
CITY OF SEATAC

SHORELINE MANAGEMENT CODE

City of SeaTac
Department of Planning and Community Development
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(Revised 4/11)

Number	Effective Date	Subject
10-1002	2/7/11	Adds Title 18, shoreline management code (18.I, 18.II, 18.III, 18.IV, 18.V, 18.VI, 18.VII)
10-1004	2/6/10	Amends §§ 15.16.020, 15.16.025 and 15.16.040, sign code (15.16)
10-1010	3/6/10	Amends § 15.13.010, zoning (15.13)
10-1011	3/20/10	Adds §§ 15.10.683.03 and 15.20.049; amends § 15.20.020, zoning code (15.10, 15.20)
10-1015	5/8/10	Amends § 16A.15.010, development review code (16A.15)
10-1017	6/5/10	Adds §§ 15.10.157 and 15.10.158; amends §§ 15.10.249 and 15.12.020, zoning (15.10, 15.12)
10-1024	11/6/10	Adds §§ 15.10.078.06, 15.10.078.06.01, 15.10.078.08, 15.10.101, 15.10.238, 15.10.239, 15.10.239.02, 15.10.239.03, 15.10.239.04, 15.10.239.05, 15.10.239.06, 15.10.239.07, 15.10.401, 15.10.418, 15.10.423, 15.10.470.07, 15.10.510.02 and Ch. 15.40; amends §§ 15.12.060, 15.14.060, 15.15.030, 15.35.150 and 15.38.150, zoning code (15.10, 15.12, 15.14, 15.15, 15.35, 15.38, 15.40)
10-1026	12/11/10	Amends §§ 15.35.140 and 15.35.820, zoning code (15.35)
10-1027	12/11/10	Amends § 15.16.120, zoning code (15.16)
11-1001	2/19/11	Adds § 15.20.048; amends § 15.20.020, zoning (15.20)
11-1002	2/19/11	Replaces planning and community development department with community and economic development department; amends classification and compensation plan (2.15, 2.25, 11.05, 13.190, 14.15, 14.16, 14.18, 14.20, 15.05, 15.10, 15.12, 15.13, 15.14, 15.15, 15.16, 15.19, 15.20, 15.21, 15.22, 15.23, 15.26, 15.28, 15.30, 15.31A, 15.35, 15.36, 15.37, 15.38, 15.40, 16A.03, 16A.07, 16A.21, 16A.23, 17.08, 17.12, 17.20, 17.24, 17.60, 18.II, 18.III)
11-1004	3/19/11	Amends §§ 15.14.125, 15.36.020 and 15.36.710; repeals § 15.14.130, zoning (15.14, 15.36)
11-1006	4/23/11	Amends § 15.16.080, sign code (15.16)

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PART I.**GOALS****CHAPTERS:**

18.100 Purpose**18.105 Authority and Application**

18.100 Purpose

The purposes of this master program are:

- A. To carry out the responsibilities imposed on the City of SeaTac by the Washington State Shoreline Management Act (Chapter 90.58 RCW).
- B. To promote the public health, safety, and general welfare, by providing a guide and regulation for the future development of the shoreline resources of the City of SeaTac.
- C. To adopt the policies of Chapter 90.58 RCW and the goals of this master program, both of which hereafter follow.
- D. To comply with the shoreline master program guidelines (Chapter 173-26 WAC), including a particular focus on including regulations and mitigation standards to ensure that development under the shoreline master program will not cause a net loss of ecological functions. (Ord. 10-1002 § 2 (Exh. B))

18.105 Authority and Application

- A. The provisions of this title shall apply to all parcels surrounding Angle Lake from the ordinary high water mark (OHWM) to two hundred (200) feet landward.
- B. No development shall be undertaken by any person on the shorelines of the state (Angle Lake) unless such development is consistent with the provisions of this title and the goals and policies of the shoreline master program.
- C. Development prohibited by this title but permitted elsewhere within the City is prohibited only within the shorelines of the state (Angle Lake). (Ord. 10-1002 § 2 (Exh. B))

PART II.**DEFINITIONS****CHAPTERS:**

18.200 Definitions

18.200 Definitions

The following definitions apply to this title:

“Accessory use” or “accessory structure” means any subordinate use, structure, or building or portion of a building located on the same lot as the main use or building to which it is accessory.

“Accretion” means the growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, and hooks.

“Act” means the Shoreline Management Act (Chapter 90.58 RCW and Chapter 173-27 WAC).

“Adjacent lands” means lands adjacent to the shorelines of the state (outside of the shoreline jurisdiction). The SMA directs local governments to develop land use controls (i.e., zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local shoreline master program (see RCW 90.58.340).

“Administrator” means the City Community and Economic Development Director or his/her designee, charged with the responsibility of administering the shoreline master program.

“Agriculture” means the cultivation of the soil, production of crops, and/or raising of livestock, including incidental preparation of these products for human use. In all cases, the use of agriculture-related terms shall be consistent with the specific meanings provided in WAC 173-26-020.

“AKART” is an acronym for “all known, available, and reasonable methods of prevention, control, and treatment” (WAC 173-201A-020). AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

“Anadromous fish” means species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to procreate.

“Appurtenance” means a structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. (On a statewide 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 (250) cubic yards [except to construct a conventional drainfield] and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark; see WAC 173-27-040(2)(g).)

“Aquaculture” means the commercial cultivation of fish, shellfish, and/or other aquatic animals or plants including the incidental preparation of these products for human use.

“Aquascreen” means a fiberglass screen used as a bottom barrier to limit and/or control aquatic plant growth. The screen is typically anchored to an area of the lake bottom and functions as a physical barrier to prevent plants from growing on the lake bottom.

“Archaeological” means having to do with the scientific study of material remains of past human life and activities.

“Architectural standards” means rules, regulations, or guidelines relating to the design, size, configuration or location of buildings and structures including setbacks, height, and bulk restrictions. It may include other structural design or configuration conditions required as part of a variance or conditional use permit intended to improve the compatibility between adjacent structures, activities, or uses.

“Associated wetlands” means those wetlands that are in proximity to and either influence, or are influenced by, tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-27-030(1).

“Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided, that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure (WAC 173-27-030(3)).

“Baseline” means the existing shoreline condition, in terms of both ecological function and shoreline use, established at the time this shoreline master program is approved.

“Beach” means the zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

“Beach enhancement/restoration” means the process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

“Beach feeding” means landfill deposited on land or in the water to be distributed by natural water processes for the purpose of supplementing beach material.

“Benthic organisms” means organisms that live in or on the bottom of a body of water.

“Benthos” are living organisms associated with the bottom layer of aquatic systems, at the interface of the sediment (or substrate) and overlying water column. Benthos commonly refers to an assemblage of insects, worms, algae, plants and bacteria.

“Berm” means a linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

“Best available science” means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

“Best management practices (BMPs)” are methods of improving water quality that can have a great effect when applied by numerous individuals. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in storm water runoff and in receiving waters.

Bioengineering. See “soil bioengineering.”

“Biofiltration system” means a storm water or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

“Biota” means the animals and plants that live in a particular location or region.

BMPs. See “best management practices (BMPs).”

“Boat launch or ramp” means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

“Boat lift” means a mechanical device that can hoist vessels out of the water for storage. These devices are usually located along a pier.

“Boat rail or railway” means a set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

“Boathouse” means a structure designed for storage of vessels located over water. Boathouses should not be confused with “houseboats.”

“Boating facility” means a public moorage structure or a private moorage structure serving more than four residences.

“Bog” means a wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

“Breakwater” means an off-shore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave-caused erosion.

“Bulkhead” means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

“CERCLA” means Comprehensive Environmental Response, Compensation, and Liability Act (“Superfund”); 1986 amendments are known as Superfund Amendments and Reauthorization Act or SARA.

Certified Engineer/Biologist. See “professional engineer” and “professional biologist.”

“CFR” means Code of Federal Regulations.

“Chapter 90.58 RCW” means the Shoreline Management Act of 1971.

“City” means the City of SeaTac.

“Clean Water Act” means the primary federal law providing water pollution prevention and control; previously known as the federal Water Pollution Control Act. See 33 USC 1251 et seq.

“Clearing” means the destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

“Commercial” means uses and facilities that are involved in wholesale or retail trade or business activities.

“Comprehensive Plan” means the document, including maps adopted by the City Council, that outlines the City’s goals and policies relating to management of growth, and prepared in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36.70A RCW.

“Conditional use” means a use, development, or substantial development that is classified as a conditional use or is not classified within the applicable master program. Refer to WAC 173-27-030(4).

“Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore providing permanent or long-term protection.

“Covered moorage” means boat moorage, with or without walls, that has a roof to protect the vessel.

“Cumulative impact” means the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

“CZMP” means Coastal Zone Management Plan.

“Degrade” means to scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

“Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3)(d)).

“DNS” means determination of nonsignificance, under SEPA.

“Dock” means a floating moorage structure.

“Downdrift” means the direction of movement of beach materials.

“Dredge spoil” means the material removed by dredging. Same as dredge material.

“Dredging” means excavation or displacement of the bottom or shoreline of a water body. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for cleanup of polluted sediments.

“Dwelling unit” means a single unit providing complete, independent living facilities for one (1) or more persons, not to exceed one (1) family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

“Ecological functions” means the work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

“Ecology (WDOE)” means the Washington State Department of Ecology.

“Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

“EIS” means environmental impact statement.

“EI” means the terminal section of a pier which typically extends perpendicular to the pier walkway. These sections can be either on fixed piles or floating docks and are typically wider than the pier walkway.

“Emergency” means an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3)(e)(iii) and WAC 173-27-040(2)(d)).

“Endangered Species Act (ESA)” means a federal law intended to protect any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range.

“Enhancement” means alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

“Environmental impacts” means the effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA). Refer to WAC 197-11-600 and 197-11-444.

Environmentally Sensitive Areas Ordinance 03-1037, SeaTac. This ordinance (codified in Chapter 15.30 SMC) provides the goals, policies, and implementing regulations for protecting the designated critical areas of SeaTac. The ordinance addresses environmentally sensitive area development controls; measures important for protecting and preserving these resources; preventing or mitigating cumulative adverse environmental impacts to critical areas; and serves to alert the public to the development limitations of critical areas.

“Environments (shoreline environment)” means designations given specific shoreline areas based on the existing development pattern, the biophysical capabilities and limitations, and the goals and aspirations of local citizenry, as part of a master program.

“Erosion” means the wearing away of land by the action of natural forces.

“Excavated moorage slip” means a boat mooring location that is manmade in that it requires dredging or excavation of excess sediment to afford access. Such slips may often involve dredging of the lake bottom waterward of the OHWM, or may include excavating a segment of the existing shoreline to enable moorage of a boat.

“Excavation” is the artificial movement of earth materials.

Exemption. Certain specific developments are exempt from the definition of “substantial development” and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (WAC 172-27-040). For a complete list of exemptions, see Part VII of this title.

“Fair market value” of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials (WAC 173-27-030(8)).

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

“Finger pier” means a narrow extension to a fixed-pile pier, usually extending perpendicular to the pier walkway along with an ell to form an enclosed area for boat moorage.

“Float” means a floating structure that is moored, anchored, or otherwise secured in the water offshore and that may be associated with a fixed-pile pier, or may be a stand-alone structure, such as platforms used for swimming and diving.

“Floating dock” means a fixed structure floating upon a water body for the majority of its length and connected to shore.

“Floating home” means a structure designed and operated substantially as a permanently based overwater residence. Floating homes are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.

“Floodplain” is synonymous with one hundred (100) year floodplain. The land area susceptible to being inundated by stream-derived waters with a one (1) percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA (WAC 173-22-030(2)).

“Floodway” means the area, as identified in a master program, that either: (1) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (2) consists of 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, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, 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.

“Geotechnical report” or “geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

“Grading” means the physical manipulation of the earth’s surface and/or drainage pattern in preparation for an intended use or activity.

“Grassy swale” means a vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

“Groin” means a barrier-type structure extending from, and usually perpendicular to, the backshore into a water body. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. This is accomplished by building or preserving an accretion beach on its updrift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

“Habitat” means the place or type of site where a plant or animal naturally or normally lives and grows.

“Hearing Examiner” means the Hearing Examiner of the City of SeaTac.

“Height” means the distance measured from the average grade level to the highest point of a structure; provided, that television antennas, chimneys and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines; provided further, that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)).

“Heliport” means any landing area or other facility owned and operated, and which is designed, used or intended to be used by private aircraft for landing or taking off of aircraft, including all associated or necessary buildings and open spaces.

“Hoist” means a device used for lifting or lowering a load by means of a drum or lift-wheel around which rope or chain wraps. It may be manually operated, electrically or pneumatically driven and may use chain, fiber or wire rope as its lifting medium.

“Houseboat” means a vessel principally used as an overwater residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring and the presence of adequate self-propulsion and steering equipment to operate as a vessel. Principal use as an overwater residence means occupancy in a single location, for a period exceeding two months in any one (1) calendar year. This definition includes liveaboard vessels.

“HPA” means hydraulic project approval. The permit issued by the Washington State Department of Fish and Wildlife pursuant to the State Hydraulic Code, RCW 75.20.100 through 75.20.140.

“Hydric soils” means, generally, soils which are, or have had a history of being, wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants (WAC 173-22-030(5)).

“Hydrophytes” means those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (WAC 173-22-030(5)).

“Impervious surface” means any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas, but excluding landscaping and surface water retention/detention facilities.

“In-kind replacement” means to replace wetlands, habitat, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced or degraded by an activity.

“Interested party,” synonymous with “party of record,” means all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail (WAC 173-27-030(12)).

“Lacustrine” (also “lacustrian”) means of, on, or pertaining to lakes.

“Lake” means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake’s ordinary high water mark within the stream (RCW 90.58.030(1)(d); WAC 173-20-030; WAC 173-22-030(4)).

“Landfill” means the creation of, or addition to, a dry upland area (landward of the OHWM) by the addition of rock, soil, gravels and earth or other material. Does not include solid or hazardous waste.

“Landscaping” means vegetation ground cover including shrubs, trees, flower beds, grass, ivy and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance.

Launching Rail. See “boat launch or ramp” and “boat rail or railway.”

Launching Ramp. See “boat launch or ramp” and “boat rail or railway.”

“Littoral” means living on, or occurring on, the shore.

“Littoral drift” means the mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

“Mitigation” or “mitigation sequencing” means the process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. See WAC 173-26-020(30) and 197-11-768. “Mitigation” or “mitigation sequencing” means the following sequence of steps listed in order of priority, with subsection (1) of this definition being top priority:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. 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;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

“Moorage” means any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessel (such as a pier or buoy).

“Moorage piles” means structural members that are driven into the lake bed to serve as a stationary moorage point. They are typically used for moorage of small boats in the absence of, or instead of, a dock or pier. In some cases, moorage piles may be associated with a dock or pier.

“Mooring buoy” means a floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

“Multi-family dwelling (or residence)” means a building containing two (2) or more dwelling units, including but not limited to duplexes, apartments and condominiums.

Native Plants. These are plants that occur naturally, and that distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s.

“Natural riparian habitat corridor” means the streamside environment designed and maintained primarily for fisheries and wildlife habitat, water quality improvements and secondarily for flood control works.

“NEPA” means National Environmental Policy Act. NEPA requires federal agencies to consider environmental factors when making decisions, especially for development proposals of a significant scale. As part of the NEPA process, EISs are prepared and public comment is solicited.

“NFIP” means National Flood Insurance Program.

“NOAA” means National Oceanic and Atmospheric Administration.

“Nonconforming use or development” means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions (WAC 173-27-080).

“Normal maintenance” means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2)(b)). See also “normal repair.”

“Normal protective bulkhead” includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land (WAC 173-27-040(2)(c)).

“Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(2)(b)). See also “normal maintenance.”

“Off-site replacement” means to replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

“Oil separator” means specialized catch basins that are designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system. Commonly employed in parking lots and streets.

“On-site replacement” means to replace wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted by a regulated activity.

“Ordinary high water mark (OHWM)” means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits

issued by a local government or the department; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(11).

“Overwater structure” means any device or structure projecting over the ordinary high water mark, including, but not limited to, piers, docks, floats, and moorage.

“Permit” (or “shoreline permit”) means any substantial development, variance or conditional use permit, or revision, or any combination thereof, authorized by the Act. Refer to WAC 173-27-030(13).

“Pier” means a fixed, pile-supported moorage structure.

“Practicable alternative” means an alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology and logistics in light of overall project purposes.

“Priority habitat” means a habitat type with unique or significant value to one (1) or more species. An area classified and mapped as priority habitat must have one (1) or more of the following attributes:

1. Comparatively high fish or wildlife density;
2. Comparatively high fish or wildlife species diversity;
3. Fish spawning habitat;
4. Important wildlife habitat;
5. Important fish or wildlife seasonal range;
6. Important fish or wildlife movement corridor;
7. Rearing and foraging habitat;
8. Important marine mammal haul-out;
9. Refugia habitat;
10. Limited availability;
11. High vulnerability to habitat alteration;
12. Unique or dependent species; or
13. 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 non-priority fish and wildlife.

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

1. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
2. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
3. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
4. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

“Professional biologist” means a specialist with education and training in the area of natural sciences concerned with the plants and animal life of a region.

“Professional engineer” means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering and is licensed by the state of Washington or another state.

“Properly functioning conditions (PFC)” means conditions that create and sustain natural habitat-affecting processes over the full range of environmental variation, and that support productivity at a viable population level of PTE species.

PFC indicates a level of performance for a subset of the more broadly defined “ecological functions,” reflecting what is necessary for the recovery of PTE species.

“Proposed, threatened, and endangered (PTE) species” means those native species that are proposed to be listed or are listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act.

“Public access” is the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

“Public interest” means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030(14)).

“Public use” means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis. Refer to WAC 332-30-106.

“RCW” means Revised Code of Washington.

“Recreational facilities” means facilities such as parks, trails, and pathways, whether public, private or commercial, that provide a means for relaxation, play, or amusement. For the purposes of this master program, recreational facilities are divided into two (2) categories:

1. Water-dependent (i.e., moorage facilities, fishing piers, recreational floats);
and
2. Non-water-dependent (i.e., sports fields, golf courses, and RV camping).

“Recreational float” means a floating structure that is moored, anchored, or otherwise secured in the water off-shore and that is generally used for recreational purposes such as swimming and diving.

“Residential development” means development which is primarily devoted to or designed for use as a dwelling(s). Residential development includes single-family development, multi-family development and the creation of new residential lots through land division.

“Restore,” “restoration” or “ecological restoration” 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.

“Riparian” means of, on, or pertaining to the banks of a river, stream or lake.

“Riprap” means a layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

“Rotovating” means an aquatic vegetation harvesting technique that uses rototilling technology to uproot and remove plants.

“Runoff” means water that is not absorbed into the soil but rather flows along the ground surface following the topography.

“Sediment” means the fine-grained material deposited by water or wind.

SEPA. See “State Environmental Policy Act.”

SEPA Checklist. A checklist is required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. The checklist will also help to reduce or avoid impacts from a proposal, and help the responsible governmental agency decide whether a full environmental impact statement (EIS) is required (WAC 197-11-960).

“Setback” means a required open space, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark.

“Shorelands” or “shoreland areas” means those lands extending landward for two hundred (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 (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the Shoreline Management Act. Shorelands in the City of SeaTac are limited to those areas within two hundred (200) feet of the ordinary high water mark of Angle Lake and any associated wetlands.

“Shoreline administrator” means the City of SeaTac Community and Economic Development Director or his/her designee, charged with the responsibility of administering the shoreline master program.

“Shoreline environment designations” means the categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. See WAC 173-26-211.

“Shoreline jurisdiction” means the term describing all of the geographic areas covered by the SMA, related rules and the applicable master program. Also, such areas within a specified local government’s authority under the SMA. In the City of SeaTac, shoreline jurisdiction includes Angle Lake, those areas within two hundred (200) feet of the ordinary high water mark of Angle Lake and any associated wetlands. See definitions of “shorelines,” “shorelines of the state,” “shorelines of statewide significance,” “shorelands,” and “wetlands.”

“Shoreline Management Act (SMA)” means Chapter 90.58 RCW, as amended. Washington’s Shoreline Management Act was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.

“Shoreline master program (SMP)” means the comprehensive use plan and related use regulations which are used by local governments to administer and enforce the permit system for shoreline management. Master programs must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

“Shoreline modification” 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.

“Shoreline permit” means a substantial development, conditional use, revision, or variance permit or any combination thereof (WAC 173-27-030(13)).

“Shoreline stabilization” means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural and nonstructural methods.

“Shorelines” means all of the water areas of the state, including reservoirs and their associated uplands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

“Shorelines Hearings Board” means a state-level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government. See RCW 90.58.170 and 90.58.180.

“Shorelines of statewide significance” means a select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special preservationist policies apply and where greater planning authority is granted by the SMA. Permit review must acknowledge the use priorities for these areas established by the SMA. See RCW 90.58.020.

“Shorelines of the state” means “shorelines” and “shorelines of statewide significance.”

“Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this master program, against taking the action.

“Sign” means a board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

“Single-family residence” means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are normal appurtenances (WAC 173-27-040(2)(g)).

SMA. See “Shoreline Management Act.”

SMP. See “shoreline master program.”

“Soil bioengineering” means an applied science that combines structure, biological and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

“Solid waste” means all garbage, rubbish, trash, refuse, debris, scrap, waste materials and discarded materials of all types whatsoever, whether the sources be residential or commercial, exclusive of hazardous wastes, and including any and all source-separated recyclable materials and yard waste.

State Environmental Policy Act (SEPA). SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

“Stream” means a naturally occurring body of periodic or continuously flowing water where: (1) the mean annual flow is greater than twenty (20) cubic feet per second and (2) the water is contained within a channel (WAC 173-22-030(8)).

“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (WAC 173-27-030(15)).

“Substantial development” means any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen dollars (\$5,718), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this

definition must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one (1) month before the new dollar threshold is to take effect (RCW 90.58.030(3)(e)). For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. A list of activities and developments that shall not be considered substantial development is provided in Chapter 18.705(D) SMC. (WAC 173-27-040(2).)

"Terrestrial" means of or relating to land as distinct from air or water.

"Upland" is generally described as the dry land area above and landward of the ordinary high water mark.

"Utilities" means services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, storm water, sewage and communications.

"Utilities, accessory" means utilities comprised of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer and storm water service lines.

"Utilities, primary" means utilities comprised of trunk lines or mains that serve neighborhoods, areas and cities. Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities and mains, power generating or transmission facilities, gas storage and transmission facilities and storm water mains and regional facilities.

"Variance" means a means to grant relief from the specific bulk, dimensional or performance standards specified in the applicable master program, but not a means to vary a shoreline use. Variance permits must be specifically approved, approved with conditions, or denied by Ecology (see WAC 173-27-170).

"WAC" means Washington Administrative Code.

"Water-dependent use" means a use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include moorage structures (including those associated with residential properties), ship cargo terminal

loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

“Water-enjoyment use” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

“Water-oriented use” refers to any combination of water-dependent, water-related, and/or water-enjoyment uses and serves as an all-encompassing definition for priority uses under the SMA. “Non-water-oriented” serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores and gas stations.

“Water quality” means the physical characteristics of water within the shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term “water quantity” refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

“Water-related use” means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products’ cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

“Watershed restoration plan” means a plan developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, and/or the Department of Transportation acting within or 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.

“Wetlands” or “wetland areas” means areas that are inundated or saturated by surface 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 nonwetland 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 nonwetland areas to mitigate the conversion of wetlands.

“Zoning” means to designate by ordinance, including maps, areas of land reserved and regulated for specific land uses. (Ord. 11-1002 § 3; Ord. 10-1002 § 2 (Exh. B))

PART III.**GENERAL REGULATIONS****CHAPTERS:**

18.300	Archaeological and Historic
18.305	Environmental Impacts
18.310	Public Access and Recreation
18.315	Vegetation Conservation (Clearing and Grading)
18.320	Water Quality, Storm Water, and Nonpoint Pollution

18.300 Archaeological and Historic

- A. Local developers and property owners shall immediately stop work and notify the City, the Department of Archaeology and Historic Preservation and affected Native American tribes if archaeological resources are uncovered during excavation.
- B. A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources. Failure to comply with this requirement shall be considered a violation of the shoreline permit.
- C. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archeological, natural scientific or historical value, a shoreline substantial development permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The City may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
- D. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030(3)(e)(iii) necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
- E. Archaeological sites located both in and outside the shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Records) and shall comply with Chapter 25-48 WAC or its successor as well as the provisions of this master program.

- F. Identified historical or archaeological resources shall be considered in park, open space, public access, and site planning with access to such areas designed and managed to give maximum protection to the resource and surrounding environment.
- G. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate. (Ord. 10-1002 § 2 (Exh. B))

18.305 Environmental Impacts

- A. All shoreline uses and developments shall be located, designed, constructed and mitigated to result in no net loss of ecological functions necessary to sustain shoreline natural processes.
- B. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority:
 - 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - 2. 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;
 - 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - 4. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - 6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- C. Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
- D. The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline uses and activities shall utilize best management practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore prop-

erties and features are not adversely affected. Physical control measures include, but are not limited to, catch basins, settling ponds, oil/water separators, filtration systems, grassy swales, interceptor drains and landscaped buffers. All types of BMPs require regular maintenance to continue to function as intended. BMPs are identified in the City's adopted storm water manual.

- F. All shoreline developments and uses shall utilize effective erosion control methods during both construction and operation.
- G. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
- H. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. When required by the Public Works Director, surface drainage systems or substantial earth modifications shall be designed by a civil engineer registered to practice in the state of Washington. The Director may also require additional studies prepared by a qualified soils specialist. These designs shall seek to prevent maintenance problems, avoid adverse impacts to adjacent properties or shoreline features, and result in no net loss of shoreline ecological functions.
- I. All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline protection structures (bulkheading, riprap, etc.) and stabilization, landfills, groins, jetties, or substantial site regrades.
- J. Identified significant short-term, long-term, or cumulative adverse environmental impacts lacking appropriate mitigation that is likely to achieve no net loss of ecological functions necessary to sustain shoreline processes shall be sufficient reason for permit denial. (Ord. 10-1002 § 2 (Exh. B))

18.310 Public Access and Recreation

- A. Public access shall be required for all shoreline development and uses, except for single-family residences or residential projects containing less than four (4) dwelling units.
- B. Public access requirements shall be applied as follows:
 - 1. A shoreline development or use that does not provide public access may be authorized, provided it is demonstrated by the applicant and determined by the City that one (1) or more of the following provisions apply.
 - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;

- b. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 - d. Unacceptable environmental harm will result from the public access which cannot be mitigated; or
 - e. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
- C. Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:
- 1. Regulating access by such means as limiting hours of use to daylight hours.
 - 2. Designing separation of uses and activities with such means as fences, terracing, hedges, and landscaping.
 - 3. Providing access that is physically separated from the proposal, such as a nearby street end, an off-site viewpoint, or a trail system.
- D. Where the above conditions cannot be met, a payment in lieu of providing public access shall be required in accordance with state law.
- E. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, natural vegetation shall not be excessively removed either by clearing or by topping.
- F. Public access sites shall be connected directly to the nearest public street through a parcel boundary, tract, or easement.
- G. Public access sites shall be made barrier-free for the physically disabled where feasible.
- H. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
- I. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat, if applicable, or short plat as a condition running in perpetuity with the land.

- J. Recording with the King County Recorder's Office shall occur at the time of permit approval (RCW 58.17.110, relating to subdivision approval).
- K. The standard state-approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Alternatively, where public access is prohibited, property owners may install signs indicating this, subject to size and location restrictions in a required permit.
- L. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.
- M. Physical public access shall be designed to prevent significant impacts to sensitive natural systems.
- N. The City shall require the use of environmentally friendly materials and technology in such things as building materials, paved surfaces, porous pavement, etc., when developing public access to the shoreline.
- O. Where public access is to be provided by a trail, the following requirements shall apply:
 - 1. The trail shall be no greater than ten (10) feet in total improved width, which may include one (1) foot gravel shoulders. Not including landscaping, no more than eight (8) feet of improved surface is preferable in most cases.
 - 2. Pervious pavement should be used for public access within the shoreline management area unless the Shoreline Administrator determines that such use is not in the public interest because of safety, durability, aesthetic or functionality concerns.
 - 3. Where feasible, the trail shall be placed at least fifty (50) feet from the ordinary high water mark.
 - 4. Landscaping should be native and drought tolerant or site appropriate.
 - 5. Other specific conditions described in a trail or parks plan.
- P. Whenever financially feasible and practical, the City shall require the use of building materials and technologies whose production and use result in reduced environmental impacts when developing public access to the shoreline. Porous pavements shall be used unless the applicant demonstrates to the satisfaction of the Shoreline Administrator that such materials would restrict accessibility, pose a safety hazard or are not sufficiently durable. (Ord. 10-1002 § 2 (Exh. B))

18.315 Vegetation Conservation (Clearing and Grading)

- A. All clearing and grading activities must adhere to the requirements of the City's code pertaining to land, clearing and grading (Chapter 13.190 SMC, Grading Code), landscaping (Chapter 15.14 SMC, Landscaping) and all additional requirements provided in the SMP. Additional clearing and grading performance standards may be required as a condition of permit issuance to ensure the proposal will result in no net loss of shoreline ecological functions.
1. Prior to issuance of any construction, grading, or building permits, a landscape bond or other suitable financial guarantee as approved by the City Attorney shall be submitted to the Department of Community and Economic Development. The amount of the landscape bond or other financial guarantee shall equal one hundred fifty percent (150%) of the estimated cost of the landscaping.
 2. Prior to final issuance of a building permit, land use permit or occupancy, a maintenance bond or other acceptable financial guarantee equal to thirty percent (30%) of the replacement cost of the landscaping shall be submitted. The bond or other suitable financial guarantee shall be maintained for a three (3) year period, at which point the Building Official and the City Manager, or designee, will determine if the bond shall be released or extended to maintain landscaped areas.
- B. In all shoreline areas, land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development.
- C. Clearing and grading activities may only be allowed when associated with a permitted shoreline development.
- D. Any normal and routine maintenance of existing trees shall not be subject to these clearing and grading regulations; provided, that said maintenance does not involve removal of healthy trees and is not detrimental to the health of any trees.
- E. Any significant placement of materials from off site (other than surcharge or preload), or the substantial creation or raising of dry upland, shall be considered fill and shall also comply with the fill provisions in Chapter 18.640 SMC.
- F. Clearing and grading activities and related alteration of the natural landscape shall only be allowed in association with a permitted shoreline use or development with limited exceptions as set forth below:
1. Removal of noxious weeds as listed by the state in Chapter 16-750 WAC, provided such activity shall be conducted in a manner consistent with best management practices and the City of SeaTac's engineering and

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- storm water design standards, and native vegetation shall be promptly reestablished in the disturbed area.
2. Pruning consistent with accepted arboricultural practices, maintenance of existing ornamental landscapes and other activities allowed pursuant to these regulations; provided, that said modification is conducted in a manner consistent with this master program and results in no net loss to ecological functions or critical fish and wildlife habitats.
 3. Maintenance or restoration of view corridors; provided, that said activity is conducted in a manner consistent with this master program and results in no net loss to ecological functions or critical fish and wildlife habitat areas.
- G. The City shall regulate tree removal and land clearing within the shoreline jurisdiction to protect ecological functions. The City shall require a report prepared by a qualified professional as part of any substantial development permit that includes tree removal and land clearing. The report shall identify appropriate mitigation, performance assurances and maintenance and monitoring requirements necessary to assure no net loss of ecological function necessary to sustain shoreline processes.
- H. Native understory vegetation and trees within the Urban Conservancy environment and within shoreline setback areas in all environments shall be retained, unless necessary to provide water access, to provide limited view corridors or to mitigate a hazard to life or property. Where limited removals are allowed pursuant to the conditions provided above, vegetation shall be replaced to assure no net loss is achieved.
- I. Within all other shoreline areas, tree removal shall be limited to the minimum necessary to accommodate proposed structures and uses or to mitigate a hazard to life or property, and significant trees shall be replaced at an appropriate ratio to assure no net loss is achieved.
- J. Restoration of any shoreline that has been disturbed or degraded shall use native plant materials, unless such restoration occurs within a developed and maintained ornamental landscape, in which case noninvasive plant materials similar to that which most recently occurred on site may be used.
- K. Surfaces cleared of vegetation and not developed must be replanted with native species or other species as approved by the City within one (1) year. Replanted areas shall be planned and maintained such that, within three (3) years' time, the vegetation is at least ninety (90) percent re-established.
- L. Extensive lawns are discouraged due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications, and will not be allowed in areas where significant native vegetation has been cleared.

- M. Stabilization of exposed erosion-prone surfaces within the shoreline environment shall, wherever feasible, utilize soil bioengineering techniques.
- N. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including Washington Department of Fish and Wildlife requirements. Control of aquatic vegetation by mechanical methods is exempt from the requirement to obtain a shoreline substantial development permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.
- O. The control of aquatic vegetation by derooting, rotovating or other methods which disturb the bottom sediment or benthos shall be considered development for which a shoreline substantial development permit is required.
- P. The application of herbicides or pesticides in Angle Lake, wetlands, or ditches requires a permit from the Washington Department of Ecology and may require preparation of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture. (Ord. 11-1002 § 2; Ord. 10-1002 § 2 (Exh. B))

18.320 Water Quality, Storm Water, and Nonpoint Pollution

- A. All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff-intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and fugitive dust controls.
- B. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for storm water storage basins.
- C. All shoreline development shall comply with the applicable requirements of the City's adopted Surface Water Design Manual and all applicable City storm water regulations.
- D. All shoreline development shall implement applicable low impact development techniques to the maximum extent feasible, pursuant to the standards contained in the adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor. (Ord. 10-1002 § 2 (Exh. B))

PART IV.

SHORELINE ENVIRONMENTAL DESIGNATIONS

CHAPTERS:

18.400	Shoreline Dimensional Standards Summary Table
18.405	High Intensity
18.410	Medium Intensity
18.415	Shoreline Residential
18.420	Urban Conservancy
18.425	Aquatic Environment
18.430	Flexible Shoreline Setback Regulations

18.400 Shoreline Dimensional Standards Summary Table

Table 1 – Shoreline Dimensional Standards

SHORELINE STANDARD	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC⁴
Maximum Height	55 ft. ¹	55 ft. ¹	30 ft. (55 ft. ¹ in areas zoned UH-900 and 40 feet in areas zoned UM-3,600)	35 ft.	N/A ⁶
Shoreline Setback²	65 ft. (standard) may be reduced to 50 ft. (minimum) with enhancement	N/A ³	65 ft. (standard) may be reduced to 50 ft. (minimum) with enhancement	100 ft. (standard) may be reduced to 65 ft. (minimum) with enhancement ⁵	N/A ⁶
Maximum Impervious Surface Coverage	50%	40%	40%	10%	N/A ⁶
Minimum Lot Frontage and Width	100 ft.	100 ft.	50 ft.	100 ft.	N/A ⁶
Minimum Lot Size and Lot Density	900 sq. ft. per unit (except 3,000 sq. ft. for single family)	900 sq. ft. per unit (except 3,000 sq. ft. for single family)	7,200 sq. ft. (except 900 sq. ft. per unit in UH-900 and 3,600 sq. ft. per unit in UM-3,600)	No further subdivision is allowed	N/A ⁶

1. Development shall also be subject to the height limits established by the underlying zoning, but in no case shall the height exceed fifty-five (55) feet above average grade level. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. A height of more than thirty-five (35) feet can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not diminish views of the Lake from surrounding properties.
2. The standard setback applies unless the applicant implements voluntary enhancements as described in the following regu-

lations and in Table 2, Shoreline Setback Reduction Mechanisms. The setback may be reduced by the Shoreline Administrator to the minimum setback indicated in Table 1. Please see zoning regulations for interior lot setbacks and other requirements that apply to specific zones.

3. The Medium Intensity environment is a parallel environment located a minimum of one hundred (100) feet from the OHWM of Angle Lake, therefore no shoreline setback applies.
4. Land-based standards do not apply in the Aquatic designation. Height of all structures shall be the minimum necessary for the proposed water-dependent use.
5. No reduction is allowed from the one hundred (100) foot minimum shoreline setback on the former Hughes property, where the Urban Conservancy environment is parallel with the Medium Intensity environment and more restrictive requirements are necessary to protect comparatively high ecological function.
6. Not Applicable. Standard is generally not applicable in the Aquatic environment because only water-dependent structures and development, such as docks, are allowed.

(Ord. 10-1002 § 2 (Exh. B))

18.405 High Intensity

A. Shoreline Use. The following uses are prohibited in the Shoreline High Intensity environment:

1. Aquaculture.
2. Dry cleaners.
3. Mobile refueling operations.
4. Forest practices.
5. Manufacturing.
6. Mining.
7. Parking as a primary use.
8. Solid waste disposal or transfer sites (excluding storage of recyclable materials).

B. Height Limit. Except in those cases when the height requirements of the underlying zones are more restrictive, no new or expanded building or structure shall have a height of thirty-five (35) feet to a maximum height of fifty-five (55) feet above average grade level, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. The maximum height of fifty-five (55) feet can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not diminish views of the Lake from surrounding properties; otherwise, the maximum height of thirty-five (35) feet shall apply.

C. Setbacks.

1. Unless otherwise specified herein, permanent structures shall be set back from the ordinary high water mark as indicated in Chapter 18.400 SMC, Table 1, and the related development regulations in Chapter 15.13 SMC,

Zone Classification Standards. Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline.

- a. Permanent and temporary structures and all new development not identified in subsection (C)(1)(b) of this chapter shall be set back from the ordinary high water mark as indicated in Chapter 18.400 SMC, Table 1, Shoreline Dimensional Standards and the related development regulations in Chapter 15.13 SMC, Zone Classification Standards. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.
 - b. Development associated with water-dependent uses, public and private access to the water and ecological restoration is not required to meet the minimum setback. However, where such development is approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the feasible operation of the use.
2. All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the SeaTac Municipal Code (SMC) for the zone in which the development occurs. In the event of a conflict between a provision in the SMP and a provision in the SMC, the requirement that provides the most protection to the shoreline management area shall be applied.
- D. Lot Width and Frontage. The minimum required width of a lot and lake frontage in the High Intensity environment shall be one hundred (100) feet.
- E. Impervious Coverage. The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have a maximum fifty percent (50%) impervious surface coverage within the shoreline area, unless a variance is approved. The City will encourage practices that further minimize impervious surfaces and storm water runoff, including use of best available technologies. (Ord. 10-1002 § 2 (Exh. B))

18.410 Medium Intensity

- A. Shoreline Use. The following uses are prohibited in the Medium Intensity environment:
1. Aquaculture.
 2. Commercial uses as a primary use (small, resident-oriented commercial uses that are part of a mixed-use project may be permitted).
 3. Dry cleaners.
 4. Mobile refueling operations.

5. Forest practices.
 6. Manufacturing uses.
 7. Mining.
 8. Parking as a primary use.
 9. Solid waste disposal or transfer sites (excluding storage of recyclable materials).
- B. Height Limit. Except in those cases when the height requirements of the underlying zones are more restrictive, no new or expanded building or structure shall have a height of thirty-five (35) feet to a maximum height of fifty-five (55) feet above average grade level, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. The maximum height of fifty-five (55) feet can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not diminish views of the Lake from surrounding properties; otherwise, the maximum height of thirty-five (35) feet shall apply.
- C. Setbacks. All development shall comply with the standards for setbacks, yard requirements and all applicable provisions in the SeaTac Municipal Code (SMC) for the zone in which the development occurs. In the event of a conflict between a provision in the SMP and a provision in the SMC, the requirement that provides the most protection to the shoreline management area shall be applied.
- D. Lot Width. The minimum required lot width in the Medium Intensity environment shall be one hundred (100) feet.
- E. Impervious Coverage. The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have no more than forty percent (40%) impervious surface coverage within the shoreline area, unless a variance is approved. The City will encourage practices that further minimize impervious surfaces and storm water runoff, including use of best available technologies. (Ord. 10-1002 § 2 (Exh. B))

18.415**Shoreline Residential**

- A. Shoreline Use. The following are prohibited in the Shoreline Residential environment:
1. Aquaculture.
 2. Commercial uses as a primary use (commercial uses that are incidental to the primary residential use and are compatible with the residential

character of the neighborhood, such as home occupations, may be permitted).

3. Forest practices.
 4. Manufacturing uses.
 5. Mining.
 6. Parking as a primary use.
 7. Non-water-oriented recreational facilities as a primary use (recreational facilities as an accessory use and multi-use trails may be permitted upon approval of a conditional use permit; minor trails are permitted).
 8. Solid waste disposal or transfer sites (excluding storage of recyclable materials).
- B. Height Limit. New or expanded buildings or structures shall not exceed a height of thirty (30) feet above average grade level for single-family development. Multi-family development shall be regulated by the underlying zoning but in no case shall the height exceed fifty-five (55) feet above average grade level (unless as specified under Chapter 15.13 SMC, Zone Classification Standards). The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. The maximum height of fifty-five (55) feet can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not diminish views of the Lake from surrounding properties; otherwise, the maximum height limit of thirty-five (35) feet shall apply.
- C. Setbacks.
1. Unless otherwise specified herein, permanent structures and non-water related accessory structures shall be set back from ordinary high water mark as indicated in Chapter 18.400 SMC, Table 1, and the related development regulations for residential development. Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline.
 - a. Permanent and temporary structures shall be set back from the ordinary high water mark as indicated in Chapter 18.500 SMC, Table 3, and the related development regulations for residential development in Chapter 18.550 SMC. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.
 - b. Development associated with water-dependent uses, shoreline access and ecological restoration is not required to meet the minimum setback. However, where such development is approved within the minimum setback, the placement of structures and hard surfaces shall be

limited to the minimum necessary for the feasible operation of the use.

2. All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the SeaTac Municipal Code (SMC) for the zone in which the development occurs. In the event of a conflict between a provision in the SMP and a provision in the SMC, the requirement that provides the most protection to the shoreline management area shall be applied.
- D. Lot Width. The minimum required lot width and lake frontage in the Shoreline Residential environment shall be fifty (50) feet.
- E. Impervious Coverage. The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have no more than forty percent (40%) impervious surface coverage, unless a variance is approved. The City will encourage practices that further minimize impervious surfaces and storm water runoff, including use of best available technologies. (Ord. 10-1002 § 2 (Exh. B))

18.420 Urban Conservancy

A. Shoreline Use.

1. Land uses that are permitted in the Urban Conservancy shoreline environment include:
 - a. Water-oriented recreation.
 - b. Non-water-oriented recreation as an accessory use.
 - c. Minor trails.
 - d. Scientific, historical, cultural and educational uses.
 - e. Restoration activities.
 - f. Utilities (accessory).
2. The following may be permitted as conditional uses in the Urban Conservancy environment:
 - a. Boating facilities.
 - b. Ancillary commercial development.
 - c. Parking as an accessory use.
 - d. Multi-use trails.

- e. Transportation facilities.
 - f. Utilities (primary).
 3. All new uses and developments permitted or allowed as conditional uses in the Urban Conservancy environment must be compatible with conserving, protecting and restoring ecological conditions of the shoreline.
 4. The following uses are prohibited in the Urban Conservancy environment:
 - a. Aquaculture.
 - b. Commercial uses (primary).
 - c. Non-water-oriented recreational facilities (primary).
 - d. Forest practices.
 - e. Manufacturing.
 - f. Mining.
 - g. Residential development.
 - h. Roads, utilities and parking areas that can be located outside of the shoreline area.
 5. New uses and developments must demonstrate consistency with the Urban Conservancy management policies.
- B. Height Limit. Except in those cases when the height requirements of the underlying zones are more restrictive, no new or expanded building or structure shall exceed a height of thirty (30) feet above average grade level, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances.
- C. Setbacks.
1. Permanent and temporary structures and all other non-water-related development shall be set back from the ordinary high water mark as indicated in Chapter 18.400 SMC, Table 1, and the related development regulations for recreation in Chapter 18.545 SMC. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.
 2. All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the SeaTac Municipal Code (SMC) for the zone in which the development occurs. In the event of a conflict between a provision in this SMP and a provision in another

part of the SMC, the requirement that provides the most protection to the shoreline management area shall be applied.

- 3. Developments associated with an ecological restoration or interpretation, water-dependent uses and public access are not required to meet the minimum setback. However, where such development can be approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking be allowed within the minimum setback without a shoreline variance that reduces the setback to allow parking outside of the reduced setback.
- D. Lot Width. The minimum required lot width and lake frontage in the Urban Conservancy environment shall be one hundred (100) feet.
- E. Impervious Coverage. The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have no more than ten percent (10%) impervious surface coverage, unless a variance is approved. The City will encourage practices that further minimize impervious surfaces and storm water runoff, including use of best available technologies. (Ord. 10-1002 § 2 (Exh. B))

18.425 Aquatic Environment

Regulations and performance standards that apply to individual uses and developments are listed in Part V of this title, including a summary of allowed, conditional and permitted uses in Chapter 18.500 SMC, Table 3, Shoreline Uses. (Ord. 10-1002 § 2 (Exh. B))

18.430 Flexible Shoreline Setback Regulations

- A. The following shoreline setback reduction standards apply to all development in the shoreline jurisdiction, including redevelopment, outside of the Hughes property in the Urban Conservancy environment. Shoreline setbacks may be reduced by the following standards identified in Table 2:

Table 2 – Shoreline Setback Reduction Mechanisms

REDUCTION MECHANISM		REDUCTION ALLOWANCE
Water-Related Actions		
1	Removal of an existing bulkhead covering at least seventy-five percent (75%) of the shoreline frontage which is located at, below, or within five (5) feet landward of the shoreline’s ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, beach/substrate composition and stabilization of disturbed soils with native vegetation.	15 feet

Table 2 – Shoreline Setback Reduction Mechanisms (Continued)

	REDUCTION MECHANISM	REDUCTION ALLOWANCE
2	Removal of an existing bulkhead covering at least twenty-five percent (25%) of the shoreline frontage which is located at, below, or within five (5) feet landward of the shoreline's OHWM and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, beach/substrate composition and stabilization of disturbed soils with native vegetation.	10 feet
3	Preservation of existing trees and native vegetation and restoration of native vegetation, as necessary in at least seventy-five percent (75%) of the reduced (i.e., that portion remaining after reductions are applied) setback area. The remaining twenty-five percent (25%) of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to ten (10) feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in seventy-five percent (75%) of the setback area. The reduction would only be granted if ecological functions would be improved relative to the existing condition.)	15 feet
4	Preservation of existing natural shoreline conditions (e.g., no bulkhead or other unnatural shoreline features such as upland impervious surfaces or other structural alterations allowed) within ten (10) feet of the OHWM, including preservation of existing native vegetation.	10 feet
5	Preservation of existing trees and native vegetation and restoration of native vegetation in at least twenty-five percent (25%) of the reduced setback area. Up to ten (10) feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in twenty-five percent (25%) of the setback area. The reduction would only be granted if ecological functions would be improved relative to the existing condition.)	5 feet

Table 2 – Shoreline Setback Reduction Mechanisms (Continued)

REDUCTION MECHANISM		REDUCTION ALLOWANCE
Upland-Related Actions		
6	Installation of biofiltration/infiltration mechanisms such as rain gardens, bioswales, created and/or enhanced wetlands, infiltration facilities, ponds or other approved low impact development techniques that treat the majority of surface water runoff from a site and meet or exceed adopted storm water requirements. (Note: storm water ponds serving more than one (1) property should be located outside of the shoreline jurisdiction if possible.)	10 feet
7	Installation of a “green” roof in accordance with the standards of the LEED Green Building Rating System.	10 feet
8	Installation of pervious material for driveway or road construction.	5 feet
9	Limiting total impervious surface, e.g., pathways or patios for water access and enjoyment, in the reduced setback area to less than five percent (5%), provided the applicant complies with all other development requirements	5 feet
10	Preserving or restoring at least twenty percent (20%) of the total lot area outside of the setback area as native vegetation. No more than twenty percent (20%) of the total lot area can be lawn.	5 feet

- B. A sixty-five (65) foot standard setback shall be established from the ordinary high water mark for all lots, except that a one hundred (100) foot standard setback shall be established from the ordinary high water mark on lots within the Urban Conservancy designation.
- C. On all properties other than Urban Conservancy, the standard setback may be reduced down to a minimum of fifty (50) feet, when setback reduction impacts are mitigated using a combination of the mitigation options provided in Table 2 to achieve an equal or greater protection of lake ecological functions. At least one (1) water-related action must be undertaken in order to achieve the full setback reduction allowed. A maximum of fifteen (15) feet in cumulative setback reduction may be achieved under upland-related actions.
- D. No setback reduction is allowed on the Hughes property in order to protect the relatively high level of ecological function. At Angle Lake Park, the one hundred (100) foot setback may be reduced to a minimum of sixty-five (65) feet, when setback reduction impacts are mitigated using a combination of the mitigation options provided in Table 2 to achieve an equal or greater protection of lake ecological functions. At least one (1) water-related action

must be undertaken in order to achieve the full setback reduction allowed. A maximum of fifteen (15) feet in cumulative setback reduction may be achieved under upland-related actions.

- E. All property owners who obtain approval for a reduction in the setback must record the final approved setback and corresponding conditions in a notice on title, and provide a copy of the notice on title to the Shoreline Administrator.
- F. All property owners who obtain approval for a reduction in the setback must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality. This plan shall be added to a notice on title, and a copy of the notice on title provided to the Shoreline Administrator.
- G. Restoration of native vegetation as discussed below shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. Preparation of a revegetation plan shall be completed by a qualified professional and include a monitoring and maintenance program that shall, at a minimum, include the following:
 - 1. The goals and objectives for the mitigation plan;
 - 2. The criteria for assessing the mitigation;
 - 3. A monitoring plan that includes annual progress reports submitted to the Shoreline Administrator and that lasts for a period sufficient to establish that performance standards have been met as determined by the Shoreline Administrator, but no less than five (5) years; and
 - 4. A contingency plan.
- H. Whenever the Shoreline Administrator determines that monitoring has established a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the applicant or the property owner shall be required to institute correction action, which shall also be subject to further monitoring as provided in this chapter.
- I. The Shoreline Administrator may require a performance bond(s) or other security in an amount sufficient to guarantee that all required mitigation measures will be completed in a manner that complies with conditions of approval and to guarantee satisfactory workmanship and materials for a period not to exceed five (5) years. The Shoreline Administrator shall establish the conditions of the bond or other security according to the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.

- J. All costs associated with the mitigation/monitoring and planning, including City expenses, shall be the responsibility of the applicant.
- K. Any further reduction of shoreline setbacks beyond the minimum listed in this chapter shall require a shoreline variance. Provisions for granting a shoreline variance are found in Chapter 18.725 SMC. (Ord. 10-1002 § 2 (Exh. B))

PART V.**SHORELINE PROVISIONS****CHAPTERS:**

18.500	Shoreline Uses Summary Table
18.505	Agriculture
18.510	Aquaculture
18.515	Boating Facilities
18.520	Commercial Development
18.525	Forest Practices
18.530	Manufacturing
18.535	Mining
18.540	Parking
18.545	Recreational Development
18.550	Residential Development
18.555	Signs
18.560	Transportation Facilities
18.565	Utilities (Primary)
18.570	Utilities (Accessory)

18.500 Shoreline Uses Summary Table

- A. If the letter “X” appears in the box at the intersection of the column and the row, the modification is not allowed in that shoreline environment.
- B. If the letter “P” appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment only if the underlying zoning allows the modification.
- C. If the letter “C” appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in Chapter 18.725 SMC, Variances and Conditional Use Permits, and only if the underlying zoning allows the modification.

Table 3 – Shoreline Uses Table

SHORELINE USES	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
Agriculture	X	X	X	X	X
Aquaculture	X	X	X	X	X

Table 3 – Shoreline Uses Table (Continued)

SHORELINE USES	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
Boating Facilities (Public or Serving 4 or More Residences)	P	P	C	C	X
Commercial Development					
Primary	P	X	X	X	X
Accessory	P	P	P*	C	X
Forest Practices	X	X	X	X	X
Manufacturing	X	X	X	X	X
Mining	X	X	X	X	X
Parking					
As a Primary Use	X	X	X	X	X
As an Accessory Use	P	P	P	C	X
Recreational Facilities					
Water-Oriented	P	P	P	P	P
Non-Water-Oriented					X
As a Primary Use	X	X	X	X	X
As an Accessory Use	P	P	P	P	X
Multi-Use Trails	P	P	C	C	X
Minor Trails	P	P	P	P	X
Residential Development					
Single-Family	P	P	P	X	X
Multi-Family	P	P	P*	X	X
Scientific, Historical, Cultural, or Educational Uses	P	P	P	P	P
Transportation Facilities					
New Roads Related to Permitted Shoreline Activities	C	C	C	C	X
Expansion of Existing Circulation Systems and Driveways	P	P	C	C	X
Utilities (Primary)					
Solid Waste Disposal or Transfer Sites (Excluding Storage of Recyclable Materials)	X	X	X	X	X
Other	C	C	C	C	C

Table 3 – Shoreline Uses Table (Continued)

SHORELINE USES	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
Utilities (Accessory)					
Local Public Water, Electric, Natural Gas Distribution, Public Sewer Collection, Cable and Telephone Service, and Appurtenances	P	P	P	P	C

*Only if the use is permitted in the underlying zoning classification.
(Ord. 10-1002 § 2 (Exh. B))

18.505 Agriculture

Agriculture is a prohibited use activity within the shoreline jurisdiction. (Ord. 10-1002 § 2 (Exh. B))

18.510 Aquaculture

Aquaculture is prohibited within all shoreline environments. (Ord. 10-1002 § 2 (Exh. B))

18.515 Boating Facilities

- A. New boating facilities shall not significantly impact the rights of navigation on the waters of the state.
- B. Boating facilities shall not be located where their development would reduce the quantity or quality of critical aquatic habitat or where significant ecological impacts would occur.
- C. Public launch ramps shall, where feasible, be located only on stable shorelines where water depths are adequate to eliminate or minimize the need for dredging, filling, beach enhancement or other maintenance activities.
- D. It is the applicant's responsibility to comply with all state agency policies and regulations, including all applicable health, safety and welfare requirements associated with the primary use or accessory use.
- E. The traffic generated by such a facility must be safely and conveniently handled by the streets serving the proposed facility.
- F. No live-aboards or floating homes are allowed.
- G. The facility must be limited to day moorage only.
- H. Covered moorage is prohibited.

- I. Public access shall be required, pursuant to the public access regulations contained in Chapter 18.310 SMC, Public Access and Recreation.
- J. The perimeter of parking, dry moorage, and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas.
- K. The facility must have provisions available for cleanup of accidental spills of contaminants. (Ord. 10-1002 § 2 (Exh. B))

18.520 Commercial Development

- A. Commercial uses that are water-dependent, water-related, and water-enjoyment uses (in that order) shall be given priority over non-water-oriented uses in those shoreline environments and zones where commercial uses are allowed.
- B. Commercial uses that are non-water-dependent may also be allowed, provided public access is provided (see Chapter 18.310 SMC, Public Access and Recreation) for new development, ecological restoration is incorporated into the project where feasible and impacts to existing navigation, recreation and public access are avoided.
- C. New non-water-oriented commercial uses are prohibited unless they are part of a mixed-use project and the use provides a significant public benefit with respect to SMA objectives.
- D. Primary commercial uses are permitted outright only in the High Intensity environment.
- E. Commercial uses may be allowed in the Medium Intensity environment provided they are ancillary to the primary use.
- F. Commercial development may be allowed in the Urban Conservancy environment as an accessory use to a permitted recreational use or facility. Examples of limited accessory commercial uses to permitted recreational uses and/or facilities are as follows:
 - 1. Concession stands;
 - 2. Booths associated with festivals sponsored by the City, and private parties or receptions and banquets.
- G. Overwater commercial development is prohibited except in existing structures, where necessary to support water-dependent uses or accessory recreation activities that support a commercial use.

- H. Other than those allowed in subsection (C) of this chapter, commercial vendors may not establish business facilities in the shoreline jurisdiction. This prohibition does not preclude a vendor from being hired to provide services in connection with a permitted use.
- I. Home occupations are allowed within the Shoreline Residential environment provided they meet the requirements of Chapter 15.17 SMC, Home Occupations.
- J. Low impact development techniques shall be incorporated into new development as feasible, pursuant to the City's adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor. (Ord. 10-1002 § 2 (Exh. B))

18.525 Forest Practices

Forest practices are a prohibited use activity within the shoreline jurisdiction. (Ord. 10-1002 § 2 (Exh. B))

18.530 Manufacturing

Manufacturing is prohibited within all shoreline environments. (Ord. 10-1002 § 2 (Exh. B))

18.535 Mining

Mining is a prohibited use activity within the shoreline jurisdiction. (Ord. 10-1002 § 2 (Exh. B))

18.540 Parking

- A. Parking as a primary use is prohibited in the shoreline jurisdiction.
- B. Parking in shoreline areas must directly serve a permitted shoreline use.
- C. Parking facilities shall provide adequate provisions to control surface water runoff to prevent it from contaminating water bodies.
- D. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
- E. Exterior parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Exterior parking facilities for nonresidential uses shall be landscaped with vegetation in such a manner that plantings provide an effective "full-screen" within three (3) years of project completion when viewed from adjacent areas within the shoreline jurisdiction.

- F. New and reconstructed parking areas within the Urban Conservancy shoreline environment shall utilize low impact development (LID) techniques as appropriate and as described in the most recent edition of the Low Impact Development Manual: Technical Guidance for Puget Sound. (Ord. 10-1002 § 2 (Exh. B))

18.545 Recreational Development

- A. All structures associated with a recreational use, water-dependent structures, such as docks and boardwalks, and appurtenances that provide access to the water for that use shall maintain a standard setback of sixty-five (65) feet (or one hundred (100) feet in the Urban Conservancy environment) from the OHWM. This setback may be reduced down to fifty (50) feet. However, existing structures may be replaced in their current location and configuration to the extent allowed by state and federal agencies with jurisdiction. Any further setback reduction shall require approval of a shoreline variance application.
- B. Private and public recreation areas shall protect existing native vegetation in the shoreline area and restore vegetation impacted by development activities. Recreational use and development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies by qualified professionals to determine compliance with this standard.
- C. Water-dependent or water-related activities such as swimming, boating, and fishing, and activities that benefit from waterfront scenery such as picnicking, hiking and bicycling shall be emphasized in planning public and private (excluding residential) noncommercial recreation sites in the shoreline corridor.
- D. All recreational developments shall make adequate provisions for:
 - 1. Nonmotorized and pedestrian access;
 - 2. The prevention of trespass onto adjacent properties, including but not limited to landscaping and fencing;
 - 3. Protection and restoration of environmentally sensitive areas and shoreline processes and functions;
 - 4. Signs indicating the public's right of access to shoreline areas, installed and maintained in conspicuous locations at the point of access and the entrance; and
 - 5. Buffering of such development from adjacent private property or natural area.

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- E. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features.
 - F. Swimming areas shall be separated from boat launch areas.
 - G. The construction of swimming facilities, piers, moorages, floats and launching facilities waterward of the OHWM shall be governed by the regulations relating to overwater structure construction in Part VI, Shoreline Modifications Provisions, of this SMP.
 - H. Public boat launching facilities may be developed, provided the traffic generated by such a facility can be safely and conveniently handled by the streets serving the proposed facility.
 - I. Fragile and unique shoreline areas with valuable ecological functions, such as wildlife habitats, shall be used only for nonintensive recreation activities that do not involve the construction of structures.
 - J. Recreation developments such as golf courses and playfields that require periodic use of fertilizers, pesticides or other chemicals, or that support high-intensity activities as a primary use, such as sporting events, shall be located outside of the shoreline jurisdiction.
 - K. Proposals for new or expanded recreational development shall include provisions for public access to the shoreline.
 - L. A new or expanded shoreline recreational development or use that does not provide public access may be authorized, provided it is demonstrated by the applicant and determined by the City that one (1) or more of the following provisions apply.
 - 1. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - 2. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
 - 3. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 - 4. Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or
 - 5. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

6. Provided further, that the applicant has first demonstrated and the City of SeaTac has determined that all reasonable alternatives have been exhausted, including but not limited to:
 - a. Regulating access by such means as limiting hours of use to daylight hours.
 - b. Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.
 - c. Providing access that is physically separated from the proposal, such as an off-site viewpoint, or a trail system.
- M. When none of the requirements of subsection (L) of this chapter can be met, the City shall, as a condition of granting a permit, require the applicant to make an in-lieu of payment in accordance with state law. (Ord. 10-1002 § 2 (Exh. B))

18.550 Residential Development

- A. Residential development is permitted in the High Intensity, Medium Intensity, and Shoreline Residential environments subject to the policies and regulations for the specific shoreline environment (see Chapter 18.400 SMC, Table 1, Shoreline Dimensional Standards Summary Table, the standards of the underlying zoning regulations and the general regulations in Part III, General Regulations, of this title).
- B. Structures or other development accessory to residential uses are permitted in the shoreline jurisdiction, if allowed under all other applicable standards in this SMP and subject to the provisions of the City's zoning code.
- C. All additions to residential structures must comply with all standards in this SMP, including required shoreline setbacks established in Chapter 18.400 SMC, Table 1, Shoreline Dimensional Standards Summary Table.
- D. Residential structures that are intentionally modified, replaced, repaired or enlarged are subject to the requirements in Chapter 18.735 SMC, Nonconforming Use and Development Standards. These standards include, but are not limited to, compliance with all standards in this SMP for new and existing structures or portions of structures, including required shoreline setbacks established in Chapter 18.400 SMC, Table 1, Shoreline Dimensional Standards Summary Table, when proposed development exceeds fifty percent (50%) of the fair market replacement cost of existing development.
- E. Residential structures that are intentionally modified, replaced or repaired following a catastrophic loss are subject to the requirements in Chapter 18.735 SMC, Nonconforming Use and Development Standards. These standards include, but are not limited to, compliance with all standards in this SMP for new and existing structures or portions of structures, including

4. Temporary or obsolete signs shall be removed within ten (10) days of elections or termination of any other functions. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, and construction signs.
 5. Signs that do not meet the policies and regulations of this program shall be removed or required to conform within two (2) years of the adoption of this master program.
- B. Allowable Signs. The following types of signs may be allowed in all shoreline environments:
1. Water navigational signs and highway signs necessary for operation, safety and direction.
 2. Public information signs directly relating to a shoreline use or activity.
 3. Off-premises, freestanding signs for community identification, information, or directional purposes.
 4. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
- C. Prohibited Signs. The following signs are prohibited:
1. Off-premises detached outdoor advertising signs.
 2. Spinners, streamers, pennants, flashing lights, and other animated signs used for commercial purposes.
 3. Signs placed on trees or other natural features.
 4. Commercial signs for products, services, or facilities located off site. (Ord. 10-1002 § 2 (Exh. B))

18.560 Transportation Facilities

- A. New road construction in the shoreline jurisdiction shall be minimized and allowed only when related to and necessary for the support of permitted shoreline activities.
- B. Transportation facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- C. Expansion of existing roadways within the shoreline jurisdiction shall be allowed only when the proponent demonstrates that:
 1. No alternative route is feasible;

required shoreline setbacks established in Chapter 18.400 SMC, Table 1, Shoreline Dimensional Standards, when proposed development exceeds seventy-five percent (75%) of the fair market replacement cost of existing development.

- F. Accessory uses and appurtenant structures not specifically addressed in the SMP shall be subject to the same regulations as primary residences.
- G. In order to maintain visual access to the waterfront, fences within the required setback from the OHWM shall be:
 - 1. No more than four (4) feet high when separating two (2) residential lots and no more than six (6) feet high when separating a residential lot from a park or commercial use; and
 - 2. May not extend beyond the OHWM.
- H. To protect views and vistas, maximum height limits have been established for each shoreline environment as indicated in Chapter 18.400 SMC, Table 1, Shoreline Dimensional Standards Summary Table. In addition to the restrictions stated therein, development over thirty-five (35) feet shall require a view corridor study indicating that the proposed structure would not diminish views of the Lake from surrounding properties.
- I. The storm water runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems and other low impact development techniques shall be incorporated into new development as feasible, in accordance with the City's adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound.
- J. Residential development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies by qualified professionals to determine compliance with this standard. (Ord. 10-1002 § 2 (Exh. B))

18.555

Signs

A. General Sign Regulations.

- 1. Signs shall comply with the City's sign regulations.
- 2. Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.
- 3. All signs shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.

2. The roadway is constructed and maintained to cause the least possible adverse impact on the land and water environment; and
 3. The roadway is found to be in the public interest.
- D. Transportation and primary utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline.
 - E. Developers of roads must be able to demonstrate that efforts have been made to coordinate with existing land use plans including the shoreline master program and the City's Comprehensive Plan.
 - F. All debris and other waste materials from roadway construction shall be disposed of in such a way as to prevent their entry into any water body.
 - G. Road designs must provide safe pedestrian and nonmotorized vehicular crossings where public access to shorelines is intended.
 - H. Streets within the shoreline jurisdiction shall be designed with the minimum pavement area required. Gravel and more innovative materials shall be used where feasible for pathways and road shoulders to minimize the amount of impermeable surfaces and help to maintain a more natural appearance.
 - I. The City shall give preference to mechanical means for roadside brush control on roads in the shoreline jurisdiction rather than the use of herbicides. (Ord. 10-1002 § 2 (Exh. B))

18.565 Utilities (Primary)

- A. Primary utilities shall be located outside of SMA jurisdiction unless no other feasible option exists.
- B. Primary utilities shall be located landward of the ordinary high water mark unless such location is not feasible or would result in potentially greater environmental impacts.
- C. Primary utility facilities shall avoid disturbance of unique and fragile areas, as well as wildlife spawning, nesting and rearing areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- D. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner.

- E. Utility lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible and shall avoid duplication and construction of new corridors in all shoreline areas.
- F. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
- G. Solid waste disposal sites and facilities are prohibited in the shoreline environment.
- H. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.
- I. Primary utility development shall provide screening of facilities from water bodies and adjacent properties. Screening, including landscaping and fencing, shall be designed to constitute a dense "full screen."
- J. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
- K. The City shall hold public meetings prior to the issuance of a substantial development permit for a major primary utility project in accordance with the administrative procedures outlined in Part VII, Administration, to allow for the greatest amount of public input to help guide utility-related decisions. (Ord. 10-1002 § 2 (Exh. B))

18.570 Utilities (Accessory)

- A. Utility developments shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, or endanger public health and safety.
- B. In shoreline areas, accessory utilities shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way and existing corridors whenever possible.
- C. Utility facilities shall be located and designed to avoid destruction of, or damage to, important wildlife areas, and other unique and fragile areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- D. Clearing for the installation or maintenance of utilities shall be kept to a minimum, and upon project completion, any disturbed area shall be restored, to the greatest extent feasible, to pre-project conditions, including replanting with native species, or other species as approved by the City, and mainte-

nance care. If the previous condition is identified as being undesirable for shoreline function, then landscaping and other improvements shall be undertaken.

- E. The location and construction of outfalls shall comply with all appropriate federal, state, county and city regulations.
- F. The City of SeaTac shall maintain, enhance and restore public natural drainage systems to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation for no net loss of shoreline ecological functions.
- G. New utility lines including electricity, communications, and fuel lines shall be located underground. Existing above ground lines shall be moved underground when properties are redeveloped or in conjunction with major system upgrades or replacements, in accordance with Chapter 11.20 SMC.
- H. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
- I. Proposals for new utility corridors shall fully substantiate the infeasibility of existing routes. (Ord. 10-1002 § 2 (Exh. B))

CHAPTERS:

18.600	Shoreline Modifications Summary Table
18.605	General Shoreline Stabilization
18.610	Shoreline Stabilization – Design Requirements
18.615	Beach Enhancement
18.620	Soil Bioengineering
18.625	Breakwaters
18.630	Bulkheads
18.635	Dredging
18.640	Fill
18.645	Overwater Structures – Piers, Floats and Buoys

18.600 Shoreline Modifications Summary Table

- A. If the letter “X” appears in the box at the intersection of the column and the row, the modification is not allowed in that shoreline environment.
- B. If the letter “P” appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment only if the underlying zoning allows the modification.
- C. If the letter “C” appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in Chapter 18.725 SMC, Variances and Conditional Use Permits, and only if the underlying zoning allows the modification.

Table 4 – Shoreline Modifications

Shoreline Modification Activity	High Intensity	Medium Intensity ¹	Shoreline Residential	Urban Conservancy (Park)	Urban Conservancy (Hughes)	Aquatic
CLEARING AND GRADING	P	P	P	P	C	See adjacent upland environment
SHORELINE STABILIZATION						
Beach Restoration and Enhancement	P	N/A	P	C	C	
Soil Bioengineering	P	P	P	P	P	
Bulkheads	X	N/A	P	C	X	
Breakwaters, Jetties, and Groins	X	N/A	X	X	X	
DREDGING AND FILL						
Dredging	C	N/A	C	C	C	
Fill	C	N/A	C	C	C	
OVERWATER STRUCTURES						
Accessory to Residential Structures ² :						
Recreational Float	P	N/A	P	N/A	C	
Boathouse	X	N/A	X	N/A	X	
Joint Use Pier, Dock, Float, Buoy, Moorage Pile	P	N/A	P	N/A	C	
Non-Joint Use Pier, Dock Float	X	N/A	C	N/A	X	
Overwater Walkway	C	N/A	X	N/A	C	
Launching Ramp	X	N/A	X	N/A	N/A	
Launching Rails	X	N/A	X	N/A	N/A	
Boat Lifts	X	N/A	X	N/A	N/A	
Boat Canopies	X	N/A	X	N/A	N/A	
Moorage Covers	X	N/A	X	N/A	N/A	
Not Accessory to Residential Structures:						
Recreational Float	X	N/A	C	C	C	
Boathouse	X	N/A	X	C	X	
Joint Use Pier, Dock, Float	C	N/A	P	P	C	
Non-Joint Use Pier, Dock Float	X	N/A	C	X	X	
Overwater Walkway	C	N/A	X	C	C	

Table 4 – Shoreline Modifications (Continued)

Shoreline Modification Activity	High Intensity	Medium Intensity ¹	Shoreline Residential	Urban Conservancy (Park)	Urban Conservancy (Hughes)	Aquatic
Launching Ramp	X	N/A	X	P	X	
Launching Rails	X	N/A	X	P	X	
Boat Canopies	X	N/A	X	X	X	
Moorage Covers	X	N/A	X	X	X	

¹ The Medium Intensity shoreline environment is located 100 feet from the OHWM adjacent to the Hughes property, so regulations for shoreline stabilization and overwater structures are not applicable (N/A).

² Note these regulations are not applicable (N/A) either where the specific shoreline environment does not front the shoreline or where residential structures are not allowed in that environment or in an adjacent parallel environment.

(Ord. 10-1002 § 2 (Exh. B))

18.605 General Shoreline Stabilization

A. General Shoreline Stabilization – Basic Requirements. Structural solutions to reduce shoreline damage from erosion shall be allowed only after it is demonstrated through a geotechnical report that nonstructural solutions would not provide sufficient protection to existing improvements. The geotechnical report shall evaluate the necessity of structural stabilization measures by estimating timeframes and rates of erosion (damage within three (3) years), urgency of replacement, alternative solutions and other pertinent factors. Nonstructural solutions include (but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures).

B. General Shoreline Stabilization – New Development.

1. New development, including the division of land into new parcels, shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization. New non-water-dependent development that would require shoreline stabilization that would cause significant adverse impacts to adjacent or down-current properties is prohibited.
2. New development, including single-family residences, that includes structural shoreline stabilization will not be allowed unless all of the conditions below are met:
 - a. The need to protect the development from damage due to erosion caused by natural processes, such as currents and waves, and by man-made processes, such as boat wakes, is demonstrated through a geotechnical report.
 - b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.

- c. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient.
 - d. The stabilization structure will not result in a net loss of shoreline ecological functions.
3. New development on steep or unstable slopes shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis prepared by a geotechnical engineer or related professional licensed and in good standing in the state of Washington.
- C. General Shoreline Stabilization – New or Expanded Measures. New structural stabilization measures and enlargement of existing structural stabilization measures shall be limited to the minimum size necessary and shall be permitted only when it has been conclusively demonstrated through scientific analysis that shoreline stabilization is necessary to protect existing primary structures, public improvements, ecological function restoration projects or hazardous substance remediation projects from erosion, and that nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.
- D. General Shoreline Stabilization Replacement and Repairs. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is a demonstrated need to protect legally established principal uses or existing structures from erosion caused by currents or waves and a nonstructural measure is not feasible.
1. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or landward of, the shoreline stabilization being replaced, except as noted below.
 2. Where existing structural stabilization is replaced by nonstructural shoreline stabilization using bioengineering techniques and results in a documented improvement of shoreline functions, such stabilization may be allowed waterward of the ordinary high water mark subject to state and federal approvals. (Ord. 10-1002 § 2 (Exh. B))

18.610 Shoreline Stabilization – Design Requirements

- A. Shoreline stabilization and modification projects shall avoid and then minimize adverse impacts to the environment to the greatest extent feasible, and where such impacts cannot be avoided, mitigation shall be provided to achieve no net loss of shoreline ecological functions.
- B. Shoreline stabilization shall not be used to create new or newly usable land.

- C. Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.
- D. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.
- E. Shoreline stabilization shall be designed so as not to cause a significant impact to adjacent properties, including the need for shoreline stabilization elsewhere.
- F. Professional design (as approved by the City) of all shoreline stabilization is required. All shoreline modification activities shall be in support of a permitted shoreline use that is in conformance with the provisions of this master program unless it can be demonstrated that such activities are necessary and in the public interest.
- G. All shoreline modification activities must comply with all other regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction.
- H. Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features shall be considered when replacing existing and constructing new shoreline stabilization solutions.
- I. Public access shall be required as part of publicly financed shoreline stabilization measures unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development. (Ord. 10-1002 § 2 (Exh. B))

18.615 Beach Enhancement

- A. Beach enhancement along Angle Lake may be permitted when the applicant has demonstrated that the project will not detrimentally interrupt littoral processes, redirect waves, current, or sediment to other shorelines, or adversely affect adjacent properties or habitat and all other standards of the SMP are followed.
- B. Beach enhancement is limited to the placement of no more than twenty-five (25) cubic yards of material below the ordinary high water mark. Proposals which exceed this threshold shall be subject to the requirements for shoreline fill (Chapter 18.640 SMC, Fill), shall require a conditional use permit and shall only be allowed in conjunction with a water-dependent or public use permitted by this master program, and for fisheries, aquaculture, or wildlife enhancement projects.

- C. Natural Beach Restoration/Enhancement Design Standards. Natural beach restoration/enhancement shall not:
 - 1. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
 - 2. Disturb significant amounts of valuable shallow water fish/wildlife habitat without appropriate mitigation of the impacts.
- D. Natural Beach Restoration Construction Standards.
 - 1. The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake, or wave action at the site.
 - 2. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to create additional dry land).
- E. Beach enhancement is prohibited within fish and/or wildlife spawning, nesting, or breeding habitat that would be adversely affected by it and also where littoral drift of the enhancement materials would adversely affect adjacent spawning grounds or other areas of biological significance. (Ord. 10-1002 § 2 (Exh. B))

18.620 Soil Bioengineering

- A. All soil bioengineering projects shall use native plant materials appropriate to the specific area including trees, shrubs, and groundcovers, unless demonstrated infeasible for the particular site.
- B. Unless environmentally sensitive area regulations apply, all cleared areas shall be replanted immediately following construction and irrigated (if necessary) to ensure that within three (3) years all vegetation is one hundred percent (100%) re-established to achieve no net loss of ecological functions of the shoreline area. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable. Additional performance standards may be established by the Shoreline Administrator in administrative rules.
- C. Bank stabilization in the form of a vegetated buffer zone shall be maintained (e.g., weeding, watering, dead plant replacement) for a minimum of three (3) years. The buffer zone shall exclude activities that could disturb the site. Where determined necessary by the Shoreline Administrator, fencing may be required to ensure protection of buffer plantings.
- D. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation. (Ord. 10-1002 § 2 (Exh. B))

18.625 Breakwaters

Breakwaters, jetties, and groins shall not be permitted. (Ord. 10-1002 § 2 (Exh. B))

18.630 Bulkheads

- A. Bulkhead design and development shall conform to all other applicable local, state, and federal agency regulations, including regulations for shoreline stabilization in Chapter 18.605 SMC, General Shoreline Stabilization, and Chapter 18.610 SMC, Shoreline Stabilization – Design Requirements.
- B. On all shorelines, bulkheads shall not be placed waterward of the ordinary high water mark (OHWM), unless as provided below. In addition:
1. On shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall tie in with the contours of the adjoining shorelines, as feasible, such that the proposed bulkhead would not cause erosion of the adjoining properties.
 2. Bulkheads may tie in flush with existing bulkheads on adjoining properties; provided, that the new bulkhead does not extend waterward of OHWM, except that which is necessary to make the connection to the adjoining bulkhead. In such circumstances, the remaining portion of the bulkhead shall be placed landward of the existing OHWM such that no net loss of lake occurs and the design complies with all other regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction.
 3. Replacement bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
- C. Replacement bulkheads may be permitted if there is a demonstrated need to protect principal uses or structures from erosion caused by waves; provided, that:
1. The replacement bulkhead is designed, located, sized, and constructed to assure no net loss of ecological functions.
 2. The existing bulkhead is removed.
 3. The proposal includes a report prepared by a geotechnical engineer or other qualified professional that evaluates the necessity of the bulkhead by estimating timeframes and rates of erosion, urgency of replacement (within three (3) years), alternative solutions and other pertinent factors.

- D. New bulkheads shall be allowed only for existing structures when evidence is presented through a report prepared by a geotechnical engineer or other qualified professional that conclusively demonstrates that one (1) of the following conditions exists:
 - 1. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with the master program; provided, that all alternatives have proven infeasible (i.e., use relocation, use design, nonstructural shore stabilization options) and that such bulkheads meet other policies and regulations of this chapter; or
 - 2. Serious wave erosion threatens an existing building(s) on upland property; and
 - 3. Proposals for bulkheads have first demonstrated that use of natural materials and processes (soft structural solutions) and alternative site designs, including increased shoreline setbacks (nonstructural solutions), are either not feasible or will not provide the necessary protection for existing development.
- E. When a bulkhead is required at a public access site, provisions for safe access to the water shall be incorporated into bulkhead design.
- F. Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of a bulkhead.
- G. Fill behind bulkheads shall be limited to an average of one (1) cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered a regulated activity subject to the policies and regulations in this SMP pertaining to fill activities and the requirement for obtaining a shoreline substantial development permit. (Ord. 10-1002 § 2 (Exh. B))

18.635**Dredging**

- A. Dredging and disposal of dredge material shall avoid and minimize significant ecological impact; impacts that cannot be avoided shall be mitigated to achieve no net loss of ecological processes and functions.
- B. New development siting and design shall avoid the need for new and maintenance dredging.
- C. Dredging may be permitted as a shoreline conditional use activity only:
 - 1. When necessary to support a water-dependent use;
 - 2. For expansion or alteration of public utility facilities;
 - 3. As part of mitigation actions, environmental restoration and habitat enhancement projects;

4. When technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired;
 5. When other solutions would result in greater environmental impact;
 6. As part of an approved habitat improvement project;
 7. If it improves water quality; and
 8. When applicable permits of other local, state and federal agencies have been obtained.
- D. When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use.
- E. Maintenance dredging associated with a water-dependent use shall be restricted to maintaining the previously dredged and/or existing authorized location, depth and width.
- F. Dredging for the primary purpose of obtaining fill or construction material is prohibited, except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline conditional use permit. When dredging is allowed for fill materials, placement of fill must be waterward of the OHWM.
- G. Proposals for dredging and dredge disposal shall include details on all feasible mitigation measures to protect aquatic habitats. Dredging and dredge disposal shall not create a net loss of shoreline ecological functions.
- H. Dredging material which will not subsequently cause violation of state water quality standards may be used in permitted landfill projects.
- I. Excavations on beaches before the OHWM in lands covered by water constitutes dredging and shall include precautions to prevent the migration of fine grain sediments, disturbed by the excavation, onto adjacent beach areas. Excavations on beaches shall be backfilled promptly using material of similar composition and similar or coarser grain size.
- J. Dredging shall be timed so that it does not interfere with aquatic life.
- K. Depositing dredge materials in water areas shall be prohibited.
- L. Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.
- M. Limitations may be imposed on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site. (Ord. 10-1002 § 2 (Exh. B))

18.640 Fill

- A. Fills waterward of the OHWM (not including small scale beach restoration that does not exceed the twenty-five (25) cubic yard threshold established in Chapter 18.615 SMC, Beach Enhancement) shall require a conditional use and shall be restricted to the minimum necessary to:
 - 1. Support water-dependent uses;
 - 2. Provide public access;
 - 3. Allow for the remediation and disposal of contaminated sediments as part of an interagency clean-up plan;
 - 4. Allow the disposal of dredged sediments in accordance with DNR rules;
 - 5. Provide for the expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible; and
 - 6. Accomplish mitigation actions, environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.
- B. Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.
- C. All perimeters of fills shall be provided with vegetation, retaining walls, or other satisfactory mechanisms for erosion prevention and sediment capture.
- D. Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions.
- E. Fill shall be permitted only where it is demonstrated that the proposed action will not:
 - 1. Result in significant damage to water quality, fish, aquatic habitat, and/or wildlife habitat; or
 - 2. Adversely alter natural drainage and circulation patterns, or significantly reduce flood water holding capabilities.
- F. No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted along the Angle Lake shoreline.

- G. Any placement or removal of materials landward of the OHWM shall comply with the provisions in Chapter 18.315 SMC, Vegetation Conservation (Clearing and Grading), and Chapters 18.600 through 18.645 SMC, Shoreline Modifications Provisions, where applicable. (Ord. 10-1002 § 2 (Exh. B))

18.645 Overwater Structures – Piers, Floats and Buoys

A. General Regulations.

1. All new, reconstructed, repaired, or modified overwater structures must comply with all regulations contained in this SMP and all other regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction.
2. Mitigation shall be provided for all reconstructed, repaired, or modified overwater structures to ensure no net loss of ecological function.
3. New piers and docks shall be allowed only for public access and water-dependent uses, which includes a structure associated with a single-family residence; provided, that it is designed and intended as a facility for access to watercraft and otherwise complies with the regulations contained in this chapter.
4. New piers and docks that are not accessory to single-family residences shall be permitted only when intended for public use or when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.
5. New residential development of more than two (2) dwellings shall provide a joint use or community moorage structure, rather than individual piers or docks.
6. New piers and docks associated with a single-family home shall be allowed, provided the applicant demonstrates that a joint use or community pier is not feasible.
7. New proposed moorage structures in the Shoreline Residential environment that are not joint-use structures must obtain a conditional use permit. Additional restrictions apply for some shoreline environments pursuant to Chapter 18.500 SMC, Shoreline Uses Summary Table, Table 3. A conditional use permit may be granted if:
 - a. The applicant demonstrates that a joint use or community moorage structure is not feasible;
 - b. The overwater structure does not create any potential adverse impacts to public safety;

- c. Navigation rights are not significantly impacted;
 - d. The overwater structure does not cause environmental impacts that cannot be sufficiently mitigated; and
 - e. The overwater structure complies with all other conditional use criteria in WAC 173-27-160 as outlined in Part VII, Administration, of these regulations (Chapters 18.700 through 18.765 SMC).
8. Proposed overwater structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a variance.
 9. Fixed pile piers elevated at least two (2) feet above the OHWM shall be preferred. Floating docks shall be allowed if floating elements are not located within the first thirty (30) feet of the shoreline measured waterward of the OHWM, unless the applicant can demonstrate why adherence to this restriction is not feasible and an alternative design would result in less ecological impact.
 10. All float tubs shall be fully encapsulated and the decks shall be fully grated except for the float tubs, designed with a ramp section connecting to the upland and are prohibited from resting on the substrate. Floating docks are required to be designed to not ground during low water conditions.
 11. All overwater structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe overwater structures shall be removed or repaired promptly by the owner.
 12. Wooden components that will be in contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, pentachlorophenol, arsenate, creosote, or similar toxic substances. Structures shall be made out of materials that have been approved by applicable state and federal agencies.
 13. Boat houses are not permitted, except in Angle Lake Park, where a conditional use permit is required.
 14. Moorage covers are not permitted.
 15. Boat canopies are not permitted.
 16. Boat lifts are not permitted.
 17. No portion of a deck of a pier shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than six (6) feet above the OHWM.

18. No residential dwelling unit may be constructed on a pier.

19. Piers and docks may be permitted accessory to a development; provided:

- a. The applicant has demonstrated to the satisfaction of the Shoreline Administrator that a shared or joint-use pier is not feasible.
- b. No more than one (1) pier/dock for each single-family residence is permitted.
- c. No more than one (1) pier, dock or other moorage structure is allowed for a water-dependent commercial use or a multi-family (more than two (2) units) development on a single lot or contiguous ownership with a minimum width of fifty (50) feet.
- d. On lots with less than fifty (50) feet of waterfront, joint-use piers/docks shall be required, except as follows: when lots on either side of the subject lot have legal pre-existing piers or docks and the applicant demonstrates to the satisfaction of the Shoreline Administrator that a shared use agreement is not feasible. Only in this case may the lot with less than fifty (50) feet of waterfront be permitted an individual pier.

B. Moorage Structure Length. All pier and dock lengths shall be minimized to the maximum extent feasible and comply with regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction. The proposed length must be the minimum necessary to support the intended use. The maximum waterward intrusion of any portion of any piers and docks shall be limited to the following:

1. The maximum length of a private dock shall be determined by the point at which twelve (12) feet in water depth is reached and in no case shall a pier or dock more than eighty (80) feet be allowed without approval of a variance (Note: the twelve (12) foot depth is to accommodate the three (3) to four (4) foot fluctuation in water depth caused by storm water management practices);
2. A report prepared by a qualified professional that includes verifiable survey information demonstrating the average water depth pursuant to the requirement above is required for all docks or piers over forty (40) feet in length;
3. A pier of up to eighty (80) feet is allowed when public access is provided. Existing public piers may be repaired or replaced to their previous length.

C. Moorage Structure Width.

1. The maximum width of a pier or dock walkway and additional fingers

shall be six (6) feet and four (4) foot walkways are recommended. All pier and dock walkways must be fully grated and ells and floats must have a minimum two (2) foot strip of grating down the center.

2. The maximum width of a ramp connecting a pier to a float should be minimized to the maximum extent practical and should be fully grated.
3. Size. Surface coverage, including all floats, ramps and ells, shall be limited to the following:
 - a. Four hundred eighty (480) square feet for a pier of a single property owner, or four hundred (400) square feet for a dock;
 - b. Six hundred (600) square feet for a joint-use pier utilized by two (2) or more residential property owners, or four hundred and eighty (480) square feet for a dock;
 - c. Eight hundred (800) square feet for a new pier that allows public access, or six hundred forty (640) square feet for a dock. Existing public piers may be repaired or replaced to their previous square footage.
- D. Overwater Walkway. An overwater walkway may be allowed in the Urban Conservancy, High Intensity and Aquatic environments with a conditional use permit, provided the following standards are met:
 1. The applicant must first demonstrate that an upland trail connecting the Hughes property with Angle Lake Park is not feasible because a private party is not willing to grant said access.
 2. The walkway shall be constructed on pilings, have a fully grated deck surface and conform to all applicable standards for moorage structures.
 3. Maximum width shall be four (4) feet wide or as necessary to meet ADA requirements.
 4. Length shall be the minimum necessary to connect the Hughes property and Angle Lake Park in a feasible manner that avoids impacts to ecological function; in no case shall the maximum length exceed four hundred (400) feet.
 5. Maximum surface coverage shall be two thousand (2,000) square feet.
 6. The walkway shall be located at an optimum water depth and elevated a minimum of two (2) feet above the OHWM to minimize impacts to ecological functions.
 7. The walkway shall not substantially interfere with navigation.

8. Mitigation shall be provided to achieve no net loss of ecological function.

E. Boat Launches.

1. Launching rails may be permitted as a conditional use in the Shoreline Residential environment in lieu of a moorage pier, provided the applicant shall demonstrate that the proposed length of the rail is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction. In no case shall the rail extend beyond the point where the water depth is ten (10) feet below the OHWM.
2. Launching rails shall be anchored to the ground with the use of tie-type construction.
3. No more than one (1) launching rail per single-family residence or duplex is permitted.
4. Launching ramps may be permitted as a conditional use for recreational uses in the Urban Conservancy environment, provided the applicant shall demonstrate that the proposed length of the ramp is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction. In no case shall the ramp extend beyond the point where the water depth is ten (10) feet below the OHWM.
5. Public boat ramps and boat ramps serving more than four (4) residential units are regulated as boating facilities and must comply with the regulations for boating facilities in Chapter 18.515 SMC.

F. Recreational Floats. Recreational floats may be permitted; provided:

1. The area of a recreational float shall be minimized to the maximum extent feasible and comply with regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction. No recreational float shall have more than two hundred (200) square feet when associated with a private recreation land use, and four hundred (400) when associated with a public recreational land use.
2. Distance Waterward from the OHWM. Recreational floats must be in water with depths of eight (8) feet or more at the landward end of the float and may be located up to a maximum waterward distance of eighty (80) feet.
3. Recreational floats shall be designed and intended for swim use or other nonmotorized use.
4. Recreational floats shall be fully grated.

5. Retrieval lines shall not float at or near the surface of the water.
6. Height. Recreational floats must be built so that the deck surface is one (1) foot above the water's surface and they must have reflectors for night-time visibility.
7. All float tubs shall be fully encapsulated. (Ord. 10-1002 § 2 (Exh. B))

PART VII.

ADMINISTRATION

CHAPTERS:

18.700	Program Administrator
18.705	Shoreline Permits and Exemptions
18.710	Permit Application Requirements
18.715	Review Criteria
18.720	Review Criteria for Substantial Development Permits
18.725	Variances and Conditional Use Permits
18.730	Time Requirements of Permits
18.735	Nonconforming Use and Development Standards
18.740	Appeal to the State Shoreline Hearings Board
18.745	Enforcement and Penalties
18.750	Master Program Review
18.755	Amendments to the Master Program
18.760	Severability
18.765	Conflict Provisions

18.700 Program Administrator

A. The Shoreline Administrator is hereby vested with:

1. Overall responsibility for administering the Shoreline Management Act and this master program;
2. Authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of this master program; and
3. Authority to grant statements of exemption from shoreline substantial development permits in accordance with the policies and provisions of this master program.

B. The duties and responsibilities of the Shoreline Administrator shall include:

1. Preparing and using application forms deemed essential for the administration of this master program.
2. Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this master program.
3. Making administrative decisions and interpretations of the policies and

- regulations of this master program and the Shoreline Management Act.
4. Collecting applicable fees, as established by the City in SMC 13.100.070, Permit and plan review fees.
 5. Determining that all applications and necessary information and materials are provided.
 6. Conducting field inspections, as necessary.
 7. Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate applications needs.
 8. Determining if a shoreline substantial development permit, conditional use permit or variance permit is required.
 9. Providing copies of permit applications to relevant staff and agencies for review and comment.
 10. Conducting a thorough review and analysis of shoreline exemption applications; reviewing other staff and agency comments; making written findings and conclusions; and approving, approving with conditions, or denying such exemptions.
 11. Submitting shoreline substantial development permit, shoreline variance, and conditional use permit applications and written recommendations and findings on such permits to the City's Hearing Examiner for their consideration and action.
 12. Submitting shoreline redesignation permit applications and written recommendations and findings on such permits to the Hearing Examiner for recommendation to the City Council.
 13. Assuring that proper notice is given to appropriate persons and the public for all hearings.
 14. Providing technical and administrative assistance to the City's Hearing Examiner and City Council as required for effective and equitable implementation of the shoreline program and the Act.
 15. Investigating, developing, and proposing amendments to this master program as deemed necessary to more effectively and equitably achieve its goals and policies.
 16. Enforcing and seeking remedies for alleged violations of this program, the provisions of the Act and this master program or of conditions of any approved shoreline permit issued by the City of SeaTac. The Shoreline Administrator may delegate these enforcement duties to a designated

representative.

17. Acting as the primary liaison between local and state agencies in the administration of the Shoreline Management Act and this master program.
18. Forwarding shoreline permits to the Department of Ecology for filing or action. (Ord. 10-1002 § 2 (Exh. B))

18.705 Shoreline Permits and Exemptions

- A. All uses and developments occurring within shoreline jurisdiction shall be compliant with Chapter 90.58 RCW.
- B. A substantial shoreline development permit is required per the following guidelines:
 1. A development, use, or activity shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this shoreline master program unless it is consistent with the policy and procedures of the SMA, applicable state regulations and this shoreline master program.
 2. A substantial development shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this shoreline master program unless a shoreline substantial development permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the applicant has been given permission to proceed by the proper authority.
- C. The following guidelines are to be used in determining whether or not a development proposal is exempt from the substantial shoreline development permit.
 1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one (1) or more of the listed exemptions may be granted exemption from the substantial development permit process.
 2. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or this shoreline master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this shoreline master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to this shoreline master program, or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this shoreline master program, such develop-

ment or use can only be authorized by approval of a variance.

3. The burden of proof that a development or use is exempt from the permit process is on the applicant.
 4. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
 5. The City's Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this shoreline master program.
- D. Shoreline Exemptions. The following list outlines twelve (12) exemptions that shall not be considered substantial developments for the purpose of this master program:
1. Exemption 1 – Value Threshold. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred eighteen dollars (\$5,718), if such development does not materially interfere with the normal public use of the water or “shorelines of statewide significance.” The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. “Consumer price index” means, for any calendar year, that year’s annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one (1) month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on “shorelines of statewide significance.” The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
 2. Exemption 2 – Normal Maintenance and Repair. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or the elements. “Normal maintenance” includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such

replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

3. Exemption 3 – Normal Protective Bulkhead/Single-Family. Construction of a normal protective bulkhead common to single-family residences. A “normal protective bulkhead” includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington Department of Fish and Wildlife;
4. Exemption 4 – Emergency Construction. Emergency construction necessary to protect property from damage by the elements. An “emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Act or this master program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to the Act and this master program, obtained. All emergency construction shall be consistent with the policies of the Act and this master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
5. Exemption 5 – New Single-Family House Construction. Construction by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not

exceed a height of thirty-five (35) feet above average grade level and meets all requirements of the City of SeaTac having jurisdiction thereof, other than requirements imposed pursuant to the Act. "Single-family residence" means a detached dwelling designed for and occupied by one (1) 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. 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 (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark and shall be subject to required setbacks;

6. Exemption 6 – New Dock Construction. 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-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five (5) years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;
7. Exemption 7 – Survey Work on State-Owned Land. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with the normal public use of the surface waters;
8. Exemption 8 – Certified Government Project. Any project with certification from the Governor pursuant to Chapter 80.50 RCW;
9. Exemption 9 – Site Investigation Work. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - a. The activity does not interfere with the normal public use of the surface waters;
 - b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c. The activity does not involve the installation of any structure, and

upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

- d. A private entity seeking development authorization under this chapter 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;
10. Exemption 10 – Herbicide/Noxious Weed Removal. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW;
 11. Exemption 11 – Watershed Restoration Project. Watershed restoration projects as defined in WAC 173-27-040. The Shoreline Administrator 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 (45) 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.
 - a. “Watershed restoration project” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one (1) or more of the following activities:
 - i. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) 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;
 - ii. 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
 - iii. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state; provided, that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the

project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

- b. “Watershed restoration plan” means a plan, developed or sponsored by the Washington 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;
12. Exemption 12 – Fish/Wildlife Improvement Project. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
- a. The project has been approved in writing by the Washington Department of Fish and Wildlife;
 - b. The project has received hydraulic project approval by the Washington Department of Fish and Wildlife pursuant to Chapter 77.55 RCW; and
 - c. The Shoreline Administrator has determined that the project is substantially consistent with this shoreline master program. The Shoreline Administrator shall make such determination in a timely manner and provide it by letter to the project proponent. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with this master program, as follows;
 - d. In order to receive the permit review and approval process created in this chapter, a fish habitat enhancement project must meet the following criteria;
 - e. A fish habitat enhancement project must be a project to accomplish one (1) or more of the following tasks:
 - i. Elimination of human-made fish passage barriers, including culvert repair and replacement;
 - ii. Restoration of an eroded or unstable streambank employing the principle 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

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- iii. Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.
 - iv. The Department of Fish and Wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this chapter or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this chapter if the department determines that the scale of the project raises concerns regarding public health and safety; and
- f. A fish habitat enhancement project must be approved in one (1) of the following ways:
- i. By the Department of Fish and Wildlife pursuant to Chapter 77.95 or 77.100 RCW;
 - ii. By the sponsor of a watershed restoration plan as provided in Chapter 89.08 RCW;
 - iii. By the Department of Ecology as a Department of Fish and Wildlife-sponsored fish habitat enhancement or restoration project;
 - iv. Through the review and approval process for the Jobs for the Environment program;
 - v. Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service;
 - vi. Through a formal grant program established by the Legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration; and
 - vii. Through other formal review and approval processes established by the Legislature;
- g. Fish habitat enhancement projects meeting the criteria of subsections (D)(12)(e)(i) through (iv) of this chapter are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsections (D)(12)(e)(i) through (iv) of this chapter and being reviewed and approved according to the provisions of this chapter are not subject to the requirements of RCW 43.21C.030(2)(c);
- h. A hydraulic project approval permit is required for projects that meet

the criteria of subsection (D)(12)(f) of this chapter and are being reviewed and approved under this chapter. An applicant shall use a joint aquatic resource permit application form developed by the Office of Regulatory Assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the Department of Fish and Wildlife and to the Shoreline Administrator. The Shoreline Administrator shall accept the application as notice of the proposed project. The Department of Fish and Wildlife shall provide a fifteen (15) day comment period during which it will receive comments regarding environmental impacts. Within forty-five (45) days, the Department of Fish and Wildlife shall issue a permit with or without conditions, deny approval, or make a determination that the review and approval process created by this chapter is not appropriate for the proposed project. The Department of Fish and Wildlife shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the Department of Fish and Wildlife determines that the review and approval process created by this chapter is not appropriate for the proposed project, the Department of Fish and Wildlife shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes;

- i. Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this chapter may formally appeal the decision to the Hydraulic Appeals Board pursuant to the provisions of this chapter;
- j. No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsections (D)(12)(e)(i) through (iv) of this chapter and that are reviewed and approved according to the provisions of this chapter;
- k. Whenever a development falls within the exemption criteria outlined above and the development is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the City's Shoreline Administrator shall prepare a statement of exemption, and transmit a copy to the applicant and the Washington State Department of Ecology. Exempt development as defined herein shall not require a substantial development permit, but may require a conditional use permit, variance and/or a statement of exemption;
- l. Before determining that a proposal is exempt, the City's Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the master program and the Shoreline Management Act.

- E. Exemption from substantial development permit requirements does not constitute exemption from the policies and use regulations of the Shoreline Management Act; the provisions of the master program; and other applicable city, state, or federal permit requirements. (Ord. 10-1002 § 2 (Exh. B))

18.710 Permit Application Requirements

A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information:

- A. The name, address and phone number 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.
- B. The name, address and phone number of the applicant's representative if other than the applicant.
- C. The name, address and phone number of the property owner, if other than the applicant.
- D. 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.
- E. 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.
- F. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
- G. A general description of the property as it now exists including its physical characteristics and improvements and structures.
- H. 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.
- I. 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 contour 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 storm water management facilities.
7. Where applicable, a landscape 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 chapter.
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.
13. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features

and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses. (Ord. 10-1002 § 2 (Exh. B))

18.715 Review Criteria

- A. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
- B. No permit shall be issued for any new or expanded building or structure of more than thirty-five (35) feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served. (Ord. 10-1002 § 2 (Exh. B))

18.720 Review Criteria for Substantial Development Permits

- A. A substantial development permit shall be granted only when the development proposed is consistent with:
 - 1. The policies and procedures of the Shoreline Management Act;
 - 2. The provisions of this regulation; and
 - 3. The applicable master program adopted or approved for the area; provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of Chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- B. Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the Act and the local master program. (Ord. 10-1002 § 2 (Exh. B))

18.725 Variances and Conditional Use Permits

The Shoreline Management Act states that master programs shall contain provisions covering variances and conditional uses that are consistent with Chapter 173-27 WAC. These provisions should be applied in a manner which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

- A. Variances. The purpose of a variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the master program, and where there are extraordinary or unique circumstances relating

to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020.

Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

1. Application. An application for a shoreline variance shall be submitted on a form provided by the City accompanied by maps, completed environmental checklist, applicable fees, and any other information specified in this master program or requested by the Administrator. An applicant for a substantial development permit who wishes to request a variance shall submit the variance application and the substantial development permit application simultaneously.
2. Criteria for Granting Variances. Variance permits for development that will be located landward of the ordinary high water mark and landward of any wetland may be authorized provided the applicant can demonstrate consistency with the following variance criteria as listed in WAC 173-27-170:
 - a. That the strict application of the bulk, dimensional, or performance standards set forth in the master program precludes, or significantly interferes with, reasonable use of the property.
 - b. 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 the application of the master program and not, for example, from deed restrictions or the applicant's own actions.
 - c. That the design of the project is compatible with other permitted activities within the area and with uses planned for the area under the Comprehensive Plan and master program and will not cause adverse impacts to the shoreline environment.
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 - e. That the variance requested is the minimum necessary to afford relief.
 - f. That the public interest will suffer no substantial detrimental effect.
3. Variances for development and/or uses that will be located waterward of the ordinary high water mark or within any wetland may be authorized

provided the applicant can demonstrate all of the following:

- a. That the strict application of the bulk, dimensional, or performance standards set forth in the master program precludes all reasonable use of the property.
 - b. That the proposal is consistent with the criteria established under subsections (A)(2)(a) through (f) of this chapter.
 - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
4. In the granting of all variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
5. Variances from the use regulations of the master program are prohibited.
- B. Conditional Uses. The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City of SeaTac or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the master program. Uses that are specifically prohibited by this master program may not be authorized with the approval of a conditional use permit.
1. Criteria for Granting Shoreline Conditional Use Permits. Uses which are classified or set forth as conditional uses in the master program may be authorized, provided the applicant demonstrates all of the following conditional use criteria as listed in WAC 173-27-160:
 - a. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines;
 - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this master program;
 - d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

- e. That the public interest suffers no substantial detrimental effect.
2. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
3. Other uses which are not classified or set forth in this master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this chapter and the requirements for conditional uses contained in the master program.
4. Uses which are specifically prohibited by the master program may not be authorized. (Ord. 10-1002 § 2 (Exh. B))

18.730 Time Requirements of Permits

- A. The time requirements of this chapter shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized by this chapter. Upon a finding of good cause, based on the requirements and circumstances of the proposed project and consistent with the policy and provisions of the master program and this chapter, local government may adopt different time limits from those set forth in subsections (B) and (C) of this chapter as a part of action on a substantial development permit.
- B. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two (2) years of the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the department.
- C. Authorization to conduct development activities shall terminate five (5) years after the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.
- D. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections (B) and (C) of this chapter do not include the time during which a use

or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

- E. Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired; provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.
- F. Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this chapter, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application. (Ord. 10-1002 § 2 (Exh. B))

18.735 Nonconforming Use and Development Standards

“Nonconforming use or development” means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or this master program, or amendments thereto, but which does not conform to present regulations or standards of this master program. In such cases, the following standards shall apply:

- A. 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.
- B. 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.
- C. 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 conditional use permit has not been obtained, shall be considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.
- D. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this chapter shall apply as they apply to preexisting nonconformities.

- E. 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 conditional use permit. A conditional use permit may be approved only upon a finding that:
1. No reasonable alternative conforming use is practical; and
 2. The proposed use will be at least as consistent with the policies and provisions of the Act and the master program and as compatible with the uses in the area as the preexisting use.
 3. 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 and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.
 - a. A nonconforming structure which is moved any distance must be brought into conformance with the master program and the Act.
 - b. Modification or addition to a nonconforming structure shall not increase the building footprint lying within the above described setback area.
 - c. If a nonconforming structure is intentionally modified and the cost of the proposed development exceeds fifty (50) percent of the fair market value of the replacement cost of the original structure, it shall be required to meet all applicable standards in the SMP.
 - d. If a nonconforming structure is unintentionally damaged to an extent not exceeding seventy-five (75) percent of the fair market value of the replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged; provided, that application is made for the permits necessary to restore the structure within six (6) months of the date the damage occurred, all permits are obtained and the restoration is completed within two (2) years of permit issuance.
- F. A nonconforming use may be re-established as a nonconformance, except that any nonconforming use that is discontinued for a period of six (6) continuous months shall not be re-established. Any nonconforming use of a building which is discontinued for a total of one (1) year (twelve (12) months) over a three (3) year period shall not be allowed to continue as the nonconforming use.
- G. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established prior to the effective date of the Act or the 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 master program and the Act. (Ord. 10-1002 § 2 (Exh. B))

18.740 Appeal to the State Shoreline Hearings Board

Any person aggrieved by the granting or denying of a substantial development permit, variance, or conditional use permit, the upholding of an exemption appeal, or by the rescinding of a permit pursuant to the provisions of this master program, may seek review from the State of Washington Shorelines Hearings Board by filing a request for the same within twenty-one (21) days of receipt of the final order and by concurrently filing copies of such request with the Department of Ecology and the Attorney General's office. State Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC. A copy of such appeal notice shall also be filed with the City of SeaTac City Clerk. (Ord. 10-1002 § 2 (Exh. B))

18.745 Enforcement and Penalties

All provisions of this master program shall be enforced by the Shoreline Administrator and/or his/her designated representatives. The enforcement procedures contained in Chapter 173-27 WAC and Chapter 90.58 RCW are hereby incorporated by reference. (Ord. 10-1002 § 2 (Exh. B))

18.750 Master Program Review

- A. This master program shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in state statutes and regulations.
- B. The City's established permit tracking system, aerial photos, reviewing of other available data, and field observations as feasible shall be used to periodically evaluate the effectiveness of the shoreline master program in achieving no net loss of shoreline ecological functions with respect to both permitting and exemptions.
- C. As part of the required SMP update, an evaluation report assessing the effectiveness of the SMP in achieving no net loss shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.
- D. The SMP review and update process shall be consistent with the requirements of Chapter 173-26 WAC or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public. (Ord. 10-1002 § 2 (Exh. B))

18.755 Amendments to the Master Program

- A. Any of the provisions of this master program may be amended as provided for in RCW 90.58.120 and 90.58.200 and Chapter 173-26 WAC. Any amendments shall also be subject to the procedures in Chapter 16A.21 SMC, Development Regulations – Amendment Procedures.
- B. Amendments or revisions to the master program, as provided by law, do not become effective until approved by the Department of Ecology. (Ord. 10-1002 § 2 (Exh. B))

18.760 Severability

If any provisions of this master program, or its application to any person or legal entity or parcel of land or circumstances, are held invalid, the remainder of the master program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected. (Ord. 10-1002 § 2 (Exh. B))

18.765 Conflict Provisions

Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the City, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this SMP. (Ord. 10-1002 § 2 (Exh. B))