erosion and turbidity during construction;
    f. Possibility for consideration of the proposed facility within existing utility right-of-way.
2. Utilities shall be located to be consistent with the policies of comprehensive plan utilities element.
3. 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.
4. Construction of underwater utilities or those within the wetland perimeter shall be timed to avoid major fish migratory runs.
5. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially detrimental to water quality shall provide automatic shut off valves.
6. 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 fully established. Plantings shall be native species and/or be similar to vegetation in the surrounding area.
7. Above ground site specific primary utility facilities such as generating facilities, switching complexes, wastewater treatment plants, water reclamation facilities, storage tanks, and substations shall be located at least 200 feet from the ordinary high water mark unless the permittee can show the need for a shoreline location.
8. Water reclamation discharge facilities such as injection wells or activities such as land application are prohibited in the shoreline jurisdiction.
9. Where major generating facilities must be placed in a shoreline area, scenic views shall not be obstructed
10. Transmission, distribution, and conveyance facilities shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

11. Where overhead transmission lines must parallel the shoreline, they shall be outside of the two hundred (200) foot shoreline environment unless topography or safety factors would make it unfeasible.
12. Over water crossings of utilities shall be prohibited unless attached to a bridge structure.
13. Where practical, utilities should consolidate permit applications in situations where multiple permits from individual utilities are required.
14. 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.
15. Storm water management facilities, limited to detention / retention / treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the following provisions are met:
    a. Construction of the storm water facility does not displace or impact a critical area;
    b. There is no other feasible location for the storm water facility and the facility is located, constructed, and maintained in a manner that minimizes adverse effects to shoreline ecological functions;
    c. The storm water facility is designed to mimic and resemble natural wetlands and meets applicable County or State storm water management standards and the discharge water meets state water quality standards;
    d. Low impact development approaches have been considered and implemented to the maximum extent feasible.
16. Primary conveyance facilities, including storm water, wastewater, or water supply pump stations; and storm water discharge facilities such as dispersion trenches, level spreaders, and outfalls, may be located in the shoreline jurisdiction on a case by case basis with a Shoreline Substantial Development Permit when the Director of Planning, Building and Community determines that all of the following are met:
    a. Due to topographic or other physical constraints there are no feasible locations for these facilities outside the shoreline;
    b. The discharge is sited in a manner that minimizes disturbance of soils and vegetation.
    c. The discharge outlet is designed to prevent erosion and promote infiltration.
17. Construction of stormwater facilities in the shorelines jurisdiction shall be timed to avoid fish and wildlife migratory and spawning periods.

18. Proposal for all new storm water facilities shall include landscaping plans that enhance the aesthetic quality of the shoreline, utilize native vegetation, and provide for maintenance care until newly planted vegetation is established.
19. Development of stormwater facilities within the shoreline jurisdiction shall include public access to the shoreline, trails systems, or other forms of recreation, providing such uses will not unduly interfere with stormwater facility operations, endanger public health, safety, and welfare, or create a significant and disproportionate liability for the owner.

CHAPTER 5.0 Shoreline Master Program Amendments

5.1.1 Purpose.

The purpose of this chapter is to set forth procedures when proposals are made to 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.

5.1.2 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 and 90.58.200 and Chapter 173-26 WAC.

5.1.3 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.

5.1.4 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 or more owners of property affected by the proposal.

D. A department or agency of the city or governmental entity.

5.1.5 Applications required.

The Director 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 Chapter 197-11 WAC).

5.1.6 Public hearing required by planning commission.

Whenever an amendment to the use regulations and/or shoreline environment map is initiated under Section 5.1.4 of this Master Program, the Planning Commission shall hold at least one public hearing thereon, and notice of such hearing shall be given.

5.1.7 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, Chapter 173-26 WAC, and the goals and policies of the City of Auburn Comprehensive Plan.

5.1.8 Public notice.

Notice shall be given pursuant to Chapter 173-26 WAC. Additional notice may be employed at the discretion of the Director of Planning, Building, and Community.

5.1.9 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.

5.1.10 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 there to shall become effective until approval by the Department of Ecology is obtained.

CHAPTER 6.0 Shoreline Management Administrative and Permitting Procedures

Each proposed development within the Shoreline Management Act's jurisdiction will be evaluated to determine its conformance with the use activity policies and regulations, as well as the Shoreline Management Element goals and policies, the SMA, and the SMP. Even uses and activities that are exempt from the requirements for a shoreline substantial development permit must be consistent with the policies and regulations of the SMP, the SMA, and its provisions.

The following provisions are codified in Chapter 16.08 Shoreline Management Administrative and Permitting Procedures.

Sections:

16.08.010 Chapter purpose and intent.
16.08.015 Adoption of shoreline management procedures.
16.08.020 Definitions.
16.08.030 Administration and enforcement.
16.08.040 Application – Generally.
16.08.050 Application – Notices.
16.08.052 Statement of Exemption.
16.08.054 Application – Shoreline substantial development permit – Review criteria.
16.08.056 Application – Shoreline conditional use permit – Review criteria.
16.08.058 Application – Shoreline variance – Review criteria.
16.08.060 Application – Review criteria – Additional information.
16.08.070 Development conformance burden of proof.
16.08.080 Application – Hearing – Required.
16.08.090 Application – Hearing – Official conducting.
16.08.100 Application – Hearing – Continuance.
16.08.110 Application – Hearing – Decision.
16.08.120 Application – Hearing – Rules of conduct.
16.08.130 Application – Decision final.
16.08.140 Grant or denial decision – Notifications.
16.08.150 Development commencement time.
16.08.160 Termination or review and extension for nondevelopment.
16.08.170 Conditions or restrictions authorized.
16.08.180 Issuance limitations.
16.08.190 Decision appeals.
16.08.200 Rescission or modification.
16.08.210 Violation – Penalty.
16.08.220 Administration rules promulgation.

16.08.010 Chapter purpose and intent.

It is the intention of the city council that the provisions of this chapter will promulgate and adopt a program for the administration and enforcement of a permit system that shall implement by reference the State Shoreline Management Act of 1971, Chapter 90.58 RCW; the State Department of Ecology regulations and guidelines adopted as

Chapters 173-26 and 173-27 WAC; the Auburn shoreline master program attached to the ordinance codified in this chapter, together with amendments and/or additions thereto, and to provide for the implementation of the policy and standards as set forth in the aforesaid laws and regulations which are by reference made a part of this chapter with the force and effect as though set out in full in this chapter. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.010.)

16.08.015 Adoption of shoreline management procedures.

The city of Auburn hereby adopts by reference the following sections or subsections of Chapter 173-27 WAC, as amended, entitled “Shoreline Management Permit and Enforcement Procedures.”

WAC
173-27-020 Purpose
173-27-040 Developments exempt from substantial development permit requirement
173-27-050 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
173-27-210 Minimum standards for conditional use and variance permits
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
(Ord. 6095 § 1, 2008.)

16.08.020 Definitions.

As used in this chapter:

A. “Act” means the Shoreline Management Act of 1971 (Chapter 90.58 RCW) and state departmental regulations pursuant thereto, including any amendments thereto.

B. “Committee” means the planning and community development committee of the city council.

C. “Definitions by reference” means the definitions and concepts set forth in Chapter 6 of the Auburn shoreline master program attached to the ordinance codified in this chapter, the Act (RCW 90.58.030), and state departmental definitions (WAC 173-27-030 and 173-27-250) adopted pursuant thereto which shall also apply as used in this chapter as they would pertain to shorelines within the city limits.

D. “Director” means the director of the department of planning and community development of the city, or his duly authorized designee. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 71, 1985; 1957 code § 11.94.020.)

16.08.030 Administration and enforcement.

A. The director shall have the responsibility for the administration of the permit system pursuant to the requirements of the Act and regulations adopted and promulgated by the State Department of Ecology as pertains to the city.

B. The city attorney shall bring such injunctive, declaratory or other actions, which shall include the provisions of Chapter 1.25 ACC, as are necessary to ensure that no uses are made of the shorelines of the city in conflict with the provisions of this chapter or the Shoreline Management Act or in conflict with the master program, rules or regulations adopted pursuant thereto, and to otherwise enforce the provisions of this chapter and the Act. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4504 § 14, 1991; Ord. 4225 § 1, 1987; 1957 code § 11.94.030.)

16.08.040 Application – Generally.

In addition to the requirements for a completed application as set forth in ACC Title 14, applications for substantial development permits, variances and conditional use permits shall be completed on forms provided by the director. The application shall be substantially consistent with the information required by WAC 173-27-180 including the following information:

A. Completed Joint Aquatic Resource Permit Application (JARPA) form.

B. Completed intake form from WAC 173-27-990, Appendix A – Shoreline Management Act Permit Data Sheet and Transmittal Letter.

C. The name, address, phone number and e-mail address of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

D. The name, address, phone number and e-mail address of the applicant's representative, if other than the applicant.

E. The name, address, phone number and e-mail address of the property owner, if other than the applicant.

F. Location of the Property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

G. Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the Act over the project is derived (e.g., Puget Sound).

H. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

I. A general description of the property as it now exists including its physical characteristics and improvements and structures.

J. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

K. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

1. The boundary of the parcel(s) of land upon which the development is proposed.

2. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

3. Existing and Proposed Land Contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

4. A delineation of all wetland areas that will be altered or used as a part of the development.

5. A general indication of the character of vegetation found on the site.

6. The dimensions and locations of all existing and proposed structures and improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

7. Where applicable, a landscaping plan for the project.

8. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

9. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.

10. Quantity, composition and destination of any excavated or dredged material.

11. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

12. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

L. Copy of completed SEPA environmental checklist, declaration of nonsignificance or environmental impact statement, if required. Note that if the environmental review has not occurred prior to application for a shoreline permit, the time period for application review may be extended.

M. The names, addresses and legal description for each parcel of property within 300 feet of the exterior boundary of the subject property as shown by the records of the King County or Pierce County assessor.

N. Other information, plans, data and diagrams as required by the shoreline administrator.

The director shall determine if the application is complete based upon the information required by this chapter. The application may be submitted by the property owner, lessee, contract purchaser, other person entitled to possession of the property, or by an

authorized agent. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 72, 1985; 1957 code § 11.94.040(a).)

16.08.050 Application – Notices.

The director shall give notice of the application in accordance with the applicable provisions of ACC 14.07.040, no less than 30 days prior to permit issuance.

The notices shall include a statement that any person desiring to present his view to the director with regard to the application may do so in writing to the director, and any person interested in the hearing examiner's action on an application for a permit may submit his views or notify the director of his interest within 30 days of the last date of publication of the notice. Such notification or submission of views to the director shall entitle said persons to a copy of the action taken on the application. (Ord. 6095 § 1, 2008; Ord. 5811 § 5, 2003; Ord. 5170 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 73, 1985; 1957 code § 11.94.040(b).)

16.08.052 Statement of Exemption.

Where development proposals in shoreline jurisdiction are subject to review, approval, and permitting by a federal or state agency, the Director shall prepare a statement of exemption, addressed to the applicant, the federal or state permitting agency, and Ecology. The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the analysis demonstrating consistency of the project with the Auburn SMP and the SMA.

16.08.054 Application – Shoreline substantial development permit – Review criteria.

A. A substantial development permit shall be granted by the director only when the development proposed is consistent with the following:

1. Goals, objectives, policies and use regulations of the Auburn SMP;
2. Auburn Comprehensive Plan and Municipal Code; and
3. The policies, guidelines, and regulations of the SMA (Chapter 90.58 RCW; Chapters 173-26 and 173-27 WAC).

B. The director may attach conditions to the approval of permits as necessary to assure consistency of the proposal with the above criteria. (Ord. 6095 § 1, 2008.)

16.08.056 Application – Shoreline conditional use permit – Review criteria.

A. Pursuant to WAC 173-27-210, the criteria below shall constitute the minimum criteria for review and approval of a shoreline conditional use permit. Uses classified as conditional uses, and not uses prohibited by the regulations of this SMP, may be authorized; provided, that the applicant can demonstrate all of the following:

1. That the proposed use will be consistent with the policies of RCW 90.58.020, the policies of this SMP, the city of Auburn comprehensive plan and other applicable plans, programs and/or regulations;
2. That the proposed use will not interfere with the normal public use or access to public shorelines;

3. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

4. That the proposed use will cause no unreasonably adverse effects to the shoreline, will not result in a net loss of ecological functions, and will not be incompatible with the environment designation or zoning classification in which it is to be located;

5. That the public interest suffers no substantial detrimental effect;

6. That the proposed use is in the best interest of the public health, safety, morals or welfare; and

7. That consideration of cumulative impacts resultant from the proposed use has occurred and has demonstrated that no substantial cumulative impacts are anticipated, consistent with WAC 173-27-160(4).

B. The director may attach conditions to the approval of permits as necessary to assure consistency of the proposal with the above criteria.

C. The decision of the hearing examiner shall be the final decision of the city. The Department of Ecology shall be the final authority authorizing a shoreline conditional use permit consistent with WAC 173-27-200. (Ord. 6095 § 1, 2008.)

16.08.058 Application – Shoreline variance – Review criteria.

A. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP, and where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020. Requests for allowing uses different than those specifically identified as allowed in the shoreline environment cannot be considered in the variance process, but shall be considered through the conditional use process in ACC 16.08.080.

B. Pursuant to WAC 173-27-210, the criteria below shall constitute the minimum criteria for review and approval of a shoreline variance permit. Variance permits for development that will be located landward of the ordinary high water mark (per RCW 90.58.030(2)(b) definition), except those areas designated as marshes, bogs or swamps pursuant to Chapter 173-22 WAC, may be authorized, provided the applicant can demonstrate all of the following:

1. That the strict requirements of the bulk, dimensional or performance standards set forth in the master program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by this SMP;

2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and not, for example, from deed restrictions or the applicant's own actions;

3. That the design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

4. That the variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief; and

5. That the public interest will suffer no substantial detrimental effect;

6. Variance permits for development that will be located either waterward of the ordinary high water mark or within marshes, bogs or swamps as designated in Chapter 173-22 WAC, may be authorized, provided the applicant can demonstrate all the criteria stated above as well as the following:

a. That the strict application of the bulk, dimensional or performance standards set forth in this SMP precludes all reasonable use of the property not otherwise prohibited by this SMP; and

b. That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

C. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of Chapter 90.58 RCW and should not produce substantial adverse effects to the shoreline environment or result in a net loss of ecological functions.

D. The decision of the hearing examiner shall be the final decision of the city. The Department of Ecology shall be the final authority authorizing a shoreline variance consistent with WAC 173-27-200. (Ord. 6095 § 1, 2008.)

16.08.060 Application – Review criteria – Additional information.

A. The director shall review an application for a permit based on the following:

1. The application;

2. The environmental impact statement, if one has been prepared, or other environmental documents;

3. Written comments from interested persons;

4. Information and comments from other city departments affected and from the city attorney;

5. Independent study of the planning department staff and evidence presented at the public hearing held pursuant to provisions of this chapter.

B. The director may require that an applicant furnish information in addition to the information required in the application forms prescribed. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.040(c).)

16.08.070 Development conformance burden of proof.

The burden of proving that the proposed development is consistent with the criteria set forth in this chapter and the master plan for the city shall be on the applicant, plus the requirements pursuant to Section 14(6) of the Act. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.040 (d).)

16.08.080 Application – Hearing – Required.

A. The hearing examiner shall hold at least one public hearing on each application for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance on shorelines within the city. The public hearing shall be held not less than 30 days following the final publication of the notice required by ACC 16.08.050.

B. The notice and conduct of the public hearing shall be in accordance with Chapter 18.66 ACC. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.050(a).)

16.08.090 Application – Hearing – Official conducting.

The public hearing required by ACC 16.08.080 shall be conducted by the hearing examiner. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.050(b).)

16.08.100 Application – Hearing – Continuance.

If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the hearing examiner may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 74, 1985; 1957 code § 11.94.050(c).)

16.08.110 Application – Hearing – Decision.

When the hearing examiner renders a decision, the hearing examiner shall make and enter written findings from the record and conclusions thereof which support the decision. The findings and conclusions shall set forth the manner in which the decision is consistent with the criteria set forth in the Act and departmental regulations. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 75, 1985; 1957 code § 11.94.050(d).)

16.08.120 Application – Hearing – Rules of conduct.

The hearing examiner shall have the power to prescribe rules and regulations for the conduct of hearings and to issue summonses for and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested persons or their counsel in accordance with the rules of the hearing examiner. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 76, 1985; 1957 code § 11.94.050 (e).)

16.08.130 Application – Decision final.

The decision of the hearing examiner shall be the final decision of the city, unless appealed to the State Shorelines Hearings Board, pursuant to ACC 16.08.190. On all applications the hearing examiner shall render a written decision and transmit copies of such decision to persons who are required to receive copies of the decision pursuant to ACC 16.08.140. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 77, 1985; 1957 code § 11.94.050 (f).)

16.08.140 Grant or denial decision – Notifications.

The director shall notify the following persons in writing of the hearing examiner's final approval, disapproval or conditional approval of a substantial development permit,

shoreline conditional use permit, or shoreline variance application within eight days of its final decision:

A. The applicant;

B. The State Department of Ecology;

C. The State Attorney General;

D. Any person who has submitted to the director written comments on the application;

E. Any person who has written the director requesting notification. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 78, 1985; 1957 code § 11.94.060(a).)

16.08.150 Development commencement time.

Development pursuant to a substantial development permit shall not begin and shall not be authorized until 21 days from the date the director files the approved substantial development permit with the State Department of Ecology and Attorney General, or until all review proceedings initiated within 21 days of the date of such filing have been terminated. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 79, 1985; 1957 code § 11.94.060(b).)

16.08.160 Termination or review and extension for nondevelopment.

Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to this chapter must be undertaken within two years after permit approval or the permit shall terminate. If such progress has not been made, a new permit application will be required. If a project for which a permit has been granted has not been completed within five years after permit approval, the director shall, at the expiration of the five-year period, review the permit; and, upon a showing of good cause, either extend the permit for one year or terminate the permit; provided, that no permit shall be extended unless the applicant has requested such review and extension prior to the permit expiration date. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.060(c).)

16.08.170 Conditions or restrictions authorized.

In granting or extending a permit, the director may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as he finds necessary to make the permit compatible with the criteria set forth in the Act and state departmental regulations. Such conditions may include the requirement to post a performance bond assuring compliance with other permit requirements, terms and conditions. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.060(d).)

16.08.180 Issuance limitations.

Issuance of a substantial development permit does not obviate requirements for other federal, state and county permits, procedures and regulations. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.060(e).)

16.08.190 Decision appeals.

Any person aggrieved by the granting, denying or rescission of a substantial development permit by the hearing examiner may seek review from the State Shorelines Hearings Board by filing a petition for review with the board within 21 days of the date of filing, as defined by RCW 90.58.140(6), of the council's final decision. Within seven days of the filing of the petition for review with the board, the person seeking review shall serve a copy of his petition with the State Department of Ecology, the office of the Attorney General and the director. (Ord. 6186 § 3, 2008; Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 80, 1985; 1957 code § 11.94.070.)

16.08.200 Rescission or modification.

A. Any permit granted pursuant to this chapter may be rescinded or modified upon a finding by the director that the permittee has not complied with the conditions of his permit.

B. The director may initiate rescission and modification proceedings by serving written notice of noncompliance on the permittee.

C. Before a permit can be rescinded or modified, a public hearing shall be held by the hearing examiner no sooner than 30 days following the service of notice upon the permittee. The hearing examiner shall have the power to prescribe rules and regulations for the conduct of such hearings. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 81, 1985; 1957 code § 11.94.080.)

16.08.210 Violation – Penalty.

A. The criminal and civil penalties contained in the provisions of the State Act are hereby adopted.

B. In addition to the penalties adopted in subsection A of this section, any violation of this chapter may be enforced pursuant to the provisions of Chapter 1.25 ACC. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4504 § 15, 1991; Ord. 4225 § 1, 1987; 1957 code § 11.94.090.)

16.08.220 Administration rules promulgation.

The director is authorized to adopt such rules as are necessary and appropriate to implement this chapter. The director may prepare and require the use of such forms as are necessary to its administration. (Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.100.)

Exhibit A.

Shoreline Environment Designation Maps

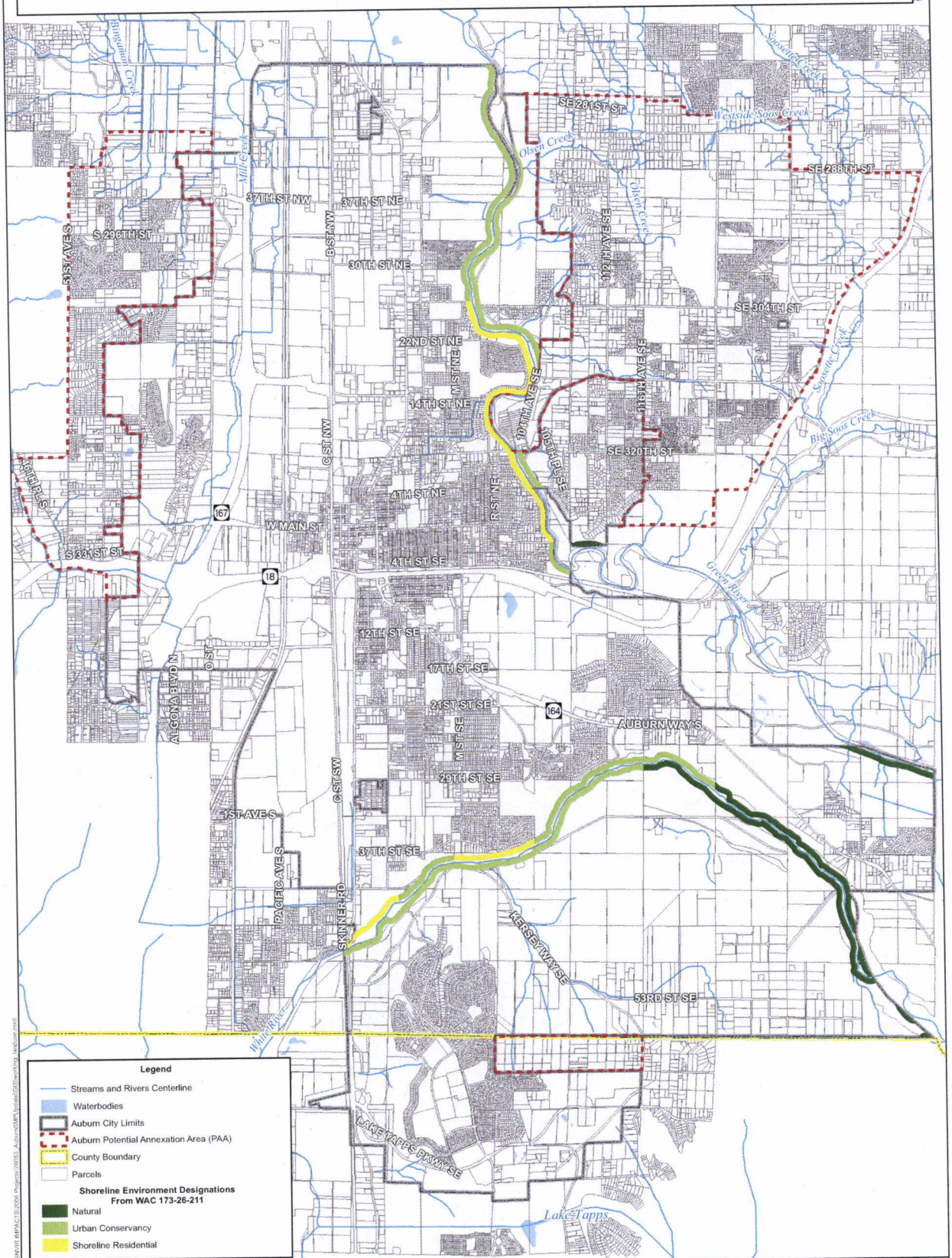
1. Overview Map (city-wide)
2. Green River 1
3. Green River 2
4. Green River 3
5. Green River 4
6. White River 1
7. White River 2
8. White River 3
9. White River 4
10. White River 5

CITY OF AUBURN WASHINGTON

Auburn Shoreline Master Program

Shoreline Environment Designations

ADOLFSON



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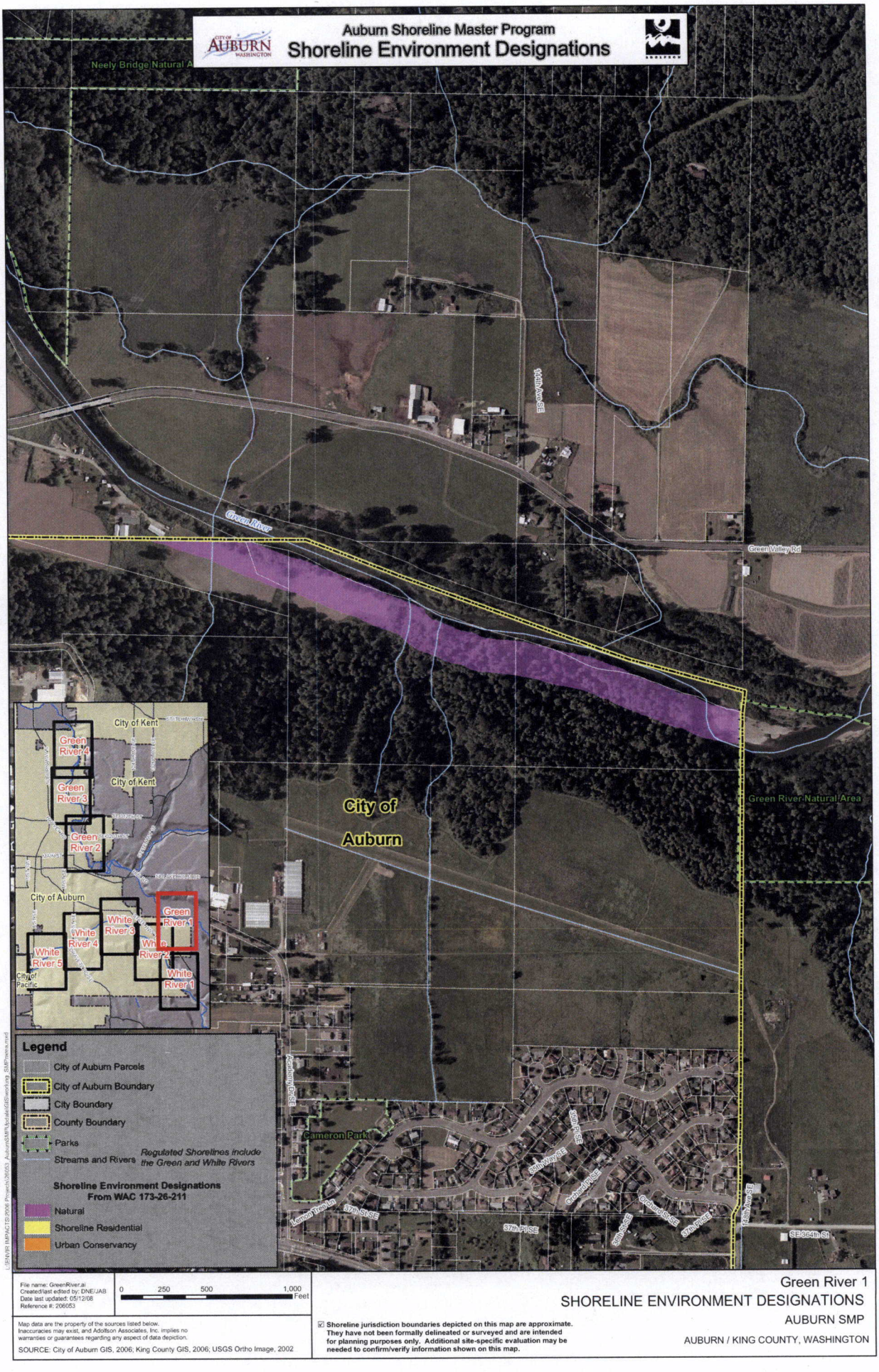
SOURCE: City of Auburn GIS, 2006; King County GIS, 2005

☑ **Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.**

SHORELINE ENVIRONMENT DESIGNATIONS

AUBURN SMP

AUBURN, WASHINGTON



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Map data are the property of the sources listed below. Inaccuracies may exist, and Adolfson Associates, Inc. implies no warranties or guarantees regarding any aspect of data depiction.

SOURCE: City of Auburn GIS, 2006; King County GIS, 2006; USGS Ortho Image, 2002

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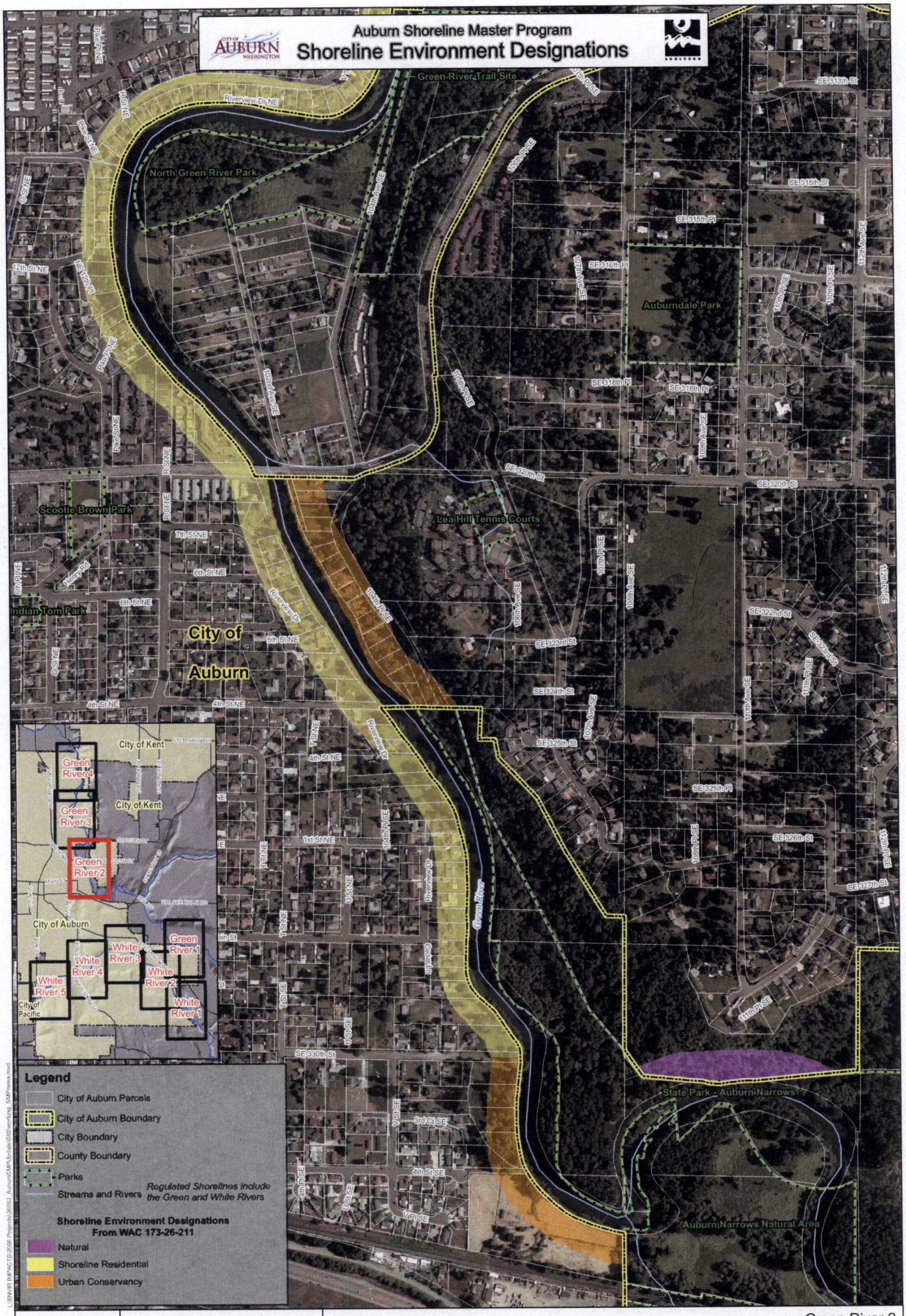
Green River 1
SHORELINE ENVIRONMENT DESIGNATIONS
AUBURN SMP
AUBURN / KING COUNTY, WASHINGTON


Auburn Shoreline Master Program
Shoreline Environment Designations
Green River Trail Site
North Green River Park
Auburndale Park
Scootie Brown Park
Lea Hill Tennis Courts
Indian Tom Park
City of Auburn
State Park - Auburn Narrows
Auburn Narrows Natural Area
City of Kent
City of Auburn
City of Pacific
Green River 4
Green River 3
Green River 2
Green River 1
White River 5
White River 4
White River 3
White River 2
White River 1
Legend
City of Auburn Parcels
City of Auburn Boundary
City Boundary
County Boundary
Parks
Streams and Rivers
Regulated Shorelines include the Green and White Rivers
Shoreline Environment Designations From WAC 173-26-211
Natural
Shoreline Residential
Urban Conservancy
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Green River 2
SHORELINE ENVIRONMENT DESIGNATIONS
AUBURN SMP
AUBURN / KING COUNTY, WASHINGTON

Auburn Shoreline Master Program
Shoreline Environment Designations
Auburn Regional Golf Course
City of Auburn
Brannan Park
Auburn Regional Golf Course
Issac Evans Park
Dykstra Park
State Park - Auburn Narrows
Green River Trail Site
North Green River Park
Green River 4
Green River 3
Green River 2
Green River 1
White River 3
White River 4
White River 5
White River 2
White River 1
City of Kent
City of Auburn
City of Pacific
Legend
City of Auburn Parcels
City of Auburn Boundary
City Boundary
County Boundary
Parks
Streams and Rivers
Regulated Shorelines include the Green and White Rivers
Shoreline Environment Designations From WAC 173-26-211
Natural
Shoreline Residential
Urban Conservancy
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Date last updated: 05/12/08
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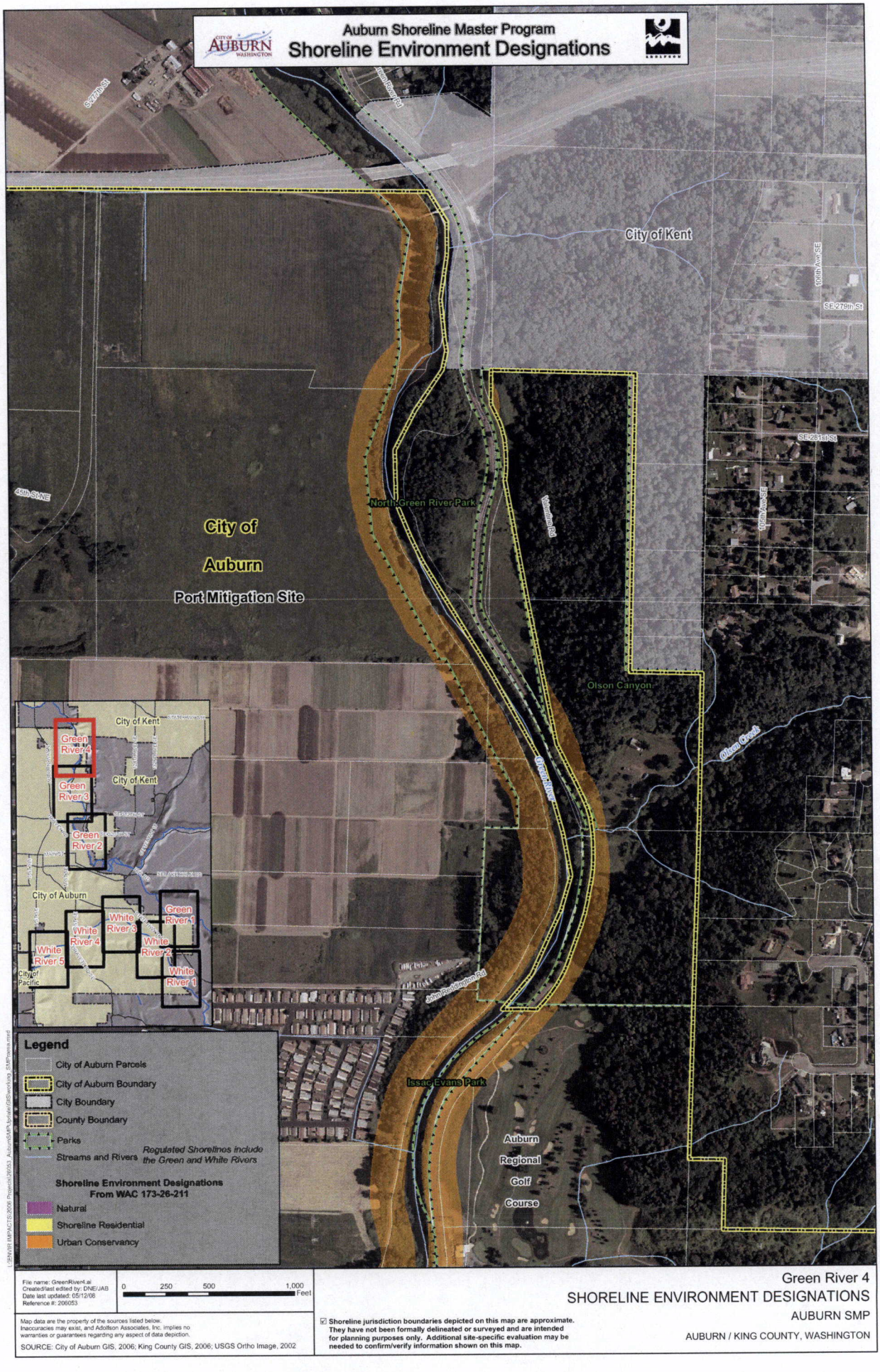
Green River 3
SHORELINE ENVIRONMENT DESIGNATIONS
AUBURN SMP
AUBURN / KING COUNTY, WASHINGTON



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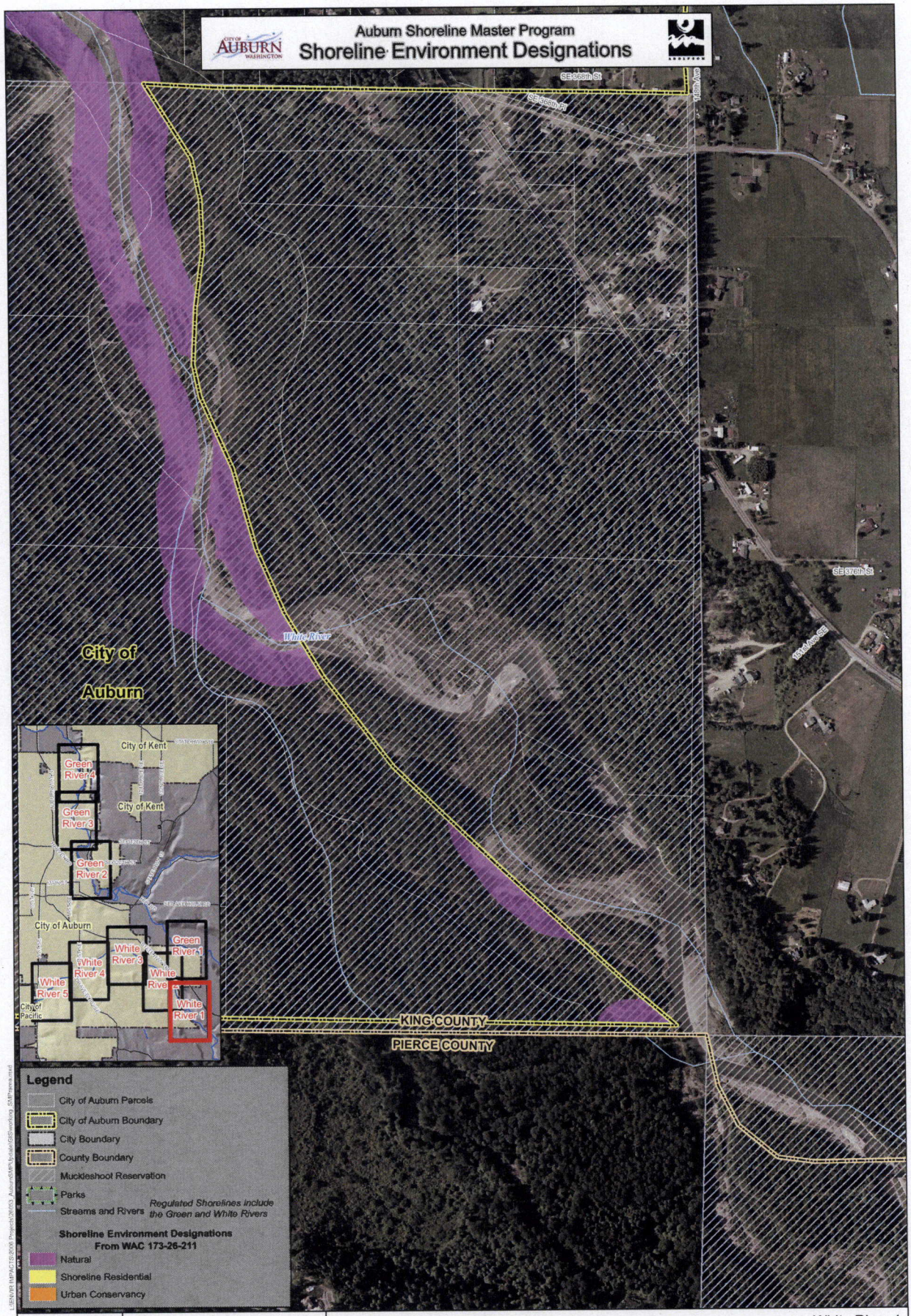
Green River 4
SHORELINE ENVIRONMENT DESIGNATIONS
AUBURN SMP
AUBURN / KING COUNTY, WASHINGTON



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SOURCE: City of Auburn GIS, 2006; King County GIS, 2006; USGS Ortho Image, 2002

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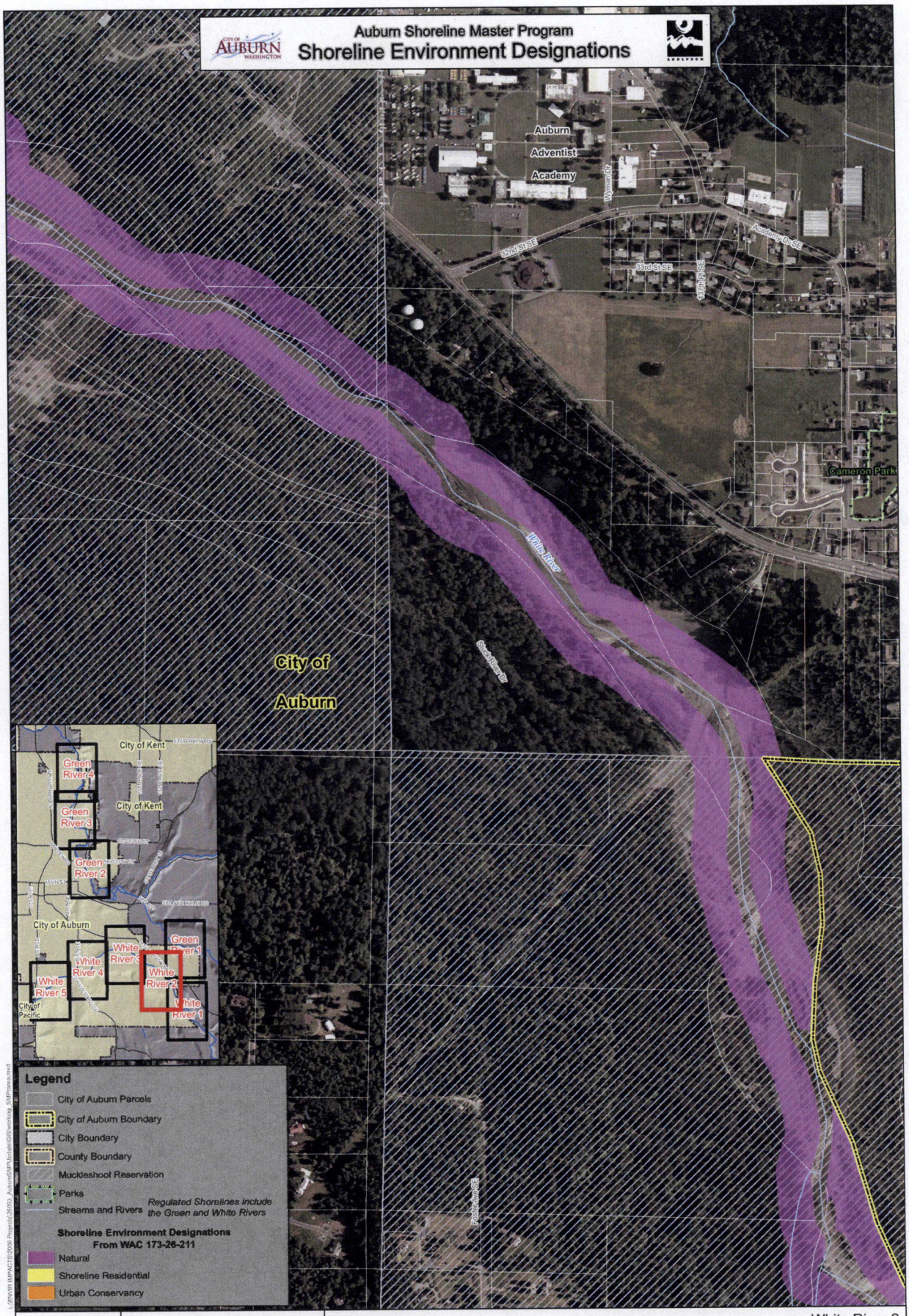
White River 1
SHORELINE ENVIRONMENT DESIGNATIONS
AUBURN SMP
AUBURN / KING COUNTY, WASHINGTON



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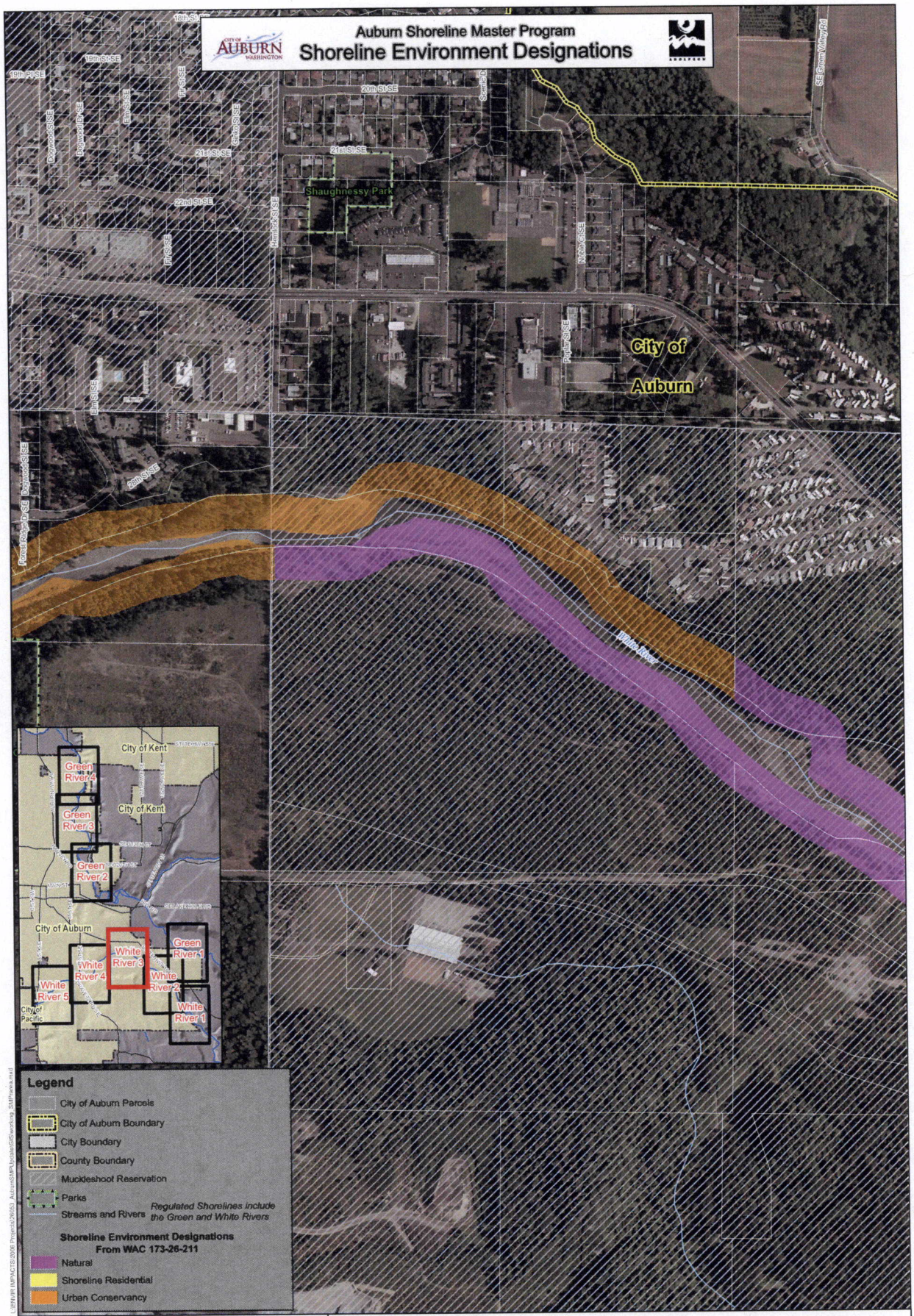
White River 2
SHORELINE ENVIRONMENT DESIGNATIONS
AUBURN SMP
AUBURN / KING COUNTY, WASHINGTON



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Date last updated: 05/12/08
Reference #: 206053

0 250 500 1,000 Feet

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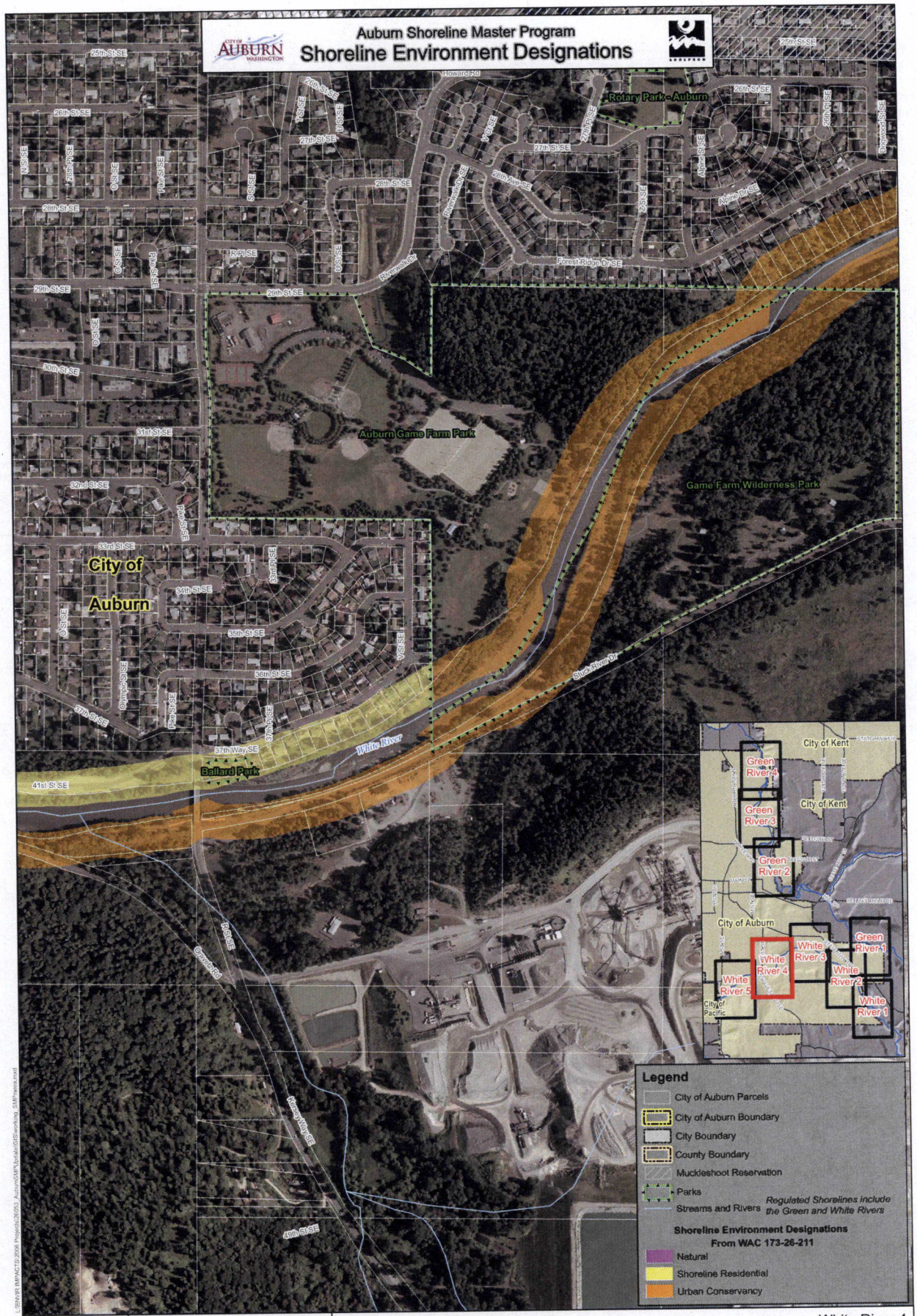
White River 3
SHORELINE ENVIRONMENT DESIGNATIONS
AUBURN SMP

AUBURN / KING COUNTY, WASHINGTON


Auburn Shoreline Master Program
Shoreline Environment Designations
CITY OF AUBURN WASHINGTON
ADOLFSON
Rotary Park - Auburn
Auburn Game Farm Park
Game Farm Wilderness Park
City of Auburn
Ballard Park
White River
Stuck River Dr
Howard Rd
Riverwalk Dr
Forest Ridge Dr SE
25th St SE
26th St SE
27th St SE
28th St SE
29th St SE
30th St SE
31st St SE
32nd St SE
33rd St SE
34th St SE
35th St SE
36th St SE
37th Way SE
41st St SE
49th St SE
Green River 4
Green River 3
Green River 2
Green River 1
White River 3
White River 4
White River 5
White River 2
White River 1
City of Kent
City of Auburn
City of Pacific
Legend
City of Auburn Parcels
City of Auburn Boundary
City Boundary
County Boundary
Muckleshoot Reservation
Parks
Streams and Rivers
Regulated Shorelines include the Green and White Rivers
Shoreline Environment Designations From WAC 173-26-211
Natural
Shoreline Residential
Urban Conservancy
0 250 500 1,000 Feet
File name: WhiteRiver4.ai
Created/last edited by: DNE/JAB
Date last updated: 05/12/08
Reference #: 206053
Map data are the property of the sources listed below. Inaccuracies may exist, and Adolfson Associates, Inc. implies no warranties or guarantees regarding any aspect of data depiction.
SOURCE: City of Auburn GIS, 2006; King County GIS, 2006; USGS Ortho Image, 2002
Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.
White River 4
SHORELINE ENVIRONMENT DESIGNATIONS
AUBURN SMP
AUBURN / KING COUNTY, WASHINGTON

File name: WhiteRiver5.ai
Created/last edited by: DNE/JAB
Date last updated: 05/12/08
Reference #: 206053

0 250 500 1,000 Feet

Map data are the property of the sources listed below. Inaccuracies may exist, and Adolfson Associates, Inc. implies no warranties or guarantees regarding any aspect of data depiction.

SOURCE: City of Auburn GIS, 2006; King County GIS, 2006; USGS Ortho Image, 2002

☑ Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

White River 5
SHORELINE ENVIRONMENT DESIGNATIONS
AUBURN SMP
AUBURN / KING COUNTY, WASHINGTON

Appendices

A. Critical Area Provisions in Shoreline Jurisdiction (Applicable Sections of ACC Chapter 16.10)

B. ACC Chapter 18.54 Nonconforming Structures, Land and Uses

C. Geologic Hazard Report Submittal Requirements

D. Permit Data Sheet